United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 6, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, *June 6, 2007.*

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Zane Fishel, Temple Baptist Church, Mount Airy, North Carolina, offered the following prayer:

Our Great and Almighty Father, we thank You for the blessings of this day and the opportunity that we have to make a difference in our world.

I pray that Your all-knowing wisdom be granted to each person responsible for the decisions that govern this great Nation. May Your divine leadership be followed as they seek Your paths.

Give Your grace to these Representatives in the face of opposition and Your courage to enable them to stand for truth and right.

We know the issues that face this country are complex and some are seemingly unresolvable. But we look to You for wisdom, knowledge and guidance to assist the men and women with this awesome responsibility.

Make America a stronger Nation by using these individuals to make Godly decisions. God bless our President, our Representatives, and God bless our troops and pour out Your richest blessings on America.

We ask this in the name of our Eternal Lord and Savior, Jesus Christ. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BRADY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 220

In the Senate of the United States, June 5, 2007.

Whereas, Senator Craig Thomas had a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas, Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas, Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas, Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas, Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

Resolved, That the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

Resolved, That the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

Resolved, That the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

Resolved, That when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

MOMENT OF SILENCE IN MEMORY OF SENATOR CRAIG THOMAS

The SPEAKER pro tempore. The House will rise and observe a moment of silence in memory of Senator Craig Thomas.

WELCOMING THE REVEREND ZANE FISHEL

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

Ms. FOXX. Mr. Speaker, I rise today to honor the Reverend Zane Fishel, who is the House of Representatives' guest chaplain today.

Reverend Fishel comes to us from Pilot Mountain and Mount Airy, North Carolina, where he shepherds the flock at Temple Baptist Church. Reverend Fishel has faithfully served in the ministry of Temple Baptist since 1997 and he became the full-time youth minister in 1999 after sensing a call to serve God in the local church.

With the passing of Temple Baptist's pastor in 2003, Reverend Fishel took up his current role as the church's pastor, where he is devoted to spreading the good news to his congregation and community.

Under his leadership, the church body at Temple Baptist Church in Mount Airy has thrived. He has worked tirelessly to increase the outreach and effectiveness of Temple Baptist in the local community. He has shown a remarkable commitment to educating leaders in the local church so that many within the church can use their God-given gifts.

I am very pleased that Reverend Fishel joined us today to open the House of Representatives with such an

inspiring prayer. He is a model of service to God, country and community; and he plays a vital spiritual role in Surry County, North Carolina. I am proud to welcome him to the people's house.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 1-minute speeches on each side.

PAYCHECK FAIRNESS ACT

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

Ms. DELAURO. Mr. Speaker, I rise today in support of every working woman who faces pay discrimination in the workforce and call on the House to pass the Paycheck Fairness Act. Last week, the Supreme Court ruled 5–4 to limit the ability of women and other employees to sue their employers for pay discrimination under title VII. The court decided that a victim of pay disparity should be able to document a discriminatory difference in pay within a mere 6 months, despite the typical office secrecy over income.

The Supreme Court is essentially rolling back efforts to ensure equal pay. When women still earn only 77 percent of what men earn, this ruling leaves these individuals with no recourse or remedy.

The Paycheck Fairness Act will help women confront discrimination in the workplace and give teeth to the Equal Pay Act by prohibiting employers from retaliating against employees who share salary information with their coworkers; allowing women to sue for punitive damages and recovery of back pay; and create a new program to help strengthen the negotiation skills of girls and women.

Mr. Speaker, next Sunday, we commemorate 44 years since John F. Kennedy signed the Equal Pay Act and still equal pay is not a fact of life for American women. It is time to value the work that women do in our society. Let's pass the Paycheck Fairness Act.

HOUSTON'S PASSPORT CRISIS

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

Mr. BRADY of Texas. Mr. Speaker, my message today is to our State Department in Houston. We have a problem, a serious passport problem that reached a crisis stage. We have families who applied in February for their passports that have not received them yet. We have wives that can't meet their soldier husbands on leave from Iraq. We have families who aren't able to go to experimental surgery out of this country, families leaving for the last time before college together who are simply denied the opportunity to travel.

Our passport offices are overwhelmed. Our people wait in line for hours, if not days, getting there at 4 o'clock in the morning. We appreciate the 20 additional staff the State Department sent. They are overwhelmed. We appreciate the 1–800 number. It is a middle man and causing more problems.

We need more staff. We need more information call lines manned 24/7. We need more resources. It is wrong. As our constituents tell us, they feel like they are in a third-world country. We think they deserve better treatment than that; and this deserves immediate attention, immediate, absolute action by the State Department.

PAY DISCRIMINATION

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

Mrs. MALONEY of New York. Mr. Speaker, last week, the Supreme Court dealt a serious blow to women pursuing pay discrimination claims.

For the majority of her 20-year career, Lilly Ledbetter was paid less than her male counterparts, including those with less seniority for doing the exact same work. By her own calculations, she was now being shortchanged by about $15,000 annually.

Her experience is, unfortunately, a common one. In the Supreme Court decision, Ledbetter versus Goodyear Tire, the Court ruled that she had missed her window of opportunity to file a claim covering the many years of discrimination she faced.

We need to close this loophole by making every pay period a new infraction. This way, employees can challenge unfair practices that persist over time but don't come to light for years later.

Inequality still exists. It is our job to fix it.

□ 1010

FIX THE LEAK OR BUY MORE BUCKETS

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

Mr. POE. Mr. Speaker, when Hurricane Rita hit southeast Texas, a pine tree fell on our house and caused a leak in the roof. The water came into the house, and I couldn't put enough buckets under the leak to catch all that water. I didn't really know what to do. Eventually it dawned on me, I had to go up on the roof and fix the leak or water would have continued to fill all those buckets and more. The ''grand bargain'' immigration plan is really a plan to buy more buckets for the big leak on our border.

The government is missing the obvious. Until we fix the leak, we can never deal with all of the water from the leak. Until Uncle Sam enforces border security, we cannot solve the problem with the illegals already here.

The so-called immigration reform bill deals with the wrong issue first. It legalizes the illegals while inadequately securing the border. Secure the border and then come up with a plan that is not amnesty in dealing with the people here illegally. Otherwise, we will keep buying more buckets and the real problem will never be solved.

And that's just the way it is.

FOOD AND FARM BILL OF RIGHTS

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

Mr. BLUMENAUER. Mr. Speaker, Congress is in the process of updating the Nation's agricultural policy for the first time since 2002 to see if it can serve the interests of all America's farmers and ranchers. This is more than a farm bill, it is a food bill as well. Everyone who eats is affected by our food and farm policy.

Michael Pollan explained how the farm bill is the reason that a package of Twinkies, which contains 39 complex ingredients, costs less than a bunch of carrots straight from the farm. The farm bill should serve all Americans, not just a few special interests.

Today, 70 percent of the payments go to the richest 10 percent of the farmers, while 60 percent of America's farmers and ranchers get no support whatsoever.

It is time for a food and farm bill of rights that provides a comprehensive guide to reform the farm bill. We must move beyond the policies that were written for the Depression or the 1950s to one designed for the world we live in today; and, more important, the world we want to live in tomorrow.

RISING ENERGY COSTS

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

Mrs. BLACKBURN. Mr. Speaker, I rise to speak about the need for this Congress to address the rising energy costs across America. Gas prices are continuing to rise, and our energy needs across our country continue to increase. The American people expect us to do something about this, to solve the problem.

Yet the liberal leadership of this Congress is missing in action. Instead of coming forward with a real plan to

solve our energy problems, they are preparing to recreate the energy crisis of the late 1970s. Are the American people really ready for long lines, rationing, and higher prices?

The policies of the 1970s should have been a wake-up call for us. But instead of instituting a plan for American energy independence back then, we just kicked that can a little further down the road.

So today, my GOP colleagues and I will unveil a multi-tiered plan that focuses on innovative ways to create new American sources of power through conservation exploration and cutting-edge technologies. We will act to fill the need.

PASS EMBRYONIC STEM CELL RESEARCH

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

Mr. COHEN. Mr. Speaker, there are many issues that face America that are of great importance, from the Iraq War to global warming. These global issues must be dealt with, but we have lacked the leadership in this administration to make the world proud of America and see us as a leader on such issues.

On Wednesday, this House will vote on an embryonic stem cell research bill sent from the Senate which the President has threatened to veto. I don't think there is a more important bill that this House could pass and send to the President and for the President to sign than embryonic stem cell research.

Mr. Speaker, if you or anybody in your family has Parkinson's disease, Alzheimer's disease, spinal cord injury, cancer, stroke, burns, heart disease, diabetes, osteoarthritis or rheumatoid arthritis, you could have relief and possibly a cure for that illness because of embryonic stem cell research. America could reestablish itself as a country that has the best scientific research and provides the world with hope for cures for these catastrophic illnesses.

Last night in the Republican debate, one of the candidates said we need to find a cure for cancer. He's right, and the way to do it is through embryonic stem cell research. I urge this House to pass the bill, and I urge the President to have the courage to do the right thing and be pro-life and extend life for people on this planet.

BODY ARMOR FOR TROOPS

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

Mr. WILSON of South Carolina. Mr. Speaker, today the House Armed Services Committee will examine the issue of body armor for our troops in combat. Fortunately, before going into recess for Memorial Day, Congress passed a critical war funding bill that will allow the military to purchase body armor and other equipment for our men and women in uniform.

I was grateful to visit with our troops during the break in Iraq and Afghanistan. Everywhere we went, the troops thanked us for passing the legislation to provide for their being fully equipped.

Our soldiers are fighting the terrorists overseas so we do not have to face them again in the streets of America. We are protecting American families in stopping al Qaeda's threat to our Nation.

On the 63rd anniversary of D-day, we appreciate the new greatest generation. I am pleased Congress passed and President Bush signed a bill that will provide our military with the tools it needs without handcuffing our commanders on the battlefield.

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

PAY DISCRIMINATION MUST BE CORRECTED

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

Mrs. CAPPS. Mr. Speaker, I voice my deep disappointment with the recent Supreme Court decision in Ledbetter v. Goodyear Tires.

Women, on average, are paid less than their male counterparts. For women of color, the pay is much less. Unless you can look me in the eye and say that women are less intelligent, less capable than their male counterparts in the same fields, the most glaring explanation for this discrepancy is discrimination.

We have made great strides in working to equalize wages for all Americans regardless of gender, race or age. But the decision last week to limit a worker's available recourse in the face of discrimination is a setback to all of our civil rights, and reminds us of how far we still have to go.

Now we must mobilize. To fix this disparity, we must move forward and correct the law so this misinterpretation will never occur again. I urge my colleagues to support a legislative remedy to preserve a worker's right to be compensated for discrimination.

ELECTRONIC HEALTH RECORDS

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

Mr. BOUSTANY. Mr. Speaker, during my career as a heart surgeon, I saw too many patients who were trapped in a paper-based system that leads to duplicative tests and avoidable medical errors.

Despite the advancement of innovative health information technology, America's health care system remains trapped in the 20th century. The need for health IT became even more apparent during Hurricanes Katrina and Rita, when I saw displaced patients present themselves in makeshift clinics with little or no medical history to guide their health providers.

To date, only 24 percent of Louisiana physicians have converted their offices to electronic health records because many are unwilling or unable to handle the cost.

I will soon introduce a bill to create a demonstration project through the Department of Health and Human Services to provide financial incentives to providers and health information exchange networks to encourage the adoption and use of interactive personal health records.

Health IT will greatly improve the quality of information and care that patients receive, but Congress should do more to encourage physicians to transfer to a paperless system.

PAY EQUALITY

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

Ms. SOLIS. Mr. Speaker, today I rise to voice my strong disapproval of the Supreme Court's decision last week that effectively endorsed pay discrimination against women.

Pay equity is a problem for women around the country, but especially for women of color, women who look like me. On average, African American women earn only 64 cents for every dollar and Latinas earn only 52 cents on the dollar compared to their white male counterparts.

We need to protect the rights of workers, to remedy wage discrimination, and do more to close the pay gap between men and women. That is why I cosponsored the Paycheck Fairness Act, which would give teeth to the Equal Pay Act. The Paycheck Fairness Act would entitle the plaintiffs to backpay, compensatory, and punitive damages for ''intentional'' wage discrimination.

Without serious penalties for wage discrimination, violations will continue and working men and women and their families will suffer.

We can and must fix the Equal Pay Act so workers all around can be fairly compensated for wage discrimination, and we must pass the Paycheck Fairness Act to close the wage gap.

□ 1020

SAMEH KHOUZAM

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today on behalf of Mr. Sameh Khouzam. In 1998, Mr. Khouzam fled Egypt to the United States to escape persecution and torture at the hands of the Egyptian officials. Mr. Khouzam currently works in my district and by all accounts is an upstanding, contributing member of the community.

In 2004, our courts gave him protection because they believed, ''it is more likely than not'' that he would be tortured should he return to Egypt. Even our State Department reports outline extensive torture in Egypt. Having personally heard stories of individuals who have suffered torture by Egyptian authorities, I firmly believe that the court has been right to prevent his deportation.

U.S. officials are now prepared to ignore the court's decision and deport Khouzam based on nothing more than ''assurances'' of no torture from known torturers.

Mr. Speaker, a former CIA officer stated this week on an Australian news program that sending someone like Khouzam back to Egypt is ''tantamount to condemning them to death.''

Our government has the ability to prevent his torture. Do not deport Mr. Khouzam.

CAPITOL HILL OCEANS WEEK

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

Mr. FARR. Mr. Speaker, I rise today in recognition of Capitol Hill Oceans Week. The President has declared June as Oceans Month, and this Friday will be an international celebration of Oceans Day.

Why do we need to pay attention to the oceans? Well, the oceans are dying, and the earth is dependent upon them. We are dumping everything we don't want into the ocean and extracting every living thing we can to eat.

We've created commissions by Congress and by private trust of the best talent in America to advise Congress on what we should do, and they recommended national ocean governance policies, new policies that can be adopted by this Congress.

I've introduced that bill, H.R. 21, and as National Oceans Week, Day and Month, I'd like to ask all my colleagues to seriously consider cosponsoring H.R. 21. It provides solutions to the problems of the earth.

MARKING THE ANNIVERSARY OF D-DAY

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

Mrs. BACHMANN. Mr. Speaker, today, June 6, marks the anniversary of D-day, the invasion of Normandy. It marks one of the most selfless acts of humanitarian love known in the history of mankind. It exemplifies a Nation's willingness to lay down our lives and to expend our treasure to free a people from brutal oppressors.

Today, Mr. Speaker, America remains the greatest Nation on earth, and we have our American soldiers to thank for securing our safety, for securing our freedom.

To those who marched to a near certain death that morning on a French sandy shoreline, we pay you tribute. We can never repay the price that you paid for our freedom, but we will never forget that cost that you paid.

There is no greater love than this but that we lay down our lives for our friends.

GITMO

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

Mr. MORAN of Virginia. Mr. Speaker, on Monday, military judges dismissed the cases against the only two men to have been charged with a crime still being held at Guantanamo Bay. This legal impasse creates an imperative for Congress to address the legal black hole that we have created at Guantanamo.

There have been almost 800 people sent to Guantanamo. There are 385 left; and, of those 385, only 80 will be charged and tried with a crime. Now, that means that 90 percent will not even be charged and tried, but it will take more than a decade even to try those 80 people, given the island's remote location. In fact, there's only one courtroom there.

Mr. Speaker, every day that we keep Guantanamo open, we damage our credibility and we lose ground in the global war on terror. Congress has an opportunity to change this wrongheaded policy, and we can do so by shutting the facility down and transferring the detainees to the U.S. military brig system. There they will still be under lock and key but also have the right to a fair and speedy trial.

The United States is a country that should stand for justice and be governed by the rule of law. Our policy should reflect our values. Guantanamo does not.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today to support the Stem Cell Research Enhancement Act of 2007.

Stem cell research has the capability to cure our most common and pervasive diseases and conditions. From Alzheimer's to Parkinson's disease, cancer to juvenile diabetes, the potential of stem cell research presents one of humanity's greatest leaps toward the ultimate goal of preserving, prolonging and improving life.

As a member of the Florida State Senate for 10 years, leading efforts to utilize and fund embryonic stem cell research was not just a priority of mine, it was a mission.

A large part of my passion and drive toward funding stem cell research is driven by people like Adam Susser, a young boy from the town I reside in, Boca Raton. Adam was asphyxiated at birth and, as a result, is cortically blind with quadriplegic cerebral palsy.

It is driven by Matthew Romer, a young boy in south Florida who died from a fatal genetic disease, despite both parents being told they did not carry the gene.

Both Adam and Matthew suffer from illnesses that stem cell research could find cures for.

Today, I encourage my friends in Congress to support the Stem Cell Research Enhancement Act. The passage of this Act is vitally important to the millions of Americans who suffer today from incurable disease and to the millions of Americans who will suffer from incurable diseases in the future.

PAYCHECK FAIRNESS ACT

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

Mr. HARE. Mr. Speaker, according to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their careers because of unequal pay practices. While women's wages and educational achievements have been rising, there's still a sizeable gender wage gap. This is a national disgrace.

Unfortunately, last week's Supreme Court decision, Ledbetter v. Goodyear, does little to achieve fairness for American workers. In a narrow 5–4 decision, the Supreme Court threw out the case, not just because she wasn't being discriminated against but because she filed her claim too late.

This interpretation, which has been rejected by eight Federal appeals courts and the EEOC, fails to realize that employees are discriminated against every time they receive a discriminatory paycheck.

Congress needs to step in and stand up for ordinary people without delay. We should move quickly to pass Congresswoman DELAURO's Paycheck Protection Act that would provide remedies to women facing pay discrimination.

Mr. Speaker, I don't want to live in an America where my daughter earns

less than my son for doing the same job.

U.S. ATTORNEYS

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

Mr. PASCRELL. Mr. Speaker, the Supreme Court, the judicial branch of our government, has ruled that the President of the United States is not above the law, even during time of war.

The Attorney General's office within the executive branch of government is undermining the entire judicial system. Over 400 U.S. attorneys have been confirmed over the last 20 years. Three have been fired for political partisanship during that time.

However, in the last 9 months, nine have been fired because they didn't bow to the partisan pressures of the executive branch of government. The Attorney General has allowed these nine U.S. attorneys names to be trashed in the public.

This is worse than Watergate. There is reason to believe that a cover-up occurred, and that will be worse than the dirty deed. How did each of these get on the list in the first place? And out of the original 30, how did you get off the list? What did you have to do to be removed from that list, Mr. Attorney General?

This is not the moral high ground. No one is above the law.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Members are reminded to address their remarks to the Chair.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE OF REPRESENTATIVES TO BE TAKEN WHILE HOUSE IS IN SESSION

Mr. BRADY of Pennsylvania. Mr. Speaker, I offer a resolution (H. Res. 460) and ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 460

Resolved, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1537) to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1537

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

SECTION 1. TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND.

Section 2(c) of Public Law 102–392 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

''(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.''.

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

REPORT ON HOUSE RESOLUTION 459, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM 21ST CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–175) on the resolution (H. Res. 459) dismissing the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 461, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM 24TH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–176) on the resolution (H. Res. 461) dismissing the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 462, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM FOURTH CONGRESSIONAL DISTRICT OF LOUISIANA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–177) on the resolution (H. Res. 462) dismissing the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 463, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM FIFTH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–178) on the resolution (H. Res. 463) dismissing the election contest relating to the office of Representative from the Fifth Congressional District of Florida, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

NATIONAL STEM SCHOLARSHIP DATABASE ACT

Mr. HOLT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1051) to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1051

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National STEM Scholarship Database Act''.

SEC. 2. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—

(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the post-secondary and post-baccalaureate levels.

(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:

(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for post-secondary and post-baccalaureate programs of financial assistance.

(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of a particular gender, ethnicity, or other demographic group.

(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.

(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.

(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.

(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.

(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this Act and to encourage its use by interested parties.

(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this Act, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.

(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this Act, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily available a process for such entities to provide regular and updated information.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal years 2008 through 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request that there be 5 legislative days during which Members may insert material relevant to H.R. 1050 into the RECORD, and I ask unanimous consent that Members be allowed to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I will be brief. This is an important piece of all of the work that we have to do to improve our science, engineering, technology and mathematics capability here in the United States. Specifically, this bill establishes a complete database of all available scholarships from public and private sources, fellowships, and other programs of financial assistance for the study of science, technology, engineering and mathematics.

The Act, specifically known as the National STEM Scholarship Database Act, directs the Secretary of Education to establish and maintain a public Web site through which individuals may find a complete database of available scholarships, fellowships and financial assistance.

The Secretary of Education will also, under this legislation, disseminate information about the database to secondary schools and to colleges and universities, institutions of higher education. It will serve as a one-stop shop for financial aid information for those who want to study in the STEM fields.

Now, it may be surprising to my colleagues that this doesn't already exist. But it does not. Although there are many things that we need to do to improve science and math teaching in elementary and secondary schools and in higher education, and encourage students toward science and technology fields, this is one important thing we can accomplish today.

We all know that higher education is expensive. In fact, many students are deterred from studying these important fields because of the cost.

Yet, at the same time, some of the opportunities for financial assistance go unused, and, students, however motivated they may be, often don't know where to start to look for financial assistance. Certainly in high school, school counselors are overloaded with typically 400 students each, and as a college student is trying to decide on a major and a specific field of engineering, for example, it's hard to know where to turn for financial assistance.

This simple straightforward database available through a Web site will greatly, I think, facilitate the student's ability to go into these STEM fields. It will serve all students at all levels as they are thinking about going into college, as they are thinking about choosing a major in college, as they are thinking about going to graduate school, as they are thinking about whether or not to teach in a science or engineering or mathematics area.

This is an important and straightforward piece of legislation that will assist our nation's students in studying science and math, and will assist our country in our efforts to be more competitive internationally.

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

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

Mr. Speaker, I rise in support of H.R. 1051, which is a bill to establish a public Web site through which individuals may find a database of available scholarships and fellowships and other programs of financial assistance for the study of science and technology and engineering and math.

Before I begin, I just want to commend the gentleman from New Jersey for introducing this piece of legislation and for his leadership in this area. I also want to commend the gentleman from Michigan (Mr. EHLERS) for his leadership, as well as Mrs. MCMORRIS RODGERS, Mrs. BIGGERT and others for their support of this bill itself.

I am a strong proponent, strong proponent of STEM education programs. Anything that Congress can do to strengthen interest in these fields is wholeheartedly welcome.

As a physician, I understand and appreciate the challenge that our Nation has in maintaining its preeminence in these fields. Encouraging our best and brightest and interested young people to choose this field of study is a positive step, and I believe this bill is a step in that direction.

As we continue to discuss new ideas for the reauthorization of the Higher Education Act, it's important that we develop proposals that will ensure students are informed about their options for financial aid, both from the Federal Government and from the private sector. In fact, the House has already taken one step in that direction, included in H.R. 890, the Student Loan Sunshine Act, which passed last month, was a proposal that was offered by Representative KELLER, that would make it easier for students to get information on their options for Federal financial aid.

This proposal would launch a single Web site for opportunities for financial aid in fellowships and scholarships being offered by any agency within the Federal Government.

This bill simply takes this idea one step further by making sure that information about scholarships and fellowships and other forms of private financial aid is readily available to students interested in pursuing their opportunities in education and science, technology, engineering and math. As we continue to examine proposals to increase America's competitiveness, it's helpful for us to equip students interested in pursuing careers in these fields with the information that they need that might assist them in financing their education.

For these reasons and others, I respectfully ask my colleagues to support H.R. 1051.

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

□ 1040

Mr. HOLT. Mr. Speaker, I thank Mr. PRICE, who is an original cosponsor of this legislation, along with many others from the Education Committee, from the Science Committee, and from elsewhere here in Congress.

And, with that, I am pleased to yield 3 minutes to the gentleman from Texas, my colleague on the committee on Education and Labor, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 1051, the National STEM Scholarship Database Act. I would like to commend the work of my good friend and colleague from New Jersey, Congressman RUSH Holt, for bringing this bill forward and for all of his efforts to ensure that our Nation stays at the forefront of the STEM fields. I share his commitment to mobilizing our resources at all levels to expand the pool of opportunities in these career fields that are critical to our future security and prosperity.

It is no secret that we are losing our competitive edge in producing experts in science, technology, math and engineering. Of the 42 countries that granted more than 20,000 university degrees in 2002, the United States is in the bottom quartile in the ratio of STEM college degrees awarded.

Our pool of future STEM professionals can be found in our public schools in America. The 2007 ''Condition of Education'' reminds us that a growing percentage of these students are minorities, with a growing percentage from low-income families. These are the students that will rely on college scholarships and college financial aid to achieve the dream of a college education.

The National STEM Scholarship Database will be an invaluable tool to help our young people to find the resources they need to finance college education in the STEM fields.

As the chairman of the Subcommittee on Higher Education, I believe this legislation will also underscore that a STEM career is possible, an essential message for our young people to hear.

This is a real service to our young people and to our Nation. I thank the gentleman from New Jersey for his efforts, and urge all my colleagues to support this legislation.

Mr. PRICE of Georgia. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Michigan, who has been pivotal in this area, in this field, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, I rise in support of the National STEM Scholarship Database Act, H.R. 1051. I thank my friend and fellow physicist, Congressman RUSH HOLT, for introducing this important legislation; and I am pleased to be a cosponsor of this excellent bill.

For several years, Congressman HOLT and I have worked tirelessly to improve our Nation's math and science education. It has been wonderful to have a Member from the other party sharing my concern about the quality of math and science education in this country and the limited number of young people who are pursuing math and science-related degrees. In fact, I'm very pleased that Representative HOLT and 115 other Members have joined the STEM Education Caucus that I founded in 2004.

Of course, I'm sure by now everyone knows that STEM stands for science, technology, engineering and mathematics. It's very important to make that clear, because tomorrow we'll be debating a few stem-cell issue bills on the floor, and this bill has nothing to do with that.

This year, an estimated 111,000 students in Michigan will graduate from high school and may face the pricey but critical investment in their future known as paying college tuition and fees. In Michigan, the average cost of tuition fees is about $6,200 per year at a 4-year public university and $13,250 at a 4-year private university, according to the Chronicles of Higher Education.

Unfortunately, data have shown that some students do not attend college or graduate school because they think they cannot afford it. According to the National Center for Education Statistics, science and engineering students who had taken out loans as undergraduates were more likely to indicate a cost-related reason for not applying to graduate school, compared to students who had never borrowed funds.

Unbeknownst to some students, significant financial aid resources are available. The Federal Government alone provided about $80 billion in student financial aid this fiscal year, with States providing almost $8 billion in additional financial aid. Also, the private sector provides significant financial aid resources.

The National STEM Scholarship Database Act will provide students with better information about available financial aid resources related to the STEM fields. It simply establishes a database to be accessed on the U.S. Department of Education's Website. I am very hopeful that this database will link students with available financial aid resources, and I particularly hope this will encourage more students to enter STEM-related careers by entering graduate schools related to the STEM fields.

This is an excellent bill, and I urge my colleagues to support it.

I again thank Congressman HOLT for his work on improving STEM education and urge all of our colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan for his support and also for pointing out that this has nothing to do with pleuropotent stem cells but has to do with what is generally known as STEM education, science, technology, engineering and mathematics education.

Mr. Speaker, I'm now pleased to yield 2 minutes to the gentleman from Illinois, my colleague on the Education Committee, Mr. HARE, who understands that financial assistance is necessary for nearly two-thirds of undergraduates and most graduate students, and anything we can do to help them take advantage of available financial aid will improve their lives and our society. Mr. HARE.

Mr. HARE. Mr. Speaker, I come to the floor today as a cosponsor and a very strong supporter of H.R. 1051, the National STEM Scholarship Database Act. I want to commend my friend, Congressman RUSH Holt, with whom I serve on the Education and Labor Committee, for introducing this vital piece of legislation.

America's global competitiveness will increasingly depend on our ability to attract more of our best and brightest students into technological careers.

Sadly, the U.S. is growing reliant on foreign talents to fulfill its science and engineering workforce needs. According to the National Science Foundation, 25 percent of all college-educated professionals in science and engineering occupations in the United States are foreign born.

The National STEM Scholarship Database addresses this problem by directing the Secretary of Education to establish a database on the Department's Web site with information on financial assistance for postsecondary and graduate programs in science, technology, engineering and mathematics. This important database will help capable students who are interested in STEM careers find scholarships to support their studies.

We all know the cost of higher education is very expensive. In fact, two-thirds of undergraduate students are on some form of financial aid. Therefore, identifying funding opportunities is critical to the recruitment of aspiring STEM students.

H.R. 1051 is endorsed by all sectors of the technological workforce, and I urge

my colleagues to help the U.S. stay globally competitive by voting for this bill.

Mr. PRICE of Georgia. Mr. Speaker, I'm now pleased to yield 2 minutes to my good friend from Illinois (Mr. MANZULLO) who's been a leader in this field as well.

Mr. MANZULLO. Mr. Speaker, the science and technology and math education fields, they are inseparable, tremendous assets to our economic strength and national security. These disciplines are critical to ensuring our global competitiveness, and the demand for knowledge-based jobs is growing.

From 1994 to 2003, the proportion of the work force working in STEM fields jumped from 17 percent to 23 percent. Furthermore, if trends in manufacturing continue, over 40 percent of factory jobs will require postsecondary education by 2012.

□ 1050

I spend at least half of my time in Congress working on manufacturing issues, one of the founders of the manufacturing caucus, and serve as co-chairman, along with Congressman TIM RYAN from the State of Ohio, and this is obviously a bipartisan effort in order to encourage more education of people who will be qualified to play a more meaningful role in the field of manufacturing.

The skyrocketing cost of college education have made access to this type of education more and more difficult for many of our brightest students. This bill seeks to correct the problem. It creates a web portal of public and private science, technology, math education scholarships, loans, and grants that are available. And the database would be searchable by field of study, demographics, and level of study. By placing all of these scholarships in one easily accessible location, H.R. 1051 greatly increases the chances that our students will be able to pursue these valuable opportunities.

It is not without coincidence this bill comes up 3 to 4 weeks after the missed reauthorization wherein we set aside a certain amount of money to complete the huge web portal that would replace what agencies are doing in manufacturing and what programs are available. So this fits very tidily into that program, and I would encourage that the House adopt it.

Mr. HOLT. Mr. Speaker, I am now pleased to yield 3 minutes to the gentlewoman from New York, my colleague on the Committee on Education and Labor (Mrs. MCCARTHY), who also understands the importance of this legislation to individual students as well as to our economy at large.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding, and I would like to thank my colleague from the Education Committee, Congressman HOLT, for bringing this measure to the floor.

Mr. Speaker, I rise in strong support of H.R. 1051, the Science, Technology, Engineering, and Mathematics Scholarship Database Act. This legislation will help students become more competitive in science and math and allow them to find the scholarship that is right for them.

Mr. Speaker, in the audience today we have many young students. This is the future of this country. And we have to do everything that we can to encourage our young people to go into the sciences, math, and engineering. Last year the Education Committee went to China and we spoke with many students there and the minister of education. And their effort, and certainly on what they are pushing their young people to do, is to go into the math and sciences.

This country has an obligation to give our young people the ability to compete in the future. This kind of legislation is going to help in so many ways as far as our country on our economy. But more than that, our young people deserve this opportunity.

When you think back to the 1960s when we were looking at the moon and having programs that were putting us into space, those were kids' dreams. We need to reunite that dream, to have people understand that engineering and math is exciting. The last several years Mr. HOLT and Mr. EHLERS have been talking about science and math in our committee; so it is right that at this time we are pushing to encourage our young people, saying if these are the careers that you want to go into, we are going to help you between a private partnership and certainly with the government's helping. This is a great piece of legislation. We should be seeing more and more of this. This is only the beginning.

And I have to say last week I had a field hearing back in my district, and the issue had to do with gangs. And we had testimony from all the experts. But even those young people that had gotten into gangs, all they were asking for were opportunities to better themselves. This young fellow did go back to college. He did start studying science and math, and now he is reaching out. Education is the most important thing that we can do for our young people and for this country.

So, again, I thank my colleague Mr. HOLT for bringing this, and I encourage certainly all of my colleagues to support this legislation H.R. 1051. This is only the beginning. We must do more things like this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from references to persons in the gallery.

Mr. PRICE of Georgia. Mr. Speaker, I simply want to close and commend once again my good friend Mr. HOLT for introducing this legislation and for moving this forward.

I think the discussion that we have had has been good. I think that the breadth of individuals that have signed on as cosponsors to this legislation, as well as the diversity of the background of those Members who have come to the floor today to speak on behalf of this legislation, give testimony to the importance of moving forward and having this kind of information available.

So I urge my colleagues to support H.R. 1051.

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

Mr. HOLT. Mr. Speaker, I yield myself the balance of my time.

As I said earlier, it may come as a surprise to my colleagues that this single database where any student who might be interested in science, technology, engineering, or mathematics could go might, they might be surprised that it doesn't already exist. In fact, it doesn't.

This is straightforward legislation that will make it easier for students to pursue a line of study or one of a number of lines of study that are critically important not only for their personal development, but for our economy and our society, our international competitiveness, indeed, the future of our country.

This is only one piece of the many things that we need to do that you have heard from other speakers about this morning. It is a straightforward, simple thing that we can do, that is not expensive. If we could, through this inexpensive method, encourage eight or ten or twelve more students to go into science, that would be wonderful. Instead, I expect we will get hundreds, if not thousands, who will find their way into these critical fields because of the existence of a database that gives them a place to start as they look to their future.

With that, Mr. Speaker, I urge the passage of H.R. 1051, as amended.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong support of the National STEM Scholarship Database Act. In a time of global economic and scientific competition, we must ensure that our brightest young people have the resources to pursue careers in science, technology, engineering, and math.

When students graduate from American universities with undergraduate degrees, they graduate with on average, $20,000 in debt. This undergraduate debt is a significant factor in a student's decision to pursue graduate school. And among science and engineering students, those who had debt from their undergraduate education were more likely to say they could not afford graduate school.

We cannot afford to limit the potential of these students, or those who find the cost of even an undergraduate education prohibitive. We cannot afford to have ambitious students with interest and aptitude in science or math or engineering shut out of our colleges. We

need Americans with advanced degrees in the STEM fields to propel our Nation forward in discovery and innovation.

This bill makes it easier for students to find scholarships and grants to finance their educations. It does not require a significant investment from the Federal Government—although I believe we should make the investment in more Federal loans in the future. It simply creates a central location where students can learn about their options.

This is a common sense way to help students pursue careers in science, technology, engineering, and math. It is a simple, low-cost part of our competitiveness agenda, and I urge my colleagues to vote for it today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 1051, as amended.

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

A motion to reconsider was laid on the table.

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2559) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2559

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (P.L. 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2007'' and inserting ''October 31, 2007''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (P.L. 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may insert material relevant to H.R. 2559 into the RECORD.

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

There was no objection.

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

□ 1100

Mr. Speaker, I rise in strong report of H.R. 2559, a bill to extend the Higher Education Act through October 31, 2007.

This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until October 31, 2007, giving us the time to fully consider and complete the reauthorization act.

I would like to thank Congressman MCKEON, the ranking member of the full committee, and Congressman RIC KELLER, the ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, for joining Chairman GEORGE MILLER and me in bringing this noncontroversial extension to the floor in a bipartisan manner.

I urge all of my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 2559, which is a measure to extend programs under the Higher Education Act that are set to expire at the end of this month.

I want to thank my committee colleagues, Chairman MILLER, Chairman HINOJOSA, Mr. MCKEON and Mr. KELLER for their work on this bill, as well as their consistent efforts on behalf of our Nation's college students and their families.

Bolstering our higher education and student aid programs has long been a priority for Congress, regardless of which party was in the majority. In the last Congress, for example, under Republican leadership, we passed a measure that reduced lender subsidies, increased loan limits for students, and provided additional resources for students studying math, science and critical foreign languages in college.

Unfortunately, the Senate didn't act on the higher education reauthorization in the last Congress, so we were forced to extend programs under the law last September. In that extension, we included a number of important benefits for college students and institutions of higher education as well. For example, we reduced red tape and provided loan forgiveness to spouses and parents of those who died or became disabled on September 11.

Mr. Speaker, just last month, the House continued our work to strengthen the student aid system by passing the Student Loan Sunshine Act, bipartisan legislation that will restore confidence in the relationships between student lenders and colleges and universities.

Now, as we prepare anew to reauthorize programs under the Higher Education Act, we are again faced with the need to pass an extension of these programs to bridge this gap. Now, make no mistake, the measure before us today is worthy of our support, but, at the same time, I am hopeful that our friends on the other side of the Capitol will renew their commitment to a full reauthorization. These extensions, now five of which we've had in the last Congress alone, ought to become a thing of the past.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle and on both sides of the Capitol in completing our reauthorization work in the 110th Congress. Just as importantly, I also look forward to working toward reforms that recognize the contributions of market-based programs that have been made on behalf of millions of students for the last several decades. In the meantime, I urge my colleagues to support this resolution.

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

Mr. HINOJOSA. Mr. Speaker, I want to express my strong commitment, as chairman of the Higher Education Subcommittee, that I will work very closely with Congressman PRICE from Georgia and all of the members of our committee to be able to finish the work necessary to reauthorize the Higher Education Act sometime before the end of this year, hopefully in October.

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

Mr. PRICE of Georgia. Mr. Speaker, I am now pleased to yield to my good friend and fellow physician, a gentleman from Louisiana who has been a strong proponent of higher education in his work on the committee. I yield the gentleman 3 minutes.

Mr. BOUSTANY. I thank my colleague.

Mr. Speaker, it is high time that we actually get the work done on this. We really need to get this done permanently, but I rise in support of this extension so that we can continue to move the ball forward. It is my hope that the other body across the Capitol will move this time around. I know we are going to do it here in the House.

Mr. Speaker, I am pleased that the House has agreed to include a provision I offered with subcommittee Chairman ROB ANDREWS that would limit projected physician shortages. This was an amendment to the bill that we had in the 109th Congress, and it is my understanding that it will be included in the base bill, and I am very pleased.

I hope, also, that Congress will add a provision that I introduced with Congresswoman MCCARTHY to meet the future need of qualified nurses, which is an area where we have critical shortages throughout the country. And so it

is my hope that as we go forward with this bill on the House side we can introduce this language into the bill or perhaps amend the bill, if necessary.

Once again, I think it is critical that we get the job done on this. We did our work in the 109th Congress. The other body needs to move forward. We need to complete our work here so we can get a good, solid reauthorization bill that will do justice to our higher education system.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman once again for moving this issue forward. Again, I look forward to working with him as we move forward with the Higher Education Reauthorization Act. I am confident that we will be able to get it done in this Congress.

I urge my colleagues to support this resolution.

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

Mr. HINOJOSA. I thank Congressman PRICE for those closing remarks. And with that, Mr. Speaker, I ask the House to pass H.R. 2559.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 2559.

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

A motion to reconsider was laid on the table.

HONORING THE MERCURY 13 WOMEN

Mr. WU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 421) honoring the trailblazing accomplishments of the ''Mercury 13'' women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 421

Honoring the trailblazing accomplishments of the ''Mercury 13'' women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space.

Whereas all of the Mercury 13 women were accomplished pilots with commercial ratings or better and at least 2,000 hours of flying time;

Whereas the Mercury 13 women passed the same rigorous physical and psychological tests that the original Mercury 7 astronauts had to undergo;

Whereas the Mercury 13 women successfully completed their testing at the Lovelace Clinic, in Albuquerque, New Mexico by the end of 1961;

Whereas the Mercury 13 women were prepared to continue their contributions to America's space program at the Naval School of Aviation Medicine in Pensacola, Florida, by undergoing advanced aeromedical examinations using jet aircraft and military equipment, until they were informed that their testing program was canceled;

Whereas the Soviet Union flew the first woman in space in 1963;

Whereas the United States flew the first American woman in space, Dr. Sally Ride, in 1983;

Whereas the United States flew the first woman to pilot the Space Shuttle, Lt. Col. Eileen Collins, in 1995;

Whereas the Mercury 13 women served as pathfinders for NASA's female astronauts; and

Whereas the careers of accomplishment of the Mercury 13 women can serve as an inspiration for other young women who are considering pursuing a career in aviation, astronautics, science, or engineering: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman; and

(2) encourages young women to follow in the footsteps of the Mercury 13 women and pursue careers of excellence in aviation and astronautics, as well as in engineering and science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 421.

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

There was no objection.

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

Mr. Speaker, I rise today to honor the trailblazing accomplishments of the Mercury 13 women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space. The Mercury 13 women were Myrtle Cagle, Geraldyn ''Jerri'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice ''Bea'' Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

All of these Mercury 13 women were accomplished pilots with commercial ratings or better and at least 2,000 hours of flying time, and they passed the same rigorous physical and psychological tests that the original Mercury 7 astronauts underwent. The Mercury 13 women were prepared to continue their service to America's space program, until they were informed that their testing program was cancelled.

While the former Soviet Union flew the first woman in space in 1963, it was another 20 years before the United States flew Dr. Sally Ride as the first American woman in space in 1983.

Mr. Speaker, I seek support for H. Res. 421 to honor the Mercury 13 women pioneers and to encourage young women to follow in the footsteps of the Mercury 13 women in pursuing careers of excellence in aviation and astronautics as well as in engineering and science.

Times do change. I spent a chunk of my time last week at home during recess handing out space camp scholarships. At every stop, it wasn't clear whether the winner was going to be a boy or a girl; and the enthusiasm for space seemed to be relatively equal between the boys and the girls in the classes where we made such awards.

□ 1110

In an aside, I would like to welcome China as a new nation among space-faring nations. There is an old Chinese saying, as there always is, that women hold up half the sky, and this recognition that American women have been participating in space long before 1983 is very, very appropriate at this point in time.

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

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

Mr. Speaker, I want to thank my friend from Oregon for his resolution. I want to rise today in support of House Resolution 421, which honors the accomplishments of the so-called Mercury 13 women whose efforts in the early 1960s demonstrated the capabilities of American women to undertake human space exploration.

At a time when there were many prejudices against women, the Lovelace Clinic in Albuquerque, New Mexico, began testing female pilots to undertake human exploration of space under the same rigorous, physical and psychological standards as NASA's male astronauts.

In 1960, the first of the Mercury 13, Geraldyn ''Jerrie'' Cobb went to Lovelace Clinic, and by the end of 1961, 13 women had successfully completed this rigorous training. Following their testing program, the 13 women were prepared to continue their contributions to America's space program at the Naval School of Aviation Medicine in Pensacola, Florida and undergo advanced aeromedical examinations using jet aircraft and military equipment, but their program was canceled.

The careers and accomplishments of these great American women served as

an inspiration for many other young women that followed in their careers in aviation, astronautics, science and engineering.

This resolution recognizes the accomplishments of Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora, Stumbough Jessen, Irene Leverton, Sarah Lee, Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

Mr. Speaker, I urge my colleagues to support House Resolution 421 and again thank the gentleman from Oregon.

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

Mr. WU. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin, Dr. KAGEN, and thank him for his leadership in bringing this legislation to the floor.

Mr. KAGEN. Mr. Speaker, I thank my colleagues from Oregon and Florida. I appreciate their support on this important resolution.

I rise today in support of House Resolution 421, to honor the first American women to participate in the United States space program. Known as the Mercury 13, they were extremely accomplished pilots and aviators and were selected from a pool of women to become astronauts. Conducted in secret at the Lovelace Clinic in Albuquerque, New Mexico, they excelled in the same physical and psychological tests as the male candidates for astronautic school did, the Mercury 7.

Although many of these women outshined and outperformed their male counterparts, they were never allowed to fly into space. The prejudice of the day grounded their mission before they could reach the stars, but it did not ground their dreams.

In 1961, just before their final phase of training at the Naval Aviation Center in Pensacola, Florida, the Mercury 13 women received notice that the program had been canceled. Twenty-two years later, NASA sent our first American woman into space, Sally Ride.

In these past decades, the groundbreaking achievements of the Mercury 13 women have often been overlooked. Author Martha Ackmann wrote this about the Mercury 13 and their quest for flying into space:

''While the Mercury 13 did not get their shot at space—at least not yet—they refused to let someone else trim their dreams. They fought for what they wanted, what they believed in, and spoke out against discrimination.''

The Mercury 13 women, as already stated, were Jerrie Cobb, Gene Nora Jessen, Wally Funk, Irene Leverton, Myrtle ''K'' Cagle, Jane Hart, Jerri Truhill, Rhea Hurrle Woltman, Sarah Ratley, Bernice ''B'' Steadman, Jean Hixson, Jan Dietrich, and Marion Dietrich.

I had the honor of meeting several of these very tough and spirited women at the University of Wisconsin in Oshkosh in a commencement ceremony, and I was privileged and honored to present to the Mercury 13 women an honorary degree, an honorary doctorate. Today, I have the extreme privilege to honor these phenomenal and extraordinary women on the floor of the United States House of Representatives.

I urge my colleagues to support this resolution and their pioneering spirit that has advanced the rights of women everywhere. As these Mercury 13 women have demonstrated, the sky is not the limit.

Mr. FEENEY. Mr. Speaker, I would like to inform my friend from Oregon that I have no further speakers and am prepared to reserve my time until it is appropriate to close.

Mr. WU. There are no further speakers on this side, either, if the gentleman would care to close.

Mr. FEENEY. Mr. Speaker, again I want to thank my colleagues for their support for the great history of the Mercury 13. I should say since that Mercury 13 program, there have been 34 women that have flown aboard the space shuttle, including four who made the ultimate sacrifice in the *Challenger* and *Columbia* accidents.

In order to honor such dedication after the *Columbia* accident, America committed to a vision for space exploration that will return Americans to the Moon. Undoubtedly, several women will make that journey. I look forward to that moment when the first American woman steps on the Moon and shares her experience with the rest of the world.

This resolution by the gentleman from Oregon and others recognizes the first 13 women that helped propel an entire gender and an entire nation into space.

With that, I yield back the balance of my time.

Mr. WU. I thank the gentleman from Florida.

Mr. Speaker, again, I would like to recognize the good work of my colleague from Wisconsin, Dr. KAGEN, for bringing this legislation to the floor. It is timely and it is timely recognition of a space program that includes everyone from America and now, because of the international space station and international space efforts, includes many people from around the world.

Mr. KIND. Mr. Speaker, I rise today to offer strong support for House Resolution 421, honoring the extraordinary accomplishments and courageous journey of the Mercury 13 women. Though largely unrecognized in history, these 13 female pilots displayed determination, bravery and strength in their quest for space exploration.

Selected from a large group of women, the Mercury 13 pilots endured and passed the same grueling physical and psychological tests as the Mercury 7 male astronauts. These women however, were tested not only on their ability to withstand the toils of space exploration but also on their capacity to overcome extensive discrimination in both their careers and personal lives. When championing their cause, the women were repeatedly told by government officials that any effort to put a woman in space was a waste of time and money. Given this lack of U.S. support, Valentina Tereshkova, a Russian engineer, became the first woman in space on June 16, 1963. It would be many years later, in 1983, that Dr. Sally Ride would become the first American woman in space.

Although the women of Mercury 13 were barred from space travel, disappointment did not lessen their pioneering spirit and quest for equality. We must follow their lead. Given our country's shortcomings in 1963, it is our responsibility today to ensure that future generations of women are granted equal opportunities to follow their dreams.

These courageous women demonstrate that the sky is not the limit and that as a Nation we must ensure that all individuals, regardless of gender, race or ethnicity, are encouraged to venture into the fields of math, science, technology and engineering. I believe we must instill the spirit of the Mercury 13 into our children today, by supporting innovative programs such as the National Science Foundation that promote technology in the classroom. By creating an environment in this country that fosters innovation and growth, we will ensure our businesses and workforce can stay competitive in the global economy of the 21st century. From new education technology and better math and science teachers to train the next generation of innovators, to the promotion of new sources of energy and the expansion of markets for our products, this comprehensive agenda will create a strong foundation to build the economy of the future.

Mr. Speaker, I urge my colleagues to capitalize on this opportunity to extend an honor to the women of Mercury 13 and to ensure we never again allow gender inequality to restrict our citizens' ambition and potential.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 421.

This resolution recognizes the brave ''Mercury 13'' women who in the early 1960s undertook the human exploration of space.

The members of the ''Mercury 13'' include Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

The ''Mercury 13'' women successfully passed the same physical and psychological tests as those of their male counterparts, the ''Mercury 7.''

Just before leaving for the next phase of training at the Naval Aviation Center in Pensacola, Florida, they were told not to come.

In 1961, their efforts marked a milestone in American history and these women paved the way for those who would follow in their footsteps.

The Johnson Space Center in Houston, Texas has been the leading NASA center for

more than 40 years and continues to encourage women to participate in the area of space exploration.

H. Res. 421 is an important way to help young women understand the importance of space and science.

As of today, there have been 34 women in space, and although this is a great accomplishment, there should be more.

It is my hope that this resolution encourages girls to pursue what they may feel is impossible.

The "Mercury 13" continue to inspire women of all ages to go above and beyond, so that they can fulfill their dreams. The sacrifices of these women deserve to be honored.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of H. Res. 421, a resolution to honor the achievements of women in space exploration.

In the 1960s, a courageous group of women challenged themselves, and the stereotypes of our Nation, to become the First Lady Astronaut Trainees.

These women were all accomplished pilots with a dream to explore the unknown.

Thirteen of these women—"the Mercury 13"—were chosen to be part of America's space team, breaking boundaries with their passion and determination.

Though the program was discontinued before these women could actually fly in space, they paved the way for future female astronauts through their hard work and relentless efforts.

Finally, NASA got the message and began recruiting women again, starting with the class of 1978 astronauts and culminating in the first American woman in space in 1983.

Without the efforts of the Mercury 13, women with skills and interest in science and exploration would have had a much tougher time breaking through gender barriers.

The Mercury 13 women saw roadblocks as challenges to overcome.

I hope that all of the young women in my district and across America may be inspired to make change by their example.

Mr. Speaker, I urge my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 421, to honor the trailblazing accomplishments of the "Mercury 13" women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space.

The 13 women who participated in this program demonstrated the willingness and capability that women all around the world, past and present, possess, and in many cases must possess to overcome an indictment of sexism and discrimination that our society often presents. Although their participation in these tests and trials yielded no concrete results, the 13 women trailblazers ought to be recognized for having endured and overcome such grueling physical, medical and psychological astronautical fitness examinations.

These 13 women—Jerri Cobb, Wally Funk, Irene Leverton, Myrtle "K" Cagle, Jane B. Hart, Gene Nora Stumbough (Jessen), Jerri Sloan (Truhill), Rhea Hurrle (Woltman), Sarah Gorelick (Ratley), Bernice "B" Trimble Steadman, Jan Dietrich, and the late Marlon Dietrich and Jean Hixson—all surpassed society's expectations of rejections, by proving that although women are typically smaller and lighter than men, women are still fit to be good occupants in cramped space vehicles. These women attempted the dream that many others only dreamed of—flying the newest and the fastest craft.

Mr. Speaker, though few Americans know the names of the 13 women trailblazers, their valiant attempts to earn the opportunity to fly a spacecraft call for worldwide recognition. Because of the secrecy of the test programs, these women never received the recognition for their accomplishments, which laid that critical groundwork for women who have reached and those who are seeking to reach the skies. We can show our gratitude and appreciation for these women trailblazers by honoring them with the passing of this bill.

As a representative of the 18th Congressional District of Texas, home to an integral number of space exploration projects, centers, businesses, and constituents employed in the space industry, I strongly support legislation that seeks to inspire, motivate and recognize those individuals who assist with the improvement and advancement of space exploration.

Mr. Speaker, I urge all of my colleagues to join me in supporting H. Res. 421 to honor the trailblazing accomplishments of the 13 female pilots of Mercury 13.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 421.

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

A motion to reconsider was laid on the table.

HONORING ASTRONAUT WALTER MARTY SCHIRRA AND EXPRESSING CONDOLENCES ON HIS PASSING

Mr. WU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 446) honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 446

Whereas Walter Schirra was born on March 12, 1923, in Hackensack, New Jersey;

Whereas as an exchange pilot with the 154th Fighter Bomber Squadron during the Korean War, he flew 90 combat missions in F–84E jets and was credited with downing at least one MIG fighter;

Whereas on October 3, 1962, Walter Schirra became the fifth person to fly in space when he piloted Mercury 8 (Sigma 7) on a six-orbit mission lasting 9 hours, 13 minutes and 11 seconds;

Whereas on December 15, 1965, Walter Schirra piloted Gemini 6A in what was the first attempted rendezvous by two manned spacecraft in earth orbit;

Whereas on October 11, 1968, he concluded his third and final mission when he was launched as commander of Apollo 7, the first manned Apollo mission, making Commander Schirra the only astronaut to fly aboard Mercury, Gemini and Apollo spacecrafts;

Whereas Commander Schirra was the recipient of many distinguished awards, including three distinguished flying crosses, two air medals, two NASA Distinguished Services Medals and induction into the National Aviation Hall of Fame;

Whereas after he retired to San Diego in 1984, Wally dedicated much of his later years to working with children on connecting them to the amazing possibilities that a career on space exploration could provide, and as a tireless advocate for discovery, Wally was an inspirational figure for countless San Diegans; and

Whereas Commander Schirra was an exemplary resident of the State of California where he resided in La Jolla until the time of his death on May 2, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of Astronaut Walter Marty Schirra and expresses condolences on his passing; and

(2) recognizes the profound importance of Astronaut Schirra's record as a pioneer in space exploration and long-time contributor to NASA's mission as a catalyst to space exploration and scientific advancement in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 446, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today to honor the life and accomplishments of one of our heroes of the American space program, astronaut Walter Schirra, known as Wally Schirra. In his 84 years, spanning 1923 to 2007, Captain Schirra took great risks on behalf of his country, including while serving in the Pacific during World War II.

□ 1120

During the Korean War, Captain Schirra served our country as an exchange pilot with the 154th Fighter Bomber Squadron and flew 90 combat missions and downed at least one MIG fighter.

In April of 1959, Wally Schirra was selected by NASA as one of the original Mercury 7 astronauts. On October 3, 1962, he became the third American to

orbit the Earth when he piloted his Sigma 7 spacecraft on a six-orbit mission that lasted 9 hours 13 minutes and 11 seconds.

As a brand new American who had just been in this country for a year and about 8 years old, I remember that, and I just remember that as one of the signal moments that I indeed had come to a country where anything and everything was possible, and Wally Schirra and others of the Mercury 7 group demonstrated that to America and to the world.

Wally Schirra went on to pilot the Gemini 6A mission in 1965, which involved the first attempted rendezvous by two manned spacecraft in Earth orbit, and he made his third and final mission in October, 1968, as commander of the first manned Apollo mission, Apollo 7.

During his career as an astronaut, Wally Schirra was the only astronaut to fly aboard all three generations of our late sixties-early seventies spacecraft, the Mercury, the Gemini and Apollo spacecraft. His outstanding service to the U.S. space program is marked by several awards, including the Distinguished Flying Cross, Air Force Medal, NASA Distinguished Service Medal, and induction into the National Aviation Hall of Fame.

Wally Schirra was a tireless advocate for discovery and spent his later years helping to connect children with the amazing possibilities that a career in space exploration can offer.

Mr. Speaker, today, I seek the support of this Chamber to honor the life and accomplishments of astronaut Wally Schirra, to express condolences on his passing, and to recognize the profound importance of astronaut Schirra's record as a space pioneer and a long-time contributor to NASA's mission of space exploration, scientific advancement and education in the United States.

Mr. Speaker, it is only fitting that this Chamber honor Wally Schirra's achievements, and I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I again want to thank Mr. WU, my friend from Oregon, for this resolution and want to speak in favor of H. Res. 446, which honors the life and accomplishments of an extraordinary man, astronaut Walter Marty Schirra. Wally Schirra, as he was known to nearly everyone, was truly a great American and a terrific human being.

Wally Schirra was born in Hackensack, New Jersey, on March 12, 1923, and was perhaps best known as an accomplished NASA astronaut and human spaceflight pioneer, with the distinction of being the only astronaut to fly aboard the Mercury, Gemini and Apollo spacecrafts. He was named one of NASA's original Mercury 7 astronauts in April of 1959 and became the fifth American to fly into space. Then, as the commander of the Gemini 6A spacecraft, he completed a dramatic rendezvous in space with the Gemini 7 spacecraft.

Schirra then served as commander of the Apollo 7 mission, which was the first Apollo flight after the catastrophic 1967 launch pad fire that killed the original Apollo 1 crew. At the conclusion of the Apollo 7 mission, Schirra had logged 295 hours and 15 minutes in space.

Before his service with NASA, Wally Schirra had already served his country with honor as a pilot in the 154th Fighter Bomber Squadron during the Korean War. Schirra flew over 90 combat missions in F–84E jets and was credited with downing at least one enemy MIG fighter.

What is perhaps less well-known about Wally Schirra is his personal warmth, his contagious sense of humor and his tireless dedication as an advocate for discovery. After his retirement in 1984, he spent many years working to inspire children to pursue their dreams by connecting them to the amazing possibilities of space exploration.

Schirra captured the pride of our entire Nation when he wrote, ''We shared a common dream to test the limits of man's imagination and daring. Those early pioneering flights of Mercury, the performances of Gemini and the trips to the moon established us, once and for, all as what I like to call a spacefaring nation. Like England, Spain and Portugal crossing the seas in search of their nations' greatness, so we reached for the skies and emboldened our Nation.''

I am deeply saddened by Wally Schirra's passing on May 2, 2007. He was truly an American hero. I am proud to support this resolution honoring such a prominent American citizen, military veteran and astronaut.

Mr. Speaker, I urge my colleagues to support H. Res. 446.

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

Mr. FEENEY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise to, first of all, thank the chairman from Oregon and the ranking member for supporting my bill, H. Res. 446, in recognition of the life of Wally Schirra. I would just have to say that when we go through the record of the life of Wally, he was a San Diegan for a long time; and we celebrated Wally as a neighbor and as a friend and as a national and international hero.

The fact is that he did serve extensively, like many San Diegans, in the military, with three Distinguished Flying Crosses, two Air Medals, more than a MIG or two on the side. He obviously went into the space race with a lot of accomplishments.

Being the only individual to fly in all three of the first stages of manned space flight for America was unique, but I think, as was pointed out before, Wally is a man that filled in so often when others might have hesitated.

After the terrible disaster of losing astronauts in a major fire, he did not hesitate to look forward to being the first to step back into those capsules and move on and move up with our space race. That kind of bravery we didn't really take into consideration at the time. What a huge challenge it must have been to explain to your wife, ''Honey, I am going to get in this capsule. Somebody has to do it, and I will be the one.'' We don't think about that family, that personal aspect of being a hero and moving forward with those kinds of accomplishments.

I also would like to say that we forget that, without the docking procedure that Wally was able to master, there was not going to be any trip to the moon. It was an essential component, as important as any missile, any rocket, any control system. The ability for man to dock with another spaceship was an essential part, and Wally was a major part of that.

But I want to thank all my colleagues for supporting this bill. Wally was our neighbor, he was our friend, and he really did live a life that San Diegans are proud of in public service. He spent his later years working with the local museums for flight history, and he also spent a lot of time on his sailboat in San Diego.

But I want to thank all of you, because Wally was not just a hero to the world and to America; he was a neighbor and a friend to those of us in San Diego.

Mr. WU. Mr. Speaker, I continue to reserve my time.

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

Mr. Speaker, again, this is a terrific resolution. Mr. BILBRAY is rightfully proud to call Wally Schirra a neighbor and a friend. I think America can call him a neighbor and a friend as well.

I expect to be proudly this Friday evening down at Cape Canaveral where we will hopefully send the next shuttle flight into space with some good luck and good fortune. And as I am down there I will join many Americans in thinking about Wally Schirra and the other great heroes that have come forward and made these great feats today possible and the many more opportunities in space that would not have happened without heroes like Wally Schirra.

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

Mr. WU. Mr. Speaker, I rise to honor the life and accomplishments of Astronaut Walter Marty Schirra, one of our heroes of the American space program.

In his 84 years of life spanning from 1923–2007, Captain Schirra took great risks on behalf of his country.

During the Korean War, Captain Schirra served the country as an exchange pilot with the 154th Fighter Bomber Squadron and flew 90 combat missions and downed at least one MIG fighter.

In April of 1959, ''Wally'' Schirra was selected by NASA as one of the original Mercury 7 astronauts.

On October 3, 1962, he became the third American to orbit the Earth when he piloted his Sigma 7 spacecraft on a six-orbit mission that lasted 9 hours, 13 minutes, and 11 seconds.

He went on to pilot the Gemini 6A mission in 1965, which involved the first attempted rendezvous by two manned spacecraft in Earth orbit, and he made his third and final mission in October 1968 as commander of the first manned Apollo mission, Apollo 7.

During his career as an astronaut, Wally Schirra was the only astronaut to fly aboard the Mercury, Gemini, and Apollo spacecrafts, and his outstanding service to the U.S. space program is marked by several awards, including Distinguished Flying Crosses, Air Medals, NASA Distinguished Service Medals, and induction into the National Aviation Hall of Fame.

Wally Schirra was a tireless advocate for discovery and spent the later years of his life helping to connect children with the amazing possibilities that a career in space exploration can offer.

Mr. Speaker, today I seek support to: honor the life and accomplishments of astronaut Walter ''Wally'' Schirra; to express condolences on his passing; and to recognize the profound importance of Astronaut Schirra's record as a space pioneer and a long-time contributor to NASA's mission as a catalyst to space exploration and scientific advancement in the United States.

Mr. Speaker, it is only fitting that this House honor Wally Schirra's achievements, and I urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 446, honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing.

Astronaut Walter Marty Schirra was a member of the Mercury 7, who were named by NASA in April of 1959.

He piloted the six orbit *Sigma 7* Mercury flight, the *Gemini 6* flight and was Command Pilot on the *Apollo VII.*

Walter Schirra became the first man to fly in space three times after being pilot of the *Apollo VII.* Schirra received numerous awards and honors while being a member of NASA. Schirra logged more than 295 hours in space.

After he left NASA in 1969, he worked as a television commentator during the Apollo moon landings, was an engineering consultant and worked on corporate boards.

Not only was Walter Schirra an astronaut, but he was an advocate for students who want to pursue careers in science and engineering.

He helped to found the Mercury Seven Foundation, which creates college scholarships for engineering and science students.

The passing of Walter Schirra has been a huge loss to the space community and America as a whole.

His contributions will never be forgotten, and he leaves a strong legacy of bravery and service. I urge support of this resolution.

Mr. UDALL of Colorado. Mr. Speaker, today I rise to recognize the life of one of our great space pioneers, Walter M. ''Wally'' Schirra and to speak in support of H. Res. 446, a resolution to recognize his many accomplishments and honor his memory.

Wally Schirra was one of the original seven Mercury Astronauts and the only astronaut to fly in all three of the earliest manned space programs: Mercury, Gemini, and Apollo.

He was known for being an exact and precise pilot, and this aviation excellence speaks for itself as Capt. Schirra flew 90 combat missions while serving in the Navy during the Korean War. Later, during his Gemini 6 mission as a NASA astronaut, Schirra conducted the first rendezvous of manned spacecraft in orbit, considered one of the most challenging tasks in space flight at the time.

Capt. Schirra was a great astronaut and a great American. What many of my colleagues may not realize is that Wally Schirra became an active businessman and citizen in Colorado after retiring from the space program.

In the decade after he retired from NASA's Astronaut Corps, he moved to Denver where he lived a life as a successful businessman and an active environmentalist. When he first came to Colorado, he became the president of an investment company. Several years after that, he started an environmental management firm that concentrated their efforts towards developing solutions for environmental problems faced by the government and private industry.

In addition to being an advisor to Colorado State University, Capt. Schirra was also an avid outdoors man, as evidenced by his tenure as a trustee of the Colorado Outward Bound School.

Later in his life, while he continued to be busy in civic life, he played an active role in Colorado politics and served as Colorado's honorary chairman for Ronald Reagan's presidential campaign.

I and my fellow Coloradans will miss him, and I urge my colleagues to honor his memory by passing H. Res. 446.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 446, to honor and recognize the life of astronaut Walter Marty Schirra, and to express condolences on his passing. Walter Marty Schirra passed away in La Jolla, CA, at the age of 84.

The American community is sad to have lost one of its original space trailblazer—a true pioneer in both innovation and discovery. In attempting to place men in space, Schirra was chosen to serve as one of the original Mercury 7 astronauts for Project Mercury. Serving as an astronaut and naval officer, Schirra became the first man to fly on all three of our Nation's space programs—Apollo 7, Gemini VI–A, and Mercury 8 (Sigma 7). Prior to his passing, ''Astronaut Wally Schirra'' logged a total of 4577 hours of flight time, with 295 of those being in space. Additionally, he performed 267 landings in an aircraft carrier.

His lifetime of achievement also included a decorated record of service in the United States Military. He flew 90 combat missions in F–84E jets, as well as downing at least one MIG fighter, while serving as an exchange pilot with the 154th Fighter Bomber Squadron during the Korean War. His courage and valor was eventually recognized with three distinguishing flying crosses, two air medals, two NASA Distinguished Services Medals, and induction into the National Aviation Hall of Fame.

Mr. Speaker, Wally Schirra serves as a positive role model and an asset to the space community. Schirra was an accomplished astronaut whose personal and professional career was filled with positive milestones and accomplishments. Schirra always rejected mediocrity by rejecting to conform to commonplace expectations. Schirra pushed the limits of 2 discovery and was determined to work harder and go farther than anyone before him.

Despite his numerous accomplishments, which ranged from educational attainment, military awards, hall of fame inductions, activeness in diverse clubs and organizations, as well as experiences, his humility was one of his most endearing traits. Although he was a great asset to the space industry, he assumed a very modest character.

As one of the few and profound trailblazers ever known to the United States Naval Academy, NASA, and the space community, he has helped pave the way for much of our knowledge about the operations of the space system. As a Member who represents many NASA-employed constituents and as a strong supporter of the expansion of our space programs, I understand the important role that Schirra played in advancing our scientific explorations in space.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the enormous contributions that late astronaut Walter Marty Schirra has made in the space industry and beyond, while also expressing condolences for his passing.

□ 1130

Mr. WU. Mr. Speaker, I urge adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 446.

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

A motion to reconsider was laid on the table.

PERMISSION TO RE-REFER EXECUTIVE COMMUNICATION 1370 TO COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. WU. Mr. Speaker, I ask unanimous consent that Executive Communication 1370, the Department of Transportation's final rule, Human Space Flight Requirements for Crew and Space Flight Participants, be re-referred to the Committee on Science and Technology.

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

There was no objection.

10,000 TRAINED BY 2010 ACT

Mr. WU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1467

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''10,000 Trained by 2010 Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Science Foundation has long been a government leader in strengthening our Nation's information infrastructure;

(2) as automation and digitization reach the healthcare industry, that industry will need to draw heavily on the expertise of researchers funded by the National Science Foundation for the collection, processing, and utilization of information;

(3) the National Science Foundation's basic research, demonstrations, and curriculum development assistance are all required to help make sure the industry has the knowledge, procedures, and workforce necessary to take full advantage of advanced communications and information technology;

(4) the Bureau of Labor Statistics estimated that 136,000 Americans were employed in 2000 as information management professionals in the healthcare industry alone, with projected growth of 49 percent by 2010; and

(5) no systematic plan exists for designing and implementing systems and information tools and for ensuring that the healthcare workforce can make the transition to the information age.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) INFORMATION.—The term ''information'' means healthcare information.

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

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) GRANTS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall award grants for basic research on innovative approaches to improve information systems. Research areas may include—

(A) information studies;

(B) population informatics;

(C) translational informatics; and

(D) data security, integrity, and confidentiality.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $3,500,000 for fiscal year 2008;

(B) $3,600,000 for fiscal year 2009;

(C) $3,700,000 for fiscal year 2010; and

(D) $3,800,000 for fiscal year 2011.

(b) INFORMATICS RESEARCH CENTERS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (or consortia thereof) to establish multidisciplinary Centers for Informatics Research. Institutions of higher education (or consortia thereof) receiving such grants may partner with one or more government laboratories, for-profit institutions, or non-profit institutions.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) PURPOSE.—The purpose of the Centers shall be to generate innovative approaches in information by conducting cutting-edge, multidisciplinary research, including in the research areas described in subsection (a)(1).

(4) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center and the contributions of each of the participating entities;

(B) how the Center will promote active collaboration among professionals from different disciplines, such as information technology specialists, health professionals, administrators, and social science researchers; and

(C) how the Center will contribute to increasing the number of information researchers and other professionals.

(5) CRITERIA.—In evaluating the applications submitted under paragraph (4), the Director shall consider, at a minimum—

(A) the ability of the applicant to generate innovative approaches to information and effectively carry out the research program;

(B) the experience of the applicant in conducting research in the information field, and the capacity of the applicant to foster new multidisciplinary collaborations;

(C) the capacity of the applicant to attract and provide adequate support for undergraduate and graduate students to pursue information research; and

(D) the extent to which the applicant will partner with government laboratories or for-profit or non-profit entities, and the role the government laboratories or for-profit or non-profit entities will play in the research undertaken by the Center.

(6) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

(A) $4,500,000 for fiscal year 2008;

(B) $4,600,000 for fiscal year 2009;

(C) $4,700,000 for fiscal year 2010; and

(D) $4,800,000 for fiscal year 2011.

SEC. 5. NATIONAL SCIENCE FOUNDATION INFORMATION PROGRAMS.

(a) CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall establish a program to award grants to institutions of higher education (or consortia thereof) to establish or improve undergraduate and master's degree information programs, to increase the number of students who pursue undergraduate or master's degrees in information fields, to provide students with experience in government or industry related to their information studies, and, to the extent practicable, to do so using distance learning.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) USE OF FUNDS.—Grants awarded under this subsection shall be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality information education, including certification and undergraduate and master's degree programs, and to recruit and retain increased numbers of students to such programs. Activities may include—

(A) developing and revising curriculum to better prepare undergraduate and master's degree students for careers in the information field;

(B) establishing degree and certificate programs in the information field;

(C) creating opportunities in information research for undergraduate students;

(D) acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use;

(E) providing opportunities for faculty to work with State, local, or Federal Government agencies, private industry, and other academic institutions to develop new expertise or to formulate new information research directions;

(F) establishing collaborations with other academic institutions or departments that seek to establish, expand, or enhance these programs;

(G) establishing student internships for students in these programs at State, local, and Federal Government agencies or in private industry;

(H) establishing or enhancing bridge programs in information fields between community colleges and universities; and

(I) any other activities the Director, in consultation with the heads of other Federal agencies as appropriate, determines will achieve the purposes described in paragraph (1).

(4) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and with such contents as the Director may require. The application shall include, at a minimum—

(i) a description of the applicant's relevant research and instructional capacity, and in the case of an application from a consortium of institutions of higher education, a description of the role that each member will play in implementing the proposal;

(ii) a comprehensive plan by which the institution or consortium will build instructional capacity in information fields;

(iii) a description of relevant collaborations with State, local, or Federal Government agencies or private industry that inform the instructional program;

(iv) a survey of the applicant's historic student enrollment and placement data and a study of potential enrollment and placement for students enrolled in the proposed program; and

(v) a plan to evaluate the success of the proposed program, including postgraduate

assessment of graduate school and job placement and retention rates as well as the relevance of the instructional program to graduate study and to the workplace.

(B) AWARDS.—The Director shall ensure, to the extent practicable, that grants are awarded under this subsection in a wide range of geographic areas and categories of institutions of higher education.

(5) ASSESSMENT REQUIRED.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall evaluate the program established under this subsection no later than 3 years after the establishment of the program. At a minimum, the Director shall evaluate the extent to which the grants have achieved their objectives of increasing the quality and quantity of students pursuing undergraduate or master's degrees in information fields. The Director shall make this assessment publicly available.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $9,000,000 for fiscal year 2008;

(B) $9,200,000 for fiscal year 2009;

(C) $9,400,000 for fiscal year 2010; and

(D) $9,600,000 for fiscal year 2011.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT OF 1992.—

(1) GRANTS.—The Director shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to information.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $7,000,000 for fiscal year 2008;

(B) $7,200,000 for fiscal year 2009;

(C) $7,400,000 for fiscal year 2010; and

(D) $7,600,000 for fiscal year 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1467, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I and other Members of the Science and Technology Committee have been working on the issue of health care IT for several years. The genesis of this legislation, H.R. 1467, was a roundtable I held in Oregon in August 2005. This roundtable was followed by an Environment, Standards and Technology Subcommittee field hearing on health care information technology in February of 2006. Representative REICHERT of Washington chaired the hearing, and our current ranking member, Mr. HALL, also had staff in attendance.

One of the common issues raised at both of these events was the lack of trained people who are experts in both health care and in information technology. Despite the Federal focus on developing a national electronic health care record system, there is no systematic plan for the training of current and prospective professionals in both health care and IT. Without this specialized training, the technology can sit on health care provider's desks as a box, cold and unused rather than as an integrated system of health care doing what it should do.

The need for individuals to manage health care IT is expected to grow 49 percent between 2000 and 2010, and nearly 75 percent of health care organizations indicate there are not enough qualified applicants for these positions.

I would like to point out that the Science and Technology Committee has a history of developing specific and specialized training and research programs for IT professionals.

During the 107th Congress, the committee became concerned that the lack of specialized computerized training for IT students and professionals was a contributing factor in the lack of decent computer security practices and software. As a result, the committee developed and moved H.R. 3394, the CyberSecurity Research and Development Act which subsequently became Public Law 107–305.

The bill under consideration today, H.R. 1467, consists of four components. It authorizes the National Science Foundation, NSF, to award research grants for innovative approaches enhancing health care informatics. I want to make clear that this provision builds upon existing NSF activities.

It authorizes NSF to support multidisciplinary health and medical informatics research centers to perform research and to train qualified health care informatics personnel and professionals.

Next, it authorizes NSF to establish a grant program to improve undergraduate, master's and certificate programs in health care informatics. The goal is to increase the number of students and the quality of training in their field. This program allows both 4-year and 2-year institutions to participate as well as allowing for the development of continuing education curricula.

Finally, it authorizes NSF's Advanced Technology Education Program which focuses solely on 2-year colleges to support improved education and technical training for health care informatics.

H.R. 1467 is a bipartisan product of the Science and Technology Committee. Ranking Member HALL and I introduced this bill in the last Congress. In this Congress, we introduced this legislation, along with Chairman GORDON and Ranking Member GINGREY of the Technology and Innovation Subcommittee.

I have spoken to Dr. GINGREY about health care IT, and he knows from his firsthand experience the challenges involved in integrating IT into health care settings.

We all recognize the benefits that an integrated health IT network could provide in terms of improved patient care, safety, privacy and potentially cost savings. However, investment in physical infrastructure and technology alone is not enough. We need research and training programs for health care and IT professionals in order to use and design the system well.

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

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

I rise today in support of H.R. 1467, the 10,000 Trained by 2010 Act, and the primary goal it seeks to achieve. If implemented correctly and efficiently, health information technology, which we call IT, can revolutionize our health care system.

However, we have to have an educated workforce properly trained in health IT in order for it to be successful. This is what H.R. 1467 is all about. NSF is already doing incredible work in the IT area, but this measure focuses specifically on health IT by providing grants on new innovative approaches for health care hardware and software solutions.

Creating health medical informatics research centers and making improvements to undergraduate and master's degree programs for health care informatics, it also expands the Advanced Technology Education Program to include health IT.

The activities supported by H.R. 1467 are important if we are to have a sufficiently trained health IT workforce, and I encourage my colleagues to adopt this bill.

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

Mr. WU. Mr. Speaker, I thank the gentleman from Texas for working with me, and his staff for working with our staff over a period of 3 years on this legislation.

I inquire of the gentleman whether he has any additional speakers.

Mr. HALL of Texas. We have no further speakers, and I yield back the balance of my time.

Mr. WU. Mr. Speaker, I thank the staff on both sides of the aisle on the Science Committee for working hard through two Congresses to bring this legislation to the floor, and I encourage all of my colleagues to vote for adoption of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1467, the 10,000 Trained by 2010 Act.

The bill requires the National Science Foundation to award competitive grants for research to improve health care information systems.

As our health care information moves from paper to computer-based storage methods, it becomes increasingly important to develop systematic methods for organizing and sharing biomedical information.

Digital medical records must be transferable, and above all, patient confidentiality must be ensured.

H.R. 1467 would fund scientific and engineering activities to improve education in the health care information fields. The funding would be used to develop innovative approaches in health care information; and help students earn advanced degrees in these fields.

Mr. Speaker, this bill would promote technologies that will save us taxpayer dollars over the long term. I urge my colleagues to support H.R. 1467.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 1467 the "10,000 Trained by 2010 Act". This legislation would authorize the appropriation of about $100 million over the 2008–2011 period for the National Science Foundation to award grants to institutions of higher education for research on innovative approaches to enhancing healthcare informatics through hardware and software solutions, as well as to conduct basic research and improve undergraduate and graduate education in the study of information systems. Higher educations facilities would also be able to establish multidisciplinary centers for Health and Medical Informatics Research Centers.

These research centers would be designed to train qualified healthcare personnel and professionals, as well as physicians, nurses, information technology specialists, medical administrators and social scientist.

Ciborra (2002) defines the study of information systems as the study that "deals with the deployment of information technology in organizations, institutions, and society at large." Today, information and information technology have become the fifth major resource available to executives for shaping an organization, alongside people, money, material and machines

One of the benefits of H.R. 1467 the "10,000 Trained by 2010 Act" is that we will be able to stay "up to date" with other countries and their technology.

Most businesses have shifted from being product oriented to knowledge oriented. This means that employers are now looking for people who can compete in innovative, and knowledge oriented businesses, rather than product oriented business. By funding this Act, we are giving our youth a better knowledge about the field of information systems so that they can have a greater chance on jobs and other opportunities in our country, rather than the employer having to go to foreign nations to look for help. We are also increasing the amount of resources that we have available here in the United States.

We should make a conscious effort to get as many of our minority students and women into the information systems career field as possible. Although this is a highly populated field, there are not very many minorities holding these positions. It is not because they are incapable or lack the drive and determination to get the job done, but simply because they are not very educated about the options and possibilities that are out there.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WU) that the House suspend the rules and pass the bill, H.R. 1467.

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

A motion to reconsider was laid on the table.

□ 1140

GREEN ENERGY EDUCATION ACT OF 2007

Mr. LIPINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1716) to authorize higher education curriculum development and graduate training in advanced energy and green building technologies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1716

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Green Energy Education Act of 2007''.

SEC. 2. DEFINITION.

For the purposes of this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

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

SEC. 3. GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.

(a) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(b) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

SEC. 4. CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.

(a) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this section shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(b) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

(c) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this section, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, and city, regional, or urban planning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1716, the bill now under consideration.

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

There was no objection.

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

Today, I rise in support of H.R. 1716, the Green Energy Education Act of 2007. I'd like to thank Mr. MCCAUL and Mr. HILL for their leadership on this important legislation.

This bill authorizes the Department of Energy to contribute funds to the National Science Foundation's successful Integrative Graduate Education and Research Traineeship program, known as IGERT. IGERT awards prepare doctoral students by integrating research and education in innovative ways that are tailored to the unique requirement of newly emerging interdisciplinary fields and new career options.

Many future green energy technologies, such as thin film solar technologies, will require interdisciplinary teams of scientists and engineers such as those trained under the IGERT program.

This bill also authorizes the Department of Energy's high-performance-building technology programs to contribute to the National Science Foundation's ongoing curriculum development activities with the goal of improving the ability of engineers and architects to design and construct high-performance buildings.

Innovative technologies, coupled with a whole-buildings approach that optimizes interactions among building

systems and components, enable buildings to use considerably less energy, while also helping to meet national goals for sustainable development, environmental protection and energy security.

The high-performance, or green, building movement is growing rapidly, but it is still a very small slice of the multibillion dollar building industry; and there's a real gap in university level education and training for the next generation of green building professionals. This bill helps address that gap.

In summary, this bill addresses a critical need to provide resources to universities to update their curricula and research efforts in alternative energy and high-performance buildings, and it improves coordination between the Department of Energy and the National Science Foundation in achieving this goal.

I'm pleased to support H.R. 1716, the Green Energy Education Act of 2007. Again, I want to commend Mr. MCCAUL and Mr. HILL for this important legislation; and I urge my colleagues to support H.R. 1716.

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

Mr. MCCAUL of Texas. Mr. Speaker, I yield myself as much time as I may consume.

I want to first thank Mr. LIPINSKI and my colleagues on both sides of the aisle for their strong support of this bill, which I introduced in the last Congress; and I'm pleased to see it get to the House floor in this Congress.

The National Academies' Rising Above the Gathering Storm report echoed the call of many in the academic and business community for greater need to recruit and develop scientific and engineering talent to work on solving problems of national need.

Like many Members of Congress, I'm concerned about America's dependence on foreign sources of energy. Our reliance on imported energy only serves to increase our vulnerability to both external events and the actions of regimes that are, in many cases, openly hostile to the interests of the United States. One of the ways we can reduce the need for energy imports is to use our energy more efficiently.

Buildings consume more energy than any other sector of the economy, including industry and transportation. According to the U.S. Department of Energy, American buildings consume 39 percent of our Nation's primary energy and 70 percent of electricity. However, energy efficient building practices are not being fully utilized, in part because of a lack of awareness about energy efficient technologies and design practices among building professionals.

That is why I introduced the Green Energy Education Act. This legislation authorizes the Department of Energy to partner with the National Science Foundation to support graduate education and curriculum development to advance DOE's broad energy technology development mission. Working through NSF, DOE will help develop the next generation of engineers and architects to produce buildings incorporating the latest in energy efficient technologies.

In order to reduce the likelihood of duplicative and wasteful programs, this bill also allows the Department of Energy and the National Science Foundation to combine their efforts to find workable solutions to the issues surrounding building efficiency that then can be transferred to the marketplace.

Specifically, H.R. 1716 will authorize DOE's Office of Science and applied energy technology programs to contribute funds to the NSF's successful Integrative Graduate Education and Research Traineeship program, which is already doing great work in this area.

This bill also authorizes the DOE to contribute to NSF's curriculum development activities in order to improve the ability of engineers and architects to design and construct more efficient and durable buildings.

I urge my colleagues to support this important step towards increasing America's energy independence.

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

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

Mr. Speaker, this is another great effort that we are making, another important step in helping to reduce our energy consumption in this country. It's critical for national security, our economic security and to combat global climate change, and certainly energy efficient buildings, great work is being done in this, and much more work needs to be done.

I have seen at the Department of Energy lab the work that is being done on some of this. I think much more needs to be done. This bill will help to provide these opportunities for more students, more people to learn about what it takes to make our buildings more energy efficient.

Again, I commend Mr. MCCAUL and Mr. HILL for this bill, and I urge my colleagues to pass this legislation.

Mr. HILL. Mr. Speaker, today the House will consider H.R. 1716, the Green Energy Education Act. As the lead Democratic sponsor of this bill, I am pleased that it has moved so quickly through committee. I believe its rapid movement onto the floor of the House for a vote is indicative of the bill's importance and timely subject matter.

H.R. 1716 promotes the design and construction of energy efficient buildings by authorizing the Department of Energy to partner with the National Science Foundation (NSF) in support of multidisciplinary graduate education and curriculum development activities that will enhance the DOE's broad energy technology development mission. By working with the NSF, DOE will help develop the next generation of engineers and architects to work effectively together to produce buildings and incorporating the latest in energy efficient technologies.

Buildings in the U.S. consume a disproportionate share of our energy and electricity. We must do something to make our buildings more energy efficient and friendly to the environment. In fact, buildings in the U.S. consume more energy than any other sector of the country, including industry and transportation. According to 2003 U.S. Department of Energy (DOE) statistics, U.S. buildings consume 39 percent of our nation's primary energy and 70 percent of electricity.

We need to do everything we can to address the harmful things we are doing to the environment. This bill is a step in that direction—making buildings more energy efficient and less stressful on our energy and electrical supplies. And, it will save businesses considerable sums of money in the long run.

I urge all of my colleagues to vote for this important bill and take a step forward in easing our dependence on foreign and harmful energy sources.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1716, the Green Energy Education Act of 2007.

Mr. Speaker, "green energy" is defined as energy that is produced and used in ways that lessen air pollution and other environmental impacts.

An investment in green energy education will benefit our Nation in important ways. It is good for the environment, because it reduces environmental impacts of the production and delivery of energy.

Green energy also reduces harmful greenhouse emissions.

H.R. 1716 directs the Department of Energy to contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program. This program is important in supporting graduate education related to green energy projects.

The bill also supports energy technology research and development for high tech buildings and for educational activities to teach students how to improve building design that is not harmful to the environment.

Mr. Speaker, I support H.R. 1716 and urge my colleagues to support it also.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1716, as amended.

The question was taken.

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

Mr. MCCAUL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1150

H-PRIZE ACT OF 2007

Mr. LIPINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 632

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''H-Prize Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING ENTITY.—The term ''administering entity'' means the entity with which the Secretary enters into an agreement under section 3(c).

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

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

SEC. 3. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this Act to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this Act. The duties of the administering entity under the agreement shall include—

(1) advertising prize competitions and their results;

(2) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this section;

(3) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions, based on goals provided by the Secretary;

(4) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded, subject to the final approval of the Secretary with respect to Federal funding;

(5) providing advice and consultation to the Secretary on the selection of judges in accordance with section 4(d), using criteria developed in consultation with and subject to the final approval of the Secretary; and

(6) protecting against the entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this Act may be withheld from public disclosure.

(d) FUNDING SOURCES.—Prizes under this Act shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subsection (c)(2)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subsection (b)(2) if—

(1) notice of the increase is provided in the same manner as the initial notice of the prize; and

(2) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

(f) SUNSET.—The authority to announce prize competitions under this Act shall terminate on September 30, 2018.

SEC. 4. PRIZE CATEGORIES.

(a) CATEGORIES.—The Secretary shall establish prizes for—

(1) advancements in technologies, components, or systems related to—

(A) hydrogen production;

(B) hydrogen storage;

(C) hydrogen distribution; and

(D) hydrogen utilization;

(2) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

(3) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

(b) AWARDS.—

(1) ADVANCEMENTS.—To the extent permitted under section 3(e), the prizes authorized under subsection (a)(1) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subparagraphs (A) through (D) of subsection (a)(1) since the submission deadline of the previous prize competition in the same category under subsection (a)(1) or the date of enactment of this Act, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subsection (a)(1), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

(2) PROTOTYPES.—To the extent permitted under section 3(e), prizes authorized under subsection (a)(2) shall be awarded biennially in alternate years from the prizes authorized under subsection (a)(1). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subsection (c) for a competition under this paragraph, the Secretary shall not award a prize.

(3) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under section 3(e), the Secretary shall announce one prize competition authorized under subsection (a)(3) as soon after the date of enactment of this Act as is practicable. A prize offered under this paragraph shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by section 3(b)(2). The Secretary shall award a prize under this paragraph only when a registered participant has met the objective criteria established for the prize pursuant to subsection (c) and announced pursuant to section 3(b)(2). Not more than $10,000,000 in Federal funds may be used for the prize award under this paragraph. The administering entity shall seek to raise $40,000,000 toward the matching award under this paragraph.

(c) CRITERIA.—In establishing the criteria required by this Act, the Secretary—

(1) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

(2) shall consult with other Federal agencies, including the National Science Foundation; and

(3) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

(d) JUDGES.—For each prize competition, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subsection (c). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

(2) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

SEC. 5. ELIGIBILITY.

To be eligible to win a prize under this Act, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under section 3(b)(2);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(3) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

SEC. 6. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this Act, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this Act. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this Act.

SEC. 7. LIABILITY.

(a) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this Act. The Secretary shall give notice of any waiver required under this subsection in the notice required by section 3(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

(b) LIABILITY INSURANCE.—

(1) REQUIREMENTS.—Registered participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this Act; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(2) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under paragraph (1)(A), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

SEC. 8. REPORT TO CONGRESS.

Not later than 60 days after the awarding of the first prize under this Act, and annually thereafter, the Secretary shall transmit to the Congress a report that—

(1) identifies each award recipient;

(2) describes the technologies developed by each award recipient; and

(3) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this Act—

(A) $20,000,000 for awards described in section (4)(a)(1);

(B) $20,000,000 for awards described in section 4(a)(2); and

(C) $10,000,000 for the award described in section 4(a)(3).

(2) ADMINISTRATION.—In addition to the amounts authorized in paragraph (1), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this Act.

(b) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this Act shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this Act permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

SEC. 10. NONSUBSTITUTION.

The programs created under this Act shall not be considered a substitute for Federal research and development programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from South Carolina (Mr. INGLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 632, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 632, the H-Prize Act of 2007, an innovative bill I introduced, along with Mr. INGLIS of South Carolina, and that we passed in this House last year by a vote of 416–6.

America faces a great challenge today, finding a new clean energy source that will free us from our dependence on foreign oil and will combat global climate change. Hydrogen has great potential to be this new source and the H-Prize Act will help focus America's technological and entrepreneurial talent on making it happen.

Hydrogen-fuel cars already exist. Last year I had the opportunity to drive a hydrogen-fuel car. It didn't drive much differently than a gas-powered car, except for the silence, silence that I am used to somewhat from driving a hybrid. But that was the only real performance difference. There is no performance difference. The only difference I know of is the silence.

But there are really currently significant technical and economic barriers that must still be overcome before we can put a hydrogen car in every American garage. Current hydrogen-powered vehicles cost about $1 million. But while several significant technological advances are necessary, they are within reach.

Just yesterday, it was reported in the Chicago Tribune that engineers at Purdue University are researching methods of producing hydrogen gas by combining aluminum with another metal, gallium, and adding water. This research could yield ways of overcoming hydrogen storage problems, allowing automobile engines to burn this gas with little modification.

While we must continue to invest in traditional grants to fund university research, we in Congress have the responsibility to find creative and new ways to inspire researchers, business leaders and our youth to solve the problems that society faces today.

The H-Prize will help expand the possibility of hydrogen research, promoting people not normally involved in Federal research to explore one of the greatest challenges facing us today.

Specifically, this legislation would establish competitively awarded cash prizes to spur innovations that advance the use of hydrogen as a fuel for transportation. Every 2 years, four $1 million prizes would be given for advances in the production, storage, distribution and utilization of hydrogen, and one $4 million prize would be awarded for advances in prototype hydrogen vehicles. At the end of 10 years, one grand prize of $10 million would be given for a transformational advance in hydrogen energy technology.

In addition to this $10 million grand prize, we are also seeking to raise up to $40 million to add to that grand prize, $40 million in private contributions.

When these advances are made, hydrogen can fill critical energy needs even beyond transportation. Hydrogen will also be used to provide heat and generate electricity. The future possibilities of this energy source are enormous.

Most importantly, hydrogen will be a clean, domestic energy source. When used for energy, hydrogen produces no emissions besides water, zero emissions, an amazing advance over current energy resources. By utilizing hydrogen, we can improve our national security by lessening our dependence on foreign oil that often comes from unstable countries.

Mr. Speaker, America has always been at the forefront of technological breakthroughs. We have responded to great challenges, perhaps most famously, President John F. Kennedy's challenge to land a man on the moon before the end of the 1960s. We have seen that prizes have been an effective way to inspire technological advances.

Perhaps most famously the prize won by Lindbergh for his successful nonstop flight across the Atlantic. More recently, the Ansari X-Prize given to the first private team to build and fly a spaceship 100 kilometers above earth. The H-Prize is patterned after this X-Prize.

We have seen that challenges and prizes help to spark the imagination of scientists, engineers and entrepreneurs, who invest blood, sweat, tears and often large sums of money, sums of money even larger than the prizes being given, to achieve a great goal.

I ask my colleagues to join me in supporting this bill today. Perhaps one day we will look back on the H-Prize as a catalyst to a better, cleaner, more secure America and world.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 4 minutes to one of the co-chairs of the House Hydrogen Caucus, CHARLIE DENT from Pennsylvania.

Mr. DENT. I too want to thank the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from South Carolina (Mr. INGLIS) for working together so well to bring this important piece of legislation to the floor.

Mr. Speaker, I was proud to join 415 of my colleagues in supporting this bill last Congress, and I am pleased that the H-Prize Act has been brought up again so that we can have an opportunity to enact this important legislation into law.

I rise in strong support of H.R. 632, the H-Prize Act. The Constitution of the United States provides that Congress has the power to promote the progress of science and the useful arts. We, in Congress, have an opportunity and obligation to promote scientific advancement today. For more than a century, America's industry, transportation, and households have been heavily reliant on foreign oil. We must now face newer realities.

Petroleum is a finite resource. No matter how much we explore and discover, we will one day run out and booming worldwide demand is burning up resources and driving up prices. We must search for alternatives to wean us off our addiction to foreign sources of oil. The drive to produce energy economically can be advanced to American innovation and competition.

Fossil fuel technology was the impetus for 20th century industrial development. Today, hydrogen holds a promise of being the driver for the economy of the future and ushering in a new generation of an American energy independence.

Hydrogen makes up 98 percent of the known universe, and it is the third most abundant element of the earth's surface. It is the lightest of all gases, the coldest of all liquids, next to helium. As a component of water, minerals and acids, it makes up a fundamental part of all hydrocarbons and organic substances. Hydrogen is renewable, abundant, efficient and clean. Unlike carbon-based fuels, it does not create fumes or other harmful emissions.

In fact, using hydrogen in fuel cells produces only electricity and pure water. By awarding prizes in three of the most critical areas of technological development, the H-Prize Act will incentivize the realization of scientific advancements that will break down the obstacles that stand in the way of the hydrogen economy.

Specifically, H-Prize will promote technological advancements in hydrogen production, storage, distribution and utilization. Prizes will be awarded for the development of hydrogen vehicle prototypes that meet ambitious performance goals. Finally, the bill will award the implementation of critical transformational technologies.

We are not that far away from making hydrogen a functional source of energy. H.R. 632 will speed the development of breakthrough technologies that will make hydrogen a practical alternative to oil in our transportation sector and set our Nation on a path toward energy independence. I strongly urge all of my colleagues to support H.R. 632.

Again, I do want to commend the two gentlemen, Mr. LIPINSKI of Illinois and Mr. INGLIS of South Carolina, for their strong advocacy on this critical issue.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in very strong support of the H-Prize bill that we have before us, H.R. 632.

This legislation encourages the best of what this House can offer, and that is ingenuity and the genius of the American inventor. We have always known that when the American people in our free markets put our minds to a problem, there is no stopping them. When we faced the challenges of World War II, for the run-away inflation of the 1970s, American genius and the free market prevailed and delivered our solutions.

Today's challenge is for us to reduce our dependence on foreign oil sources. Our goal is to create a free market diversified portfolio of energy sources, so that we are never again reliant on one single source for our energy needs. Whether with wind, solar, nuclear or biofuel, this Congress' goal should be to protect the environment with as little prejudice for or against alternative energy sources as possible.

One might ask why? As we are already seeing with ethanol, we should never forget the law of unintended consequences. By forcing ethanol into our gas tanks, Congress has unfortunately raised the price of our gas and the price of feed for our livestock.

□ 1200

Listen up, America. Our experience with ethanol should be a cautionary reminder of the burdens government regulation places on our economy and the everyday lives of American families.

What is so brilliant about the H-Prize is that, unlike most of the programs coming out of Congress, this bill doesn't mandate a specific form of technology or add additional regulatory burden. Indeed, instead, the H-Prize encourages the inventor and the market to generate the ideas and solutions.

Mr. Speaker, Republicans pretty much have been shut out of debate and denied amendments, but this bill was one of our ideas from the last Congress which I voted for then, and I certainly will vote for now. I commend you for moving a free market approach through to the floor so that the 110th Congress can also do the right thing.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank my colleague from Illinois (Mr. LIPINSKI) for his work on a number of energy initiatives that we're collaborating on. This is one of those. I think it's a very exciting bill that won't solve all of our challenges, but it will get us down the road toward a brighter energy future.

And it's always helpful to have a picture tell a thousand words. This is a picture of a gas line in a province in China on August 17, 2005. That's a line of cars waiting to buy gas.

ExxonMobil tells us the global energy demand is expected to grow by 60 percent between now and 2030. So we've got to find something to do in order to get to a brighter energy future, one that does not involve the restricted supply that we have when it comes to petroleum. So what we've come up with is an idea of using the incentives of a prize to make it happen, to make some breakthroughs happen when it comes to hydrogen.

Well, the good news is we've done prizes before. In 1927, Charles Lindbergh won a prize for being the first to make a successful transatlantic flight. It worked with flight, and it worked again here more recently when the Ansari X-Prize was created to incentivize space flight. On October 4, 2004, Burt Rutan's Spaceship 1 became the first private spacecraft with commercial potential, succeeding in going into space twice within 2 weeks; and the result was they won the Ansari X-Prize.

So the concept here is to build on that kind of legacy and create the H-Prize. The good news for our colleagues is this shouldn't be a terribly controversial vote. The last time we did it, we got 416 votes in favor of the H-Prize. So it's a do-over with a 416–6 margin last time. So we're hoping that it's going to be successful here today on the floor.

As my colleague from Illinois just said, Mr. LIPINSKI was telling us that the concept is to incentivize breakthroughs in hydrogen technology; and, as he said, technical breakthroughs would be rewarded with a $1 million prize and then prototypes every other

year, $4 million. And then the transformational technology prize, the big one, would be a $10 million prize, hopefully augmented by up to $40 million of private money that's authorized under the bill.

So the concept is to, basically, create the most nongovernmental way to achieve a governmental purpose, which is to break this dependence on oil. So we've created the H-Prize. It's a way of incentivizing entrepreneurs and inventors to come together and to create teams that can make this breakthrough.

The beauty of a prize, two beauties of the prizes to point out here to our colleagues, one is, if nobody does it, you don't pay the prize money out, so they've got to win it in order for us to incur the obligation to pay the money out. That's a good thing about prizes.

The second thing that's very important about prizes is the breakthroughs may come from way outside the normal realm that you would expect; and it could be that it's not the normal people or the normal suspects that might come forward with a breakthrough. It may be somebody way afield.

For example, hydrogen breakthroughs may come from biological agents that create hydrogen as part of their metabolism. That's way outside the field of where a lot of people are expecting hydrogen production to come from. But if you have a prize that isn't restricted as to how you create the hydrogen, then you get a lot more entrants, and you get interest from a broad range of fields that may come in with the out-of-the-box thinking that can transform our energy supply.

So I'm very pleased that we've got it on the floor today. I thank the gentleman from Illinois once again for his collaboration on these topics. I'm hopeful that today we'll pass it with a large margin and that we'll be successful with the other body and then a signature by the President, and this will be one of the ways that we can break this addiction to oil and move to a more stable energy future for America.

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

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

Mr. Speaker, this legislation is another great example of what we have been able to do on the Science and Technology Committee by working together in a bipartisan manner. Led by Chairman GORDON, working with Ranking Member HALL, I hope that we can continue this cooperation on other critical issues related to America's future technological competitiveness, energy dependence and global climate change. This is the type of bipartisan work we need to continue to be doing to make progress.

I'd also like to thank Mr. INGLIS for all the work he has done on this. We worked on this bill last year. We worked together on that, and Mr. INGLIS is the one who came forward at that time with the original idea on this. He's worked very well. We have continued to work to make progress, and I'm very hopeful that this year we have worked with the Senate and the administration. We can get this past not just the House but signed into law. Because I think this H-Prize act has really great potential. It has the great potential to solve the great energy challenge we face today. But perhaps it may be most important in spurring the imagination of our youth, our most valuable resource in this country.

I remember in the 1970s there was great excitement about alternative energy. There was an environmental movement, and there was the gasoline crisis, and there was great interest in helping clean up the environment, investing in alternative energy.

It's something that really got me excited. I was caught up in it when I was in grade school back in the 1970s. I remember I did my eighth grade science fair project on solar energy. That was back in 1980. We saw, unfortunately, though, that the interest in alternative energy really dropped off after that time. Not only interest, but then Federal funding dropped off.

□ 1210

Just in talking to the Science Coalition this morning, they talked about how critical that was when that research funding dropped off. We can't afford to let that happen again. But what did happen with me is it really inspired me, got me interested. I went out and got a degree in mechanical engineering, and although I did not continue down that road, today I bring that background to this House and continue to work on these issues, understanding the importance of this issue and understanding the importance of the Federal Government's really investing in our future and especially in alternative energy. And these challenges are great. We must really confront them.

So today maybe this H-Prize Act will inspire another child out there today. He or she may become an engineer or a scientist or an entrepreneur who plays a hand in the next technological breakthrough. So there is great hope with this H-Prize Act. And today, Mr. Speaker, I ask my colleagues to join me by passing this bill, and hopefully in the future we can look back to today and see it as a major change and a major move forward for America and for the world.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 632, the H-Prize Act of 2007.

The federal government should become more involved in supporting cutting-edge technologies to reduce greenhouse gas emissions and move our nation toward renewable energy.

As a member of the House Committee on Science and Technology, I committed toward supporting a variety of renewable energy technologies—including hydrogen.

H.R. 632 would create competitive cash prizes to reward innovative research, development commercial application of hydrogen energy technologies.

Hydrogen cars and other vehicles would make such a difference in air quality, Mr. Speaker, especially in Texas. Cities in Texas have some of the poorest air quality in the Nation.

Hydrogen-powered vehicles could be designed for mass-scale use. These vehicles would emit only water vapor as a byproduct and reduce our dependence on foreign oil in the long term.

Hydrogen, solar, wind, geothermal, and nuclear are all cleaner energy sources than fossil fuels. H.R. 632 is a positive step toward developing energy technologies that create a brighter future for our children and grandchildren.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the H-Prize Act of 2007, H.R. 632, an important step forward in making America more competitive and energy independent. As a founding member of the House Hydrogen and Fuel Cell Caucus and a cosponsor of this bill, I believe we must move forward in fostering innovation and competition in hydrogen technology, in order to end our addiction to oil.

According to the Department of Energy, major advances must be made in hydrogen production, distribution, and storage before it can be widely used as a fuel source. The H-Prize Act would excite and attract innovators throughout the country to take up this important task. Specifically, the bill would authorize $50 million from fiscal year 2008 through fiscal year 2017 to be awarded in cash prizes to non-federal entities in three categories—technologies created to assist in the distribution or production of hydrogen; development of hydrogen powered vehicles; and "transformational technology" related to production, storage, distribution, or use of hydrogen fuel. And importantly, the cash prizes would only go to individuals who produce breakthrough results in these categories, spurring competition and innovation into much needed technology.

Solution to our energy crisis can be found in our backyard. Hydrogen can be produced here on American soil. Companies such as UTC Power and Fuel Cell Energy in my district in Connecticut produce hydrogen fuel cells which are a clean, reliable form of energy. Technology such as this can relieve us from our dependence on foreign nations for our energy and create a much healthier alternative for our environment.

Mr. Speaker, I urge my colleagues to join me today in advancing science and supporting H.R. 632. It's time for us to take leadership and commit to the safety and health of our nation by inspiring our nation's brightest to make hydrogen technology a reality.

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

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 632, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 964) to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 964

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securely Protect Yourself Against Cyber Trespass Act'' or the ''Spy Act''.

SEC. 2. PROHIBITION OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES RELATING TO SPYWARE.

(a) PROHIBITION.—It is unlawful for any person, who is not the owner or authorized user of a protected computer, to engage in unfair or deceptive acts or practices that involve any of the following conduct with respect to the protected computer:

(1) Taking control of the computer by—

(A) utilizing such computer to send unsolicited information or material from the computer to others;

(B) diverting the Internet browser of the computer, or similar program of the computer used to access and navigate the Internet—

(i) without authorization of the owner or authorized user of the computer; and

(ii) away from the site the user intended to view, to one or more other Web pages, such that the user is prevented from viewing the content at the intended Web page, unless such diverting is otherwise authorized;

(C) accessing, hijacking, or otherwise using the modem, or Internet connection or service, for the computer and thereby causing damage to the computer or causing the owner or authorized user or a third party defrauded by such conduct to incur charges or other costs for a service that is not authorized by such owner or authorized user;

(D) using the computer as part of an activity performed by a group of computers that causes damage to another computer; or

(E) delivering advertisements or a series of advertisements that a user of the computer cannot close or terminate without undue effort or knowledge by the user or without turning off the computer or closing all sessions of the Internet browser for the computer.

(2) Modifying settings related to use of the computer or to the computer's access to or use of the Internet by altering—

(A) the Web page that appears when the owner or authorized user launches an Internet browser or similar program used to access and navigate the Internet;

(B) the default provider used to access or search the Internet, or other existing Internet connections settings;

(C) a list of bookmarks used by the computer to access Web pages; or

(D) security or other settings of the computer that protect information about the owner or authorized user for the purposes of causing damage or harm to the computer or owner or user.

(3) Collecting personally identifiable information through the use of a keystroke logging function.

(4) Inducing the owner or authorized user of the computer to disclose personally identifiable information by means of a Web page that—

(A) is substantially similar to a Web page established or provided by another person; and

(B) misleads the owner or authorized user that such Web page is provided by such other person.

(5) Inducing the owner or authorized user to install a component of computer software onto the computer, or preventing reasonable efforts to block the installation or execution of, or to disable, a component of computer software by—

(A) presenting the owner or authorized user with an option to decline installation of such a component such that, when the option is selected by the owner or authorized user or when the owner or authorized user reasonably attempts to decline the installation, the installation nevertheless proceeds; or

(B) causing such a component that the owner or authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer.

(6) Misrepresenting that installing a separate component of computer software or providing log-in and password information is necessary for security or privacy reasons, or that installing a separate component of computer software is necessary to open, view, or play a particular type of content.

(7) Inducing the owner or authorized user to install or execute computer software by misrepresenting the identity or authority of the person or entity providing the computer software to the owner or user.

(8) Inducing the owner or authorized user to provide personally identifiable, password, or account information to another person—

(A) by misrepresenting the identity of the person seeking the information; or

(B) without the authority of the intended recipient of the information.

(9) Removing, disabling, or rendering inoperative a security, anti-spyware, or anti-virus technology installed on the computer.

(10) Installing or executing on the computer one or more additional components of computer software with the intent of causing a person to use such components in a way that violates any other provision of this section.

(b) GUIDANCE.—The Commission shall issue guidance regarding compliance with and violations of this section. This subsection shall take effect upon the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Except as provided in subsection (b), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

SEC. 3. PROHIBITION OF COLLECTION OF CERTAIN INFORMATION WITHOUT NOTICE AND CONSENT.

(a) OPT-IN REQUIREMENT.—Except as provided in subsection (e), it is unlawful for any person—

(1) to transmit to a protected computer, which is not owned by such person and for which such person is not an authorized user, any information collection program, unless—

(A) such information collection program provides notice in accordance with subsection (c) before downloading or installing any of the information collection program; and

(B) such information collection program includes the functions required under subsection (d); or

(2) to execute any information collection program installed on such a protected computer unless—

(A) before execution of any of the information collection functions of the program, the owner or an authorized user of the protected computer has consented to such execution pursuant to notice in accordance with subsection (c); and

(B) such information collection program includes the functions required under subsection (d).

(b) INFORMATION COLLECTION PROGRAM.—

(1) IN GENERAL.—For purposes of this section, the term ''information collection program'' means computer software that performs either of the following functions:

(A) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—The computer software—

(i) collects personally identifiable information; and

(ii)(I) sends such information to a person other than the owner or authorized user of the computer, or

(II) uses such information to deliver advertising to, or display advertising on, the computer.

(B) COLLECTION OF INFORMATION REGARDING INTERNET ACTIVITY TO DELIVER ADVERTISING.—The computer software—

(i) collects information regarding the user's Internet activity using the computer; and

(ii) uses such information to deliver advertising to, or display advertising on, the computer.

(2) EXCEPTION FOR SOFTWARE COLLECTING INFORMATION REGARDING INTERNET ACTIVITY WITHIN A PARTICULAR WEB SITE.—Computer software that otherwise would be considered an information collection program by reason of paragraph (1)(B) shall not be considered such a program if—

(A) the only information collected by the software regarding the user's internet activity, and used to deliver advertising to, or display advertising on, the protected computer, is—

(i) information regarding Web pages within a particular Web site; or

(ii) in the case of any Internet-based search function, user-supplied search terms necessary to complete the search and return results to the user;

(B) such information collected is not sent to a person other than—

(i) the provider of the Web site accessed or Internet-based search function; or

(ii) a party authorized to facilitate the display or functionality of Web pages within the Web site accessed; and

(C) the only advertising delivered to or displayed on the computer using such information is advertising on Web pages within that particular Web site.

(c) NOTICE AND CONSENT.—

(1) IN GENERAL.—Notice in accordance with this subsection with respect to an information collection program is clear and conspicuous notice in plain language, set forth as the Commission shall provide, that meets all of the following requirements:

(A) The notice clearly distinguishes a statement required under subparagraph (B) from any other information visually presented contemporaneously on the computer.

(B) The notice contains one of the following statements, as applicable, or a substantially similar statement:

(i) With respect to an information collection program described in subsection (b)(1)(A): ''This program will collect and transmit information about you. Do you accept?''.

(ii) With respect to an information collection program described in subsection (b)(1)(B): ''This program will collect information about Web pages you access and will use that information to display advertising on your computer. Do you accept?''.

(iii) With respect to an information collection program that performs the actions described in both subparagraphs (A) and (B) of subsection (b)(1): ''This program will collect and transmit information about you and will collect information about Web pages you access and use that information to display advertising on your computer. Do you accept?''.

(C) The notice provides for the user—

(i) to grant or deny consent referred to in subsection (a) by selecting an option to grant or deny such consent; and

(ii) to abandon or cancel the transmission or execution referred to in subsection (a) without granting or denying such consent.

(D) The notice provides an option for the user to select to display on the computer, before granting or denying consent using the option required under subparagraph (C), a clear description of—

(i) the types of information to be collected and sent (if any) by the information collection program;

(ii) the purpose for which such information is to be collected and sent; and

(iii) in the case of an information collection program that first executes any of the information collection functions of the program together with the first execution of other computer software, the identity of any such software that is an information collection program.

(E) The notice provides for concurrent display of the information required under subparagraphs (B) and (C) and the option required under subparagraph (D) until the user—

(i) grants or denies consent using the option required under subparagraph (C)(i);

(ii) abandons or cancels the transmission or execution pursuant to subparagraph (C)(ii); or

(iii) selects the option required under subparagraph (D).

(2) SINGLE NOTICE.—The Commission shall provide that, in the case in which multiple information collection programs are provided to the protected computer together, or as part of a suite of functionally related software, the notice requirements of paragraphs (1)(A) and (2)(A) of subsection (a) may be met by providing, before execution of any of the information collection functions of the programs, clear and conspicuous notice in plain language in accordance with paragraph (1) of this subsection by means of a single notice that applies to all such information collection programs, except that such notice shall provide the option under subparagraph (D) of paragraph (1) of this subsection with respect to each such information collection program.

(3) CHANGE IN INFORMATION COLLECTION.—If an owner or authorized user has granted consent to execution of an information collection program pursuant to a notice in accordance with this subsection:

(A) IN GENERAL.—No subsequent such notice is required, except as provided in subparagraph (B).

(B) SUBSEQUENT NOTICE.—The person who transmitted the program shall provide another notice in accordance with this subsection and obtain consent before such program may be used to collect or send information of a type or for a purpose that is materially different from, and outside the scope of, the type or purpose set forth in the initial or any previous notice.

(4) REGULATIONS.—The Commission shall issue regulations to carry out this subsection.

(d) REQUIRED FUNCTIONS.—The functions required under this subsection to be included in an information collection program that executes any information collection functions with respect to a protected computer are as follows:

(1) DISABLING FUNCTION.—With respect to any information collection program, a function of the program that allows a user of the program to remove the program or disable operation of the program with respect to such protected computer by a function that—

(A) is easily identifiable to a user of the computer; and

(B) can be performed without undue effort or knowledge by the user of the protected computer.

(2) IDENTITY FUNCTION.—

(A) IN GENERAL.—With respect only to an information collection program that uses information collected in the manner described in subparagraph (A)(ii)(II) or (B)(ii) of subsection (b)(1) and subject to subparagraph (B) of this paragraph, a function of the program that provides that each display of an advertisement directed or displayed using such information, when the owner or authorized user is accessing a Web page or online location other than of the provider of the computer software, is accompanied by the name of the information collection program, a logogram or trademark used for the exclusive purpose of identifying the program, or a statement or other information sufficient to clearly identify the program.

(B) EXEMPTION FOR EMBEDDED ADVERTISEMENTS.—The Commission shall, by regulation, exempt from the applicability of subparagraph (A) the embedded display of any advertisement on a Web page that contemporaneously displays other information.

(3) RULEMAKING.—The Commission may issue regulations to carry out this subsection.

(e) LIMITATION ON LIABILITY.—A telecommunications carrier, a provider of information service or interactive computer service, a cable operator, or a provider of transmission capability shall not be liable under this section to the extent that the carrier, operator, or provider—

(1) transmits, routes, hosts, stores, or provides connections for an information collection program through a system or network controlled or operated by or for the carrier, operator, or provider; or

(2) provides an information location tool, such as a directory, index, reference, pointer, or hypertext link, through which the owner or user of a protected computer locates an information collection program.

(f) STUDY AND ADDITIONAL EXEMPTION.—

(1) STUDY AND REPORT.—The Commission shall conduct a study to determine the applicability of the information collection prohibitions of this section to information that is input directly by users in a field provided on a website. The study shall examine—

(A) the nature of such fields for user input;

(B) the use of a user's information once input and whether such information is sent to a person other than the provider of the Web site;

(C) whether such information is used to deliver advertisements to the user's computer; and

(D) the extent of any notice provided to the user prior to such input.

(2) REPORT.—The Commission shall transmit a report on such study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9. The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this subsection.

(3) REGULATION.—If the Commission finds that users have adequate notice regarding the uses of any information input directly by the user in a field provided on a website, such that an exemption from the requirements of this section, or a modification of the notice required by this section is appropriate for such information, and that such an exemption or modification is consistent with the public interest, the protection of consumers, and the purposes of this Act, the Commission may prescribe such an exemption or modification by regulation.

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). A violation of any provision of this Act or of a regulation issued under this Act shall be treated as an unfair or deceptive act or practice violating a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(b) PENALTY FOR PATTERN OR PRACTICE VIOLATIONS.—

(1) IN GENERAL.—Notwithstanding subsection (a) and the Federal Trade Commission Act, in the case of a person who engages in a pattern or practice that violates section 2 or 3, the Commission may, in its discretion, seek a civil penalty for such pattern or practice of violations in an amount, as determined by the Commission, of not more than—

(A) $3,000,000 for each violation of section 2; and

(B) $1,000,000 for each violation of section 3.

(2) TREATMENT OF SINGLE ACTION OR CONDUCT.—In applying paragraph (1)—

(A) any single action or conduct that violates section 2 or 3 with respect to multiple protected computers shall be treated as a single violation; and

(B) any single action or conduct that violates more than one paragraph of section 2(a) shall be considered multiple violations, based on the number of such paragraphs violated.

(c) REQUIRED SCIENTER.—Civil penalties sought under this section for any action may not be granted by the Commission or any court unless the Commission or court, respectively, establishes that the action was

committed with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair or deceptive or violates this Act.

(d) FACTORS IN AMOUNT OF PENALTY.—In determining the amount of any penalty pursuant to subsection (a) or (b), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(e) EXCLUSIVENESS OF REMEDIES.—The remedies in this section (and other remedies available to the Commission in an enforcement action against unfair and deceptive acts and practices) are the exclusive remedies for violations of this Act.

(f) EFFECTIVE DATE.—To the extent only that this section applies to violations of section 2(a), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

SEC. 5. LIMITATIONS.

(a) LAW ENFORCEMENT AUTHORITY.—Sections 2 and 3 shall not apply to—

(1) any act taken by a law enforcement agent in the performance of official duties; or

(2) the transmission or execution of an information collection program in compliance with a law enforcement, investigatory, national security, or regulatory agency or department of the United States or any State in response to a request or demand made under authority granted to that agency or department, including a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a court order, or other lawful process.

(b) EXCEPTION RELATING TO SECURITY.—Nothing in this Act shall apply to—

(1) any monitoring of, or interaction with, a protected computer—

(A) in connection with the provision of a network access service or other service or product with respect to which the user of the protected computer is an actual or prospective customer, subscriber, registered user, or account holder;

(B) by the provider of that service or product or with such provider's authorization; and

(C) that involves or enables the collection of information about the user's activities only with respect to the user's relationship with or use of such service or product,

to the extent that such monitoring or interaction is for the purpose of network security, computer security, diagnostics, technical support or repair, network management, authorized updates of software, or for the detection or prevention of fraudulent activities; or

(2) a discrete interaction with a protected computer by a provider of computer software solely to determine whether the user of the computer is authorized to use such software, that occurs upon—

(A) initialization of the software; or

(B) an affirmative request by the owner or authorized user for an update of, addition to, or technical service for, the software.

(c) GOOD SAMARITAN PROTECTION.—

(1) IN GENERAL.—No provider of computer software or of interactive computer service may be held liable under this Act on account of any action voluntarily taken, or service provided, in good faith to remove or disable a program used to violate section 2 or 3 that is installed on a computer of a customer of such provider, if such provider notifies the customer and obtains the consent of the customer before undertaking such action or providing such service.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to limit the liability of a provider of computer software or of an interactive computer service for any anticompetitive act otherwise prohibited by law.

(d) LIMITATION ON LIABILITY.—A manufacturer or retailer of computer equipment shall not be liable under this Act to the extent that the manufacturer or retailer is providing third party branded computer software that is installed on the equipment the manufacturer or retailer is manufacturing or selling.

(e) SERVICES PROVIDED BY CABLE OPERATORS AND SATELLITE CARRIERS.—It shall not be a violation of section 3 for a satellite carrier (as such term is defined in section 338(k) of the Communications Act of 1934 (47 U.S.C. 338(k)) or cable operator (as such term is defined in section 631(a)(2) of such Act (47 U.S.C. 551(a)(2))) to—

(1) utilize a navigation device (as such term is defined in the rules of the Federal Communications Commission);

(2) interact with such a navigation device; or

(3) transmit software to or execute software installed on such a navigation device to provide service or collect or disclose subscriber information,

if the provision of such service, the utilization of or the interaction with such device, or the collection of or disclosure of such information, is subject to section 338(i) or section 631 of the Communications Act of 1934.

SEC. 6. EFFECT ON OTHER LAWS.

(a) PREEMPTION OF STATE LAW.—

(1) PREEMPTION OF SPYWARE LAWS.—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State that expressly regulates—

(A) unfair or deceptive conduct with respect to computers similar to that described in section 2(a);

(B) the transmission or execution of a computer program similar to that described in section 3; or

(C) the use of computer software that displays advertising content based on the Web pages accessed using a computer.

(2) ADDITIONAL PREEMPTION.—

(A) IN GENERAL.—No person other than the Attorney General of a State may bring a civil action under the law of any State if such action is premised in whole or in part upon the defendant violating any provision of this Act.

(B) PROTECTION OF CONSUMER PROTECTION LAWS.—This paragraph shall not be construed to limit the enforcement of any State consumer protection law by an Attorney General of a State.

(3) PROTECTION OF CERTAIN STATE LAWS.—This Act shall not be construed to preempt the applicability of—

(A) State trespass, contract, or tort law; or

(B) other State laws to the extent that those laws relate to acts of fraud.

(4) EFFECTIVE DATE.—The preemption provided for under this subsection shall take effect, with respect to specific provisions of this Act, on the effective date for such provisions.

(b) PRESERVATION OF FTC AUTHORITY.—Nothing in this Act may be construed in any way to limit or affect the Commission's authority under any other provision of law, including the authority to issue advisory opinions (under part 1 of volume 16 of the Code of Federal Regulations), policy statements, or guidance regarding this Act.

SEC. 7. FTC REPORT ON COOKIES.

(a) IN GENERAL.—Not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9, the Commission shall submit a report to the Congress regarding the use of cookies in the delivery or display of advertising to the owners and users of computers. The report shall examine the extent to which cookies are or may be used to transmit to a third party personally identifiable information of a computer owner or user, information regarding Web pages accessed by the owner or user, or information regarding advertisements previously delivered to a computer, for the purpose of—

(1) delivering or displaying advertising to the owner or user; or

(2) assisting the intended recipient to deliver or display advertising to the owner, user, or others.

The report shall examine and describe the methods by which cookies and the Web sites that place them on computers function separately and together, and shall compare the use of cookies with the use of information collection programs (as such term is defined in section 3) to determine the extent to which such uses are similar or different. The report may include such recommendations as the Commission considers necessary and appropriate, including treatment of cookies under this Act or other laws.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

(c) PAPERWORK REDUCTION REQUIREMENTS.—The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this section.

SEC. 8. FTC REPORT ON INFORMATION COLLECTION PROGRAMS INSTALLED BEFORE EFFECTIVE DATE.

Not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9, the Commission shall submit a report to the Congress on the extent to which there are installed on protected computers information collection programs that, but for installation prior to the effective date under section 11(a), would be subject to the requirements of section 3. The report shall include recommendations regarding the means of affording computer users affected by such information collection programs the protections of section 3, including recommendations regarding requiring a one-time notice and consent by the owner or authorized user of a computer to the continued collection of information by such a program so installed on the computer. The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this section.

SEC. 9. REGULATIONS.

(a) IN GENERAL.—The Commission shall issue the regulations required by this Act not later than the expiration of the 9-month period beginning on the date of the enactment of this Act. In exercising its authority to issue any regulation under this Act, the Commission shall determine that the regulation is consistent with the public interest and the purposes of this Act. Any regulations issued pursuant to this Act shall be issued in accordance with section 553 of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) CABLE OPERATOR.—The term ''cable operator'' has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(2) COLLECT.—The term ''collect'', when used with respect to information and for purposes only of section 3(b)(1)(A), does not include obtaining of the information by a party who is intended by the owner or authorized user of a protected computer to receive the information or by a third party authorized by such intended recipient to receive the information, pursuant to the owner or authorized user—

(A) transferring the information to such intended recipient using the protected computer; or

(B) storing the information on the protected computer in a manner so that it is accessible by such intended recipient.

(3) COMPUTER; PROTECTED COMPUTER.—The terms ''computer'' and ''protected computer'' have the meanings given such terms in section 1030(e) of title 18, United States Code.

(4) COMPUTER SOFTWARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''computer software'' means a set of statements or instructions that can be installed and executed on a computer for the purpose of bringing about a certain result.

(B) EXCEPTIONS.—Such term does not include—

(i) computer software that is placed on the computer system of a user by an Internet service provider, interactive computer service, or Internet Web site solely to enable the user subsequently to use such provider or service or to access such Web site;

(ii) a cookie; or

(iii) any other type of text or data file that solely may be read or transferred by a computer.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(6) DAMAGE.—The term ''damage'' has the meaning given such term in section 1030(e) of title 18, United States Code.

(7) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—The term ''unfair or deceptive acts or practices'' has the meaning applicable to such term for purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(8) DISABLE.—The term ''disable'' means, with respect to an information collection program, to permanently prevent such program from executing any of the functions described in section 3(b)(1) that such program is otherwise capable of executing (including by removing, deleting, or disabling the program), unless the owner or operator of a protected computer takes a subsequent affirmative action to enable the execution of such functions.

(9) INFORMATION COLLECTION FUNCTIONS.—The term ''information collection functions'' means, with respect to an information collection program, the functions of the program described in subsection (b)(1) of section 3.

(10) INFORMATION SERVICE.—The term ''information service'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(11) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the meaning given such term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(12) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(13) PERSONALLY IDENTIFIABLE INFORMATION.—

(A) IN GENERAL.—The term ''personally identifiable information'' means the following information, to the extent only that such information allows a living individual to be identified from that information:

(i) First and last name of an individual.

(ii) A home or other physical address of an individual, including street name, name of a city or town, and zip code.

(iii) An electronic mail address.

(iv) A telephone number.

(v) A social security number, tax identification number, passport number, driver's license number, or any other government-issued identification number.

(vi) A credit card number.

(vii) Any access code, password, or account number, other than an access code or password transmitted by an owner or authorized user of a protected computer to the intended recipient to register for, or log onto, a Web page or other Internet service or a network connection or service of a subscriber that is protected by an access code or password.

(viii) Date of birth, birth certificate number, or place of birth of an individual, except in the case of a date of birth transmitted or collected for the purpose of compliance with the law.

(B) RULEMAKING.—The Commission may, by regulation, add to the types of information described in subparagraph (A) that shall be considered personally identifiable information for purposes of this Act, except that such additional types of information shall be considered personally identifiable information only to the extent that such information allows living individuals, particular computers, particular users of computers, or particular email addresses or other locations of computers to be identified from that information.

(14) SUITE OF FUNCTIONALLY RELATED SOFTWARE.—The term suite of ''functionally related software'' means a group of computer software programs distributed to an end user by a single provider, which programs enable features or functionalities of an integrated service offered by the provider.

(15) TELECOMMUNICATIONS CARRIER.—The term ''telecommunications carrier'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(16) TRANSMIT.—The term ''transmit'' means, with respect to an information collection program, transmission by any means.

(17) WEB PAGE.—The term ''Web page'' means a location, with respect to the World Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(18) WEB SITE.—The term ''web site'' means a collection of Web pages that are presented and made available by means of the World Wide Web as a single Web site (or a single Web page so presented and made available), which Web pages have any of the following characteristics:

(A) A common domain name.

(B) Common ownership, management, or registration.

SEC. 11. APPLICABILITY AND SUNSET.

(a) EFFECTIVE DATE.—Except as specifically provided otherwise in this Act, this Act shall take effect upon the expiration of the 12-month period that begins on the date of the enactment of this Act.

(b) APPLICABILITY.—Section 3 shall not apply to an information collection program installed on a protected computer before the effective date under subsection (a) of this section.

(c) SUNSET.—This Act shall not apply after December 31, 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, today the House takes up H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act, or SPY Act.

This bill is not unfamiliar to the House of Representatives. Twice this body has passed the SPY Act with overwhelming margins, and it is my hope that today will be the third time. H.R. 964 aggressively tackles the problem of ''spyware,'' the insidious software that consumers unwittingly download onto their computers, only to have their personal private information extracted for commercial or fraudulent purposes.

In the past two Congresses, Mrs. BONO and Mr. TOWNS introduced the bipartisan SPY Act, and both times the bill enjoyed overwhelming support. This year, Mr. TOWNS and Mrs. BONO have once again teamed up to introduce the SPY Act as H.R. 964. And on March 15, the Consumer Protection Subcommittee held another legislative hearing on the bill. On May 10, 2007, the Energy and Commerce Committee unanimously reported H.R. 964, the SPY Act, as amended.

H.R. 964 provides a broad regulatory framework that empowers consumers with knowledge and the ability to control what software is installed, and is not installed, on their personal computers. This bill prohibits unfair or deceptive acts and practices related to spyware and creates an ''opt in'' regime whereby entity cannot execute any program that collects a person's personal information without, first, giving explicit notice to the consumer and second, receiving his or her consent. H.R. 964 provides that the FTC will enforce the SPY Act and will have the authority to impose significant civil penalties. During both the full committee and the subcommittee

markups of H.R. 964, I introduced manager's amendments tweaking provisions of the bill, and they were the work product of deliberative bipartisan cooperation. This bill has been thoroughly honed to be effective without being overbearing.

Mr. Speaker, the SPY Act is a quality piece of legislation that all Members of the House should enthusiastically support. The full Committee on Energy and Commerce and the subcommittee that I am privileged to chair, the Subcommittee on Commerce, Trade and Consumer Protection, have a long history of bipartisan cooperation, and this bill is an extension of that longstanding tradition.

I urge my colleagues to vote ''yes'' on the bill.

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

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I am pleased again, I have been here a number of times, to consider H.R. 964, the SPY Act, a bill which is important to fight Internet privacy. In the past and as we speak on the floor today, this has bipartisan support with bipartisan leadership. It has been offered by my colleague from California, MARY BONO, and my colleague from New York, ED TOWNS. Both of them have worked dutifully to try to pass this bill. And, unfortunately, the last time we passed it overwhelmingly in the House, it did not get through the Senate; so we are back at it again.

I also want to thank the new chairman of the committee that I chaired last year, Mr. RUSH, for his commitment to maintaining a bipartisan process in this, and that is why we are here on the floor today. If it hadn't been for the leadership of these individuals combined with what I think is a Federal Trade Commission commitment and the stakeholders in the community in this process, we would not have had a workable legislative solution.

So I think today that we have to realize that even at the last 11th hour we might have some people who don't totally agree, but I think the bill is a strong bill. It takes a firm and, I think, a fair on balance approach in balancing the need to address bad actors and the need to protect the functions of legitimate business tools.

Both at the committee level and on the floor, we have voted on this spyware before, as I mentioned, three times. Three times we have gone through the process of holding hearings, receiving testimony from many witnesses, listening to the horrors of spyware and how it can be a tool of identity thieves, and we know how identity theft is prevalent today, conducting negotiations, and we have asked for ways to improve the bill. So we have seen support across the board in industry for this bill. We asked what is the best way to improve this bill. So I think we have worked hard on this legislation.

And, my colleagues, I think it is time we move this to the Senate, and if there are any further problems with this bill, we certainly can handle these problems in the conference between the House and the Senate.

Now, you should realize that there are some in the business community who have raised a 11th hour concern about a specific provision that was added at the full committee markup. Not in our subcommittee, Mr. Speaker, but in our full committee. I have been through seven hearings on the question of privacy on the question of opt in and opt out. I am well aware of the feelings of Members dealing with opt in and opt out, depending upon how you view this process. So I share some of the concerns of the business community in their 11th hour attempt to bring this to our attention. But the responsibility of continuing to move this process forward, I think, is important. That is why I have decided to vote ''yes'' today to support this bill. And, hopefully, when the Senate has it, they can make the changes. If not, we can do it in conference. But to take a bill that has been in this long process and has had so many hearings for so many years and decide that it should not go forward is not the right process.

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And we all in Congress here know that sometimes the enemy of the good is the perfect.

So we can solve this issue, I think, to satisfy all interested parties. It is a strong piece of legislation; and I cannot think of a reason why our Senate colleagues should not act on it, also.

So, in closing, the SPY Act is a solid consumer protection bill that returns control of personal computers and private information to where it belongs, and that is to the consumer.

I urge my colleagues to vote ''yes'' on H.R. 964.

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

Mr. RUSH. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York, my colleague, my friend (Mr. TOWNS).

Mr. TOWNS. Thank you very much for yielding time.

Mr. Speaker, I rise in support of H.R. 964, the SPY Act, which would greatly improve the privacy of consumers' online computer use. The time has come for this bill to pass.

A lot of hard work has been put into this legislation. First and foremost, I would like to commend Congresswoman MARY BONO, the Republican sponsor of the bill. Of course, without her hard work, insight and persistence on this issue, we would not be where we are today. I have been proud to work with her on this bill, and I salute her for all of her efforts.

Of course, we have been down this road a few times now with several hearings; and, of course, we passed it before. But this time I think that people realize how important this legislation is, and I do feel that it should go all the way.

I also want to commend Chairman DINGELL and Ranking Member BARTON for their strong commitment to this issue and leadership in getting our bill to the floor. I would like to thank my very good friend, the subcommittee chairman, Chairman RUSH of Chicago, Illinois, Ranking Member STEARNS, who has been a friend for many, many years as well, for their hard work on this legislation. They have stayed with it and gone through the process over and over again because they recognize how important this legislation is to our country.

Finally, I would like to acknowledge all of the staff for their hard work, especially Consuela Washington and David Cavicke for their hard work and, of course, their suggestions and ideas and recommendations. I would like to just take this opportunity to thank them.

There is no question that spyware is a serious problem. Spyware software, which is downloaded without a computer owner's knowledge, invades one's privacy by recording and transmitting personal information, monitoring the Web site someone visits, or even stealing documents from an individual's computer. Other programs hijack a computer by changing home pages or forcing a person to click through multiple screens until a spyware program is downloaded.

In fact, problems related to spyware have become so widespread that I cannot run into someone who hasn't been negatively affected by it. This is a big change from when we first began this effort a few years ago. There were only a few people complaining, but now we have a lot of people complaining. Now we know the seriousness of the problem and that we need Federal legislation to safeguard privacy, as well as to ensure the long-term integrity of e-commerce.

Today's legislation provides consumers with new tools to protect themselves from unwanted, harmful software. Under the bill, consumers would have to receive a clear and concise warning about the spyware program. Second, consumers would have to provide their affirmative consent before the program could operate on their computer. Finally, Mr. Speaker, consumers must have the option to easily disable any harmful spyware programs to their computer. While some consumers may want to share their information to receive free games other discount offers, all consumers have the right to make that choice.

Finally, Mr. Speaker, and this time I really mean finally, any time we legislate on highly technical matters there

is always a danger of stifling innovation and making the use of legitimate software too burdensome. It is a very difficult tightrope to walk. But I think we have done an excellent job in walking that tightrope.

This bill addresses many of the concerns raised, while at the same time retaining a meaningful notice and consent regime to protect consumer privacy.

Through much hard work, we have carefully crafted a strong bipartisan consumer protection bill, and I would urge my colleagues to support this. This is a quality piece of legislation, and I hope that we are able to move it through both Houses very quickly and that the President would sign it into law.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the author of the bill, the gentlelady from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I rise in strong support of H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act.

When the gentleman from New York and I first introduced the spyware bill in 2003, few people knew what spyware was or how problematic it could be to American citizens; and since that time the online threat of spyware remains. According to a recent Consumer Report survey, spyware and viruses cost American computer users nearly $8 billion over a 2-year period.

Historically, spyware legislation in this House has received strong bipartisan support. Our initial bill in the 108th Congress passed 399–1; and in the 109th Congress, our spyware bill again received overwhelming bipartisan support, garnering over 60 cosponsors and passing the House 393–4.

Mr. Speaker, this Congress, H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act, or SPY Act, has again garnered wide bipartisan support with 41 cosponsors.

Because of the Internet's role in interstate commerce, the need for Federal spyware legislation is clear. We cannot expect online companies to function efficiently when they are faced with a patchwork of State anti-spyware statutes. There needs to be legal uniformity.

Additionally, I remain a strong proponent of anti-spyware legislation because I believe consumers should have the final say about what plants itself on their computer, not a third party with potentially conflicting interests. The SPY Act accomplishes this by prohibiting commonly known, unfair or deceptive acts relating to spyware.

H.R. 964 also prohibits the collection of personal information from a computer without notice and consent before the first execution of any information collection program. The bill also requires that the user is able to easily remove or disable the spyware.

I also understand there are instances where spyware can be useful. H.R. 964 exempts action taken by law enforcement and national security pursuant to warrant, court order or other lawful process, or actions taken in good faith with the user's consent. H.R. 964 also protects the developers of anti-spyware software from the threat of serious lawsuits.

Simply stated, this bill works to restore privacy on the home computer, which has become the control center for our business transactions as well as as our personal interactions.

Mr. Speaker, my colleague from New York and I began this effort in 2003; and I thank the gentleman, ED TOWNS, for all of his efforts and for being such a terrific partner in this process. Again, since that time, this effort has received the bipartisan support of the House. It is my hope that the 110th Congress will continue to act in a bipartisan way that passes this legislation.

I ask for the support of my colleagues and hope that once again we can take back our computers so the consumer owns their computer, not a third party. Let's pass the SPY Act, H.R. 984.

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

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

Mr. RUSH. Mr. Speaker, as was indicated earlier, this is the third time that this bill has been before this body. It was passed overwhelmingly two times in prior Congresses. We really believe that the third time should be the charm. This bill should pass out of this House with the same kind of margins that it passed out of two previous Congresses, and I would urge my colleagues to vote for this bill once again.

This bill needs to become law. This bill protects the American consumer. This bill protects the American economy. This is a good bill. It needs to become law.

None of the practices outlawed by section 2 of the bill are ''legitimate.'' As for section 3's consumer notice, consent, identification, and easy disabling requirements, legitimate business practices are exempted by the exceptions in section 3(b)(2) and the limitations in section 5 of the SPY Act. The committee added new rule-making authority to exempt a broad class of entities operating Internet Web sites that collect information if the FTC finds that their notice to consumers is adequate.

□ 1230

Mr. Speaker, we have corrected the bill, made minor tweaking improvements on the bill, and I urge my colleagues to support this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act—the SPY Act. It is a strong consumer protection bill, of which I am an original cosponsor, that will help us in the fight against identity theft.

With today's vote, the House will have passed the SPY Act three times. Let's hope that the third time's a charm—and that today's passage means this bill will finally get signed into law.

The SPY Act is important because it protects consumers from spyware, the unwanted and sneaky software that is so powerful that it can steal information from, monitor and control others' computers—without the computer's owner even knowing the software has been installed.

The SPY Act would put the control of computers back in the hands of consumers—where it belongs. It prohibits indefensible uses of the software, like phishing and logging every keystroke entered, and requires that consumers be notified and opt-in before software is installed on their computers. Furthermore, the SPY Act gives the Federal Trade Commission the additional power it needs to pursue deceptive uses of the software.

I believe that this bill will go a long way toward protecting consumers from having their valuable and personal information stolen by purveyors of spyware. I am glad that I was part of the bipartisan process that brought this bill to the floor today. I urge my colleagues to support its passage. Thank you.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to H.R. 964, the SPY Act.

The continued growth of the Internet has brought tremendous enhancements to our quality of life—from advances in the delivery of health care, to the ability of consumers to instantaneously conduct transactions online. Increasingly, consumers want a fast connection to the Internet and want the delivery of online services to be seamless and online service providers have invested significant resources to develop software to make their services as safe, reliable and fast as possible.

However, as Congress considers legislation to combat spyware, I believe that four overarching principles should guide our efforts. First, we must punish the bad actors, while protecting legitimate online companies. Second, we must not over-regulate, but rather encourage innovative new services and the growth of the Internet. Third, we must not stifle the tree market interactions between consumers and service providers. Fourth, we must target the behavior, not the technology. It is my hope that any legislation Congress enacts to combat spyware will adhere to these core principles.

On May 23, 2005, the House of Representatives passed legislation, similar to H.R. 964, which sought to solve the spyware problem by targeting the technology, instead of the criminal behavior behind the technology. However, many developments have occurred during the intervening two years which have convinced me that this regulatory approach to combating spyware is even more unwise than previously thought.

For example, just last month, the House Energy and Commerce Committee adopted an amendment to H.R. 964 that would have had enormous consequences for the Internet and online innovation. This amendment would have, in part, regulated Internet ''cookies'' for the first time under the bill. Internet cookies

are used by most websites to enhance consumers' experiences with the Internet and to make the Internet more seamless and navigable with fewer stoplights. To make every online company that uses cookies comply with the notice and consent regime under the bill would have significantly interfered with consumers' Internet experiences. By forcing consumers to click through even more prescripted alert messages, this change would have, ironically, exacerbated the likelihood that consumers would become desensitized to these notices and click "accept" without reading them. In addition, this desensitization is likely to also give nefarious software installers a false legitimacy since there would be no distinction between the notices they provide and the notices legitimate online companies provide.

Apparently, the Democratic Leadership saw the error in the regulation of cookies and stripped the bill of this language just before the bill came to the Floor today. However, this mistake by the committee highlights the difficulties with trying to impose one-size-fits-all regulations to solve problems involving ever-evolving technologies.

In addition, Chairman Majoras of the Federal Trade Commission testified in October of 2005 that a notice-and-choice approach was not recommended for combating spyware for many reasons. He noted the fact that consumers will be overwhelmed by the notices they will receive when using the Internet and will most likely ignore the notices and click through them.

Furthermore, in the past few years there have been major developments in technological solutions to help consumers combat spyware. Consumer packages are becoming more and more effective in screening out unwanted spyware from their computers and are offered by many Internet service providers, as well as independent software providers.

Finally, a broad cross-section of legitimate online businesses and trade associations has expressed opposition to the regulatory approach of H.R. 964. On June 5, 2007, a coalition of over 30 trade associations and companies, including the U.S. Chamber of Commerce, the National Retail Federation, the Financial Services Roundtable, and numerous technology-based entities, sent a letter to all Members of the House of Representatives detailing their concerns with H.R. 964. This letter specifically expresses opposition to regulating Internet cookies, as well as opposition to including web sites (where consumers willingly submit information online) within in the scope of the legislation.

The better approach to combating spyware would be to target the criminal behavior of those who actually use spyware, and to continue our policy of letting innovative online companies interact with consumers to develop the exciting new online services that consumers have come to enjoy and expect from the Internet.

I have introduced legislation, along with my colleague ZOE LOFGREN of California, to combat spyware by going after the criminals using spyware, rather than trying to regulate all software regardless of whether it is harmful or helpful. This legislation, H.R. 1525, was passed by the House and now awaits further action in the Senate. I urge my colleagues to support this targeted approach.

Mr. BARTON of Texas. Mr. Speaker, the bill we are considering today—the Towns-Bono SPY Act—is an important piece of legislation to me. We've been working on this bill for 4 years now, before many of us ever heard the term "spyware." I applaud the bipartisan sponsors for their unwavering commitment to pass this legislation.

The surreptitious installation of spyware on your computer without your knowledge and without your consent is a little like sneaking into your home and planting a bug: it is an invasion of your privacy and it is clearly wrong. This bill prohibits all the nefarious conduct that is used to harm consumers. The legislation provides the FTC a strong mandate to go after bad actors and their destructive behavior.

There are many important and legitimate business functions of the Internet, and I have no problem with businesses trying to compete and sell their goods and services. And I recognize advertising is a part of commerce. But I feel strongly that there is a line that should not be crossed regarding the sharing of my personal information without first obtaining my consent. Consumers have the right to know if they are being profiled, if their personal information is going to be shared, and with whom it might be shared. My computer and my personal information are my property. This legislation will ensure I have control over both.

This bill strikes a fair balance between the need to protect the functions of legitimate business tools and punishing bad actors.

In closing, I want to thank Chairman RUSH, Chairman DINGELL, and Ranking Member STEARNS for moving the bill through the Committee. I commend MARY BONO and ED TOWNS for their tireless efforts to address this insidious activity.

I urge all of my colleagues to vote for this important piece of legislation and hope that our Senate colleagues will do the same.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 964, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HUMAN CLONING PROHIBITION ACT OF 2007

Ms. DEGETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2560) to amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2560

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act of 2007".

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

"CHAPTER X—HUMAN CLONING

"PROHIBITION AGAINST HUMAN CLONING

"SEC. 1001. (a) IN GENERAL.—It shall be unlawful for any person—

"(1) to perform or attempt to perform human cloning; or

"(2) to ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that such product is for the purpose of human cloning.

"(b) DEFINITIONS.—For purposes of this section:

"(1) The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.

"(2) The term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

"(3) The term 'person' includes a governmental entity.".

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj) The violation of section 1001(a).".

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

"(7) Notwithstanding subsection (a), any person who violates section 301(jj) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.".

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

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

(B) by adding at the end the following:

"(g)(1) Any person who violates section 301(jj) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

"(A) $10,000,000; or

"(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

"(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (f).".

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

"(h) Any property, real or personal, derived from or used to commit a violation of section 301(jj), or any property traceable to such property, shall be subject to forfeiture to the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2560, the Human Cloning Prohibition Act of 2007. Tomorrow, the House will debate S. 5, the Stem Cell Research Enhancement Act, which will expand the number of stem cell lines that are eligible for federally funded research. Similar to legislation passed in the House earlier this year with overwhelming bipartisan support, the goal of S. 5 is to accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. When we debated the bill in January, opponents of the bill chose to muddle the debate by offering a motion to recommit involving cloning, a topic unrelated to H.R. 3.

After the debate, a number of my colleagues asked me if we could address the issue of human reproductive cloning because they, like I, were opposed to reproductive cloning. So, as we prepare to debate embryonic stem cell research tomorrow, I have introduced H.R. 2560 with my colleague from Connecticut so that we can discuss this important issue.

Since scientists in Scotland were able to create a cloned sheep named Dolly, some have speculated about the possibility of one day cloning human beings. But we can all agree that there is universal opposition to conducting human reproductive cloning and it should be illegal. Human reproductive cloning is morally and scientifically wrong. Unfortunately, at this time, though, there is nothing to prevent irresponsible individuals from conducting research in an attempt to achieve human reproductive cloning. The most effective way to prevent human reproductive cloning in the United States is to pass a Federal prohibition on this practice and impose severe penalties for doing so.

This is why my colleague, Congressman Chris Murphy, and I have introduced the Human Cloning Prohibition Act of 2007. Our bill would make it illegal to use cloning technology to initiate a pregnancy and therefore create a cloned human being. The penalty for such an act would include severe criminal sanctions, in addition to as much as $10 million in civil fines. These strict penalties are necessary to ensure that such an act is prevented from occurring.

Unbelievably, people actually are opposing this bill because they are seeking to characterize it as a much broader bill. While they make many false claims, the fact of the matter is this legislation today is solely a ban on human reproductive cloning, something that all Members of Congress as well as, I think, the vast majority of the American public support. The accusations that this bill expressly allows something new are completely false.

I also find it ironic that those who oppose our bill argue that one of its flaws is that it would force all cloned embryos to be killed. The bill bans human reproductive cloning. Nothing more, nothing less. So the argument of those who say they are against cloning is that we should defeat our bill to prevent cloned embryos from being killed. It defies logic, just like it defies logic why anyone would vote against this bill.

Mr. Speaker, I hope today we can take the rhetoric down and that we can focus on what this bill does, which is to prevent human reproductive cloning. We all agree this practice should be banned, so let's pass this bill and make it happen.

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

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

I rise in opposition to H.R. 2560. This bill is being marketed as a ban on human cloning. However, H.R. 2560 does nothing to prevent human cloning. In fact, the bill allows for unlimited cloning of human embryos but prevents women and doctors from trying to implant one of these embryos to initiate a pregnancy. In practice, this means that embryos will be cloned, used for experimentation, harvesting, research, then assigned a death sentence. So cloned embryos would be required by law to die. Not only does this bill allow the practice of cloning to move forward, it also mandates the killing of those human embryos.

The bill before us today is a ruse. It is not a ban on cloning. It is a permission to clone, and I hope no one here today will be confused about what we are being asked to do. The bill's supporters state that this would ban reproductive cloning, but this claim is highly misleading because the language does not restrict the actual act of human cloning by allowing for somatic cell nuclear transfer, a confusing and technical way of defining research cloning.

The bill before us is called the Human Cloning Prohibition Ban, and you might think that it does what it says instead of the opposite of what it says. If it did what it said, I would vote for it. Part of the problem we are having is the consequence of having had no committee process to determine what the bill actually does. We have had no hearings. We have had no markups. In fact, the bill was not even introduced until last night. And now the bill that nobody has seen is on the suspension calendar. Intentional or otherwise, this is another duplicity. The suspension calendar is for noncontroversial measures, like naming post offices, not for highly controversial legislation that is a wolf in Dolly the sheep's clothing.

This bill is bad policy, and so was the process by which it got here. How many times will we have this discussion? The week before Memorial Day we discussed a bill on Medicare payments that came to the House floor the same way. Yesterday, a resolution on how Congress will handle future ethics matters was introduced on the same day that it was inserted in the suspension calendar with no committee hearings.

□ 1240

The Senate could be forgiven for concluding that the new majority promises for open government are still not being realized after 5 months.

The bill is opposed by the White House. In their statement of administration policy which came out, they said that this would ''prohibit human cloning for reproductive purposes but permit the creation of cloned embryos or development of human embryo farms for research which would require destruction of nascent human life.''

That is exactly what H.R. 2560 does. It crosses a new moral line by making it a criminal act to let the cloned embryos survive. To put it directly, this bill would create a class of living human beings that must be killed under the law.

Mr. Speaker, this is not progress. It is a disturbing step in the wrong direction. It should be rejected on this floor, and I urge my colleagues to oppose the bill.

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

Ms. DEGETTE. Mr. Speaker, just briefly, as the gentleman from Pennsylvania knows, our committee, the Energy and Commerce Committee, did have robust hearings on cloning several years ago where we brought in several scientists as well as a cult called the Raelians who are actually trying to clone human beings, and that is why we need this kind of limitation.

Mr. Speaker, I am pleased to yield 5 minutes the gentleman from Connecticut (Mr. MURPHY), the cosponsor of the bill.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank my colleague, Representative DEGETTE, for being such a leader on this issue in the past and allowing me to join with her today to offer this very commonsense measure regarding the banning of human reproductive cloning.

I rise in support of this act today. I do so because to me the bill before us is relatively simple. This is a straightforward ban on human reproductive

cloning, taking material through somatic cell nuclear transfer and turning that material into a living, breathing human being. As Representative DEGETTE said, nothing more, nothing less.

Under this law, if someone uses cloning technology to initiate a pregnancy and creates a cloned human being, they would face severe criminal and civil sanctions.

This legislation is something that the vast majority of the American public supports, and it is something that all Members of Congress I think should support as well.

In Connecticut, as part of our State's historic Stem Cell Investment Act, which I was very honored to have authored, we recognize that human being reproductive cloning is a practice that perverts the promise of science; and we banned it outright in our legislation. In fact, I think it is pretty amazing that we are standing here having this debate today, that the Federal Government has, until today, not stepped forward and said that human reproductive cloning, bringing that material to the stage of a human being created from that material, is illegal. We should do what we did in Connecticut here today.

Mr. Speaker, I understand that there are some members who want to turn this ban on human reproductive cloning into a ban on somatic cell nuclear transfer, called by some therapeutic cloning, and I understand the discomfort many Members have with this innovative line of stem cell research. Personally, for me, I join the scientific community in my belief that it is this research that holds the most potential for lifesaving treatments and cures.

But I recognize there are those who disagree. However, the debate surrounding this particular disagreement is not the subject of today's legislation. Today's legislation is simply about the line that we all can agree to draw, that which clearly and cleanly prohibits the manipulation of cells or embryos into a cloned human being.

The moral and ethical questions surrounding somatic cell nuclear transfer are legitimate subjects for debate. But that debate will occur later this week when we revisit the comprehensive stem cell authorization bill coming back to this House from the Senate.

Today, Mr. Speaker, our task is simple: Ban what we all agree is beyond the scientific and ethical pale, human reproductive cloning.

We are dealing with an issue as complicated as cloning technology. The morass of scientific arcana and the ease of sound bite simplification can obscure the simple facts. So let's be clear. Today, human cloning, creating a replica of a person's DNA, implanting an embryo into the womb of a woman and creating a new human being out of that material, that practice is legal today in this country with exceptions such as Connecticut and other States that have done the right thing and banned it. With the enactment of this legislation, human reproductive cloning will be illegal. Nothing more, Mr. Speaker, nothing less.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a leader on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, beware of false and misleading bill titles.

H.R. 2560, rushed to the floor today after only being introduced several hours ago, is misnamed the ''Human Cloning Prohibition Act of 2007.''

The fact is, this bill doesn't ban any human cloning at all. Absolutely none. Researchers are absolutely free, are given the green light, to clone human life to their heart's content, so long as they kill and destroy the cloned human embryo at some point, perhaps weeks, after its creation. As a matter of fact, the legislation makes it a serious crime to allow a cloned human being to survive pass a certain point.

In other words, this bizarre piece of legislation would make it illegal not to kill a cloned human being; and the penalties are stiff, up to 10 years in prison and a $10 million fine.

By redefining human cloning as ''implantation'' rather than the creation of a new human being that would be then transferred into a uterus or a functional equivalent, this phony ban sanctions unlimited human cloning for research. Even more bizarre, under the bill, if a woman were to have a cloned human embryo implanted in her womb, she could go to jail for up to 10 years and/or be fined up to $10 million. Is that something we want to vote for? I think not. The plain language in the Weldon-Stupak cloning ban penalizes those who facilitate the creation of the clone—not the woman.

My colleagues, I am sure all of us are aware of the fact that a cloned human embryo will be indistinguishable from an embryo created using in-vitro fertilization. Dolly the Sheep looked just like every other sheep. How will this be enforced? If a woman is found carrying a cloned baby, are you willing to fine her and send her to jail for 10 years?

Mr. Speaker, the United States should join many countries, including Canada, Germany, Italy and France, in totally banning all cloning. The Democratic leadership should bring the Weldon-Stupak bill to the floor, instead of the DeGette pro-cloning measure.

Finally, what a difference a few years makes. In 2003, Ms. DEGETTE said, ''We are not and we do not support creating embryos for the purpose of research.'' This legislation begs the question. Apparently you do. Why aren't you bringing a total ban before this body?

I would point out when a similar bill to H.R. 2560 was brought to the floor as an amendment in the nature of a substitute by Congressman Jim Greenwood we voted it down 174–231. Charles Krauthammer wrote, and I think this is very insightful, that ''Greenwood,'' and read that now DEGETTE, ''is a nightmare and an abomination. It sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history, the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.''

I urge my colleagues, let's pass a real ban on cloning, not this phony ban.

Ms. DEGETTE. Mr. Speaker, I just would make two points toward the gentleman from New Jersey's comments. The first one is the Weldon-Stupak bill, which he says he supports, also would make it a crime for a woman to carry a cloned embryo in her uterus as a pregnancy. Frankly, we think that cloning should be a crime. I am surprised to hear the gentleman say that he does not think it should be.

Secondly, the so-called Greenwood-DeGette bill from several sessions of Congress ago that he is referring to is a completely different bill than this bill today. People should probably read the legislation in front of them to see that all this bill does is make reproductive cloning illegal.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a real leader on these issues.

□ 1250

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2560, the Human Cloning Prohibition Act. In recent years, Congress has debated various means of banning human cloning. In an area that can be complex and confusing, I am pleased that this bill, which is exceptionally simple and straightforward, has come to the floor here today. Clearly some of my colleagues on the other side of this issue are among those who find it too complex and are confused. Hopefully we can clarify that before the vote today.

H.R. 2560 would make it illegal to use cloning technology to initiate a pregnancy and thereby create a cloned human being. The bill also includes strict penalties to insure that such an Act is prevented from taking place. Unfortunately, there seems to be some misinformation circulating among my colleagues and outside groups surrounding the implications of this bill.

I want to be very clear, this legislation in no way encourages or endorses therapeutic cloning, otherwise known as somatic cell nuclear transfer or any other type of research. On the contrary, this legislation will simply ensure that as technology advances, ethical safeguards are in place to keep

human cloning, something we all agree would be a frightening development, from occurring.

For the record, there are no incentives included in this bill, not even any words of encouragement, for any specific types of research. This bill is a simple ban on human cloning once and for all.

Regardless of my colleagues' feelings on stem cell research or any other type of medical research, I cannot imagine why any of them would oppose a ban on human cloning.

Mr. Speaker, I hope all of my colleagues will take the time to understand what this bill does and what it does not do and why it is important and vote in favor of H.R. 2560.

Mr. PITTS. Mr. Speaker, at this time I would like to yield 5 minutes to a leader on this issue, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

This bill before us today entitled the Human Cloning Prohibition Act, is better entitled the ''Human Clone Implantation Prohibition Act.'' Essentially what it does is make it a crime to implant a cloned human embryo in the uterus of a woman.

While the gentlewoman from Colorado has said this is a very different bill from the Greenwood substitute, it is true if you sit down with the two of them and read them, they read differently; but the net effect, let's be serious, is the same. It is the goal pursued by many research scientists, who I assume do not ascribe to a belief in the sanctity of human life, that they want to begin experimentation on human embryos produced through the process of human cloning.

My position when we began debating this issue 5, 6 years ago, remains the same. There are a host of problems with this, not the least of which is that I and millions of Americans like me believe that human life is sacred and we should not be wholesale producing it to be experimented with in the lab and then discarded when the experimentation is done.

Are we really trying to say to the American people we want to make the human embryo the lab rat of the 21st century?

I will add, this is going to create a huge demand for human eggs. It has been very surprising to me to see so many people on the left who claim to be great champions of women's issues, it is going to create a lot of pressure for more human eggs. And the way you get human eggs, it is not a simple, overnight procedure. You have to give women a powerful medication that produces something called superovulation. It has the potential for complications, depression in some 25 percent of the women who get these drugs, possible significant complications requiring hospitalization called the superovulation syndrome.

And who will be donating their eggs to all these research labs? We all know who it will be, it will be women who really need the money. You will probably have problems and complications, suicides from depression. What will end up happening is they will end up going overseas to Third World countries where they can't bring litigation.

This is why many leaders in the feminist movement chose to support the Stupak-Weldon bill over this alternative. It is just down right bad policy.

Let me say as well, the lady said previously that the women could, under my previous bill, could be criminally prosecuted. I disagree wholeheartedly. I thought the language of the Stupak-Weldon bill was very clear, that the criminal act would be the creation of the human embryo through the process of somatic cell nuclear transfer. That is the way they created Dolly; that is the way this process begins.

Let me just say in closing, the process by which we have undergone this, when we were in the majority, we had committee hearings. We allowed a substitute. And to rush this to the floor on the suspension calendar is an inappropriate way for us to deal with a very, very significant issue.

This, ladies and gentlemen, is a profound slippery slope. They will not be satisfied with doing research on human embryos. The next target will be the human fetus itself, creating human models of disease so research scientists can do research on certain forms of human disease by doing research on human embryos and fetuses. That is the direction we are going, patenting some of those diseased human embryos.

I say this is a place where we should be drawing the line. We should defeat this on the suspension calendar. I believe if you brought it forward under regular order, it would go down under regular order, and I encourage all of my colleague to vote ''no'' on this piece of legislation.

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

Mr. PITTS. Mr. Speaker, at this time I want to yield 3 minutes to the distinguished ranking member of Energy and Commerce, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I don't normally come to the floor to talk on suspension bills because normally, suspension bills have been cleared by the majority with the minority and they are bills that we have if not unanimous agreement on, we have general agreement on. But I feel very strongly about this particular bill and the way it is being done.

The gentlelady, who is the chief sponsor of the bill, the gentlewoman from Colorado (Ms. DEGETTE) is a good friend of mine. When I was chairman, I helped her and Mr. CASTLE bring to the floor the stem cell bill which was very controversial and which the President ultimately vetoed. I voted for that bill, and spoke for the bill on the floor. We had an arrangement between Mr. DINGELL and myself about how we were going to bring that bill to the floor. Ms. DEGETTE and Mr. CASTLE were part of that discussion.

This bill was introduced after 7 p.m. last night. JOHN DINGELL didn't call me. DIANE DEGETTE didn't call me. We can't find anybody from the majority who called anybody on the minority. There have been no hearings on the bill. There has been no markup of the bill. We just basically take the gentlelady's word that it is what it is.

We know that cloning is controversial. We know that most of us in this body are opposed to human cloning, for whatever purpose. There is a good chance if we had a legislative hearing, we had a markup, we could probably come to a consensus on a bill that Mr. WELDON could support and Mr. SMITH could support and Ms. DEGETTE could support; but not this bill. Not this process.

A bill is introduced at 7:30 one night and is on the floor of the suspension calendar the next day, there have been no hearings, no process, and you can't amend it because it is under suspension of the rules. I think that is a subversion of the process.

It is a way to give some Members a vote for political cover because tomorrow when the main stem cell bill comes up, which was noticed last week, the last time the stem cell bill was on the floor, the minority who has the right to offer a motion to recommit, part of the motion to recommit dealt with cloning, and some of the Members in the majority voted for it.

□ 1300

So this is a way for the majority to give some Members of their party a way to vote for a cloning bill so they can vote against the motion to recommit tomorrow, if that's what it is. So I understand the political strategy, but I don't understand the process of ignoring the Energy and Commerce Committee repeatedly, and I don't understand a bill as controversial as this being brought under suspension with no hearings and a bill that wasn't even introduced until after dark last night.

That's wrong. I hope we vote ''no,'' N-O, ''no.''

Ms. DEGETTE. Mr. Speaker, I continue to reserve.

Mr. PITTS. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 5½ minutes remaining. The gentlewoman from Colorado has 9 minutes remaining.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Texas, the ranking member of Energy and Commerce,

who just spoke from the well, he said it exactly right. This is a political ploy, bringing this bill up under suspension, in my opinion, Mr. Speaker, to give Members on the other side of the aisle the opportunity for cover on this bill, this Castle-DeGette legislation that's coming up tomorrow.

When King Solomon ordered that the baby be cut in half, Mr. Speaker, who knew that someone would actually take him up on the offer. And yet regrettably, this bill before us today, H.R. 2560, it aims to figuratively and literally cut the baby in half.

Supporters of this legislation claim that H.R. 2650 bans human cloning. This claim could not be further from the truth. If we really want to ban human cloning, then the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK), in a bipartisan way, they have the right bill, and this was reintroduced by Representative WELDON last night. I'm a proud cosponsor of that. That bans human cloning for any purpose, reproductive or research.

I'm not impugning the motive of Representative DEGETTE, maybe it's inadvertent, and maybe hopefully she understands through this discussion today about the bill that, inadvertently, this promotes cloning for research purposes.

We believe, those of us who are part of the pro-life caucus, strongly believe that when you clone a human Dolly, that is a human being, and then you slice it and dice it to get stem cells and then it's required that you destroy it because it becomes a crime if it's implanted in a woman to become a child. Then we say that you are indeed creating life and destroying life, not maybe for the purpose of reproduction but for the purpose of research, and that is wrong.

And that is why we need to vote down this bill today, and I strongly oppose it.

Ms. DEGETTE. Mr. Speaker, we have no further speakers, and so we're prepared to close. And, with that, I reserve my time.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I stand before this House and say that I oppose human cloning.

As a physician, I'm extremely concerned about the consequences of human cloning and all of its ramifications, but this bill doesn't ban human cloning, not as we all know it.

The author says, read the bill. Well, I would suggest to my colleagues, that is exactly what they ought to do, read the bill.

The definition on page 2 of human cloning says, ''The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.'' It confines the definition to implantation. Cloning means to copy. Human cloning means to copy a human.

Dorland's medical dictionary definition of human cloning is, ''The transplantation of a nucleus from a somatic cell into an ovum which then develops into an embryo.'' It doesn't confine it to implantation, because implantation is the next step.

Cloning doesn't have to do with implantation. This is another, Mr. Speaker, in a long list of Orwellian democracy actions by this majority, saying one thing and doing another. This bill wouldn't ban human cloning at all.

What a shame, what a sham. I urge my colleagues to read the bill. I urge my colleagues to vote ''no.''

Mr. PITTS. Mr. Speaker, let me just say in conclusion that, as we all know, Dolly the sheep was a cloned animal. Let me remind you that Dolly the sheep was the 277th try. There were 276 before her who were defective and deformed and died. In fact, the history of cloning is replete with defects, deformity and death; and as they seek to create little human embryos for the purposes of research and experimentation and harvesting and death, we should remember this fact.

The researcher in South Korea that failed to identify what he was doing, Dr. Hwang, and his team obtained 2,000 eggs from over 100 women that they paid for their cloning attempts.

Human cloning exploits women. It ushers in an era of eugenics. It embraces a utilitarian view of humans. It involves the creation of little human embryos for research experiments. And for these reasons and all the reasons that are stated, I urge my colleagues to oppose this bill.

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

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

Well, I've been in Congress now 10 years; and some days I feel like I'm in Alice in Wonderland. Today happens to be one of them. Because when you listen to the arguments from the other side you'd never dream that the bill under consideration right now is a ban on human reproductive cloning.

Maybe I will start by talking about the status of the law in the United States today. Right now, in the United States, SCNT, somatic cell nuclear transfer, is legal. It is legal today, and there is nothing about H.R. 2560, the Human Cloning Prohibition Act, that changes that or alters it in any way.

We hear the other side talking about egg farms and forcing women to donate eggs and all of that. If that was going to happen, it would be happening today because this bill does nothing to stop the status of current law on SCNT or therapeutic cloning.

What we do have happening today, however, is there are some unethical scientists who are trying to do reproductive cloning. They are trying to take the results of SCNT, implant them in women's uteruses and create cloned human beings.

I just heard my colleague from Pennsylvania talking about Dolly the sheep and all of the failed attempts with animal cloning before Dolly the sheep. He is absolutely right. It is a terrible problem, and that is why it is reprehensible and immoral to try to clone human beings. That is also why we need to make it illegal in this country.

He also talked about the example of South Korea, and he's also absolutely right about South Korea. There was an unethical researcher in South Korea who, with no ethical standards or controls, tried to make experiments and lied about the results.

By the way, that's why we need to pass S. 5 tomorrow, because currently in this country there are no ethical controls either over embryonic stem cell research or SCNT research, controls which we could really use in this country, and they certainly could have used in South Korea, but that's all sort of aside from the point.

The point is, right now, in this country it is not illegal to clone a human being for reproductive purposes, and there's a national consensus that it should be.

□ 1310

I do want to apologize to my ranking member, Mr. BARTON, about the process. Perhaps there should have been notice. But the truth is, there is a consensus on reproductive cloning.

This is a simple bill, and we have tried, over the years in Congress, to ban reproductive cloning. The reason we haven't been able to do it is because the other side gets up and makes all of these false arguments, which then complicate the situation, and we have not been able to ban reproductive cloning. We felt that under a suspension calendar, with a clean vote and a simple bill, it would work.

For people who try to say, well, somehow this is going to cause more problems, I can't believe that they would support reproductive cloning. I can't believe that the opponents of this bill would actually vote against a bill that bans reproductive cloning. I can't believe that they would say they think that we would encourage reproductive cloning in this country.

I would tell my colleagues on both sides of the aisle, this vote will be a clear vote today. The vote will be, do you oppose human reproductive cloning and think that it should be a Federal crime in this country, or are you in the pocket of the special interests who will make any argument because they don't think this bill goes far enough to ban other types of research, which are legal right now in this country and for which the results which they fear have not happened to date.

I will say, let's make the clear statement in Congress. Let's stand up for our constituents. Let's ban reproductive cloning today. There is no Member of Congress who supports human reproductive cloning, which is exactly what this bill prohibits.

Vote ''yes'' on H.R. 2560, and then we can have the rest of this debate tomorrow on S. 5.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 2560, the ''Human Cloning Prohibition Act of 2007.''

This legislation, offered by my colleague, Representative DEGETTE, specifies that it is illegal to utilize cloning technology for unethical purposes.

The bill text defines human cloning as the implantation of the product of human somatic cell nuclear transfer technology into a uterus.

In my view, H.R. 2560 would allow important stem cell research to be done in an ethical manner.

However, it specifies criminal penalties for individuals who do attempt to clone humans.

Mr. Speaker, as a nurse and long-time member of the Committee on Science and Technology, I have long advocated for federal resources to be used to support stem cell research.

After careful review of the bill text, I feel that this is a sound piece of legislation that does what it says it will do—prohibit stem cell technology from being used unethically to ''clone'' human beings.

I urge my colleagues to support H.R. 2560.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 2560.

Mr. Speaker, I am a fervent supporter of the promise and optimism of embryonic stem cell research. As the father of a child who suffers from juvenile diabetes, I know full well the importance of stem cell research in developing a cure for life threatening diseases. For millions of Americans like my son, stem cell research represents promising hope of a cure within their lifetime.

Unfortunately, many Americans confuse embryonic stem cell research as human cloning, a practice which I adamantly oppose.

While technological advances continue to give scientists opportunities to explore beyond our horizons, we have an obligation to pursue our goals responsibly. The pursuit of science cannot go unchecked; occasionally, Congress must intervene.

The artificial creation of human life through cloning challenges the ethical foundations of this Nation. The development of human life is a natural process that cannot be replaced by scientists in a laboratory. I cannot in good conscience support a world where the chance and wonder of the birth of a child is eliminated in favor of a cold, sterile process.

Embryonic stem cell research differs from cloning by developing embryos that might otherwise be destroyed for specific functions. The goal of this practice is not to create new human life, but rather to sustain existing human life by replacing failing parts of the human anatomy.

I will always support saving an American life. I cannot support artificially engineering one.

The importance of this distinction is critical. I hope that my colleagues in the House will join me in educating the public on the differences between these practices.

Mr. LAMBORN. Mr. Speaker, I rise today in opposition to H.R. 2560. The purpose of government in free societies is to protect basic human rights, the most important of which is the right to life. It is because of the need to protect that right to life that I oppose this bill. Misnamed ''The Human Cloning and Prohibition Act,'' H.R. 2560 purports to ban human cloning.

I wholeheartedly agree that human cloning should be outlawed. Yet the term ''cloning'' in this bill does not refer, as it normally does, to the simple act of creating a viable human embryo. Here the word cloning refers only to the implanting of a cloned embryo in a uterus and not to anything that precedes implantation. This bill is silent about and so condones the experimentation upon and destruction of human embryos prior to implantation. Even prior to implantation a human embryo has the entire genetic makeup of a new human being and is worthy of protection.

Those of us who seek to defend life at all stages have long argued that embryonic research would initiate a downward spiral for the sanctity of human life in this country. The government of the greatest nation in the world cannot treat human life as an expendable resource and allow taking the life of its most vulnerable citizens. I urge my colleagues to oppose this bill and to support Representative WELDON's ethical and moral alternative, H.R. 2564, of which I am a cosponsor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2560 the ''Human Cloning Prohibition Act.'' This legislation prohibits human cloning, and it makes it unlawful for any person to ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that it will be used for human cloning. H.R. 2650 also makes it illegal for any person to initiate a pregnancy to facilitate human cloning.

Mr. Speaker, by a wide margin Americans believe that human cloning is wrong and immoral. It is also highly inefficient. More than 90% of cloning attempts fail to produce viable offspring. In addition to low success rates, cloned animals tend to have compromised immune system and higher rates of infections, tumors, and other disorders.

Studies conducted in Japan show that cloned mice live in poor health and die early. About a third of the cloned calves born alive have died young, and many of them were abnormally large. The American Medical Association (AMA) and the American Association for the Advancement of Science (AAAS) have issued formal public statements advising against human reproductive cloning.

Mr. Speaker, I support H.R. 2560 because it reinforces the views and values of the American people. Human beings should be born, not cloned. Bringing a child into this world should be a consecrated act of grace; not a clinical or commercial enterprise. It is one thing to conduct research to find life-saving cures. It is quite another to try and create life in the laboratory. I support the former and oppose the latter.

For these reasons, I support H.R. 2560 and urge all of my colleagues to join me in voting for its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. DEGETTE) that the House suspend the rules and pass the bill, H.R. 2560.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2446 pursuant to this resolution, notwithstanding the operation of the previous

question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

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

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 453.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 453 provides for consideration of H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007 under a structured rule that makes in order all of the amendments that were submitted to the Rules Committee, except for those withdrawn by their sponsors.

I want to acknowledge and express my respect for the work of Chairman LANTOS and Ranking Member ROS-LEHTINEN for bringing such a fine example of bipartisan cooperation and collaboration before the House for consideration.

Following the ouster of the Taliban regime in late 2001, the United States, the United Nations and the international community embarked on what they hoped would be a comprehensive assistance program to help the new Afghan president, of President Hamid Karzai, establish a new democracy, rebuild the Afghan economy and provide for the general well-being of the Afghan people.

Regrettably, after a most promising start, progress has slowed in most parts of the country. Remnants of the Taliban continue to resist the new government and are reorganizing and strengthening their networks from neighboring countries. Instability has increased, including the introduction of suicide bombings against U.S. soldiers, NATO troops, Afghan officials, and civilians and international and Afghan humanitarian aid workers.

Narcotics production threatens to overwhelm the country. According to UN studies, a large percentage of Afghans, including farmers, laborers, traffickers, war lords, insurgents, and officials participate in and benefit from illegal poppy trade.

Congress first addressed the issue aiding Afghanistan by passing the Afghanistan Freedom Support Act of 2002, which established a reconstruction program, mandated a relief coordinator, provided support to the NATO-led international security forces, and gave new security assistance authority to our President.

In addition to food aid, refugee relief and other forms of emergency disaster assistance, the United States implemented a wide-ranging assistance program for Afghanistan, including aid for schools, hospitals and farms, and support to reestablish the participation of women and girls in society, education and the workplace.

The legislation the House will take up today, H.R. 2446, reauthorizes programs created by the original Afghanistan Freedom Support Act, creates a new focus on counternarcotics efforts, and provides for stronger and more enhanced oversight of U.S. strategic goals and performance in Afghanistan.

Overall, H.R. 2446 provides modest increases in authorized levels for humanitarian, development, democracy building and security assistance. I cannot stress enough how important it is that Afghanistan succeed in establishing and consolidating a representative government and rebuilding the country's economy and civil society.

When we overthrew the Taliban regime, we made promises to the Afghan people with the full backing of the international community. We cannot renege on those promises. We cannot fail the people of Afghanistan who came together in support of a common vision for the future.

I am very, very concerned that many of the difficulties confronting Afghanistan today, especially in the areas of security, are due in large part to taking our eye off the ball in Afghanistan and exhausting our economic and military resources in Iraq. We had the chance to make Afghanistan secure. We failed to do so because we chose not to invest the necessary resources in Afghanistan, but, rather, to transfer our attention and our resources to Iraq. We are now playing catch up in Afghanistan as the situation there is deteriorating.

I applaud the chairman and members of the Foreign Affairs Committee for this timely reauthorization.

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

□ 1320

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time; and I yield myself such time as I may consume.

As we all know, Mr. Speaker, after the defeat of the Soviet Army in Afghanistan, the brutal Taliban took over the country. The Taliban ruled that country through terror, through systematic assassination, torture, intimidation. They denied Afghans all personal freedoms and made women fifth-class citizens. They also provided safe harbor to Osama bin Laden and al Qaeda. It is from that safe harbor that al Qaeda was able to plan and train for the horrendous attack of September 11, 2001, against the United States of America.

Following the fall of the Taliban, due in large part to the heroic assistance of the United States Armed Forces and coalition forces from many, many countries throughout the world, the international community worked together under the auspices of the Bonn Compact to make possible what was really a wonderful, historic accomplishment, a democratically elected government in Afghanistan.

In 2004, Afghanistan adopted a new constitution and held successful presidential elections. Parliamentary elections followed in 2005. Factions that once fought on the battlefield now, after decades of violence, debate and resolve their differences in parliament with ballots instead of bullets.

However, Mr. Speaker, there are remnants of the former Taliban regime, along with al Qaeda, that are intent on overthrowing the democratically elected government of Afghanistan. The Taliban is using suicide bombings against U.S. and NATO troops, against Afghan officials, against civilians, both international and Afghan humanitarian workers, assistance workers.

Opium poppy cultivation and drug trafficking have become significant negative factors in Afghanistan's fragile political and economic order. Afghanistan currently accounts, unfortunately, for a majority of the world's illicit opium production.

As the democratically elected government faces grave challenges, we must not turn our backs on that young democracy. We must continue our support as that country moves from a brutal dictatorship to a consolidated democracy.

In 2002, this Congress passed the Afghanistan Freedom Support Act. That law provided both economic and military aid to the young Afghan democracy.

This legislation will reauthorize the Afghanistan Freedom Support Act through the year 2010. The programs reauthorized in this bill focus on countering narcotics production and boost security efforts to protect United States and NATO forces as well as Afghan officials and international assistance workers. This legislation calls for the President to set out a detailed strategy for Afghanistan and provide reports on progress there.

The Afghanistan Freedom and Security Support Act of 2007, this legislation that we bring to the floor today, builds on congressional initiatives enacted in 2002 and 2004; and I again congratulate the leaders, who in those Congresses back in 2002 and 2004, worked so hard to ensure that these

initiatives that are being reauthorized today were passed. And these initiatives now are, as I say, reauthorized in this legislation, H.R. 2466, that will be before the House today.

Among those initiatives passed in 2002, 2004 are the creation of multiple programs, but this legislation calls for the creation of a coordinator role for the development of a coherent, consistent counter-narcotics strategy, and to strengthen the fight against the drug trade's links to totalitarian Islamic terrorism.

We also insured in this legislation that initiatives passed in 2002 and 2004 continued, such as prohibition on assistance to Afghan officials who are found to be supporting criminal activities such as narcotics trafficking.

This bill, good legislation, Mr. Speaker. This bill reaffirms the commitment of the United States to support Afghanistan in its transition to a stable, representative democracy.

This bill, good legislation, Mr. Speaker, that we bring to the floor today, authorizes the appropriation of $1.7 billion annually for humanitarian and economic assistance and $320 million annually for military assistance during fiscal 2008 to 2010.

This is important legislation. It's important legislation for the fight against the international drug trade and totalitarian Islamists, dangerous remnants of the defeated Taliban, the Taliban who were overthrown, thank God.

Remnants of the Taliban are festering, and they use deadly tactics against United States and NATO forces, as well as Afghans and humanitarian workers. Those people have no scruples, and we only have to remember, Mr. Speaker what they did to the Afghan people when they were in power. So they use horrendous tactics, brutal tactics without limits against our troops and other international forces that are in Afghanistan pursuant to the request of the democratically elected government to secure the peace.

And, furthermore, Mr. Speaker, poppy cultivation and opium production continue to directly support insurgents, militias and terrorist groups. In the face of these very difficult challenges, we cannot allow that fledgling democracy, that budding democracy striving to be a stable society, to fail.

With regard to process, our friends on the other side of the aisle, again, the majority had another opportunity yesterday in the Rules Committee to open the process and comfort with an open rule. They voted down an amendment by our ranking member of the Committee on Rules to bring this legislation forth under an open rule. Yes, they made in order all of the amendments that were presented before the committee, and that's commendable. But why not come forth with an open rule? I think that was disappointing.

Let's not fail to see, however, Mr. Speaker, that this is, this underlying legislation that's being brought forward is extremely important. It's a very important piece of legislation.

And by the way, with regard, again, to process, precisely since it's such an important project that as a Nation we're working on and there's great national consensus on the need to do everything we can to consolidate, to help consolidate the representative democracy and the peace in Afghanistan, precisely I think there would have been no harm in allowing, as this debate proceeds, to allow any Member who's hearing the debate who has an idea for an amendment to bring it forth. That's why an open rule is appropriate.

I'd like to thank, Mr. Speaker, the chairman, the distinguished chairman of the International Relations Committee, Mr. LANTOS, for his hard work on this important facet of our foreign policy and the legislation that's being brought forth today, as also the distinguished ranking member, Ms. ROS-LEHTINEN, who's also worked very hard on this legislation, and other members of the International Relations Committee. I want to thank them for their hard work on this important issue, which constitutes, as I said, a project where the American people, in consensus fashion, are moving forward and doing everything possible so that our friends and allies in Afghanistan can survive and defeat the brutal Taliban and al Qaeda.

□ 1330

This legislation brought forward today is an important bill. It is of the utmost importance to our national security and obviously to the region where Afghanistan is and, of course, to the people, to the noble people of Afghanistan, as they continue their efforts to consolidate their representative democracy and achieve peace and prosperity in their great country.

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

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

Let me just say that, again, the underlying legislation is incredibly important. We do have an obligation, a moral obligation, to the people of Afghanistan. And, quite frankly, from a national security perspective, that is where our attention should be and where our attention should have been. It is regrettable, it is regrettable that the President of the United States and his administration and many in this Chamber have chosen to take their eye off what our responsibility is in Afghanistan over these last several years, and instead, we find ourselves bogged down in a quagmire in Iraq.

Those who are responsible for September 11, those who are responsible for the murder of so many of our citizens, they were in Afghanistan. That is where al Qaeda was. And instead of holding al Qaeda accountable in Afghanistan, instead of making sure that our resources go to promoting democracy and stability in Afghanistan, instead of focusing on this ever-growing drug problem in Afghanistan, we have spent over half a trillion dollars in Iraq. And that is regrettable. And, quite frankly, when history looks back on how these last few years were conducted, they are going to take note of the fact that we missed important opportunities to better protect our country by taking our eye off of what our responsibility was in Afghanistan.

And let me just say about the rule, I will apologize to my colleague from Florida for a rule that we bring to the floor today that makes every single amendment that was offered in the Rules Committee and not withdrawn by its author in order. Every Republican amendment, every Democratic amendment. And I know that that is different from the way things used to be when the Republicans were in charge of the Rules Committee. They had a tendency to just shut us all out routinely. But things are different now, and under the Democratic administration here in the Congress, we are trying to make sure that all points of view have an opportunity to be heard on the floor.

So I am happy that we have this rule, and, again, I apologize to the gentleman that it is not like what they used to do.

With that, Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont, a member of the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, in April, I had the opportunity to join five of my colleagues on a delegation trip to Afghanistan. And our six-member delegation, three Democrats and three Republicans, spent 2 days in Iraq, 2 days in Afghanistan. And we had an opportunity to speak with American, Iraqi, Afghani soldiers; military leaders; security forces; government leaders; and civil servants. And at every turn in our trip, we encountered these extraordinary men and women from our country that are doing incredible work in very dangerous and trying circumstances. And I had the opportunity to meet troops from my State as my colleagues met troops from their States, and all of us were incredibly proud at the selflessness of these troops who are performing the missions that we have assigned to them.

But the circumstances in each country and each war are very different. Iraq is in a full-blown civil war. The British, our last remaining significant ally in Iraq, will soon withdraw, and American forces are now viewed as occupiers. The situation is much different in Afghanistan. And I came

away, as did my colleagues, with the clear impression that there is will on the part of Afghani leaders to step up and to take control of their future.

In Afghanistan, we have 37 allied nations joining with us to help the Afghanis drive out the Taliban and to restore order and to create a future for that country.

In fact, the differences between these two situations in Iraq and Afghanistan was best summed up by three soldiers I spoke to who had completed full tours in Iraq and Afghanistan. And I asked, What is the difference in your experience? And the soldiers said, In Iraq it seems as though everyone is interested in fighting each other and us. In Afghanistan everyone is interested in fighting for their future.

What this legislation recognizes is that we have partners, 37 other nations, working with us in Afghanistan, and we have a partner, the government and people of Afghanistan, in our effort to restore order and to create a future for that country.

H.R. 2446, the Afghanistan Freedom and Security Support Act, reinforces the United States' long-term commitment to support Afghanistan in its efforts to confront its challenges and to complete its transformation into a secure and prosperous future.

This bill enhances the narcotics operations. More importantly, it provides incentives to encourage greater participation from our NATO allies in the International Security and Assistance Force. If we have learned anything, it is that we have got to work together and not alone.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from Massachusetts' kind words. What I had been referring to before with regard to the process is that I don't believe that any harm would have been done if the majority would have kept its promise of open rules. It is the majority that promised during the campaign that they were going to bring a significant amount, as many as possible, of bills to the floor under open rules. And this is a noncontroversial bill, and, yes, they made the amendments in order by the Members who went to the Rules Committee, and that is appreciated.

So what harm would it have caused if this legislation would have been brought forth under an open rule, as was proposed, in amendment form, by the ranking member of Rules? That is what my point was. No harm would have been done.

And, simply, I would like to remind the majority of the promises that the majority made during the campaign of bringing forth legislation under open rules. So I don't believe that any harm would have accrued if they would have kept their promise. That's all.

But with regard to the apology, I certainly appreciate the gentleman from Massachusetts' kind words, Mr. Speaker.

And, again, with regard to this underlying legislation, which is of extreme importance, there is a national consensus in the United States that we not only have an obligation, but we must do everything in our power so that the democratically elected government in Afghanistan survives, and that is what this legislation is about. We will have other continuing debates on nearby countries and what our obligations are or what is, rather, in our national interest with regard to the stability in neighboring countries of Afghanistan as well and in trying to prevent neighboring countries from becoming basically safe harbors for international terrorism.

□ 1340

Those are legitimate debates.

Today, the legislation being brought forth, Mr. Speaker, is one where there is a national consensus in the United States, thank God, fortunately, and that is that with regard to that country that was for so long oppressed by the brutal Taliban and that had given sanctuary to the terrorists that carried out the mass murders of September 11, 2001, against the United States of America, that we certainly have an obligation to do everything we can to make certain that the people of Afghanistan have as much ability, that they have the wherewithal to proceed along a path towards a consolidated, representative democracy in peace and with prosperity.

That is why we agree that this legislation is very important; and it reauthorizes critical programs, programs of critical importance with regard to our assistance to Afghanistan that were authorized initially and appropriated by the Congress of the United States in 2002 and 2004.

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

Mr. McGOVERN. Mr. Speaker, again, I regret that my colleagues on the other side of the aisle are not pleased with the rule that makes all of the amendments that were offered in order, but I think that that is the way we should do business around here. It is in sharp contrast to the way they used to do business when the Republicans were in the majority, where there was a tendency to shut everything down, to close everything up, to not allow Members of the minority to be able to have amendments. But we're different, and I'm glad we are different.

On the underlying legislation, there should be unanimity in this House about the importance of passing this legislation. It is important that we keep our commitment to the people of Afghanistan. It is important that we keep our commitment to the people of the United States, who after September 11 we said, in the Congress and in the White House, that we are going to do everything we can do bring to justice, to hold to account those who are responsible for September 11.

Unfortunately, today, we are not anywhere near where we should be in Afghanistan; and the reason for that is because we have diverted our resources, we have diverted our soldiers and our political capital to a never-ending war in Iraq. We have put our soldiers in the middle of a civil war in Iraq. We have spent over half a trillion dollars in Iraq; and, as a result, those resources have not been sent to Afghanistan; and I think that is regrettable.

But we need to pass this bill today. I hope it passes with a unanimous vote. I urge my colleagues to support the rule.

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 453 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 1716, the motion to suspend the rules and pass H.R. 632, and the motion to suspend the rules and pass H.R. 964.

The vote was taken by electronic device, and there were—yeas 220, nays 195, not voting 17, as follows:

[Roll No. 431]

YEAS—220

Abercrombie	Castor	Emanuel
Ackerman	Chandler	Engel
Allen	Clarke	Eshoo
Altmire	Clay	Etheridge
Andrews	Cleaver	Farr
Arcuri	Clyburn	Fattah
Baird	Cohen	Filner
Baldwin	Cooper	Frank (MA)
Barrow	Costa	Giffords
Bean	Costello	Gillibrand
Berkley	Courtney	Gonzalez
Berman	Cramer	Gordon
Berry	Crowley	Green, Al
Bishop (GA)	Cuellar	Green, Gene
Bishop (NY)	Cummings	Grijalva
Blumenauer	Davis (AL)	Gutierrez
Boren	Davis (CA)	Hall (NY)
Boswell	Davis (IL)	Hare
Boucher	Davis, Lincoln	Harman
Boyd (FL)	DeFazio	Herseth Sandlin
Boyda (KS)	DeGette	Higgins
Brady (PA)	Delahunt	Hill
Braley (IA)	DeLauro	Hinchey
Brown, Corrine	Dicks	Hinojosa
Butterfield	Dingell	Hirono
Capps	Doggett	Hodes
Capuano	Donnelly	Holt
Cardoza	Doyle	Honda
Carnahan	Edwards	Hooley
Carney	Ellison	Hoyer
Carson	Ellsworth	Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

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

NOT VOTING—17

Baca
Becerra
Cantor
Conyers
Davis, Jo Ann
Hastings (FL)
Holden
Hunter
Jefferson
Meek (FL)
Nadler
Pallone
Pickering
Shuster
Tancredo
Waxman
Welch (VT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1408

Messrs. HASTERT, LINDER, TERRY, GOODLATTE, DENT, KIRK, SAXTON, GINGREY and ROYCE changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREEN ENERGY EDUCATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1716, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1716, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 432]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Baca
Becerra
Cantor
Conyers
Davis, Jo Ann
Hastings (FL)
Holden
Hunter
Jefferson
Nadler
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Welch (VT)

□ 1417

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on rollcall Nos. 431 and 432 I am not recorded. Had I been present, I would have voted "yea."

H-PRIZE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 632, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 632, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 8, not voting 16, as follows:

[Roll No. 433]

YEAS—408

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

NAYS—8

Blackburn
Culberson
Duncan
Flake
Foxx
Manzullo
Paul
Royce

NOT VOTING—16

Baca
Becerra
Boyda (KS)
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Nadler
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1424

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BOYDA of Kansas. Mr. Speaker, on rollcall No. 433, I was meeting with constituents in the Rayburn Room. Had I been present, I would have voted "yea."

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 964, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 964, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 48, not voting 16, as follows:

[Roll No. 434]

YEAS—368

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Baird

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

NAYS—48

Aderholt
Akin
Barrett (SC)
Biggert
Bishop (UT)
Blunt
Bonner
Boustany
Boyda (KS)
Brady (TX)
Cannon
Carney
Carter
Conaway
Davis (KY)
Davis, Tom
Feeney
Flake
Foxx
Gingrey
Goodlatte
Hoekstra
Honda
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Latham
Lofgren, Zoe
Lungren, Daniel E.
Mahoney (FL)
Manzullo
Marchant
McHenry
Moran (KS)
Nunes
Paul
Pearce
Poe
Price (GA)
Sali
Sessions
Thornberry
Tiahrt
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—16

Baca
Bachus
Becerra
Cantor
Conyers
Hastings (FL)
Hill
Holden
Hunter
Jefferson
Nadler
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1431

Mr. GOODLATTE and Mr. DANIEL E. LUNGREN of California changed their vote from ''yea'' to ''nay.''

Mr. HALL of Texas and Mr. BURTON of Indiana changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMITTING AMENDMENT NO. 11 TO BE OFFERED AT ANY TIME DURING CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2446 in the Committee of the Whole, pursuant to House Resolution 453, amendment No. 11 be permitted to be offered at any time.

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

There was no objection.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2446.

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

There was no objection.

AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2446.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Chairman, I rise in strong support of H.R. 2446 and yield myself as much time as I may consume.

Mr. Chairman, the Taliban is back, posing not only an insidious threat to the people of Afghanistan but to our Nation as well. We simply cannot allow a resurgence of the Taliban. If we do, al Qaeda will once again be able to use Afghanistan as a state-sponsored launching pad for terror.

And so every schoolhouse door in Afghanistan is a threshold to stopping terrorism. Every new power line in Afghanistan is a frontline in the war on terror. Every farm in Afghanistan used for legitimate crops, instead of opium poppies, is fertile ground for peace.

So we ought to look at funding Afghanistan as both good foreign policy and good domestic policy. Every dollar we invest now translates into lives and dollars we save in the future, both in Afghanistan and in the United States.

Our initial efforts, Mr. Chairman, in Afghanistan must be redoubled. For that reason, it was my pleasure to join with the ranking Republican member

of the Foreign Affairs Committee, my good friend, ILEANA ROS-LEHTINEN of Florida, in introducing this crucial reauthorization bill, which clearly demonstrates our long-term, bipartisan commitment to Afghanistan.

Our job in Afghanistan is not finished, not by a long shot. Yes, the Taliban was seemingly purged from that Nation in 2001 and a democratic government was established in its place, but we must not have a false sense of security.

The effectiveness and very existence of the Karzai government is threatened as we meet here today. As we speak, the volatile southern part of Afghanistan is aflame with clashes between NATO coalition troops and the reorganized forces of the Taliban. Make no mistake: Afghanistan is a brush fire that could ignite easily into an all-out conflagration.

Recently, Mr. Chairman, there has been an alarming return to the reign of terror against women in Afghanistan. Just today we learned of the slaying of a pioneering advocate of free speech, a courageous woman who owned a radio station near Kabul, shot to death in her home. This brutal attack shows how difficult the working environment has become for journalists, especially for journalists who are women.

So the Afghans need our help as much as ever. The teetering situation there is an echo of the instability just after the United States and our allies invaded that country. Security for the people and stability of the government are paramount.

Let me sketch, Mr. Chairman, the basic outline of our bipartisan legislation. The first title of the Lantos/Ros-Lehtinen bill provides much-needed financial aid for health care, energy development, programs for women and girls, assistance to combat corruption, and a crop substitution program to curtail the growing of poppy. Under this section of our bill, the administration will be required to certify whether any senior official in Afghanistan's provincial or local government is involved in the illegal narcotics trade and to take appropriate action.

Our bill also requires the President to appoint a coordinator for our Afghanistan assistance programs, including counter-narcotics. We mandate accountability in the effort to eliminate narcotics corruption.

Title II of our bill bolsters security and policing in Afghanistan, supporting the international security force beyond October, 2007, and further training the Afghans. It encourages greater participation from countries in the region, and it mandates the creation of special drug interdiction teams.

We must recognize, Mr. Chairman, that security in Afghanistan is inextricably intertwined with the fight against the narcotics trade.

Title III of our bill ensures greater planning and accountability for the future of the country, and it fosters regional coordination. A structured blueprint for 2008 will be required, with updates as necessary. Reporting and evaluation measures will be expanded and extended. These are all crucial provisions for meeting benchmarks and assessing progress so that Congress can perform the oversight that is important to our successful effort in a war-torn country.

I want to repeat, Mr. Chairman, we will not let Afghanistan fail. The world is watching, and it wants to know whether we have the resolve to fight the terrorist forces threatening Afghanistan, whether we are ready to maintain the country's security and stability.

Mr. Chairman, the Committee on Foreign Affairs approved our bipartisan legislation unanimously. I want to repeat this because it indicates the unanimous conviction of the Foreign Affairs Committee, reflecting the view of this body and the American people, that Afghanistan will be a successful endeavor.

I want to express my appreciation for the support of not only the ranking member, Ms. ROS-LEHTINEN, but also the chairman and ranking member of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN and Mr. PENCE.

I urge all of my colleagues on both sides of the aisle to join us in strongly supporting this most important piece of legislation.

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

□ 1445

Ms. ROS-LEHTINEN. I thank the chairman of our committee, Chairman LANTOS, for his leadership for so long on this issue.

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

I would like to voice my strong support for the chairman's bill, H.R. 2446, the Afghanistan Freedom and Security Support Act, and that's the key part of what we're talking about today, security support. This legislation is the product of the bipartisan cooperation that our committee has shown on an issue of critical importance to the United States and our allies in the war against Islamic militant extremists.

Five years ago, our Nation experienced a terrible tragedy, and it led our Nation to destroy the al Qaeda safe haven in Afghanistan that the brutal Taliban regime had created there. Our focus was to provide a safe, stable and secure Afghanistan that would deny global jihadists a base of operations to conduct their campaign of terror and destruction against our Nation and our critical security interests around the world.

Since then, Afghanistan has taken notable steps to emerge from decades of war, of violence, of oppression, toward a prosperous, secure, free, democratic nation. Today, over 5 million Afghan children are in school, including 2 million girls. This was prohibited under the Taliban rule. Hundreds of clinics and new schools are now open to serve the population as a result of international efforts. Media, cultural, business and political leaders are free to meet to discuss, to demonstrate and to guide policies that are transforming their nation across all sectors.

The Afghan economy is growing at an incredible rate, and institutional assistance for Afghan economic reconstruction has been forthcoming. Most importantly, the Afghanistan people, through their active direct participation in the political process, have demonstrated their desire to accelerate and ensure the movement of Afghanistan toward modern society.

However, challenges to these and other efforts remain, as Mr. LANTOS has pointed out. A dramatic increase in illicit opium cultivation is financing and strengthening the Taliban and anticoalition activity. It's increasing crime and corruption, and it is eroding the authority of the central government institutions.

Afghanistan's ballooning drug trade has succeeded in expanding the ranks of the Taliban. It is no coincidence that opium and heroin production dramatically increased at the same time that the Taliban-staged massive counteroffensive, particularly in the south of the country.

The issue of Taliban and al Qaeda resurgence cannot be considered in a vacuum. In response, this critical legislation seeks to address the current situation in an integrated fashion, to include the confluence of the short-term goals to reduce opium activity and related corruption, while addressing longer-term developmental goals which have an impact on our counterterrorism and our counternarcotics policies and objectives.

In particular, within this critical legislation, we have worked to establish the means for developing a long overdue and coherent interdepartmental and counternarcotics strategy that addresses the deadly and the neglected illicit drug trade and its links to radical Islamic terrorism that imperil the future of Afghanistan.

In February of this year, I, along with some of my other colleagues on the Foreign Affairs Committee, wrote to the administration on the need for an across-the-board policy change on the illicit drug threat fueling the resurgence of the Taliban, the attacks on our coalition troops, and official corruption in Afghanistan.

The bill before us incorporates many of the recommendations that we proposed in this letter, and I thank Chairman LANTOS for working so closely with us. I believe that his bill will

prompt much-needed changes by mandating the appointment of a high level, interdepartmental Afghan coordinator with emphasis on a development of a coherent government-wide counter drug policy. This includes bringing the U.S. military into the fight, providing meaningful support for the drug enforcement administration with an emphasis on interdiction and on the extradition of major drug kingpins.

This legislation also contains limitations on assistance to senior Afghan local and provincial government officials who, based on evidence, are found to be supporting Islamic terrorist activities or narco-traffickers or drug producers or are involved in other criminal activities. This important oversight provision will be instrumental in assuring that vital U.S. reconstruction assistance is properly allocated and utilized.

I am also pleased that we were able to come to an agreement with Chairman LANTOS on the extension of drawdown authority for military equipment, which promotes greater ability to operate with the international security assistance force and other allies in the country of Afghanistan.

In addition, the bill ensures that there will be prevetting of the recruits of the Afghan police to help adequately assess the candidates' aptitude, professionals skills, integrity and other qualifications for law enforcement work before they enter the service. Our efforts in Afghanistan, in particular, and our campaign against militant Islamic extremists in general must be pursued in a comprehensive manner.

As illustrated by this critical legislation, it requires an effective and unified reconstruction strategy with a unified counternarcotics strategy, counterterrorism strategy, and an Afghan government committed to fighting and eliminating corruption.

Only with this comprehensive approach will we accelerate economic development and reconstruction, improve the quality of life for Afghanistan and address the underlying conditions that fuel extremist acts and decisively defeat the jihadist elements that want to once again control Afghanistan.

My daughter-in-law, Lindsay, after serving her military tour in Iraq as a marine pilot, is now serving in Afghanistan. We hope that she will be back home with us by Thanksgiving. But we thank every brave man and woman who is wearing our Nation's uniform in Afghanistan, and we thank them for freeing an entire population, and we hope that their contributions will always be celebrated in this House.

This bill before us brings us closer to making sure that Afghanistan remains a free country and be without the extremist Islamic elements that seek to destroy it.

Mr. Chairman, I reserve the balance of our time.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished chairman of the Armed Services Committee, my good friend from Missouri, IKE SKELTON.

Mr. SKELTON. I thank the chairman for allowing me to speak on this very important subject.

Mr. Chairman, for too long, Afghanistan has been the forgotten war. Opportunities there have been lost, and progress has been limited. Recently, there has been movement in a more positive direction.

Secretary Gates has been focusing more on Afghanistan and NATO-led and U.S. forces achieved some notable successes against the ongoing Taliban insurgency this spring. This, of course, is encouraging. I commend Secretary Gates for his efforts, and, of course, I commend our troops for their tremendous contributions.

However, over the same time, violence is on the rise in Afghanistan. Roadside bombs, suicide attacks are increasing, and the number of civilian casualties is, of course, troubling. Opium production is at high levels. The authority of the central government remains, of course, limited. Corruption and poverty still plague the country. These are significant challenges that will not be overcome either easily or quickly.

Lasting security in Afghanistan depends on long-term comprehensive efforts that, of course, are well coordinated. It is critical that our NATO partners who are there play a central role in this effort in terms of both troop contributions, as well as aid.

Earlier this year, I traveled to Afghanistan with a delegation led by Speaker PELOSI. I came away from that trip convinced that the effort in Afghanistan is winnable, and I am still optimistic.

But together with NATO, we must ensure that the Taliban and al Qaeda are destroyed and destroyed for good. Afghanistan will never again become a terrorist harbor as it once was.

The House Armed Services Committee, which I am pleased to chair, is committed to doing whatever it can to achieve this goal. Our committee has held comprehensive hearings on Afghanistan this year.

Just recently, in the defense bill that we passed, we had provisions regarding Afghanistan. This bill not only provides funds for Afghan national security forces, but it includes a range of provisions that will promote long-term security, as well as robust oversight of American activities in that country.

I am pleased to see that the Afghanistan Freedom Support Act builds upon our committee's efforts. This legislation includes many important bipartisan provisions that will further advance long-term security in Afghanistan.

I strongly encourage my colleagues to support this. We must build on recent gains in that country and seize the moment to establish real security there.

I do support this legislation.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield such time as he may consume to Judge POE of Texas, a great member of our Foreign Affairs Committee.

Mr. POE. I thank the gentlelady from Florida for yielding time.

Mr. Chairman, I was a prosecutor and a judge in Texas for 30 years total, and I can tell you that I saw the results of poppy and opium fields in my courtroom. Opiates make victims out of capable, independent citizens, and they turn decent people into monsters, and I have seen it with my own eyes. Case after case after case.

Illicit drugs take complete control of people's lives, and they are now strangling the democracy in Afghanistan. Opiates not only poison Americans, the poppy trade funds our enemies. The Taliban, or more appropriately, those demons in the desert, are getting rich off of the poppy fields, and they are using that money against American troops and NATO troops.

They are using their wealth to become more numerous, more organized, and more deadly to the military of NATO and the United States. They are promoting intolerance and propping up evil and propelling Afghanistan really back toward the dark ages to a fundamentalist rule.

In the 2005 and 2006 growing season, poppy production in Afghanistan actually grew to almost 60 percent. That resulted in a net growth of almost 50 percent in the production of illicit opium, and all the profit from this drug trade lined the pockets of our enemies, the Taliban. Those poppy fields are growing like weeds, and they are choking Afghanistan's freedom. Also, those narcotics are eventually choking the lives out of many Americans addicted to opiates.

The administration, I know, recognized the importance of counternarcotics operations. However, judging from the rapid spread of the poppy production in Afghanistan, it's evident that whatever we are doing is not working. The time has come for a clear and comprehensive and truly wide-reaching counternarcotics strategy in Afghanistan.

That is why I rise in support of this bill, the Afghanistan Freedom and Security Support Act. This bill does numerous things, but it specifically provides a comprehensive strategy and a priority to deal with the narcotics. It allows the military to give greater logistics support to the Drug Enforcement Administration, and, more importantly, though, this bill creates a coordinator role that will reach across government departments to develop a comprehensive strategy in how to deal with this problem.

Our military is unmatched in its ability to get the job done. Any time,

anywhere. But including enhanced civilian interdiction teams, the fight against the drug trade will help our troops get the bad guys, the kingpins in Afghanistan, these people that are making money off of the drug trade.

□ 1500

Also, the team will receive support from our military, international resources and Afghanistan law enforcement officers. I believe that allowing law enforcement to participate in taking down these desert kingpins will give the Afghanistan police a sense of ownership over their own security and help further train them in counter-narcotics operation. That could only be a good thing for the citizens of Afghanistan.

Again, Mr. Chairman, I appreciate the administration's commitment to taking care of the poppy fields in Afghanistan that fund our enemies, but I think we're missing a link somewhere in our strategy. Provisions in this bill focus on funding that link, and that's a good start. All of our sacrifice and that of our NATO allies and the future of Afghanistan depend on establishing a stable and viable democracy in that region of the world. That democracy can only thrive amidst a legitimate economy. Our troops, our allies, and, most importantly, the Afghanistan people deserve a chance to live unfettered and free of the rule of kingpins of the drugs and the Taliban.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to Congressman ADAM SMITH, the chairman of the Armed Services Terrorism, Unconventional Threats and Capabilities Subcommittee and a valued member of the Foreign Affairs Committee.

Mr. SMITH of Washington. Mr. Chairman, I want to thank the leadership in both the House Foreign Affairs Committee and the House Armed Services Committee for their efforts to make Afghanistan a top priority and to focus on our challenges there. They've done a fabulous job.

I recently returned, during the last break, from a visit to Afghanistan. I am very optimistic about what's going on there but at the same time mindful of the effort that it's going to require in the years ahead to continue to succeed, and I believe this bill reflects an understanding of that required effort.

The Afghan people are on our side. They support the presence of the NATO troops to support the Karzai government. They do not want the Taliban to return, and they will fight them and appreciate our help in doing this.

I'm also very impressed with the job our military and the military of the NATO alliance is doing there. We have some of the most talented folks in our military there doing a fabulous job of fighting the Taliban. But as we go forward, there are remaining challenges, significant challenges.

Number one, we have to maintain the military presence. In fact, I believe we need more troops and further support to train the Afghan army and to fight off the Taliban as they try to resurge in the south and throughout the country.

But overarching all of this is the economic challenge. That is the enormous challenge in Afghanistan. It is a country that has never had the best economy, and it has also faced 30 years of civil war. Their infrastructure is destroyed and needs to be rebuilt. Their ability to govern has also been significantly reduced and needs to be rebuilt.

The Karzai government has the support of the people, but the people also want infrastructure. They want electricity, and they want jobs. They want alternatives to the poppies, alternatives to that as a way of making their living, and we have to give them a long-term commitment to show them that we will help. We need that long-term financial commitment that is contained in this bill to get them to believe that their economy will be strong again. We need to reward their faith in the Karzai government, their faith in our ability to defeat the Taliban and to build a better future for Afghanistan; and this bill does that.

So, again, I thank the chairman. I want to thank the ranking member as well for putting together this piece of legislation and ask all Members of Congress to understand this is a long-term commitment in Afghanistan.

Ms. ROS-LEHTINEN. Mr. Chairman, I'd like to yield such time as he may consume to Mr. PENCE of Indiana, the ranking member of the Middle East and South Asia Subcommittee who has traveled to Afghanistan and closely follows the developments there.

MR. PENCE. Mr. Chairman, I especially want to thank our ranking member from Florida for yielding and the distinguished chairman of the full committee for their work on this important legislation.

Mr. Chairman, I rise in strong support of the Afghanistan Freedom and Security Support Act, and I call for its passage. It was reported unanimously out of the Foreign Affairs Committee last month. Our action today would reauthorize the Afghanistan Freedom Support Act of 2002 passed 5 years ago this month, just a few short months after our invasion of the country that harbored the September 11 attackers.

Mr. Chairman, there is nearly unanimous agreement in this body that the battle currently under way in Afghanistan is in our vital national interests, and it is crucial and central to the war on terror. It is critical that we adequately resource and support our mission and the government and the people of Afghanistan.

As with any conflict, there are both positive and troubling signs today in Afghanistan. Challenges facing us include a resurgent Taliban, growing opium trade and slow progress on reconstruction.

On the positive side, our forces, in conjunction with NATO, are waging war on the Taliban, pursuing terrorist nests and providing support to the Karzai government. I was able to witness some of the early fruits of these efforts firsthand, along with some of my colleagues in December of 2004 when I visited. As in Iraq, our troops and civilian efforts there are inspiring in difficult and dangerous conditions.

Opium production remains a plague that will haunt this country until it is curbed. Tragically, Afghanistan is the world's largest opium producer. As Antonio Maria Costa of the United Nations Office on Drugs and Crime said last year, and I quote, ''Afghanistan's drug situation remains vulnerable to reversal because of mass poverty, lack of security, and the fact that the authorities have inadequate control over its territory.''

And that's why this bill is so important. In this legislation, $1.6 billion per year over the next 3 years are authorized for reconstruction and security assistance, specifically a pilot program of crop substitution to encourage legitimate alternatives to poppy cultivation, as well as an anti-corruption effort.

This bill also addresses, as has been alluded to by my colleagues, the continuing humanitarian needs and offers programs for women and children.

One of the most inspiring experiences of my life, Mr. Chairman, was during a visit to an American installation in the mountains of Jalalabad where we walked outside of the military base and visited a school which, for the first time, had running water, which, for the first time, more poignantly, had little girls in the classrooms. It was an extraordinary experience as I approached the gates of that school surrounded, as I was, by heavily armed American military personnel, only to see the children run forward out of the gates, embrace those soldiers and greet them, not as the glowering menaces that they might appear to a stranger but as friends. And I stood and marveled as the soldiers taught me words in their native Afghan tongue to greet the children and to be able to speak to them. It was extraordinary.

This legislation providing for the humanitarian needs and for programs for women and girls like those which I saw is truly treasure in heaven.

This legislation also encourages greater cooperation from friendly countries in the region, and it requires the President to keep Congress informed on the progress of these various issues.

Mr. Chairman, our success in Afghanistan will require a multi-tracked effort on numerous fronts in order for

the United States to stay on the offensive in the war on terror and to stabilize this key ally in our shared struggle. The Afghanistan Freedom and Security Support Act is an important and central component in that fight, and I urge its strong support from my colleagues on both sides of the aisle.

Mr. LANTOS. Mr. Chairman, I'm pleased to yield 2 minutes to my neighbor in California, a valued member of the Foreign Affairs Committee, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, I rise today in support of the Afghanistan Freedom Support Act and to thank the chairman and the ranking member of the Foreign Affairs Committee for this bipartisan bill.

H.R. 2446 provides for reconstruction and reconciliation. It provides for the future of Afghan people by supporting women's rights, supporting education, agricultural initiatives and civil society reform.

Actually, this bill is doing what we could and what we should do in Iraq. It builds a path, a true path to peace. With H.R. 2446, through economic political and reconstruction support, we can help rebuild a nation. We can provide hope for a safe and prosperous future for another nation. And we can also learn from this bill, learn that democracy and stability come from international partnerships, not from guns, not from bombs.

Ms. ROS-LEHTINEN. Mr. Chairman, I'm pleased to yield such time as he may consume to Mr. DOOLITTLE, of California, a member of the Appropriations Committee.

Mr. DOOLITTLE. Thank you to Ranking Member ROS-LEHTINEN and Chairman LANTOS. I'm very happy to see the strong support for Afghanistan manifested here by the statements on the floor and, obviously, by a bill like this with unanimous approval out of the committee.

Mr. Chairman, we had some great initial successes in Afghanistan, and those are now threatened by subsequent developments that would be absolutely tragic and really intolerable for us to allow any reversals to occur. We need to build upon a solid foundation that has been laid, and I'd just like to briefly cite what I think the need for this legislation is.

Others have alluded to it as well, but the fact is that remnants of the Taliban regime have regrouped and are using increasingly deadly tactics, including the introduction of suicide bombings against both U.S. and NATO troops, Afghan officials and civilians and international and Afghan assistance workers.

Also, the poppy cultivation and opium production which directly support local warlords and sustain and finance insurgents, militias and terrorist organizations is increasing at a staggering rate. Indeed, the narcotics problem in Afghanistan threatens to overwhelm the entire country. More than 500,000 laborers and an unknown number of traffickers, warlords, insurgents and officials also participate in and benefit from the drug trade.

The risk for Afghanistan to again devolve into a failed state is increasing. The ability of the Taliban and other insurgents to enjoy safe haven in Pakistan-controlled areas destabilizes the region and adds to the political tension between Afghanistan and Pakistan.

I'm very encouraged to see that this legislation establishes the means for developing a long-overdue and coherent interdepartmental counternarcotics strategy that addresses a deadly and neglected illicit drug trade and its links to radical Islamist terrorism.

Mr. Chairman, for all of these reasons, I endorse this bill and encourage our Members to support it and pray that it may further strengthen our efforts to bring stability and peace to that vital region of the world.

Mr. LANTOS. Mr. Chairman, I'm very pleased to yield 3 minutes to my good friend and distinguished colleague from New York, Mrs. CAROLYN MALONEY, chairwoman of the Subcommittee on Financial Institutions.

Mrs. MALONEY of New York. Mr. Chairman, I thank Chairman LANTOS for his leadership on this important bill and in so many other areas; and I rise in strong support of the Afghan Freedom and Security Support Act.

The bill includes provisions from legislation that I introduced earlier this year, H.R. 937, the Afghan Women Empowerment Act, which targets critical assistance to Afghan women and girls. The bill authorizes $45 million each year from fiscal year 2008 through fiscal year 2010 for programs in Afghanistan that benefit women and girls, as well as the Afghan Independent Human Rights Commission and the Afghan Ministry of Women's Affairs.

The funding would be directed toward important needs, including medical care, education, vocational training, protection from violence and civil participation.

In 2003, I successfully attached, with the leadership and help of Chairman LANTOS, an amendment to the fiscal year 2004 emergency supplemental bill that provided $60 million in funding for Afghan women and girls NGOs, including $5 million for the creation of the Afghan Independent Human Rights Commission.

□ 1515

During the past several years, the U.S. has invested in the reconstruction and development of Afghanistan, both because it is the right thing to do and because it is also critical to our national security. However, like many of my colleagues, I am troubled by the challenges facing Afghani women. In March, I had the pleasure and on other occasions of meeting with Dr. Sima Samar, head of the Afghan Independent Human Rights Commission. She says Afghan women are losing ground. Many women continue to endure hardships including targeted violence, limited mobility, and a high rate of maternal mortality. I am also deeply concerned about reports that girls schools continue to be targeted for violence, including dozens in this past year.

Clearly, we have a great deal of more work to do. And by giving women access to the skills and opportunities that they need, they will become partners in creating Afghanistan's future and we will ensure that women will no longer be second class citizens.

I deeply thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their leadership in getting this important bill to the floor, and I also want to acknowledge Congress Member ABERCROMBIE for his strong support for this legislation and his efforts on its behalf, along with the Feminist Majority, led by Ellie Smeal.

This legislation is another critical step in helping Afghan women, and I commend the House for passing this legislation today.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER), the House Republican policy chairman.

Mr. MCCOTTER. Mr. Chairman, first, I wish to begin by commending the work of the chairman and the ranking member for bringing this bill to the floor.

Upon my first visit to Iraq in 2003, I was struck by the centralized reconstruction process. I believed it was a mistake, and I came back in November of that year and gave a speech on the floor of the House and I said that I thought that one of the things that we needed to do was to provide the Iraqi people a transactional benefit to undergird the transformational change to democracy. This lesson is equally applicable in Afghanistan, which is why this bill today is so welcomed, because it recognizes that the people of Afghanistan in the provinces, in the local levels are where the reconstruction money must really be targeted.

If you think about how the United States evolved into a democracy, we began with the family unit and went to the town halls and went to our county government level and eventually became States and eventually became a strong union. We can expect no more nor no less from the people of other nations who are yearning to breathe free and have been given the chance to seize the opportunity.

On a more personal note, having been on my first trip to Afghanistan with my colleagues, we had the opportunity to meet with some female parliamentarians, and I was struck by two things: The first, and I said this to

them, was that I admired their courage and that there was a part of me that envied them. I envy them because here in the United States capital we see portraits and we see monuments and we continue to this day to hear testaments to the courage and perseverance of our Nation's founders.

And I said that I was so honored to be in the presence of these female parliamentarians for in Afghanistan, as they move towards democracy, one day there will be testaments and monuments and portraits of them hanging on the walls of their own chambers and in the homes of their fellow countrymen.

We promised that day not to forget or forsake them. And today, thanks to the leadership of the ranking member and the chairman, we can tell those female parliamentarians that we have not forgotten them and that we stand with them.

And, finally, let us not forget when we think about the role of the United States, which was conceived in liberty, those female parliamentarians were once considered property until they were emancipated by the United States of America and the coalition allies.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 4 minutes to my good friend from Texas, a distinguished colleague, SHEILA JACKSON-LEE, chairwoman of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, allow me to thank my good friend the chairman of the Foreign Affairs Committee of the House for his energy and the focused way in which this committee is pursuing its business of engaging and improving the relations of the United States with those around the world. Let me thank the ranking member as well, whom I have worked with on many issues dealing with women and children, and I appreciate their collective leadership.

This bill is an important restatement of what many of us have argued for and continue to make the point that the building pieces that we can offer to Afghanistan will build a building of peace for decades and centuries to come. Frankly, many of us believe that the war on terror is seeded in Afghanistan and would like us to find or to be able to invest not only as it relates militarily to the concerns of the borders between Afghanistan and Pakistan and the rise of the Taliban but to seed out, if you will, the bad seeds of terrorism, to make Afghanistan the shining star, people desiring and hungering for the water of democracy.

So this legislation, the Afghanistan Freedom and Security Support Act of 2007, needs to be reauthorized and has in it a valuable statement about the United States' commitment, longevity in its commitment, to helping Afghanistan put forward the building blocks of peace. The fact that it authorizes $1.7 billion in each of the fiscal years 2008 to 2010 emphasizes economic and development assistance and as well capacity building programs and, as has been mentioned, women and girls programs.

Let me cite, Mr. Chairman, an individual who has really been a sole champion on the issue of educating Afghan children. And, of course, I am very grateful for your accepting my amendment regarding the refugee resettlement in the manager's amendment and look forward to discussing my amendment regarding the emphasis on training girls to encourage them to finish secondary school, and as well, my amendment regarding the safety of women legislators. But I do want to pay tribute to Josanna Smith. She is a name that you may not have heard, but she has devised a little chalkboard that is able to travel in places where many of us couldn't in the high hills of Afghanistan to give to the children that many of us see in pictures or have actually visited them, as I have done, and giving books to these children, sitting in little circles trying to learn.

This little simple, if you will, chalkboard that ties to it a piece of chalk allows children to learn. Josanna has put together a foundation where it is almost self-funded. She has been to Afghanistan and many places around the world.

I cite Josanna Smith as an example of the kind of good heartedness of Americans who really desire the best for Afghanistan and see it as the place where we can, in essence, make the fruits of democracy thrive.

This legislation acknowledges that the war on terror started first in the bowels of this country. It acknowledges the need to address the controversy and conflict on the Afghan and Pakistan border. It recognizes the rise of the Taliban. And, hopefully, it will characterize the foreign policy of this Nation, that is, that we must solve the terror in Afghanistan before we begin to completely finish the war on terror or at least make the forward step that we need to make.

I look forward to discussing the amendments that will hopefully further help women and women legislators take their rightful place in a free and open democracy that is safe and secure, and that is the country of Afghanistan.

Mr. Chairman, I rise today in support of H.R. 2446, "the Afghanistan Freedom and Security Support Act of 2007." This is an extremely important and timely piece of legislation, and I commend the Chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it. In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure that nation from the Taliban.

However, the Taliban continues to pose a very real threat to Afghanistan's stability. After enduring decades of violence and hardship, the people of Afghanistan continue to live in a climate of ongoing turmoil, particularly in the southern regions of the country, where there are ongoing and dangerous clashes between coalition-led forces and insurgents. Despite our positive efforts, the Taliban has been able to reorganize, and continues destabilize the country.

These unfortunate realities remind us of the need to continue U.S. programs in Afghanistan, as well as the necessity of continually studying and revising our involvement to ensure that taxpayer dollars are being put to the best possible use. If the United States is to ensure that Afghanistan is secure and stable in the long run, we must address the underlying causes of persistent violence, including the still-flourishing opium trade and the nation's lack of infrastructure.

Education, so long neglected under the Taliban regime, will be a vital component of Afghanistan's development. I commend the many individuals and groups who have been tirelessly furthering the cause of Afghanistan; individuals like Josanna Smith and her organization Worldwide Wisdom United, Inc. Ms. Smith's organization has distributed thousands of Learning Boards™, which are sturdy, hand-held chalkboards containing eraser and a supply of chalk. This simple but ingenious device can mean the world of difference to a child in Afghanistan, opening up a future of economic success and self-sustainability. I commend Ms. Smith, and other Americans like her, for bravely recognizing and addressing this ongoing problem.

I am proud to have offered two important amendments to this legislation, both of which I believe will strengthen this bill and help it to achieve its intended purpose. My first amendment states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes as it relates to education, health care, human rights (particularly women's rights), and political participation. This amendment also seeks to ensure girls complete secondary education so they are prepared and have the ability to pursue post-secondary education.

My second amendment seeks to bolster women's political participation by protecting women legislators when they return to the provinces they represent. It states that it is the sense of Congress that assistance provided to foreign countries and international organizations under this provision should be used, in part, to protect these female legislators.

This bill has many other important provisions. Key among these are programs to combat narcotics trafficking and rampant corruption. Additionally, this bill encourages greater regional cooperation. I believe this to be a vital aspect to any effort toward peace in Afghanistan, and I strongly encourage regional dialogue and the involvement of Afghanistan's neighbors.

Mr. Chairman, we have a responsibility to Afghanistan. We have pledged a commitment to Afghanistan's long-term stability. I believe that this bill is essential and urgent, and I strongly urge my colleagues to join me in support of it.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2 minutes to my

good friend from Connecticut, Congressman JOE COURTNEY, distinguished member of the Committee on Education and Labor.

Mr. COURTNEY. Mr. Chairman, it is an honor to stand in support of the Afghan Freedom and Security Support Act.

Exactly 1 week ago, I was in Afghanistan with a congressional delegation from the Armed Services Committee and had the opportunity to see firsthand both the progress and challenges that face the people of Afghanistan. It is a land of contrasts. On the upside there is a healthy political life. President Karzai, who met with our delegation, is clearly a dynamic, moderate, engaged leader who has a national government which is clearly focused on trying to move the country forward. There are clear signs of economic life. The shops were open. There was traffic. Schools were being built. Roads are being constructed, 16 percent growth of GDP over the last couple of years and a clear commitment to strengthening and building the Afghan army and police. In fact, our delegation was present at a graduation ceremony for the Afghan national police and handed out the diplomas to the young cadets who were taking on these important critical duties to Afghanistan's future.

There clearly are challenges, however. The reappearance of the narcotics trade; the resurgence of the Taliban; and the challenges in the border areas of Pakistan, which our military are fighting very bravely every day. Seven soldiers lost their lives the day that we were there because of the struggle that is still going on with the Taliban.

What is clearly needed, and this bill addresses it, is a strong, long-term commitment by this country to continue the efforts that have been made with our international allies, NATO allies, who were present also during our trip. French Marines, Scandinavian troops, Germans who are taking responsibility for control of some of the PRTs in the different provinces. And, clearly, lastly, most importantly, is the economic aid that is so critical to defeating the rise of the narcotics trade and defeating the Taliban. As one of the generals stated to us, where the roads end, the Taliban begins in Afghanistan.

Flying from Kabul to Jalalabad, we actually tracked a new road which was constructed by Chinese contractors that had heavy truck traffic and again showed that there were real opportunities in growth in that area which this bill will continue to build upon, and I applaud the chairman for his efforts and urge its unanimous passage.

Ms. ROS-LEHTINEN. Mr. Chairman, I encourage all of my colleagues to support this far-reaching bill.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman, before yielding back, I would like to make just a couple of observations.

It is such a rare pleasure to manage a major bill of international significance on a bipartisan basis. Our Nation wins when Congress is united. This Congress is united on our policy with respect to Afghanistan. Just as importantly, Mr. Chairman, was my privilege some years back to point out that Afghanistan is not an American problem; it is a problem for the civilized the world. And I called for NATO to take over the responsibility in Afghanistan.

NATO is now the principal operating entity on behalf of freedom and democracy in the country of Afghanistan. NATO should be performing this function. It is the greatest military alliance in the history of the world, and it is my earnest hope that, just as NATO has accepted its responsibility in the struggle in Afghanistan, it will do so in other troubled parts of the world.

Mr. HOLT. Mr. Chairman, I rise today in support of this very important legislation.

During the first 6 months of 2007, this Congress has rightly spent a great deal of time debating and trying to reorient our policy in Iraq. It's important to remember that one of the chief reasons we need to leave Iraq is so that we can win the other war we've been fighting since 2001: the war against Al Qaeda and their Taliban allies in Afghanistan.

This bipartisan bill provides additional support for programs as diverse as assistance to women and girls, energy development and counter-narcotics. It authorizes $6.435 billion for fiscal years 2008 through 2010, of which $2.145 billion is authorized to be spent in fiscal year 2008. Let me comment on a couple of specific provisions that I think are particularly important.

This bill seeks to set standards, create performance metrics, and mandate a tightly coordinated interagency strategy for Afghanistan—the very kinds of measures that were absent in our effort in Iraq from the very beginning. Starting in December 2007 and every 6 months afterwards through September 30, 2010, this bill would require the President to submit detailed reports to Congress on the political, military, and economic progress being made—or not being made—in Afghanistan. It is long past time that Congress mandated such benchmarks so that we can know what is working in Afghanistan and make adjustments where things are not working.

This bill also mandates the creation of a special envoy to help more closely coordinate activities between those governments and the International Security Assistance Force in their joint efforts to interdict Al Qaeda and Taliban fighters who attempt to use Pakistani territory to launch attacks against civilian and military targets in Afghanistan. Pakistan's record in this area is at best mixed, and I am glad that the committee has recognized the need for our government to increase its effort to get both governments to make the borders no-go zones for insurgents.

Finally, this bill recognizes that the Taliban and Al Qaeda are not the only enemies of Afghanistan's fledgling democracy. The narcotics trade in Afghanistan is producing violence and corruption that threatens the people and government of Afghanistan just as much as the actions of the terrorists. Indeed, we know that in many cases the terrorists are using narcotrafficking to help fund their violent campaign to overthrow the Afghan government.

Weeding out potentially corrupt police who assist the drug lords and the terrorists is essential, and this bill would require that future assistance to the Afghan National Police include "vetting procedures to adequately assess each Afghan National Police candidate's aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work." This is exactly the type of framework that we have lacked in Iraq to deal with police corruption in that country, and so I'm pleased that the committee is including such a vetting requirement for Afghan police in this bill.

Mr. Chairman, I look forward to the day when the people of Afghanistan are free of the fear and uncertainty that decades of war and civil strife have produced in that ancient country. Let us hasten the arrival of that day by reaffirming our partnership with them by passing this bill.

Mr. BARTON of Texas. Mr. Chairman, I rise today in support of H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007.

This bill reauthorizes the Afghanistan Freedom Support Act of 2002, which has made a huge impact in the stability and security of a new democracy in that country.

Since 2002, we've seen major reconstruction of schools and infrastructure in that country, as well as the birth of a democratic nation.

Reauthorization of this bill is crucial ensuring that Afghanistan continues to strengthen its government and that its people start to feel safe and secure in a nation that has been riddled with so much violence and terrorism.

H.R. 2446 also makes some important enhancements to the original Act by dealing with a rising narcotics problem related to heroine and poppy production that is threatening to endanger Afghanistan's security.

H.R. 2446 also takes a strong step towards building international diplomacy and shared responsibility in the region with our allies.

The Act expresses the sense of Congress that greater humanitarian assistance is needed in the country for civilians, that the United Nations should play a larger role in assisting the people of Afghanistan and also provides means to train military from foreign countries to share responsibility in Afghanistan.

We also set strong benchmarks for accountability in the region by requiring more reporting, a better overall strategy for Afghanistan, and by pursuing policies that foster regional cooperation.

This bill will make Afghanistan stronger and more secure while securing our own homeland in the fight against global terrorism.

I urge my colleagues to support this bill.

□ 1530

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 2446

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Afghanistan Freedom and Security Support Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

Sec. 101. Declaration of policy.
Sec. 102. Purposes of assistance.
Sec. 103. Authorization of assistance.
Sec. 104. Certification and phased-in limitation on economic and democratic development assistance.
Sec. 105. Monitoring and evaluation of assistance.
Sec. 106. Coordination of assistance.
Sec. 107. Pilot program to provide scholarships to Afghan students for public policy internships in the United States.
Sec. 108. Authorization of appropriations.
Sec. 109. Clerical amendment.

TITLE II—ASSISTANCE FOR A NEW SECURITY FRAMEWORK FOR AFGHANISTAN

Subtitle A—Amendments to the Afghanistan Freedom Support Act of 2002

Sec. 201. Authorization of assistance.
Sec. 202. Congressional notification requirements.
Sec. 203. Matters relating to the International Security Assistance Force.
Sec. 204. Sunset.

Subtitle B—Other Matters

Sec. 211. Counter-narcotics activities in Afghanistan.
Sec. 212. Expansion of international contributions to the security of Afghanistan.
Sec. 213. Training for military personnel of foreign countries that are to be deployed for security operations in Afghanistan.
Sec. 214. Humanitarian assistance for war victims.
Sec. 215. Sense of Congress concerning United Nations mandate in Afghanistan.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Donor contributions to Afghanistan and reports.
Sec. 302. Report on progress toward security and stability in Afghanistan.
Sec. 303. Comprehensive interagency strategy for long-term security and stability in Afghanistan.
Sec. 304. Special envoy for Afghanistan-Pakistan cooperation.
Sec. 305. Transit through Pakistan of shipments by India in support of reconstruction efforts in Afghanistan.
Sec. 306. Reauthorization of Radio Free Afghanistan.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nearly six years after the liberation of Afghanistan from the Taliban, who provided Osama Bin-Laden and Al-Qaeda with a safe haven for planning the attacks of September 11, 2001, Afghanistan remains highly unstable and the Government of President Hamid Karzai remains subject to attacks from remnants of the Taliban who have regrouped along with other insurgent groups, including some foreign fighters associated with Al-Qaeda.

(2) The Government of Afghanistan supports the continued deployment of international forces to supplement its own nascent national security forces, and the North Atlantic Treaty Organization (NATO), which took over international stability operations for the entire country on October 5, 2006, must show continued commitment to these operations in order to assist Afghanistan in defeating the growing insurgency in rural areas of Afghanistan.

(3) The current United States counter-narcotics strategy for Afghanistan has not produced significant results, in part due to a failure to seek out and capture high-level warlords and kingpins who control the flow of illicit narcotics and because sufficient sustainable alternatives have not been provided to Afghan farmers who suffer from a lack of access to microfinance facilities, financial services, and land rights and whose crops are subject to eradication.

(4) In some cases, the misaligned eradication policy endorsed by the United States Government has led adversely-affected Afghan farmers and villagers to support insurgent groups, including the Taliban.

(5) The violence and instability in Afghanistan is further exacerbated by the flourishing trade in opium and opium-related crops, which has reached record levels and which fuel local militias, corrupts the national and local governments, and provides funding for insurgent and terrorist groups.

(6) The United States and the international community must continue to support Afghanistan both through increased support for its national and local police forces, the Afghan National Army, and Afghan counter-narcotics operations.

(7) The United States and the international community must also continue to support the growth of the Afghan economy through foreign assistance and other means because Afghanistan remains one of the poorest countries in the world and economic growth is impeded by the lingering remnants of 25 years of civil war and occupation and the ongoing instability since December 2001, including the growing illicit drug economy.

(8) The United States and the international community must also continue to show a long-term commitment to support the promotion of democracy and the protection of human rights in Afghanistan, including increased assistance for the rule of law, freedom of the press, freedom of association, freedom of religion, and other measures of good governance.

(9) From January 31 to February 1, 2006, the Government of Afghanistan and the international community issued the Afghanistan Compact, which sets forth both the international community's commitment to Afghanistan and Afghanistan's commitment to state-building and reform over the next five years.

(10) The Afghanistan Compact, which supports the Afghan National Development Strategy, provides a strategy for building an effective, accountable state in Afghanistan, with goals and standards set forth in the Afghanistan Compact for improvements in security, governance, and development, including measures for reducing the narcotics economy, promoting regional cooperation, and making aid more effective. The Afghanistan Compact also established a mechanism to monitor Afghanistan and the international community's adherence to the timelines, goals, and objectives set forth in the document.

(11) The security of Afghanistan is closely intertwined with those of its regional neighbors and success in Afghanistan, both economic and political, will be dependent on security and stability in the region.

(12) The recent closure of four refugee camps in Pakistan and the deportation of Afghans from Iran have resulted in over 200,000 Afghan refugees repatriating to Afghanistan who will require urgent humanitarian services.

SEC. 3. DEFINITION.

(a) IN GENERAL.—In this Act, except as otherwise provided, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(b) AMENDMENT.—Subsection (c) of section 1 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended to read as follows:

''(c) DEFINITIONS.—In this Act:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) GOVERNMENT OF AFGHANISTAN.—The term 'Government of Afghanistan' includes—

''(A) the government of any political subdivision of Afghanistan; and

''(B) any agency or instrumentality of the Government of Afghanistan.

''(3) INTERNATIONAL SECURITY ASSISTANCE FORCE OR ISAF.—The term 'International Security Assistance Force' or 'ISAF' means the international security assistance force established to assist in the maintenance of security in Afghanistan pursuant to United Nations Security Council Resolution 1386 (2001), as amended by United Nations Security Council Resolutions 1413 (2002), 1444 (2002), 1510 (2003), 1563 (2004), 1623 (2005), and 1707 (2006).''.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

SEC. 101. DECLARATION OF POLICY.

Section 101 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511) is amended by striking paragraphs (4), (5), and (6) and inserting the following new paragraphs:

''(4) While the election of a President and the establishment of a National Parliament for Afghanistan concluded the process begun in December 5, 2001, in Bonn, Germany, the United States needs to continue to work with the Government of Afghanistan and other friendly countries to ensure that Afghanistan's neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal for the establishment of an independent and neutral Afghanistan.

''(5) The United States must continue to demonstrate a long-term commitment to the people of Afghanistan by sustained assistance and the continued deployment of United States troops in Afghanistan with the support of the Government of Afghanistan as Afghanistan continues on its path toward a broad-based, multi-ethnic, gender-sensitive,

and fully representative government in Afghanistan.

''(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in Afghanistan's neighboring countries and throughout the Central Asia and South Asia regions.

''(7) While rampant corruption has impeded development and economic growth in Afghanistan and contributed to insecurity in the country, the United States should support all efforts to fight corruption in all levels of government in Afghanistan and assist in promoting an efficient and effective Government of Afghanistan.''.

SEC. 102. PURPOSES OF ASSISTANCE.

Section 102 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7512) is amended—

(1) in paragraph (2), by striking ''the humanitarian crisis'' and inserting ''the continuing humanitarian needs'';

(2) in paragraph (3)—

(A) by striking ''heroin, and to'' and inserting ''heroin, to''; and

(B) by adding at the end before the semicolon the following: '', and to establish a pilot program to test the effectiveness of a crop substitution combined with an appropriate offset policy and to provide practical information on the measures needed to implement such a policy with the potential of scaling up the pilot program for large-scale deployment''; and

(3) in paragraph (7), by inserting '', the energy sector'' after ''the agriculture sector''.

SEC. 103. AUTHORIZATION OF ASSISTANCE.

(a) CONTINUING HUMANITARIAN NEEDS.—Subsection (a)(1) of section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended—

(1) in the heading, by striking ''URGENT'' and inserting ''CONTINUING''; and

(2) in the matter preceding subparagraph (A), by striking ''urgent'' and inserting ''continuing''.

(b) COUNTER-NARCOTICS EFFORTS.—Subsection (a)(3) of such section is amended—

(1) in the matter preceding clause (i) of subparagraph (A)—

(A) by striking ''To assist in'' and inserting ''To assist in the apprehension of individuals who organize, facilitate, and profit from the drug trade,''; and

(B) by inserting '', including the destruction of drug laboratories'' after ''heroin production'';

(2) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) To establish a pilot program to test the effectiveness of a crop substitution combined with an appropriate offset to encourage legitimate alternatives to poppy production for Afghan poppy farmers within an area in which poppy production is prevalent, such as in the Helmand or Nangarhar provinces, by providing—

''(i) seeds for alternative crops for which there is internal market demand and in an areas in which there is adequate infrastructure for access to market;

''(ii) technical assistance to such Afghan poppy farmers on how to best plant, grow, and harvest the alternative crops utilized; and

''(iii) an appropriate offset that would significantly address the difference in income that such Afghan poppy farmers would otherwise earn had they continued to grow and sell poppy.'';

(4) in subparagraph (C) (as redesignated)—

(A) by striking ''(B)'' and inserting ''(B)(i)'';

(B) by striking ''2003 through 2006'' and inserting ''2008 through 2010'';

(C) by striking the last sentence; and

(D) by adding at the end the following new clauses:

''(ii) For each of the fiscal years 2008 through 2010, $10,000,000 is authorized to be appropriated to the President to carry out activities described in subparagraph (B).

''(iii) Amounts made available under clauses (i) and (ii) are in addition to amounts otherwise available for such purposes.''; and

(5) by adding at the end the following new subparagraph:

''(D) Not later than 180 days after the date of the enactment of the Afghanistan Freedom and Security Support Act of 2007, and every 180 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the activities described in subparagraph (B). The report required by this subparagraph may be included in the report required by section 304 of this Act.''.

(c) REESTABLISHMENT OF FOOD SECURITY, REHABILITATION OF THE AGRICULTURE SECTOR, IMPROVEMENT IN HEALTH CONDITIONS, AND THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.—Subsection (a)(4) of such section is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) increased access to credit, savings, and other financial services and to farm management and business advisory services;'';

(2) by redesignating subparagraphs (K), (L), and (M) as subparagraphs (M), (N), and (O), respectively;

(3) by inserting after subparagraph (J) the following new subparagraphs:

''(K) programs to train medical personnel, including doctors, nurses, physicians' assistants, and midwives;

''(L) programs to provide equipment to primary and secondary clinics and hospitals;'';

(4) in subparagraph (N) (as redesignated), by striking ''and'' at the end;

(5) in subparagraph (O) (as redesignated), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following new subparagraph:

''(P) rebuilding and constructing rural and urban roads and highways, including secondary and tertiary road systems.''.

(d) EDUCATION, THE RULE OF LAW, ANTI-CORRUPTION, AND RELATED ISSUES.—Subsection (a)(5) of such section is amended—

(1) in the heading, by inserting '', ANTI-CORRUPTION'' after ''THE RULE OF LAW'';

(2) in subparagraph (B)—

(A) by striking clause (v);

(B) by redesignating clauses (vi) through (viii) as clauses (v) through (vii), respectively;

(C) in clause (vi) (as redesignated), by striking ''and'' at the end;

(D) in clause (vii) (as redesignated), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new clauses:

''(viii) support for the implementation of the Afghan Action Plan on Transitional Justice, including examination of abuses by all parties as specified by the document with a view to establishing truth, reconciliation, and justice; and

''(ix) support for land titling programs and reconciliation of land rights.'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following new subparagraph:

''(C) ANTI-CORRUPTION ASSISTANCE.—To combat corruption, improve transparency and accountability, increase the participatory nature of governmental institutions, and promote other forms of good governance and management in all levels of government in Afghanistan, including assistance such as—

''(i) providing technical assistance to the Government of Afghanistan to assist in the efforts to ratify the United Nations Convention against Corruption and assistance in creating implementation legislation and a monitoring mechanism to oversee implementation of the United Nations Convention against Corruption;

''(ii) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

''(iii) promoting legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of corruption;

''(iv) providing technical assistance to develop a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of core labor standards;

''(v) providing training and technical assistance relating to drafting of anti-corruption, privatization, and competitive statutory and administrative codes, and providing technical assistance to Afghan governmental ministries implementing anti-corruption laws and regulations;

''(vi) promoting the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public offices;

''(vii) supporting transparent budgeting processes and financial management systems; and

''(viii) promoting civil society's role in combating corruption.''.

(e) ASSISTANCE TO WOMEN AND GIRLS.—Subsection (a)(7) of such section is amended—

(1) in subparagraph (A), by striking clauses (i) through (xii) and inserting the following new clauses:

''(i) to provide equipment, medical supplies, and other assistance to health care facilities for the purpose of reducing maternal and infant mortality and morbidity;

''(ii) to expand immunization programs for women and children;

''(iii) to establish and expand programs to provide services to women and girls suffering from mental illness problems, such as depression, anxiety, and posttraumatic stress disorder;

''(iv) to protect and provide services to vulnerable populations, including widows, orphans, and women head of households;

''(v) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination, including emergency shelters for women and girls who face danger from violence;

''(vi) to establish primary and secondary schools for girls that include mathematics, science, and languages in their primary curriculum;

''(vii) to expand technical and vocational training programs to enable women to support themselves and their families;

''(viii) to maintain and expand adult literacy programs, including economic literacy programs that promote the well-being of women and their families;

''(ix) to provide special educational opportunities for girls whose schooling was ended by the Taliban and who now face obstacles to participating in the normal education system, such as girls who are now married and girls who are older than the normal age for their classes;

''(x) to disseminate information throughout Afghanistan on international standards for human rights, particularly as pertaining to women;

''(xi) to provide information and assistance to enable women to exercise property, inheritance, and voting rights, and to ensure equal access to the judicial system;

''(xii) to support the work of women-led and local nongovernmental organizations with demonstrated experience in delivering services to women and children in Afghanistan;

''(xiii) to monitor and investigate violations against women and to provide legal assistance to women who have suffered violations of their rights;

''(xiv) to increase political and civic participation of women in all levels of society, including the criminal justice system;

''(xv) to provide information and training related to human rights, particularly as pertaining to women, to military, police, and legal personnel; and

''(xvi) to provide assistance to the Ministry of Women's Affairs and the Afghan Independent Human Rights Commission for programs to advance the status of women.''; and

(2) in subparagraph (B), to read as follows:

''(B) AVAILABILITY OF FUNDS.—For each of the fiscal years 2008 through 2010—

''(i) $5,000,000 is authorized to be appropriated to the President to be made available to the Afghan Ministry of Women's Affairs for the administration and conduct of its programs;

''(ii) $10,000,000 is authorized to be appropriated to the President to be made available to the Afghan Independent Human Rights Commission for the administration and conduct of its programs; and

''(iii) $30,000,000 is authorized to be appropriated to the President for grants to Afghan-led nongovernmental organizations, including Afghan women-led nongovernmental organizations, to support activities including the construction, establishment, and operation of schools for married girls and girls' orphanages, vocational training for women and girls, primary health care clinics for women and children, programs to strengthen Afghan women-led organizations and women's leadership, and to provide monthly financial assistance to widows, orphans, and women head of households.''.

(f) ASSISTANCE FOR ENERGY DEVELOPMENT AND SHORT-TERM ENERGY SUPPLY.—

(1) AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following new paragraphs:

''(8) ASSISTANCE FOR ENERGY DEVELOPMENT.—To support the development of local energy sources, new power generation, and energy transportation, including further development of existing hydrological power sources, studies of the utility of geothermal energy, expansion of local natural gas fields for internal consumption and export, and transport of natural gas or other appropriate energy sources to Afghanistan's neighboring countries.

''(9) ASSISTANCE FOR SHORT-TERM ENERGY SUPPLY.—

''(A) ASSISTANCE OBJECTIVES.—To provide assistance for the supply of short-term energy resources such as diesel to secure the delivery of electricity to major Afghan cities.

''(B) AVAILABILITY OF FUNDS.—For each of the fiscal years 2008 through 2010, $75,000,000 is authorized to be appropriated to the President to carry out this paragraph.

''(C) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under subparagraph (B) are in addition to amounts otherwise available for such purposes.''.

(2) SENSE OF CONGRESS ON OPIC ACTIVITIES.—It is the sense of Congress that the Overseas Private Investment Corporation should, in accordance with its mandate to foster private investment and enhance the ability of private enterprise to make its full contribution to international development, exercise its authorities under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) to further increase efforts to promote and support United States-sponsored private investment in the energy sector in Afghanistan, including—

(A) issuing loans, guaranties, and insurance, to support energy infrastructure reconstruction and development; and

(B) undertaking a special initiative that includes—

(i) sending a needs assessment team to Afghanistan to determine ways in which the Corporation can best support the essential investment required to restore the energy infrastructure in Afghanistan;

(ii) engaging in an exhaustive outreach program to involve United States business in energy development in Afghanistan and exploring potential new public-private partnerships, supported by the Corporation, which will assist Afghanistan in developing its energy sector; and

(iii) consulting and coordinating with the Government of Afghanistan and regional governments and international financial institutions to promote private investment in the energy sector.

(g) ASSISTANCE FOR CAPACITY-BUILDING.—Subsection (a) of such section, as amended by subsection (f)(1) of this section, is further amended by adding at the end the following new paragraph:

''(10) ASSISTANCE FOR CAPACITY-BUILDING.—To increase the capacity and improve the sustainability of national, provincial, and local governmental institutions, including assistance such as—

''(A) providing technical assistance to all ministries through funding to the Afghanistan Reconstruction Trust Fund to improve transparency and ability to respond to the needs of the Afghan people;

''(B) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems;

''(C) assisting in developing ministry-wide recruitment systems;

''(D) creating or improving databases and other human resource information systems;

''(E) supporting the expansion of the Afghan National Solidarity Project and other provincial and local-led development projects;

''(F) providing training and technical assistance to the Ministry of Finance to better account for funding to the Afghanistan Reconstruction Trust Fund and other funds implemented by the Government of Afghanistan;

''(G) supporting the Afghanistan Independent Administrative Reform and Civil Service Commission; and

''(H) providing financial and technical assistance to support the Transition Support Strategy for Afghanistan, including the Public Administration Reform project.''.

(h) LIMITATION.—Subsection (b)(1) of such section is amended by striking ''adopting a constitution and''.

(i) MONITORING OF ASSISTANCE FOR AFGHANISTAN; REPORT.—Subsection (d)(1)(A) of such section is amended—

(1) by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''; and

(2) by adding at the end the following new sentence: ''The report required by this paragraph may be included in the report required by section 304 of this Act.''.

SEC. 104. CERTIFICATION AND PHASED-IN LIMITATION ON ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.) is amended—

(1) by redesignating sections 104 through 108 as sections 105 through 109, respectively; and

(2) by inserting after section 103 the following new section:

''SEC. 104. CERTIFICATION AND PHASED-IN LIMITATION ON UNITED STATES ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN.

''(a) CERTIFICATION.—

''(1) IN GENERAL.—Not later than October 1, 2008 and each October 1 thereafter, the President shall transmit to the appropriate congressional committees a certification that contains a determination of whether or not, based upon substantiated and credible evidence, any senior official of the Government of Afghanistan, at the provincial or local levels, is engaged in or benefits from the illicit narcotics trade or is engaged in terrorist or criminal activities, including the names of any such senior officials and the provincial or local governments over which such senior officials exercise authority.

''(2) FORM.—The certification required by paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex.

''(b) LIMITATION ON ASSISTANCE.—For fiscal year 2009 and each subsequent fiscal year, assistance authorized under this title or under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be provided to a provincial or local government of Afghanistan if the President determines and certifies to the appropriate congressional committees pursuant to subsection (a) for such fiscal year that, based upon substantiated and credible evidence, one or more senior officials from such provincial or local government is engaged in or benefits from the narcotics trade or is engaged in terrorist or criminal activities.''.

SEC. 105. MONITORING AND EVALUATION OF ASSISTANCE.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.), as amended by section 104 of this Act, is further amended—

(1) by redesignating sections 105 through 109 (as redesignated) as sections 106 through 110, respectively; and

(2) by inserting after section 104 the following new section:

''SEC. 105. MONITORING AND EVALUATION OF ASSISTANCE.

''(a) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this title on a

program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

''(b) REQUIREMENTS.—In carrying out subsection (a), the President shall—

''(1) establish performance goals for assistance authorized under this title and expresses such goals in an objective and quantifiable form, to the extent practicable;

''(2) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1); and

''(3) provide a basis for recommendations for adjustments to assistance authorized under this title to enhance the impact of such assistance.

''(c) ASSISTANCE TO ENHANCE THE CAPACITY OF AFGHANISTAN.—In carrying out subsection (a), the President shall provide assistance to enhance the capacity of the Government of Afghanistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Afghanistan in order to maximize the long-term sustainable development impact of such programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 110 for a fiscal year, not less than 5 percent of such amounts are authorized to be made available to carry out this section for such fiscal year.''.

SEC. 106. COORDINATION OF ASSISTANCE.

(a) CONGRESSIONAL FINDING.—Congress finds that the coordinator of assistance provided for in section 106 of the Afghanistan Freedom Support Act of 2002 (as redesignated) has not achieved the objectives of an integrated approach to United States assistance programs for Afghanistan.

(b) APPOINTMENT OF COORDINATOR.—Not later than 90 days after the date of the enactment of this Act, the President shall appoint, by and with the advice and consent of the Senate, a coordinator who shall report directly to the President. The coordinator shall not hold any other position within the United States Government and shall have the rank and status of Ambassador.

(c) DUTIES OF COORDINATOR.—The coordinator shall be responsible for—

(1) designing an overall non-military strategy, in coordination with the heads of relevant United States Government departments and agencies, to advance United States interests in Afghanistan, including policy coordination relating to counter-narcotics efforts, reconstruction and development, and activities to equip and train the Afghan National Security Forces;

(2) ensuring policy coordination among relevant United States Government departments and agencies in carrying out the strategy described in paragraph (1);

(3) pursuing coordination with other countries and international organizations with respect to assistance for Afghanistan;

(4) coordinating the implementation and oversight by relevant United States Government departments and agencies for assistance for Afghanistan described in paragraph (1);

(5) resolving policy disputes among relevant United States Government departments and agencies with respect to United States assistance for Afghanistan described in paragraph (1);

(6) ensuring policy coordination among relevant United States Government departments and agencies for counter-narcotics efforts and coordinating the implementation of such policies, including by facilitating the access of certain departments and agencies to sensitive sites in Afghanistan, where practicable, for the purpose of conducting critical counter-narcotics operations; and

(7) ensuring coordination among the United States, the Government of Afghanistan, the United Kingdom, and other international partners that are supporting counter-narcotics efforts, reconstruction and development, and activities to equip and train the Afghan National Security Forces in Afghanistan.

(d) DEPUTY COORDINATORS.—The coordinator may appoint up to two deputy coordinators to assist the coordinator with the duties of the coordinator described in subsection (c), including duties relating to counter-narcotics, reconstruction and development, or equipping and training of Afghan National Security Forces. A deputy coordinator shall not hold any other position within the United States Government.

(e) REPEAL.—Section 106 of the Afghanistan Freedom Support Act of 2002 (as redesignated by sections 104 and 105 of this Act), is hereby repealed.

SEC. 107. PILOT PROGRAM TO PROVIDE SCHOLARSHIPS TO AFGHAN STUDENTS FOR PUBLIC POLICY INTERNSHIPS IN THE UNITED STATES.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.), as amended by sections 104 and 105 of this Act, is further amended by inserting after section 105 (as redesignated) the following new section:

''SEC. 106. PILOT PROGRAM TO PROVIDE SCHOLARSHIPS TO AFGHAN STUDENTS FOR PUBLIC POLICY INTERNSHIPS IN THE UNITED STATES.

''(a) PILOT PROGRAM REQUIRED.—The Secretary of State shall establish a pilot program to provide scholarships to undergraduate and graduate students in Afghanistan for public policy internships in the United States to improve the ability of such students to increase the capacity of the Government of Afghanistan. The pilot program required by this subsection shall be carried out as part of the educational and cultural exchange programs of the Department of State under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

''(b) SCOPE OF PILOT PROGRAM.—It is the sense of Congress that 20 students should participate in the pilot program required by subsection (a) for each fiscal year during which the pilot program is in effect.

''(c) PERIOD OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be in effect during each of the fiscal years 2008, 2009, and 2010.''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENTS.—Subsection (a) of section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated) is amended—

(1) by striking ''such sums as may be necessary'' and inserting ''$1,600,000,000''; and

(2) by striking ''2005 and 2006'' and inserting ''2008 through 2010''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 108 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518) before the date of the enactment of this Act.

SEC. 109. CLERICAL AMENDMENT.

The table of contents in section 1(b) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended by striking the items relating to sections 104 through 108 and inserting the following new items:

''Sec. 104. Certification and phased-in limitation on United States economic and democratic development assistance for Afghanistan
''Sec. 105. Monitoring and evaluation of assistance
''Sec. 106. Pilot program to provide scholarships to Afghan students for public policy internships in the United States.
''Sec. 107. Sense of Congress regarding promoting cooperation in opium producing areas.
''Sec. 108. Administrative provisions.
''Sec. 109. Relationship to other authority.
''Sec. 110. Authorization of appropriations.''.

TITLE II—ASSISTANCE FOR A NEW SECURITY FRAMEWORK FOR AFGHANISTAN

Subtitle A—Amendments to the Afghanistan Freedom Support Act of 2002

SEC. 201. AUTHORIZATION OF ASSISTANCE.

(a) EXTENSION OF DRAWDOWN AUTHORITY.—Subsection (b) of section 202 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7532) is amended by striking ''$550,000,000'' and inserting ''300,000,000 in any fiscal year''.

(b) SENSE OF CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(c) SENSE OF CONGRESS.—It is the sense of Congress that assistance provided to eligible foreign countries and international organizations under subsection (a) should promote greater interoperability with and among the military forces of the International Security Assistance Force, the United States, and the Government of Afghanistan.''.

SEC. 202. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

Subsection (a) of section 205 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7535) is amended by striking ''the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate'' and inserting ''the appropriate congressional committees''.

SEC. 203. MATTERS RELATING TO THE INTERNATIONAL SECURITY ASSISTANCE FORCE.

(a) IMPLEMENTATION OF STRATEGY.—Section 206 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORTS ON EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—Subsection (c)(1)(B) of such section (as redesignated) is amended in the first sentence, by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(c) ARMS SALES INCENTIVE FOR COOPERATING NATIONS IN AFGHANISTAN.—Such section is further amended by adding at the end the following new subsection:

''(e) ARMS SALES INCENTIVE FOR COOPERATING NATIONS IN AFGHANISTAN.—

''(1) IN GENERAL.—The President is authorized to provide a subsidy of up to five percent of the total acquisition cost of defense articles and defense services sold pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country if—

''(A) the country will use such defense articles and defense services in Afghanistan, or

''(B) the country will use defense articles and defense services of comparable quality and quantity in Afghanistan,

in support of operations in Afghanistan for an extended period of time.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'defense article' has the meaning given the term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794 note); and

''(B) the term 'defense service' has the meaning given the term in paragraph (4) of such section.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2008 through 2010.''.

SEC. 204. SUNSET.

Section 209 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7538) is amended by striking ''2006'' and inserting ''2010''.

Subtitle B—Other Matters

SEC. 211. COUNTER-NARCOTICS ACTIVITIES IN AFGHANISTAN.

(a) SUPPORT FOR COUNTER-NARCOTICS INTERDICTION OPERATIONS.—

(1) IN GENERAL.—The President, acting through the Secretary of Defense, shall direct the United States Armed Forces to continue to support counter-narcotics interdiction operations in Afghanistan, consistent with ongoing operational activities and the Department of Defense's counter-narcotics strategy for Afghanistan.

(2) COORDINATION.—Such operations shall be conducted in coordination with the Government of Afghanistan and in coordination with any support for counter-narcotics interdiction operations provided by the United Kingdom and other appropriate countries.

(3) TYPES OF ACTIVITIES.—Such operations shall include—

(A) intelligence, surveillance, and information sharing;

(B) logistical support, to the extent practicable in light of ongoing operational activities, for interdiction efforts; and

(C) training and equipping the Afghan National Police, consistent with existing law.

(b) SPECIAL COUNTER-NARCOTICS INTERDICTION TEAMS.—The President shall enhance existing civilian special counter-narcotics interdiction teams and, in addition, such counter-narcotics interdiction teams shall, to the extent practicable in light of ongoing operational activities, receive the support described in subsection (a).

(c) PARTICIPATION OF FOREIGN COUNTER-NARCOTICS LAW ENFORCEMENT PERSONNEL.—Counter-narcotics law enforcement personnel of NATO and other friendly countries may participate in the formation and operation of the counter-narcotics interdiction teams described in subsection (b) or other counter-narcotics operations in Afghanistan that are supported by the United States.

(d) VETTING OF CANDIDATES FOR THE AFGHAN NATIONAL POLICE.—The President shall ensure that assistance for the Afghan National Police include vetting procedures to adequately assess each Afghan National Police candidate's aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

SEC. 212. EXPANSION OF INTERNATIONAL CONTRIBUTIONS TO THE SECURITY OF AFGHANISTAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the President shall encourage the Governments of Pakistan and friendly Arab countries to increase reconstruction assistance to, and diplomatic support for, the Government of Afghanistan.

(b) PAKISTAN AND AFGHANISTAN MILITARY COOPERATION.—The President shall encourage the Governments of Pakistan and Afghanistan to engage in greater military cooperation to promote greater trust and transparency between them, including greater communication and coordination between their respective military, border security, and counter-narcotic units operating on both sides of the border between Pakistan and Afghanistan.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter until September 30, 2008, the President shall transmit to the appropriate congressional committees a report on the implementation of subsections (a) and (b). The report required by this subsection may be included in the report required by section 304 of the Afghanistan Freedom Support Act of 2002 (as amended by section 302 of this Act).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 213. TRAINING FOR MILITARY PERSONNEL OF FOREIGN COUNTRIES THAT ARE TO BE DEPLOYED FOR SECURITY OPERATIONS IN AFGHANISTAN.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

''SEC. 550. TRAINING FOR MILITARY PERSONNEL OF FOREIGN COUNTRIES THAT ARE TO BE DEPLOYED FOR SECURITY OPERATIONS IN AFGHANISTAN.

''(a) TRAINING AUTHORIZED.—The President is authorized to furnish training under this chapter for military personnel of foreign countries that are to be deployed for security operations in Afghanistan, particularly in the areas of special operations, counter-insurgency, border security, counter-terrorism, and counter-narcotics.

''(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2008 through 2010. Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.''.

SEC. 214. HUMANITARIAN ASSISTANCE FOR WAR VICTIMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should be commended for and should continue ongoing programs regarding assistance to innocent Afghan individuals or families of Afghan civilians who have suffered a serious loss during military operations conducted by United States forces.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the feasibility of expanding programs of assistance described in subsection (a) to include—

(1) the provision of special additional assistance to families of Afghan civilians who were injured or killed during such operations and who were the primary source of income for such families;

(2) the provision of assistance in excess of $2,500 to families of Afghan civilians described in subsection (a); and

(3) the provision of other payments that might be required as a result of ongoing military operations in Afghanistan.

SEC. 215. SENSE OF CONGRESS CONCERNING UNITED NATIONS MANDATE IN AFGHANISTAN.

It is the sense of Congress that the United Nations Security Council should expand the United Nations mandate in Afghanistan to—

(1) authorize international civilian law enforcement missions in Afghanistan as a part of peace operations of the United Nations in Afghanistan;

(2) authorize the International Security Assistance Force to conduct counter-drug interdiction operations, consistent with ongoing operational activities and as opportunities arise, against the top narcotic traffickers, their operations, and their infrastructure in Afghanistan, with the concurrence of the Government of Afghanistan;

(3) install effective centralized authority within the United Nations Special Representative for Afghanistan such that the international community's political objectives can be prioritized and communicated directly with the Government of Afghanistan; and

(4) extend the authorization of the International Security Assistance Force beyond October 13, 2007.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DONOR CONTRIBUTIONS TO AFGHANISTAN AND REPORTS.

Subsection (c)(1) of section 303 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7553) is amended—

(1) in the first sentence, by striking ''the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives'' and inserting ''the appropriate congressional committees''; and

(2) in the second sentence, by striking ''December 31, 2004'' and inserting ''December 31, 2010''.

SEC. 302. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) IN GENERAL.—Title III of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7551 et seq.) is amended by striking section 304 and inserting the following new section:

''SEC. 304. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

''(a) REPORT REQUIRED.—Not later than December 1, 2007, and every six months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on a comprehensive set of performance indicators and measures for progress toward security and stability in Afghanistan.

''(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

''(1) With respect to stability and security in Afghanistan, the following:

''(A) Key measures of political stability, including the important political objectives that must be achieved over the next year to ensure that all segments of Afghan society become committed to the elected government in Kabul.

''(B) The primary indicators of a stable security environment in Afghanistan, such as the following:

''(i) The number of engagements per day by each of the following:

''(I) The Afghan forces, United States forces, and other Coalition forces.

''(II) ISAF.

''(ii) The numbers of trained Afghan security forces, including the Afghan National Army and the Afghan National Police.

''(iii) The trends relating to numbers and types of ethnic and religious-based hostile encounters.

''(C) An assessment of the estimated strength of the insurgency in Afghanistan and the extent to which it is composed of non-Afghan fighters, including whether insurgents are obtaining weapons and other military material from outside of Afghanistan and whether the insurgents are based in or use the territory of countries other than Afghanistan.

''(D) A description of the extent to which warlords in Afghanistan exercise effective control over personnel, natural resources, infrastructure, villages and towns, and material that should be under the direct sovereign control of the Government of Afghanistan, including—

''(i) an identification of each warlord and the extent and means of control that the warlord exercises over personnel, natural resources, infrastructure, villages and towns, and material that should be under the direct sovereign control of the Government of Afghanistan; and

''(ii) a description of actions undertaken by the Governments of the United States, Afghanistan, and countries participating in ISAF, individually or collectively, in the previous year to diminish and ultimately eliminate control by each warlord identified under clause (i) over the Afghan resources described in clause (i), and a description of actions that will be undertaken in the coming year.

''(E) A description of all militias, tribal forces, and terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate such militias, tribal forces, and terrorist and insurgent groups.

''(F) Efforts by ISAF to establish a unified command, unified rules of engagement, information detailing the specific restrictions placed by each country participating in ISAF, or any successor coalition force, on the military activities of its national military personnel within Afghanistan, an assessment of the impact of such restrictions on ISAF's effectiveness, and an assessment of the capabilities of ISAF forces, including any equipment and logistics shortages.

''(2) With respect to the training and performance of security forces in Afghanistan, the following:

''(A) The training provided to Afghan military and other Ministry of Defense forces and the equipment used by such forces.

''(B) Key criteria for assessing the capabilities and readiness of the Afghan National Army and other Ministry of Defense forces, including capability and readiness levels, including recruiting, training, and equipping such forces.

''(C) The operational readiness status of the Afghan National Army, including the type, number, size, and organizational structure of Afghan battalions that are—

''(i) capable of conducting operations independently;

''(ii) capable of conducting operations with the support of United States or Coalition forces or ISAF; or

''(iii) not ready to conduct operations.

''(D) The rates of recruitment, retention, and absenteeism in the Afghan National Army and the extent to which insurgents have infiltrated such forces.

''(E) The training provided to Afghan National Police and other Ministry of Interior forces and the equipment used by such forces.

''(F) Key criteria for assessing the capabilities and readiness of the Afghan National Police and other Ministry of Interior forces, including capability and readiness levels, including recruiting, training, and equipping such forces, including—

''(i) the number of police recruits that have received classroom or field instruction and the duration of such instruction;

''(ii) the number of experienced veteran police officers who have received classroom and field instruction and the duration of such instruction;

''(iii) a description of any vetting that police candidates receive, the number of candidates vetted, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

''(iv) the number of Afghan National Police forces that have received field training by international police trainers and the duration of such training; and

''(v) attrition rates and measures of absenteeism and infiltration by insurgents.

''(G) The estimated total number of Afghan National Army battalions needed for the Army to perform duties now being undertaken by United States, NATO, or Coalition forces, including securing the borders of Afghanistan and providing adequate levels of law and order throughout Afghanistan.

''(H) The effectiveness of the Afghan military and police officer cadres and the chain of command.

''(I) The number of United States and Coalition trainers, advisors, and mentors needed to support the Afghan security and associated ministries.

''(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

''(3) With respect to the economic and political stability of Afghanistan, the following:

''(A) An estimate of the annual budget for the Government of Afghanistan for the Afghan fiscal year, including the costs of operating and maintaining the Afghan security forces.

''(B) An estimate of the amount of Afghan Government revenue and the amount of international assistance for budget support for the Afghan Government.

''(C) An estimate of the amount of funds pledged by all major donors for the calendar year and the amounts committed, obligated, and expended during the reporting period.

''(D) An assessment of United States reconstruction assistance programs in Afghanistan, including—

''(i) a description of existing efforts to improve the monitoring and evaluation of the reconstruction assistance programs, including from the design of such programs through implementation and eventual transfer to the Government of Afghanistan;

''(ii) a description, by project, of ongoing and future reconstruction assistance programs and the amount of funding obligated and expended to carry out such programs, including programs in the security, rule of law, counter-narcotics, power, rural development, education, health, and governance and anti-corruption sectors;

''(iii) an analysis of completed reconstruction assistance programs, on a project basis, and a determination of the impact of and the benefits yielded from such programs on Afghanistan and its people;

''(iv) a description of ongoing efforts that have improved the employment situation in Afghanistan, including efforts that have created job opportunities and increased private sector development; and

''(v) a description of the progress made in implementing all of the elements of the Interim Afghanistan National Development Strategy, including—

''(I) the Afghanistan National Solidarity Program; and

''(II) the Afghanistan Compact, including a description of the goals and objectives in the Afghanistan Compact that have been achieved.

''(E) Key indicators of economic and political development activity that should be considered the most important for determining the prospects of stability in Afghanistan, including—

''(i) unemployment levels;

''(ii) agricultural production;

''(iii) construction of roads, irrigation, and other basic infrastructure;

''(iv) education rates, particularly of girls;

''(v) electricity rates;

''(vi) hunger and poverty levels;

''(vii) illiteracy rates;

''(viii) maternal and infant mortality rates;

''(ix) appropriate measures for the protection of human rights;

''(x) appropriate measures for the protection of political and religious freedom and freedom of association;

''(xi) access of women to political and civil society participation; and

''(xii) appropriate measure for the protection of freedom of the press.

''(4) With respect to opium production and counter-narcotics activities in Afghanistan, the following:

''(A) An estimate of the number of hectares and amount of poppy production for the current year, including by province.

''(B) The number of hectares and the amount of poppy destroyed by eradication.

''(C) The number of counter-narcotics raids against drug labs, storage facilities, and caches, including the number of narcotics confiscated.

''(D) The number of raids against narcotics traffickers and the number of traffickers arrested, prosecuted, convicted, sentenced, and extradited, including high-value targets.

''(E) The number of Afghan counter-narcotics forces, including the Afghan National Counter-Narcotics Police, trained and equipped, the attrition rate of such forces, and the number of such forces available for counter-narcotics operations, including an assessment of the number of operations such forces conducted, the outcomes of such operations, and any additional resource needs of such forces.

''(F) The number and type of alternative livelihood programs, a description of where such programs have been conducted, and an assessment of the number of hectares planted with poppy in the year following such programs.

''(G) The amount and type of NATO and United States assistance provided to Afghan counter-narcotic teams in conducting raids and investigations, including close-air support and helicopter lift, and the number and type of requests for assistance by United States or Afghan counter-narcotics teams.

''(H) An assessment of Afghan efforts to extradite suspects to the United States and other countries, including—

''(i) a list of the persons whose extradition has been requested from Afghanistan, indicating—

''(I) those individuals who have been surrendered to the custody of United States authorities;

''(II) those individuals who have been detained by the authorities and who are being processed for extradition;

''(III) those individuals who have been detained by the authorities and who are not yet being processed for extradition; and

''(IV) those individuals who are at large;

''(ii) a determination of whether Afghan Government officials and entities receiving assistance from the United States are making good-faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

''(iii) an analysis of any legal obstacles in the laws of Afghanistan regarding prompt extradition of persons sought by United States authorities and the steps taken by authorities of the United States and the authorities of Afghanistan to overcome such obstacles.

''(c) UPDATE OF REPORT.—Not later than 90 days after the date of the transmission of each report required by subsection (a), the President shall transmit to the appropriate congressional committees an update of the report, to the extent necessary.

''(d) FORM.—The report required by subsection (a) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

''(e) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended by striking the item relating to section 304 and inserting the following new item:

''Sec. 304. Report on progress toward security and stability in Afghanistan.''.

SEC. 303. COMPREHENSIVE INTERAGENCY STRATEGY FOR LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.

(a) IN GENERAL.—Section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) is amended—

(1) in subsection (a)(1), by striking ''submit such strategy'' and all that follows and inserting ''submit such strategy to the appropriate congressional committees.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

''(b) COMPREHENSIVE INTERAGENCY STRATEGY.—

''(1) IN GENERAL.—The President shall formulate a comprehensive interagency strategy for long-term security and stability in Afghanistan which, in addition to the specific and measurable goals specified in subsection (a)(2), shall be composed of the elements specified in paragraph (2).

''(2) ELEMENTS.—The comprehensive interagency strategy required by paragraph (1) shall contain the following elements:

''(A) REINVIGORATED RECONSTRUCTION ACTIVITIES AND PROVINCIAL RECONSTRUCTION TEAMS.—A comprehensive interagency reconstruction strategy for Afghanistan, including objectives for the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) include a plan to implement all of the elements of the Interim Afghanistan National Development Strategy, including the Afghanistan National Solidarity Program, and the Afghanistan Compact, including a description of the goals and objectives that have yet to be achieved, and the impediments in achieving such goals and objectives;

''(ii) include a mechanism for tracking and oversight of the reconstruction funding provided by countries participating in ISAF and other donor countries, international organizations, and international financial entities, including a description of the progress by such parties in fulfilling their pledges of financial, technical, and other assistance;

''(iii) include a mechanism for tracking and increasing oversight of the reconstruction programs implemented by the provincial reconstruction teams, including the amount of reconstruction funding spent by such teams, the purpose of such funding, and the evaluation of the success of such programs;

''(iv) provide for a mechanism to enhance coordination between the Department of State and the United States Agency for International Development and other relevant departments and agencies of the United States Government in carrying out reconstruction programs, by—

''(I) coordinating existing and future efforts in the reconstruction programs carried out by the Department of State and the United States Agency for International Development with the reconstruction programs carried out by other relevant departments and agencies of the United States Government; and

''(II) coordinating existing and future efforts needed to achieve enhanced coordination between the Department of State and the United States Agency for International Development and other relevant departments and agencies of the United States Government in the design and implementation of reconstruction programs;

''(v) include a plan to enhance monitoring, evaluation, and oversight of reconstruction programs to ensure the effective impact of such programs on Afghanistan and its people;

''(vi) provide a plan to identify and implement critical reconstruction programs, by project, including in the areas of security, rule of law, counter-narcotics, power, rural development, education, health, and governance and anti-corruption, that will improve the security and economic stability of Afghanistan, and the amount of funding needed to implement such programs;

''(vii) include actions to significantly increase contributions from countries participating in ISAF and from other international partners for reconstruction programs, including in the areas of security, rule of law, counternarcotics, power, rural development, education, health, and governance and anti-corruption sectors;

''(viii) provide a plan to improve the employment situation in Afghanistan, including a plan to increase job creation opportunities and enhance private sector development in Afghanistan;

''(ix) include actions to ensure enhancement of the capacity of the Government of Afghanistan, on all levels, to respond to the needs of its people;

''(x) include actions to enhance the design and implementation of programs carried out by the Government of Afghanistan, on all levels, including efforts to increase funding and implementation of reconstruction programs carried out by the National Solidarity Program;

''(xi) include a plan to increase significantly the number of Provincial Reconstruction Teams (PRTs), particularly in the southern and eastern regions of Afghanistan by December 31, 2009, including a review of the operation of and lessons learned from existing PRTs prior to the preparation of the strategy;

''(xii) clarify a single chain of command and operations plans for PRTs, including their relationship with ISAF;

''(xiii) increase staffing, particularly staffing of civilian specialists, and increase staff training for PRTs;

''(xiv) incorporate measures to improve the effectiveness of PRTs in providing reconstruction and development assistance and in promoting security and stability in their areas of operations, including coordination between PRT civilian elements and ISAF reconstruction goals; and

''(xv) include efforts to ensure that a significant amount of the material, financial, and personnel support for the increase in the number of PRTs is provided by foreign sources.

''(B) COUNTER-NARCOTICS STRATEGY.—A comprehensive interagency counter-narcotics strategy for Afghanistan, including objectives for the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) address the five pillars that comprise Afghanistan's counter-narcotics strategy and implementation plan: public information, rural development (alternative livelihoods), elimination and eradication activities, interdiction, and law enforcement and justice reform;

''(ii) identify the roles and responsibilities of relevant departments and agencies of the United States Government with respect to the activities described in clause (i);

''(iii) include the strategic direction of current and planned activities of the United States relating to counter-narcotics efforts in Afghanistan, and shall specifically include a description of steps that have been conducted and planned to—

''(I) improve coordination with all relevant departments and agencies of the United States Government;

''(II) strengthen significantly the Afghanistan National Counter-Narcotics Police;

''(III) build the capacity of the Afghan Government to assume greater responsibility for counter-narcotics related-activities;

''(IV) strengthen anti-corruption measures that target narcotics producers and traffickers and the individuals influenced by them;

''(V) improve counter-narcotics intelligence capabilities;

''(VI) strengthen narcotics-related interdiction activities;

''(VII) strengthen the capacity of the judicial sector to investigate, prosecute, and penalize narcotics producers and traffickers and government officials benefitting from narcotics-related activities;

''(VIII) effectively address any problems with eradication strategies; and

''(IX) significantly increase the focus on creating alternative livelihoods for the Afghan people;

''(iv) include current and planned actions to involve and coordinate with the United Kingdom and other appropriate international partners in supporting counter-narcotics efforts in Afghanistan.

''(C) SUSTAINABILITY OF THE AFGHANISTAN NATIONAL SECURITY FORCES.—A comprehensive interagency strategy for building and sustaining the Afghanistan National Security Forces (ANSF), including objectives for

the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) include a mechanism for tracking funding, including obligations and expenditures, as well as equipment, training, and services provided for the ANSF by the United States, countries participating in the International Security Assistance Force, and other international partners;

''(ii) include actions to build and sustain effective Afghan security institutions with fully-capable leadership and staff, including—

''(I) a reformed Ministry of Interior, a fully-established Ministry of Defense, and logistics, intelligence, medical, and recruiting units (ANSF-sustaining institutions);

''(II) fully-trained, equipped, and capable ANSF in sufficient numbers;

''(III) strong ANSF-readiness assessment tools and metrics;

''(IV) a strong core of senior-level ANSF officers;

''(V) strong ANSF command, control, and communication between central ANSF headquarters and regions, provinces, and districts;

''(VI) a robust mentoring and advising program for the ANSF;

''(VII) a strong professional military training and education program for all junior, mid-level, and senior ANSF personnel;

''(VIII) effective merit-based salary, rank, promotion, and incentive structures for the ANSF;

''(IX) an established code of professional standards for the ANSF;

''(X) a mechanism for incorporating lessons learned and best practices into ANSF operations;

''(XI) An ANSF personnel accountability system with effective internal discipline procedures and mechanisms;

''(XII) a system for addressing ANSF personnel complaints; and

''(XIII) a strong record-keeping and accountability system to track ANSF equipment and personnel issues, and other ANSF oversight mechanisms; and

''(iii) provide for coordination between all relevant departments and agencies of the United States Government, as well as ISAF countries and other international partners, including on—

''(I) funding;

''(II) reform and establishment of ANSF-sustaining institutions; and

''(III) efforts to ensure that progress on sustaining the ANSF is reinforced with progress in other pillars of the Afghan security sector, particularly progress on building an effective judiciary, curbing production and trafficking of illicit narcotics, and demobilizing, disarming, and reintegrating militia fighters.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than December 1, 2007, the President shall transmit to the appropriate congressional committees an update of the report required by subsection (c) for 2007 that contains the comprehensive interagency strategy required by paragraph (1).

''(B) FORM.—The report required by subparagraph (A) shall be transmitted in unclassified form, but may include a classified annex, if necessary.''.

(b) MONITORING.—Subsection (c) of such section (as redesignated) is amended to read as follows:

''(c) UPDATES OF STRATEGY.—

''(1) IN GENERAL.—Not later than 90 days after the submission of the strategy required by subsection (b)(3), and every 90 days thereafter through September 30, 2010, the President shall submit to the appropriate congressional committees an update of the strategy required by subsection (a) and the strategy required by subsection (b), as necessary.

''(2) DEFINITION.—In this subsection, the term 'appropriate congressional committees' includes the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.''.

SEC. 304. SPECIAL ENVOY FOR AFGHANISTAN-PAKISTAN COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is strongly in the national interest of the United States that Afghanistan and Pakistan work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President is authorized to appoint a special envoy to promote closer cooperation between Afghanistan and Pakistan.

(c) APPOINTMENT.—The special envoy—

(1) shall be appointed with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large; and

(2) may be appointed from among individuals who are officials of the Department of State.

(d) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to bilateral relations between Afghanistan and Pakistan.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terror activities;

(B) provide assistance to Afghan refugees who repatriate from Pakistan;

(C) bolster people-to-people ties and economic cooperation between Afghanistan and Pakistan, including bilateral trade relations; and

(D) offer comprehensive efforts to support effective counter-narcotics strategies in Afghanistan and Pakistan.

SEC. 305. TRANSIT THROUGH PAKISTAN OF SHIPMENTS BY INDIA IN SUPPORT OF RECONSTRUCTION EFFORTS IN AFGHANISTAN.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use all appropriate means to encourage Pakistan to permit shipments by India of equipment and material to Afghanistan in support of Indian reconstruction and development projects in Afghanistan to be transported across the territory of Pakistan and to remove any obstacles to such transportation.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter until January 1, 2010, the President shall transmit to the appropriate congressional committees a report on actions by Pakistan to permit or impede transit of shipments described in subsection (a). The report required by this subsection may be included in the report required by section 304 of the Afghanistan Freedom Support Act of 2002 (as amended by section 302 of this Act).

(2) SUNSET.—The requirement to transmit the report under paragraph (1) shall cease to apply if the President determines and transmits to the appropriate congressional committees a determination that India no longer needs to make shipments to Afghanistan for the purposes described in subsection (a).

SEC. 306. REAUTHORIZATION OF RADIO FREE AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since January 30, 2002, RFE/RL, Incorporated (formerly known as Radio Free Europe/Radio Liberty) has provided 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

(2) Radio Free Afghanistan is the leading broadcaster in Afghanistan with an audience of nearly 60 percent of the adult population.

(3) It is in the national interest to continue Radio Free Afghanistan's surrogate broadcasts to Afghanistan in order to provide accurate news and information, help give voice to ordinary Afghans, and provide programs on the fundamentals of democracy.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2010, such sums as may be necessary are authorized to be appropriated to the Broadcasting Board of Governors for grants to support 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 110–174. Each amendment may be offered only in the order printed in the report except amendment No. 11 which may be offered at any time, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. LANTOS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–174.

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LANTOS:

Page 5, line 23, strike ''supports'' and insert ''is supported by''.

Page 5, line 25, strike ''a strategy'' and insert ''the core framework''.

Page 6, line 6, insert before the period the following: '', particularly at the local and provincial levels''.

Page 12, line 12, strike ''(B)'' and insert ''(C)''.

Page 12, line 13, strike ''(B)'' and insert ''(C)''.

Page 12, lines 19 through 25, move the margins of clauses (ii) and (iii) two ems to the left.

Page 18, line 3, insert ''helping women deliver healthier babies and'' after ''for the purpose of''.

Page 35, line 11, strike ''300,000,000'' and insert ''$300,000,000''.

Page 37, line 1, strike ''The President'' and insert ''Pursuant to the authorities of the

Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763), the President''.

Page 43, line 16, strike ''to conduct'' and insert ''to participate in, to the extent appropriate and practicable,''.

Page 46, strike lines 1 through 4 and insert the following new subclauses:

(I) The Afghan forces.

(II) ISAF.

(III) Non-ISAF United States forces.

(IV) Other Coalition forces.

Page 47, beginning on line 10, strike ''and countries participating in ISAF'' and insert ''countries participating in ISAF, and other Coalition countries''.

Page 57, line 24, strike ''Affairs'' and insert ''Relations''.

Page 66, line 9, insert ''and'' after the semicolon.

Page 70, after line 17, insert the following new subsection:

(c) CONCURRENT SUBMISSION OF REPORT.—Such section is further amended by adding at the end the following new subsection:

''(d) CONCURRENT SUBMISSION OF REPORT.—The strategy required by subsection (b) and any updates of the strategy provided pursuant to subsection (c) shall be submitted concurrently with the report and updates required by section 304 of this Act (relating to progress toward security and stability in Afghanistan).''.

Page 71, line 24, strike ''who repatriate'' and insert ''to ensure orderly and voluntary repatriation''.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Chairman, I am offering this amendment on behalf of my distinguished colleague, the ranking Republican member, and myself.

Our amendment makes a number of technical, clarifying and clerical changes to several provisions in this bill as reported by the Committee on Foreign Affairs.

Mr. Chairman, this amendment has been cleared by both the Republican and Democratic sides, and I urge all of my colleagues to support it.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of and have no objection to this manager's amendment, which contains minor technical and conforming changes. I support this amendment's consideration by unanimous consent.

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

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. ACKERMAN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–174.

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ACKERMAN:

Page 51, after line 7, insert the following new subparagraph:

(J) An assessment of the quality of governance in each province in Afghanistan, including an assessment of the following:

(i) The implementation of the rule of law, including the effects of any lack of such implementation on operations of the Afghan National Army, Afghan National Police, and other Afghan National Security Forces.

(ii) Whether and to what extent actions by Afghan National Security Forces have led to abuses of human rights and the extent to which such abuses, if any, undermine overall counterinsurgency efforts in such province and Afghanistan as a whole.

(iii) The ability of courts and the judicial system to provide an effective justice system to support the civil-military side of military and police operations.

Page 51, line 8, strike ''(J)'' and insert ''(K)''.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I yield myself such time as I may consume.

First, I want to congratulate Chairman LANTOS and Ranking Member ROS-LEHTINEN for producing an excellent bipartisan bill. The Afghanistan Freedom and Security Support Act demonstrates yet again the depth of support in the Congress for our efforts in Afghanistan to defeat the Taliban and al Qaeda and sends a clear message to the Government of Afghanistan and the Afghan people that the United States is committed to the success of a stable, free and democratic Afghanistan.

As the bill also points out, we remain far from that goal, and it is not at all certain we will get there. The amendment I am offering today concerns a problem that if left unaddressed could undercut all of our efforts in Afghanistan, and that is the problem of corruption.

The Government Accountability Office in a recent report said the reform effort in the judicial sector is being ''undermined by systemic corruption at key national and provincial justice institutions.'' The most recent report in Afghanistan from the U.N. Secretary General noted that because corruption influences government appointments, Afghans don't trust local government officials and have turned to making deals with the Taliban for protection of their property. The same report goes on to describe the popular alienation that many Afghans feel towards local governments and asserts that this alienation is a key factor in support for the insurgency.

My amendment adds language to section 302 of the bill to ensure that the Presidential report required by that section includes an assessment of the quality of governments in each province in Afghanistan, focusing in particular on the implementation of the rule of law and its impact on the operation of Afghan society, security forces and the impact of any human rights abuses by Afghan government forces on overall counterinsurgency efforts and the ability of the courts and judicial system to provide an effective justice system in support of Afghan military and police efforts.

Mr. Chairman, the question of corruption in Afghanistan may seem like a small matter when compared with the resurgence of the Taliban and the explosion of narcotics trafficking. But I believe for the Taliban to be defeated and for the narcotics traffickers to be imprisoned, ordinary Afghans must have confidence that their government actually works for them. If the citizens of Afghanistan believe otherwise, then they will turn to local warlords, drug traffickers and the Taliban for protection. Under that scenario, Afghans can look forward to another generation of civil conflict.

I would urge all of our colleagues to support the amendment as well as the underlying bill.

Mr. LANTOS. Will the gentleman yield?

Mr. ACKERMAN. I would be delighted to yield to the chairman.

Mr. LANTOS. I want to thank my friend from New York for his very thoughtful amendment, and I am extremely pleased to support it.

Mr. ACKERMAN. I thank the gentleman from California.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment has a noble purpose, to enhance congressional oversight on the status of local governance in Afghanistan, including adherence to the rule of law, protection of human rights and operation of an effective justice system. Unfortunately, the amendment lacks specific criteria by which to measure these issues. It requires the administration to report, for example, on how the lack of implementation of the rule of law affects the operations of the Afghan National Army, the police and security forces. However, there are numerous factors that comprise the

rule of law. How would this provision measure implementation of the rule of law?

Without a clear measure, how could any administration then state, with any degree of certainty, what effects the absence of such implementation had on the operations of Afghan security forces? It goes on to ask for an assessment on the ability of the Afghan judicial system to support the civil military side of military and police operations.

Again, a noble purpose, but there are no clear definitions, no guidelines to determine the information sought. Further, how could we establish a clear measure so that the administration can state how the actions of the Afghan security forces led to human rights abuses, and in turn, how much those abuses undermine counterinsurgency efforts? That is an extraordinary, complicated, causal chain, and some direction and clarification within the amendment itself, Mr. Chairman, would have been most useful.

We sought modifications to this amendment in an effort to arrive at an agreement on the text because I do support what my colleague from New York is trying to get at. We want to support the overarching goals of this bill, and his amendment is an attempt to do that.

I will continue to work closely with the gentleman from New York regarding his particular amendment to preserve its intent, to make sure that it can be effective in its implementation, but as currently drafted, I will have to oppose the amendment. I urge my colleagues to do the same.

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

Mr. ACKERMAN. Mr. Chairman, despite the fact that this might be a complicated and extraordinary and difficult thing for the President to do, we have every confidence in the President on this side that he will be able to come up at least with some criteria that he at least thinks is objective and report in his own language, using his own complicated or simplistic criteria, whether or not he thinks corruption is prevalent in the various provinces in Afghanistan. We are leaving that up to him. And we will fully understand that in any language that he presents it to us, it will come from him, and that will be his determination.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I urge our colleagues to defeat this amendment, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SOUDER

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–174.

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SOUDER:

Page 39, line 1, insert ", including force protection and in extremis support" after "logistical support".

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, it is my intention to withdraw this amendment because of the strong opposition of Chairman SKELTON and Ranking Member DUNCAN HUNTER, but I appreciate the Rules Committee making this in order. I believe it is an important step.

I know I am going to rain a little bit on the general parade here. I think this is an important bill, it is an important step, but we have oversold the success of Afghanistan. Before my first trip, I knew then that our then Secretary of Defense, Donald Rumsfeld, wanted to separate the military effort in Afghanistan from other challenges the country faced, just like in Iraq.

In Afghanistan, the question was heroin. On my first trip there, I heard our own soldiers reflect the Pentagon attitude by mocking heroin and minimizing its efforts to get rid of it. I attended the briefings back here in Washington as the heroin problem began to pass anything we've ever seen under the Taliban by a factor of four to five times of anything we have ever seen under the Taliban. I asked the question, since we had not removed the regional drug lords from office, how many of the people who voted in that much heralded election could vote against their local drug lords.

State Department, Defense Department, DIA and CIA disagreed on the exact number. The highest was 30 percent, the lowest 20 percent. In other words, 70 to 80 percent of the people who voted in that election did not have a free vote because we did not remove the regional druglords from office, and we let the heroin poppy grow without controlling their sources of financing that had penetrated the early parts of the government.

This government has, in fact, started to act, as they attempted to assassinate President Karzai, who was clean, and he removed gradually some members of his cabinet. But by that time, the heroin, once again, four times world record, five times world record, four times world record, three times world record, approaching eight to 10 times the total cumulative effect that ever happened before the United States went into Afghanistan. We had sites that we could not hit because we were afraid they were going to shoot down our own planes.

What do we think they are buying the new IEDs with? What do we think they are buying the other equipment with? Of course they are getting it from profits from poppy.

I did a hearing in our subcommittee, because the British had this effort, "Afghanistan: Have the British Counter-Narcotics Efforts Gone Wildly?" On April 1, 2004. This is no new problem. Go arrest the druglords. Our military is afraid they are going to get exploded. How can you go arrest the drug lords?

My amendment was simply to say the military needs to support the antinarcotics efforts and the DEA to take down these. You can't send 10, 25 agents out and say go arrest and take down the Helman province. When I went with Congressman HOEKSTRA and Congressman RUPPERSBERGER and Congressman SHADEGG, the four of us went into the Helman province, possibly the only four Members that will ever get there. And when we got there in a Blackhawk ride for 45 minutes, heroin as far as the eye can see going at a high rate of speed. Dwarfed Columbia. This is an incredible problem. The military needs to engage.

I agree with Chairman SKELTON; we don't have enough troops in Afghanistan. And that makes it a problematic thing of how to support the DEA.

□ 1545

This bill is a first step. But we need the military engagement and support, because you cannot get order, you cannot do alternative crops unless you eradicate the heroin and change a little bit of the market force. We can't subsidize the difference between other products and heroin. It is not possible.

We can't do those efforts, and INL and the State Department and DEA and the other agencies cannot do this without military support. This needs to be addressed in the defense bill. It needs to be addressed here in conference.

I hope that the chairman here can do it. I hope Chairman SKELTON can do it. I hope the administration can do it. But let's understand there is no terrorism funding in Afghanistan. There is no insurgency efforts. There is no corrupt government if you get rid of the heroin.

This is a difficult problem. It is multi-faceted. But you need real protection, with real guns, with real transport, with real time, saying that they are going to give logistical support rather than force protection and extremist support, means and effect. For most of the time, the DEA agents are on their own, go in. With 10,000 Taliban, good luck in taking them

down. They need more than good luck. They need some help.

Mr. Chairman, I yield to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I want to thank my friend from Indiana for yielding, and I want to thank him for working with the committee. I understand the gentleman is going to withdraw his amendment, and I thank him for his courtesy.

I fully support his sentiment that is behind his amendment, and I will work with him on this issue as H.R. 2446 goes through the legislative process.

Mr. SOUDER. Mr. Chairman, I thank the distinguished chairman for his leadership for the start of this bill. I hope we can really tackle the underlying problems.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. COSTA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–174.

Mr. COSTA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COSTA:

Page 29, after line 23, insert the following new section (and redesignate subsequent sections and conform the table of contents accordingly):

SEC. 106. ASSISTANCE TO SUPPORT THE OFFICES OF THE INSPECTOR GENERAL OF DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT IN AFGHANISTAN.

(a) ASSISTANCE AUTHORIZED.—The President shall provide assistance to support the auditing, investigation, and oversight capacity and capability of the Offices of the Inspector General of the Department of State and the United States Agency for International Development in Afghanistan. The Offices of the Inspector General of the Department of State and the United States Agency for International Development are authorized to audit, investigate, and oversee the programs authorized in title I of the Afghanistan Freedom Support Act of 2002 (as amended by this title).

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Offices of the Inspector General of the Department of State and the United States Agency for International Development, after consultation with the Secretary of State and the Administrator for the United States Agency for International Development, shall permanently deploy not less than two staff from each of the Offices of the Inspector General in Afghanistan to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated under section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated by this title) for each of the fiscal years 2008 through 2010, not less than $1,500,000 for each such fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than $3,000,000 for each such fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The chair recognizes the gentleman from California.

Mr. COSTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think from many of the comments that have been made here this afternoon regarding the concerns that we have as it relates to the situation in Afghanistan, we come with the best of intentions to support H.R. 2446, which is the underlying bill, a strong bill; and I am, of course, among those who support this measure.

It affirms the United States' long-term commitment to support Afghanistan in the transition that has seen 30 years of civil war, violence and occupation by a brutal regime to a stable and prosperous democratic state at peace with its neighbors.

Having said that, though, it is easier said than done, as we all know, for Afghanistan faces many challenges. With the amount of funding that we have provided to the Afghani people for economic and security reasons, I believe that there is increased need to have the sort of oversight mechanisms in place to protect this investment, to ensure its success and, of course, to always make sure that American taxpayers' dollars are well spent.

My amendment provides this opportunity in two ways: It provides oversight that includes the Office of Inspector General at the State Department as well as the United States Agency for International Development to provide the necessary oversight within this bill that many of us believe is necessary.

The amendment to H.R. 2446 provides such support in two ways: in-country presence and funding. Without in-country presence and without the necessary funding, it won't happen.

Currently, the staff of the Office of Inspector General of the United States AID are performing their duties in Manila. Now, you take out a map and Manila is a long ways from Kabul in Afghanistan, which is the capital. We need to have on-the-ground knowledge in Afghanistan and programs that they are implementing, and they cannot perform those duties from Manila, which is thousands of and thousands of miles away.

Many of us have visited Afghanistan, and we have on-the-ground knowledge of what is critical to this war on terrorism. We must remember this is where the war on terrorism began, which premeditated the attacks on 9/11.

The amendment mandates that at least two staff members will be permanently deployed in Afghanistan in the country. The amendment also increases the funding for both the Offices of Inspector General in accordance with their own plans to increase staffing over the coming years. The Offices of the Inspector General are our watchdog, and they provide vital efforts to ensure that money is well spent in Afghanistan. We need to ensure that these American taxpayer dollars are spent wisely and that waste and corruption, which was mentioned by the previous speaker, is kept at bay, to the degree that it is possible.

In conclusion, let me say, Mr. Chairman, that we had tremendous success in South Korea, but we have been there over 50 years and we still have 30,000 troops there. The initial two decades in South Korea will be, in my opinion, as difficult as it is today in Afghanistan. Therefore, we must be prepared to put the proper resources there and to stay the course. I strongly support this bill.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. COSTA. I yield to the chairman.

Mr. LANTOS. Mr. Chairman, I want to thank my friend for his extremely thoughtful and very necessary amendment, and I am very pleased to support it strongly.

With billions of dollars being poured into reconstruction and development assistance, justifiably so, we have a heavy responsibility to the American people to ensure that our taxpayer dollars are being spent in the manner in which they were intended.

As the gentleman knows, we just had a hearing with the Inspector General for Afghanistan which was singularly instructive and illuminating and highlighted many of the problems in the spending of our tax dollars in Afghanistan. This function is the function of the Inspectors General at the Department of State and the U.S. Agency for International Development.

Your amendment requires that these officers be permanently deployed in Afghanistan, which they are not currently, so that on-the-ground assessments can be made in real time and with full continuity. Your amendment authorizes additional funds to help ensure that adequate resources are allocated to measure the effectiveness of our aid program without increasing the cost of this bill.

Mr. Chairman, I strongly support this amendment and urge all of my colleagues to do so as well.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment both authorizes and requires oversight by the Inspectors General from the State Department and the U.S. Agency for International Development, and it does this in two main ways.

First, it requires the permanent deployment in Afghanistan of at least four IG staffers, two each from State and USAID, to audit, to investigate and to oversee economic and developmental assistance provided in Title I of the Act.

Secondly, it also earmarks a total of $4.5 million per year for these IG activities.

We all share the goal of ensuring that our investment in Afghanistan's economic and democratic development is not squandered. Fiscal accountability is always in order, Mr. Chairman. As a proportion of the total amounts in the Act, the amount earmarked by this amendment is roughly in the ballpark of the amount that USAID usually spends on IG activities as compared to its total budget. Furthermore, the activities contemplated by this amendment are in keeping with the current responsibilities of the State and USAID Inspectors General.

Solid plans that help maximize the impact of the strategy embodied in the underlying bill are to be welcomed. In this spirit, I am pleased to support this well-thought-out amendment by the gentleman from California; and I also urge my colleagues to support it as well.

Mr. COSTA. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from California.

Mr. COSTA. Mr. Chairman, I would like to thank the gentlewoman, the ranking member, and the chairman of the Committee on International Relations for their good work on this legislation and for their bipartisan effort to provide leadership in our committee and in all the hearings that we are holding and in the legislation that we are participating in.

The bipartisan spirit which I think surrounds the committee these days is welcomed and is truly a tribute to the chairman and the ranking member.

Ms. ROS-LEHTINEN. Reclaiming my time, Mr. Chairman, I would also like to thank Chairman LANTOS as well as his staff for having such a wonderful, cooperative spirit and for the working relationship between staff and Members.

I thank the gentleman from California for offering this amendment, because it gets at the heart of what we want to do: fiscal accountability; making sure that our tax dollars are being used in the wisest way, free of corruption, and making sure that we have folks on the ground to look at those dollars. We have our precious treasure, our men and women in uniform, shedding blood for freedom. Let's make sure that American taxpayer dollars are being used in the correct way as well.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FRANKS OF ARIZONA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–174.

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANKS of Arizona:

Page 44, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 2__. REPORT ON THE SALE AND USE OF IRANIAN-MADE WEAPONS FOR THE TALIBAN IN AFGHANISTAN.

(a) CONGRESSIONAL FINDING.—United States Armed Forces in Afghanistan recently intercepted a shipment of Iranian-made weapons and explosives intended for the Taliban in Afghanistan.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall transmit to the appropriate congressional committees a report on the current Iranian-made weapons being sold to or used by the Taliban in Afghanistan. The report shall include any evidence of official Iranian Government endorsement of the sale of the Iranian-made weapons.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, according to Secretary of Defense Gates, Iranian weapons have begun to flow into Afghanistan in recent months. We know this much for certain. What we do not know is if indeed this is an official sanction of the Iranian government.

However, some in the intelligence community believe that this effort is on the part of a branch of the Iranian Revolutionary Guard, which are responsible for shipping these deadly weapons to the Taliban. If this is true, Mr. Chairman, the implications must be realized by this Congress, because it means that Shiite Iran is disregarding sectarian differences with Sunni Taliban in order to unite with them in an effort to undermine U.S. efforts for peace in the nascent democratic Afghanistan.

Mr. Chairman, this means that the nation of Iran is determined to back non-state Muslim militants to terrorize countries who desire peace, tolerance and stability. We saw them do this last year in Lebanon through their proxy Hezbollah against the nation of Israel. We now see this happening in Iraq as well.

There are two major elements, Mr. Chairman, when we consider the danger of an enemy to this Nation. We first have to assess their intention or the will of an enemy to harm the U.S. or our allies. It is clear that the Taliban, Hamas, Hezbollah and groups like them hate governments like ours that uphold the rule of law and uphold the effort to protect freedom of action, thought and religion. They hate the United States because of this, Mr. Chairman. They hate a tolerant Europe, they hate the new democratic Afghanistan, they hate pluralistic Israel and they hate Lebanon. They have an insidious and determined will to tyrannize. They need only the means or the capacity to bring that hate to fruition.

Mr. Chairman, this is the second element. A true threat exists to this Nation's freedom when those who are committed to tyranny and to disrupt peace are met with the means and the capacity to do so. Iran is providing the means to non-state terrorist actors who possess the will to use them.

□ 1600

We must not let this continue. My amendment requires that the Secretary of Defense provide Congress with a semiannual report that informs us of the Iranian-made weapons being provided to the Taliban, and any evidence that the sale is endorsed by the government of Iran.

Mr. Chairman, it is vital that this body understands the intention of Iran because they may some day very soon possess a very frightening capacity that threatens the potential future of the world and the peace of free people across the world.

I encourage my colleagues to support this amendment.

I would now like to yield to the distinguished ranking member of the committee, Congresswoman ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of the Franks amendment. Since last April, two arms shipment from Iran, including mortars, rocket-propelled grenades, C–4 explosives and small arms have reportedly

been intercepted by U.S. and coalition troops.

Further, a NATO spokesman recently stated that an explosively formed projectile, EFP, which resembled the EFPs bearing Iranian manufacturing markings that have been found in Iraq, have been recently discovered in Kabul. This directly affects the safety and security of our men and women serving in Afghanistan. As I pointed out previously, my daughter-in-law is one of those wearing our Nation's uniform serving in Afghanistan. We want to make sure that we protect everyone in that country.

These disturbing developments may indicate that the Iranian regime has decided to also undermine the government of Afghanistan and U.S. efforts to deny Islamic militants a safe haven in Afghanistan.

While fighting in Afghanistan has thus far been concentrated near the Pakistani border, increased Iranian interference in Afghanistan may indicate an attempt to provoke the U.S. and our coalition partners into opening a second front. Iran's apparently increasing involvement in this central front of the global war against radical jihadists reflects the goal of the regime of pursuing regional dominance, spreading radical Islam, and counteracting western influence in the region. Such a goal is intolerable. As in Iraq, failure in Afghanistan is not an option.

Mr. Chairman, the Afghanistan Freedom and Security Support Act works to bolster our efforts, and I support the Franks amendment.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. POMEROY). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, the Committee on Foreign Affairs has long been concerned with events in Iran, including recent media reports of weapons crossing into Afghanistan from Iran destined for the Taliban. This can create the potential for Iran to contribute to the destabilization of Afghanistan, which we simply cannot allow. Congress must have up-to-date information on Iran's influence in Afghanistan. And I, therefore, welcome the gentleman's amendment in this regard, and we are prepared to accept the gentleman's amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–174.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. JACKSON-LEE of Texas:

Page 25, line 20, strike ''and''.

Page 25, line 24, strike the first period, the closing quotation marks, and the second period and insert ''; and''.

Page 25, after line 24, insert the following new subparagraph:

''(I) providing technical assistance to train provincial and local governmental personnel, especially as it relates to—

''(i) healthcare;

''(ii) political participation;

''(iii) human rights, particularly as pertaining to women; and

''(iv) education, particularly to encourage girls to complete secondary education so they are prepared and able to attend post-secondary schools.''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank the chairman and the ranking member for their leadership on this issue.

Earlier in the debate I mentioned the concept of building blocks of democracy. Frankly, I believe this amendment speaks to the building of capacity to ensure that democracy.

Having first started my elective political career in local government, I know that many times we say that is where the rubber hits the road.

The effort of my amendment is to ensure that those who are involved in local and State government would have the ability to build capacity through technical assistance that will train national, provincial and local government personnel for capacity-building purposes.

In order to govern, you must have information, information on education, health care, human rights, and political participation. This legislation globally speaks to those issues in a large manner.

I would like to technically emphasize the one-on-one training and influence and information to those who have to govern. The more we can do that, the more we can build capacity. And the more of those who are in the leadership positions can establish confidence so that when they confront the emerging terror of the Taliban or the questioning face of a chieftain, they can have the response that this is, in fact, good government.

My amendment also goes to encourage girls in Afghanistan to finish secondary school. We realize this bill has a very strong focus on women and girls, but there has to be the added measure of incentive, not only to the earlier grades, but to say to a young woman that by finishing secondary school, you can go on to post-secondary education, building the blocks of democracy which would include women who would be enabled to be doctors, lawyers, scientists and teachers, building a society in Afghanistan that will need not only men but also women.

May I close by simply saying I point to a picture that points to this learning board that I mentioned earlier. These are the kinds of tools that would give young people and those without, if you will, various equipment to go to school the opportunity to do so. I ask my colleagues to support this amendment.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 2446, the ''Afghanistan Freedom and Security Support Act of 2007.'' I believe this is an extremely important piece of legislation, and I commend the Chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it.

In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure the nation from the Taliban. But we must do more; otherwise, a resurgent Taliban will continue to pose a very real threat to Afghanistan's stability.

This bill is an important step toward a more secure Afghanistan, and, ultimately, a more stable region. It authorizes $1.7 billion in each of fiscal years 2008 through 2010 for economic and development assistance and provides additional support for other capacity building programs, such as assistance to women and girls ($45 million per annum), energy development and counter-narcotics ($75 million per annum). Additionally, the bill authorizes funding for counter-narcotics efforts and programs to increase the capacity of Afghan national, provincial, and local governments, and additional development programs.

In addition to authorizing assistance to address the continuing humanitarian needs, this legislation targets the ongoing opium trade, as well as persistent problems of corruption. The bill links these various sectors of policy together, integrating security, reconstruction, and development concerns with counter-narcotics and anti-corruption policies.

My amendment simply states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes. In particular, this amendment emphasizes the need to build local capacity in the critical fields of education, healthcare, human rights, and political participation. My amendment will also encourage girls in Afghanistan to finish secondary school, providing them with the ability to pursue post-secondary education.

Mr. Chairman, this amendment is born from my strong belief that we must take a long-term view toward reconstruction in Afghanistan,

and, in doing so, we must develop the capacity of Afghanistan's citizens. Under the Taliban regime, education, healthcare, human and women's rights, and political participation were seriously stunted by the government's oppressive policies. These sectors are absolutely crucial to the long-term stability and sustainability of Afghanistan.

My amendment specifically speaks to the need to combat the lingering societal barriers that may discourage girls from completing secondary education. According to UNICEF's 2005 estimates, 1 million primary school age girls in Afghanistan were not enrolled in school, and education of girls continues to be undervalued in many communities.

Girls and women were horribly oppressed under the Taliban, and we must take particular care to ensure that the lack of opportunities afforded to females under the previous leadership is not carried over into the current government. Encouraging girls to complete their education would be extremely beneficial for both the women and girls themselves, and for Afghan society as a whole.

Mr. Chairman, we have recognized the shortcomings of Afghanistan's infrastructure. Even as we express our commitment to continuing our programs in Afghanistan, we must look forward to the day we will ultimately leave that country to stand on its own. We must do everything we can to ensure that, sooner rather than later, Afghanistan will no longer need our ongoing assistance.

My amendment represents an important step toward that ultimate goal, while at the same time serving our short-term goals and increasing the effectiveness of the humanitarian programs outlined by this legislation.

To conclude, let me thank Chairman LANTOS for his leadership on this issue. I am confident that we can work together to craft legislation designed to ensure that Afghanistan can recover from the excesses and abuses of previous regimes, and become an active and prosperous member of the international community. I urge my colleagues to support this amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LANTOS. I want to thank my friend from Texas for her thoughtful amendment, and I am very pleased to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) stating that technical assistance should be provided to train national, provincial and local government personnel for capacity-building purposes as it relates to education, health care, human rights, and particularly in respect to women and political participation.

As we have heard this afternoon, Mr. Chairman, under the Taliban's brutal regime, their blatant disregard for the lives and the well-being of the Afghan people, was perhaps most clearly evident among half of their population, the women of Afghanistan. They have been made destitute, sick and marginalized. They were banned from receiving any education past the age of 8. They were denied proper medical treatment, and they were not allowed to work.

Today, the Afghan people are free with women enjoying the freedoms and opportunities previously denied to them under the Taliban. In order for our efforts in Afghanistan to be effective, it is critical that we continue to provide the Afghan people with the tools and the training necessary for the development and sustainability of educational institutions, protection of human rights, and implementation of political reforms.

It is imperative that our efforts focus on educating and training the officials of the Afghan government at the local level as local officials have a better understanding of the needs of their citizens and will be better prepared to address those needs.

This amendment also seeks to ensure that girls complete secondary education so they will be better suited to pursue their post-secondary education. Without proper education of its women and a society more open to women who holding jobs, Afghanistan's political and economic development is doomed to failure.

Providing Afghan girls with proper education will give rise to a new generation of confident and educated women with skills to pursue careers that will open unprecedented opportunities for them and enhance Afghanistan's economic sector. I urge my colleagues to support the Jackson-Lee amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlelady for her support, I ask my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–174.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 35, after line 22, insert the following new subsection:

(c) ADDITIONAL SENSE OF CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(d) ADDITIONAL SENSE OF CONGRESS.—It is the sense of Congress that assistance provided to eligible foreign countries and international organizations under subsection (a) should be used in part to protect women legislators when they return to the provinces that they represent in Afghanistan.''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to join Chairman LANTOS in applauding this legislation as being bipartisan, and all of us seemingly speaking from the same songbook about the need to build these blocks of democracy, but also to enhance the opportunities for women.

Might I just cite as a need for my amendment a report from the BBC that says an international women's rights group says guarantees given to Afghan women after the fall of the Taliban in 2001 have not translated into real change.

Another quote from an Afghan woman: ''When I am at home, sometimes I feel as though someone is choking me.'' And 57 percent of girls are married before the legal age of 16.

We know that we have made great strides, but there is much more for us to do. Former example, a controversial Afghan politician and former member of parliament, Jalalai Joya, reported in May 2006 that she was forced to sleep in a different house every night as a result of the numerous death threats they have received. She has been quoted as saying ''women still live under the shadow of the gun. Women are still victims of violence.'' Joya was subsequently ousted from parliament after she continuously voiced controversial criticisms of her fellow, mostly male, lawmakers.

Raazia Baloch was presented with a broken Kalashnikov firearm upon her election to the provincial assembly, which local authorities told her was for her protection. Ms. Baloch serves a particularly volatile province where, short after her election, an unknown gunman emptied his AK–47 into a van leaving the province's women's ministry.

The unfortunate truth is if these women are going to serve, they are going to need our special attention. And I do believe in the relationship that the United States has with Afghanistan. The leadership of President Karzai, speaking to him directly, I

know he has a great concern for the viability of women elected officials. In fact, might I say that in a direct, one-on-one conversation with any number of Afghan women parliamentarians during my visit to Afghanistan, talking to them face to face, eye to eye, sister to sister, if you will, they made it very clear when they do their work in the capital, and they have to go home to their district, just like any one of us, they fear for their lives. They are concerned about being able to fully represent their constituents by going home and coming back safely.

Might I just quote additionally, a female owner of a radio station was shot seven times while she slept at home with her 20-month-old son. She is the second female journalist to be murdered in Afghanistan in the past week.

So my amendment is very clear, and it is very straight. It allows us through this legislation to make a very pronounced statement, and that statement is that it is the sense of this Congress that assistance provided to foreign countries and international organizations under this provision should be used in part to protect these female legislators. I hope this is part of helping us help them build democracy.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007. I believe this is an extremely important piece of legislation, and I commend the chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it. In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure the nation from the Taliban; however, the Taliban continues to pose a very real threat to Afghanistan's stability.

This bill is an important step towards a more secure Afghanistan, and ultimately, a more stable region. It authorizes $1.7 billion in each of fiscal years 2008 through 2010 for economic and development assistance and provides additional support for other capacity building programs, such as assistance to women and girls, $45 million per annum, energy development and counter narcotics, $75 million per annum. Additionally, the bill authorizes funding for counter-narcotics efforts and programs to increase the capacity of Afghan national, provincial, and local governments, and additional development programs.

In addition to authorizing assistance to address the continuing humanitarian needs, this legislation targets the ongoing opium trade, as well as persistent problems of corruption. The bill links these various sectors of policy together, integrating security, reconstruction, and development concerns with counter-narcotics and anti-corruption policies.

My amendment addresses the very serious issue of persecution of women legislators in Afghanistan. All women, but particularly those who demonstrate the courage to become national leaders, continue to face intimidation and violence. If we are to encourage political and civic participation among women, which I strongly advocate, we must ensure that those who bravely venture into the political arena are protected when they return home to the districts they represent.

After many years of oppressive Taliban control, women in Afghanistan are now beginning to emerge from the shadows. For the first time in recent memory, they now have the opportunity to take an active role in their country's political destiny. As a female legislator myself, I believe that women should be strongly encouraged to become national leaders; I believe their involvement is extremely beneficial to the nation.

And yet, these women face specific dangers as a result of their gender. They may be exposed to vile threats and even physical violence. For example, controversial Afghan politician and former Member of Parliament Malalai Joya reported in May 2006 that she was forced to sleep in a different house every night as a result of the numerous death threats she received. She has been quoted as saying "women still live under the shadow of the gun. * * * women are still victims of violence." Joya was subsequently ousted from parliament after she continuously voiced controversial criticisms of her fellow, mostly male, law-makers.

In 2006, another legislator, Raazia Baloch, was presented with a broken Kalashnikov firearm upon her election to the provincial assembly, which local authorities told her was for her protection. Ms. Baloch serves a particularly volatile province, where, shortly after her election, an unknown gunman emptied his AK–47 into a van leaving the province's women's ministry.

The unfortunate truth is that women's rights are not yet enshrined in Afghanistan. Women who venture into other leadership roles are threatened as well. Only this morning, Zakia Zaki, the female owner of an Afghan radio station, was shot seven times while she slept at home with her 20 month-old son. She is the second female journalist to be murdered in Afghanistan in the past week.

This further illustrates the unfortunate truth: Women continue to face persecution and abuses, despite the fall of the Taliban. Until we have reached a point where the basic rights of women are protected by Afghanistan's government and cultural and social institutions, I believe that we need to make every effort to ensure that basic rights are respected.

I believe my amendment is absolutely crucial. With residual societal barriers against women and girls persisting even under the new government, I believe we must make every effort to protect women legislators from the persecution and violence they may face in their local communities.

[From the BBC News, Oct. 31, 2006]

NO "REAL CHANGE" FOR AFGHAN WOMEN

(By Pam O'Toole)

An international women's rights group says guarantees given to Afghan women after the fall of the Taleban in 2001 have not translated into real change.

Womankind Worldwide says millions of Afghan women and girls continue to face systematic discrimination and violence in their households and communities.

The report admits that there have been some legal, civil and constitutional gains for Afghan women.

But serious challenges remain and need to be addressed urgently, it states.

These include challenges to women's safety, realisation of civil and political rights and status.

Womankind Worldwide sent a film crew to Afghanistan to investigate the situation of women there.

They found a young Afghan woman crying in hospital who said she wanted to die. She was recovering after setting fire to herself.

Womankind Worldwide says there has been a dramatic rise in cases of self-immolation by Afghan women since 2003.

It believes many are the result of forced marriages, thought to account for about 60% to 80% of all Afghan marriages.

57% of girls are married before the legal marriage age of 16.

Domestic violence remains widespread.

At an Afghan women's shelter, a young woman told the film crew that she came to the shelter to target life's troubles.

"I come here so I can ease the pain a little. When I am at home sometimes I feel as though someone is choking me," she told the film crew.

Womankind Worldwide says the Afghan authorities rarely investigate women's complaints of violent attacks.

Women reporting rape run the risk of being imprisoned for having sexual intercourse outside marriage.

Although women now hold more than 25% of the seats in the Afghan parliament, female politicians and activists often face intimidation or even violence.

"Women who are standing up to defend women's rights are not being protected," says Brita Fernandes Schmidt of Womankind Worldwide.

"My message, really, to the international community is: you need to address specific security issues for women," she says.

"Women's rights activists are getting killed, women's NGO workers are getting killed, and that is not going to change unless some drastic action is taken," Ms Fernandes continues.

Womankind Worldwide says the international community needs to fulfil promises made after the fall of the Taleban to help protect Afghan women.

It says the international community should give women a greater voice in setting the aid and reconstruction agenda.

Until basic rights are granted to Afghan women in practice as well as on paper, the report says, it could not be said that the status of Afghan women had changed significantly in the past five years.

I yield to the gentleman from California (Mr. LANTOS).

□ 1615

Mr. LANTOS. Mr. Chairman, I want to thank my friend from Texas for offering another needed, thoughtful and carefully crafted amendment; and I'm very pleased to support it.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Mr. Chairman, I reserve my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of this amendment offered by our distinguished colleague

from Texas (Ms. JACKSON-LEE) supporting efforts to bolster women's political participation by protecting female legislators when they return to the provinces they represent.

This important amendment includes a sense of Congress stating that assistance provided to foreign countries and international organizations under this provision should be used in part to protect these female legislators.

It is no secret that Afghan women were brutalized under the Taliban rule. They were frequently beaten, raped, kidnapped and killed. They had no access to education nor health care and were routinely singled out for abuse simply because they were women. They lived in nightmarish conditions that few of us could even imagine.

Five years after the fall of the Taliban, the women of Afghanistan are making substantial progress in reclaiming their rightful place in society. They are working as doctors, lawyers, teachers, civil servants and in numerous other professions.

These women have overcome unimaginable obstacles, and they deserve our ongoing support as they work to build a new democracy. We must continue to work to ensure that they are not threatened, nor intimidated nor physically harmed by those who seek to bring Afghanistan back to the oppressive and brutal times experienced under the Taliban regime.

As part of the work that my daughter-in-law does in her military service in Afghanistan, Lindsay encounters many Afghan women and is impressed with the great progress they have made in such a brief time. Let us not go back in time.

Women legislators in Afghanistan are currently targets of attacks perpetrated by Islamic militant extremists. We must enhance the efforts in providing a safe and secure environment for these women to allow them to pursue their legislative duties and encourage future generations of women to seek leadership positions in Afghan society.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the remainder of our time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the ranking member for her support and eloquent words on this issue and as well the chairman of the committee for his support.

Let me conclude by simply reading the headline of an article: Female Afghan and Pakistani Politicians Forced from Office. This is as late as Wednesday, May 23, 2007.

Let me thank my colleagues. I believe my amendment will further enhance our goals, and that is to provide opportunities for all of those in public life, including women in Afghanistan seeking to build the building blocks of democracy, and I ask my colleagues to support my amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–174.

Mr. KIRK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIRK:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section:

SEC. 3_. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR AGENCIES OF THE GOVERNMENTS OF AFGHANISTAN AND PAKISTAN TO RECEIVE A REWARD UNDER THE DEPARTMENT OF STATE REWARDS PROGRAM.

(a) ELIGIBILITY.—Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking ''(f) INELIGIBILITY.—An officer'' and inserting the following:

''(f) INELIGIBILITY.—

''(1) IN GENERAL.—An officer'';

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by inserting '', except as provided in paragraph (2),'' before ''of a foreign government''; and

(3) by adding at the end the following new paragraph:

''(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of the government of Afghanistan or Pakistan (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

''(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection and such information relates in any way to the commission of an act in Afghanistan.

''(B) Such payment may aid in furnishing further information described in such subsection.

''(C) Such payment is formally requested by such agency.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting ''or to any officer or employee of a foreign government in accordance with subsection (f)(2)'' after ''individual''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I thank the Chairman.

I also want to thank my partners in this effort, Chairman LANTOS and Ranking Member ROS-LEHTINEN, because their support for this amendment was critical.

Mr. Chairman, one of the most successful counter-terror programs run by the United States is not managed by the Defense Department or the CIA. It is the State Department's Rewards for Justice Program run by Mrs. Rachel Schindel-Gombis.

By offering rewards, we have brought a number of criminals to justice who killed Americans both here and abroad. One of our proudest successes was the program's production of matchbook covers, like this one here. Tipped off by a face and a telephone number on a matchbook, a Pakistani citizen provided a key tip for the arrest of Mir Amal Kansi, the man who murdered two Americans outside the CIA's gate here in Virginia. Thanks to this program, Kansi was arrested, extradited, convicted and executed for the cold-blooded murders he committed, as was the famous al Qaeda terrorist Ramsi Yousef.

As a congressional staff member, I drafted the amendments to this program that first opened this up to the arrest of United Nations war criminals, specifically people indicted for war crimes by the tribunals for Rwanda and Yugoslavia. The program has helped bring dozens of mass murderers to justice, fulfilling some of the highest and best ideals of the United States when we promised ''never again'' after liberating the Nazi death camps.

As a Member of Congress, I coauthored the legislation for this program that allowed varied rewards and mass media campaigns. I took action on this after conducting missions on the Afghan-Pakistan border where I learned that tribesmen in that region would not respond as strongly to a $100,000 cash award but would respond more strongly to an offer of say one kilo of gold or a new motorcycle.

Using this new authority, the State Department launched an unprecedented multilingual campaign that yielded dozens of new contracts for the arrest of senior al Qaeda and Taliban leaders.

One target stands above all, and that is the arrest of Osama bin Laden for the murder of 3,000 Americans on September 11, 2001. By many accounts, bin Laden and the core leadership of al Qaeda and the Taliban are hiding in the frontier autonomous tribal areas of Pakistan or in the border provinces of Afghanistan. The Rewards for Justice Program has helped to arrest several senior Taliban and al Qaeda leaders but not bin Laden or his number two, Ayman Al Zawahiri.

The amendment before us builds on the extensive legislative tradition of this program, bipartisan, effective and flexible, to make it more likely that the world's most wanted men pay for the murder of thousands of Americans.

In this amendment, we authorize the State Department to pay rewards to anyone in Afghanistan or Pakistan, including government employees, if the

information leads to the arrest of ''exceptionally high-profile'' targets.

Mr. Chairman, the support for Osama bin Laden, like this poster here which went out in English as well as many in Urdu and Dari, remains high. For us, we need to rely on sometimes the only assets we have in this region which are government employees in the service of Afghanistan or Pakistan; and if they can provide the information that leads to the arrest of Osama bin Laden or Ayman Al Zawahiri, then we should gladly pay for this justice.

Mr. Chairman, I have discussed this amendment with senior officials in the White House who expressed their support. I will note the receipt of talking points from the State Department bureaucracy received this morning that expressed concerns, and my reaction is that the officials who authored these points may work for someone, but they do not serve the American people. Their points are poorly written and disconnected and reflect strongly on a disappointing State Department tradition of sometimes serving an obscure academic point but not America's citizens or their future security.

If we can arrest bin Laden, we should. If reward money helps to lead to his arrest, we should pay it. This program should be run in the most flexible and effective manner possible so that the greatest mass murderers in American history should meet their final justice.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentlewoman from Florida, one of my partners on this.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. KIRK).

The search and the long hunt for Osama bin Laden and other major radical Islamic terrorists we want brought to justice in the Afghanistan-Pakistan region requires new ideas and new tools for law enforcement and those who are involved in this initiative. Mr. KIRK's amendment represents such an initiative, by improving our terrorist rewards program to reflect the reality of what we face on the ground.

Our terrorist rewards program has been a valuable and successful tool, and I urge my colleagues to adopt the Kirk amendment.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I'm not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

As you well know, a version of this amendment has passed before on the floor of this House. I welcome any incentives that help to prevent elements of al Qaeda and the Taliban to engage in further international terrorist and criminal acts, and I strongly support this amendment in the hope that it might lead at long last to the capture of Osama bin Laden.

Mr. Chairman, I yield back the balance our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–174.

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

Page 43, after line 6, insert the following new subsection:

(c) CONTRIBUTION TO POST-OPERATIONS HUMANITARIAN RELIEF FUND.—Of the amount appropriated pursuant to subsection (a) of section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated by title I of this Act), $500,000 for each of the fiscal years 2008 through 2010 shall be available for a United States contribution to the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

In Afghanistan, as is true of all wars, bombs have missed their targets, civilians have been maimed and killed, property's been destroyed. Both homes and families have been devastated and literally torn apart.

As the United States seeks to abate terrorists, we must also learn to avoid the unintended consequences related to our foreign policy. One approach is to accept responsibility when we harm innocent civilians and provide compensation for the impact that war has had on civilian lives that are accidentally caught in the crossfire.

The United States has a moral obligation to help the innocent civilians of Afghanistan, whose lives have been devastated by war, to rebuild their lives and their country. The United States must live up to this moral obligation by providing humanitarian assistance for innocent victims of war who are harmed by combat operations.

Currently, the U.S. military has two systems in place that provide monetary compensation to civilians who, as a consequence of U.S. military action, have been accidentally harmed.

The Foreign Claims Act provides for the compensation of civilians who have been injured, died or whose property's been damaged from noncombat activities and negligent or wrongful acts.

Alternatively, condolence payments can be paid by the U.S. military directly to victims, or their survivors, who suffer a physical injury, death or property damage in amounts not to exceed $2,500.

Congress should support the Foreign Claims Act and condolence payment systems to the greatest extent possible as this money helps innocent people of Afghanistan rebuild their lives.

Today's bill, the Afghanistan Freedom and Security Support Act of 2007, seeks to increase the maximum amount of condolence payments; and I commend this action and urge the President to heed the intent of Congress in this matter.

There's another avenue for the United States to make major gains. Brigadier Richard E. Nugee, chief spokesperson for the North Atlantic Treaty Organization, recognized that NATO forces had killed dozens of civilians in Afghanistan in 2006, and here's what he had to say. ''The single thing that we have done wrong and we are striving extremely hard to improve on is'' the unfortunate killing of innocent civilians.

NATO, realizing their past mistakes and in an effort to advance goodwill and allay resentment among Afghans caused by innocent civilian casualties, established a post-operations humanitarian relief fund, placed under the ISAF's Commander's discretion, to compensate Afghans harmed by combat operations.

□ 1630

This NATO program is alike in its objective to both the Condolence Payment system and the Foreign Claims Act. This system is noble in its intent.

I urge the United States to show its commitment to the people of Afghanistan, to honor our promise to win their minds and hearts by increasing the functionality of the NATO humanitarian assistance program for innocent war victims.

This amendment shows the commitment of the U.S. people to Afghanistan by diverting $500,000 to the Post-Operations Humanitarian Relief Fund of the U.N. International Security Assistance Force. The international fund has received contributions from the Czech Republic, Lithuania, the Netherlands and Sweden. By diverting this money the United States is sending a message

to and joining with NATO and the international community to show our commitment to the people of Afghanistan.

The Campaign for Innocent Victims in Conflict, CIVIC, founded by Marla Ruzicka, who worked tirelessly in Afghanistan to win compensation for civilian war victims before she was killed by a car bomb in Baghdad in 2005, supports that commitment.

Mr. Chairman, I would like to insert in the RECORD a letter of endorsement from Campaign for Innocent Victims in Conflict.

CAMPAIGN FOR INNOCENT VICTIMS IN CONFLICT,
June 5, 2007.

Hon. TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Having recently returned from Kabul, I write in support of H.R. 2446, as offered by Mr. Kucinich on June 5, 2007.

The civilian death toll in Afghanistan has become alarming, with both sides responsible for civilian casualties. While NATO forces work hard to avoid harming civilians, we know that in war accidents happen and the families of those innocent people killed and injured need—and, frankly, deserve—immediate assistance.

Several NATO countries recently created the Post-Operations Humanitarian Relief Fund (POHRF)—a compensation war chest under NATO's commander with the potential to give Afghan civilians much needed assistance. However, only four NATO countries have donated and the amount raised is not nearly enough to truly make a difference to the Afghan people.

As H.R. 2446 requests on page 43, line 7, the United States should lead the way by donating the relatively nominal amount of $500,000 to POHRF. Showing—not merely telling—other NATO countries how to ''win hearts and minds'' demonstrates American leadership and humanity on behalf of innocent Afghans suffering losses.

NATO's mission in Afghanistan cannot succeed without the trust and support of the Afghan people, as you are seeing with civilian protests and discontent in the headlines. To win that trust, NATO—with the United States leading the way—should dignify civilians harmed by its forces with the help they deserve.

I hope you will join in urging NATO countries to support POHRF by supporting this amendment ensuring a United States contribution to this important fund. After all, Afghanistan will be won or lost 1 civilian at a time.

Sincerely,

SARAH HOLEWINSKI,
Executive Director.

CIVIC states that ''The civilian death toll in Afghanistan has become alarming, with both sides responsible for civilian casualties. While NATO forces work hard to avoid harming civilians, we know that in war, accidents happen and the families of those innocent people are killed and injured need—and, frankly deserve—immediate assistance.

''NATO's mission in Afghanistan cannot succeed without the trust and support of the Afghan people, as you are seeing with civilian protests and discontent in the headlines. To win that trust, NATO—with the United States leading the way—should dignify civilians harmed by its forces with the help they deserve.''

If the United States truly desires to win the hearts and minds of people in Afghanistan, we must consider how the destruction and loss of life hurts those who are trying to resurrect their lives and their country. While no dollar amount can truly be equated to a human life, we can have a substantial impact on the rebuilding of the lives torn apart by the war.

War causes wreckage, pain and suffering for many innocent civilians who must endure life in a war zone. It's easy to understand how the innocent may become angry or disillusioned with combat forces. As such, it's in the interests of the United States to ensure proper levels of humanitarian assistance.

I am urging my colleagues to join me in support of this amendment to direct additional and much-needed assistance to the innocent citizens of Afghanistan who deserve our help to rebuild their lives and their countries.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. The issue of providing compensation to Afghan civilians is one whose efficacy is not questioned. Our brave troops on the ground offer such support through the allocation of the Commander's Emergency Response Program funding and other avenues that allow U.S. forces to compensate civilians for the damage caused due to ongoing U.S. operations.

However, the manner by which my esteemed colleague from Ohio, my good friend, Mr. KUCINICH, seeks to go about addressing this issue would establish an extremely troublesome precedent regarding our operations in and our policy toward Afghanistan.

Simply put, U.S. taxpayer funds, U.S. assistance for Afghanistan, should not be used to fund long-term compensation programs under the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force for damage caused by foreign forces and not U.S. forces.

By contrast, the underlying bill acknowledges ongoing U.S. efforts to support war victims affected by U.S. operations and then calls for a feasibility study to be conducted in order to assess if there is a need to expand U.S. assistance to Afghan civilian war victims.

The Kucinich amendment, however, seeks to circumvent this necessary precursor, essentially prescribing a solution to this problem before the diagnosis is received, and, again, seeking to assign U.S. responsibility for the actions of others. The United States could work diplomatically with participant nations to ensure that they make proper and substantially greater contributions to this relief fund.

However, I find it to be outside of the parameters for the U.S. assistance to Afghanistan to cover the international forces where they have fallen short, thereby putting the onus on the United States to step up financially for damages that we have not created.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment.

Mr. LANTOS. Mr. Chairman, winning the hearts and minds of the Afghan people is crucial to our success in Afghanistan.

This amendment seeks to bolster that support by providing more resources to a fund operated by the International Security Assistance Force, led by NATO, which seeks to assist those Afghan individuals and families who have suffered injuries due to unintended military operations.

Currently, there are a handful of NATO countries who contribute to this fund, and it is important for the United States to show leadership in this area. With our contribution, other NATO allies will also be encouraged to participate.

Mr. Chairman, I support this amendment and urge my colleagues to do so as well.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–174.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TERRY:

Page 26, after line 12, insert the following new subsection:

(j) PRIORITY TO U.S. ORGANIZATIONS FOR GRANTS TO AID IN THE REVITALIZATION OF AFGHANISTAN.—In awarding grants to nongovernmental organizations to aid in the revitalization of Afghanistan, including to assist the people of Afghanistan to create and sustain quality economic and educational systems, under section 103 of the Afghanistan Freedom Support Act of 2002 (as amended by this section), the United States Agency for International Development should give priority to organizations based in the United States that have an established and cost-effective record of developing and administering such programs of assistance in Afghanistan.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I come here today with the common sense and hopefully consensus amendment that directs USAID to give priority to organizations based in the United States when awarding grants to NGOs to rebuild Afghanistan.

The experience and expertise of U.S. organizations in public institutions to rebuild Afghanistan should be utilized and recognized by USAID. It's also a fact that when people of Afghanistan see Americans helping to rebuild their schools and providing teachers and helping their economy, that a true and positive perception of our Nation increases.

My straightforward amendment states that USAID should give priority consideration to U.S.-based organizations that have a proven track record of assisting young nations like Afghanistan to educate its children and teach them skills that will lead to economic growth and revitalization.

The Center for Afghanistan Studies at the University of Nebraska's Omaha campus is a great example of a proven institution, experienced institution, in providing cost-effective services to Afghanistan, as well as other nations, that has experience in administering programs within Afghanistan, and teaching the people of Afghanistan, and yet were not considered to be a subcontractor with USAID.

There are undoubtedly many more examples of expertise and assistance from United States programs dedicated to the betterment of nations and their citizens. It seems only right that USAID give priority to U.S. organizations with established records of service and success.

I urge my colleagues' support.

Mr. Chairman, I yield to the gentlelady from Florida (Ms. ROS-LEHTINEN), the ranking member.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by my distinguished friend from Nebraska (Mr. TERRY).

This important amendment requires the U.S. Agency for International Development to give priority in awarding grants to nongovernmental organizations, to those based in the United States that have an established and cost-effective record in developing and administering such programs within Afghanistan.

In addition, it focuses on organizations that specialize in the teaching of the people of Afghanistan how to create and sustain quality economic and educational system. In this respect, U.S.-based organizations, with a proven track record of accountability and cost-effectiveness and the development and administration of such programs in Afghanistan, should be granted priority in the grant process.

This amendment is necessary, both as a means of ensuring accountability at all levels of the contracting process, and for proper oversight by Congress.

I thank my colleague and friend for introducing this important amendment, and I strongly urge its adoption.

Mr. TERRY. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, I support the underlying premise of the gentleman's amendment that assistance should be provided through organizations that have a cost-effective record of administering programs in Afghanistan. I am also gratified that the gentleman made some modifications to the original version of his amendment.

As H.R. 2446 reflects, we must continue to assist the Afghan people in creating and sustaining economic and development systems for themselves. We must continue to endow the Afghan government, Afghan organizations and the Afghan people with the necessary know how, expertise and resources so they can lead a free, stable and prosperous Afghanistan.

I believe that this amendment strikes the right balance in calling for USAID to prioritize organizations that have a cost-effective record of administering programs in Afghanistan, while allowing for assistance to Afghan entities as well.

On that basis, the amendment is acceptable to our side.

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

Mr. TERRY. I thank the chairman for his instructive input, advice, counsel and kind words and acceptance of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–174.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. VAN HOLLEN:

Page 17, line 17, strike ''and''.

Page 17, line 19, strike the first period, the closing quotation marks, and the second period and insert ''; and''.

Page 17, after line 19, insert the following new clause:

''(ix) promoting the empowerment of citizens at the local level in the decision-making process, including reconstruction and economic development decisions.''.

Page 62, beginning on line 16, insert '', create an environment conducive to Afghan small business development,'' after ''opportunities''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Let me begin by congratulating the chairman of the Foreign Affairs Committee, Mr. LANTOS, and the ranking member, Ms. ROS-LEHTINEN, for their wonderful bipartisan work on this very important legislation, which sends a signal that the United States remains fully engaged in making sure we have a secure Afghanistan, and that we build on what has happened to date and make sure that we continue to have a situation that demonstrates a continuing investment by the United States.

I think if you look back over history, we made a big mistake, when we disengaged from Afghanistan, after the Soviet withdrawal. We had helped, of course, support the Mujahedin, the freedom fighters, that was the right thing to do.

But when the Soviets left Afghanistan, so did we. And that left a vacuum that the Taliban exploited, Afghanistan became a failed state, al Qaeda found a home there, and we know the rest of the story, the terrible attacks of September 11, 2001. Even to this day, we have not yet finished the job in Afghanistan in terms of hunting down al Qaeda and Osama bin Laden, and essentially destroying the network that caused those terrible attacks of September 11, 2001.

But even as we continue that action, we need to make sure we provide for stability in Afghanistan for the longer haul, so we do not create another situation where other terrorists can take advantage of a failed state.

That requires we work in partnership with the Afghan government and the international community to make a long-term investment in Afghanistan's stability. That involves, making sure, that in addition to large infrastructure projects and important investments that we make, that we also make sure that we empower the Afghan people and make sure that they understand that we continue to have a stake and they have a stake, obviously, in their future and in building their economy. That's what this amendment that I am offering today relates to.

According to a recent GAO report, despite the expenditure of billions of U.S. dollars, reconstruction efforts in Afghanistan still have lacked a strategic focus. I know that is the major thrust of this bill, and I, again, want to commend our leadership for putting this important piece together.

As you know, this bill requires, among other things, that the President design a comprehensive interagency strategy for long-term security and stability. But in addressing these issues, issues that will impact heavily on the lives of ordinary Afghan citizens, it's essential that we make sure that we leverage one of Afghanistan's greatest assets in that decision-making process. That is the Afghan people themselves.

□ 1645

And while it does support local-led development programs such as the National Solidarity Project, the bill, I think, would also benefit and be strengthened by additional focus on involving the Afghan people at the local level in decision making. And that is why I'm proposing this amendment that requires the President to include as any part of his Afghanistan strategy an emphasis on empowering Afghan citizens in that decision making.

Economic development is a major source of concern, obviously, to the Afghan people. The CSIS, the Center for Strategic and International Studies, recently released the second in a series of post-conflict assessments of progress in Afghanistan and reported that, despite a marked improvement in the economy, Afghans continue to suffer from unsteady employment and economic insecurity. So this amendment addresses those issues. Just, again, emphasizes what I know is the overall thrust of this legislation, the importance of making sure we include the Afghan people at the grassroots level in decisions that affect their future.

Again, I want to thank the chairman, Mr. LANTOS, and the bipartisan support this overall effort has had; and I urge the adoption of the amendment.

Mr. LANTOS. Will the gentleman yield?

Mr. VAN HOLLEN. I will be delighted to yield.

Mr. LANTOS. I want to thank the gentleman for his singularly thoughtful and carefully crafted amendment, and I'm very pleased to support it.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague and my friend, the gentleman from Maryland (Mr. VAN HOLLEN).

This amendment seeks to promote the empowerment of citizens at the local level in the decision-making process, including reconstruction and economic development.

One of the key elements necessary to achieve success in Afghanistan is enhancing and promoting citizen participation in the reconstruction and economic development efforts in that country.

Citizens making decisions is a critical part in a democratic society, and this will enhance Afghanistan's political and economic institutions. Local participation, local decision-making will allow the Afghan people to take charge of their own lives and make decisions based on the needs of their local communities.

In addition to ensuring security, fighting the illicit illegal narcotics trade, related terrorist activities, developing the infrastructure for a sustainable democratic central government, the economic situation must also improve if Afghans are to have confidence in their own future and if they are to build upon the progress they have achieved thus far.

A lack of success in the economic forum has the potential to undermine political developments. It could risk demoralizing the aspirations of Afghan citizens and could jeopardize their ability to actively shape their destiny.

The United States must work hard to ensure that Afghanistan is never again a haven for terrorists, a major source of narcotics, or a source of instability or oppression towards its citizens.

Again, I thank the gentleman from Maryland for introducing this important amendment. I strongly urge my colleagues to support it.

And before I yield the remainder of our time to my good friend and our fearless leader, Chairman LANTOS, I want to thank the excellent staff that has been working on our Republican side with the Democratic side on forging this strong bill; and perhaps next time, Mr. LANTOS, we will come to the floor wearing tie-dyed T-shirts and love beads and singing Kumbaya.

Mr. Chairman, I yield the remainder of our time to Chairman LANTOS.

Mr. LANTOS. As we close discussion and debate, Mr. Chairman, let me first express my appreciation to my friend and colleague, the ranking Republican member of the committee, for her exceptional leadership on this matter. Let me thank all of my Republican and Democratic colleagues who have worked so hard on this matter.

But I particularly want to express my personal thanks to the committee staff on both sides, specifically, Matthew Zweig and John Mackey on the Republican side of the committee staff, as well as all other members of the Republican staff, and on our side, Manpreet Anand, Robin Roizman, David Fite and our extraordinary general counsel, David Abramowitz.

We have done good bipartisan work, and I think the Congress did some useful work today.

Mr. Chairman, I yield back the balance of our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

Mr. LANTOS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VAN HOLLEN) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 4 o'clock and 52 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1717

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at 5 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 5, STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–179) on the resolution (H. Res. 464) providing for consideration of the Senate bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 65, LUMBEE RECOGNITION ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–180) on the resolution (H. Res. 465) providing for consideration of the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AFGHANISTAN FREEDOM AND SECURITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2446.

□ 1718

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, with Mr. ANDREWS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 10 printed in House Report 110–174 by the gentleman from Maryland (Mr. VAN HOLLEN) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 7 by Mr. KIRK of Illinois.

Amendment No. 8 by Mr. KUCINICH of Ohio.

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 1, not voting 17, as follows:

[Roll No. 435]

AYES—419

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

NOES—1

Kucinich

NOT VOTING—17

Becerra
Cantor
Christensen
Conyers
Faleomavaega
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Kaptur
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

□ 1745

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN (Mr. POMEROY). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 18, as follows:

[Roll No. 436]

AYES—159

Abercrombie
Ackerman
Allen
Baca
Baldwin
Bean
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castor
Clarke
Cleaver
Clyburn
Cohen
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hare
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Solis
Space
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—260

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Becerra
Cantor
Christensen
Conyers
Faleomavaega
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Mollohan
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1753

Mr. HINOJOSA changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments before the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIND) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PENCE

Mr. PENCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PENCE. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pence moves to recommit the bill H.R. 2446 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section (and conform the table of contents accordingly):

SEC. 3__. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) It is of grave concern that General Peter Pace, the Chairman of the Joint Chiefs of Staff, stated in late April 2007 that United States and Coalition forces ''have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran''.

(2) Iran's provision of weaponry and technological expertise to terrorist and criminal elements operating in Afghanistan have reportedly included—

(A) 107 mm mortars, rocket-propelled grenades, C–4 explosives, and small arms;

(B) surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard;

(C) explosively-formed projectiles, one of which was recently discovered in Kabul; and

(D) Iranian 240 mm rockets, with a range of up to 30 miles, which have been used recently by Shiite extremists against United States and British targets in Basra and Baghdad.

(3) An increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Taliban, other terrorist organizations, and criminal elements has the potential to significantly change the battlefield in Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition, and Afghan casualties.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the ability of the United States to respond to Iranian-supported or facilitated attacks against United States Armed Forces or interests in Afghanistan.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise in strong support of this motion to recommit with instructions. Part of my responsibilities here in the Congress are that I serve as the ranking Republican member on the Middle East Subcommittee on the Committee on Foreign Affairs. As such, I have been intimately involved in the development of the underlying legislation and am strongly supportive of it.

But I think it is also imperative that we adopt this motion to recommit and add language that addresses an issue of great concern to the United States of America, to Afghanistan, and to the free world.

Mr. Speaker, we are receiving numerous reports that Iranian-made arms are

being shipped to Afghanistan and transferred to the Taliban and other radical Islamic forces that seek to kill U.S. troops and Afghan forces.

□ 1800

This past April, General Peter Pace, the chairman of the Joint Chiefs of Staff, confirmed that, ''We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran.''

This past Monday, on a visit to Kabul, Defense Secretary Robert Gates noted that the weapons are flowing not only to the Taliban but to drug traffickers as well. ''There have been indications over the past few months of weapons coming in from Iran. Some weapons,'' he said, ''are coming into Afghanistan destined for the Taliban, but perhaps also for criminal elements involved in the drug trafficking coming from Iran.''

The arms transferred reportedly include mortars, rocket-propelled grenades, C–4 explosives, surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard, and rockets with a 30-mile range.

Most disturbingly, an explosively formed projectile, an EFP, similar in characteristics to the Iranian-made ones that have killed our soldiers in Iraq, were recently discovered in Kabul.

Given Iran's unceasingly hostile rhetoric and actions in opposition to the United States, our interests and our allies, and given that these weapons were made in Iran, it is very reasonable to draw the conclusion that the Iranian regime transferred these arms to the Taliban.

We cannot allow Iran to undermine U.S. efforts and kill our soldiers in Afghanistan or to return that country to the status of a failed State and pave the way for increased terrorism against the West.

What we must do, simply, is to confront and respond to any efforts to subvert our efforts and kill our troops in Afghanistan.

As General Pace noted, ''I think we should continue to be aggressive inside of Iraq, and aggressive inside of Afghanistan, in attacking any element that's attacking U.S. and coalition forces, regardless of where they come from.''

If we are to be vigilant in protecting the lives of our soldiers and our allies' soldiers and security forces, we cannot tie the hands of our President and our commanders in the field. They need to have every option at their disposal and opportunity to combat an insidious threat from Iran that appears to be supplying weapons to our enemies.

Accordingly, we offer this motion to recommit which explicitly states that the Afghanistan Freedom and Security Support Act does not limit America's ability to respond to attacks that Iran supports or facilitates against our forces or interests in Afghanistan.

As the United States begins to engage Iran diplomatically, we must also make it clear that we will defend our allies and our interests in Afghanistan with all the means at our disposal.

Mr. Speaker, our relationship with Iran should be described as follows: one hand extended in diplomatic negotiation and another hand resting lightly on the holster of the arsenal of democracy.

Mr. Speaker, in support of our troops, in support of freedom and stability in Afghanistan, I call on my colleagues on both sides of the aisle to strongly support this motion to recommit.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to claim the time in opposition to this motion, although I'm not opposed to the motion.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, this has been a bipartisan bill from the very beginning. We have incorporated ideas from both sides of the aisle into this legislation. The recommittal motion has no practical effect whatsoever.

Nothing in the legislation before the House would prohibit the United States from responding to an Iranian military attack on the United States forces or interests in Afghanistan. In fact, no statute prohibits the President from ordering a response to military attacks upon our Nation or upon our Armed Forces.

However, this motion does not provide for taking any military action outside Afghanistan, nor should it. Therefore, I will support this motion to recommit.

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

There was no objection.

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

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

RECORDED VOTE

Mr. PENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on further proceedings in recommittal; passage of the bill; and suspension of the rules with respect to H.R. 2560.

The vote was taken by electronic device, and there were—ayes 345, noes 71, not voting 16, as follows:

[Roll No. 437]

AYES—345

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kagen
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar

Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—71

Abercrombie
Baldwin
Berry
Capps
Capuano
Carson
Clarke
Clay
Cleaver
Cummings
Davis (IL)
DeFazio
Delahunt
Doggett
Ellison
Eshoo
Filner
Frank (MA)
Gilchrest
Green, Al
Grijalva
Gutierrez
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Murtha
Neal (MA)
Olver
Paul
Payne
Rahall
Sánchez, Linda T.
Schakowsky
Serrano
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Velázquez
Waters
Watson
Welch (VT)
Woolsey
Wu
Wynn

NOT VOTING—16

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Peterson (MN)
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1821

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. LANTOS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 2446 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PENCE:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section (and conform the table of contents accordingly):

SEC. 3_. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) It is of grave concern that General Peter Pace, the Chairman of the Joint Chiefs of Staff, stated in late April 2007 that United States and Coalition forces ''have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran''.

(2) Iran's provision of weaponry and technological expertise to terrorist and criminal elements operating in Afghanistan have reportedly included—

(A) 107 mm mortars, rocket-propelled grenades, C–4 explosives, and small arms;

(B) surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard;

(C) explosively-formed projectiles, one of which was recently discovered in Kabul; and

(D) Iranian 240 mm rockets, with a range of up to 30 miles, which have been used recently by Shiite extremists against United States and British targets in Basra and Baghdad.

(3) An increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Taliban, other terrorist organizations, and criminal elements has the potential to significantly change the battlefield in Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition, and Afghan casualties.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the ability of the United States to respond to Iranian-supported or facilitated attacks against United States Armed Forces or interests in Afghanistan.

Mr. LANTOS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 16, as follows:

[Roll No. 438]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions

Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—10

Berry
Duncan
Flake
Goode
Hinchey
Jones (NC)
Kucinich
McDermott
Paul
Stark

NOT VOTING—16

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Pickering
Radanovich
Ryan (OH)
Shuster
Tancredo
Towns

□ 1832

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make technical corrections in the engrossment of H.R. 2446, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HUMAN CLONING PROHIBITION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2560, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. DEGETTE) that the House suspend the rules and pass the bill, H.R. 2560.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 204, nays 213, not voting 15, as follows:

[Roll No. 439]

YEAS—204

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
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Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth

NAYS—213

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

NOT VOTING—15

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

□ 1841

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

DALLAS-FORT WORTH INTERNATIONAL AIRPORT'S ''WELCOME HOME A HERO'' PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of House Resolution 391, recognizing the employees of the Dallas-Fort Worth International Airport, the North Texas Commission, the USO,

and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program.

The ''Welcome Home a Hero'' program is a daily gathering of volunteers to celebrate the homecoming of soldiers returning from Iraq, Afghanistan and Kuwait.

The tremendous effort has made the ''Welcome Home a Hero'' program one of the largest ongoing community service efforts in North Texas; and these committed employees have given of their time so that our troops, as well as their families, can be welcomed.

On June 12, the 500,000th soldier will come home for a well-deserved 2 weeks of rest and recuperation, and I'm proud to share that the ''Welcome Home a Hero'' program in the Dallas-Fort Worth International Airport has been selected by the U.S. military to host this celebration; and, Mr. Speaker, I would ask for support when this resolution comes up. I know we couldn't do it today, but I extend my personal gratitude to the program's volunteers for their efforts in supporting our dedicated men and women in uniform who are proudly serving our Nation.

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Dallas/Fort Worth International Airport for their role in sponsoring the internationally recognized "Welcome Home a Hero" program. DFW has been selected by the U.S. Military to host the celebration of the success of this critical program for soldiers and their families.

DFW's "Welcome a Hero" program has been praised as the premiere volunteer homecoming program for soldiers returning from Iraq, Afghanistan and Kuwait for much needed R&R with their families.

On June 12, 2007, the 500,000th soldier to return home during Operation Iraqi Freedom for 2 weeks of Rest and Recuperation (R&R) will travel through DFW International Airport.

As a representative of part of the DFW Airport and a frequent traveler between DFW and Washington Reagan, I am grateful that they have taken to heart the mission of our brave soldiers. I have participated in the "Welcome Home a Hero" program, and I will always remember the pride I felt and the thankfulness I had for the dedication of those men and women to our country and freedom.

I extend my sincere congratulations the Dallas/Fort Worth International Airport and their success with the "Welcome Home a Hero" program.

HONORING THE VALUABLE WORK OF THE ''WELCOME HOME A HERO'' PROGRAM

Mr. ORTIZ. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 391) recognizing the employees of Dallas-Fort Worth International Airport, the North Texas Commission, USO, and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 391

Whereas the residents of North Texas have greeted thousands of troops returning to the United States from Iraq and Afghanistan for Rest and Recuperation since the program's inception in June of 2004;

Whereas volunteers from North Texas welcome over 200 troops each day who travel through Dallas-Fort Worth International Airport on their way home;

Whereas these are the first people the troops see upon their return to the United States, and the support they give the troops on behalf of all Americans is invaluable and inspirational;

Whereas citizens like Bert Brady, a veteran, spend 300 days a year at the airport thanking troops for their service and giving them a well deserved homecoming;

Whereas thousands of young men from the Boy Scouts of America's Circle Ten Council have also selflessly contributed to one of the largest and most respected community initiatives in North Texas; and

Whereas these dedicated and selfless volunteers positively impact the morale and spirit of the men and women serving our country in Iraq and Afghanistan and demonstrate our appreciation for their sacrifice to the Country: Now, therefore, be it

Resolved, That the House of Representatives honors the valuable work of the ''Welcome Home a Hero'' program and its volunteers and expresses gratitude for their efforts to support our troops proudly serving in Iraq and Afghanistan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1845

GENERAL LEAVE

Mr. ORTIZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on House Resolution 391.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OIL PRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, everybody in America is concerned about gas and oil prices. We all remember the long gas lines during the Carter administration, and the government made a commitment that we would be independent as far as energy needs were concerned at some point in the not too distant future, and we were supposed to work toward that end. I would like to give a report on where we stand because the American people are very, very concerned about high gas prices right now and the lack of oil.

On May 29, the United States consumed as much oil as it will produce domestically all year. All the oil that we produce in the United States has been used up by May 29. That means from that date until January, 2008, next year, we are now completely dependent upon politically unstable regions of the world such as the Persian Gulf, Nigeria, and Venezuela for our energy needs. Why is that? Because year after year, decade after decade, this country throws up more roadblocks, usually because of some environmental reason, to exploring for and utilizing domestic supplies of oil and natural gas.

In the ANWR, for instance, it holds the single largest deposit of oil in the entire United States, and that is 10.4 billion barrels of oil, and it is more than double the proven reserves in the entire State of Texas, and almost half of the total proven reserves in the United States, which is 22 billion barrels.

To put it more simply, opening the ANWR could increase U.S. reserves by nearly 50 percent.

And I have been up to the ANWR, and I can tell you there is no environmental damage that is going to take place if we drill in that area. And we could get between 1½ to 2 million barrels of oil a day. That would help a tremendous amount the needs of the American people.

On the outer continental shelf, another example, as required by the Energy Policy Act of 2005, the Department of the Interior recently conducted a comprehensive inventory of oil and natural gas resources located off of our coastlines. According to the Department of Interior, there is an estimated 8.5 billion barrels of known oil reserves and 29.3 trillion cubic feet of known natural gas reserves along our coastlines; with 82 percent of the oil and 95 percent of the gas located in the Gulf of Mexico.

However, even more importantly, the Department of the Interior estimates there are untapped resources of about 86 billion barrels, 51 percent in the Gulf of Mexico; and 420 trillion cubic feet of natural gas, 55 percent in the Gulf of Mexico, that is out there.

In July, 2004, a Spanish oil company, Repsol-YPF, in partnership with communist Cuba's state oil company,

CUPET, identified five oil fields it classified as ''high quality'' in the deep water of the Florida Straits right off the coast of Florida, 20 miles northeast of Havana and within Cuba's Exclusive Economic Zone.

According to the U.S. Geological Survey, the North Cuba Basin holds an estimated 4.6 billion to 9.3 billion barrels of crude oil and 9.8 trillion to 21.8 trillion cubic feet of natural gas.

Unfortunately, since the 1980s, the U.S. has prohibited oil and gas drilling on most of the outer continental shelf except for limited areas of the western Gulf of Mexico, not the Florida Straits or around Florida, and limited parts of Alaska.

Oil shale: There is enough oil shale in Utah, Colorado, and Wyoming to create the equivalent of 1.8 trillion barrels of oil and potentially as much as 8 trillion barrels of oil. In comparison, Saudi Arabia reportedly holds proven reserves of 267 billion barrels, which is less than about one-eighth of what we have in the United States in shale.

Unfortunately, oil shale is roughly equivalent to diesel fuel and a number of Clean Air Act regulations, such as low-sulphur diesel, and Federal motor fuel taxes, which favor gasoline over diesel fuels, have created a strong financial disincentive regarding the production and use of oil shale fuels.

I don't want to belabor this point, but we have enough oil that we could move very closely to energy independence if we didn't have environmental radicals stopping us from drilling where we have the oil and we have those known oil reserves.

It is tragic that we have to continue to rely on Saudi Arabia, Venezuela, and other countries that are very unstable in various parts of the world when we really know that at some point in the future we are going to need more and more of their oil.

We need to move toward energy independence. We have been talking about it since the 1980s. Nothing has been done, and now gas prices are going up because we aren't producing enough oil and gas in the United States. And we have the reserves there to do it. We haven't even built any new oil refineries for 30 years. We can't even refine the oil that we do get here in the United States to take care of all the needs of the American people.

So I would just like to say to my colleagues, as I close, on both sides of the aisle, that we need to start moving toward energy independence. We need to start thinking about economic concerns as well as environmental concerns and have a balance there. We can do it in an environmentally safe way, and the American people want us to do it, and we need to listen to them as well as the environment lobby here in Congress.

END THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, from the very beginning of the war, which is now an occupation, in Iraq, the Bush administration has not kept faith with our troops. Whether it was sending them into combat without the proper body armor or failing to provide wounded veterans with proper care at the Walter Reed Army Medical Center, this administration has turned its back on our brave men and women time and time again.

Another example of this outrageous mistreatment is the Pentagon's ''stop loss'' policy. A very disturbing article about ''stop loss'' appeared 3 days ago in the Chicago Tribune. Actually, it should be required reading for every single Member of this House. The article says:

''As the United States moves into its 5th year in Iraq and escalates troop levels there, the Pentagon has kept combat units manned by forcing as many as 80,000 soldiers to stay in uniform in war zones even after their enlistment obligations have been met or their retirement dates have passed.

''The policy, known as ''stop loss'' . . . has sparked . . . a spate of lawsuits and in backlash in the ranks.

'' . . . The vast majority of troops find that stop loss means one thing: Instead of beginning new lives in the civilian world, they are headed back to Iraq for their second, third, or even fourth combat tour, a practice critics say amounts to nothing less than an involuntary draft.

'' . . . Suzanne Miller, a Jacksonville lawyer whose son expects to be stop-lossed this summer, said, 'I like . . . to call it indentured servitude . . . you have no control over your own destiny and are being forced, under threat of prison, to work for an employer you no longer want to work for.' ''

Mr. Speaker, it is time to stop mistreating our troops and the families who wait so patiently for their return. We need bold action to bring our troops home.

Last month this House had the opportunity to take such bold action. We had a bill before us that would have fully funded a safe withdrawal of our troops and defense contractors starting within 90 days. This bill also would have provided for the social and economic reconstruction of Iraq so that the Iraqi people could look to their future with hope. And it would have supported diplomatic efforts and multinational efforts to restore security in Iraq. That plan of action made sense.

But instead of taking bold action, the Congress took the same old action and gave the President every single thing he wanted in the supplemental spending bill. There is no timetable for withdrawal, and the President doesn't even have to hold the Iraqi government accountable for failing to meet the benchmarks in the bill.

Mr. Speaker, every third grader in America is being held accountable for meeting his or her reading and math benchmarks under No Child Left Behind. We are demanding more from our 8-year-olds than the Iraqi government.

Mr. Speaker, the American people didn't send us here to go all wobbly in the knees and weak in the stomach when the moment of truth arrived. They sent us here to stand up to the President to end this war, and that is what we must do.

So let us begin to restore the good name of the Congress by overturning the original authority for the war. Congress didn't authorize this President to use U.S. troops to police a civil war, which is what Iraq has come to.

From here on, there must be one benchmark and one benchmark only. The orderly, fully funded, and fully protected withdrawal of our troops. They have done their duty. Now it is our time to do our duty for them.

IN COMMEMORATION OF D-DAY AND HONORING OUR ARMED FORCES: PRESIDENT FRANKLIN D. ROOSEVELT'S PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, for those who question the role of religious expression and religious faith in our national history and in our public square, I rise tonight to read a nationally broadcast prayer that was read on D–Day, June 6, 1944, by President Franklin D. Roosevelt as our troops landed at Normandy. I am reading this prayer in the House tonight to both commemorate this event and to honor the men and women of our Armed Forces.

''Almighty God, our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true. Give strength to their arms, stoutness to their hearts, steadfastness in their faith.

''They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace and by the righteousness of our cause, our sons will triumph.

''They will be sore tried, by night and by day, without rest until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

''For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

□ 1900

''Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

''And for us at home, fathers, mothers, children, wives, sisters and brothers of brave men overseas, whose thoughts and prayers are ever with them, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

''Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

''Give us strength, too, strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces.

''And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

''And, O Lord, give us faith. Give us faith in thee; faith in our sons, faith in each other, faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment, let not these deter us in our unconquerable purpose.

''With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace, a peace invulnerable to the schemings of unworthy men, and a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

''Thy will be done, Almighty God. Amen.''

HAROLD ''HAL'' HART

The SPEAKER pro tempore (Mr. HARE). Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, I rise today to honor the life and passing of a great man and a gentleman, Harold ''Hal'' Hart. He was a teacher, a father figure, a mentor and friend to thousands across Oregon and thousands scattered indeed around the world whose lives go on as a testament to the goodness that Hal instilled in others.

A resident of Portland, Oregon, for most of his life, Mr. Hart lived a life that others could only dream of. Married to his high school sweetheart, Sally, and blessed with five daughters and eleven grandchildren, he never missed an opportunity to see the good in others. Nor did he miss an opportunity to bring out the best in others.

An attorney with an unabashed respect for the law, Mr. Hart worked tirelessly to mend the shattered lives of young people. He was seen by judges as the ''go to'' lawyer when a child was in need of help, working pro bono to aid countless adoptions, custody cases and child support cases. When asked why he cared so much and gave so much in this cause, he would say that everyone has the right to a happy childhood.

Outside of his professional life, Mr. Hart continued to give of himself. The founder and coach of Lincoln High School's Constitution program that won 13 consecutive Oregon State championships, including three national championships, and eight top 10 national finishes, he not only pioneered law-related education programs in the Portland metropolitan area, indeed, in that endeavor he was the Johnny Wooden of his field. One of his proudest moments, it was said, was when his students were given the opportunity to present their winning remarks to the U.S. Supreme Court, Members of the Senate, and to then Vice President Al Gore. Hundreds of his students have moved into the legal, teaching, government and service professions.

A noted softball coach who established girls' softball at Ainsworth Grade School and Lincoln High School, Hal Hart was coaching a women's team up to the last week of his life. He was also a lifelong musician who supported himself through high school, college and law school playing clarinet and saxophone. As an adult, he played countless fundraisers with his jazz combo and the Providence Hospital Stage Band.

While Mr. Hart quietly went about helping others, never asking for anything in return except that those that he helped be good people, he was recognized by countless organizations for the works that he did. The effect of Hal Hart on his community and on the lives of those who knew him cannot be overstated. He was loved by his teams and beneficiaries, respected by his adversaries, and he will be universally missed.

While we have lost this great Oregonian, we find solace that so many others have been spurred on by his example. Throughout his years of teaching, he kept framed on his desk a few lines from Ralph Waldo Emerson, and they sum up his philosophy as follows:

To laugh often and love much; to win the respect of intelligent persons and the affection of children; to earn the approbation of honest citizens and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to give of oneself; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social position; to have played and laughed with enthusiasm and sung with exaltation; to know that one life has breathed easier because you have lived, this is to have succeeded.

Mr. Speaker, Hal Hart was a success by any measure and in so many different ways.

UNANTICIPATED GOOD RESULTS (WHEN WE LEAVE)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, good intentions frequently lead to unintended bad consequences. Tough choices, doing what is right, often leads to unanticipated good results.

The growing demand by the American people for us to leave Iraq prompts the naysayers to predict disaster in the Middle East if we do. Of course, these merchants of fear are the same ones who predicted invading and occupying Iraq would be a slam-dunk operation, that we would be welcomed as liberators and oil revenues would pay the bills with minimum loss of American lives. All this hyperbole, while ignoring the precise warnings by our intelligence community of the great difficulties that would lie ahead.

The chaos that this pre-emptive undeclared war has created in Iraq has allowed the al Qaeda to establish a foothold in Iraq and the strategic interests of Iran to be served. The unintended consequences have been numerous. A well-intentioned but flawed policy that ignored credible warnings of how things could go awry has produced conditions that have led to a war dominated by procrastination without victory or resolution in sight.

Those who want a total military victory, which no one has yet defined, don't have the troops, the money, the equipment, or the support of a large majority of the American people to do so. Those in Congress who have heard the cry of the electorate to end the war refuse to do so out of fear the demagogues will challenge their patriotism and their support for the troops. So nothing happens except more of the same. The result is continued stalemate with the current policy and the daily sacrifice of American lives.

This wait-and-see attitude and a promised reassessment of events in Iraq late this summer strongly motivates the insurgents to accelerate the killing of Americans to influence the coming decision in 3 months. In contrast, a clear decision to leave would

prompt a wait-and-see attitude, a de facto cease fire, in anticipation of our leaving; a perfect time for Iraqi factions to hold their fire on each and on our troops and just possibly start talking with each other.

Most Americans do not anticipate a military victory in Iraq, yet the Washington politicians remain frozen in their unwillingness to change our policy there, fearful of the dire predictions that conditions can only get worse if they leave. They refuse to admit the conditions of foreign occupation is the key ingredient that unleashed the civil war now raging in Iraq and serves as a recruiting device for al Qaeda. It is time for a change in American foreign policy.

But what if those who were so wrong in their predictions as to the outcome of their invasion are equally wrong about what might happen if we leave? Unanticipated good results may well occur. There is room for optimism. The naysayers have been wrong before and are probably going to be wrong again.

The truth is, no one knows exactly what would happen if we leave. Civil strife may last for a while longer, but one thing is certain, no longer will American lives be lost. That in itself would be a blessing and reason enough for doing so.

After we left Vietnam under dire circumstances, chaos continued, but no more American lives were lost. But, subsequently, we and the Vietnamese have achieved in peace what could not be achieved in war. We now are friends. We trade with each other, and we invest in Vietnam. The result proves the sound advice of the Founders: Trade in friendship with all nations, entangling alliances with none. Example and persuasion is far superior to force of arms for promoting America's goodness.

It is claimed that we cannot leave until a new military faction is trained to fill the vacuum. But the question is, will there really be a vacuum, or are we talking about our proxy army being trained well enough to continue to do battle with the very strong militias already in place? Lack of training for the local militias has never been a problem for them.

The real problem with our plans to train a faction of Iraqis to carry out our plans for the Middle East is that the majority of Iraqis object and the army trainees are not as motivated as are the members of the various militias. The Kurds have a militia capable of maintaining order in their region. Sadr has a huge militia that is anxious to restore order and have us gone. The Badr brigade is trained to defend its interests. And the Sunnis are armed and determined. Our presence only serves to stir the pot by our troops being a target of nearly all the groups who are positioning themselves for our anticipated departure.

After we leave, just maybe the Shiites and the Sunnis will develop an alliance based on nationalism. They already talk of this possibility, and it could include the Badr brigade and the Sadr militias. A coalition like this could serve as an efficient deterrent to al Qaeda and Iran since they all share this goal.

Al Qaeda and Iran were not influential in Iraq before the invasion and would not be welcomed after we leave. There is cooperation now, motivated by the shared desire of the Sunnis and the Shiites to oppose our occupation. There's definitely a potential that the Iraqis may do much better in dealing with their own problems than anyone can imagine once we leave. Already there are developing coalitions of Sunni and Shiites in the Iraqi parliament that seek this resolve.

It is claimed by some that leaving the Middle East would not serve the interests of Israel. Israel with its nuclear arsenal is quite capable of defending itself under all circumstances. Its dependency on us frequently prevents it from taking action that otherwise may be in its best interests because we do not approve of such actions. Israel's overtures to Syria and other neighbors would not be road blocked by U.S. policy if we left the Middle East. With us gone Israel would have greater motivation to talk with other Arab countries as they did with Egypt. It just may be that Israel would accept the overtures made by the Arab League for a comprehensive peace. The Arab League might be an acceptable alternative to the U.S. influencing policy in the region.

We're told we can't let this happen or we'll lose control of the oil and gasoline prices will soar—exactly what has happened with our invasion. And if the neo-conservatives have their way there will be an attack on Iran. If that occurs, then watch what happens to the price of oil.

No matter who ends up controlling the oil they will always have a need for western markets. Instead of oil prices soaring with our leaving, production may go up and prices fall A change in our foreign policy is overdue.

WAR IS UGLY BUT TYRANNY IS UGLIER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAMP. I thank the speaker.

Mr. Speaker, tonight I come to the floor with several of my colleagues over the next hour to recognize that while even tonight we've heard these divisions on the floor from both parties and Members in each party that have differences of opinion about Iraq and the war, we come tonight to talk about the threats around the world that continue to emerge, that are real.

But before we get to the discussion about those threats and global security and the need for our country to be the leader of all of civilization, civilized countries versus, frankly, uncivilized, organizations, factions, even countries around the world who actually believe that blowing themselves up somehow is right or just. This is the struggle, and I do not think we can afford to deny the threats. I want to start first, though, by honoring the people who are volunteering to this very day to put themselves between the threat in our civilian population and serve in the uniform of our Armed Forces, first and foremost, the ones that have actually given their life for us.

Last week, over the Memorial Day district work period, I joined the families of two heroic East Tennesseans, one here in Washington at Arlington National Cemetery as I left. Sergeant First Class James David Tiger Connell, Jr., of Lake City, Tennessee, was laid to rest here in Arlington a week ago Friday for answering the Scriptural call that ''no greater love hath any man than to lay down his life for a friend.'' And then on Memorial Day, in Chattanooga, Tennessee, I joined the family of Private First Class Travis Haslip from Ooltewah, Tennessee, to lay his body to rest. Two great American heroes who joined six other heroes from my district who have given their life for us. And contrary to what some people say, they not only did not die in vain, they joined the ranks of the greatest Americans ever who were willing to give their life for the cause of freedom.

□ 1915

They were willing to lay it all on the line for the principles that this country holds so dear, knowing that every generation sooner or later has to face threats like this and somebody has to go and answer the call.

If you believe they died in vain, then many, many, many others through other wars throughout the history of our country also did, and I don't believe it for a second, because I know that it is those patriotic Americans that have paid the price.

I want to honor tonight Sergeant Paul Thompson III of Jefferson City, Tennessee; Sergeant First Class Stephen Curtis Kennedy of Oak Ridge, Tennessee; Sergeant David Thomas Weir of Cleveland, Tennessee, and I want to talk about his mom in a minute; Staff Sergeant Daniel M. Morris of Clinton, Tennessee; Sergeant John Michael Sullivan of Hixon, Tennessee; and Sergeant Terrance W. Prater of Speedwell, Tennessee.

I want to say that Jackie Weir, Sergeant David Weir's mom, wrote me a letter which I received over the Memorial Day weekend. This incredible mom has on the bottom of her letterhead a quote from General George S. Patton. It says, ''It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.'' This is on her letterhead. She gave her son for our country and its future.

This coming Monday, I will be privileged to join my nephew with the 181st

Field Artillery Brigade as they deploy for Iraq from Chattanooga. Jeffrey Watts is my nephew, so a member of our family is going as well. May God be with all of them, protect them and strengthen them.

Because, as John Stuart Mill once said, ''War is an ugly thing, but it is not the ugliest of things.'' He said, ''The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse.'' He said, ''A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature who has no chance of ever being free unless those very freedoms are made and kept by better persons than himself.''

That is etched in my memory, because I don't believe everything John Stewart Miller ever wrote, but I agree with that, that the alternative to war sometimes is complete loss of freedom, and it is tyranny, and it is terror all the time, and it is oppression. Without the courage to fight and stand up, that is where we may end up.

It is easy to forget the timeline. I want to go through it. Then I want to recognize the gentleman from Michigan. The timeline though goes back a long time.

Twenty-five years ago, April, 1983: A suicide car bombing against the U.S. Embassy in Beirut killed 63, 17 Americans.

October, 1983: A suicide car bomb attack against the U.S. Marine barracks in Beirut kills 241 servicemen. A simultaneous attack on a French base kills paratroopers.

November, 1984: A bomb attack on the U.S. Embassy in Bogota, Colombia, kills a passerby. The attack was preceded by death threats against U.S. official by drug traffickers.

April, 1985: A bomb explodes in a restaurant near a U.S. air base in Madrid killing 18, wounding 82, including 15 Americans.

June, 1985: San Salvador, El Salvador, 13 people are killed in a machine gun attack in an outdoor cafe. Four U.S. Marines and two American businessmen.

June, 1985: A TWA airliner is hijacked over the Mediterranean, the start of a 2-week hostage ordeal. The last 39 passengers are eventually released in Damascus after being held in various locations in Beirut.

August, 1985: A car bomb at a U.S. military base in Frankfurt, Germany, kills two and injures 20. A U.S. soldier murdered for identity papers is found the day after the explosion.

October, 1985: Palestinian terrorists hijacked a cruise liner, the Achille Lauro, in response to the Israeli attack on PLO headquarters in Tunisia. Leon Klinghoffer, an elderly, wheelchair-bound American is killed and thrown overboard.

November, 1985: Hijackers aboard an Egypt Air flight killed one American. Egyptian commandoes later stormed the aircraft on the island. Sixty people are killed.

December, 1985: Simultaneous suicide attacks are carried out against U.S. and Israeli check-in desks at Rome and Vienna international airports. Twenty people are killed in the two attacks, including four terrorists.

I am going on and on. There are 44 incidents in 25 years by the Islamic radicals. You can deny it if you want to. You can say this is all about Iraq if you want to. But I continue.

April, 1986: A bomb destroys a West Berlin disco frequented by U.S. servicemen, killing one American and one German woman and wounding 150, including 44 Americans.

An explosion in April, 1986, damages a TWA flight as it prepares to land in Athens, Greece. Four people are killed when they are sucked out of the aircraft.

December 21, 1988: A bomb destroys Pan Am 103 over Lockerbie, Scotland. All 259 people aboard the Boeing 747 are killed, including 189 Americans, as are 11 people on the ground.

February, 1993: A bomb in a van explodes in an underground parking garage in New York's World Trade Center killing six people and wounding over 1,000, 1993.

April, 19, 1995: A car bomb destroyed the Murrah Federal building in Oklahoma City. This was not al Qaeda. We know what that was.

November 13, 1995: A car bomb in Riyadh, Saudi Arabia, killed seven people, five of them American military and civilian advisers for the National Guard training center.

June 25, 1996: A bomb aboard a fuel truck explodes outside a U.S. Air Force installation in Dhahran, Saudi Arabia. Nineteen U.S. military personnel are killed.

July 27, 1996: A pipe bomb explodes during the Olympic games in Atlanta. That was also not them.

June, 1998: Rocket propelled grenades explode near the U.S. Embassy in Beirut.

August, 1998: Terrorist bombs destroyed the U.S. Embassy in Nairobi, Kenya, and Dar es Salaam, Tanzania.

October 12, 2000: A terrorist bomb damages the destroyer USS Cole in the Port of Yemen, killing 17 sailors and injuring 39.

September 11, 2001: It is all I need to say.

April 11, 2002: Explosions at ancient synagogue in Tunisia leaves 17 dead.

May of 2002: Car explodes outside hotel in Pakistan, killing 14.

June of 2002: Bomb explodes outside American consulate in Pakistan, killing 12.

October of 2002: Nightclubs bombed in Bali, Indonesia, killing 202, mostly Australians.

October suicide attack on a hotel in Mombasa, Kenya, killed 16.

May 4, 2003: Suicide bombers kill 34, including eight Americans, in Riyadh, Saudi Arabia.

May of 2003: Four bombs kill 33 people, targeting Jewish, Spanish and Belgian sites in Casablanca.

August, 2003: Suicide car bomb kills 12, injures 150 at Marriott Hotel in Jakarta.

November, 2003: Explosions rock Riyadh Saudi Arabia, killing 17.

November, 2003: Suicide car bombers simultaneously attack two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

March, 2004: Ten terrorist bombs explode almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400.

May 29 through 31, 2004: Terrorists attacked the offices of a Saudi oil company in Khobar, Saudi Arabia, taking foreign oil workers hostage in nearby residential compound. Twenty-two people dead.

June, 2004: Terrorists kidnap and execute Paul Johnson, Jr., an American in Riyadh. Nearly a week after his capture, photos of his body are posted on an Islamic website.

December, 2004: Militants believed to be linked to al Qaeda drive up to U.S. Embassy consulate in Saudi Arabia, storm the gates and kill five.

July, 2005: Bombs explode on three trains in London, England, killing 52.

October, 2005: Twenty-two killed by three suicide bombers in Bali.

November, 2005: Fifty-seven killed at three American hotels in Jordan.

March, 2006: Two residents arrested in this country, one a Georgia Tech student.

June, 2006: Canadian plot to behead the Prime Minister and bomb the Canadian Parliament. Seventeen arrested.

June, 2006: Florida-based plot to attack the Sears Tower in Chicago, seven arrested.

December, 2006: Chicago area Muslim convert arrested for plotting to attack a local mall and government buildings using grenades.

May, 2007: New Jersey-based plot to attack soldiers in Fort Dix, New Jersey.

Last week, another huge plot exposed to cause unbelievable damage at JFK Airport on an energy system that runs between New Jersey and New York.

We sure better not ignore these threats. We better stand in the gap for the next generation and quit denying that these threats are mounting against us. I don't want our country to be the last country in the world willing to face this reality.

Mr. Speaker, I yield to the gentleman from Michigan, the Chairman of the Policy Committee here among Republican Members of the House, THADDEUS MCCOTTER, an expert on these issues.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Tennessee.

Mr. Speaker, amidst these tumultuous times, it is often difficult to make sense of the stakes and the situations which confront us. But let us be clear: America in Iraq faces the prospect of a defeat, with consequences not only for this present generation of Americans but for future generations of Americans as well. Unlike Vietnam, the enemy will follow us home; and this is an enemy that is bent upon our destruction and the death not only of ourselves but of everything we hold dear.

In similar times, as my colleague PHIL ENGLISH, the gentleman from Pennsylvania, earlier read, it was the moral clarity of individuals like President Roosevelt, who helped guide the greatest generation to their triumph over abject evil.

This generation of Americans must retain their moral clarity to understand what needs to be done in the perilous present to get us to a better tomorrow. First, we need to step back and assess the situation in Iraq. The reality in Iraq is that we have one thing left to do as a Nation, and that job has been entrusted to our troops, who have done everything and more that has been asked of them.

To date, Iraq is free, Iraq is sovereign, Iraq has a democratically elected government. The people of Iraq within the government are fighting side by side with United States forces to kill and capture al Qaeda and other terrorists and insurgents.

And today we find ourselves struggling to attain the last goal before our troops accomplish the mission, and that is to give the new democracy a chance to survive in our absence. I say a chance to survive in our absence, because no free people, including ourselves, can ever be guaranteed that their liberty will last in perpetuity.

Did not Benjamin Franklin tell us this when he said to his fellow patriots at the founding of our Nation, we will give you a republic, if you can keep it.

The price of keeping that republic, or of any free nation, is eternal vigilance, to make sure that your rights are not eroded and you are not enslaved.

At another time in our Nation's history, when we were sorely tried through the conflagration of war, it was President Lincoln who understood that a war for secession had become a war for the emancipation of an entire race so that our Nation could have a new birth of freedom.

What we find in the Middle East today as we struggle to accomplish the last task in this mission is that our war for terror has been transformed into the war for the emancipation of millions of Muslims, so that the Middle East and our world can have a new birth of freedom.

If we, as a nation conceived in liberty, who have seen the sorrowful sacrifice of so many of our sons and daughters throughout our history to retain that liberty, determine to turn our backs upon people we have given a cruel sip of freedom to before we abandon them, we must ask ourselves two questions: What do we as a nation believe anymore about ourselves and the inalienable truths upon which we were founded; and what manner of dedication can we portray to the world and to ourselves as to its preservation?

□ 1930

And then we must ask ourselves a very cruel question: What other nascent democracies under terrorist attack will the United States abandon? Because that is the question that the enemy wants us to confront in what they are doing in Iraq.

If the United States is defeated in Iraq, and make no mistake, with the euphemisms that are bandied about, if we leave we lose, and the terrorists will remind us of this. The gutter snipe, Osama bin Laden, will be more than happy to proclaim it through every Internet site and every broadcast media available to him and his ilk for domestic American consumption.

If we leave and are defeated in Iraq, everything that the enemy has done in Iraq will be transferred to Afghanistan. Already, as we found out earlier today, we have seen the hand of the Iranians in putting exploding devices and other material to support the Taliban insurgents against the NATO forces and our own U.S. troops who are part of that coalition.

Let us not forget that it was in Afghanistan that al Qaeda, and especially bin Laden and others, learned to kill as they chased the Soviets out through measures that they are now applying in Iraq and Afghanistan. And let us not forget that an emboldened enemy will then, on much more familiar ground where the al Qaeda was housed before the attacks of September 11, it will prove a much more fertile ground for their incipient brand of insurgency, which we will have already been unable to quell in Iraq, which will now devolve into chaos and prove a safe haven for those who wish to kill us.

But let us not forget, we have one thing left to do in Iraq. That is why it is so bloody, that is why it is so bitter, and that is why it is so frustrating to the vast majority of Americans. But if we maintain our prudence and perseverance and clarity, we can see this through until the mission is accomplished. We can see that the United States, which is a revolutionary experiment in human freedom, can remember the lesson that Lincoln taught us: When we extend liberty to the enslaved, we ensure liberty for ourselves. President Lincoln understood that liberty is not static. It does not remain in a perpetual stasis where we can enjoy our liberty while others have it denied unto them.

If freedom is advancing or eroding in the course of human events, let us rededicate ourselves not only to accomplishing the mission in Iraq and Afghanistan so that our world can experience a new birth of freedom, let us rededicate ourselves to the proposition that we who are born into freedom also bear the responsibility where we can to extend liberty to those who also yearn to breathe free, as do all of God's creatures.

Mr. WAMP. I thank the gentleman.

We all desire a better course in Iraq. We all desire changes, not just General Petraeus' leadership and the increase in security forces from our country necessary to prevail in Iraq, but even more regional cooperation, and some of the recommendations of the Iraq Study Group so that people in this country will truly recognize, especially in the Congress, that this is not our President's war. This is our country's war. This is our country's fight.

Now a very prominent person from my State wrote a book called ''The Inconvenient Truth.'' He wrote it about the environment, but I have to say tonight on the floor of the House that a bigger inconvenient truth than the one he wrote about is the inconvenient truth that is lost around here a lot, that over half of the Democratic Members of the United States Senate and almost half of the United States House of Representatives voted to remove Saddam Hussein by force. Now, many people are running from that commitment and decision, but it is an inconvenient truth that they said it needed to be done and they committed us to doing it. And we went as a nation and there was not that much criticism as there is now, but it is convenient to blame or cast aspersions or to say that intelligence went wrong instead of accepting the responsibility that we removed a genocidal mass murderer from the world stage in an important time in the history of the Middle East and an important time in the history of the world.

I have two pages, and I am not going to go through these quotes like I did the time line, but two pages of quotes from the most prominent leaders in the Democratic Party in this country saying why Saddam Hussein had to be removed by force.

The quotes I will go through tonight, though, are from the terrorists themselves because I think they must be quoted so we understand what they are doing.

Zawahiri, al Qaeda's top leader in the region now, we don't know where Osama bin Laden is, but Zawahiri said, ''The jihad movement is growing and rising. It reached its peak with the two blessed raids on New York and Washington. And now it is waging a great heroic battle in Iraq, Afghanistan, Palestine, and even the crusaders' own homes.''

Al Manar said, ''Let the entire world hear me. Our hostility to the Great Satan, America, is absolute. Regardless of how the world has changed after September 11, death to America will remain our reverberating and powerful slogan: Death to America.''

Zarqawi said, ''They are aware that if this Islamic giant wakes up, it will not be satisfied with less than the gates of Rome, Washington, Paris, and London.''

Bin Laden's top lieutenant said, ''The fire has not and will not be put out, and our swords, which have been colored with your blood, are thirsty for more of your rotting heads.''

The leader of Hezbollah said, ''We have discovered how to hit the Jews where they are most vulnerable. The Jews love life; so that is what we shall take from them. We are going to win because they love life and we love death.''

Zawahiri said, ''Knights under the prophet's banner, al Qaeda's most important short-term strategic goal is to seize control of the state, or part of a state, somewhere in the Muslim world.'' He wrote, ''Confronting the enemies of Islam and launching jihad against them require a Muslim authority established on Muslim land. Without achieving this, our actions will mean nothing.''

Osama bin Laden said, ''The whole world is watching this war and the two adversaries. It is either victory and glory or misery and humiliation.''

Osama bin Laden has said, ''The most important and serious issue today for the world is this Third World War.'' That's what he said. ''It is raging in the land of the two rivers, Iraq. The world's millstone and pillar is in Baghdad, the capital of the caliphate.''

These are the words of jihad.

Before yielding to the gentlewoman from North Carolina, I would like to encourage people to open a book called ''America Alone'' by Mark Steyn. The gentlewoman has just finished the book. It is on our reading list as we are trying to educate Members of the House on the threats. We all know you can't believe everything you read. But if you do your homework and you follow people who do their research, reading is the best way to understand this threat.

Let me say first, I am for pluralism. Every religious view is welcomed in this country, period. We are tolerant. It is a tenet of our foundation, religious pluralism is the American way. We do not believe in theocracy. It doesn't come with freedom, not our way. But let me say tonight, and this may not be popular in some quarters, that is not the Muslim way today. It is not.

The Islamists, the radicals, are insulated within Islam and they are not being challenged by the rest of Islam. And they call for a global sharia. That is Islamic rule. There were challenges all around the world right now about whether Islamic law, their law, a theocratic system, trumps the laws of any country, including this country. And if you don't think this is infiltrating most of the countries around the world, you are not paying any attention. This threat is growing and rising.

All you have to do is study the demographics that are articulated in this book and you realize that countries like our and Japan and Russia, they are actually declining in population. Our country is barely growing. The most rapid growth in the world is among the Muslim countries. Sheer demographics overtake us if the radicals continue to be insulated within Islam and not challenged because the numbers are exponential in terms of how many people are now willing to kill themselves for a cause. I could spend the rest of the night going through the latest statistics which ought to shock every American, that 26 or 30 percent, depending on two different questions, of Muslims in this country, many of whom are citizens, believe it is acceptable, this is scientific polling 2 weeks ago, it is acceptable to blow yourself up for a cause. That's a problem. I have to tell you, that is not acceptable in this country.

It is not acceptable that jihadism is fashionable or a way of life. How many people in the Muslim world now think that 9/11 was justified. I have to tell you, America is not perfect, we have made mistakes; but anybody in the world who apologizes for our country is wrong.

And these apologists who somehow blame us for what happened are wrong. Many others are here to speak. I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank Congressman WAMP for organizing this hour tonight and bringing together a group of folks who have similar feelings to his. I see several of my colleagues have joined us and so I won't take a lot of time. It is always hard to follow such eloquent speakers as Congressman MCCOTTER and Congressman WAMP. They are both eloquent people, and I am pleased to be with them to add my few comments.

As Congressman WAMP has said, I have been reading ''America Alone.'' I want to recommend it. It is written by Mark Steyn, S-T-E-Y-N. It is an excellent book. It is very, very readable, and it is very, very frightening.

As Congressman WAMP said, if you don't do anything but pay attention to the demographics, you will have your attention gotten by this book. As he indicated, the United States of America is the only western country that is replacing itself in terms of population. It takes a birth rate of 2.1 to replace the population. What is happening in Canada, which I wasn't aware of, Canada has a birth rate of about 1.3 right now, 1.4. All of the European countries have birth rates of 1.3, 1.4, 1.2. Their populations are going to be cut in half within 35 years. That is something that has never happened in the history of humanity. Their populations are going to be cut in half; and yet the Muslim populations are growing anywhere from 4.7 percent to over 7 percent which means their populations are going to double in a very short period of time. And fairly soon, all of Europe is going to be predominantly Muslim.

The title of the book, ''America Alone,'' we are going to be the only country in the free world that is increasing our population of people with western ideals, western religions and western thought. That is something we really have to be thinking about.

I have been troubled, and I have spoken about this before, about statements that have been made by Democrats in this body when we talk about the war that we are in. They talk about failure. They talk about it being an impossible situation. Well, I want to try to tie this in to what Congressman MCCOTTER was saying.

When I meet with people and they ask me about the, quote, ''war in Iraq,'' I quickly say to them as kindly and as nicely as I can, we are not in a war in Iraq, we are in a war for the freedom of this country and the freedom of the world. If we lose this war, we are losing to radical jihadists who see that we have only two choices. We either convert to becoming Muslims or we should be killed.

Now as Congressman WAMP says, we believe in pluralism in this country. We believe in inviting people to come to this country, worship as they please, but not to come here and try to impose their idea, their radical idea of the world on us. So I think it is very important that we all do that. We understand this is a war for freedom.

□ 1945

This country is the beacon of freedom in the world, and failure is simply not possible.

I am very troubled again by the talk by Senators in the Democratic party who say the war is lost. It cannot be lost again. If it is, then we will go out of existence as a society and as a culture. We can't do that.

We know that we're fighting against extremists. There's Sunnis, there's Shias and there's al Qaeda and their intent to fortify their influence in the Middle East and expand beyond it.

The Democrats have claimed that a recently declassified National Intelligence Estimate concluded that the war in Iraq has made the war on terror more difficult to win, even though the terrorists see the war in Iraq and the war against terrorists as one and the same. They see it that way. We do not.

But the NIE actually concluded that, should Jihadists be perceived to have

failed in their efforts to undermine democracy in Iraq, ''fewer fighters will be inspired to carry on the fight.''

So we have to defeat the terrorists. We have to defeat them not only in Iraq but in Afghanistan, in New York City, in New Jersey, anywhere that we find them. Because that is our mission, and that is what we're here for. If we don't want to see freedom and our way of life destroyed, then it's our responsibility to do that.

And I will tell you that I am not going to allow the brave men and women who are fighting to maintain our freedom to think that all Members of Congress have no backbone and are weak-kneed and look only to political advantage. I want them to know that there's some Members of Congress who appreciate what they're doing, who understand the sacrifice that they're making and understand the consequences of our winning or losing.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman.

One of the most articulate and knowledgeable Members of the U.S. House of Representatives on radical Islam is Representative TRENT FRANKS from Arizona, and I yield to him.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman. As usual, he's always more kind than he should be.

Mr. Speaker, today, as we embrace the grave responsibility of discussing an issue that will have a profound impact on future American generations, it seems very appropriate to remind ourselves of the ideal that gave birth to the United States in the very first place. We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

It puts us all on even ground, Mr. Speaker, but, whether we realize it or not, most of the important discussions in this Chamber, including the one in this moment, center around whether we still believe those words.

In these hours, America finds herself at war with an inexpressibly dangerous ideology that is the antithesis of those words and everything that is the American ideal. What concerns me most, Mr. Speaker, is that this is a war between an ideology that is committed to the death and destruction of freedom and the subjugation of the entire world and is one waged against the world's free people who still remain primarily asleep.

Mr. Speaker, this ideological war did not begin on 9/11. It began many years ago when certain Muslim extremists embraced a divergent Islamist dogma that dictates that all infidels must die. It was called then, as it should be now, Jihad.

This is the same Jihadist ideology that murdered Israeli athletes in 1972; that took American hostages in Iran; that murdered Marines in their barracks in 1983; that bombed the World Trade Center in 1993, Riyadh in 1995, the Khobar towers in 1996, the embassy in 1998, the U.S.S. Cole in 2000; and that brutally murdered scores of little children on their opening day of school in Beslan, Russia. And then, Mr. Speaker, this same dark ideology massacred nearly 3,000 Americans on September 11.

The ideology of Islamist Jihad leads to the practice of decapitating humanitarians with hacksaws on television while the victims scream for mercy. Just last month, one of those most recent videos on the Internet showed a member of the Taliban beheading a man accused of spying. That member of the Taliban was 12 years old.

Mr. Speaker, that is a wake-up call to this planet if we will only listen. This same hatred causes Islamic Jihadists to cowardly hide behind women and children while launching rockets deliberately targeting innocent civilians, and continually breaking treaties of peace, and forcing children to blow themselves to pieces to effect the murder of other innocents, and all this while their mothers scream for joy.

As we anticipate future actions of the Jihadists, we should consider, as Mr. WAMP has so eloquently said earlier today, the words of the terrorists themselves. And at the risk of repeating some of the things that Congressman WAMP said, I believe that these kinds of words are so important for America and for the people in this body to hear.

Al Qaeda's Al-Zawahiri said this. He said, ''The Jihad movement is growing and rising. It reached its peak with the two blessed raids on New York and Washington. And now it is waging a great heroic battle in Iraq, Afghanistan, Palestine, and even within the Crusaders' own homes.''

Al-Manar said on BBC, ''Let the entire world hear me. Our hostility to the Great Satan, America, is absolute. Regardless of how the world has changed after 11 September, Death to America will remain our reverberating and powerful slogan: Death to America.''

Al-Zarqawi said this of America's leaders, ''They are aware that if the Islamic giant wakes up it will not be satisfied with less than the gates of Rome, Washington, Paris, and London.''

Al-Muhajir, Osama bin Laden's latest lieutenant in Iraq, said this. He said, ''The fire has not and will not be put out and our swords, which have been colored with your blood, are thirsty for more of your rotting heads.''

Sheik Hassan Nasrallah, the leader of Hezbollah, said this, ''We have discovered how to hit the Jews where they are the most vulnerable. The Jews love life, so that is what we shall take away from them. We are going to win because they love life and we love death.''

Mr. Speaker, then we hear Democrats in this body say things like, ''The savagery of the terrorists is not relevant,'' or even the most senior Democrat in this House is quoted as saying, ''I don't take sides for or against Hezbollah, or for or against Israel.'' The senior Democrat in the other body said, ''This war is lost.''

Mr. Speaker, that kind of blind relativism that deliberately ignores all truth and equates merciless terrorism with free nations defending themselves and their innocent citizens is more dangerous to humanity than terrorism itself, and it is proof that liberals completely misunderstand the enemy that we face.

Osama bin Laden's deputy, Al-Zawahiri, said this. He made it clear in his book, Knights Under the Prophet's Banner, al Qaeda's most important short-term strategic goal is to seize control of a state, or part of a state, somewhere in the Muslim world. He wrote, ''Confronting the enemies of Islam and launching Jihad against them require a Muslim authority, established on Muslim land. Without achieving this goal, our actions will mean nothing.''

For God's sake, I hope we're listening to people like that. Mr. Speaker, such a Jihadist state would be the ideal launching pad for future attacks on the West.

Bin Laden himself has stated, ''The whole world is watching this war and the two adversaries. It's either victory and glory, or misery and humiliation.''

Mr. Speaker, the terrorists regard Iraq as their central front in their war against humanity; and if we're to understand our enemy and this war, we must recognize Iraq as the central front in our war against Jihad. Our courageous and noble soldiers understand that, and our enemy certainly understands that.

Osama bin Laden himself said, ''The most important and serious issue today for the whole world is this Third World War. It is raging in the land of the two rivers, Iraq. The world's millstone and pillar is in Baghdad, the capital of the caliphate.''

Mr. Speaker, if Democrats are correct that this struggle in Iraq is not crucial to winning the war against Islamist Jihad, then for God's sake I wish they would explain that to the terrorists, because they don't understand it.

Brink Lindsey put this all succinctly. He said, ''Here is the grim truth: We are only one act of madness away from a social cataclysm unlike anything our country has ever known. After a handful of such acts, who knows what kind of civilizational breakdown might be in store?''

Mr. Speaker, we simply cannot deny that we are fighting a war against an insidiously dangerous and evil ideology that is bent on the destruction of the

Western World, and they would like nothing better than to decapitate this country by detonating a nuclear blast 100 yards from here. To allow Jihadists to declare victory in Iraq will serve only to hasten such a day.

The free nations of the world once had opportunity to address the insidious rise of the Nazi ideology in its formative years when it could have been dispatched without great cost. But they delayed, and the result was atomic bombs falling on cities in the world, 50 million people dead worldwide, and the swastika's shadow nearly plunging the planet into Cimmerian night.

Mr. Speaker, Jihadists believe they have a critical advantage over the free world. They believe their will is stronger than ours and that they need only to persevere; and, Mr. Speaker, the words of neutrality and retreat have only encouraged them in that belief.

We must realize that this is a war that is fundamentally a battle between good and evil, between light and darkness, between individual freedom and totalitarian repression; and we must realize that our enemy is absolutely blinded with an absolute hate for all the Western World.

They also recognize that America is the flagship of human freedom, and if America allows terrorists to conquer us both on the battlefield and in our will to fight the result will be that humanity will be left to face a future that is dark beyond expression.

Mr. Speaker, I think that probably Ronald Reagan could close this in the best way. He said to our soldiers who nobly fought in Vietnam, ''Let us tell those who fought in that war that we will never again ask young men to fight and possibly die in a war our government is afraid to win.''

And I'm afraid sometimes that we forget the heroism of the past. So let me just close with a prayer that one of our great Presidents, Franklin Roosevelt, said many years ago, as today we mark the 63rd anniversary of the D–Day invasion to liberate Europe from Hitler's fascism. U.S. forces alone sustained over 6,500 casualties in that 1 day, twice what we've endured in 5 years in Iraq. Knowing the gravity of the operation, Franklin Roosevelt, one of the Nation's most liberal Presidents, said and allow me to close in those words:

''Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home. Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. And for us at home, fathers, mothers, children, wives, sisters, and brothers of brave men overseas, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice. And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Thy will be done, Almighty God. Amen.''

Mr. WAMP. Mr. Speaker, I thank the gentleman.

Every Member of this body has an obligation to do their best to share their beliefs in what they think we face with the American people and their constituents. I believe that this problem in Iraq that we've got to do better with is not the end of this at all.

For some reason, God spared us again with the JFK plot and allowed us to actually interdict that before another September 11 or even worse happened. For some reason, He granted us grace, but it is a matter of time, given the conflicts that we face.

To the people, this Iraq conflict is a chapter in the war that is mounted against us, and it's not the end, anymore than the first bombing in 1993 of the World Trade Center was the end. We denied that it happened, but we weren't willing to address it, and September 11 happened. But Iraq is no different in the long-term conflict which is a generational struggle with radical Islam.

□ 2000

HISTORY AND THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) will control the remaining 12 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate that, and I appreciate the gentleman from Tennessee for organizing this special order tonight. As I had the privilege to sit here on the floor and listen to each of the speakers, it was a good education for me to listen to the eloquent voices that stand up so well and speak for defending our freedom.

To take us towards the to the point towards conclusion of this hour, it is hard to pick up on that tone that was left by Mr. FRANKS of Arizona, the understanding of over 6,000 casualties on that first day. I presume that they were those killed in action on that day, and on D–Day landing on Omaha Beach and on Utah Beach and on other points there in Europe. That is a place and a location that will always live in the history of this country. It is a place of glory. It is a place where freedom was begun to spread back across Europe.

As I look at that, and I see these 60-some years hence the D–Day landing, I can't help but think that those countries in Europe that have experienced freedom the longest seems to hang on to that freedom the least, and those countries in Europe, particularly eastern Europe, that have lived under tyranny the most recently, seem to want to grasp that freedom and hang on to it and fight for it and defend it more aggressively.

That is reflected, I think, in the troops that are part of our coalition troops in Iraq. In one of my trips over there, I found myself standing with a British general down in Basra. I looked around his headquarters there, and I exempt the Brits from that definition, because they have been tenacious and stood with us in Iraq and other places around the world, but as I looked around, the uniforms and the national flags that were on the shoulders of the coalition groups, Great Britain there, Australia there, Romanians there, there were Danish soldiers there, Bulgarian soldiers there, as I recall, and the list went on.

If I remember right, it was eight different countries represented at those headquarters. I just gathered them together at random, lined them up and stood there and had their picture taken so that I could go back and reference which countries were represented.

But it surely appeared to me that the nations that had lived most recently behind the iron curtain, the one that had the least experience with freedom, were the ones that were the most likely to be there serving with and defending us and defending the freedoms of the people of Iraq and helping with the liberation that is there. That does not take away from the commitments that we have seen on the part of the British, and especially the Australians. They will let me know always that they have been with us in every war, and sometimes they beat us there. So I count them among our best friends and our best allies.

But here we are, with a debate that is going on continually here on the floor of this Congress. The questions that come to mind, as I listen to this discussion, I have to ask this question, what do liberals think? What are they thinking about? How can they draw a conclusion that somehow, even though Iraq is the central front in the war on terror, and that al Qaeda has streamed into Iraq to fight us there, in a way, a lot like the bug light. It is attractive, millions of them have been killed. They were captured and taken out on the field of battle there in Iraq. I would a lot rather have it there than here, and so would the American people.

But how can one argue that the war against terror is not in Iraq, it is anywhere else where they might be. We listened to the gentleman from Tennessee go through a long place of places around the world where the Islamic terrorists have attacked, a lot of times, free people. With that list, you have to

know that this is a global war. These jihadists are attacking people, not like them, and their belief that they could expand, they should expand the caliphate at least around Western Europe and to the United States and presumably to the rest of the world, how can one conclude then that you would take a place off the map that has been paid for with the blood of American patriots, coalition force patriots and the blood of Iraqis, and the treasure, and say we are going to give it up.

We have liberated it. We have earned it, we have paid for it, and, now, we are going to give it up and hand it over to the terrorists because the war on terror is not in Iraq, even though Osama bin Laden believed it was there, and al Zarqawi believed it was there and al Zawahiri believes it is there.

It is obvious, General Petraeus has told us over and other again, that's where the central front is. In fact, Speaker PELOSI conceded that same point in one of her remarks here in a failed attempt to override one of the President's vetoes on one of their unconstitutional appropriations bills, but Iraq is the central front in the war on terror.

To argue that we should pull out of there and let that country become whatever it would become, and that would be the off limits, safe ground and territory for al Qaeda to set up shop, because, politically, it was a good argument to make.

All right, I can't follow that rationale, I can't follow that. If it is logical, someone has got to explain that to me. So we have a liberal approach to this. It is a law enforcement problem. Yes, we should go after Osama bin Laden in the mountains between Afghanistan and Pakistan, and we should do that.

But we can fight this war on many fronts. We are a nation that can do that. Before this is over, we will have to do it in many places simultaneously. But we dare not walk away from this country that we pitched our future with. It was the right decision to go in there. I regret we had to.

The President didn't have a choice, and honest historians will write that into the history books. But if we should walk away from there now, under any kind of ruse or under any kind of an excuse, they will claim victory, and, you would see, not just sectarian violence and the devastating bloodshed that would come from that until such time a dictator emerges, it can rule that part of the world, that's not the worst of things. It is a bad thing, but it's not the worst of things.

What I believe you would see happen is the Sunni triangle would become the haven for the al Qaeda terrorists. They would set up shop there, unchallenged. We wouldn't have a way to go in and challenge them, because if we're not willing to take them out and keep them out of there now, why would we ever have the will to go in and take them out later. You know that the price would be higher, but the will wouldn't be materialized.

So I believe al Qaeda takes over the Sunni triangle, and that would be the base of their operations, and they would seek to expand that base of operations. But, worse than that, as you have right now, you have Iranians fighting a proxy war against the United States in Iraq, and in Afghanistan.

In fact, the motion to recommit with instructions that Mr. PENCE offered today illustrated how Iran is engaging themselves into the operations and in the support of the Taliban and Afghanistan. But they have been engaged in this proxy war against the United States in Iraq for 2½ or perhaps 3 years.

So if we were to pull out of there, you would see the hegemony of the Iranians go into the Shi'a regions and the influence of that, get entrenched further in the Shi'a regions of Iraq. Those regions control 70 to 80 percent of Iraq's oil. That would put Iran in control of the oil in that region, and the Strait of Hormuz, through which 42.6 percent of the world's export oil supply flows.

They would be in a position to decide when their treasure chest is full of oil money, when they have purchased enough scientists and enough nuclear capability and when they have developed enough delivery capability to terrorize the rest of the world and attack the rest of the world with their nuclear capability, pick their time, shut down or shut off, I call it the valve at the Strait of Hormuz, the place where the oil has to flow through. Through that strait, they can control the economy of the world.

If that valve is shut down, that sends the United States, the effect of the cost of our oil price is going through the roof, $3 a gallon gas would be cheap if that would happen. That would put the United States into at least a recession, probably a depression.

China would follow us. They are starved for the energy the same way, and their economy is linked to ours. If we catch a cold, they sneeze, because they sell so much product to us. The biggest losers in this would be the United States, China. The biggest winners, Iran in their hegemony; and the Russians who have more oil than they know what to do with.

That's why Putin is opposed to our operations there, and that's why we are getting a lot of grief out of Putin. This outfit over here says somehow says we shouldn't fight this in Iraq. The worst scenarios are the ones that I have talked about, and I anticipate a nuclear Iran, an Iran that is committed to annihilating Israel, and an Iran that is committed to annihilating the United States.

That's the rationale that we are dealing with here. I wonder if they can actually think through this. But I also wonder why anyone would think that the voters have hired 535 liberal generals to micromanage a global war on terror. In fact, I'd ask anyone in this Chamber, come down, and I will yield time to you, and you tell me, name me a single general that was a liberal, a successful liberal general throughout all the history of the world.

I defy you to name one, there isn't one. One has never existed. One will never exist. Liberal generals don't succeed, 535 micromanaging liberal generals certainly don't succeed. It's not Congress' business to micro manage war. It's our job to fund them and support them and equip our troops, field an Army and a Navy, and declare a war if the situation calls for it. We haven't done so since World War II.

That's our job in this Congress, and that's our constitutional limitations. We need to live by those limitations and not be busting our buttons believing that we can do something here that isn't getting done, maybe, to the satisfaction of the people on that side of the aisle or mine, for that matter.

But there is a tremendous amount at stake, and it is more than the lives that have been invested so far, those that have been lost so far. God bless them for that. Zach Wamp spoke well to that, but the destiny of America and the destiny of the free world and the destiny of western civilization are all on the line matched up against a belief that they are going to restore a caliphate and renew a 100 year-old conflict that has been taking place here in the war, here in the world for hundreds of years.

We have a western civilization belief, we believe in freedom, this has been a country that has been founded on Judeo-Christian principles. That's some of the foundation of our strength, free enterprise market economy is another one, belief in the rule of law, and the foundational principles that we have in this Constitution, all tied together, all at risk, all matched up against people that don't believe in freedom, people that believe in death, people that execute homosexuals and female adulteresses, by the way.

Many people on this side of the aisle have a different belief system. I don't know why they would want to ally themselves with the interests of those who want to restore the caliphate, stone women and execute homosexuals and destroy your freedom and your freedom of religion. All of that is tied up in the risk of this.

FIND WAYS TO COME TOGETHER ON IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New

York (Mr. ISRAEL) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISRAEL. Mr. Speaker, tonight we do something different. Tonight we may do something that may even be unprecedented. Tonight I am joined on the floor of the House by my distinguished gentleman and my partner from Long Island, the gentleman from New York (Mr. BISHOP) and we will be joined by the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Maryland (Mr. GILCHREST) and perhaps others.

Tonight, for the first time that I know of, Republicans and Democrats take to the floor of the House to discuss Iraq, but not to criticize one another about Iraq, not to beat each other up about Iraq, not to cast aspersions and blame about Iraq, not to talk about what divides us on Iraq, but to find ways to come together on Iraq.

I don't think that's happened before on this floor, but I do believe that the American people have an unquenchable thirst for Democrats and Republicans not to take the time of this Congress for sloganeering and name calling and the impugning of motives, but to take the time of this Congress to have an intellectual debate over those issues, to take the time of Congress to really honor those troops and our veterans, and to discuss not what is left and what is right, but to discuss the way forward.

The gentleman from New York knows that every time the people from our districts and the American people tune into C–SPAN, what they see are Republicans and Democrats arguing and fighting and criticizing, attacking each other's ideas, impugning each other's patriotism, impugning each other's motives. Tonight is different, because we are not going to discuss what separates us and divides us, but we are going to discuss what, in fact, can unite us.

War in Iraq has caused an outbreak of war on floor of the House of Representatives, and tonight we declare a ceasefire. For me, this is not just a professional obligation, but, for me, it is personal, for two reasons.

The first is that several days ago I made a phone call to the father of Matthew Baylis. He was killed in Iraq last week. It was small arms fire in Baghdad. I have no idea whether Matthew Baylis himself was a Democrat or a Republican or an independent or perhaps not registered to vote.

□ 2015

I don't care. I do believe that Matthew Baylis would want Republicans and Democrats to come together to talk about the way forward; that Matthew Baylis and those like him, who died in the service of his country, would want us to spend more of our time talking about moving our country forward than moving our country to the left or the right.

And the second reason that this is personal for me, Mr. Speaker, is because it's being organized by the House Center Aisle Caucus, which is a bipartisan group of 50 Democrats and Republicans who have come together, based on certain propositions. The first proposition is, we can disagree agreeably; that we can state our differences without calling each other names; that we can debate the issues without having this Chamber sound like a fourth grade elementary school auditorium that's run amok.

And the other premise of the Center Aisle Caucus, Mr. Speaker, is that Democrats and Republicans will disagree on perhaps as much as 70 percent of the issues, which means we have a fundamental obligation to agree on the 30 percent that's left.

The problem is that even when we agree we haven't moved forward, because we've allowed our disagreements to paralyze areas where we, in fact, have consensus. And so the Center Aisle Caucus, which was sponsored, actually which was founded by the gentleman from Illinois, Congressman TIM JOHNSON, and me and the gentlewoman from Missouri, Congresswoman JO ANN EMERSON, and the gentleman from Kansas (Mr. MOORE), the Center Aisle Caucus has been meeting on an ongoing basis to find areas of agreement. We recently met with the ambassador from Iraq to the United States, and he gave us some ideas.

Before I yield time to my friend from New York, I just want to focus on some of the principles that we do agree on.

If you would listen to the debate here on the floor of the House of Representatives, Mr. Speaker, you would think that there are actually Members of Congress who want us to lose in Iraq. There's not a single Member of Congress who wants us to lose in Iraq.

If you listen to the debate on the floor of the House, Mr. Speaker, you would think that there are actually Members of Congress who do not care about the lives lost in Iraq. There is not a single Member of Congress who has a callous disregard for the lives lost in Iraq.

You would think that there are two types of Members of Congress, either Members of Congress who want defeat or Members of Congress who want to be in Iraq forever. I don't know of a single Member of Congress who supports either option.

The fact of the matter is we are not the enemies, Democrats and Republicans. Americans aren't the enemies. The enemies are the people that we're fighting, and we need to focus on this.

And the Center Aisle Caucus has gathered and has endorsed several principles that we're going to discuss tonight, and I'll run through them quickly and then yield my time to the gentleman from New York.

Here are the shared principles that Democrats and Republicans who are interested in finding common ground have articulated:

Number one, we support our Armed Forces. We want to make sure they have adequate force protection. We want to make sure they have everything they need to keep them safe and keep them sound, and we want to bring them home as fast as possible.

Number two, we want to take care of our veterans. And I am so proud to announce on this floor tonight that earlier today the Appropriations Committee, which I have the privilege of serving on, unanimously, Republicans and Democrats, Democrats and Republicans, passed a $109.2 billion package that addresses the critical health care and housing needs for our veterans. $18 billion above last year's level and $4 billion more than the President requested, and I hope that he will not veto that bill.

Our bill includes $87.7 billion in crucial funding for the Department of Veterans Affairs, which is a $6.7 billion increase in discretionary funding over last year's level. That is the largest single increase in the 77-year history of the Veterans Administration.

Our bill addresses the backlog in claims by adding 1,000 new claims processors, and that's going to help veterans who now wait an average of 177 days for the benefits they deserve. I am very proud that Democrats and Republicans today in the Appropriations Committee voted to take care of our veterans.

We agree that we need to secure Iraq's borders because there are too many reports that Syria and Iran are sending fighters and equipment and technology over those borders to make the situation in Iraq even worse, not resisting Iraq's sovereignty, and threatening our troops and Iraqi civilians.

We agree that we need to stand up Iraqi security forces because we cannot be there for a prolonged period of time. I would imagine that we all agree that we've all been there too long already, and so we need to find ways to stand up Iraq security forces, and we're going to discuss that tonight.

We agree that there's a need for regional change. We agree that the Middle East is a very dangerous place in the world, and we need to transform it, using all the tools in our toolbox, from a place where children are taught how to blow things up to a place where children are taught how to put things together.

We agree that Iran needs to be responsible, and we need to engage Iran with the carrot and the stick. And we're pleased that the administration, which had resisted having any talks

with Iran with respect to what is happening in Iraq, in fact, held those talks recently.

And, finally, we want to defeat al Qaeda, and we are prepared to use all the tools in our toolbox to do that. Because it was al Qaeda in Afghanistan that launched the attacks on the United States which killed hundreds of Long Islanders, those represented by myself and those represented by the distinguished gentleman from Long Island, from New York's First Congressional District, Mr. BISHOP.

And on that I would be privileged to yield time to my colleague, the gentleman from New York.

Mr. BISHOP of New York. I thank Congressman ISRAEL for yielding, and I also thank him for organizing this special order, something I think that is long overdue. And let me also thank my friend and colleague from New York's Second Congressional District for his leadership role in the Center Aisle Caucus.

In a Congress that is, at times, bitterly divided along partisan lines, and that partisanship obscures the kind of discussion that we need to have on this issue as well as so many other issues, the Center Aisle Caucus stands for civility. It stands for honest and reasoned debate, and it stands for shared decision making. I say qualities that are often in short supply in this Chamber but qualities that are desperately needed, both in this Chamber and in our country.

Let me also start by offering my deepest sympathy and condolences to the family of Specialist James Lundin of Bellport in the First Congressional District, who also gave his life last week in Iraq. He represents, as you know, the 26th Long Islander to lose his or her life in the service of our great country in Iraq. His wake was today, and he will be buried tomorrow in Calverton National Cemetery.

And like you, Congressman ISRAEL, I called his father on Monday, and I spoke with his father. And one of the things that struck me was the remarkable dignity with which he and his family were dealing with what has to be unspeakable pain. It is that kind of dignity that we need to honor in the way we do our jobs, and it is that kind of dignity that we need to bring to what will hopefully be a fruitful discussion of how we move forward in Iraq.

And, as I say, this kind of debate is a debate that must take place. It must be an honest debate; and it must be a debate that, above all, is absent in the often inflammatory and pejorative characterizations of those who offer differing views. And we all engage, at one time or another, in these inflammatory characterizations.

As you said, Congressman ISRAEL, there is not a soul in this Chamber that does not support our troops. And, in fact, the evidence of that is over the course, the 4½ year course of this conflict, the fact that with overwhelming bipartisan majorities we have consistently given the troops each and every dime that this administration has asked for them and in some cases increased the amounts of money that we will make available to them.

We all want us to succeed in Iraq, in Afghanistan. We may have differing versions or different interpretations of what constitutes success, but that, again, is the kind of debate that ought to take place in a healthy and vibrant democracy.

But the debate thus far has been compromised, as you and others well know, when those of us who think that a time line is something that we ought to seriously consider. When that time line is characterized as a surrender date, that obscures the kind of discussion that we need to have.

When those of us who believe that we must change course in Iraq, when that is characterized by the questioning of our patriotism, that obscures the kind of debate that we need to have.

When looking for time lines or looking for benchmarks or talking about the way in which we fund our troops is characterized as abandoning our troops, that's the kind of thing that obscures the kind of reasonable debate that we need to have.

And with respect to supporting our troops, my own view, and I think this view is shared by a great many in this Chamber, that the best way to support our troops is to put them in positions where they can succeed and get them out of positions in which they cannot succeed. And I think we all agree on both sides of the aisle that what has taken place thus far has put our troops in positions in which it has been very, very difficult for them to succeed. So that, if nothing else, motivates an impetus on the part of a great many of us to urge a change of course in Iraq.

I want to speak just for a second, Congressman ISRAEL, about one of the shared principles. And, by the way, those shared principles are the kind of principles that all reasonable people should be able to embrace and support. But one is the issue of standing up the Iraqi security forces. It is a subject about which we have spoken in the past, and I'm proud to be a cosponsor of the legislation that you have introduced, along with Chairman SKELTON, that would create, in effect, a one-for-one exchange; that for each Iraqi brigade or battalion that we stand up, we would withdraw one of our own.

I think that that kind of approach has several advantages. One, it would be true to the goal that the President himself has set out, and I believe set it out as going as far back as January of 2004, that as the Iraqi stand up we will stand down.

Since January of '04, we have spent about $15 billion to train and equip and outfit Iraqi troops, and we have several hundred Iraqi troops right now in uniform under arms, and yet we continue to increase our own complement of troops.

I think it is a perfectly reasonable, sane, rational proposition that we impose obligations on the Iraqi troops; and as they step up to those obligations, we relieve our own troops of those obligations.

As I say, I think the legislation that you and Chairman SKELTON have filed and that, as I say, I am proud to cosponsor, I think that that is very reasonable legislation. I hope to see that legislation receive the kind of debate and discussion and attention that it ought to.

We're not done yet. As you know, we have a report coming to us in September; and at that point the Congress is going to need to make another set of decisions. Hopefully, that kind of reasoned response to a situation that none of us can support in terms of how it has gone thus far is the kind of direction in which we need to head.

So, with that, I'm happy to yield back to you.

Mr. ISRAEL. I thank the gentleman, and I appreciate his raising this issue of one for one, because I think it's a perfect example of Members of this body having different ideas that may make sense, trying to offer those ideas in the spirit of some compromise and reasonableness. Let's go into the basis of that one for one and explore it as a possible, not a way out, because Iraq is certainly complex and complicated, but at least one measure of improvement.

The President has said that, in the past, and has stated this publicly, that for every Iraqi that stands up, an American will come home or be redeployed. And he has said that on several occasions. On other occasions, we've heard that there are between 250,000 and 300,000 Iraqis that have been stood up. Well, the gentleman can help me do the math. If in fact there are between 250,000 and 300,000 Iraqis that have been stood up and if for every one that stands up an American is going to redeploy, how come 250,000 to 300,000 have not redeployed?

□ 2030

The answer is in how you define ''training'' and what it means to say ''stand up.'' In fact, go you take a look at the textbook definition of ''training'' in military terms, combat proficiency is what is important, and there are different levels of combat proficiency. If you are trained at level one combat proficiency, you are capable of fighting and winning convincingly anywhere in the world and you don't need any U.S. support. If you are trained at level two combat proficiency, you can fight and win almost anywhere in the world, but you need

some measure of U.S. support, maybe some intel, maybe some reconnaissance assistance, maybe some logistics support. So if you take a look at the numbers of Iraqi forces that are actually trained at level one or level two combat proficiency, you will find that it is not 250,000 to 300,000 but far less. And the numbers ought not be repeated in a public forum, but far less than 250,000 to 300,000.

So the idea that we came up with was why don't we ask the President to report to the Congress on a monthly basis how many Iraqis have actually been trained at level one or level two combat proficiency, certify that to the Congress, and then we will redeploy an equivalent amount. Now, I am not suggesting that we withdraw that number necessarily. We might redeploy them to the borders so we can prevent Iran and Syria from inflaming the situation in Iraq.

The point is, Congressman BISHOP, that I don't claim to have all the answers and I know that this isn't the perfect answer, but it is an idea that we have tried to set forward.

Mr. BISHOP of New York. Mr. Speaker, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman.

Mr. BISHOP of New York. I think it is, as I said before, a perfectly reasonable idea but also one that represents, I believe, an imperative. I think even the most ardent supporters of our presence in Iraq must recognize the enormous strain that a prolonged presence in Iraq has placed on our Armed Forces, and I believe the most ardent supporter must recognize that it will be enormously difficult, if not impossible, for us to maintain that presence at the current level or even at the presurge level. And thus if there is a chance of bringing order to Iraq, it must in the long term rest with Iraqi security forces as opposed to our own forces.

And as I say, we have spent $15 billion thus far, and I won't say we have little to show for it but we certainly don't have as much to show for it as I believe everyone in this Chamber would agree. So I think that of the shared principles, and I think they are all crucial and important, but I think this perhaps take prominence over all the others because if for no other reason, just the simple logistics of maintaining the troop presence we have given our current end strength is going to be enormously difficult, if not debilitating, on our Armed Forces.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman. And, again, this was just one idea.

And the true value of the Center Aisle Caucus and this kind of dialogue, this unprecedented dialogue, and civil dialogue between Members on both sides is that we all have good ideas and we have all been trying to advance those ideas. And it is so refreshing to be joined by three members of the other side of the Center Aisle Caucus who have been extremely constructive, who have been true leaders in trying to forge bipartisan alliances in order to move the country and the debate not to the left, not to the right, but forward. And I am very proud that we are joined by the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Connecticut (Mr. SHAYS), and I know the gentleman from Maryland (Mr. GILCHREST) has joined us as well.

And I yield to the distinguished gentleman from Pennsylvania, a leader in the Center Aisle Caucus (Mr. DENT).

Mr. DENT. Thank you so much, Congressman ISRAEL and Congressman BISHOP, for helping to organize this Special Order tonight. I think the American people expect this much of us, that they like to see this type of civil, controlled dialogue where we are trying to rally around, I think, some shared principles that we can pretty much agree to, that we are talking about this in a proper tone, keeping the temperature down, so to speak. And I think that that is what the public expects instead of all the sometimes hot air and noise and at times excessive partisanship that seems to be the public perception of how this institution operates far too often.

And I just want to take a couple of moments to commend you, Congressman ISRAEL, on something that you have shared with many of us who participate in the Center Aisle Caucus, and that is the idea of a Status of Forces Agreement and how such an agreement might be of benefit to us in Iraq.

And for purposes of this discussion, that Status of Forces Agreement is an agreement that is worked out between our government and the foreign country that delineates the legal partnership between the troops who are deployed to that country and the host government. And that is a very significant issue.

In the civil side of the law, for example, a Status of Forces Agreement can spell out proceedings under which nationals of the host country may file claims against the United States for damage to property of these nationals that has been inadvertently caused by the United States Armed Forces. An agreement is also important because it can be used to spell out jurisdictional issues with regard to criminal offenses. For example, these agreements are often used to make sure that American servicemembers who commit offenses overseas and are tried by U.S. military courts-martial rather than local courts. They can also delineate the conditions under which U.S. servicemembers charged with crimes within the boundaries of the host country are treated. A Status of Forces Agreement can specify, for example, that a servicemember accused of a crime in violation of local laws must be detained on board a ship or some other U.S. installation rather than await trial in a local jail.

We have never had a Status of Forces Agreement with the Iraqi government. I know that is something that you have been strongly advocating, and I believe it is high time that we implement one for a few reasons. First, a Status of Forces Agreement is an agreement between two sovereign nations. By executing such an agreement, we would be affirming sovereignty of the Maliki government and the right, as well as the obligation, of that government to exercise control over its own territory.

Second, a Status of Forces Agreement would send a clear message both to the Iraqis and to other countries in the region that we do not intend to establish permanent bases in Iraq, I think something that many of us on both sides of the aisle agree. And this agreement is usually negotiated for a fixed period of time, and it can be renewed or not, as was the case with the old Subic Bay naval base in the Republic of the Philippines.

The Philippines example is instructive, I think, in this instance. There the Aquino government asserted its sovereign rights over Subic Bay by refusing to renew a prior agreement and other related treaties with our government in 1992. Thus the world was made to know that even though the U.S. had a presence in Subic Bay and a neighboring city for more than 90 years prior to that time, that presence was not permanent and was subject to an agreement that had to be agreed to by both nations. And third, as described a few moments ago, this agreement, if properly negotiated, can protect U.S. forces from being tried by foreign courts or prevent them from being detained in Iraqi facilities if charged with a crime under foreign law. This kind of measure is necessary to make sure that Americans operating overseas have the fullest protections afforded to them by Federal jurisprudence.

I also really want to thank you again for organizing this, and I think these shared principles you have outlined here are really a basis upon which we can have further dialogue. And a little later in this Special Order, I might want to talk about the Iraq Study Group recommendations, the Baker-Hamilton report, that I think many of us on both sides of the aisle have a good feeling about, and there is legislation that has been proposed and recently introduced, and I will get into that a little later.

At this time I would like to yield to one of our other colleagues, the distinguished gentleman from Connecticut (Mr. SHAYS), who has been to Iraq 17 times now.

Mr. SHAYS. Mr. Speaker, I thank all four of my colleagues, Mr. GILCHREST,

Mr. DENT, Mr. BISHOP, and Mr. ISRAEL. I wanted to be here simply for the novelty of Republicans and Democrats trying to talk about where we could find common ground.

My basic view is that we made a mistake going in given that we didn't find weapons of mass destruction. But I tend to think it would be a mistake to leave precipitously. I think we went in on a bipartisan basis, and I think we could leave on a bipartisan basis. I just don't think we are as far apart in some ways as some may think.

I do think there should be a Status of Forces Agreement instead of a U.N. resolution as an occupying nation. If the Iraqis don't want us there, we will leave. I feel we attacked them; they didn't attack us. And we have an obligation before we leave to replace their army, their police, and their border patrol. That is really one of your shared principles. But if they want us to leave before, then they are a sovereign nation. They could ask us to leave and we would.

I will also close with this because I think it would be nice to have more of a dialogue rather than just speeches from us, but I think the Iraq Study Group is something that Democrats agreed to in principle and so did Republicans. And I agree that they left a little bit of discretion as to what they meant and we could each view it in the way that we want to, and so that would have to be worked out. But the basic principles of the Iraq Study Group, to my mind, should be voted on and supported by both sides of the aisle, specifically getting the Americans and the coalition forces out of doing police work.

Secondly, getting the Sunnis, Shias, and Kurds to work out their differences. They said with consequence if they didn't. I think there should be a timeline. I just think it should be not by 2/08. And, thirdly, to get the nations around Iraq to dialogue and we should be dialoguing with them, including Iran and Syria.

Mr. ISRAEL. Mr. Speaker, reclaiming my time, I thank the gentleman.

Before yielding to the distinguished gentleman from Maryland, just to clarify on the issue of Status of Forces Agreement, Mr. DENT was kind enough to join the Iraqi ambassador to the United States, Ambassador Sumaydi, and me and other members of the Center Aisle Caucus for a dinner where the ambassador himself talked about the importance of a Status of Forces Agreement.

Will it end the war tomorrow? Absolutely not. Will it end it next week? No. Is it one good, reasonable idea that will lower the temperature in Iraq, that will reduce the animosities that are flaming out of control there? I believe it will. And I am appreciative that the gentleman from Pennsylvania has cosponsored a bipartisan resolution that asks the President to submit a Status of Forces Agreement to the Iraqi government, not conclude one because it has got to be negotiated, but at least submit one to send a signal and a message that we don't want to own the place; that we are there and we will leave when the Iraqi government wishes us to.

With that, I want to thank the gentleman from Maryland for his bipartisan leadership and his great measure of thoughtfulness on issues with respect to Iraq, and I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. SHAYS. And I might add a former Marine, and I guess always a Marine, who was wounded in battle in Vietnam and was left on the battlefield for 3 hours before he was brought to safety, and we will always be grateful for that service.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

And I also want to thank all of you for coming down here this evening for a thoughtful dialogue on the issues of war and peace that confront this country and literally the rest of the world.

I would just like to speak to the issue of Iraq in the context of where we are in the world today. This is not our grandfathers' world. This is not our parents' world. This is a new configuration that can't be compared to World War II or even the Cold War. This is a world that is now filled with tiny splintering, struggling countries and cultures. The Soviet Union is gone. Southeast Asia, Africa, Latin America, we see a great deal of struggling third world countries, cultures, people trying to find their place, their niche.

One of the countries, the United States, has a golden opportunity to integrate ourselves with the rest of the world to encourage peace and security. And if we notice around the world, the world is integrated right now. The world is integrated globally. It is integrated economically with trade. It is integrated politically. It is integrated when there are disasters. We saw what happened with the tsunami to countries like Sri Lanka and Thailand and India and Indonesia when the world responded. The integrity of the world's compassion for these people was extraordinary.

The world is also integrated with disease. Whether it is Ebola, malaria, bird flu, TB, you name it, the world is integrated.

And one of the ways I think to solve the problem, besides solving the problem of Iraq on the House floor the way we are doing it tonight with a discussion, is to integrate our integrity with the great land mass that is around this great globe. The integration of integrity.

□ 2045

I want to make a quick quote by a former artist, media person, diplomat named Norman Cousins, who wrote a fabulous book called ''Human Options.'' In the book is one extraordinary quote, ''History is the vast early warning system.'' And if we look at how we dealt with the Soviet Union over decades of time, it was step by step by step with dialogue. What did we do with China over decades, even after China said that they would like to destroy the United States, even if it wiped off half the population of China? It was step by step by step of dialogue. What did we do with the Cuban Missile Crisis? It was dialogue. Unfortunately, we never had a dialogue with Ho Chi Minh. We lost probably a million people on both sides of that conflict.

What is the issue here with Iraq? It's a dialogue with the Iraqis, it's a dialogue with the Sunnis, the Shi'as, the Kurds. It's a dialogue with the Syrians, the Iranians. It's a dialogue with the Middle East. It's a dialogue with the international community to integrate ourselves to make a commitment to the politics, to the economics, to the security of all the peoples of the world.

So, there is hope. There is movement. And the way to solve one conflict is to understand the nature of the culture. Talk first, for as long as is necessary. And that dialogue got us out of the Cold War with the Soviet Union. Nixon went to China. Kennedy did not bomb Castro in Cuba. That can work today.

I will close with this comment from a book I recently read by Anthony Zinni called ''The Battle For Peace.'' And Anthony Zinni described the Cold War where one man is in a room with a cobra alone for decades, and the man wakes up one morning and the cobra is gone, but the room then is filled with bees; a whole different set of circumstances. And you don't deal with the bees the way you dealt with the cobra.

I thank all you gentlemen for coming here tonight for this integrated dialogue so our integrity can mesh a little bit better and we will find a solution.

Mr. ISRAEL. I thank the gentleman.

Before recognizing Mr. BISHOP, I want to follow up on a very important point that the gentleman made about the lessons that history teaches us with respect to the importance of having a dialogue with our adversaries. I wish we understood those lessons here in the United States Congress. Because if you take a look at those lessons of history, the Cold War, The Space Raid, World War II, all of the great challenges that confronted Congresses in the past have been solved with bipartisan dialogue. Think about the Cold War. It was the bipartisanship, the bipartisan approach of a John F. Kennedy and a Richard Nixon and that helped end the Cold War. Think about World War II. It was the political leadership of FDR and Harry Truman and the military leadership of Dwight D. Eisenhower. There was always great bipartisanship with respect to enormous

foreign policy challenges in our country. Democrats and Republicans found ways to talk to one another. I guess there was a saying that ''politics stops at the water's edge.'' One of the concerns I have is that we have kind of lost that sense, that we have made foreign policy and made issues of war and peace partisan issues. And what we are trying to do here in the Center Aisle Caucus, with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. BISHOP) and the gentleman from Pennsylvania (Mr. DENT) is bring Democrats and Republicans back to the water's edge in the Center Aisle.

And with that, I will yield to Mr. BISHOP.

Mr. BISHOP of New York. I thank Mr. ISRAEL for yielding.

I want to pick up on a comment that my friend from Connecticut just made with respect to how we should deal with the recommendations of the Iraq Study Group. You suggested that we bring those recommendations here and we discuss them and endorse them. And I think that the model is the 9/11 Commission. It was a bipartisan commission that issued a unanimous set of recommendations, which in the main we have acted upon here in this Chamber. The Iraq Study Group was a bipartisan group that issued a unanimous set of recommendations. And I believe that they are ones that we can galvanize around, and I believe that they make good sense. They perhaps don't give all of us everything that we would want on either side of the aisle, but they do represent a way to move forward. And I believe that if we were to bring those recommendations here, I believe they would attract majority support in this Chamber, and perhaps that could then be used as a means to moving with the administration, who I think now has also endorsed the recommendations of the Study Group.

Initially they seemed to reject them, or at least dismiss them, but I think now, as time has passed and as the situation on the ground has continued to evolve, they now recognize that they do have merit, that they do have legitimacy. And they also speak to several, if not all, of the shared principles that we are discussing here this evening that come out of the Center Aisle Caucus. So I thank you for making that suggestion, and hopefully we can carry forward with that.

Mr. ISRAEL. I thank the gentleman.

I will yield to the gentleman from Pennsylvania

Mr. KENT. Thank you, Congressman ISRAEL.

I wanted to make a comment. You had mentioned our dinner engagement between the Center Aisle Caucus and Iraq's ambassador to the United States, and we had a wonderful dialogue. And I was struck by something that the Iraqi ambassador had said to us. Of course we, often, in the United States, talk about the tribalism that we see within Iraq, Sunni and Shia and Kurd. And it is sort of hard for us to understand the complexities of those tribal relationships and interactions. And the Iraqi ambassador, obviously a very well educated man, made a comment back to us about what he more or less termed ''American tribalism,'' I think referring to Republicans and Democrats. It's hard for them to understand how we operate. It was a point that I think was well intended and well understood. And I think that we have to think about that from time to time, that they see us, they see our bickering, too, from where they sit. We had a lot of comments about their behavior. Well, they have observed ours as well. And certainly our political dynamics are very difficult for them to comprehend. And I appreciated his insights.

I did want to make a few other comments about this recommendation, these 79 recommendations of the Iraq Study Group. I think many of us on both sides of the aisle realize that the beauty of this report maybe is not necessarily in every one of the 79 recommendations, but the process they adopted to make those recommendations. And I do want to give a little bit of credit tonight to the two prime sponsors of the legislation that was introduced just yesterday, that was Congressman MARK UDALL, a Democrat of Colorado, and on the Republican side, the father of the Iraq Study Group report, legislatively, FRANK WOLF, a Republican of Virginia.

And I think they have really gone out of their way to secure probably close to 50 cosponsors by now, fairly evenly divided between Republicans and Democrats. And again, I just think there is so much in this report that we can rally around and need to. I think we all agree, when you look at those shared principles up there, from defeating al Qaeda, I think every American, regardless of how they label themselves politically, agree that the defeat of al Qaeda is a primary and principal interest of all of us, whether in Iraq, or anywhere throughout the world. Containing Iran. Another issue we all agree, that the regime of Mahmoud Ahmadinejad is a menace, a threat, and we all I think agree that his potential acquisition of nuclear capability would be a very destabilizing influence on the world and something that none of us can tolerate.

And regional change; standing up for Iraqi Security Forces; secure Iraq's borders; take care of our veterans; and support our Armed Forces, I think those are great principles. I think this report, in many respects, addresses these issues.

So with that, I just again wanted to share those thoughts with you about the dinner with the Iraqi ambassador.

At this time I would like to yield back to Mr. ISRAEL.

Mr. ISRAEL. I thank the gentleman.

I would pose a question, if I may, to the gentleman from Connecticut, who as Congressman DENT said has been to Iraq 17 times and chaired the Subcommittee on Terror. I know he was consulted with respect to the Iraq Study Group report or at least I believe was consulted with respect to the Iraq Study Group report and see if he would share his perspectives on the value of the Iraq Study Group report in terms of generating some bipartisan cooperation and moving us in the right direction in Iraq.

I would yield to the gentleman.

Mr. SHAYS. I thank you for your question.

What was stunning about the 9/11 Commission was it was Republicans and Democrats, liberals and conservatives all trying to find common ground for addressing what was really a frightening sea change in our society, and that was the recognition that there was a real threat. And they called it ''Islamist terrorism,'' which the Islamist community needs to deal with as well. I mean, it is not Islamists, it is these radical Islamist terrorists. But the Iraqi Study Group had that same approach, Republicans and Democrats, liberals and conservatives making an assessment of the problem, and then recommending what needed to happen.

I would like to suggest something. And I would be interested, Mr. ISRAEL, how you would react to this, and that is, Mr. Petraeus and our ambassador are going to make a report in September. And I was thinking, you know, there could be a view they have a vested interest.

So one of the things that I would like to promote is that this same Iraqi Study Group go back to Iraq and say, okay, this is what we found then, this is what we recommended. This is what General Petraeus is recommending and our ambassador. We either verify it or don't, or have subtle changes to it or maybe significant changes. But in other words, bring this third party back in to make an analysis since they already have credibility, and clearly General Petraeus does and our ambassador does as well. But I would be curious to know if any of you think there is merit to that idea.

Mr. ISRAEL. Well, I thank the gentleman. I think it is a very sound idea. The Iraq Study Group proved its value as an independent entity. And I have the highest regard for General Petraeus. In fact, he was in my office the day that the President announced the surge. And I was skeptical about the surge, personally I did not support the surge, but I thought it was important to reach out to General Petraeus and at least give him an opportunity to explain it to me.

I think he is the best we have. I have a very high regard for him. I think his

report is going to be indispensable. I think it would be extremely useful to send the Iraqi Study Group back to take a look so that, like President Reagan said, ''trust but verify.'' I think that verification would be extremely useful.

And I will yield to the gentleman from New York.

Mr. BISHOP of New York. I would certainly agree. And I think we all await General Petraeus' report. And I don't know General Petraeus, but I have been told that he is a man of absolutely rigorous and unimpeachable intellectual honesty and he will give us an honest, spin-free report, which I think is something that we all need and would value. But I also think sending that coalition of people, as you say, Republicans and Democrats, liberals and conservatives, back to see on the ground conditions 9, 10 months after they wrote their report or 11 months after they wrote their report, I think would be enormously valuable and again perhaps would spur both the Congress and the administration to take their recommendations more seriously or give greater weight to them than we have thus far.

Mr. ISRAEL. Before yielding to the gentleman from Maryland, I want to again remind my colleagues and those viewing that what you've heard here on the floor of the House is different. You've actually heard Members from both sides generating ideas and agreeing to them rather than impugning each other's integrity. And that is exactly the purpose of this Special Order.

I yield to the gentleman from Maryland.

Mr. GILCHREST. I think when you generate ideas like we're having tonight with this decision, people are free to have an enthusiastic conversation where we can see each other's individual ingenuity. And then it is that collective ingenuity, that individual collective ingenuity that spawns these kinds of ideas that solve problems.

I couldn't agree more that the Iraq Study Group reassemble to evaluate where they were just 6 months ago in their recommendations to where we might want to be in September or sometime this fall is an excellent idea. And I am pretty sure that those men and women would come together to do this second reevaluation.

The other thing is, I think we, as members of our group here, Members of Congress, we need to do some preparation ourselves prior to whatever that announcement, whatever that assessment is going to be in September, we have to have some preparation for what we think the status of the conflict in Iraq needs to be.

And the third thing, while we are preparing for this report by General Petraeus, while we are encouraging the Iraq Study Group to reevaluate the status, as General Petraeus will, I really think it's important for us to continue to pursue a dialogue with all of Iraq's neighbors, including Iran and Syria.

Now, we all know that the Ahmadinejad administration, if I can say that, has said some pretty pointed, scary, threatened things. But it is my understanding that the Iranian people do not see the world, do not see the United States through Ahmadinejad's eyes. The Syrian people, the parents, the fathers, the people who want good lives for their children, the Chamber of Commerce in Damascus wants to have a relationship with the United States. There are many, many business people, many, many people in Iran that want a relationship with the United States.

So as we are preparing for this discussion in September, where we are with the surge and where we are with the conflict, let's get the Iraq Study Group together. Let's prepare for that statement so we understand where we think we should be. And then let's continue to pursue, however difficult it is, this dialogue.

Mr. ISRAEL. The gentleman from Pennsylvania.

□ 2100

Mr. DENT. Mr. Speaker, I also want to endorse the gentleman from Connecticut's idea about reconstituting the Iraq Study Group and sending them back over to Iraq at some point to help give us an update of this very useful report. I think we all can agree that many of us in this country, and I suspect in Iraq too, are frustrated by this slow pace of reconciliation that is ongoing in Iraq.

But, again, another point about this report, and I think this gathering tonight, I think this helps us as Americans try to reconcile our differences. We talk about Iraqi reconciliation, but I think in many respects we need a little reconciliation of our own.

Mr. SHAYS. If the gentleman will yield, when I was there this last time, what I found for the first time was that when the Iraqis got together to form a government last year, they were like someone described a sixth grade dance. The guys were there, the girls were there. Maybe once or twice there would be a little interaction, and they would go back. But nobody was dancing.

Now you are starting to see Sunnis, Shias and Kurds trying to see some common ground, and they are coming back to us and saying, don't rush us. But one of them said to me, I thought it was interesting, he said, ''You are complaining about the fact that we may take a break in the summer. What about your monthly break?'' They said, ''You are asking Sunnis, Shias and Kurds to work together. How come you guys aren't working together?'' They are starting to come back and throw that at us.

The difference is they are in an environment where they can get killed any day of the week, and yet we are telling them, find common ground. If they found common ground, probably some of that killing would talk.

But I am sorry to take so much of the time. I am just trying to add to your point that they are saying why don't we practice what we preach?

Mr. DENT. Well, it is a very fair point in many respects. I just want to point out something. When I first read this report back in December when it was first released, I had some concerns too, like many people, about some of the recommendations, particularly the recommendation about directly engaging Iran, for all the reasons we have identified. Ahmadinejad is a virulent anti-Semite. He has made such inflammatory comments. I think we all agree he is a menace.

After listening to Jim Baker and Lee Hamilton talk about the issue, I don't think any of us expect there to be any real process in a dialogue with Iran at a sub-cabinet level, but I think we also realize that you need to have that kind of a conversation initially and let the Iranians be an obstruction themselves, so we can then isolate them internationally and also perhaps drive a wedge between the Iranian Government and the Syrian Government.

I think it makes absolutely no sense for the Syrians to be engaged in destructive behavior in Iraq, given the fact that they have more than 1 million refugees, primarily Sunni, who are in Syria. Of course, Syria is ruled by Allawites, who represent about 10 percent of that country. So it is clearly not in Syria's interest to have protracted instability in Iraq.

So, again, I just wanted to thank the gentleman from Connecticut for his thoughtful idea about getting the Iraq Study Group back over there, perhaps hearing what General Petraeus says and make some recommendations on what he has said, and maybe give us a bipartisan way for us to move forward.

I think Americans want a solution. They don't want an issue in Iraq, but they want a solution. I think that is one of the great things about this dialogue tonight.

I yield back to the gentleman from New York.

Mr. ISRAEL. Mr. Speaker, I would ask the gentleman from Connecticut whether he is proposing any specific initiative to formally request that the Iraq Study Group reconvene and make an assessment in Iraq in the near future. If he is, I would be pleased to join with him on a bipartisan basis.

Mr. SHAYS. To guarantee it would actually come to the floor of the House, maybe we could put your name first and mine second. But I would love to work with you on that.

Mr. ISRAEL. I would welcome that partnership.

I am going to yield to my friend from New York, Mr. BISHOP.

Mr. BISHOP of New York. I just want to make two points. One, on the question of engaging Iran and others that we see as enemies or adversaries, you are quite right, Mr. DENT, that there is no guarantee of success if we do engage, but we can virtually guarantee no success if we don't engage. So it just seems to me that engagement is absolutely crucial.

I think I am quoting former Secretary of State Baker correctly when I quote him as saying that engaging in dialogue with our enemies is not appeasement. It is diplomacy and negotiation and dialogue, something I think we have had too little of. Hopefully we are moving in that direction now, and signs recently are that we are.

The second point I would make is that Iran has an awful lot at stake here. If, in fact, as a great many fear, Iraq becomes a haven for al Qaeda, I cannot imagine that Iran views an al Qaeda-Sunni dominated state on their borders as something that is in their best interests. So I think that they clearly do have in effect common interests with us in terms of bringing some order, some stability, to Iraq.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman. If my colleagues have any final comments, I would be happy to recognize them, and then I am prepared to close.

The gentleman from Maryland, Mr. GILCHREST.

Mr. GILCHREST. I thank the gentleman.

Just very quickly on the comment from the gentleman from New York, Syria is basically a secular country. It is not an Islamic state. It is secular. They feared al Qaeda and the Taliban, and they don't want al Qaeda in Iraq creating chaos. Al Qaeda was basically the enemy of the Iranians. It was the enemy of Iraq. It was a disruptive factor in the Middle East.

So careful analysis of each country, using the best diplomats in the world that the United States has, has the potential for unraveling this very difficult, chaotic situation. We know we need a military presence in the Middle East, we know we need a political presence in the Middle East, and we know we need an economic presence in the Middle East. With the emphasis on the politics and the economics with the Middle Eastern countries, I think we can back our way out of this chaos.

Mr. SHAYS. I would just like to thank you again for getting us together. This has really been a pleasure. I just admire all of you here tonight, and thank you for including me.

Mr. ISRAEL. I thank the gentleman. The gentleman from Pennsylvania?

Mr. DENT. I too want to commend the gentleman from New York for organizing this event tonight, this special order. We need to see a little bit more of this type of activity in this Congress, and I hope the American people who are watching this exercise tonight maybe find this a little bit different or maybe a little bit more refreshing than what they are accustomed to during special orders. I just want to thank you for putting this together.

One final point. I think Mr. GILCHREST made the point about interaction with Syria on a commercial basis in this country. A constituent called just the other day who imports various food products from Syria, because I have a large Middle Eastern community in my district. And just some of the challenges, they just want to go about life as they normally would.

I thought it was interesting. It kind of brings back home the point that people want to coexist peacefully. That the challenges and the stakes are very high in Iraq, and I think all of us want to make sure that whatever policy is pursued, particularly after September, it is one that is responsible and one that will make us all safer and hopefully the region more stable.

So, again, thank you, Mr. ISRAEL, for putting this on. It is much appreciated.

Mr. ISRAEL. I thank the gentleman.

I will close by thanking each of our colleagues to join with us this evening. Of the American people are accustomed to tuning into these so-called special orders and seeing a Democratic hour, which is usually spent beating up Republicans, and a Republican hour, which is usually spent beating up Democrats.

Tonight they saw something different. They saw Mr. DENT talk about a status of forces agreement, which Democrats can agree with. They saw Mr. BISHOP talk about the one-for-one agreement, which has bipartisan support. They saw Mr. SHAYS discuss an idea to have the Iraq Study Group reassess conditions, which has Democratic support. And they heard the historic perspective of Mr. GILCHREST, a perspective that only a Marine that was wounded in Vietnam can properly give to the United States Congress.

The point is that I believe that without sounding overly enthusiastic, that in the past hour there was more bipartisan, reasoned, rational discussion of ideas to move us forward rather than left or right than has happened on the floor of this House over the past 4 years. That is precisely what the Center Aisle Caucus was created to generate.

Tonight we close by sharing our principles: That we support our Armed Forces. We will take care of our veterans. More assistance passed in today's appropriations bill to veterans than at any time in the 77-year history of the Veterans Administration, passed unanimously by the Appropriations Committee today. We will secure Iraq's border. We want to stand up Iraq's security forces. We understand the need for regional change. We will push for that. We understand the threat of Iran. And we want to defeat al Qaeda.

Today's discussion was not about left or right, it was about moving forward. I know the gentleman talked about the servicemember that he represents who was lost in Iraq. Again, I would ask the American people to continue to support our Armed Forces.

I can think of no better evening and no better person to inspire this special order than Matthew Baylis, who we lost in Iraq last week, and I believe he would be very proud of what we are doing this evening. As I said before, I don't know whether he was a Democrat or a Republican. I have no idea whether his family are Republicans or Democrats. I do know that they would be proud that this evening, Democrats and Republicans joined together to talk about a way forward, without a single one of us calling another one a name.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I have defended President Bush throughout most of his administration: From the war in Iraq; to those tragic mistakes that were made at Abu Ghraib, realizing they were just mistakes, but not at the heart of the policy; from the tax cuts to the preparation of the prescription drug bill.

I feel that I have been a loyal soldier to this administration, to the President, and, yes, to the country, especially on the country's war on terror. I have been four-square behind the President's successful efforts in that war and some of these efforts that we have been talking about today that are straining the public morale.

I have been very supportive of the President's tax efforts, fundamental economic efforts in the tax area to keep our economy humming.

So after all of this support, last week it was personally offensive to me to hear that I and millions of people like me were being described by the President as not wanting to do what is right for America because we refused to support the Kennedy-Bush immigration bill currently being examined and going through the Senate.

The President also suggested that those of us who oppose the type of legalization of status and those of us who are opposed to the type of legislation that we believe will promote more illegal immigration into our country, that we are just trying to frighten people by using the word ''amnesty.''

The President, of course, insists on defining amnesty in a way that is independent and contrary to the way everyone else defines that word, and every

time he does that, he loses credibility. Every time he follows his inclination to try to obfuscate this issue of illegal immigration, rather than to deal with it and to debate it four-square, he loses credibility.

The President also suggests if we know the details of the bill, the legislation, I call it, the Bush-Kennedy legislation, that we will support it. Well, the more we find out about that legislation going through the Senate, the more vigorously we should oppose that bill.

There are literally hundreds of loopholes in that legislation. I believe the very basis of the legislation is flawed in its intent. The fact there are so many terrible aspects of this bill, one has to suggest that the bill's intent was not the right intent to begin with. It was not a bill aimed at stemming illegal immigration, but instead this bill has some other intent, obviously.

The American people, however, can decide for themselves. The President says we need to get to know what is in the bill. Well, let's take a look at what is in the bill.

Problem number one: This legislation is an amnesty bill. I am sorry if that doesn't go by the definition that is handed down by the White House, which obviously has the ability to define or redefine words, but it is an amnesty bill. This bill grants immediate legal status to illegal aliens, and that legal status happens immediately, before any of the enhancements. They will have what they call ''enforcement enhancements'' in the bill that will help us ''enforce our immigration laws.''

□ 2115

But before any of those enhancements are activated, and they are called the triggers, before they are activated, every person who is here illegally will be able to be granted legal status, a temporary visa. It is called a Z visa.

So 24 hours after an illegal immigrant files an application, they will be granted a probationary visa, the so-called Z visa. It will be issued, and with that legal status, that visa, comes the right to live and work in the United States: Immediate legalization for everyone who is here.

The President tries to suggests it is not amnesty because we are not granting citizenship. And then a big cloud of smoke comes up for people to try to understand what's going on here.

Amnesty doesn't mean granting citizenship; amnesty means somebody is doing something illegal and you have now made it legal. All of them get this amnesty, this legalization, within 24 hours of applying the minute this legislation passes. That is whether or not the triggers, the enforcement mechanisms that are also in the bill, if they are never activated, these so-called probationary visas will never expire. They will continue on. Every 8 years or so they will have to be reapplied for, but they can be reapplied for and granted further extensions forever.

And the Social Security cards which come with that can be issued. These people when they have Z visas, these probationary visas, they are now eligible for all of our government programs with the Social Security cards and all of the other things that people who are here legally, people who immigrated to this country legally, people who waited for years to come here, who obeyed our rules, these other people are going to get it immediately.

Of course, U.S. citizens, what does U.S. citizenship get? The only difference is a right to vote. So how is this not amnesty? Obviously it is.

Word games aside, the Senate bill not only grants amnesty, but it also provides things that will do great damage other than just the amnesty to our country.

The much-touted fines of this bill, and there are fines that are required, and we have heard this, another cloud of smoke comes in during that discussion on this bill. We hear this idea there is going to be a $5,000 fine for those people who want to be serviced by this legislation. No, that $5,000 fine is not required before someone gets a legal status. That is what happens before someone becomes a citizen. This legislation that is passing through the Senate does not require $5,000 to legalize status. You cannot buy a used car in this country for $1,000; but $1,000 will give you the right to live in the United States and obtain government benefits, including Social Security, that goes with that legalization.

The Z visa fine, which is a requirement, it is just a payoff, that $1,000, is not the $5,000 that everybody hears about. It is about $1,000. Unfortunately, ignorant and lazy mainstream media people have been using the $5,000 figure, and even that I think would be a very questionable thing to give all of these benefits and rights to people here illegally for $5,000. No, we are going to give it to them for $1,000. And by the way, it can be paid on the installment plan. You can buy the right to live, work and receive benefits in the United States of America for $1,000. And it can be renewed every few years, it can be renewed every few years forever.

If a government official misuses information, according to this legislation, if there is information on an illegal amnesty application, and that information is misused by a government employee, there is a $10,000 fine for that government employee who would misuse information on an illegal immigrant's amnesty application.

So breaking into our country, entering the United States illegally, using false documents, which almost all of them have, identity theft to hold a job, and they are holding of course jobs that they are not entitled to have in the first place, this is somehow less onerous, we are only going to charge them $1,000 to legalize their entire status, but we are charging $10,000 for a paperwork mistake by a government official who might misuse the information or get it wrong on the application.

It should be noted that the amnesty of the Senate bill treats illegal immigrants better than they treat legal immigrants into the United States. Illegal aliens who snuck into the United States 5 months ago are given immediate legal status while legal immigrants who applied to come to the United States after May 1, 2005, must start the application process all over again.

Now these are people who have been waiting overseas. They applied after May 2005. They are overseas waiting. Those people who are not the law breakers, they must start the process over again.

So the illegals can cut in line, go around everybody around the world where there are millions and millions of people who are waiting to come here legally, who respect our laws, those people who cut in line in front of those who would be U.S. citizens and come here legally are the ones given the benefit. Those waiting in line have to, in fact, go to the end of the line, in some cases, according to this legislation, while the others scoot ahead.

This, of course, is a serious blow to those waiting in line who would like to come here legally, and that has not escaped the notice of the foreign press. People overseas are taking very close note of this. The foreign press is making it very clear what this legislation is doing to people who respect the laws of the United States.

This legislation is now being touted overseas by people suggesting that anyone who stands in line and waits and respects our laws is a fool. And, of course, we are making them fools by rewarding those who don't obey the rules and punishing those who do.

By the way, in the Senate bill a note from a friend, a note, a letter from a friend, is considered evidence that one has lived in the United States before. When an illegal alien applies to live in the United States, if this legislation passes, he can literally provide a sworn declaration from someone, as long as it is not a relative, as proof that he lived in the United States and now is eligible for this legalization of his status.

Is there anyone outside the White House who does not understand that this will cause a massive influx of new illegal immigrants into our country? Because if they want to get legal status, all they have to do is find someone to write a letter for them, and as far as they are concerned, that is a get-into-America-free card that one of their friends will write for them. Does anyone think that we are not going to

have a massive flow of people? That all of the people waiting in line will not hear about this? And what about all of the people not waiting in line hearing about this?

Between 12 and 15 million people are expected to apply for amnesty if the legislation now going through the Senate passes. Now how can the Department of Homeland Security possibly verify the letters that are going to be presented by people to prove that they have immigrated to this country or lived in this country for a given period of time; and thus, then they have legal status if they have lived here. Even if it is illegally being here, they still will be legalized if they have a note from their friend. Does anyone not understand the jeopardy that this rule puts us in in America? Yet it is in the bill. I mean, it is bizarre but it is in the bill. Who wrote this bill? Whoever did let this provision be in the bill.

And as for the much-publicized background checks that amnesty seekers are supposed to have, the background checks are going to happen on those people applying for citizenship. The background checks are going to happen after legal status has already been granted as a temporary status, a legal status that can be again renewed. Background checks are not required before the probationary visas are issued.

And yes, you heard it correctly, legal status must be granted to an illegal alien within 24 hours of that illegal alien making application. Even if the alien has not passed all of the appropriate background checks, within 24 hours, the Department of Homeland Security has to grant him legal status, a ''probationary visa'' which can go on forever. Can you imagine the criminals, the carriers of communicable diseases, the dregs of other societies, who will obtain a legal right to live and work in the United States because of this loophole?

How about the gang who flew planes into the World Trade Center? How about the terrorists, would they have been granted legal status immediately by this bill? Many of them of course were here illegally. They had overstayed their visas. The answer is yes, they would have made legal status almost immediately. It is insanity.

And a final burst of insanity, illegals who have been ordered deported by a United States court already, and the court has ordered them to be deported because they are not here legally, those people already under court order to be deported, will be eligible for this amnesty, for this legalization of their status.

Now listen to this carefully. Illegals who have been through the courts and are under court order to leave the United States, can apply for amnesty. Almost 636,000 aliens are in this country in defiance of a court order to leave. All of them can now apply to stay here under this bill. They will be given a temporary visa, a ''probationary visa,'' that can be renewed.

Talk about teaching a disrespect for law. Does a court order mean nothing? How can we simply allow people who have openly defied our laws; and, yes, also defied a court order from a judge in the United States of America, how can we simply ignore that? That is what the Senate legislation would have us do. That is the Bush-Kennedy legislation making its way through the Senate.

Problem number two with the bill, the enforcement triggers in the bill are actually weaker than the current law. What is a trigger? What we have are the enforcement mechanisms that are in this bill that are supposed to be activated. They will supposedly help us enforce the laws, like fences and more beds in detention centers and stronger border patrol.

The provisions of this bill, these triggers, these enforcement mechanisms, are actually weaker than current law. This bill does not require, for example, one more detention center bed. It does not require one more mile of fence. It does not require one more agent than is currently required by law. In fact, the bill cuts the fencing requirements in half so the bill actually, when they talk about to get the fence, we have to have this bill, although there is already legislation requiring the fence, this bill requires actually one-half the fencing that is already required by law.

It requires 11,500 fewer detention spaces and fewer border patrol agents than the Congress has already authorized in other legislation. So we are supposed to support the legalization of status for illegals in order to get the trigger mechanisms to work, in order to get the enhancement of enforcement when this bill weakens the enforcement that is already in place.

□ 2130

To think you can weaken an enforcement provision and then pretend that legislation somehow strengthens border enforcement is an insult to the American people.

Wake up, America. Our country is being stolen from us. Our country is being invaded, and the Senate legislation will accelerate this invasion.

And it is not just Mexican Americans who are crossing the border, nor South Americans and others who are crossing the border from Mexico. We also, of course, have a huge problem with illegal immigration of people who are coming into our country and overstaying their visas. They're just as much a part of the illegal immigration problem as those people crossing our Canadian and our Mexican border. Yet this bill does nothing, absolutely nothing, to strengthen the system to try to reform the U.S. visa system. They call it the U.S. visit exit system which, right now, when someone comes into our country with a visa, we don't know if they have left.

It was mandated back in 1996 that that system would be fixed and that we would track visitors to our country so we would know if they had come and if they'd gone home, and so then we would know at least who is here illegally. That hasn't even been fixed by this legislation. Of course, not knowing who is left or who stays in the United States, it makes it impossible for us to track who has overstayed their visa.

May I remind you that somewhere between a third and half of our illegal alien population, that's between 4 and 5 million people, are people who are here who have overstayed their visas. So I think it's misportrayed when we only look to our southern border, and too many people, too many people talk about this as something to do with Mexico. Well, it has something to do with Mexico, because a large number of illegals are from Mexico, but this problem is way beyond that, and there are many, many other illegals in this country, from Asia and elsewhere, that need to be brought to justice and to be returned to their country.

Now why is this such an important component of this bill? Because it's already been mandated by Congress, and what is important, in actually looking at the legislation going through the Senate, is that legislation doesn't even touch on this provision of trying to get control of this huge wedge into our system, this road on which people are invading like bacteria into our country.

The Bush-Kennedy legislation in the Senate, of course, does not touch on it, because that legislation is not aimed at stemming the flow of illegals into our country. It is, indeed, pro-invasion legislation.

Problem number three, a great many criminals are eligible for amnesty under the bill going through the Senate. Again, this is a simple statement of fact, and this is very bizarre.

Under the bill going through the Senate, some child molesters are eligible for legal status. I'm not making this up. A child molester in this legislation, a child molester who committed his crime before the bill was enacted, is not barred from amnesty if their conviction omitted the age of their victim. This is a bizarre loophole.

Who wrote this bill? Who included that in this bill? This is a nutty provision. The people who put that provision in the bill are working with those people who wrote the legislation.

Also, we have gang members who are eligible for amnesty. As long as a gang member signs a piece of paper renouncing their gang membership, they can apply for the probationary status and must be granted it within 24 hours. Now, I'm certain that signing a piece of paper will mean that the gang members will change their drug dealing and

violent ways and become positive members of our society.

This bill will cost American taxpayers billions and billions, yes, trillions of dollars. Just one example. The earned income tax credit which now provides help for financially low-income Americans, we actually are providing them through this tax credit some stipend, some money, it is currently done at a cost of $20 billion. It's a $20 billion expenditure that we're trying to help out low-income Americans.

Illegal aliens on Z visas and guest workers will be eligible to apply for the earned income tax credit immediately. They are now legally in this country, so they can have that income tax credit. The Congressional Budget Office says this will cost $20 billion more of our money.

Now the 1996 welfare reform bill demanded that persons be a legal resident of the United States for 5 years before they can receive any benefits that are eligible to people in the United States. Why are we granting illegal aliens and guest workers benefits that we do not give to legal aliens? How can this possibly be right that we treat illegal aliens better than law-abiding immigrants, much less treating them better than the poor people who are waiting in line, trying to emigrate to this country legally, who respect us and want to become U.S. citizens the right way?

Well, also in the Senate legislation is, of course, the old issue of State tuition and loans. Yes, in this legislation, State tuition and loans will be granted to illegal immigrants once they get their probationary visa. That means anybody who's come here illegally will automatically be eligible for all these educational benefits that our children are eligible for.

Actually, it's worse. Our children can't get in-State tuition. If we're 100 miles away over your State's border, we can't go to the other State and go in that facility, but someone who has snuck into this country from thousands of miles away or from the other side of the world can get a tuition break, and it is paid for by us, the taxpayers. They get in-State tuition, even though they come from a far-off country and have come here illegally, while if we try to go to another State we have to pay higher rates.

Now the legislation does ban some illegal aliens from being able to collect Social Security, and that's true. But we know that the President of the United States, for example, has actually already made an agreement with Mexico, although it was a secret agreement in order to provide what they call a totalization agreement, which will permit illegals from Mexico who have been working in the United States to obtain Social Security benefits for the work that they did here illegally, but that's just for the people from Mexico.

Now this bill says that others outside of the totalization agreement won't get Social Security benefits for the work they did while they were here illegally, but there's a big loophole in the bill. Any illegal who overstayed a visa but was issued a Social Security number will be allowed to obtain credit for the work they did illegally.

In other words, if someone was here illegally, overstayed a visa, while they were here on the visa, if they got their Social Security number, they will then be permitted to get credit for what they did when they were working here illegally because they then had their Social Security card.

We know that between, as I said, 4 and 5 million illegal aliens are people who entered here on a visa and then did not go home. This loophole would allow these millions of people who broke the law to work in this country to collect Social Security. At the very time when we are rightfully worried about the future solvency of Social Security, we will allow those who violated their visas to obtain the fruit of their illegal labors. They will be permitted to have Social Security. This is an incredible injustice to our seniors who depend on that system and should not worry about what amounts to basically this theft of Social Security benefits.

Now, let us note that there are many people trying to suggest that illegal immigrants actually help Social Security. People actually said this here in Washington.

Well, let's note this. More than half of the illegal immigrants in our country work for cash under the table. Now, of those people who are working for cash, are they helping our Social Security system? We're being told that illegals working here help our Social Security system. So these illegal immigrants, because they're being paid under the table, half of them are paid under the table, they do not pay into the Social Security system. And since they are paid cash, the employers do not pay. Not only does the worker not pay his contributions to the Social Security system, but the employer isn't paying his portion into the Social Security system.

So a negative effect is this job, if you look at it even beyond that, is that this job is a job that could be filled by an American citizen or a legal immigrant, but now that job's been taken by an illegal who is not doing anything to pay into the Social Security system. The legal immigrant or the American citizen, whose job that would be if that person wasn't there, would be paying into the system.

So Americans are losing jobs to illegals who aren't paying their fair share into the Social Security system. How does that help the Social Security system?

Corresponding to this, a flow of illegal labor into our country brings down wages in general. So employers might have paid $10 to $12 an hour, they're now paying much lower wages which then results, of course, in lower contributions to the Social Security system.

Don't tell me that illegal immigration or that huge amounts of immigration to our country will help the Social Security system. It's a grave threat to the Social Security system.

Of course, there are those who say, well, actually the way to make this right is to legalize all those immigrants who are here illegally and then they will be paying Social Security. Well, let me note this. Legalizing the status of those who are here illegally will make the Social Security challenge we now face dramatically worse in the future than it is now. Any plan that specifically gives Social Security to those who have been working in this country is an invitation to fraud on a massive scale.

What would stop anyone from claiming that they worked here under a false Social Security number? Hundreds of thousands of people pay into Social Security under various numbers. Hundreds of thousands, millions work here under false Social Security numbers. So how can you prove who used those fraudulent numbers? Who were they? You can't prove who they were. If they make that claim, how are we going to prove that that's not them?

We already have a huge problem with identity theft and fraudulent identification. Allowing those who work here illegally, who have worked here illegally to participate in Social Security, exponentially increases the incentive for fraud. Because now they were using false papers to begin with, now they will claim that they were here and they could claim they worked for any number of people, even if they didn't.

Another overlooked consequence is the survivor's benefits and disability benefits of the Social Security system. What would stop anyone from claiming my spouse worked in the United States under this false number, I am his widow, these are his children, please start sending me survivor's benefits now that we are entitled to them? Remember, billions of people around the world have no retirement whatsoever. Why assume that only younger immigrants will come to the United States? Why wouldn't someone in their 50s think, gee, if I come to the United States and work for a few years, maybe 10 years, the Social Security that I will get will let me live very well at home; I'll get it sent to me at home. Why wouldn't they think that?

If you had no retirement benefits and you knew that we were legalizing the status of millions upon millions of people who have come here, why wouldn't you do anything, including commit fraud, which they already do to get

jobs anyway with their fraudulent documents, why wouldn't they do anything to get their hands on that Social Security? The bill going through the Senate would facilitate that.

Furthermore, many people who would be legalized under the several different proposals that are going around, including these ones that we are hearing in the Senate, the people that are coming here already and will come here under the system because it will attract many more illegals, these are mainly poor and unskilled workers.

The fact is over half the illegal immigrants in this country do not have a high school education. The inconvenient fact is that Social Security pays out more benefits proportionately to lower-wage workers than to higher-wage workers.

A projection I've seen from Social Security assumes that immigrants have the same general earning potential as native-born Americans. Well, that's obviously not true.

So to bring in people with low education or little education, what we're going to do in the long run is place the burden of about $100,000 per person in the long term on our Social Security system because they will collect that much more than they put in, especially if they come here when they are in their 50s, in the late 40s or 50s. In the long run, this will be a catastrophe for the Social Security system.

And last and foremost in terms of Social Security, in 1986, after being told that it would only legalize about 1 million people, 3 million people were actually legalized. Three million illegal immigrants ended up being given amnesty. That's back in 1986.

□ 2145

It is now 20 years later. The current illegal immigrant estimate ranges from 12 to 20 million people. I keep hearing the lowball, 11 million. Let me note the 20 million figure that I just suggested, that we have up to 20 to 25 million illegals in this country, this didn't come from a government source, it was from a private study that was conducted on the monies that were sent back as remittances to other countries.

They studied that and figured out how many people it would take to supply those kinds of remittances, and they came up with about 20 million people could be here illegally. Well, what's going to happen when those people are legalized? Last time, 1 million people became 3 million, and now we have maybe 15 to 20 million. Well, if we legalize those people who are already here, and then we permit them into the Social Security system, this will turbocharge the flood of illegals into our country.

So, what does that mean? We are going to end up, not with the 20 million that we had, 3 million before, and it became 12 to 20 million, now, with 20 million, 12 to 20 million, we could expect that by legalizing their status we will have between 45 and 60 million illegals here by 2027.

Wake up, America, 45 to 60 million people from other countries pouring into the United States? What is that going to do to our society? No fence, no wall, no minefield, no system will keep illegal immigratios out of this country. If we give them a reasonable hope that generous government benefits, including retirement benefits like Social Security can be theirs, if they can just get across the border and wait us out. Because that's exactly what we are doing right now. If we pass this bill that's going through the Senate, we are telling the people throughout the world that they will be able, if they wait us out and get here, they can expect to get pension benefits, health benefits, education benefits, beyond their imagination.

Who would not come, when they come, by the tens of millions, oh, much to the surprise of the people who were passing this legislation. After all, Senator KENNEDY didn't predict this massive jump that we have now when they passed the bill in 1986. Well, what's going to happen when they get here? The Social Security system will collapse, as will most of our government infrastructure.

Listen, being irrationally benevolent to illegals is a crime against our own people. The bill that's going through the Senate would bring about such a calamity in the United States of America. It would be a calamity for average Americans. Illegal immigrants are not, despite what you have heard, required to even pay back taxes in the legislation going through the Senate. The bill originally did not require any back taxes to be paid however.

However, there was an amendment to the bill, I understand, that was passed, asking that illegals pay back taxes. All right, we are going to treat our illegals better than we treat our own people, because that provision in the bill is weak. It only requires that illegal immigrants show proof that they have paid taxes for 1 year under subparagraph DI, that's according to the bill.

Unfortunately, the bill was written in such haste that there is no subparagraph DI in the legislation. So there are certain to be court cases arguing whether or not the provision that requires a certain amount of back taxes to be paid, whether or not that is a legal requirement or not. Because there is no section DI in the bill.

Remember, you do not have to show that you worked in the past in order to obtain a legal status. So the actual effect of the full amendment on taxes will be that you will have to show that you will pay taxes in the future if you come, and, frankly, how do I become an illegal immigrant with this type of lax attitude towards taxation? I would love not to have to pay my taxes if I had back taxes that I owed.

If people are paid under the table for years, we are just going to give them, issue them a waiver. You have paid up, made all this money in the United States. U.S. citizens will go to jail if they make a $1,000 mistake. You could have earned, $10-, $20,000, paid taxes, and you are forgiven.

The final insult, our tax dollars will go to lawyers that are helping illegal immigrants become legal. That's right, the bill gives money so that those people who are here working in agriculture will have other people who come to them and offer them free legal services to legalize their status.

Well, another problem, problem number 4. The authors of the bill say that this bill will end chain migration. But the bill that is going through the Senate does not end chain migration. Chain migration, just so people will understand, is when we allow relatives of immigrants who are already here to come to the country for family unification. They will do that and get in line before those other people who have been waiting long, long periods of time to emigrate to the United States.

Well, chain immigration is actually dramatically increased by the legislation going through the Senate. Now, they claim they have ended it, but look at what the bill actually does. The bill, right now, there are 138,000 people who come into our country legally through what they call this chain migration, you know, family reunification. For 8 years, they are going to increase that number to 440,000 a year. You get that?

So they say we are not going to change migration, but we are increasing it. We are tripling it for at least 8 years. Does anyone really believe that 8 years from now they are going to then end this? We have tripled chain migration.

The point system, which supposedly will take the place of this chain migration, is a joke. The merit system will not even kick in until 2016. What year is this? That's 9 years from now. So what you have to do is you have to take it on faith that the future Congresses won't scrap this system altogether. But, of course, the merit points are here, we are talking about, are granted for high demand occupations.

Now, what we are talking about here, of course, is the fact that the bill over there provides for a guest worker program and for us to restructure, supposedly restructure the legal immigration coming into our country, even though, by the way, we all know that by granting amnesty that will bring tens of millions of more illegals into the country anyway.

But the legal system, we are going to have a merit system, and we are going to have people coming into our country

to fill jobs like janitors, maids, gardeners and other low-skilled occupations.

Well, you know, I can see that instead of bringing people in from overseas by the hundreds of thousands, by the millions, perhaps we should let the market work and let the pay level of our low-skilled workers increase so that our own people can get the job. In this country there are 69 million people of working age who are not working. People say, well, how are you going to get the people to pick the fruit and the vegetables? Some jobs they won't do. The President, of course, has stopped saying they won't do, he says jobs that they aren't doing.

Well, first of all, we have millions upon millions of prisoners. We have more prisoners who are healthy young men, by and large, 18- to 40 years old, who are sitting in prison doing nothing but pumping up, watching TV. Let's let them pick the fruits and vegetables. Let's let them make some money on it. Let's let them help pay for their incarceration.

No, there are people in our country to do the jobs, but they are not going to do it for free, and they are not going to do it for a pittance. I used to work as a janitor, yet the janitors make about the same as I made when I was a janitor. What's different, the GDP has tripled. The janitors are making about the same amount of money.

Why? Because a flood of illegals have come into this country and bid down wages. Every middle class American working person has had his income brought down by illegals. Oh, yes, it's helped the employers, all right. It's helped the bosses. It's helped the rich people who want to hire illegal nannies. It's helped the people who want their lawns mowed because they would have to pay more wages.

They would have to pay the children of the neighborhood perhaps more than they would pay the illegal immigrant who comes around to mow the lawn. It's better for our country to have these people who are not working paid more money and have the people in our middle class pay more money than bring in millions and millions and millions of people into this country legally or illegally.

Of course, this country, this system would suggest that we bring them in illegally. That's what the Senate, the Kennedy bill, wants to do.

We currently have a 15 percent unemployment rate among those in America with less than a high school education. Why shouldn't we let them get those jobs? Yes, they might have to pay them more money, because they would have to attract them to work. That makes more sense to me than bringing in these people from overseas.

In my own district, I was contacted by people in the health care industry begging me, say we need nurses and health care people. Well, officially, they can't find the nurses and the people to work. They wanted me to support bringing in 100,000 Filipino nurses, 100 now from Pakistan and India.

But these are high-paying jobs, even the high-paying jobs, they want to bring in foreigners to do the jobs. No, this $50- to $75,000 health care job should go to a young American or middle-class American who is working their way through school. It could be a middle-aged American person who just wants to upgrade their skills. It should go to that person.

We went to junior colleges last week during break. I brought all the junior colleges and the hospital people together to find out why we didn't have enough people, trained health care people to work. Why was it a pressure for us to bring people from the outside?

We found out that in our junior colleges where we should be training these people, that they weren't permitted to pay the instructors of the people being trained for these health care programs more than they paid the other instructors who were teaching sociology and political science.

That just means that these nurses, who can earn more money on the outside, won't come to be teachers at junior colleges. They have 185 students at Golden West College who are taking nursing, and yet 24,000 students are taking classes that will enable them to get a job selling clothing at Nordstrom's or being the assistant manager of a 7–Eleven at $35,000 a year when there are $60,000-a-year jobs that are going begging in the health care industry, and they want us to bring in people from the Philippines.

This is wrong. This is a betrayal of the American people to bring people in from outside our country to bring down wages and take the jobs away from the American people who need those jobs. This is wrong.

But people say, no, no, we need a comprehensive bill, there is all this talk about a comprehensive bill. All this talk about a comprehensive bill is a cover, because every part of the legislation going through the Senate actually, that will be implemented, that will be different than the law that exists today, actually encourages the invasion of our country by illegals and by a massive flow of people coming into the country even through the legal system.

Do we need a comprehensive bill in order to try to set up those protections that will protect our border? No. It's already mandated. That bill actually weakens it.

Do we need something to help us with our visa system? No. You know, this isn't helped at all by the legislation going through the Senate.

Do we need it in order to have more Border Patrol agents? No we have already mandated more Border Patrol agents that is required by that bill. All of those aspects of that legislation are covered for the real purpose of the bill, which is to legalize the status of 15 to 20 million illegals who are here, which will then create a massive flow of illegals into this country, which will result in 20 to 30 to 40 million new illegals in this country within 10 years. We will have lost our country. Wake up, America. We already have a flood of illegals sweeping into our country, crowding our classrooms, closing our hospital emergency rooms, up leashing violent crime, driving down wages. None of this is theory.

□ 2200

It is a harsh reality that faces the American people and is borne not out of academic studies but is being borne out by the life experiences of American people, the American people across our country.

Middle class America is being destroyed. Our communities are not safe, our Social Service infrastructure is collapsing, and, yes, it has everything to do with illegal immigration, immigration that is out of control. And the bill going through the Senate, once they legalize the status of all those who are here illegally, there will be five and six times more illegals, ten times more illegals in our country. And what will happen then? It'll be lost.

Year after year, while our schools have deteriorated, our jails filled and our hospitals and emergency rooms shut down, the elite in this country have turned a blind eye to this disaster that is befalling the rest of us, their fellow Americans. The elites obscure the issues and try to maneuver, to keep in place the policies that reward illegal immigrants with jobs and benefits, just like the bill that's going through the Senate will reward the illegals who have come into our country.

This country, the upper class says, can't function without cheap labor. And it may be cheap to the captains of industry. It may be cheap to the political elite. But it's painfully expensive to the American middle class.

It's our kids whose education is being diminished, our families who are paying thousands more in health insurance to make up for the hospital costs of those who are giving free services to illegals. It's our neighborhoods that are suffering from crime, perpetuated by criminals who have been transported here from other countries. People who should not be here, criminals who should not be here are raping and murdering American citizens. More Americans have been murdered by illegals over the last 5 years than American soldiers have been killed in Iraq. Yet we hear a cry of pain and agony coming from the Congress for soldiers who volunteered to go overseas and take their chances. And what do we hear for the victimized Americans

who are being raped and murdered in greater numbers than those being, the Americans being killed in Iraq? We don't hear anything except, well, let's, we need a comprehensive bill, a bill that somehow is going to be fair to the illegal immigrants who are already here.

Our job is not to be fair with people who have come here illegally, not to watch out for the benefit of people who are overseas. Our job as elected officials here, as Members of Congress, is to watch out for the United States of America and the people of the United States of America. There's nothing wrong with that. That's not being selfish.

And what do we hear from some of the Senators backing that legislation, even Republican Senators, as if we're being hateful by expecting our government to watch out for the benefit of Americans, rather than giving benefits away, draining our treasuries and giving it to people who have come here illegally or people in other societies? This is wrong. It's morally wrong. It's a dereliction of our duty as people who were elected to watch out for our people.

It's in our neighborhoods that are suffering from crime that's perpetuated by criminals who are here, as I say, from other countries. It's our livelihood that's being dragged down as wages are depressed and anchored down by a constant influx of immigrants, mostly illegal, some with H1–B visas, who will work for a pittance.

The American people have every right to expect that we're not going to let masses of people come in and bid down their wages; that we're not going to let people come into this country and give them, like that bill does, immediate legal status when some of them have communicable diseases, diseases which are coming into our schools which we licked years ago, threatening our children.

It is not hateful to say that we have to watch out for our children. It is not wrong for us to put that as a priority and say, yes, we care about those overseas, we care about others. But it is not wrong and hateful and it is not some sort of a selfishness to say we've got to take care of our own people with our limited resources.

Of course, big business has a hold on the GOP. There's no doubt about it. I've been in the party for a long time to see the undue influence that big business has on the party. It's very clear.

Yet big business is in an unholy alliance and the GOP is in an unholy alliance with the liberal left, the liberal left coalition that controls the Democratic party. It is this unholy coalition between the big business element of the Republican party and the liberal left coalition which dominates the Democratic party that is responsible for this invasion of our country, this attack to the well-being of our people. The coalition gives the jobs and passes out the benefits that have lured tens of millions of illegals into our country.

And it's no accident. This predicament was predictable. Big business wants to depress wages. The liberal left that controls the Democratic party wants to have political pawns. They believe that large numbers of illegals will help them change America, or even large numbers of newcomers will help them change America.

Well, if you give the jobs and benefits, as this coalition in our Congress has done for the last 10 years, if you give away the policies that created the jobs and the benefits that have gone to people who've come here illegally from overseas, well, if you give them the jobs and benefits, the masses of the people over there, if you told them that they are eligible for these benefits and these jobs, they will do anything to get here. And that's exactly what they've been doing. As you say, give it, and they will come. Surprise, surprise.

And now, the out-of-touch elite claim this new piece of legislation, the so-called comprehensive bill will, in some way, fix the immigration crisis. That's what you hear.

Well, everybody wants a comprehensive bill because we've got to do something. Doing nothing is better than doing something wrong. Doing nothing is better than doing something that'll make a problem worse. And of course the people who say you've got to do something are the ones who created the problem in the first place.

And, as I said, all of these things that they're trumpeting in the bill, the new enforcement measures, the security measures, the fence, the new agents, the employer sanctions, all of these things are already in place in the law. But we have to give amnesty to illegals and actually encourage tens of millions more to come here in order to get that?

It's like Lucy holding out the football for Charlie Brown. This bill is yet another attempt to trick us as Lucy tricked Charlie every time. It is an illusion, a scam that will make things worse.

The Senate legislation being touted by Senator KENNEDY and the few Republican senators and our President, as I say, the purpose of that bill is to legalize the status of 15 to 20 million illegals, which will then bring tens of millions more. It is a pro-invasion bill. It behooves all of us, all of us to oppose that legislation because we love America.

The President has it all wrong. We want to do what's right for America. That's why we're opposing what he's suggesting.

In that bill, of course, is a provision that would increase the Border Patrol. And, as I say, the legislation going through the Senate actually increases the Border Patrol by fewer agents than is already required that the Border Patrol expand. A great deal has been made out of that. But let's take a look at what that really means.

Do we really believe that President Bush and this administration and, yes, those supporting this bill, are supportive of a strong border control of the fence and strengthening the Border Patrol?

This is an administration that has backed up U.S. attorneys who have taken Border Patrol agents who have stopped drug smugglers at our border and thrown the Border Patrol agents in jail for not following the proper procedures, giving immunity to the drug dealer, and throwing the book at the people, the law enforcement agents who are trying to protect us.

As we speak, Ramos and Compeon, two Border Patrol agents who, for 15 years combined in their lives, were risking their lives every day to protect us. One of them is a 10-year veteran of the Naval Reserve. The other served in the military before joining the Border Patrol. These people have clean records.

Yet the U.S. attorney has thrown the book at these folks, these two brave men, men whose records are clean. And yet he has, the U.S. attorney claims they are corrupt again by playing word games, just like his boss. And today, as we debate this bill, these two Border Patrol agents languish in solitary confinement in Federal prison.

How can anyone claim that they are in favor of the Border Patrol, strengthening the Border Patrol agents, when this administration has done so much to demoralize those people in the Border Patrol and to attack the well-being of those who are protecting us?

The demoralization of our Border Patrol is a grave threat to our national security and the safety of people. We need to back our Border Patrol agents. They do not support this legislation. We need to be strong. We need to make sure that we are doing what is right for the American people. That is what this battle is all about.

Let's remember those two Border Patrol agents because they symbolize everything that's wrong with that legislation, everything that's wrong with the position of the elite in this country. These are just ordinary men, Ramos and Compeon, who were out trying to protect us, just like our military people overseas, risking their life. Yet they were told not to use their weapons on the border, and they did, and they did not follow the proper procedures, and they were thrown in jail.

Remembering them, remembering what we do right for our own people, let us oppose this effort to change the immigration laws that would bring more illegals into our country.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Thank you so much, Mr. Speaker; and it is an honor to come to the floor once again. My good colleagues that have, we come to the floor working on behalf of the 30-Something Working Group; and I can just attest that it's just great to be an American and have an opportunity to share our thoughts and ideas and concerns.

As you know, the 30-Something Working Group, we come to the floor to shed light on the action of the House and to talk about this new direction that we fought so hard for last November, especially on the Democratic side of the aisle, to move this country in a new direction and exactly what the American people have called for. So we're excited.

I'm glad to have Mr. ALTMIRE and also Mr. MURPHY here with me tonight. And I know that Mr. MURPHY has been pulling almost a double duty here. I understand he was Acting Speaker a little earlier tonight.

And I had the opportunity, while you were in the Chair, to join Speaker PELOSI celebrating her 20th year of public service, 20 years here in the House. There were a number of great Speakers that were there, honored her family for allowing her to serve this great country of ours, and also recognizing the fact that she's history as being the first female Speaker. But also there were people like Patti LaBelle there, and just a really star-studded event. She deserves that honor and that appreciation; and constituents also, I'm pretty sure, are pretty happy and proud. All Americans are.

With that, I, of course, we, Mr. Speaker, we and mainly as of late, talking about Iraq, and as we speak here on the floor, there's a major debate going on just across the hall in the Senate dealing with comprehensive immigration reform. Just in the last 6 months, we have done so much and we've talked about so much and we've taken action on so many different issues; and I know that Mr. MURPHY and Mr. ALTMIRE and I will be addressing many of those issues tonight.

This is our first time since the Memorial Day break, and I had a wonderful opportunity to attend a NATO conference, parliamentary, that the Speaker appointed me and I think 12 other Members of the House, bipartisan, spent some time over in Portugal meeting with some of our European Union partners there, and had the opportunity to go to Tunisia to honor those World War II veterans that are, or honor those that paid the ultimate sacrifice. It's the only U.S. cemetery on the continent of Africa; and it was so very, very special and touching, just as an American and as a Member of Congress, to go there and lay a wreath on behalf of those that paid the ultimate sacrifice.

And then having, and still having, Mr. Speaker, the opportunity to come back here and join with my family, who's here in Washington, go down to the World War II Memorial, which had Tunisia and all of the different countries where World War II, we had fighting and men and women lost their lives, to make that connection, all in a 5-day span, is something great as an American.

□ 2215

I just want to share that with the Members of the House. And we know that one of our soldiers just today, one of the soldiers who was found in Iraq was laid to rest at Arlington Cemetery, and we know that there are two that are still missing of the recent ones that were missing from the IED that exploded recently in Iraq. So we paid honor to those that have paid the ultimate sacrifice and their families and also to those veterans that served beside them. And it was such a great week, and I know that many of the Members had an opportunity to go back to their districts to celebrate the life of those that paid the ultimate sacrifice.

With that, Mr. MURPHY, I would like to yield to you, sir.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman from Florida for yielding.

You know, it is funny. This is my first time as a member of the 30-Something Group, and I know I am the puppy of the group because I am only 33 years old. So when I ran for Congress, I had tremendous support from the network community, those bloggers out there all across America. But there are bloggers, especially in Philadelphia and greater Philadelphia and the suburbs that blog every day, and they got so excited when the 30-Something Group was their voice when you were in the minority. Your voice in talking about progressive values, talking about the things in the New Direction, that if we were just given the chance, we would lead. And when we got that chance just a few months ago in the 110th Congress, those bloggers, that network community, are just so proud of their efforts. And it is neat for me to be here to think that when we had a rebirth in our country and Philadelphia, the city of Philadelphia was part of that rebirth and to know that six of the ten biggest bloggers in our country are from Philadelphia and the Philadelphia suburbs. People like Chris Bowers of MyDD and Duncan Black of Atrios and how they are following the 30–Something Group every day and to be part of this group now is just a really proud moment.

And another proud moment that the gentleman from Florida mentioned is the fact that today is the 20th anniversary of the public service of the Speaker of the House, Ms. NANCY PELOSI from California. And when I was in this body just a few months ago speaking and taking that oath of office, taking that oath to support and defend the Constitution of the United States as a Member of Congress, and when I was there with my wife, Jenni, and my 6-month old, at that time a month old, daughter, Maggie Murphy, and I know, Mr. Speaker, that they are watching at home on C–SPAN because I am down here trying to work on behalf of our great country, I know that I was thinking of not just the folks that are over in Iraq, those men that I served with or those men that I had taught when I was a professor at West Point, but I thought about my month-old daughter, Maggie, and I thought about what an incredible story it is that when she was born into this great country, the third most powerful person is a woman, the Speaker of the House of Representatives.

And I thought about a role model. Here is this Italian Catholic woman originally from Baltimore, now in San Francisco, and the criticism about the Speaker before she got in here was that she wasn't going to do a good job or she was going to lead from the left. She has really made this a House united. She has reached across the aisle to the Republicans. She has tried to lead in a moderate fashion, and I think we have to give her a lot of credit. I know the analysts have said that she is getting high marks as the Speaker, and I know that I am proud that she is our Speaker and I am proud to serve under her leadership.

I will keep my remarks relatively brief. It is my maiden voyage here with the 30-Something Group, and I am joined as well with one of my brothers, the other MURPHY, CHRIS MURPHY, who is the elder statesman from Connecticut, who is a whole, I think, 30 some days older than I am, and I know tonight the Speaker Pro Tempore is the gentleman from the great State of Indiana, the sheriff, but tonight I want to speak about the New Direction that we are bringing about.

Finally, the rubber stamp Congress of the past is gone and the do something Congress is here. And we all campaigned in saying that we were going to hold President Bush accountable. And I had served in Baghdad as a captain with the 82nd Airborne Division, and I am so proud of my military service. My father served during Vietnam in the Navy. My grandfather served. My brother is still serving in the Air Force. And I think back to those times and what you come to expect of the Congress. And our men and women who are serving so honorably fight for our country. They fight to support and defend the Constitution of the United

States, and they execute the public policy as it is drafted and implemented here in Washington.

And I know that I get e-mails from Iraq and Afghanistan and those heroes talk about sometimes they don't know what the policy necessarily should be, but what they do appreciate is the fact that we are actually having a debate, that we are actually asking the tough questions necessary. So when we talk about a New Direction in this 110th Congress, when we talk about accountability, part of that is what we just passed out of the Armed Services Committee with the defense appropriations bill. Talking about in Iraq when we give the Iraqis support, why is it that 4 years later they are still, for the most part, sitting on the sidelines? Why is it that we gave them pallets and pallets, crates and crates of literally U.S. money and pallets stacked this high, shipped it over to Baghdad, gave it out, and billions and billions of dollars are simply missing?

When we talk about accountability, we have to talk about the weapons that we have given the Iraqis. In the United States military, and I joined it back in 1993, we are taught pretty early that your weapon is your best friend. There was even a cadence that I used to sing when I would jog in the morning and run troops, ''I used to date a beauty queen; now I date my M–16.'' And it is kind of funny, but it is true in that you are always around your weapon. It is part of that accountability. If you lose your weapon, that is the end of your career. You will be lucky if you don't get court-martialed.

But how that relates to Iraq is we have given the Iraqis 14,000 weapons, AK–47s, M–16s, that are now missing. Think about that. We have given 14,000 weapons to the Iraqis that are completely missing, unaccounted for. That is not the accountability that our taxpayers are expecting. That is not the accountability that we should be expecting when we fight the war on terror because when you give billions of dollars over in Iraq, when you give 14,000 weapons to Iraq that are now just missing, that affects the lives of our soldiers. And we cannot stand for that.

I would also like to talk about accountability when it comes to Afghanistan and Pakistan. Almost 6 years ago, our Nation was attacked by Osama bin Laden. Thousands of innocent civilians, innocent Americans were murdered on September 11 of 2001. The culprit: Osama bin Laden. He was in Afghanistan. He trained al Qaeda, and al Qaeda was really given a free pass by the government there, the Taliban. And we made a decision. We got a coalition. We got Canada and all these other countries going in there in Afghanistan to do the job. And then a short time later, President Bush said, no, let's change our focus to Iraq. Well, we have ten times more troops now in Iraq now than in Afghanistan. And when we talk about accountability, you have to ask the question, what are we doing to get Osama bin Laden? Why is it that we give Pakistan billions of dollars? We actually give Pakistan $80 million a month because we have intelligence that is unclassified that we can talk about here in this setting that Osama bin Laden is in Afghanistan and possibly on the border of Pakistan. So we need Pakistan's help as an ally.

Why is it that President Musharraf has outsourced the hunt for Osama bin Laden to his regional warlords?

Years ago we learned that we outsourced the hunt for Osama bin Laden in Tora Bora and he slipped through our fingers when we had a chance. We can't repeat the same mistakes. So if we are giving support to Pakistan and Afghanistan, which we should, they are our allies, we need to demand accountability. We need to demand the accountability that the American taxpayers, that the American families, and that the American soldiers deserve.

And the last point I would like to bring up on my maiden voyage here in the 30-something Group is education. One of the greatest jobs I ever had was being a professor at West Point teaching constitutional military law. And it was the Constitution that those young cadets who were about to become second lieutenants were going to take an oath to support and defend. And education is vital for Americans and our students to be more and more competitive in a global economy.

I joke with the gentleman from Florida we are not competing in my district in Bucks County for jobs against Florida. As I look at Mr. ALTMIRE, we are not competing with the folks in Pittsburgh in Bucks County. I look at the congressman from Connecticut (Mr. MURPHY). We are not competing with jobs necessarily against the folks in Connecticut. We are competing for jobs with people in China and South Korea and Japan and in Europe. And we need to have high investment in education so we remain more competitive.

And this gets me into our national debt. Right now our debt is over $9 trillion. So that means every man, woman, and child in America owes over $29,000 to our national debt. So that means when my daughter, Maggie, was born 6 months ago at Lower Bucks Hospital in Bucks County, Pennsylvania, she was born in that hospital and she owed $29,000 to our national debt. That is a debt that we owe to foreign countries like communist China, like Japan, like South Korea, like Mexico. We keep borrowing and borrowing and borrowing and borrowing.

Now, when I am back home, people say to me, PATRICK, we are at war. Of course it is going to cost money.

And I say, $9 trillion we have in debt, $9 trillion; yet this war in Iraq has only cost at this point about $450 billion. That is a huge difference.

And how it relates to education is just in March of 2007, we paid $21 billion just that month on the interest rate to this debt, just paying off the interest rate that we owe, $21 billion. But that same month we only paid $5 billion in education. So what we spend on education, $5 billion, we spend four times that much that same month on our interest rate on our debt.

We need a change and we are making that change happen here in the 110th Congress. And I am proud to be part of it. I am proud to be part of the leadership to make sure we do what is necessary, establishing a pay-as-you-go system, doing the things necessary to hold all of us accountable and this government accountable.

So I would say to the gentleman of Florida, thank you for giving me the opportunity on this maiden voyage. I look forward to many more times back here with the 30-Something Group, and I am proud of all those supporters not just back home in Bucks County and northeast Philadelphia and Montgomery County and the network community. I am proud, on this 20th anniversary, of the public service of our leader, Speaker PELOSI, to be here amongst the 30-Something Group. Thank you so much.

□ 2230

Mr. MEEK of Florida. Mr. MURPHY, I am just so happy that you had an opportunity to share some of your wisdom with us here tonight and also a perspective, especially someone who has been in harm's way and has been in the field with our men and women, and at the same time talking about education.

We just had a major education summit right before the break that the Speaker put forth, and Mr. MILLER and Ms. DELAURO were a part of that effort, and we were just so pleased to do that.

In the 30-Something Working Group, we kind of like to have a conversation. We know that everyone has to make an opening remark or statement, but, Mr. ALTMIRE, I am looking forward to hearing what you want to share with the members.

And, also, one of my constituents once called me. Serving in public service, you have an opportunity to hear some interesting things. He called me up. And you know these cable talk shows, where you go down to public television and you sign up and it's like a nonprofit organization. He called me, and I was a State representative at that time, and he said, Kendrick, I want you to come on my show. And I said, well, what are we going to talk about? And he said, we're going to talk about the consequences of the consequences.

So I had to kind of, I was on the phone and I said, ''consequences of the

consequences?'' And he said, ''Yes, the consequences of the consequences could be consequential.''

But in this case, as we look at the consequences of the consequences, using his description of what was going on at that particular time, I couldn't help, as I yield to you, but look at the Newsweek cover.

I went home tonight before I came over here. My wife joined me at the celebration for the Speaker. And this Newsweek cover that many of us will be reading this week says, ''After Bush. How to Restore America's Place in the World.'' I mean, this is not a Democratic publication, Mr. Speaker. I think it's important for us to understand that we are living in serious times. And here at the 30-Something Working Group, we try to break things down so that everyone can understand, where Members won't say, well, I didn't know exactly my role at that particular time.

There are very historic votes that are taking place here. We just had an emergency supplemental. I think that every vote that every Member took was a heroic vote and a sheroic vote, in my opinion, need it be in the positive or the affirmative.

But I think it's important for all of us to realize that we have a role to play. And many of us, I know I do, share getting our men and women back home and bringing an end to this conflict, especially as it relates to U.S. troops serving in combat posture on the streets of Baghdad in the middle of a civil war.

Mr. ALTMIRE.

Mr. ALTMIRE. I just want to say how proud I am of my fellow Pennsylvanian and the second Murphy now to join the 30-Something Working Group, along with the gentleman from Connecticut. He is someone that we look to for his expertise, having been in the field of battle and having served in this conflict; and I really am excited to hear that he is going to be joining us now with the 30-Something group to talk more about these issues. And he definitely has a unique perspective that he's adding. So I was excited to hear his voice, and I am very proud to hail from the same State.

I wanted to talk a little bit about one of the consequences of this action that we're talking about, as Mr. MEEK brought up, is the fact that we are creating, through our actions in Iraq and Afghanistan, hundreds of thousands of new veterans are returning to this country, many of whom are returning seriously injured. We have over 25,000 that have been injured. We are approaching 4,000 killed now. And those that are returning and are going to have to use the VA system are going to find, thankfully, that for the first time in the history of the program, 77 years of the Department of Veterans Affairs, we have increased funding at a rate that has never been seen in the history of the Department. We are up to approximately $15 billion in increased funding for the VA in this Congress.

And as every member of the 30-Something Working Group knows and certainly every Member of this House knows, this is a priority issue for me. Funding for Veterans Affairs has languished in the past several years, unfortunately, but this Congress has stepped up to the plate in a bipartisan way, I will say, to give the Veterans Affairs Department, especially the health accounts, the necessary funding to take care of these hundreds of thousands of veterans that we are creating in Iraq and Afghanistan.

These are men and women who have fought bravely, people like Mr. MURPHY from Pennsylvania who have put their lives on the line, who have left a family behind to do this and have made every possible sacrifice. They deserve to know that they can count on the United States to give them the health care that they deserve and that they have earned, that they've been promised when they entered the military.

So we voted in just the first 5 months here in this Congress to increase funding by $15 billion for the VA. And significantly, for the first time ever, we exceeded the recommended independent budget request of the service organizations, the American Legion, the VFW, and others.

I want to repeat that point for my colleagues. For the first time ever, Congress exceeded the request of the service organizations. I think that's something we can be proud of.

We talk about the enormous achievements we've had in the first 5 months, the many bills and the different subjects that we have addressed. The fact that we have paid attention to and finally moved forward with our veterans health care facility in a way that is unprecedented in the history of this country is I think one of the things we can be most proud of in our first 5 months in office here.

Some of the things that this funding is going to allow us to do, we are going to be able to hire more doctors and nurses and improve medical services at the VA. As we saw with some of the Department of Defense facilities with regard to health care and Walter Reed, chronic underfunding can lead to some disastrous consequences. We need to make sure that we don't allow that to happen in our VA system. So this bill is going to improve the quality of care.

I have in my district a Department of Veterans Affairs hospital that is undergoing a $100 plus million expansion right now. Hopefully, when that is done, we are going to have in my district the preeminent health care facility in the entire VA network; and I want every VA facility to have that type of access across this country. Our veterans deserve nothing less than the highest quality health care this Nation can provide for them.

We are going to reduce waiting times. We have a backlog at the VA, unfortunately, of nearly 500,000 cases. And every Member of this House knows, you probably have the same experience that I am having in my office of people who are calling, frustrated veterans who want to access the VA health system but they have to wait, they have to get in line. And it is a very long line, weeks or months of waiting, because of that backlog, nearly 500,000 cases. The bill that we passed in this House, the legislation that we've passed is going to go a long way towards improving that situation.

Mr. MEEK of Florida. Mr. ALTMIRE, if you would yield, and Mr. MURPHY, I just don't want it to go by. You're talking about what we just passed before we left, received the funding for, with a major fight at the White House. I mean, the President wanted to veto it. He said that's not what I asked for. Meanwhile, Walter Reed was still standing by for the dollars to be able to make the corrections that they need to make.

We know that we passed the Chairman's, Mr. SKELTON's, bill, Armed Services bill off this floor to help us with readiness and all of those things. The President said that he is going to veto many of these things that are over his mark. But what you're talking about is something that we couldn't even dream of in the last Congress. I mean, you start thinking about how we moved the ball down field, and I mean by force. And Mr. Speaker, I can tell you, many of us, not only do we have to eat our Wheaties, but we have to do our pushups. And mentally we have to prepare ourselves between our ears to go to battle on behalf of the American people and those that have served.

So I hear exactly what you're saying. I just want to make sure that Members understand. And guess what? Again, Democratic leadership. A number of Republican colleagues, I believe with maybe 80 of them, voted against the emergency supplemental to get these dollars to our veterans to show you that if we can get these great issues to the floor and that we can get a vote on them that the American spirit and the bipartisan spirit will then take off, versus those that said, well, we don't need to do it. And we are doing it in a meaningful way that veterans are going to see an improvement as we move on.

So I just wanted to hit that real quick, and I yield back. But I just wanted to be able to, especially from a person that was around as it relates to Members on the floor, now, I guess I'm the only Member that was in the 109th Congress and 108th Congress, to reflect on that historical note there of just leadership and making it happen on behalf of our veterans in Pennsylvania and other States.

Mr. ALTMIRE. I appreciate the gentleman from Florida (Mr. MEEK) for his comments and certainly his leadership on this issue, which is unmatched in this House. I am proud to hear your comments.

We have a situation at Walter Reed which we all came to know very well, of course, in the months. I had the opportunity to tour Walter Reed, and when you see these kids that are returning from battle and you think about them, one of the fantastic gentlemen that we met was a 2005 graduate of the Naval Academy. And you can picture him just 2 short years ago in his uniform, throwing his hat in the air, excited, cream of the crop, the best this Nation can put forward, and he came home just horrifically injured.

It breaks your heart to see these men and women who fought so bravely, and you think that they went home to Walter Reed, and it is our responsibility to give them the best medical care that money can provide, and we had disastrous things happening there. You think of the living conditions that were outlined in that Washington Post article, and the paint peeling from the walls and the rodents and the mold, and you think, how could we possibly have let this happen?

For several years, there were complaints that were made, but nothing was done about it. But this Congress is doing something about it. We have not only done the investigations and the oversight to find out what went wrong and to hold those accountable who are responsible for what happened at Walter Reed, but, just as important, we have a commitment in this House and in this Congress that this is never going to happen again.

We are going to give the necessary funding to the Department of Defense and to Walter Reed so that they can take care of the maintenance and the repair that's necessary. And we are going to do a top-to-bottom review of every Department of Defense health facility and every VA facility in this country, find out if anything similar is happening, if there are any problems of this sort, and fix them immediately, not wait for this to take place again.

Because it shouldn't take a Washington Post article. It shouldn't take the newspaper to bring this situation to light. We have a responsibility, and we are fulfilling that responsibility, to ensure that this never happens again. And we are doing that in a variety of ways, through oversight and through the funding increases that I've talked about.

The supplemental bill that we supported and that went to the President's desk, which was signed, included an increase in funding to help the Department of Defense health care and the VA health facilities fulfill these obligations. And, as I said, we are now at record levels. The Appropriations Committee dealing with Veterans Affairs just today announced that they had marked up their bill with a $6.7 billion increase in funding for the VA which, as I said, for this 1 year is the largest in history and is nearly $4 billion above what the President had requested.

We are going to talk a little bit later about bipartisanship, and that is an issue of which there can be no disagreement. There are issues that we talk about, like immigration, like Iraq, like tax cuts, where there is a deep divide among us. There are serious policy differences among us. But every Member of this House can agree that there is no group that should stand ahead of our Nation's veterans when it comes time to make Federal funding decisions. That is an issue that we can all agree on.

I am proud to be a Member of this House that has, for the first time in a very long time, as I said, created an atmosphere where we all agree that veterans come first, and we need to increase the level of funding for the VA health facilities after years and years of neglect.

So, with that said, I would yield at this time to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you very much, Mr. ALTMIRE.

I want to key off of your last point there, just spend a couple moments before we kick it back to Mr. MEEK, on that issue of bipartisanship. Because you are exactly right. You know, it seems like a pretty simple premise that the cost of the war should include taking care of the warriors when they return back home, that the cost of the war isn't just the guns and the ammunition and the mechanics necessary to fight a war in Iraq or Afghanistan, the cost of the war is also taking care of those men and women when they get back home. That is this war and that is previous wars.

So it sounds like a pretty unanimous premise that we could all get behind, but the fact is that we didn't get behind it, and we didn't get behind it until the Democrats took control of this Congress. It was just platitudes and rhetoric for a long time, ''let's support our troops and support our veterans.''

□ 2245

So I think we got to be clear today, as much as we are going to talk about the importance of bipartisanship, it took the Democrats to put some of these issues out before the House in order to garner bipartisan votes. I think that is maybe as important as anything that we have done in these first 5 months, is that we have gotten rid of that old rule that I heard a little bit about when I was watching this place from afar in Connecticut called the ''majority of the majority.''

I heard about this rule where nothing could come to the floor of the House of Representatives unless the majority of the majority party supported it. So you had very few opportunities for there to be real bipartisan cooperation, because you had to have almost unanimous agreement from the majority party, at the time the Republicans, in order for anything to get down here to the floor of the House.

We talked a lot, Mr. MEEK, when we stood up here after that sort of glorious first 100 hours about those bills, those six or seven bills that we passed, and how many Republicans we had on board with each one of those. They were really remarkable numbers. On average we had 60–70 Republican votes for each one of those. It doesn't get covered much in the news. The news wants to cover just the grinding and gnashing of the two parties.

We had a lot of bipartisan cooperation, and that has continued. That has continued. In the last few weeks here we had on a bill to reauthorize funding for children's healthcare, we had 123 Republicans supporting it. That same 123 Republicans supporting increased record funding for Katrina recovery. On the joint funding resolution that finally restored some fiscal balance to this country, we had 57 Republicans supporting it. Increasing the minimum wage, 82 Republicans.

I know when you turn on the cable news networks you are not going to hear about the times that we agree. But why a lot us were so enthusiastic to stop by and send well wishes to Speaker PELOSI on her 20 years in Congress is because she has made good on her commitment to make this the most open and ethical and bipartisan Congress in a real, real long time.

I know, Mr. MEEK, this doesn't get the headlines all the time, that the newspapers want to talk about the places that we conflict. But there has been a lot of cooperation here and it has mattered. I think it has made a difference.

I think one of the things the people don't understand is sort of how this place works, and I certainly didn't understand it until I got here.

It used to be it was impossible, virtually impossible, for Democrats to get their amendments heard on the floor of the House of Representatives. You were going to get a bill introduced by the Republicans, and that was about it. No more debate, no changes, no amendments. Nothing. No real opportunity for the People's House to actually engage in a real argument, in a process of coming up with a better piece of legislation.

That has changed now. In the first 5 months of 2005, we had two what are called open rules, bills in which any Member can put forth an amendment, have a chance to have that idea vetted and aired out before the House of Representatives. We have quadrupled the number of bills that have come before this House under a so-called open rule.

I know these are sort of arcane terms that people out there may not understand, but they matter. It means that every single one of the 435 people that are elected here have a chance to make a bill better, have a chance to have their voice their constituents' voices heard. For a long time it was shut down.

So it was a good night tonight to be able to celebrate Speaker PELOSI's two decades here in the House. A lot of us are excited about the potential that lies before us to be able to really reset our direction in Iraq, to do better things in energy policy, to stand up for working families.

But for a lot of us that came here on the backs and shoulders of our constituents who have virtually lost complete faith in politics, maybe we are just as excited about the fact that, despite what you may see in the cable news networks or reading the headlines, we actually are starting slowly to bring people together here, to open up this House, this process, again, to make it a true bipartisan People's House.

Mr. MEEK of Florida. You know, Mr. MURPHY, it is very hard to move in a bipartisan fashion. One speaks constantly about the bipartisan spirit, about bipartisan action. Spirit and action are two different interpretations of actually getting something done.

The action part means that Members are able to vote with their voting cards or walk up to that desk and sign a card that says yea or nay and work in a bipartisan spirit on the yea. Many amendments from our Republican colleagues, some of them are passed and some of them are not passed. But the bottom line is they have at least the opportunity to come to the floor and to bring their ideas to the floor. Definitely in the area of financial services.

We have spent a very long time, Mr. Speaker, on this floor hearing Republican amendments that were offered in committee, offered in subcommittee. Some came to the floor and we were able to work those amendments out to become a part of the work product. Others just wanted to file an amendment, for whatever reason, but had their opportunity in this democracy to do so.

Many of the Members in this House, of course we have a lot to do, and Members when they come to the floor, they said, I thought this amendment was already voted down in committee? But many of the Members on the minority side, the Republican side, had an opportunity to offer it, Mr. MURPHY. I think this really makes a difference between Democratic leadership and Republican leadership.

Even though we may not agree, giving the opportunity to others to be able to take part in this democracy, something that was suppressed in the two previous Congresses that I can speak to. And I can tell you that it should be well-noted here that this House has provided the kind of leadership to allow the minority party here in this House, which are the Republicans, to have a voice in the process of making laws. That is so very, very important.

I will say this and then yield back to you. Some are saying, why aren't you treating the Republicans as the Republicans treated you or treated Democrats. Well, guess what? Forty-two new Members of the House, especially when you are on the Democratic side, all of you in this Chamber who are part of the majority makers, they voted for change. They didn't vote for the same. They voted for a government that can work in a bipartisan way. They voted for the kind of leadership to allow minority Members, who have constituents just like I have, to vote for veterans assistance, to be able to vote to make sure we put forth dollars to come up with alternative fuels and other ways that we can supply America so that we can invest in the Midwest versus the Middle East. They voted for all of that.

And guess what? That takes time and tolerance, Mr. Speaker, and that is something that the Republican majority in the previous Congress did not have. I am glad we have the tolerance. I am glad we are taking the time. I am glad we are working the way we are working, even though it is very painful for many of us and our constituents and many that have our families back in the district.

In this time and this place in history, when you have cover after cover, how do we restore America's place in the world, it is not how the world thinks about us. It is about what kind of leadership are we providing, not only for our constituents, but for the United States of America. And just at a time we are trying to dig ourselves out of out-of-control borrowing from foreign nations, we are seeing differently.

I am a Member of the NATO parliamentary group, and I can tell you, when you are talking to some countries, and it is kind of like you have to be quiet for a moment, have some level of contrition and listen to what other people are saying, because they feel we have been dictating to them what they should do and what they should think, and they are saying, by the way, you owe us money. You owe me money. You owe my country money.

So we have domestic issues that we have to cover. I know we are going to talk about stem cell research and I think that is very, very important. That is part of the new direction. It is leadership. Sometimes leadership is lonely. But we have to do it.

Mr. MURPHY, I just want to thank you for bringing some of these issues to light and talking about what it takes to bring about bipartisan action versus Members coming to the floor and saying we should have a bipartisan spirit.

Well, spirit is a good thing, if you use it religiously. One of my friends, Dr. Michael Eric Dyson, I have read a couple of his books, he says spirit makes religion act right. The real issue is that it is good to have spirit. We all feel good about it. But action is even better.

Mr. MURPHY of Connecticut. You can talk the talk, but you have to come out here and do it. You have got to put bills before this House that have Republican ideas in them and have Democrat ideas in them. And you have to be okay with the fact that we can share credit. Listen, nobody in my district cares whether I am a Republican or a Democrat, as long as I am on the right side of the issues, as long as I am fighting for what they believe I should be fighting for.

People don't think in Republican or Democratic terms back at the places we come from. They think about Republican and Democratic terms here inside the Beltway in Washington, DC, but back out in America, Mr. MEEK, people think about what is right and wrong; what is good for people and what is bad for people. Not Republican and not Democrat. I think we are beginning to start to figure that out.

Mr. MEEK of Florida. Mr. MURPHY, you are 110 percent right, and that is what folks voted for. They didn't vote for you to go be the strongest Democrat you can be, or I want you to go and be Republican-like. The bottom line is they voted for us to be Members of Congress, constitutional officers having a part in this process, one of the three branches of Government, and making sure that every Member is able to fulfill their constitutional duty and come here and participate.

I feel so good about it, it is like almost I have chill bumps. To be able to come to this floor, to be a part of the whole begging, if you get us an opportunity to train the thought it could. All of those things we talked about, you think about where we were and where we are now, and that we still have the kind of spirit that we had then, we still want to fight and we still have battles ahead of us.

We have a President that is saying you do anything over the budget that I set forth, no matter how good it may be, children's healthcare, veterans affairs, the issues dealing with the environment, I am going to veto it.

Well, you know something? We are here saying fine, if you want to veto it, then consider yourself challenged, versus, well, if you say you are going to veto it, then I guess we can't do it. Even though we have our challenges in the Senate, I think that it is very, very important as it relates to getting a number of these agenda items through, because of the close numbers there, I think the American people are going to continue to follow in the spirit of a new direction and help us carry out the

agenda that they wanted originally, and hopefully some of our Republican colleagues in the Senate will be able to come together and have bipartisan action and move it forward.

Mr. MURPHY of Connecticut. Before we send this back over to Mr. ALTMIRE, Mr. MEEK, let's talk about an issue on which I think this Congress is going to stand together tomorrow, Republicans and Democrats, and stand against the policies of a President who is going to show once again how out of step he is with the American public, and that is on the issue of stem cell research.

Mr. Speaker, I had the opportunity when I was in the Connecticut State Senate to author Connecticut's Stem Cell Investment Act. Connecticut became the first State in the Nation through a legislative act to invest public dollars in stem cell research. I am real proud of that.

But part of the reason that I decided to leave the State Senate and come here to the United States Congress is because it was a bittersweet victory for us. We shouldn't have 50 different State legislatures investing in basic scientific research; certainly not the type of potentially pioneering, life-saving scientific research that stem cell research, both adult and embryonic, holds in its vast and potentially limitless potential.

So, tomorrow, we are going to take up a bill that we took up at the beginning of January, now coming back to us from the Senate, which is the Stem Cell Research Enhancement Act of 2007, which is once again going to allow for Federal dollars to be used for both embryonic and adult stem cell research around this country, and, by the way, finally put some real ethical and moral and scientific boundaries around that research.

One of the great secrets in this world today is if you don't live in a State like Connecticut, California or New Jersey that has put forth in State legislation some moral and ethical parameters around stem cell research, this research is largely unregulated in this country. So I think the most important thing we will do tomorrow is pass in a bipartisan way a bill that will start to turn on Federal funds for research that, as we know, potentially will unlock the treatments and cures for such insidious diseases as juvenile diabetes and Parkinson's research and maybe even for cancer some day.

This isn't tomorrow's cure and it is not even the day after tomorrow's cure, but if we don't start investing now and start investing at a Federal level, start investing our Federal dollars, we are never going to get to that day when we can start to realize the potential of stem cell research.

But here is where the rub is. We are going to do this with Republicans and Democrats standing together. There will be more Democrats supporting it than there will be Republicans. That is just how this issue is going to work. But this is going to be an issue in which this Congress, because we are in tune with what the people are telling us, that they want us to use the research at our disposal to try to make people's lives better, that is what this is all about, trying to use the resources of the Federal Government, the communal resources of the American people, to try to make our lives better, that is what stem cell research can do. They want us to make that jump. It is going to land on the President's desk and he has already told us once again that he will veto it.

He is continually out of step with where the American people are with this war in Iraq. Now he will once again show us he is out of step with where the American people are on healthcare.

But, once again, we are going to show that if we stand together, if we put party aside and we listen to what the people want, in this case they want a Federal Government that is going to start standing up and trying to find cures for cancer and Parkinson's disease and bone marrow disease, that we can do some pretty amazing things here if we stand together.

We passed things with bipartisan support in the past. We will do it tomorrow on maybe one of the most important things that we will do before we take our break for the summer, which is invest in stem cell research.

□ 2300

Mr. MEEK of Florida. I just want to say that Mr. MURPHY presented himself so well tonight. Mr. RYAN is in Ohio tonight, and he BlackBerryed me and said he wished he could be here with us. As you know, Mr. RYAN is an outstanding Member of Congress. He had a death in his family and had to return to his district. We appreciate and recognize his absence. I am going to e-mail him back and say, Mr. RYAN, I think one of the reasons why things are moving so smoothly, you guessed, is because you're not here; but that is another issue.

Mr. ALTMIRE, one thing that we need to talk about as relates to stem cell research, there are so many diseases that could be cured, and 72 percent of Americans are supporting this research. We have kids with juvenile diabetes. There are a number of issues that we want to try to move on. This is a leadership issue. The thing about leadership is it is lonely sometimes.

I get e-mails and calls from my constituents, I support this; or, KENDRICK, I wasn't quite with you on that decision. But the good thing is something is happening, action versus inaction.

Mr. ALTMIRE. I wanted to commend the gentleman from Connecticut again. We say a lot of things when we are transferring comments here back and forth about the different roles that we play, but it truly is the truth to say there is no one in this Congress who has done more on a public policy basis to promote this issue than the gentleman from Connecticut. He has done it at the State level. He is passionate about it. He has done it here in Congress. He has made it a staple issue of his young career, and I want to commend him. He has shown great leadership.

And in saying that, I want to recognize that we have a colleague, the gentlewoman from Colorado (Ms. DEGETTE), who certainly deserves credit second to none for her pushing this agenda. I certainly don't want to overlook her in recognizing Mr. MURPHY's equal efforts on this issue.

I have a unique perspective in my support of this issue in that I am a pro-life Member of Congress. I used the occasion of my first floor speech on the floor of this House specifically on this issue because it is that important to me.

I have a view that embryonic stem cell research and a vote to promote it is a pro-life vote. By voting to pursue embryonic stem cell research, we are voting to improve the lives of people. And most importantly with this bill, we are voting only on, and this is a very key point, lines of stem cells that would otherwise be discarded by the fertility clinic. That cannot be overlooked.

Mr. MEEK of Florida. That is a very good point.

Mr. ALTMIRE. This is not a situation where we are going to be able to pick and choose types of stem cells that can be used for other purposes. The administration talks about snowflake babies and other uses. These are only lines of stem cells where the donor has said I am done using them. They cannot be used for my other purpose, they are to be discarded, and then they agree that the stem cells could be used for research purposes. Otherwise they are discarded.

That is something that in my mind is the decisive point on this. If they are going to be discarded anyway, hundreds of thousands of lines of embryonic stem cells, why not use them for scientific research to save the lives and improve the lives of people who are alive today, real men and women who are suffering from diseases, and the people who don't know they are going to have those diseases in the future, people who are going to suffer from these diseases tomorrow.

We are talking about debilitating diseases, we are talking about long-term diseases that are reaching epidemic proportions in my district of southwestern Pennsylvania, like diabetes. Imagine if this research could show a cure or improved treatment for any of these illnesses. Why would we not use them for scientific purposes if they are otherwise going to be discarded.

I am certainly not the only pro-life Member who is going to support this tomorrow, as the gentleman said. But I do want to emphasize this is an issue whose time has come. The President has vetoed it in the 109th Congress. He has vetoed it once in this 110th Congress. We are expecting we are going to face a second veto, and I know the vote is going to be close on whether or not we are going to be able to override that veto.

But we have sent a message, and we are going to do it tomorrow, that the time for this issue has come. This is not about political games or trying to score points for a political agenda. This is about saving lives and improving the lives of people who are alive today, and I strongly support this initiative.

Mr. MEEK of Florida. You couldn't ask for a better feeling being a Member of Congress. I always share out that. Out on the steps of the Capitol at least once or twice a week we have young people from our districts, and they want to hear from Members of Congress. The difference between us and the average American out there, and there are only 500-plus Members of Congress, we read something in the paper, something that could have been avoided, we hear a story from our constituents, something that could have been avoided, and to have an opportunity to vote on a piece of legislation like we are going to vote on tomorrow, no matter how many times we have to vote on it, we are a part of the solution to many of the health problems that are facing Americans throughout this country. We are the leader in the world as it relates to research and being responsible and being respectful.

To have 200 organizations supporting the bill is very, very important. It is supported by the American Medical Association, the AARP, the Association of American Medical Colleges, Parkinson's Action Network, the American Diabetes Association, Juvenile Diabetes Research Foundation, Paralyzed Veterans of America, all of these groups. That is just to name a few. And also, 72 percent of Americans support this bill that we are looking to pass. You also have a number of corporations that are out there calling for it. Think about the money that could be saved, not only the money, but the lives. This is what it is all about.

People ask: How do you feel being a Member of Congress? I feel good because I feel we can bring to the floor and bring to this government what is needed to help Americans, and I am glad we are a part of that.

Mr. MURPHY, it is good having an authority on the floor. I was a member of the Florida State legislature, and a State legislature is an interesting organization to be a part of. I think the first line of public service is being a county commissioner or city commissioner. That is when somebody can leave their house and let you know what is on their mind. I am glad to have an opportunity to vote on this, and I look forward to releasing information to my constituents about what we have done, and hopefully put some pressure on the White House to do what so many Americans want us to do, and that is get at some of the issues that are facing our country right now.

Mr. MURPHY of Connecticut. You talked about how much public support this enjoys, and it is broad and far ranging. I think the public support mirrors the support within this body. It probably cuts across partisan lines because the diseases that stem cell research can treat do not discriminate based on whether you are Democrat or Republican, not even on whether you are pro-choice or pro-life.

So when you have family members out there who are watching a loved one grapple with diabetes, watching a father or mother die of Alzheimer's disease, and they see there is this vehicle, there is this potential out there, untapped right now, with their Federal tax dollars, they don't understand. They don't understand why their elected representatives wouldn't stand up and at least try to make an effort to bring a cure or treatment to their loved one who is struggling or dying with these diseases.

This issue enjoys public support because these diseases don't discriminate based on political discrimination, political views or geography. I think that is why you will see so many Republicans and Democrats supporting it.

This is an issue that arises a lot of passions in people. So there is rhetoric that sometimes doesn't match the reality. One of the arguments that you are going to hear tomorrow is we don't need to invest in embryonic stem cell research, which is the controversial piece of this debate, because adult stem cell research does the trick. That argument doesn't wash when you talk to the scientific community.

Adult stem cells have vast potential, and we have found ways to utilize them to make people better and give people longer lives.

□ 2310

But the fact is that adult stem cells only work on the person that those cells are harvested from. My adult stem cells work on me. So I can take stem cells out of my bloodstream, manipulate them, put them back into my bloodstream to try to cure the disease or whatever may be affecting me.

Embryonic stem cells have almost a limitless possibility of being manipulated, to being harvested and put into a limitless number of people. Those cells don't just work on the people they're taken from. Those cells can be manipulated and have universal traits to try to cure diseases.

So we're going to have to try to talk about that tomorrow and why we need to invest in both adult stem cell research and embryonic stem cell research.

Mr. ALTMIRE. Mr. Speaker, at this time, I will do two things. First, it has come to my attention that while we were talking the Anaheim Ducks kept the Stanley Cup in the United States of America. I want to congratulate them. And I will now yield back to the gentleman from Florida to wrap up.

Mr. MEEK of Florida. Thank you so very much, Mr. ALTMIRE.

Also, we want the Members, if they want any information we talked about tonight or want to speak to us, we have the www.speaker.gov Web site.

With that, Mr. Speaker, it was an honor to address the House, the 30 Something Working Group, tonight, the two MURPHIES and also Mr. ALTMIRE and myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHUSTER (at the request of Mr. BOEHNER) for today on account of attending his daughter's high school graduation.

Mr. CONYERS (at the request of Mr. HOYER) for after 1:30 p.m. today on account of personal business in the district.

Mr. BACA (at the request of Mr. HOYER) for today on account of personal business.

Mr. RYAN of Ohio (at the request of Mr. HOYER) for today after 2:00 p.m. on account of attending a funeral.

Mr. REYES (at the request of Mr. HOYER) for Tuesday, June 5, 2007, on account of illness.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for Tuesday, June 5 and for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 13.

Mr. JONES of North Carolina, for 5 minutes, June 13.

Mr. PAUL, for 5 minutes, today and June 7.

Mr. DAVIS of Kentucky, for 5 minutes, June 12.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 31, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 414. To designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the ''Miguel Angel Garcia Mendez Post Office Building''.

H.R. 437. To designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office''.

H.R. 625. To designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''.

H.R. 1402. To designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''.

H.R. 2080. To amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, June 7, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2032. A letter from the Secretary, Department of Agriculture, transmitting a legislative proposal that would shift funding for the research, development, and maintenance of information technology functions of the Federal Crop Insurance Corporation (FCIC) from the Government to the insurance companies participating in the crop insurance program; to the Committee on Agriculture.

2033. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

2034. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2035. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2036. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2037. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2038. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Native American Housing Assistance and Self-Determination Act (NAHASDA); Revisions to the Indian Housing Block Grant Program Formula [Docket No. FR-4938-F-03] (RIN: 2577-AC57) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2039. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's report entitled, ''Sixth Progress Report on HUD's Strategy for Homeless Data Collection, Reporting and Analysis''; to the Committee on Financial Services.

2040. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's report entitled, ''Affordable Housing Needs 2005''; to the Committee on Financial Services.

2041. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a copy of draft bills entitled, ''To extend the authority for canceling debt owed to the United States pursuant to the Heavily Indebted Poor Countries Initiative'' and ''To extend the authority for making contributions to the HIPC Trust Fund''; to the Committee on Financial Services.

2042. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2006 through December 31, 2006, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

2043. A letter from the Secretary, Department of Education, transmitting the final report of the Academic Competitiveness Council, including recommendations for legislation and administrative action, pursuant to Section 8003 of the Deficit Reduction Act of 2005; to the Committee on Education and Labor.

2044. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2045. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership [CMS-2258-FC] (RIN: 0938-AO57) received May 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2046. A letter from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Accounting and Reporting Requirements For Nonoperating Public Utilities and Licenses [Docket No. RM07-2-000; Order No. 694) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2047. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of Fee Schedules; Fee Recovery for FY 2007 (RIN: 3150-AI00) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2048. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 05-07 informing of an intent to sign the Air and Space Capability Development Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2049. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulation: United States Munitions List [Public Notice:] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2050. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulations: Policy with respect to Vietnam [Public Notice:] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2051. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2052. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2006 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2053. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Waiver of Requirements

For Continued Coverage During Retirement (RIN: 3206-AI62) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2054. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2006, through April 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

2055. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a copy of a draft bill entitled, ''to amend the Mineral Leasing Act to provide for Net Receipts Sharing and for other purposes''; to the Committee on Natural Resources.

2056. A letter from the Chairman, National Indian Gaming Commission, transmitting a copy of a draft bill entitled, ''To amend the Indian Gaming Regulatory Act of 1988 (IGRA) to revise the Act to clarify the scope of the National Indian Gaming Commission's authority and to make such other technical amendments as are required''; to the Committee on Natural Resources.

2057. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2007 Management Measures [Docket No. 070430095-7095-01; I.D. 042707D] (RIN: 0648-AV56) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2058. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 070302052-7088-02; I.D. 021307B] (RIN: 0648-AV09) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2059. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — International Trademark Classification Changes [Docket No. PTO-T-2007-0004] (RIN: 0651-AC10) received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2060. A letter from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Removal of the Standardized Request for Evidence Processing Timeframe [CIS No. 2287-03] (RIN: 1615-AB13) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2061. A letter from the Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule [Docket No. USCIS-2006-0044; CIS No. 2393-06] (RIN: 1615-AB53) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2062. A letter from the General Counsel, Office of Justice Programs, Department of Justice, transmitting the Department's final rule — Department of Justice Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket Number: 0JP (DOJ)-1457; AG Order No. 2870-2007] (RIN: 1121-AA73) received May 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2063. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's report entitled, ''Cocaine and Federal Sentencing Policy''; to the Committee on the Judiciary.

2064. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (RIN: 2700-AD32) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2065. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a proposed amendment to the National Aeronautics and Space Act of 1958; to the Committee on Science and Technology.

2066. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Business Loan Program; Lender Examination and Review Fees (RIN: Number 3245 AF49) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2067. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's ''Major'' final rule — United States — Singapore Free Trade Agreement (RIN: 1505-AB48) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2068. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report regarding concerns expressed in the United States-Korea Free Trade Agreement (KORUS FTA); to the Committee on Ways and Means.

2069. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Temporary Extension of Attorney Fee Payment System to Title XVI; 5-Year Demonstration Project Extending Fee Withholding and Payment Procedures to Eligible Non-Attorney Representatives; Definition of Past-due Benefits; and Assessment for Fee Payment Services [Docket No. SSA 2006-0097] (RIN: 0960-AG35) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2070. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the ''2007 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act''; to the Committee on Ways and Means.

2071. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Data Collection Related to the Participation of Faith-Based and Community Organizations [FNS-2007-0005] (RIN: 0584-AD43) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and Labor.

2072. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the results of a study of initiatives to expand the relationship between the Department and Job Corps, as requested by the National Defense Authorization Act for Fiscal Year 2006; jointly to the Committees on Armed Services and Education and Labor.

2073. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; jointly to the Committees on Armed Services and Foreign Affairs.

2074. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation [Docket No. DEA-292I] (RIN: 1117-AB06) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 459. Resolution dismissing the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida (Rept. 110–175). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 461. Resolution dismissing the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida (Rept. 110–176). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 462. Resolution dismissing the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana (Rept. 110–177). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 463. Resolution dismissing the election contest relating to the office of Representative from the Fifth Congressional District of Florida (Rept. 110–178). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 464. Resolution providing for consideration of the bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research (Rept. 110–179). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 465. Resolution providing for consideration of the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. 110–180). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Ms. CARSON (for herself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Ms. CORRINE BROWN of Florida):

H.R. 2576. A bill to direct the Secretary of Health and Human Services to prepare concise written materials for use by school personnel to help to identify students with a

high potential to commit aggressive and harmful behavior, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. REGULA, Mr. MARCHANT, Mr. HELLER, Mr. WALBERG, Mr. RENZI, and Mr. PAUL):

H.R. 2577. A bill to amend the Elementary and Secondary Education Act of 1965 to provide additional flexibility to State and local educational agencies to raise the academic achievement of all students; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama (for himself, Mr. ALEXANDER, Mr. RODRIGUEZ, Mr. HIGGINS, Mr. WALSH of New York, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. BOREN, Mr. CLAY, Mr. COHEN, Mr. RAHALL, Mr. MARSHALL, Mr. BONNER, Mr. JINDAL, and Mr. BOUSTANY):

H.R. 2578. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 2579. A bill to amend title 38, United States Code, to authorize the use of funds in the Department of Veterans Affairs readjustment benefits accounts and funds appropriated for such purpose to provide funding for State approving agencies; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself, Mr. DREIER, Mrs. BACHMANN, Mr. AKIN, Mr. SIMPSON, Mr. SESSIONS, Mr. HASTERT, Mr. KNOLLENBERG, Mrs. DRAKE, Mr. HALL of Texas, Mr. WICKER, Mr. GARY G. MILLER of California, Mr. MCCAUL of Texas, Mr. HELLER, Mr. KLINE of Minnesota, Mr. SMITH of Texas, Mr. RADANOVICH, Ms. GINNY BROWN-WAITE of Florida, Mr. FOSSELLA, Mr. EVERETT, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. CHABOT, Mr. CARTER, Mr. MILLER of Florida, Mr. SHAYS, Mr. PITTS, Mrs. MCMORRIS RODGERS, Mr. PORTER, Mr. DENT, Mr. SHUSTER, Mr. MACK, Mr. GERLACH, Mr. SAXTON, Mr. WILSON of South Carolina, Mrs. BIGGERT, Mr. SHIMKUS, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. BUCHANAN, Mr. KIRK, Mr. ROGERS of Alabama, Mr. MATHESON, Mr. GARRETT of New Jersey, Mr. CRAMER, Mr. BOREN, Mr. STEARNS, Mr. BURGESS, Mr. MCHUGH, Mr. BOUSTANY, Ms. FALLIN, Mrs. CAPITO, Mr. HAYES, Mr. HOBSON, Mr. HENSARLING, Mr. ROSKAM, and Mr. WOLF):

H.R. 2580. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 2581. A bill to amend titles XIX and XXI of the Social Security Act to permit States to expand coverage for children between 19 and 25 years of age under Medicaid and under the State child health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 2582. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. MATHESON):

H.R. 2583. A bill to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself and Mr. CUELLAR):

H.R. 2584. A bill to amend the Public Health Service Act to alleviate critical shortages of physicians in the fields of family practice, internal medicine, pediatrics, emergency medicine, general surgery, and obstetrics-gynecology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 2585. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 2586. A bill to amend the Investment Advisers Act of 1940 to authorize the Commission to require the registration of hedge fund advisers under that Act; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 2587. A bill to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office''; to the Committee on Oversight and Government Reform.

By Mrs. DRAKE:

H.R. 2588. A bill to amend the Internal Revenue Code of 1986 to modify the annual contribution limit for Coverdell education savings accounts; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 2589. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to reauthorize and amend the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 2590. A bill to provide for an additional requirements payment under the Help America Vote Act of 2002 to ensure that Puerto Rico is treated in the same manner as other States for purposes of determining the amount of the requirements payment made under such Act, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts (for himself, Mr. DELAHUNT, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WALSH of New York, Ms. SCHAKOWSKY, Mr. GORDON, Ms. HIRONO, Mr. NEAL of Massachusetts, Mr. GRIJALVA, Mr. CAPUANO, Mr. FARR, Mr. MCGOVERN, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. MURPHY of Connecticut, Mr. CUMMINGS, Mr. MARKEY, Mr. COHEN, Mr. LOEBSACK, Mrs. TAUSCHER, Mr. LINCOLN DAVIS of Tennessee, Mr. PAYNE, and Mr. GONZALEZ):

H.R. 2591. A bill to amend part B of title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 10 percent and twice the period of no enrollment, and to exclude periods of COBRA and retiree coverage from such late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mrs. BLACKBURN, and Mr. HALL of Texas):

H.R. 2592. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for one or more Critical Path Public-Private Partnerships to implement the Critical Path Initiative of the Food and Drug Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 2593. A bill to secure and conserve Federal public lands and natural resources along the international land borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 2594. A bill to establish a Federal public relations and education campaign to promote responsible and fuel-efficient driving in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAHONEY of Florida (for himself and Mr. CASTLE):

H.R. 2595. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of proxy votes relating to executive and director compensation by beneficial owners of more than 5 percent of a company's shares; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Mr. WAXMAN, and Mr. INSLEE):

H.R. 2596. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. ALEXANDER):

H.R. 2597. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. PRICE of North Carolina):

H.R. 2598. A bill to amend the Federal Election Campaign Act of 1971 to clarify that an

expenditure made by a political party committee may not be considered to have been made in concert or cooperation with a candidate solely because the candidate has requested that the committee not make any expenditures in support of the candidate or in opposition to an opponent of the candidate; to the Committee on House Administration.

By Mr. SIRES:

H.R. 2599. A bill to establish a program for the Secretary of Housing and Urban Development to provide financial assistance to certain homeowners experiencing temporary difficulty making home mortgage payments resulting from their call or order to active duty while a member of the Individual Ready Reserve of the Armed Forces or the inactive National Guard; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. JONES of North Carolina, Mr. MICHAUD, and Mr. HUNTER):

H.R. 2600. A bill to authorize the imposition of a tax on imports from any country that employs indirect taxes and grants rebates of the same upon export and to authorize compensatory payments to eligible United States exporters to neutralize the discriminatory effect of such taxes paid by such exporters if United States trade negotiating objectives regarding border tax treatment in World Trade Organization negotiations are not met; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. PITTS, Mr. RUSH, Mr. PICKERING, and Mr. BURGESS):

H.R. 2601. A bill to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the ''Do-not-call'' registry of the Telemarketing Sales Rule; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. EHLERS, Mr. KNOLLENBERG, Mr. LEVIN, Mr. HOEKSTRA, Ms. KILPATRICK, Mr. DINGELL, Mrs. MILLER of Michigan, and Mr. WALBERG):

H.R. 2602. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

By Mr. WEINER:

H.R. 2603. A bill to require the Secretary of Homeland Security to designate high threat helicopter flight areas and to provide special rules for screening of passengers and property to be transported on passenger helicopters operating to or from such areas and for helicopters flights in such areas, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. ALTMIRE, Mr. BARRETT of South Carolina, Mrs. BONO, Mr. BOUSTANY, Mr. CAMP of Michigan, Mr. CANTOR, Mr. CARNEY, Mr. CARTER, Mr. CASTLE, Mr. COBLE, Mr. COLE of Oklahoma, Mr. TOM DAVIS of Virginia, Mrs. DRAKE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Ms. FOXX, Mr. GERLACH, Mr. GILCHREST, Mr. GOHMERT, Mr. GRAVES, Mr. HASTERT, Mr. HELLER, Mr. HOLDEN, Mr. HULSHOF, Mr. KELLER, Mr. KINGSTON, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOOD, Mr. LATOURETTE, Mr. DANIEL E. LUNGREN of California, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. PETRI, Mr. PLATTS, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. REGULA, Mr. ROSKAM, Mr. SAXTON, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SULLIVAN, Mr. UPTON, and Mrs. WILSON of New Mexico):

H. Con. Res. 165. Concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week; to the Committee on Oversight and Government Reform.

By BRADY of Pennsylvania:

H. Res. 460. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; considered and agreed to.

By Mr. MEEKS of New York (for himself, Mr. TOWNS, Mrs. JONES of Ohio, Mr. PAYNE, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Alabama, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. CLAY, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Ms. CARSON, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. WATT, Mr. SCOTT of Georgia, Ms. LEE, Mr. RUSH, Mr. WYNN, Ms. WATERS, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. WATSON, and Mr. JEFFERSON):

H. Res. 466. A resolution honoring and recognizing the achievements of Barbara Hillary, the first African-American woman on record to reach the North Pole; to the Committee on Oversight and Government Reform.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Mr. BURTON of Indiana, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. HIGGINS, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. WEINER, Mr. KIRK, Ms. BERKLEY, Mr. ACKERMAN, Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. KLEIN of Florida, Mr. LEWIS of Georgia, Ms. WASSERMAN SCHULTZ, Mr. MCNULTY, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. ROTHMAN, Mr. COHEN, Mr. FRANK of Massachusetts, Mr. EMANUEL, Mr. LANTOS, Mr. SERRANO, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BACA):

H. Res. 467. A resolution condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia; to the Committee on Foreign Affairs.

By Mr. PATRICK MURPHY of Pennsylvania:

H. Res. 468. A resolution expressing the sense of the House of Representatives that officials of local governments who are also members of the National Guard or Reserves and are deployed as part of their service in the Armed Forces should be granted reasonable accommodation to fulfill their governmental duties while so deployed; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H. Res. 469. A resolution expressing the sense of the House of Representatives that the Iraqi National Assembly should cancel or postpone its planned two-month recess scheduled to begin in July 2007 and work toward meeting political, social, and military benchmarks; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

75. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 61 memorializing the Congress of the United States to take such actions as are necessary to support the goals and ideals of a National Day of Rememberance for Murder Victims; to the Committee on Oversight and Government Reform.

76. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 67 memorializing the Congress of the United States to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parrish levee system by all appropriate federal agencies and to close the Mississippi River Gulf Outlet; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 23: Mr. HALL of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 135: Mr. SHADEGG.

H.R. 156: Mr. MARSHALL.

H.R. 199: Mr. MITCHELL.

H.R. 211: Mr. PETERSON of Minnesota.

H.R. 278: Mr. PETERSON of Minnesota and Mr. ROSS.

H.R. 297: Mr. ROTHMAN and Mr. SIRES.

H.R. 322: Mr. CULBERSON.

H.R. 440: Mr. MURTHA.

H.R. 473: Mr. KINGSTON.

H.R. 549: Mr. MILLER of North Carolina.

H.R. 550: Mr. MITCHELL, Mr. NUNES, Mrs. JONES of Ohio, Mr. MILLER of North Carolina, Ms. SUTTON, and Mr. WAMP.

H.R. 583: Mr. LAHOOD, Mr. THOMPSON of Mississippi, Mr. OLVER, Mr. MEEHAN, Mr. BARROW, and Mr. PETERSON of Minnesota.

H.R. 620: Mr. RAMSTAD.

H.R. 621: Mr. ANDREWS, Mr. ABERCROMBIE, Mr. RYAN of Ohio, and Mr. PETERSON of Minnesota.

H.R. 643: Mrs. BOYDA of Kansas.

H.R. 661: Mr. KENNEDY.

H.R. 695: Mr. RODRIGUEZ and Mr. KENNEDY.

H.R. 741: Mr. DELAHUNT.

H.R. 782: Mrs. MCCARTHY of New York.

H.R. 819: Mr. JEFFERSON and Mr. MITCHELL.

H.R. 840: Mr. WILSON of Ohio.

H.R. 980: Mr. HOEKSTRA, Mr. REYNOLDS, and Mr. FRANK of Massachusetts.

H.R. 997: Mr. COBLE.

H.R. 1004: Mr. WYNN and Ms. SCHAKOWSKY.

H.R. 1014: Mrs. MILLER of Michigan and Ms. GIFFORDS.

H.R. 1022: Mr. ROTHMAN and Mr. SIRES.

H.R. 1023: Mrs. BOYDA of Kansas, Ms. NORTON, Mr. RAMSTAD, Mr. BAIRD, Mr. MAHONEY OF FLORIDA, MR. SESSIONS, Mr. KNOLLENBERG, Ms. MATSUI, Mr. DOGGETT, and Mr. HAYES.

H.R. 1076: Mr. PETERSON of Minnesota.

H.R. 1092: Mr. TIERNEY.

H.R. 1093: Mr. BOUCHER, Mr. ROSS, Mr. MAHONEY of Florida, Mr. SNYDER, and Mr. BUCHANAN.

H.R. 1102: Mr. RAHALL and Mr. TERRY.
H.R. 1125: Mr. JACKSON of Illinois, Mr. PAYNE, and Mr. GRAVES.
H.R. 1167: Mr. MORAN of Virginia.
H.R. 1187: Mr. GORDON, Mr. WU, Mr. BECERRA, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. UDALL of Colorado, Ms. WATSON, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. LEE, Mr. KIND, and Mr. STUPAK.
H.R. 1188: Ms. BALDWIN, Mr. SESSIONS, and Mr. KENNEDY.
H.R. 1190: Ms. GINNY BROWN-WAITE of Florida, Mr. GINGREY, Mr. WU, Mr. ROGERS of Alabama, and Mr. PETERSON of Minnesota.
H.R. 1192: Mr. PAYNE.
H.R. 1222: Mr. ELLISON.
H.R. 1223: Mr. ELLISON.
H.R. 1225: Mrs. CAPPS.
H.R. 1232: MR. BOUCHER, Mr. PETERSON of Minnesota, and Mr. KUHL of New York.
H.R. 1283: Mr. PETERSON of Minnesota, Mr. DUNCAN, Mr. CANNON, Mr. WHITFIELD, and Ms. BALDWIN.
H.R. 1293: Mr. COSTA, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. PETERSON of Pennsylvania, Mr. BOUCHER, and Mr. WU.
H.R. 1304: Mr. LEWIS of Kentucky, Mr. COSTA, Mr. BOUCHER, Mr. FRANKS of Arizona, Mr. STUPAK, Mrs. CAPITO, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1330: Ms. WOOLSEY.
H.R. 1371: Mr. UPTON and Mr. BUYER.
H.R. 1395: Mr. FEENEY, Mrs. MUSGRAVE, Mr. MILLER of Florida, Mr. PENCE, Mr. AKIN, Mr. GINGREY, Mr. SHADEGG, Mr. GOODE, and Mr. CULBERSON.
H.R. 1396: Mr. WYNN and Ms. LEE.
H.R. 1399: Mr. COBLE, Mr. HASTINGS of Washington, Mr. HAYES, Mr. ROHRABACHER, Mr. WALDEN of Oregon, Mr. FORBES, Mr. BONNER, Mrs. BOYDA of Kansas, and Mr. MCCRERY.
H.R. 1415: Mr. KAGEN, Mr. HOLT, and Mr. FATTAH.
H.R. 1416: Mr. KAGEN, Mr. HOLT, and Ms. ESHOO.
H.R. 1422: Mr. MCNERNEY and Mr. MICHAUD.
H.R. 1426: Ms. GRANGER.
H.R. 1430: Mr. MOORE of Kansas and Mr. SMITH of Nebraska.
H.R. 1435: Ms. WOOLSEY.
H.R. 1440: Mr. PETERSON of Minnesota.
H.R. 1479: Mr. FRANK of Massachusetts.
H.R. 1481: Ms. NORTON.
H.R. 1512: Mr. SOUDER, Mr. HONDA, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY.
H.R. 1534: Mr. ELLISON and Mrs. CAPPS.
H.R. 1537: Mr. KUCINICH, Mr. BRADY of Pennsylvania, Mr. WALSH of New York, and Mr. BISHOP of New York.
H.R. 1567: Mr. JACKSON of Illinois and Mr. REYES.
H.R. 1576: Mr. MCNERNEY, Ms. BERKLEY, Mr. LATOURETTE, and Mr. MICHAUD.
H.R. 1600: Mr. DOOLITTLE, Mr. KLEIN of Florida, and Ms. MOORE of Wisconsin.
H.R. 1655: Ms. HIRANO and Mr. ALLEN.
H.R. 1665: Mr. WESTMORELAND.
H.R. 1671: Ms. HIRANO, Mr. RUSH, Mr. HONDA, and Mr. MCGOVERN.
H.R. 1687: Mr. GILCHREST and Mr. GILLMOR.
H.R. 1717: Mr. SMITH of Texas and Mr. AL GREEN of Texas.
H.R. 1727: Mr. NEAL of Massachusetts, Mr. ENGEL, Mrs. LOWEY, Mr. TOWNS, Mr. OLVER, Mr. ALLEN, Mr. YOUNG of Florida, Mrs. MALONEY of New York, and Ms. MCCOLLUM of Minnesota.
H.R. 1733: Mr. SHADEGG.
H.R. 1738: Mr. YARMUTH.
H.R. 1761: Mr. MILLER of Florida.
H.R. 1770: Mr. BONNER.
H.R. 1776: Mr. TIM MURPHY of Pennsylvania and Ms. JACKSON-LEE of Texas.
H.R. 1787: Mr. WEXLER.
H.R. 1823: Mrs. BLACKBURN.
H.R. 1838: Mr. DAVID DAVIS of Tennessee, Mr. LATOURETTE, Mr. PASCRELL, and Mr. BACA.
H.R. 1859: Mr. MORAN of Virginia.
H.R. 1876: Mr. PAYNE and Mr. HOLT.
H.R. 1881: Mr. SESSIONS, Mr. RAHALL, Mr. TOM DAVIS of Virginia, Mr. GRIJALVA, Mr. NADLER, and Ms. CASTOR.
H.R. 1888: Mr. BUYER.
H.R. 1893: Ms. WOOLSEY.
H.R. 1895: Mr. MORAN of Virginia.
H.R. 1911: Mr. EMANUEL and Mr. ELLSWORTH.
H.R. 1924: Mr. KAGEN.
H.R. 1947: Mr. DELAHUNT.
H.R. 1948: Mr. PAYNE.
H.R. 1964: Ms. VELÁZQUEZ, Mr. MCNERNEY, and Mr. PRICE of North Carolina.
H.R. 1971: Mr. ACKERMAN, Mr. BISHOP of New York, and Mr. ALEXANDER.
H.R. 1975: Ms. BERKLEY and Mr. PAYNE.
H.R. 1979: Mr. CASTLE.
H.R. 2005: Ms. CARSON, Mr. PERLMUTTER, Mr. EMANUEL, Mr. MCDERMOTT, Mr. CROWLEY, Ms. SHEA-PORTER, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BOREN, Mr. CARNEY, Mr. ARCURI, Mrs. BOYDA of Kansas, Mr. LEWIS of Georgia, Mr. DINGELL, Mr. CAPUANO, Mr. HALL of New York, Mr. HIGGINS, Mr. SIRES, and Mr. MURPHY of Connecticut.
H.R. 2017: Ms. NORTON and Mrs. BOYDA of Kansas.
H.R. 2019: Mr. FRANK of Massachusetts.
H.R. 2035: Mr. MATHESON.
H.R. 2049: Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. NADLER, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. CLEAVER, and Mr. YARMUTH.
H.R. 2073: Mrs. DAVIS of California, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Ms. KAPTUR, Mr. WELCH of Vermont, Mr. PRICE of North Carolina, Mr. TIM MURPHY of Pennsylvania, Ms. HIRONO, and Mr. REYES.
H.R. 2095: Mr. PASCRELL, Mr. PETERSON of Minnesota, and Mr. SMITH of New Jersey.
H.R. 2109: Mr. MCCOTTER.
H.R. 2116: Mr. NUNES.
H.R. 2125: Mr. SIRES.
H.R. 2164: Mr. PERLMUTTER.
H.R. 2165: Mr. BOSWELL, Mr. LINCOLN DAVIS of Tennessee, Mr. POMEROY, Mr. ROSS, Mr. ABERCROMBIE, Mr. HINCHEY, Mrs. BOYDA of Kansas, Mr. UDALL of New Mexico, Mr. CLYBURN, Mr. WEINER, Mr. SNYDER, Mr. SCHIFF, Mr. CROWLEY, Mrs. CAPPS, Mr. BAIRD, Mr. DELAHUNT, and Mr. LARSON of Connecticut.
H.R. 2197: Mrs. JONES of Ohio and Mr. KUCINICH.
H.R. 2205: Mr. BOUSTANY.
H.R. 2236: Mr. GRIJALVA, Mr. FILNER, and Mr. FRANK of Massachusetts.
H.R. 2266: Ms. CARSON and Mr. FILNER.
H.R. 2274: Mr. SESSIONS, Mr. ACKERMAN, Mr. ENGEL, and Mr. MORAN of Virginia.
H.R. 2286: Mr. ENGLISH of Pennsylvania.
H.R. 2290: Mrs. GILLIBRAND.
H.R. 2295: Mr. BAIRD, Mr. ORTIZ, Mr. CHABOT, Mr. DELAHUNT, Mr. YARMUTH, Mr. BUCHANAN, Ms. VELÁZQUEZ, Mr. RAHALL, Ms. BEAN, Mr. SOUDER, Mr. WEXLER, Mr. REICHERT, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. PASCRELL, Ms. WATSON, Mr. ROGERS of Kentucky, Mr. PETERSON of Minnesota, Mr. SULLIVAN, Mr. TIBERI, Ms. WOOLSEY, Mrs. BLACKBURN, Mr. ALEXANDER, and Mr. LUCAS.
H.R. 2303: Mrs. MUSGRAVE, Mr. JOHNSON of Illinois, and Mr. YOUNG of Alaska.
H.R. 2304: Ms. MATSUI.
H.R. 2305: Mr. MCHUGH, Mr. KUHL of New York, and Mr. LEWIS of Georgia.
H.R. 2329: Mr. GERLACH, Ms. SLAUGHTER, Mr. PETERSON of Minnesota, and Mr. KUHL of New York.
H.R. 2342: Ms. MATSUI and Ms. WOOLSEY.
H.R. 2353: Ms. WOOLSEY, Mr. FRANK of Massachusetts, and Ms. BALDWIN.
H.R. 2362: Mr. GALLEGLY.
H.R. 2367: Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. WAXMAN, Mrs. TAUSCHER, and Mr. HASTINGS of Florida.
H.R. 2368: Mrs. MYRICK and Mr. GINGREY.
H.R. 2370: Mr. WELDON of Florida, Mr. INSLEE, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. MICA, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, and Mr. PAUL.
H.R. 2384: Mr. PETERSON of Minnesota.
H.R. 2401: Mr. JEFFERSON, Mr. AL GREEN of Texas, and Mr. FILNER.
H.R. 2407: Mr. BOYD of Florida.
H.R. 2417: Mr. ROSS, Mr. HILL, and Mr. HINOJOSA.
H.R. 2432: Mr. HOEKSTRA, Mr. SULLIVAN, Mr. MCCOTTER, and Mr. FORTENBERRY.
H.R. 2449: Mrs. NAPOLITANO.
H.R. 2487: Mr. PALLONE and Mr. HINCHEY.
H.R. 2521: Mr. TERRY.
H.R. 2526: Mr. SHERMAN.
H.R. 2573: Mr. ETHERIDGE.
H.J. Res. 12: Mr. HOLDEN and Mr. EDWARDS.
H. Con. Res. 13: Mr. LOBIONDO.
H. Con. Res. 40: Mr. GRAVES.
H. Con. Res. 81: Mr. CAPUANO and Mr. FRANK of Massachusetts.
H. Con. Res. 138: Mr. RAHALL.
H. Con. Res. 142: Mr. HARE and Mrs. LOWEY.
H. Con. Res. 149: Mr. PAYNE.
H. Con. Res. 162: Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. CONAWAY, Mr. SALAZAR, Mr. BOSWELL, Mr. LINCOLN DAVIS of Tennessee, Mr. SHULER, Mr. POMEROY, Mrs. GILLIBRAND, Mr. TANNER, Mr. MAHONEY of Florida, Mr. ARCURI, Mr. MELANCON, Mr. HILL, Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. ELLSWORTH, Mr. CARDOZA, Mr. SPRATT, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. PERLMUTTER, and Mr. SKELTON.
H. Con. Res. 163: Mr. ENGEL, Mr. TOWNS, Mr. HONDA, and Mr. TOM DAVIS of Virginia.
H. Res. 49: Mr. RUSH.
H. Res. 68: Ms. LEE.
H. Res. 111: Mr. FERGUSON.
H. Res. 169: Mr. MARSHALL.
H. Res. 189: Ms. ROYBAL-ALLARD, Ms. NORTON, and Mr. HINOJOSA.
H. Res. 194: Mr. PATRICK MURPHY of Pennsylvania.
H. Res. 226: Mr. HINCHEY.
H. Res. 257: Mr. SMITH of New Jersey, Mr. KILDEE, Mr. HONDA, Mr. PATRICK MURPHY of Pennsylvania, Mr. BOUSTANY, and Mr. MCGOVERN.
H. Res. 282: Mr. SPACE, Mr. CHABOT, Mr. BUTTERFIELD, Mr. YARMUTH, Mr. TIBERI, Mr. LEWIS of Georgia, and Mr. LINCOLN DAVIS of Tennessee.
H. Res. 333: Ms. CLARKE.
H. Res. 353: Mr. RAHALL, Mrs. CHRISTENSEN, and Mr. LINCOLN DAVIS of Tennessee.
H. Res. 356: Mr. BROWN of South Carolina, Mr. LANGEVIN, Ms. BERKLEY, Mr. MCGOVERN, Mr. SHERMAN, and Ms. MATSUI.
H. Res. 396: Mr. BAIRD and Mr. WILSON of South Carolina.
H. Res. 416: Mr. SMITH of Texas, Mr. DENT, Mr. REICHERT, and Mr. ROGERS of Alabama.
H. Res. 431: Mr. WEXLER, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. LEE, Mr. CLEAVER, Mr. CUMMINGS, and Mr. COHEN.

H. Res. 436: Mr. MORAN of Virginia, Mr. DOYLE, Ms. ROYBAL-ALLARD, Mr. UDALL of New Mexico, Mr. RAMSTAD, Mr. SHERMAN, Mr. HONDA, Ms. SOLIS, Ms. MATSUI, Mr. WU, Mr. ETHERIDGE, Ms. BALDWIN, Mr. HINCHEY, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. BACA, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. THOMPSON of Mississippi, Mr. LYNCH, Mr. WEXLER, Mr. SCHIFF, Mr. KILDEE, Mr. MCGOVERN, Mrs. DAVIS of California, and Ms. MCCOLLUM of Minnesota.

H. Res. 442: Mr. KIND and Mr. PICKERING.

SENATE—*Wednesday, June 6, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, whose compassion never fails, from Your vantage point of eternity, look afresh into our time. Teach us to love as You love and to touch hurting lives as You do. Remove from us besetting fears about what tomorrow holds as You remind us that our times are in Your hands.

Today, inspire our Senators to honor You. Empower them to treat one another as they themselves desire to be treated and to pray for one another. Calm their anxieties and strengthen their faith in the ultimate triumph of Your purposes. Let Your unfailing love energize them to new levels of excellence and service.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IMMIGRATION

Mr. REID. Mr. President, in reading this morning's paper, I was reminded of the times I would read Dr. Seuss to my boys and my girl. In today's New York Times, Tom Friedman quotes Dr. Seuss as follows:

Then he shut the Things
in the box with the hook.
And the cat went away
with a sad kind of look.
''That is good,'' said the fish.
''He has gone away. Yes.
but your mother will come.
She will find this big mess!
And this mess is so big
And so deep and so tall,
we can not pick it up.
There is no way at all!''

Mr. President, some would say that is what we have in the Senate today—a big mess. But if you go back and read Dr. Seuss, the cat manages to clean up the mess. And as big of a mess as we have with immigration in the United States, we have the opportunity to clean up a big mess. If we work on a bipartisan basis in the next couple of days, we can clean up this mess. If we cannot, then we are back with the cat who didn't clean up the mess and the Senate didn't clean up its mess with immigration.

We have known for 3 months the time set for doing immigration. People worked in good faith trying to come up with legislation, and they were a week short. They said: We need more time. So they got more time. They came up with a bipartisan bill. Ten Senators, Democrats and Republicans, came up with an immigration bill. Is it a perfect bill? Of course, not. Is it a good bill? It is not bad at all. It does some things that I think are extremely important, something I have talked about for a long time based on my experience in Smith Valley, NV, with a girl who couldn't go to college. She was Hispanic. Her parents were here illegally, and this young girl couldn't go to college even though she was the best student in her class. So we have in this bill the DREAM Act. It is a dream for many young Americans.

AgJOBS. We have been talking about an AgJOBS bill for years. This bill has one in it.

Border security. We have talked about the need for border security. This bill provides border security.

Employer enforcement, employer sanctions. This legislation has good employer sanction language. Good enough? Well, we will have to see. Some want to improve it. Maybe that is the way to do things.

Pathway to legalization. For millions of people here illegally with improper papers, a path to legalization is a way to bring them out of the shadows. That is in this legislation.

This year's legislation builds on the bill passed by the Senate last year after extensive committee considerations and many floor amendments. This year, there were lengthy bipartisan negotiations involving about 10 Senators and a number of Cabinet officers, in addition to other people from the White House. The negotiators asked for additional time. We talked about that. It was agreed upon.

We started the floor debate the week before Memorial Day recess. During that week, we disposed of more than a dozen amendments and allowed an additional 14 amendments to become pending to the bill. Proponents of the bill asked for an additional week of floor debate. I agreed. The minority leader said this time this is a 2-week bill. I agreed with him and scheduled a second week of debate, and that is where we are now.

This week, we have conducted four rollcall votes, adopted four other amendments by voice vote, and we probably would have done more but for the unfortunate death of our colleague and friend, Senator Thomas. Yesterday morning, in memory of our friend, we decided not to work here, and that was the right thing to do. This morning, we have two more votes that are scheduled already on the Cornyn and Kennedy amendments regarding eligibility for the legalization program. We have proposed a unanimous consent agreement. We did that yesterday, and I understand the managers have that fairly well worked out on the 12 pending amendments to have votes on those later today. That was not accepted last evening, but I am hopeful that agreement can be worked out soon.

So it is clear we are working in good faith to process amendments and move forward on this bill. My decision about cloture last night was simply a way to ensure that we finish this bill in a timely manner. By offering to postpone the cloture vote, as I did yesterday, until tomorrow night, I am offering an additional full day of amendments before the cloture vote and, of course, germane amendments are considered postcloture.

I had a meeting in my office just a few minutes ago with a bipartisan group of Senators. I believe there is a good-faith effort being made by a majority of Senators, Democrats and Republicans, to move this bill forward. That is what we are going to try to do.

There are some people, rightly or wrongly—and that is all in the eyes of the beholder—who feel they have not had an opportunity to deal with this legislation. If that is the case, let's see

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

if we can come up with some amendments that will make them happy. We do a lot of business in this body by unanimous consent—in fact, most everything. The cloture vote is scheduled for tomorrow morning, an hour after we come into session. We can change that. It is my hope that we can finish the bill this week. I am very confident we can.

I personally feel an obligation to go to the funeral in Wyoming. Craig Thomas was a Republican with whom I worked very closely on a number of issues, and I had great appreciation and admiration for him. Out of respect for him and Susan, I feel that I need to go to that funeral, and I am sure many others feel the same way. So that is going to change our schedule. It is my understanding that funeral is going to be Saturday. I have notified my caucus, and I have explained to the distinguished Republican leader that we may have to work longer hours this week. But let's try to finish this bill.

There are some, and it is a small number of people, who don't want this bill finished under any circumstances. That happens on a lot of bills, and we have to try to work our way through that.

I hope people understand that I would like to get a bill passed. We have responsibilities as Senators to not only deal with immigration, which is a system, as I have tried to explain with a little vignette from Dr. Seuss, that is badly in need of fixing, but we have a lot of other problems in this country that are badly in need of fixing. So we may have to work hours the Senate hasn't seen very often. We may have to work into the night, tonight and tomorrow night and maybe even Friday and Friday night, and who knows if that will be enough time to get us over the hump.

I hope people will understand that it is not a question of how much time we spend on the bill, it is a question of whether people feel they have had the opportunity to change the provisions that are in the bill. I have gone over most of them: AgJOBS, DREAM Act, employer enforcement, legalization, border security.

I hope we can get this bill done. We can debate this bill all year and end up right back where we are. The American people did not send us here to pontificate; they sent us here to legislate. That is what I am trying to do and most are trying to do.

Recognizing that this immigration system is broken and that we need to fix it, I extend my appreciation to Senators—Democrats and Republicans—who believe this is the time for us to do something important for the country.

I have said on a number of occasions that this bill, when it comes out of this body, is not the last word. We have other ways of working on this bill. We, as Senators, are going to be fully involved in the legislation until it comes out of conference, which is after the House passes a bill which will have the imprint of the White House on it.

So I hope we can move forward in good faith and understand that everything we do in life has deadlines, even our legislation in the Senate.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. KENNEDY. Mr. President, I thank our leader, someone who has been interested, along with many others, in the immigration issue, for the leadership he has provided in making sure the Senate was going to take up this issue. He had announced in January of this year that he was going to take a time for the Judiciary Committee to consider this legislation but that he was going to allocate 2 weeks of time, which was basically the time we took on the last bill, but it was a major period of time to consider the people's business regarding this issue. He has been accommodating in terms of working through the Senate's schedule. For all of us who are interested in getting a bill, we thank him for all he has done in terms of encouraging us to reach judgments on these various measures.

As he has mentioned, we have made very important and significant progress, and I think there is a strong mood in the Senate, as there is in the country, that this is an extremely important issue. We are increasingly close to trying to at least make a recommendation to the country about what the Senate's judgment will be on this issue.

I join with him, as others, to say we are eager to move ahead during the day today and tomorrow and to work with the leadership. I know they have full schedules. I do think we are making significant progress and it is being done in a bipartisan spirit with a desire that those who have differing views about this issue can come together and do the Nation's business. When we achieve that, hopefully by the end of this week, both the Senator from Nevada and the Senator from Kentucky will be very much appreciated for their support in helping this legislation move ahead.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IMMIGRATION

Mr. McCONNELL. Mr. President, as I think my good friend, the majority leader, already knows, we are ready to work with the other side to schedule votes on pending amendments. I think the two managers are working together this morning to set up a schedule of votes for this afternoon. All of that is a step in the right direction.

Many of the amendments we hope to schedule, however, for the afternoon are amendments that were offered prior to the recess. My concern with cloture being filed last night is that we do not want to deny Members who have yet to offer—and many of them have been denied the right to offer their amendments this week—and those who have been denied the right to offer their amendments should still get their opportunity prior to being shut out.

Now, I am counting progress on this bill not by calendar days—that is one way of looking at it—but by the ability of Senators to debate and to vote on their respective ideas is the way that I would consider progress on the bill. So I hope we can clear out the amendments that are currently pending and that we will also work together to schedule debate and votes on additional amendments that are going to be offered.

Let me remind everyone again, on the day my conference elected me leader I said that I thought we ought to do two big important things, at least, in this Congress. And one of the issues I mentioned was immigration. So I am among those in the Senate who would like to see us accomplish something on a very difficult, some days seemingly intractable, issue. Nevertheless, I am in favor of trying to pass an immigration bill. But there is going to be widespread reluctance on this side of the aisle to support cloture and thereby bring the bill to a conclusion unless amendments, a significant number, are being allowed to be considered.

HONORING OUR ARMED FORCES

SERGEANT JAMES W. HARLAN

Mr. McCONNELL. Mr. President, while I am in my leader time, I rise today to honor the heroic sacrifice of a fellow Kentuckian, a brave soldier who served multiple tours in Iraq. He was also a proud father and grandfather who sought to protect the people and the land he loved.

SGT James W. Harlan was tragically killed on May 14, 2004, when a suicide bomber detonated a car bomb next to his humvee at Camp Anaconda near Balad, Iraq. Sergeant Harlan was a native of Owensboro, KY, and a member of the 660th Transportation Company's 88th Regional Readiness Command in the U.S. Army Reserve. He was 44 years old.

For his heroic service, Sergeant Harlan was awarded the Silver Star and the Purple Heart, among many other awards and medals of distinction.

I mentioned that Sergeant Harlan was brave; let me elaborate on that. When he was 11 years old, his older sister Doris was assigned the daunting task of babysitting young Jimmy.

''Jimmy was mischievous. He was always into something,'' she recalls. Sensing a window of opportunity to display his courage, Jimmy declared that he would jump off the roof of their family's house while his parents were away. At first Doris protested, but realizing that his intentions were probably only to rankle her, she told Jimmy: ''Fine, you go ahead and do it.'' She even went so far as to set out pillows for him to land on. Sure enough, brave young Jimmy jumped off that roof, and to this day Doris is surprised that he escaped without major injury.

Jimmy's love of adventure carried over into his adulthood. He enjoyed the outdoors and would often take his kids fishing and hunting. A compassionate and loving father to his five children, Jimmy always made sure to spend quality time with his family. ''When everyone else was sitting around with their bellies full on Thanksgiving, he would be outside throwing the football,'' his brother Kenny Likens recalls.

One of his favorite things to do was to coach baseball with his brothers. When he spent time indoors, he enjoyed watching old Western movies with his kids.

His sons, James Bryan Harlan, David Shane Harlan and Jacob Alexander Roberts, and his daughters, Tara Strelskey and Amanda Prout, as well as his two stepchildren, Bobby and Brittany Gray, will miss his caring and generous spirit.

Jimmy will also be missed by two girls who might not yet realize the extraordinary sacrifice their grandfather made, but who will learn it as they grow older. He was especially proud of them. Jimmy often said of his granddaughters, Jaidyn Main and Abigail Prout, ''Aren't they just the prettiest things you have ever seen?''

Jimmy's civilian career was partly spent as a truck driver. He enjoyed the opportunity to work on the big rigs and to see different parts of the country. He would often drive with his brother Kenny Likens. Through all that driving across the country, though, the two never did find a place they liked as much as their hometown of Owensboro, KY, where Jimmy was born and raised. When Jimmy left for his final tour in Iraq, he was working for the streets department in Owensboro.

Having served for two decades in the military and Reserves, Jimmy was a seasoned soldier. His patriotism and sense of civic duty compelled him to reenlist after the terrorist attacks of September 11, 2001, and he served two tours in Iraq.

While there, Jimmy supervised truck drivers who transported supplies to the troops at Camp Anaconda. His son James Bryan Harlan offered some perspective when he remarked:

Nobody wants to see their father die . . . but to have it be while doing something of this significance, we're proud of him.

I would like to take this opportunity to say that not only is his family proud of him, but all of America is proud of Jimmy's heroism and sacrifice.

SGT James W. Harlan drove a rig across the highways of the United States, and he traversed the desert sands of Iraq. He had an adventurous spirit, and his far travels and his exemplary service were a natural fit for that little boy who once jumped off his parents' roof.

Jimmy Harlan left an inspirational example for his children and grandchildren, his brothers, Kenny Likens and DeWayne Likens; his sister, Doris Taylor; his step-brothers, Randall Wingfield, Steve Wingfield, and the late Michael Calloway; his fiancee, Carol Gray; his mother, Doris Marie Gray; and his late father, William Arthur Harlan.

I ask the Senate to keep the family of SGT James W. Harlan in their thoughts and prayers. I know they will be in mine.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.

Salazar (for Obama/Menendez) amendment No. 1202 (to amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated.

DeMint amendment No. 1197 (to amendment No. 1150), to require health care coverage for holders of Z nonimmigrant visas.

Bingaman/Obama modified amendment No. 1267 (to amendment No. 1150), to remove the requirement that Y–1 nonimmigrant visa holders leave the United States before they are able to renew their visa.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate with respect to amendment No. 1184, as modified, offered by the Senator from Texas, Mr. CORNYN; an amendment offered by the Senator from Massachusetts, Mr. KENNEDY, related to the same subject, with time equally divided and controlled between Senator CORNYN and Senator KENNEDY.

Who yields time?

Mr. ALLARD. Mr. President, I am requesting just 30 seconds to make a unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The Senator is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up three amendments, Nos. 1187, 1188, and 1201, and then we be returned back to the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLARD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, just for the benefit of the Members, we have tried to establish a way of moving along today. We are going to consider the Cornyn amendment, and then there is an amendment that I will place at the desk. We will have a 2-hour time allocation equally divided, though I am not sure we will take all the time, and then we will have an opportunity to vote on that measure.

We are trying to set up a series of votes through the morning, through the afternoon, and through the evening. What we are going to try to do is to give Members as much time as possible on these items, rotating back and forth through the course of the day, and we will work with our colleagues to try to accommodate their schedules. We have a rigorous program, and we will announce that.

We have talked with the floor managers, Senator SPECTER, Senator KYL, and others, on these measures, and we will proceed in that way. So Members need to understand that we will have a busy and full day, and we will start off with the amendment of the Senator from Texas, No. 1184, as I understand.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 1184

Mr. CORNYN. Mr. President, I yield myself up to 10 minutes.

Mr. President, this amendment we will vote on this morning is an important amendment. It was first filed 2 full weeks ago, and it has taken this long to be able to get a vote on this amendment, for which I am grateful, but I must say that, as the Republican leader indicated this morning, the rate of progress with getting amendments debated and voted on is not promising. And the fact that the majority leader has now filed cloture, potentially cutting off the opportunity for full and fair debate and an adequate number of votes on this bill, again, is not encouraging at all.

I am one of those who would like to see a solution to this problem, but I think it is important that we reflect on what kind of solution we will accomplish if we are successful. To me, the goal is simply to restore law and order to our immigration system. It is important to our national security because we have to know who is coming into our country and why people are here in a post-9/11 world. It is important to public safety because we know the same broken borders that can allow people who are economic migrants to come across can also allow common criminals, drug traffickers, and even terrorists. And it is important to our prosperity in this Nation that we reestablish our heritage as a nation that believes in the rule of law. We simply cannot have people choosing to obey some laws and disobeying others. That is not adherence to the rule of law. That is picking and choosing, cherry-picking what laws you find convenient and what laws you find inconvenient.

To my mind, and based upon my experience with my constituents across the State of Texas last week, this is the cause for so much distrust of the Federal Government when it comes to this issue. The basic objection to this underlying bill is not that people don't believe there is a serious problem, it is not that people are racist or anti-immigrant or nativists or know-nothings or any of the other names that sometimes people are called. It is that the American people believe we have been here before.

In 1986, they gave their trust to the Federal Government to actually fix this problem by granting a one-time amnesty and then providing for an enforcement system that would actually be enforced against employers who hire people who cannot legally work here. They were sold a bill of goods. It didn't work. We got an amnesty, and we got no enforcement. That is why people are so distrustful.

So if we are serious about restoring the rule of law, I believe the first place to start would be by passing this amendment, amendment No. 1184, on the floor of the Senate.

What does this amendment do?

Well, first of all, this amendment would mandate that gang members cannot obtain legal status. It is well documented that members of MS–13 and other gangs, ultra-violet gangs emanating from Central America, have come across our broken borders and committed terrible crimes of violence in the United States. In the underlying bill, the Secretary of Homeland Security could actually grant a waiver that would allow a gang member legal status.

That just cannot be. Congress should draw a line about whom we are willing to allow in and whom we are not, and we shouldn't delegate this to the Secretary of the Department of Homeland Security or the Attorney General or anyone who might hold those positions in the future.

The next thing my amendment would do is it would address the definition of ''good moral character.'' We would allow only people with good moral character, as defined in the bill, to obtain legal status. The underlying bill does not contain a prohibition on those who are affiliated with terrorist organizations. My amendment makes the commonsense change that would bar them. The amendment also requires that those who apply for legalization under the bill must generally show they have good moral character.

Third, my amendment makes the failure of sex offenders to register in high-speed flight crimes grounds of ineligibility for Z visas.

Fourth, my amendment makes repeat DWIs, driving while intoxicated or driving under the influence, an aggravated felony. It is a simple fact of life that repeat DWI offenders are a substantial threat to a community's safety.

They have a proven history of involvement in various serious collisions that kill, maim, and otherwise seriously injure innocent people.

When I was in Texas this last week, I met with representatives of Mothers Against Drunk Driving and told them about the gaps in this underlying bill and received the assurance, at least of that representative, that this was an issue she cared passionately about. I suggest all of us who care passionately about public safety and decreasing the incidence of drunk driving and driving under the influence, that are a threat to public safety, that those who care about decreasing that threat should vote for this amendment. Designating a third DUI offense as an aggravated felony recognizes the acute danger that repeat DUI offenders present to the American people and the strong need to remove from the United States those who repeatedly commit DUI offenses.

The fifth category is the one on which I believe there is the biggest disagreement. This has to do with so-called absconders and identity thieves. This gets to the essence of this bill and whether we are serious about restoring the rule of law to our immigration system and whether we are going to send a message, loudly and clearly, that while we might be willing to consider those who have entered our country without a visa, who are by definition guilty of a misdemeanor, or those who have come in legally and who have overstayed, who are guilty of a status violation under our immigration laws—while we might be willing to consider them for a path to legalization and citizenship under some conditions, we should not allow a path to legalization and citizenship for those who have openly defied our courts, the lawful orders of our courts, and who have shown themselves as having no regard for the rule of law.

What kind of citizens can we expect these individuals to be, individuals who have been ordered deported, who have had their day in court and who simply defied that court order by going on the lam and melting into the American landscape, or those who have been ordered deported and who have actually been deported but then who have reentered the country? Both of those, going on the lam after you have been ordered deported and reentering after you have been actually deported, are felonies under section 243 of the Immigration and Naturalization Act—a felony.

If we are serious about restoring respect for the rule of law, then we should, at the very least, prohibit felons and repeat offenders from getting the Z visa or path to legal status, including the opportunity to apply for legal permanent residency and citizenship. We should be willing to draw a bright line there.

I have to say, with all due respect, if we do not adopt this amendment, then we might as well retitle that section of this bill, ''No Felon Left Behind.'' It is clear, whether it is gang members, terrorists, sex offenders or repeat drunk drivers, these people have thumbed their noses at the law. While there is

some common ground, and I congratulate Senator KENNEDY for moving our way on this issue, it completely omits the category of felons who have shown no regard for our laws and who have shown themselves unwilling to live in peace with Americans in this country. We ought to draw a bright line there. My amendment would do that.

Mr. President, I yield myself 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

Mr. CORNYN. I know we have a number of colleagues who not only are Members of the Senate but are also running for the highest office in our land, running for the office of President of the United States. I know there have been a number of debates on the Democratic side and Republican side. I believe this amendment and the vote on this amendment is a defining issue for those who seek the highest office in the land, for them to demonstrate their respect for the rule of law and to demonstrate their desire to return law and order to our immigration system. A ''no'' vote on the Cornyn amendment will demonstrate that we are not serious, that we do not believe the rule of law deserves respect because, unfortunately, under the Kennedy amendment, the alternative is literally a figleaf that has been offered to give people the sense they voted for something so they will have an explanation, even knowing they have not voted to exclude these felons. A failure to vote yes on the Cornyn amendment will indicate we are not serious about restoring the rule of law through our immigration system and will indicate we are willing to allow felons and people who have no desire, based on their experience, to comply with our laws and live in peace in this country, to become part of America. I think we need to send a loud and clear message as to where that line should be drawn.

I reserve the remainder of our time on this side and yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. I will, Mr. President.

Mr. DURBIN. I would like to ask the Senator about a hypothetical that is not a hypothetical. It is a real case that has come through my office in Chicago. I ask the Senator from Texas if he would consider the facts in this case and tell me how his amendment would apply to the case.

In a family in Chicago, the father is a citizen of the United States and the four children that he and his wife have are all citizens of the United States. The mother is undocumented. The mother came into the United States illegally. She was married, raised a family—and her grandmother died in Mexico. She went back over the border and, when she tried to reenter the United States, produced identification that was false. They caught her. They deported her back to Mexico, but she made it back to the United States. She is now with her family in Chicago.

It is a case that has had a lot of publicity because she was deported 2 days before Mother's Day. She has been allowed to return to the United States on a humanitarian waiver to be with her family.

I would like to ask the Senator from Texas, how would you treat her under your amendment? What would her status be? Would she be characterized as an aggravated felon? Could she, under any circumstances, be given any opportunity to become legal under your amendment?

Mr. CORNYN. Mr. President, I will be glad to try to answer the question. Similar to a lot of hypotheticals, it has a lot of twists and turns. Let me give it a try.

Under this amendment, people who entered the country illegally and who are guilty of illegal entry, or who come in legally and overstay, would not be rendered ineligible, not under the Cornyn amendment. Those who are repeat offenders—in other words, people who have entered illegally, then exited the country and reentered; exited, reentered—are guilty of a more serious offense because they are multiple offenders.

I am not sure, under the hypothetical the Senator asked, whether this individual would be barred. But people who are serial offenders and violators of our immigration laws would be barred under this amendment.

Mr. DURBIN. So if I might ask the Senator from Texas: The Senator from Texas would suggest, then, that this mother of four citizens, married to a citizen of the United States, who has lived here for more than 10 years, should be deported?

Mr. CORNYN. What my amendment would do would not order her deported. What it would do is say she is ineligible for a Z visa.

Mr. DURBIN. I ask the Senator from Texas—let's get down to the reality of the situation. As far as this family is concerned, where the mother has gone through the experience I described, you would say that family has to either break up or leave?

Mr. CORNYN. Mr. President, I disagree with the characterization of the Senator from Illinois. As this hypothetical individual is married to a U.S. citizen, she could get a waiver on that ground because she is married to a U.S. citizen. She would not, under existing law—she could get a waiver and would not be deported necessarily.

Mr. DURBIN. If I might ask one last question, is that a provision in your amendment? Or is that in the underlying bill?

Mr. CORNYN. In response to the question, that is a provision of current law that my amendment does not touch.

Mr. DURBIN. I thank the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Illinois for raising that issue. I think our language makes it extremely clear. I think there is a real question. We are looking through the language of the Senator from Texas about whether that would necessarily define that individual as an aggravated felon and therefore would deny the judge the opportunity to make a humanitarian finding on it, but we can come back to that.

AMENDMENT NO. 1333, AS MODIFIED

Mr. President, I call up my amendment No. 1333, as modified.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1333, as modified, to amendment No. 1150.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 48, strike line 11 and all that follows through page 51, line 37, and insert the following:

SEC. 204. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

''(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

''(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

''(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

''(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

''(iv) a felony crime of violence as defined in section 16 of title 18, United States Code, which is punishable by a sentence of imprisonment of 5 years or more, including first degree murder, arson, possession, brandishment, or discharge of firearm in

connection with crime of violence or drug trafficking offense, use of a short-barreled or semi-automatic weapons, use of a machine gun, murder of individuals involved in aiding a Federal investigation, kidnapping, bank robbery if death results or a hostage is kidnapped, sexual exploitation and other abuse of children, selling or buying of children, activities relating to material involving the sexual exploitation of a minor, activities relating to material constituting or containing child pornography, or illegal transportation of a minor;

''(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

''(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

''(vii) a conspiracy to commit an offense described in clause (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable. The Secretary of Homeland Security or the Attorney General may waive the application of this subparagraph.''.

(d) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking '', or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang the activities of a criminal gang.''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''Subject to paragraph (3), such'' and inserting ''Such''; and

(ii) by striking ''(under paragraph (3))'';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.''.

(e) INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.—

(1) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 209(a)(3), is further amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or''.

(2) DEPORTABILITY.—Section 237(a)(2)(A)(i) (8 U.S.C. 1227(a)(2)(A)(i)) is amended—

(A) in subclause (I), by striking '', and'' and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(III) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender).''.

(f) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—

(1) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(A) in subsection (a)(2), by adding at the end the following:

''(J) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

''(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

''(I) the alien was acting in self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.''; and

(B) in subsection (h)—

(i) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)''; and

(ii) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING, ILLEGAL ENTRY, PERJURY, AND FIREARMS OFFENSES.

(a) DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (J), as added by section 204(f) the following:

''(K) DRUNK DRIVERS.—Any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is inadmissible.''.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is deportable.''.

(3) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(A) in the subsection heading, by striking ''SUBSECTION (A)(2)(A)(I)(I), (II), (B), (D), AND (E)'' and inserting ''CERTAIN PROVISIONS IN SUBSECTION (A)(2)''; and

(B) in the matter preceding paragraph (1), by striking ''and (E)'' and inserting ''(E), and (F)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and

shall apply to convictions entered on or after such date.

(b) ILLEGAL ENTRY.—

(1) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

''(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross, the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(1) not less than $50 and not more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry.''.

(3) EFFECTIVE DATE.—Section 275(a)(4) of the Immigration and Nationality Act, as added by this Act, shall apply only to violations of section 275(a)(1) committed on or after the date of the enactment of this Act.

(c) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or any person) relating to an application for any benefit under the immigration laws (including for Z non-immigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

(d) INCREASED PENALTIES RELATING TO FIREARMS OFFENSES.—

(1) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting ''212(a)'' or after ''section''; and

(ii) in the matter following subparagraph (D)—

(I) by striking ''or imprisoned not more than four years'' and inserting ''and imprisoned for not more than 5 years''; and

(II) by striking '', or both'';

(B) in subsection (b), by striking ''not more than $1000 or imprisoned for not more than one year, or both'' and inserting ''under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(2) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''any crime of violence'';

(ii) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''such crime of violence''; and

(iii) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(B) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

(3) INADMISSIBILITY FOR FIREARMS OFFENSES.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)), as amended by sections 204(e) and 209(a)(3), is amended—

(A) in clause (i), by inserting after subclause (IV) the following:

''(V) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), provided the alien was sentenced to at least 1 year for the offense,''; and

(B) in clause (ii), by striking ''Clause (i)(I)'' and inserting ''Subclauses (I), (IV), and (V) of clause (i)''.

Mr. KENNEDY. Mr. President, I will make a comment. I see my friend from Rhode Island. I would like to make a brief comment on the amendment of Senator CORNYN and a brief comment on our amendment. Then I hope the Senator from Rhode Island will speak to it.

It is always interesting to listen, when we are talking about the immigration bill, to those who go back to the 1986 bill. I remember it very clearly. I voted against it. That was an amnesty. That was a real amnesty. We hear a great deal in the public about what is amnesty, what is not amnesty. That was amnesty. This legislation is not amnesty. That effectively said those people who were undocumented, who came here, were forgiven. They followed the basic recommendations of a report by the distinguished president of Notre Dame, the Hessberg Report. I remember it clearly.

There were enforcement provisions in there. They were completely inadequate. I might remind my friend from Texas, from 1986 to 1992, we had a Republican administration, a Republican President, and they didn't enforce it, as they have not enforced the recent legislation. They have had three investigations in terms of investigating undocumented aliens—three. They are the great defenders of the American border? Great defenders about immigration reform?

Please.

We always have to go through the little dance about the 1986 bill and the enforcement. I wish, during that period of time—1986, 1987, 1988, 1989—I wish all during those years we had the enforcement. But we did not. So we are where we are today. The real question is, is this legislation that we have now the downpayment on national security, on security internally? Does it provide the opportunity for those who are here to pay the fine, go to the back of the line, demonstrate a good working relationship and be able to emerge out of the shadows—the AgJOBS bill, the DREAM Act, and other provisions of the temporary worker program?

With regards to the Cornyn amendment, we have an immigration program in this legislation that is strong, practical, and fair. One of the essential elements is to bring the 12 million men, women, and children—hard-working families—out of the shadows into the sunlight of America. We know we are not going to conduct massive roundups and deport 12 million people. We don't have the means to do it. It would disrupt our economy, inflict untold hardships on millions of hard-working people. It is estimated it would cost more than $250 billion. We

would have buses all the way from Los Angeles to New York and back to trying to do this, if it were even possible.

But the Cornyn amendment would make vast numbers of these families ineligible for our program. We are trying to deal with a key element of the program and that deals with the families who are here. It would keep them in the shadows, where employers abuse and underpay them. That hurts the immigrants, but it hurts American workers, too, by depressing wages.

That is what we see that is out there now, with undocumented—the 12 million with a work record which is even better, in terms of percentages, than native born Americans, people who are willing to work and want to work hard. But there is exploitation of those individuals because every one of them knows all the boss has to do is go down and call the immigration service.

Work 80 hours a week.

Well, I don't want to.

Well, I'm going to call the immigration service and you're deported.

They do that. That individuals are exploited in this country is well understood. We are trying to free ourselves from that kind of a condition. But the Cornyn amendment would still make vast numbers of these families ineligible for our programs, keep them in the shadows where employers abuse and underpay them, which hurts the immigrants but it hurts American workers, too, by depressing their wages.

The Cornyn amendment does this by classifying an array of common garden variety immigration offenses as crimes that would make them ineligible for the program. For example, the Cornyn amendment says that if you come here, have been ordered out of the country by immigration authorities, but if you fail to leave or you come back, you are ineligible. That is exactly what has been going on with our broken immigration system; people have come to work, employers want them to come, and they have benefitted our economy.

Immigration officers may find them and order them home, but our employers beg them to come back. Our broken borders make that possible.

Cornyn says: If you have used false identification, you may be found inadmissible and may be deported. But in our broken system, the people who have wanted to work have been forced to use the false identification. That is the reality of where we are today. Cornyn says he wants to be tough on gang members, sex offenders, individuals convicted of domestic violence. So do we. We have addressed any provisions not covered by the current law. Our amendment goes even further than the bipartisan compromise bill.

He wants to exclude gang members. Our amendment does that too. Nobody who has engaged in illegal activity as part of a criminal gang will be allowed to enter or stay in this country. He says we should bar sex offenders from coming here. Our amendment does that. Any convicted sex offender who fails to register will not be allowed back in the country; if already here, then those offenders will face deportation.

Cornyn says immigrants who commit acts of domestic violence or endanger their families should be punished. Our amendment does that. He says drunk drivers should be deported. Our amendment does that. Any immigrant with one felony conviction for drunk driving will not be allowed to enter this country. If convicted here, then the drunk driver will be deported.

He says there should be consequences for individuals engaging in fraud. Our amendment does that. Our amendment punishes anyone who commits perjury or makes false statements when seeking immigration benefits. If any person lies on their application, then this individual will be prosecuted and subject to criminal penalties.

He says we should go after immigrants convicted of firearms offenses. Our amendment does that, too. Who are the people we want to apply under our program? Who are the people the Cornyn amendment would condemn to the shadows of abuse? We know that the vast majority of the families who have come over here are hard-working people who care for their children, go to church, and contribute to their communities.

In America, we respect hard work. Hard work built America. So our program says: If your only offense is that you came here to work, you came here to provide for your family, we will proceed in a way that you can atone for that offense and earn the right to stay and work legally. If you are a criminal, then we will arrest you. If you are a threat to our national security, a terrorist, then we will lock you up. If you try to cheat your way into the program through fraud, we will deport you. But if you came here to work and build a life, then you can stay. But first you have to meet the tough requirements: You have to pay the $5,000 fine, show a steady work history, learn English, get to the back of the line to get your green card, behind all those who have been waiting legally to get theirs.

The Cornyn amendment creates harmful barriers for refugees fleeing persecution. In America, we have had a long and proud tradition of providing refuge to people who have faced persecution and oppression in their lands, whose lives are at risk because they stood up for their beliefs.

We took in refugees from Cuba and from Vietnam as they fled communism. We have helped people from Somalia and Bosnia and other areas of conflict and oppression. Now we are beginning to help people whose lives are at risk because they helped our troops in Iraq.

But often these persecuted refugees have no choice but to cooperate with their oppressors in order to save their families' lives and enable their escape. The Cornyn amendment says: If you do that, if you provide what is called material support to these oppressors and terrorist groups, then we are not going to rescue you from the hands of your oppressors. You have to take your chances and hope your oppressors do not persecute you or even kill you or your family.

Consider the case of Helene from Sierra Leone, Revolutionary United Front rebels attacked her home, hacked one of her family members to death with a machete; they set her son on fire, leaving him near dead with severe burns. They held her family captive, raping her and her daughter and forcing them to cook, forcing her to cook and wash their clothes.

The Cornyn amendment would bar legitimate refugees who were forced to assist their oppressors under duress. Under the Cornyn amendment, Helene would be ineligible to come to America as a refugee because she cooked for the rebels and washed their clothes. Under the Cornyn amendment, she and her family are ineligible because they provided material support for a terrorist group.

If that is not bad enough, the Cornyn amendment says she can be excluded based on secret evidence, evidence that neither she nor anyone else outside the Government can see. She may never know why she was excluded. The Cornyn amendment even bars her from going to court to explain her situation and appeal the denial of her case. The decision of the Secretary of Homeland Security or the Attorney General is final.

Helene would never get her day in court to explain the tragic circumstances of her case. The door to freedom in America would be closed shut, end of the discussion, you go back into the hands of your persecutors.

Madam President, surely by now, we have learned that closed proceedings conducted by executive branch officials based on secret evidence without any possibility of court review are inconsistent with American traditions and inconsistent with the search for justice; let's not go down that road again.

The amendment makes all of its changes retroactive. They apply to the past and future conduct. The Cornyn amendment would change the rules in midstream. That is frowned on in American jurisprudence; it is unconstitutional in criminal law and disfavored elsewhere. People whose conduct would not have affected their immigration status at a time it was committed, will suddenly suffer severe consequence. The retroactivity provisions simply bring home the punitive nature of this amendment. It is not designed to contribute to creation of a tough but fair

and practical system of immigration, it is designed to be harshly punitive.

This amendment would exclude hundreds of thousands from benefits of this bill and undermine the bipartisan compromise that members of this body worked so long and so hard to produce. We will have an opportunity to vote for an alternative, the amendment I have offered. The amendment expands the already tough criminal gang provisions contained in the bill.

If you are associated with a gang, and that gang is known to be engaged in violent crimes, drug crimes, crimes involving firearms or explosives, alien smuggling or trafficking, you are not going to qualify for benefits. If you are associated with a gang and the gang has been engaged in crimes of violence, including murder, arson, possession, kidnapping, bank robbery, sexual exploitation, abuse of children, obstruction of justice, witness tampering, burglary, racketeering, among other crimes, you are not going to be entitled to receive lawful status in this country, and you are not going to qualify for benefits.

This amendment expands the already tough grounds of inadmissibility and the criminal penalties in the current immigration law. We target essentially the same provisions as Senator CORNYN but in many instances go further. This amendment bars the admission of sex offenders who don't register as required and makes them subject to deportation as well.

It ensures that wife beaters, child abusers, stalkers, and others who prey on the vulnerable are inadmissible to the United States. It ensures that a drunk driver who is sentenced to 1 year of prison cannot be admitted to the United States and can be removed as well. Our drunk driving provisions, which require only one felony conviction, are even more restrictive than Senator CORNYN's, which requires three convictions before a drunk driver becomes inadmissible. We increase the penalties for illegal entry. We ensure that immigration fraud is subject to perjury charges. We toughen the penalties for firearm offenses. We are tough, but we are practical too. That is where this side by side differs from Senator CORNYN. His provisions are bright-line rules. He turns many of these criminal offenses into aggravated felonies. That is ''immigration speak'' for: You will never, ever be forgiven.

For many offenses, such as murder, that is more than a reasonable consequence. Murderers should not become U.S. citizens. Under the current law, they can never become a citizen. But most immigrants are not murderers, they are people who have entered the United States illegally. Under the Cornyn amendment, they could be aggravated felons too.

As a practical matter, Senator CORNYN does not want us to distinguish between murder and illegal entry; but that is not practical, nor does it reflect our criminal justice system. So it is true that we build in some small but important waivers that in extraordinary circumstances would give someone a second chance, not murderers but someone who had long ago made a mistake.

This week, I received a letter about a young man named Adrian, a former gang member in Massachusetts who has turned his life around. Adrian went from a life of juvenile delinquency to that of a dedicated student; one who works full time now in hopes of going to college. Adrian's principal and his teachers praise him for his hard work, his commitment to family, his newfound motivation to go to college. They want him to have a chance to stay in this country.

The author of the letter then says: ''It is a very, very hard thing to leave the gang life behind. There are other Adrians out there as well who have made the same decision regardless of difficulty. Is the message this country wants to send them, that what they have done is unforgivable regardless of whatever changes they may have courageously made? Wouldn't the country gain by having an incentive in law that might attract young people to leave gang life and move their lives forward a very different way? Wouldn't it be helpful to the country to have a waiver that a person could apply for if they can prove they have left a gang and provided evidence on how they have moved on?''

Every change in our immigration law represents a statement about whom we are as a country. Are we a country that takes individual circumstances into account or are we a country that punishes with no regard for individual circumstances? We can be tough on crime and yet retain a level of discretion in our immigration laws? This is the crux of the difference between what I am suggesting to the Senate and what Senator CORNYN has proposed.

That a measure of discretion is every bit as much a tool of law enforcement as the strictest ban. I see my friend who has been waiting here. I yield time.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Texas.

Mr. CORNYN. Madam President, I would ask the distinguished Senator from Massachusetts if we may go back and forth across the aisle. I have a speaker on our side as well who would like to be recognized for 10 minutes. Is that acceptable?

Mr. KENNEDY. Well, I would like to follow that. The good Senator was here even before I was this morning. Is that agreeable?

Mr. WHITEHOUSE. Madam President, I would yield to the request of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank all my colleagues for their courtesies.

Madam President, I rise in strong support of the Cornyn amendment and in opposition to the much weaker, watered-down Democratic alternative.

This amendment illustrates a lot about this debate. The Cornyn amendment is clear. It is necessary. It is common sense. It is absolutely necessary we pass amendments such as this and have the ability to debate and vote on amendments such as this in the important immigration debate.

This amendment is very straightforward. It prevents terrorists, gang members, sex offenders, and other folks who have broken the law in significant ways, committed significant felonies, from receiving immigration benefits and citizenship in the future. How can any of us in the Senate oppose a straightforward and necessary commonsense amendment? How can any of us be comfortable with an underlying bill which has these gaping loopholes? We must address these gaping loopholes. How can we tell families across America that we are going to allow sex offenders and gang members to become legal residents, possibly citizens? The Cornyn amendment would prevent this. It would address all of these significant loopholes.

Again, terrorists, gang members, violent gang members, those who have committed other significant felonies, those who have been detained for coming into the country illegally and have absconded, those who have been deported from the country for coming into the country illegally and have reentered illegally—all of those categories of illegals should be prevented from gaining the benefits of this bill. The Cornyn amendment clearly does that.

The Democratic alternative clearly does not. It has significant omissions from the Cornyn amendment. It allows absconders, those who have been detained and have gone underground, to receive the benefits of the bill. It allows those who have been deported from the country and who came back in illegally to get the benefits of this bill. It allows others who fall into the category of gang members and those who committed serious felonies to gain the benefits of this legislation. That is simply wrong. We must support the commonsense, straightforward Cornyn amendment.

I also want to spend a portion of my time urging my colleagues to not vote for cloture on this bill as it presently rests before us, because we have many important amendments to consider. Two of those are the amendments I will humbly offer to the Senate. They are important issues; they are important amendments. I urge us to pay careful consideration to them and to have an opportunity for debate and vote.

In that spirit, I ask unanimous consent to lay aside the pending amendment and to call up my amendment No. 1338.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. I am sorry to hear that. Let me try my second amendment which is also at the desk. It concerns a significant provision in the bill which we need the opportunity to debate and vote on. That is Vitter amendment No. 1339.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, unfortunately, this illustrates the point about the inappropriateness of cloture. These are two significant amendments which go to important provisions of the bill. All of us—and more importantly, the American people—deserve to have these matters debated and voted on. Let me explain what these amendments are about. Everybody—certainly the majority side—has been given the amendments.

My first amendment only requires what Congress originally mandated back in 1986; that is, the entry/exit system known today as US–VISIT. We must have that fully operational before all aspects of this bill are allowed to go into effect. It was authorized 10 years ago, but it is not near to fully operational now. We must make sure that it is a part of this bill's enforcement trigger.

Without the US–VISIT system's completion, we can't be sure that we know what individuals are in the country. In fact, we can be sure we will not know because how can we possibly have a grasp of who is in the country and who is not in the country without this system which tracks people as they exit? There are a lot of folks on visas here for a limited period of time. Under that visa, they, of course, need to exit the country before their visa is up. The US–VISIT system allows us to know if they are doing that. How can we possibly be ready for the full implementation of this legislation, how can we possibly say we have the enforcement system we need in place without the US–VISIT system, without knowing who exits the country and when, without knowing whether they have overstayed their visa?

As of 2006, the illegal population included 4 to 5.5 million overstays, people here illegally because they are overstaying the time limits of their visa. The US–VISIT system is absolutely necessary to get to the heart of the problem and to enforce against overstays. How can we say we have adequate enforcement, how can we trigger the other provisions of this bill without making sure we have that in place, functioning, fully operational?

The US–VISIT system is not any part of the triggers now in the bill. It must be. That is what my amendment 1339 goes to.

As I mentioned, I have another amendment, No. 1338, that would correct a provision in the bill which doesn't allow for a catch-and-release program anymore but simply changes that to a catch, pay, and release program. In this legislation, those in this country illegally who are caught and who are not from Mexico don't have to be kept in custody. They can be released on a $5,000 bond. For months, and indeed years, we on the Senate floor and those around the country have decried the catch-and-release program, a program that has been in place where illegals are caught but are released into our country and simply given a piece of paper that says: Show up to court on such-and-such a date. Guess what. They never do. This bill merely changes that to a catch, pay, and release program. It allows catch and release to continue, only with a $5,000 bond.

Why is that a problem? Because many of the folks we are talking about, particularly those who are among the most dangerous, those involved in illegal drug activity, those in other organized crime, can get the $5,000 bond. If they are already paying human smugglers to get them across the border, in many cases thousands and thousands of dollars, one has to assume they can get the resources to pay this bond. Changing catch and release to catch, pay, and release is completely inadequate. Yet that is what the underlying legislation does.

Amendment No. 1338 would close that loophole, would say: No, we are going to end catch and release forever, and we are not going to allow cash, pay, and release. When we catch these folks coming into the country illegally who are not from Mexico, so we can't simply send them back to Mexico at the southern border, we are going to detain them. We are not going to let them into the country on a bond or anything else. We are going to detain them until they are deported, and we are going to work very hard to deport them as quickly as possible.

Again, I believe my two amendments, which have not been allowed to be offered, clearly illustrate why we are not ready for cloture on this bill. This is a significant debate on a massive, 800-page bill. This bill, if enacted, will affect our country in major and significant ways for decades to come. Everybody admits that, no matter what side of the debate they may be on. Yet we have only been allowed to have a modest number of votes on the bill, something on the order of 12. That is ridiculous. We need these sorts of amendments considered and voted on, and we must oppose cloture until that happens.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, we have tried to work out an orderly process as we have proceeded. We are going to have plenty of time to deal with a range of different amendments, as we did with the Vitter amendment previously.

I yield 12 minutes to the Senator from Rhode Island.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 39½ minutes remaining.

Mr. KENNEDY. I yield the Senator from Rhode Island 12 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

REMEMBERING SENATOR CRAIG THOMAS

Mr. WHITEHOUSE. Madam President, this is my first time speaking on the floor since the passing of our colleague, Senator Thomas. I know we are all very conscious of the desk draped in black across the way, next to Senator CORNYN. I extend my condolences to his many friends, my many esteemed colleagues who knew and admired Senator Thomas and mourn his loss and know he will be sorely missed by his friends in the Senate and his friends and family in his native State of Wyoming.

AMENDMENT NO. 1184

I rise today to address amendment No. 1184 offered by my friend from Texas, my former attorney general colleague, Senator CORNYN.

I will oppose this amendment. It is not entirely without merit in every one of its many dimensions, but it would undercut the fundamental principles of due process which are a longstanding and vital hallmark of our legal system. I fully support the creation of new grounds for inadmissibility to the United States for convicted sex offenders, gang members, repeat DUI offenders, and for individuals who have been convicted of firearms offenses and domestic violence. I have prosecuted these crimes. I have a firsthand understanding of how dangerous these criminals are. Simply stated, America's doors should not be opened to people who commit such crimes. If Senator CORNYN believes there are loopholes, I am happy to plug them, although I would note that the Secretary of Homeland Security, the Attorney General, the President, and others seem satisfied.

For that reason, I will support the alternative amendment offered by Senator KENNEDY which would add these offenses and others to the grounds for inadmissibility.

There is a right way to ensure dangerous criminals don't enter the country and there is a wrong way. Unfortunately, the amendment we are debating goes about it the wrong way. Let me explain.

Under the Immigration and Nationality Act, good moral character is a prerequisite for a variety of benefits and privileges, the most important being naturalization. Therefore, the law lists a series of characteristics which exclude a person from the definition of ''good moral character'': for example, a person whose income is derived principally from gambling or one who has given false testimony for the purpose of obtaining benefits or one who has been convicted of an aggravated felony. This, of course, makes perfect sense. These individuals as a general rule should not get on a path to naturalization.

But this amendment would change the definition of ''good moral character'' in a very novel and unsettling way: It would exclude from that definition one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). These sections list a series of security-related grounds under which an alien is excludable or deportable. Those grounds, sensibly enough, include espionage, sabotage, terrorist activity, and any other unlawful activity. Anyone convicted of such offenses or even indicted for such offenses should be, of course, excludable. But that is not what this amendment says. This amendment would give the Secretary of Homeland Security and the Attorney General unreviewable discretion to make a determination as to good moral character.

First, as I have previously said, I am not inclined to expand the powers of the current Attorney General in any substantive way, much less to expand his power to make important unreviewable decisions. Setting aside my grave hesitation about this particular Attorney General, as a general rule, I don't believe we ought to prevent judges from reviewing important decisions which can affect life, liberty, and property. This would violate one of the most fundamental principles of American democracy—judicial review, a principle we have honored for centuries.

The second issue is even more unsettling. That is, under the proposed amendment, a person could be determined to lack ''good moral character'' if the unreviewable decision is made that he or she is ''described in'' these two specific sections of the immigration code.

''Described in,'' what exactly does it mean to be ''described in'' a statute? Not ''convicted'' under a statute, not ''in violation'' of a statute, not ''indicted'' under a statute but merely ''described in'' it.

Who knows what it means? I have found no precedent for this formulation. Is it consistent with American values to grant the Attorney General and the Secretary of Homeland Security the unreviewable discretion to say that a person is ''described in'' those statutes; the unreviewable power to say that somebody is engaged in ''unlawful activity''; and the unreviewable power to then deny them the benefits and privileges of American law?

That is not my experience as a prosecutor. I found due process to be important and valuable.

The amendment does not stop there. It would allow this unreviewable discretion to be based on evidence which the accused would never have the opportunity to confront.

Madam President, like you, I have spent my professional life in the American legal system, a good deal of it I spent as a U.S. attorney and as an attorney general. My experience is that our American system of law stands on some fundamental principles, among them that people can be aware of the charges brought against them, that people have an opportunity to confront the evidence used against them, that the prosecution and the judge are not rolled into one, and that we have judicial review of important decisions affecting people's rights and privileges. These are basic principles, and they represent core American values.

I do not know why we have to keep getting up to defend this. This is bedrock stuff. From the suspension of habeas corpus, to the administration's legal defense of torture, to ''extraordinary rendition,'' and so on, we have seen relentless efforts to chip away at bedrock principles of American law. With this amendment, there they go again.

Of course, we must do everything proper and necessary to protect our borders and keep Americans safe. But to throw out the separation between prosecution and judge, to throw out the opportunity to understand and explain evidence used against you, to throw out our ancient principle of judicial review, to allow Government officials to take away rights and privileges without answering to anyone? I do not think so.

These principles are too dear to be thrown away so lightly. Our country has been through a lot over the years, and these principles have survived and flourished, to lie today in our hands, in our stewardship, to protect and to pass on, as they were passed on to us.

I do not think this immigration issue is so terrifying that we need to throw these principles away now over immigration. We are made of sterner stuff than that.

I ask my colleagues to oppose Senator CORNYN's amendment No. 1184.

I thank Senator KENNEDY, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. CORNYN. Madam President, I yield the Senator from Alabama 10 minutes from our allotted time.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SESSIONS. Madam President, I appreciate the Senator's comments about American law and principles. As a former U.S. attorney and attorney general, I share the general view. He mentions the historic privileges we have in America. But let me tell you, no one has a right to enter the United States of America. We decide who comes in and who does not.

That is a core principle of sovereignty. Every Nation in the world makes those decisions, if they are a functioning state, and you then allow people to enter on your terms, on whatever conditions they may be. The condition may be, you can enter as long as you are enrolled in a college, you can enter for a certain period of time, you can enter on a tourist visa to do a certain number of things.

But those conditions are not such that if you say someone cannot come here you violated the laws of America. If you say you can come to America but not if you have a history of being a sexual predator, what right does that violate? What principle of American law does that violate? I suggest none. We have every right to insist and ensure the immigration system of the United States serves the national interest. The national interest means you do not allow people to continue to stay in our country or to come to our country who have repeat DUIs or who sell drugs or who are associated with terrorists. How basic is that? Nobody has a constitutional legal right to demand entry into the United States of America. How much more basic can it be than that?

So that is where we are confused. It amazes me the lack of understanding and comprehension of what it is all about. We set the standards. We have the most generous immigration laws of almost any country in the world. It has been a big part of our heritage. We are not going to end immigration. Nobody wants to do that, or to act irrationally, and so forth.

But to set reasonable standards, as Senator CORNYN is attempting to do with his amendment, only makes common sense. For example, I have mentioned some of the loopholes. He fixes them. I give him every bit of credit for this: for standing firm, for insisting on this vote, after he has been objected to and objected to and blocked from getting his vote. But he stood firm on this issue. He is going to fix a number of the problems I wish to briefly mention.

Some aggravated felons who have sexually abused a minor are eligible for amnesty under this bill. They have no entitlement to amnesty. Nobody has entitlement to amnesty, whether they

are perfectly wonderful citizens and all that. They are not entitled to that. This is a gift we give. So why would you want to give that to somebody who sexually abused a minor?

Well, the child molester who committed the crime, before this bill is enacted, is not barred from getting amnesty if their conviction document omitted the age of the victim. If the conviction document did not put the age down, then they are to be admitted under this bill. After there was some objection to it, they fixed that language for the future but did not fix it for the past or current convictions. So I think Senator CORNYN is correct. I support that portion of his amendment very strongly.

Another provision is that aliens with terrorism connections under this legislation are not barred from getting amnesty. They do not have a right to stay here. If we have any suggestion that someone in this country, now here, or someone who wants to come here is connected to terrorists, they do not have to be admitted. What kind of right do they have to demand to be admitted? If our State Department, in some country around the world, has information that a person is connected to terrorism, they do not have any right to demand to come here. They come at our pleasure, our sufferance.

So one of the things this bill, as written, does is it says an illegal alien seeking most of the immigration benefits must show good character. But last year's bill—let me say this on the terrorism question—specifically barred aliens with terrorism connections from having the required good moral character to enter the United States. That is one of the things we say. You cannot come here unless you have good moral character. You cannot come here if you are a felon, a thief, a drug dealer or a child molester. Surely, that would make sense. So this bill eliminated that.

Another example, surprisingly, of this bill being weaker even than last year's fatally flawed bill: The bill's drafters have ignored the Bush administration's request that changes be made to the asylum, cancellation of removal, and withholding of removal statutes in order to prevent aliens with terrorist connections from receiving relief. The bill drafters were told about this by the Bush administration and were urged to put different language in, and they refused to do so, for reasons I cannot fathom.

But it begins to show a certain mindset. I think that mindset is we are somehow here to represent people who want to come into our country and stay in our country instead of representing the American people and the interests of the United States.

Last year, we had good moral character as a requirement. Good moral character involved not being connected to terrorists. But according to current law, an alien cannot have good moral character if they are a habitual drunkard, a majority of their income comes from illegal gambling, giving false testimony for immigration benefit purposes, they have been in jail for 180 days, they have been convicted of an aggravated felony or they have engaged in genocide, torture, or extrajudicial killings. That is current law we have. But this year's bill is completely missing these new terrorism bars that were in last year's bill, and the bill no longer requires good moral character. That is a matter that leaves us at greater risk than we need to be. It concerns me.

Another example. Instead of ensuring that members of violent gangs, such as MS–13, are deported, the bill will allow violent gang members to get amnesty as long as they renounce their gang membership on their application. That is the current law. Under the bill, being in a violent gang is not going to prevent you from qualifying for amnesty. The bill requires amnesty applicants to list—to list—you are required to list that gang membership on your application. Then you get a blank that says ''renunciation of gang affiliation.'' So if you check that blank and say you renounce it, then you get to stay in, perhaps.

So why don't we allow this: If an illegal alien has been a member of a violent international gang, such as Mara Salvatrucha 13, MS–13, why don't we say that blocks him or her from being eligible for the amnesty in the bill? Loyalty to the United States should be the requirement, not loyalty to some outside gang that is violent.

The night before last, I happened to turn on C–SPAN and catch a National Press Club conference by a series of law enforcement officers involved in the Border Patrol, the former chairman of the Border Patrol. They were ferocious in their criticism of this bill. I was surprised how strongly they felt about it.

Hugh Brien, himself an immigrant, was Chief of the Border Patrol from 1986 to 1989. He called the bill a sellout, a complete betrayal of the Nation, a slap in the face to millions of Americans who have come here legally like he had done. In 1986, he recalled: ''Our masters, our mandarins promised it would work.'' Of course, the 1986 bill did not. He also said, based on his experience in many years with the Border Patrol: ''It's a disaster.''

Kent Lundgren, the national chairman of the Association of Former Border Patrol Officers, said this: ''There are no meaningful criminal or terrorist checks'' in the legislation. He noted that the ''screening will not happen.'' He added Congress is lying about it.

The PRESIDING OFFICER. The Senator has used his time.

Mr. SESSIONS. Madam President, I thank the Chair and support the Cornyn amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, how much time do I have?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Thank you, Madam President.

First, I salute my colleague from Massachusetts for his undaunted, courageous, and effective leadership on this issue, which is one of the most difficult issues we face. I think he has the respect of everybody in this body for that—the Senator from Massachusetts does—whether they agree or disagree with the bill.

Now, I rise in opposition to the Cornyn amendment and in support of the Kennedy alternative amendment No. 1333. There certainly are attractive parts of the Cornyn amendment, but the good parts of the amendment are buried in complicated language that strikes at the heart of the comprehensive immigration bill many of us are working hard to pass. At a minimum, my colleague's amendment would have the effect of stripping the path to citizenship, one of the mainstays of the compromise—one of the two mainstays of the compromise—out of the bill altogether. This body has already rejected that approach outright. It ought not do it now by stealth. It is a Trojan horse—nothing short of an attempt to kill the whole bill in the guise of tough enforcement.

My colleagues know when it comes to tough enforcement, whether it is on immigrants, citizens, or anyone else, I don't yield to anybody. I am a tough-on-crime guy. I come from an area that was ravaged by crime, and the works of the Federal Government, State government, and city government helped make the communities I represent much safer.

What we do in the Kennedy amendment is keep the tough enforcement without killing the bill. Let me repeat that. What we do in this amendment is keep the tough enforcement—it is all there—but we don't kill the bill. We don't eliminate the path to citizenship which is, of course, what the Cornyn amendment does and may well be intended to do.

If we are serious about passing the best possible bill and passing a bill that makes good sense, we should support the Kennedy amendment and not throw out the baby with the bathwater. We all want a bill that is tough on people who have broken the law, and we all want a bill that keeps people who should not be let into the United States in the first place from coming here.

Senator KENNEDY's amendment is both tough and smart. It changes the law to prevent the worst criminals from getting into the country and kicks out people who shouldn't be here, and it picks out the best parts of the Cornyn amendment and leaves out the worst.

Like Senator CORNYN's amendment, Senator KENNEDY's amendment says any new immigrant who has participated in a criminal gang in any way, shape, or form can't come live in the United States, period. It doesn't wait for a felony conviction or anything else. If you are in a gang, you can't come in, and you can't become a citizen. Any immigrant in the United States who has been a member of a gang can be deported. That is how it should be. Also, Senator KENNEDY's amendment cracks down on gang members who violate our gun laws.

Under Senator KENNEDY's amendment, aliens who have committed the horrible crimes of domestic violence—stalking, child abuse, child neglect, or child abandonment, and who have been sent to jail for a year—are barred from moving to the country or from attempting to naturalize as citizens. The amendment provides that sex offenders who don't register can't immigrate or come work here, and convicted sex offenders who don't register get deported.

The amendment would keep drunk drivers from immigrating to the United States. Just one felony conviction for drunk driving and you are out. People who try to sneak into the country, illegally cross the border, or lie to immigration agents will face steep fines and jail time, as the bill provides, as this body ratified last week.

The amendment has tough penalties for repeat offenders. An alien who tries to enter the country after being convicted of a serious penalty can face up to 20 years in jail under the amendment.

So this is one tough amendment. But, again, it doesn't seek by stealth, as the Cornyn amendment does, to eliminate the bill altogether. Some of the things in this amendment are exactly like the language in Senator CORNYN's amendment. Senator KENNEDY's amendment takes the best of the Cornyn amendment and leaves out the parts that will gut or decapitate the bill. A vote for the Kennedy alternative is a vote for tough enforcement but also smart policy.

Madam President, I yield back the remaining time to my colleague and friend from Massachusetts.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mr. SPECTER. Madam President, customarily, as a manager of the bill, I control time, but I think now the time is in whose hands? I ask for 12 minutes of time, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, may I inquire whether the Senator intends to speak for or against the—

Mr. KENNEDY. Madam President, I yield 12 minutes to the Senator from Pennsylvania.

Mr. CORNYN. I think that takes care of it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I was about to say some nice things about the Senator from Texas, and I still will. He has been a very active and constructive participant in the consideration of immigration reform. In the 109th Congress he was very much involved and contributed greatly. We didn't always agree on a number of items, but he is very sincere, very studious, very thoughtful, and very constructive, and he continues in that role, although as is evident, there are some differences as to our approach. But I commend the Senator from Texas for what he has done and for what he continues to do here.

I am in favor of the alternative to the Cornyn amendment. I say that because we have structured the bill with a great many compromises. While I might be inclined to agree with the Senator from Texas on some of the specifics that he has enumerated which would be a bar to citizenship, there was a tremendous amount of give-and-take in the structuring of this bill so that I am standing with the committee bill—strike that. We don't have a committee bill. I wish we did. But I am supporting the bill which came out of the lengthy consultation with about a dozen principal Senators participating. There are a number of specifics, in the amendment which is side by side, which I think are preferable to the amendment by the Senator from Texas.

Illustrative of this preference is that the Senator from Texas makes a third conviction for drunk driving a crime of violence. Well, it may be a crime of violence, or it may not be a crime of violence. The alternative which has been proposed would make drunk driving a grounds for inadmissibility and deportability, providing the alien serves at least a year in prison. From my days as district attorney, I have seen quite a number of cases involving drunk driving, for example, and while I don't condone multiple convictions, I think it is a more appropriate ground that there be inadmissibility or deportability where the drunk driving was serious enough to call for a year in jail.

The amendment offered by the Senator from Texas also strips judicial review of findings that an alien is barred on national security grounds. From what we have seen about this issue in many contexts, there needs to be judicial review, although in a different context. In the last few days we have seen the Military Commission conclude that it had no jurisdiction because of problems with the indicting procedure with respect to whether one is an enemy alien or an unlawful enemy alien. This points to the necessity for judicial review, which would be excluded by the Cornyn amendment.

The Cornyn amendment also would deport or prevent citizenship for someone who has ever violated a protective order. Well, it is a good bit more complicated than that. The alternative amendment provides that there would be an analysis. It would exclude people convicted of a felony domestic violation, but there would be a consideration about whether, on a protective order, the alien was acting in self-defense, along with other considerations, in fact. Most fundamentally, the Cornyn amendment would strip the authority of the Departments, the Department of Homeland Security and the Department of Justice, to waive certain grounds which would warrant deportation or inadmissibility. That discretion, which is lodged in the alternative, enables a fuller review of the facts. It gives a chance to really look beyond some of the technical categorizations which might appear ominous on their face, but which, after there is a detailed review of what has happened on the underlying factors, might reveal there ought not to be inadmissibility or deportation. That discretion ought to remain with responsible officials in the Department of Homeland Security and the Department of Justice.

It is for those reasons, but fundamentally because the pending legislation was crafted with a great many compromises, that I favor the substitute and oppose the Cornyn amendment.

I would like to address something which is more fundamental and very serious, as we have had a statement by the majority leader that if cloture is not invoked tomorrow at 6 o'clock, he will take down this bill.

I think that would be grossly erroneous. I think that would be very bad procedure. If you compare what was done last year in the 109th Congress with what we have done in this Congress, you would see there was much more consideration in the last Congress than has been afforded this bill at this time.

For example, in the 109th Congress, we worked the bill through the committee. We did not work this bill through the committee. That was a leadership decision. I have stated on the Senate floor on several occasions the concern of not having gone through committee; that it was probably a mistake. Well, if this bill is taken down because we haven't made sufficient progress in the eyes of the majority leader, there is no doubt it would be a mistake because had we gone through committee, we would have worked

through so many of these issues which we have had to legislate on the floor.

In the 109th Congress, the Judiciary Committee, which I chaired, had 6 days of committee markups. They were tough and laborious days, and we dealt with 59 amendments. We returned one Monday after a recess when the majority leader said he would proceed with the substitute bill, and a Monday back after a recess is a very tough day. But on March 27, 2006, the committee made a special effort to reconvene. We had a quorum, believe it or not, by 10 o'clock in the morning, and we worked through, laboriously, until the evening when we reported out a bill. That is what happened during the markup, 6 days of markup in the committee where, as I say, we considered some 59 amendments.

Then, when we moved to the floor of the Senate, we had 12 days on the bill. We had 4 days before cloture failed, and then we came back with 8 days more and considered in excess of 50 total votes—some rollcall, some voice votes—in passing the bill out of the U.S. Senate.

Now, contrast that with what we have had up to the present time. We have been on the bill 8 days, and 3 of those days were Mondays or Fridays pro forma without voting. We have only had 5 days where we have been involved in voting. Even on those days, they have not been as productive as voting days were on the bill in the 109th Congress because we have been in quorum calls. We have been negotiating. We have been trying to work through issues that, had this bill gone through committee, would have been resolved some time ago.

So you have a comparison of, really, 5 days, plus 3 days of pro forma, 8 at the most, contrasted with 12 days before. It is more accurately a comparison of 12 to 5—12 in the last Congress where we legislated and where we passed the bill. Here, where we have voted on only 21 amendments, contrasted with more than 50 we voted on in the last Congress.

We have also had a tremendous amount of Senators' time and time of the Secretary of Commerce and the Secretary of Homeland Security. We met for 2 hours on Tuesdays, Wednesdays, and Thursdays, and sometimes on Mondays and Fridays as well, over a 10-week period.

It is hard to calculate how many hours were put in by Senators, but I think it goes into the thousands. It is hard to calculate how much time was put in by the two secretaries, but I think that goes into the hundreds. If you talk about staff time, it is incalculable. The staff director, Mike O'Neill, worked for about 20 days solid, including weekends, and that was sort of par for the course.

So to pull this bill tomorrow at 6 o'clock—I think it would be hard to find the right word that is appropriate in strength and not overboard. But I think ''outrageous'' would be a modest comment; it would be outrageous to pull this bill tomorrow.

One of my staffers said this bill has been the result of blood, sweat, and fears—paraphrasing Churchill's blood, sweat, and tears—and maybe more fears than blood and sweat. But we have come a long way. We have already seen a lot of finger pointing on this floor. We seem to be a lot better in the Senate at finger pointing than at legislating. But if this bill is pulled down, then you may even see toe pointing, because 10 fingers won't be sufficient for Republicans blaming Democrats and the majority leader for pulling down the bill, and Democrats blaming Republicans for a lot of dilatory amendments.

The majority leader has said these amendments are designed to kill the bill, that the people offering the amendments don't have any intention of voting for the bill. Senators who offer amendments don't have to have intentions of voting for the bill. Senators can offer amendments because they are Senators and because they think their amendments may pass, and because, who knows, they may even think their amendments could improve the bill. I think Senator CORNYN sincerely believes his amendment will improve the bill.

I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ordinarily keep better track of time, but I am a little wound up and concerned about where all of the work we have done may end up if this bill is pulled and, more importantly, after the work that has been done, where it would leave the immigration mess in the United States. We have 12 million undocumented immigrants; we don't know where they are or what risks they face. We cannot deport them all. We have a porous border. If we don't have comprehensive immigration reform, we are not going to put up all the fencing, the barriers, and stop the additional people. The administration has made commitments, and there will be more about how the funds will be spent. We are not going to go through with employer verification. We are not going to spend the money on foolproof identification so employers can see who is legal and who is not legal, so that we have the basis for imposing tough sanctions, including jail. We are not going to eliminate the magnet to bring more people in. It will be a colossal failure.

I think it is safe to say the Senate would be the laughingstock of the country, after all of the hyperbole and publicity and all of the proposals and objections, if we are not able to finish this bill. It doesn't have to be finished this week. There is next week. We are not known for necessarily using the full week. We vote very infrequently on Mondays, almost never on Fridays. The evening session is not really practiced around here. When I came to the Senate with Howard Baker, we used to have a lot of all-night sessions. One night in 1982 or 1983—I ask for 4 more minutes.

Mr. KENNEDY. I yield 4 more minutes to the Senator. How much time will I have remaining?

The PRESIDING OFFICER. The Senator will have 6½ minutes.

Mr. KENNEDY. I thank the Chair.

Mr. SPECTER. Madam President, we had a tax bill on the Senate floor, and it was 11:45. Howard Baker, the majority leader, was consulting with the Finance chairman, Senator DOLE. There were 63 amendments pending. Senator Baker said we are going to work through the night. He said amendments, like mushrooms, grow overnight. So we worked through the night. There were some amendments taken, some amendments withdrawn, and some voted upon. It is amazing how much shorter the debate is at 3 a.m. It is also amazing how many more Senators there are on the floor at 3 a.m. There were a lot of people on cots in the cloakroom, but a lot of Senators were on the floor. The insomniacs outnumbered the sleepers by 2 to 1. We had a lot of comments like you heard in Parliament. Someone would be making an argument and there would be cries of ''vote, vote.'' At 3 a.m. the cries of ''vote'' and the lack of decorum carried the day.

The point is that a few more days in the Senate will not impede the action of this body. Some of the items that are coming up on the agenda may not merit the kind of time and attention the immigration bill does.

The American people are obviously sick and tired of the bickering in the Congress and in the Senate, sick and tired of the kind of finger pointing, and there will be an awful lot of it if we fail to legislate on this matter. The bill may be voted down. I think the bill will pass if we stick with it. Certainly, we ought to carry it through to conclusion.

I thank my colleague from Massachusetts for yielding me the extra time.

I yield the floor.

Mr. WEBB. Madam President, I rise today to discuss amendment No. 1313, an amendment that I will offer to the immigration reform bill, which will address what I believe are two crucial flaws in this legislation. The first flaw relates to what some people may call amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. The second flaw relates to an unworkable set of procedures applicable to those who are properly offered legal status.

It is important to the health and practicality of our system that these two flaws be addressed.

My amendment would achieve three critically important goals: it creates a fair and workable path to legalization for those who have truly put down roots in America; it protects the legitimate interests of all working Americans; and it accords honor and dignity to the concept of true American justice.

If one accepts the premises of these three goals, then I strongly believe that this amendment is the best way forward.

As a general matter, I agree with my colleagues that the time has come for fair and balanced reform of our broken immigration system. When I say ''fairness,'' I mean a system of laws that is fair to everyone here in the United States and especially our wage earners.

I strongly support the provisions in this immigration bill that strengthen our Nation's borders. Our porous borders are a threat to our national security, and we have waited far too long to fix this problem.

I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers. The bill's employment verification system will help ensure that illegal workers cannot get employment in the United States and would therefore face little choice but to return to their homelands.

As a point of reference, I do not support this bill's creation of a massive new temporary worker program. Two weeks ago, I voted to support Senator DORGAN's two amendments to strike and sunset that program, and I find it regrettable that the Senate did not adopt those amendments.

We have seen a good bit of analysis on the Senate floor in recent days to the effect that the temporary worker program will be largely unworkable. To the extent that it would work, it would create a wage-based underclass and a bureaucratic nightmare. Furthermore, as I stated on the floor 2 weeks ago, I believe that guest worker programs—aside from purely temporary, seasonal work—drive down the wages of hard-working Americans and of those who came here by following the law.

With those points in mind, I now turn to my amendment, which regards the other major component of this bill—the legalization program.

My amendment reflects a proposal that I have been discussing with Virginians ever since I began my campaign for the Senate. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in their communities. I do not, however, favor this path to citizenship for all undocumented persons.

Under the provisions of the immigration bill we are debating, virtually all undocumented persons currently living in the United States would be eligible to legalize their status and ultimately become U.S. citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons that this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of basic fairness, which is the very foundation of our society.

By contrast, my amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status, based on the depth of a person's roots in their community.

Under my proposal, undocumented persons who have lived in the United States at least 4 years prior to enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills in the past few Congresses—bills that were supported by Senators from both parties and by immigrants' rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

The statutory criteria to be considered would be work history, payment of Federal or State income taxes, property ownership and business ownership in the United States, knowledge of English, attendance at U.S. schools, immediate family members in the United States, whether the applicant has a criminal record, and whether the applicant wants to become a U.S. citizen.

Like the underlying bill, applicants would be given probationary status while the DHS considers their Z visa application and could lawfully work during this probationary status period.

I believe these provisions are fair to our immigrant population and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill, which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical.

It strikes the bill's unrealistic ''touchback'' requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their U.S. jobs, leaving their families in turmoil and placing further strain on our communities. Basic fairness dictates that these persons be allowed to apply for a green card from within the United States.

I believe that my amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that will help us avoid the same mistakes our country made in 1986 with the Simpson-Mazzoli amnesty bill.

I have heard loud and clear from Virginians, and I have talked with people on all sides of this issue. What I hear over and over again is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so and to do so realistically.

I ask you all to support amendment No. 1313 when it comes for a vote in the Senate.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 22 minutes.

Mr. KENNEDY. Will the Senator yield as a point of interest?

Mr. CORNYN. Yes.

Mr. KENNEDY. I think I have 6½ minutes.

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. KENNEDY. I am trying to get some information to the Senators who will follow along. Does the Senator plan to use the remainder of his time? I am not trying to hurry him; it is only for information purposes.

Mr. CORNYN. Madam President, I agree it is a good idea to try to give our colleagues notice as to when a vote will occur. I am happy to agree we can have the vote at 11:45. I probably will not use all of my time, but it depends on how wound up I get.

Mr. KENNEDY. Why don't we sort of move along but indicate to our colleagues that we are reaching a conclusion and we expect votes fairly soon. Then we will have follow-on amendments with Senator DEMINT and, hopefully, Senator BINGAMAN. If we can work those out in the next 20 minutes or so, we can get stacked votes; otherwise, we plan to have these two votes reasonably soon.

The PRESIDING OFFICER. For the information of Senators, the vote will occur at approximately 11:55 if some time is not yielded back.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, we have a number of speakers who have commented. I appreciate the wise comments of the Senator from Pennsylvania, and I am not talking about the

part where he was complimentary of me; I am talking about his comments on the process and the difficulty, since this bill came to the floor without going through committee, of providing an adequate opportunity for debate and amendments. We have all tried to work our way through this.

I do concur it is a terrible mistake in judgment to seek to close off debate on this bill before an adequate opportunity for votes occurs. We have had, by my count—and I could be off one or two—nine rollcall votes on this bill. By way of comparison, when the McCain-Kennedy bill, which later became the Hagel-Martinez bill, was on the floor last year, we had 32 rollcall votes, I believe. We need to have an adequate opportunity to flesh this out. As we have seen here, some of these details get very technical, but they have a profound consequence in terms of the outcome.

Let me speak to some of the specific items that have been raised here. As we pointed out, first, there will be a vote on the Kennedy amendment, and then there will be a vote on the Cornyn amendment. With all due respect, I call the first one a watered-down version of the second one. I will point out the differences now, in part.

The Kennedy amendment would still allow waivers to allow members of gangs to become legalized under the provisions of this bill. The Kennedy bill would still allow sex offenders to not be barred if they were sentenced to less than 6 months. The Kennedy bill would still allow waivers for firearms offenses; that is, allow people who have been convicted of firearms offenses to get a waiver and to be allowed legal status.

My amendment covers those who are associated with terrorist organizations. Those innocents referred to under the material support provisions are covered by a waiver executed by the Department of State and Department of Homeland Security.

As we can see, this gets exceedingly technical. Let me focus on sex offenders, by way of example, to point out why these differences are important. My amendment would bar those who have failed to register as sex offenders from becoming eligible for a Z visa and legal permanent residency status and a path to American citizenship. We have spoken in Congress on this issue through such legislation as the Adam Walsh Act. We have made it clear we will monitor and lock up those sex offenders who don't follow the rules and bar sex offenders from bringing individuals into the country whom they may also harm.

Yet the amendment offered by the distinguished Senator from Massachusetts, Senator KENNEDY, would still give those sex offenders who fail to register a loophole to exploit if they can plea bargain their case to less than 6 months. The maximum penalty for the underlying offense is no more than 1 year. All of us who have had experience in the legal system, particularly with the criminal law system, understand plea bargains are a way of life and it may well be a very serious sex offender will have plea bargained an indictment against him or her to less than 6 months, and still be allowed entry into the United States under the Kennedy amendment.

Here is what the Kennedy amendment does. On page 20 of the amendment, it modifies the exceptions to the criminal bars admissibility by adding failure to register as a sex offender and firearm offenses to the list of offenses excepted from the criminal bars to accessibility.

Why would we allow this loophole? We just got this amendment last night, of course. We have not been able to survey the sex offender registry laws of all 50 States. We know there is at least one State—New York—where first-time failure to register a conviction is a class A misdemeanor, punishable by up to 1 year.

My simple question is: Why would we want to employ a loophole for sex offenders and allow them to gain the benefits under this bill by being eligible for a Z visa, with a path to legal permanent residency, potentially, and American citizenship?

My amendment makes clear—unlike the Kennedy amendment—that all these loopholes are closed and this is not possible. I cannot imagine that the American people would feel, among the many other people who are arguably worthy of gaining benefits under this bill, we would want to demean what we are doing here by providing these benefits to people who so clearly have shown themselves unworthy of getting those benefits.

I will point out that I know we have had a big debate in this country and in the Senate about what constitutes amnesty. I think the problem is the American people—many of them—don't feel we are serious about restoring the rule of law when it comes to our broken immigration system. I don't mean for a minute to impugn the good faith of Senators who have labored long and hard to try to bring this bill to the floor, and those of us who are trying to improve it, to make it better. But by way of example, these are the sorts of offenses that ordinarily would be punishable under our laws but which are completely ignored when it comes to applicants for a Z visa—and that is the 12 million or so who are here—who have committed these acts.

Anyone who has entered the country without being inspected or admitted; that is, who came across the border before January 1, 2007, this bill would make eligible for a Z visa.

Any alien who failed to show up for his or her removal proceeding without just cause would be eligible for legal status under this bill.

Any alien; that is, any noncitizen, who, through fraud or willful misrepresentation, got a visa or other document or admitted to the United States would be eligible for a Z visa.

Any individual who makes a false claim to U.S. citizenship—this is an independent offense against our criminal laws—would be eligible for a Z visa.

Any noncitizen who was a stowaway who made their way into the United States, anyone who is the subject of a civil penalty for document fraud would be eligible under this bill for legalization and a Z visa.

Any alien who, when trying to enter the country, did not have the proper documents, visa, passport, border-crossing card, et cetera; any alien who remained unlawfully in the United States for less than a year, left the United States before removal, and then tried to reenter in a 3-year period would be eligible for a Z visa under this bill, or was in the United States unlawfully continuously for more than a year, then tried to reenter the United States within 10 years after leaving or being removed from the United States. It gets a little convoluted, but that person would be eligible for a Z visa or legalization and potentially a path to legal permanent residency and American citizenship.

Under this bill, any alien who, after previously violating immigration laws, for example, crossed the border multiple times and remained unlawfully in the United States for an aggregate of a year or more under this bill would be eligible for legalization under a Z visa, potentially eligible for legal permanent residency and American citizenship.

Any alien who came with another alien who is not admissible to the United States who is certified as helpless due to sickness, disease, and disability and requires the protection or guardianship of an alien. That is one more example of the kind of offenses which ordinarily we would punish under our laws which are waived and not considered when it comes to eligibility of the Z visa.

I don't think it is particularly productive on the floor of the Senate to talk about what is amnesty and what is not, but let me talk about the more basic consideration and one reason I think my constituents in Texas have expressed such strong concerns about it. It is really exemplified in the debate we are having on the Cornyn and Kennedy amendments. Are we serious about restoring respect for the law or are we going to simply turn a blind eye to violations in the future?

What we are being told by the proponents of this bill—and I believe they in good faith believe this, but it is unfortunate that the bill language itself does not appear to bear out that optimism and hope when it comes to the

enforceability—is that this is, as in 1986, the last time we are going to do this. If we deal with the 12 million people who have come into the country without a visa or who have entered legally and who have overstayed their visa, if we give them an opportunity to get a Z visa, this is it, last time, it will never happen again. That sounds ominously similar to what the American people were told in 1986 when there were 3 million people in that category. Now we have 12 million in that category.

So the question people have, logically—these are not racists, these are not bigots, they are not nativists, they are not anti-immigrants; these are American citizens who are concerned about their country and about being a country that respects the rule of law—they want to know: Is this going to work? Will it be enforced? Are we serious about restoring the rule of law to our country?

I have to say that the sort of fine and requirement that is being required with the Z visa is looked at with great skepticism. Last week, I had a constituent who said: Well, Senator, are you telling me that we are going to allow people who have not respected our immigration laws to pay $5,000, in effect, to buy legal status and then potentially apply for legal permanent residency and then become an American citizen? Who wouldn't go for that kind of deal? That caused me a lot of concern because I, frankly, had not thought about it in those terms.

But what causes me even greater concern is the concept that is missing from this legislation that is so important; that is, when it comes to our laws, we believe in the role of deterrence. In other words, when we provide a penalty to somebody for violating the law, one of the considerations is, will it deter people from acting in a similar capacity in the future?

I am afraid, when I look at this legislation, it completely omits any consideration of what will deter people from violating our immigration laws in the future. In fact, I am afraid what happens, as pointed out by my constituent, is that it is really viewed as an incentive. If all you have to do is to get into the country any way you can and then wait for the next bill to pass Congress which will allow you to pay a fine and then become legally here and on a path to legal permanent residency and citizenship, that is no deterrent. That is a powerful magnet which will continue to attract people to our country.

I say this not in any spirit except to say we have to find a way to fix this. I have been one who wants to try to fix this legislation. The amendments I have offered are in that spirit. But I have to say that we are going to continue to be viewed as nonserious about workability, about enforcement, about restoring respect for the rule of law unless we vote to exclude those who have shown nothing but defiance for our laws by absconding, by going underground even after having their day in court and refusing an order of deportation, or those who have been deported following a day in court, following all the rights our country provides for judicial review and administrative review and who simply left to only reenter again illegally.

As I mentioned at the outset, the Immigration and Naturalization Act makes both those categories of individuals felons—felons. This is not a misdemeanor. This is not an inadvertency. These are not people, frankly, who are entitled to the generosity of the American people when it comes to dealing with their legal status. These are people who showed they have nothing but contempt for our laws, for restoring the rule of law, and I just cannot imagine why any Member of the Senate would vote to give these individuals a path to legal residence and a path to potentially American citizenship.

If we are going to regain that lost credibility—and I think this is really where the rubber meets the road because, frankly, people across this country don't really believe we are serious about making this work. They are used to a history of being overpromised and undersold when it comes to fixing our broken immigration system. But I believe there is going to be a high price to pay for those of us who are still around in the coming years if, in fact, we pass this law knowing that it has these huge, gaping loopholes that excuse unlawful conduct, which is basically thumbing their noses at the rule of law. If we are not serious about making sure people who go through background checks are actually not criminals or terrorists, if we are not serious about making this work, there is going to be a high price to pay for those who support this legislation only in the coming years to find that it was another scam pulled on the American people.

That is why it is so absolutely critical that we continue this debate, and I implore the majority leader to allow us to continue the debate, to allow us to have amendments offered. I understand and we all understand in this country that you win some and you lose some, majorities rule, but that is what we ought to be doing on this bill to make it as good as we possibly can to try to regain the respect and the trust of the American people because, frankly, we don't have it now. That is the reason for the outcry we have heard in my State and around the country when it comes to this legislation.

We can fix it. I am an optimist, but we cannot fix it if there is not an opportunity for a full and fair debate and if the majority leader is determined to cut off the opportunity to provide votes on amendments and is going to insist on ''my way or the highway''; in other words, you are either going to have to agree to not let your amendments be heard and to let this bill go to a final vote or the majority leader is going to pull it down and deny us the opportunity to fix this problem.

I don't know anyone in the Senate who doesn't want to fix this problem. It is enormously complicated because this problem has festered for 20 years or more without a solution. That is no excuse for not trying, and that is why I have tried, along with my colleagues, to come up with an acceptable solution. I would say 90 percent of it we agree with. There is no light separating us. It is in the 10 percent we talked about that is the subject of important amendments which need to be heard and voted on where we can regain that trust.

Let me say in conclusion—and I may reserve a little bit of time—let me say before I sit down, Mr. President, that a ''no'' vote on the Cornyn amendment and a ''yes'' vote on the Kennedy amendment will, in essence, could retitle this section of this bill ''No Felon Left Behind'' because while we have excluded many categories of felons, we have, for some reason, left this big, gaping hole when it comes to those who show nothing but contempt for our laws. We need to fix this bill, we need to make it better, not make it worse, and we have an uphill climb to regain credibility of the American people to show we are serious and we want to restore our reputation as a nation that believes in the rule of law. A ''no'' vote on the Cornyn amendment will do nothing to help it; indeed, I think it will confirm the worst suspicions of the American people—that we really are not serious about fixing this problem.

Mr. President, I yield the floor but reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

Mr. KENNEDY. Mr. President, I listened carefully to the Senator's presentation. I have come to a different conclusion. The Senator said a ''no'' vote means we are really not for dealing with this issue. We have a bipartisan group that has worked long and hard. The Senator from Texas was involved in a lot of the discussions. As we pointed out previously, we wanted to have tough law enforcement internally. We wanted recognition that those 12.5 million people here were going to be able to be secure, they weren't going to be deported, they were going to go to the end of the line, they would have to go through the earned legalization program, bring families together again, set up a program in terms of a temporary worker program. I don't know

what 90 percent the Senator agrees with because I haven't heard much.

What is important is what his amendment does and what its impact would be.

We ought to come back at the conclusion of this debate to the point that was raised at the beginning because after all the rhetoric, after all is said and done, listen to the example that was given by my friend from Illinois.

Senator DURBIN describes a mother of four U.S. citizens, married to a U.S. citizen, who is herself undocumented. She left the country to visit her sick mother. She was apprehended after she snuck back in. That means she has reentered the United States at least twice, and under the Cornyn amendment on page 2, she could be convicted of illegal reentry. That would make her an aggregated felon. Even if she is not convicted, the Cornyn amendment makes her ineligible for the Z program.

On page 10 of the amendment, he eliminates the waiver for final orders available in the bill. This is a waiver for hardship to family, and he eliminates it. No harm, the Senator says, because she can get a different waiver as the wife of a U.S. citizen. That didn't stop DHS from deporting her.

So why should people come out of the shadows? Why should they come out of the shadows if they are here with false papers, undocumented? Why should they come out of the shadows when they have seen what has happened to a mother of four citizens married to an American citizen? That is what we are basically talking about. That is undermining the basic core because we are talking about 12½ million people who are here, who came here to work in order to provide for their families, and they have been trying to do that for their families. More often than not, they probably went back to their countries of origin and came back in again. Probably more often than not they had false papers in order to be able to get their jobs. That in and of itself, under the Cornyn amendment, would effectively exclude them from participating in this program and would subject them to deportation. End of story. End of story because that undermines, obviously, the essential aspect of this legislation.

The rest of the Cornyn amendment—which I mentioned earlier with the list of the amendments that we have put through—covers the bars, the criminal gang members, including the new provisions of gang members engaged in gun crimes. Sex offenders are covered by the comprehensive Adam Walsh Act. The sex offenders are not going to get Z visas.

The Senator from Texas can say, under our language, under his interpretation, they will, but they would not. End of story. They would not.

On the provisions regarding drunk-driving convictions and individuals convicted of domestic violence, stalking, child abuse, and other serious crimes, we increase the penalties for perjury, fraud, and firearm offenses.

It is important that after all is said and done—and we gave the illustration earlier about the questions of material support—the terrorists are out.

One thing about managing a bill, for those of us who have been here, we understand it; that there is always the possibility and the likelihood people will misrepresent what is in the bill and then differ with it. It is an old technique. I have even used it myself. But we ought to understand when we see it that it is just a technique that is being used.

So with all respect to my friend and colleague, and I have a good deal of respect for him, the effect of the underlying Cornyn amendment would effectively exclude from the Z visa program any immigrant who had been or will be convicted of using false documents. That is the problem today. Because of our broken immigration system, almost every hard-working immigrant in the country has been forced at one time or another to use false documents to get a job. These people have come here to work. They have been lured by the employers offering work. They are the very people this program is designed to bring out of the shadows. The Cornyn amendment will ensure they cannot come forward. Indeed, if they did come forward, they could be subject to prosecution and mandatory deportation for using a fake Social Security card.

I believe we have addressed many of the concerns the Members have had on dealing with some of these other issues and questions with the Kennedy amendment, and I would hope the Members would vote in favor of that and against the Cornyn amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. May I inquire how much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. CORNYN. Mr. President, let me assure my colleague, Senator KENNEDY, that only those who have actually been convicted of document fraud would be excluded under my amendment.

According to recent statistics, roughly 10 million Americans fell victim to identity theft last year, at an estimated cost of $50 billion to U.S. taxpayers, and victims spent an average of $1,500 and 175 hours to actually recover their good name and their good credit after identity theft. This is not a trivial matter, and it is only people who have actually been convicted, not those who have presented false documents to work in the country who have not been convicted.

As far as the woman with four American children and married to an American spouse, my amendment does not touch her rights under current law. For example, we don't touch current law waivers for consent to reapply for admission. We don't touch the Secretary's ability to grant humanitarian parole. And we don't touch the waivers under current law that cover an immigrant who is the spouse of a U.S. citizen.

I thought Mr. DURBIN, the Senator from Illinois, was satisfied with that answer earlier, but I point that out to my colleagues just so they can be satisfied that there are exceptions for extraordinary circumstances.

What this amendment does is it broadly says felons will not be given the benefits of legalization and a path to American citizenship. They have had their chance, they blew their chance, and they have shown themselves unworthy of the trust and confidence of the American people when it comes to living among us in compliance with our laws and respecting the fact that, yes, we are a nation of immigrants, and proudly so, but we are also a nation of laws. Those laws keep us safe, they keep us secure, and they assure our prosperity, and the prosperity of generations yet to come. We cannot, once again, turn a blind eye to the laws that protect all of us, including those immigrants who have come here to become part of our great country and to seek opportunity for their future.

I hope my colleagues will support the Cornyn amendment, that they will vote against the Kennedy amendment as a dilution and watered-down figleaf of the Cornyn amendment.

With that, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, with regard to Senator DURBIN, he could come back and speak to this issue, this was a mother of four U.S. citizens, herself undocumented, who left the country to visit her sick mother and was apprehended after she snuck back in. She had entered and reentered the U.S. twice. She had false documents, and she has been effectively deported.

The Senator says, well, she had rights to appeal, rights to do this and to do that. This is the real impact. This is the real impact of the Cornyn amendment. This is what the Cornyn amendment is all about. We know the people who have come in here. Why do they come in here? They come to work. Why do they come to work? Because the job is there. They are devoted to their families, devoted to their work and faith, in many instances devoted to this country—with 70,000 of them working in the Armed Forces of the United States. But in order to be able to do that, somewhere along the way they get the false papers. That is what the

facts are. The great majority have them.

Under the Cornyn amendment, it says those individuals are subject to deportation. He thinks all 12½ million people are all going to volunteer and come out and say, well, by the way, Senator CORNYN gave us assurance that somebody down there in DHS can give me a waiver and let me stay. Come on. Come on. We believe that? That is going to be sufficient assurance to get these people to come out of the shadows so that they are not going to continue to be exploited? I don't believe that.

I have a lot of respect for my friend. I know what he is attempting to do in order to deal with some of these other issues, and we have attempted to address that. But the fact remains his amendment undermines the basic core of this—recognizing that people here are undocumented, and the ones who are undocumented, by and large, have these false papers. That is a part of the reality.

The question is: Are we going to say to those individuals: Look, you came here and are undocumented. You are going to pay a fine, and you are going to have to demonstrate that you are going to work, and you are going to show that you are going to be a good citizen. And in 8 years, after all the other people who have been waiting in line, after all of that period, when you are able to pay the fine, demonstrate that you have worked all that time, and have been a good citizen trying to make a difference in terms of going into the country, that then you will be able to at least start—start—on the potential road to citizenship.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. KENNEDY. Mr. President, does the Senator desire the yeas and nays?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to consider the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there objection to the request for the yeas and nays on both amendments?

The chair hears none, and it is so ordered.

Is there sufficient second on both amendments?

There appears to be a sufficient second. The yeas and nays are ordered on both amendments.

Mr. KENNEDY. Parliamentary inquiry, Mr. President: There are going to be two back-to-back votes. The first one will be on the Kennedy amendment and the second one is on the Cornyn amendment; is that correct?

The PRESIDING OFFICER. The Kennedy amendment is the first vote.

Mr. KENNEDY. And the second vote is the Cornyn amendment. I thank the Chair.

To continue, Mr. President, it is our hope that we will move toward the DeMint amendment. We had good debate on that yesterday, and the Bingaman amendment, and then have votes on those fairly soon after. I thank all our Members for their cooperation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1333, as modified, offered by the Senator from Massachusetts.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—66

Akaka	Feinstein	Murkowski
Baucus	Graham	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Kyl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Stevens
Craig	Lugar	Tester
Dodd	Martinez	Voinovich
Domenici	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—32

Alexander	Cornyn	Isakson
Allard	Crapo	Lott
Bennett	DeMint	McConnell
Bond	Dole	Roberts
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Corker	Inhofe	

NOT VOTING—1

Johnson

The amendment (No. 1333), as modified, was agreed to.

AMENDMENT NO. 1184

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1184 offered by the Senator from Texas, Mr. CORNYN.

Who yields time? The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would ask my colleagues for a ''yea'' vote on this amendment. If you voted for the Kennedy amendment, you made an incremental improvement over the current law when it comes to banning criminals from getting the benefit of our immigration system. But in order to exclude felons, people who have shown their contempt and defiance of American law, and unless it is your intent to reward felons who have shown their contempt for the American legal system, to reward them with the most precious gift this country can offer, which is legal status, potentially legal permanent residency and a path to citizenship, you should vote yes on this amendment. I would urge my colleagues to do so.

The PRESIDING OFFICER. Who yields time? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, make no mistake about it, with many good intentions which were covered in the Kennedy amendment, this guts the bill because it not only eliminates—it not only says that felons should not become citizens, and we agree with that, it says that anyone who has filed an illegal paper should not become a citizen. That is every immigrant who would be on the path to citizenship. This body voted against eliminating that provision overtly a few weeks ago. Now they are trying to do the same thing covertly because if you vote for this amendment, you will say no one will have a path to citizenship, no one who works, because everyone who has worked had to file a Social Security paper or something like that.

Anyone who wants to keep this bill going at the moment should vote against the Cornyn amendment. The Kennedy amendment dealt with felons. This is a stealth, Trojan horse amendment to kill the bill by saying no one—no one—who has ever worked shall have the path to citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, with all due respect, the Senator should read the amendment. It does not affect people who have committed identity theft unless they have actually been convicted of that. It would have no effect on people who have entered without a visa or who have come in on a legal visa and overstayed. This is no gutting of the bill; it is only to protect the American people from felons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 1184, as modified, offered by the Senator from Texas.

The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. MENENDEZ) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—46

Alexander	Crapo	Nelson (FL)
Allard	DeMint	Nelson (NE)
Baucus	Dole	Roberts
Bennett	Dorgan	Rockefeller
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Landrieu	Vitter
Conrad	Lott	Warner
Corker	McConnell	
Cornyn	Murkowski	

NAYS—51

Akaka	Graham	McCaskill
Bayh	Hagel	Menendez
Biden	Harkin	Mikulski
Bingaman	Inouye	Murray
Boxer	Kennedy	Obama
Brown	Kerry	Pryor
Cantwell	Klobuchar	Reed
Cardin	Kohl	Reid
Carper	Kyl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Craig	Levin	Specter
Dodd	Lieberman	Stabenow
Domenici	Lincoln	Voinovich
Durbin	Lugar	Webb
Feingold	Martinez	Whitehouse
Feinstein	McCain	Wyden

NOT VOTING—2

Coburn	Johnson

The amendment (No. 1184), as modified, was rejected.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the time until 2 p.m. today be for debate prior to a vote in relation to the following amendments; that the time until then be equally divided and controlled between the two leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments covered in this agreement; that at 2 p.m., the Senate proceed to vote in relation to the amendments in the order listed; that there be 2 minutes of debate equally divided prior to each vote, with the vote after the first being 10 minutes in duration, with no amendments in order to the amendments prior to the vote: DeMint No. 1197, Bingaman No. 1267, as modified.

I designate Senator KENNEDY to have my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are making some good progress. The Senator from South Carolina, Mr. DEMINT, had a good discussion last evening, as well as Senator BINGAMAN. We are grateful to them. We will have a good discussion prior to 2 o'clock on these issues.

We are hopeful, then, we will be moving along. Senator CORNYN had an amendment on confidentiality. We have Senator DODD. There are a number of those where we are trying to go back one side to the other. We hope those Senators who have amendments who are ready, particularly those who would like to enter into a time agreement, will let us know as quickly as possible. We will be in touch with others during this luncheon period and continue to move along. But we are thankful for all the help and cooperation we have received.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, staff has been working hard to set up votes on the amendments that have been called up. We ran into a little problem; that is, we had too many Democratic amendments. But we think at this stage they are now working on setting up side by side, in some instances, Republican amendments. We need to clear off the amendments that have been called up.

Now, as I have just indicated, if we have offsets for the Democratic amendments, we will go ahead and allow those to be called up or have side-by-sides. Once we get this done, I have been assured by both Senator KENNEDY and Senator KYL and others that we can have a list of amendments people need a vote on—not they want a vote on but need a vote on. We hope both cloakrooms have hotlined this and Senators are working on a personal basis with individual Senators.

Hopefully, we can get, by the 2 o'clock time, permission to do away with—I should not say ''do away with''—to dispose of the amendments that have been called up. Then, hopefully, we can shortly thereafter find out what amendments people wish to have votes on. If we can do that, it would really move this ball down the court a long ways.

Mr. KENNEDY. Mr. President, will the Senator yield?

As I understand, 1 o'clock today is the deadline for the filing of amendments.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. A number of Senators have spoken to me about having their amendments filed. Many of them I have given the insurances that we would. The Senator from Texas, Mrs. HUTCHISON, had asked that 2 days ago, and we are working with the Finance Committee. I see her in the Chamber. I think Senator THUNE was here last evening. I objected to those individuals proceeding. It would appear to me, out of fairness we ought to make sure they are not excluded. Is our policy to make sure they are at least within—if they have indicated to the floor managers, they want to be in, we have them meet the deadline?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, all first-degree amendments would have to be filed by 1 o'clock. As we have indicated, we are going to try to be fair to everybody. If there are amendments that have been up at the desk, we will certainly do our best to get to those. I think what we need to do is find out, as I have indicated, what needs to be voted on. Some Senators on our side, for example, have been contacted this morning, and they have decided not to offer amendments. The same will happen over there. If people have been waiting around and feel aggrieved they have not been allowed to offer their amendments, of course, we will consider that. But I do not think we need to do anything right now as far as a unanimous consent request in that regard.

We will do everything we can—everybody is working in good faith—to have people feel they have the opportunity to offer their amendments. I know the Senator from Texas—she is gone—she just walked in. I do not know what her amendment is about. I think it is Social Security. I am not too certain. She has been around here a lot. She is entitled, if for no other reason than having the endurance to hang around as long as she has, to have her amendment offered. We will work with everybody, both Democrats and Republicans, to see if we can work something out to have all these amendments offered and a time set to vote on them.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, all they have to do is be filed by this time.

The PRESIDING OFFICER. That is correct.

Mr. REID. That is correct.

Mr. KENNEDY. So for those who are back in their offices, they do not have to be called up. They just have to be filed. So they have until 1 o'clock for the filing of amendments. We urge those who want to have amendments filed to make sure they understand that. They do not have to call them up. They are protected in that way.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be allowed to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following me, the Senator from Maine be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, let me add another part to that unanimous consent request: that the Senator from Florida be allowed to speak for up to 10 minutes, following the Senator from Maine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, under the rules, the filing time was set for 1 o'clock, and the leader has indicated for filing any amendments that we extend that. I ask unanimous consent that the filing time be extended until 2 o'clock.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, if I could just say this—I would say this mostly to the staffs: We do not need a big rush over here as to filing amendments. It does not give anybody any benefit anyway. Just show some discretion on who has to file amendments, and then we will work our way through those and find out how we are going to dispose of them. So I think this is the right thing to do. There is no magic to the next 5 minutes. So we will wait for the next 65 minutes. If people have trouble making that deadline, let us know.

I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I might just add a word, we thank the majority leader and the Senator from Massachusetts for extending the time. That should ease substantial pressure on this side of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1554 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. MARTINEZ are printed in today's RECORD under ''Morning Business.'')

Mr. MARTINEZ. Mr. President, I note the absence of a quorum, and I ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

(The remarks of Mr. THUNE are printed in today's RECORD under ''Morning Business.'')

Mr. THUNE. Mr. President, I yield the floor and suggest the absence of a quorum and ask unanimous consent that the time be charged equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1183, AS FURTHER MODIFIED

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Clinton amendment No. 1183 be further modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1183), as further modified, is as follows:

On page 260, line 13, strike ''567,000'' and insert ''480,000''.

On page 260, line 19, strike ''127,000'' and insert ''40,000''.

On page 269, line 18, insert ''or the child or spouse of an alien lawfully admitted for permanent residence'' after ''United States''.

On page 269, line 21, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 22, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 24, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 25, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 26, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 32, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 41, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 42, insert ''or lawful permanent resident status'' after ''citizenship''.

On page 270, strike lines 18 through 29, and insert:

(2) by striking paragraphs (2) and (3) and inserting the following:

On page 270, line 31, strike ''(3)'' and insert ''(2)''.

On page 271, line 17, strike ''(4)'' the first place it appears and insert ''(3)''.

On page 273, between lines 15 and 16, insert the following:

(5) Section 201(f) (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),''; and

(ii) by striking ''(b)(2)(A)(i)'' and inserting ''(b)(2)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''(b)(2)(A)'' and inserting ''(b)(2)''.

(6) Section 202 (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) Section 203(h) (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)'', and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(8) Section 204 (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident'' after ''citizen''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that 5 minutes of the remaining time be reserved for Senator DEMINT.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1267

Mr. BINGAMAN. Mr. President, I want to first speak on behalf of an amendment I offered with Senator OBAMA. It is one of the two amendments that will be voted on in the sequence at 2 o'clock. The amendment is aimed at addressing what I believe is a very shortsighted provision in this draft immigration bill.

My amendment applies only to this new guest worker program we are creating under the bill, the so-called Y–1 program. It doesn't impact the Y–2 program, which is the seasonal and nonagricultural program that is based on the existing H–2B program, or the H–2A program, which is the agricultural temporary worker program.

Under this immigration bill as it now stands, Y–1 workers—guest workers, which is how we refer to them—would be able to work in the United States for three 2-year work periods. But before they could renew their visas for the second and the third of those 2-year work periods, they would have to leave the country for at least a year. This is the so-called 2–1-2–1-2 provision. Work for 2 years, leave for 1 year, work for 2 years, leave for 1 year, work for 2 years, and then leave for good. The total number of work years in the United States would be limited to 6 years, but the work pattern would be interrupted twice each time by a 1-year absence requirement.

The amendment I have offered, and that we will be voting on in a few minutes, simply removes the requirement these guest workers leave the country before they renew their visas. It would leave in place the term of the visa, which is 2 years, and it would not alter the 6-year total work limit that is provided for in the bill. In addition, it would modify the requirement that Y–1 workers meet all of the relevant requirements under the program each time they apply to renew their visas.

Over the last 2 days, I have come to the floor to discuss this provision a couple of times. I strongly believe it does not make any sense from a policy standpoint and, ultimately, we are going to be judged by how much sense this legislation makes. As I have pointed out, this provision is bad for employers; it harms American workers; it will be difficult and costly to implement; and it will likely encourage these workers, whom we are bringing here as so-called guest workers, to overstay their visas.

For these reasons, my amendment has the broad support of labor groups, such as the Service Employees International Union; business organizations, such as the National Association of Home Builders and the Associated Builders and Contractors; and immigration and religious groups, such as the U.S. Conference of Catholic Bishops, the American Association of Immigration Lawyers, and the National Immigration Forum. The coalition of organizations supporting this amendment is indicative of how harmful the 1-year absence requirement would be from a variety of different perspectives.

I ask unanimous consent that following my remarks, the following material be printed in the RECORD: the statement that was issued by the U.S. Conference of Catholic Bishops, a letter by the Associated Builders and Contractors Organization, a letter by the National Association of Home Builders, and a statement by the SEIU, the Service Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, with regard to the employer, it would be extremely costly to require businesses to retrain and rehire new workers every 2 years. No employer I am aware of would think it satisfactory for an employee to take a 1-year so-called break every couple of years. Each of us in the Senate employs people in our offices, here in the Capitol and our home States. This would be an unacceptable condition for us, and I am sure it would be for any employer. Businesses would have to hire other workers to take over for the leaving guest worker, would have to invest time and money in retraining additional staff. This would be extremely burdensome, particularly on small businesses.

From an economic standpoint, I believe it generally does not make sense to enact laws that cause instability in the workforce and create requirements that unnecessarily impose significant costs on our small businesses. I am not an economist, but this does not seem to be a sensible way for us to do business.

Let me take a moment to read a portion of a letter I received from the National Association of Homebuilders on this issue. The letter says:

> This system essentially makes the entire program in title IV unworkable for the construction industry. In the residential construction industry, employers spend much time and resources training employees. To arbitrarily lose valued employees at the end of 2 years, as they are forced to return home for a full year, creates unnecessary amounts of instability in our workplaces, and wastes scarce employer resources.

The construction industry is not the only sector of the economy that would be adversely impacted by this provision. The new guest worker program is not limited in the respect that existing temporary worker programs are in terms of the work being seasonal or within certain industries, such as in agriculture. These are, in fact, permanent jobs we are talking about, and they are scattered throughout our economy and will be affected if we leave this provision unchanged.

The 1-year absence requirement is also harmful to American workers. Kicking workers out of the country every 2 years ensures that there will always be guest workers who will be coming in to be paid at the low end of the pay scale, and this will result in a depression of wages for all workers, not just those guest workers but for the American workers who are competing for those jobs as well.

According to a letter of support I have asked to be printed in the RECORD that I received from the Service Employees International Union, they say the following:

> Employers will be less likely to invest in worker training or other benefits and wages to retain workers. . . . The 2–1–2–1–2 is a recipe for wage depression, job turnover and increased illegal workers.

The structure of the new guest worker program will also result in a substantial number of these workers overstaying their visas so they don't have to leave the country for an extended period of time. The Government has not done a great job in the past of ensuring that individuals leave the country at the expiration of their visas, and I have no reason to believe—I don't think any of us have any reason to believe—that the Department of Homeland Security will be able to do a substantially better job in the near future.

In December of last year, after the Government Accountability Office issued a report regarding the US–VISIT Program, which is a mechanism by which Government is supposed to be able to track the entry and the exit of foreign visitors, the Department of Homeland Security scrapped its plans to implement the exit portion of that program for U.S. land ports of entry.

In essence, the GAO report found it could take up to 10 years to develop the technology required to fully implement the program and that the cost of doing so could be in the tens of billions of dollars. There is nothing in the immigration bill that indicates that this capability is within our reach.

In section 130 of the bill, the Federal Government is required to come up with a schedule for deploying the exit component of the US–VISIT system. However, we have already been told by the GAO that this will not be a reality for a very long period of time.

In crafting this immigration bill, there has been a lot of attention given to trying to bring together individuals with a wide variety of political views. In my opinion, we have not focused enough on the practical aspects of how this bill is going to be implemented. Compromises need to be made as part of any legislative package, but we cannot lose sight of the need to craft legislation that makes sense from a policy

standpoint and that actually can be implemented and can work.

It is my belief the new guest worker program is currently structured in a manner that has more to do with the politics of getting a compromise among those who drafted the legislation than it does with sound policy. As I have discussed, the requirement that these guest workers leave every 2 years before renewing their visas is bad for employers, it is harmful to American workers, it is difficult to enforce, and it will likely result in a larger population of undocumented workers in this country in the future.

For those reasons, I urge my colleagues to support my amendment and to help make this bill more workable and better public policy.

Mr. President, I yield the floor.

EXHIBIT 1

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS,
Washington, DC, June 6, 2007.

U.S. CATHOLIC BISHOPS URGE SENATE TO SUPPORT AMENDMENTS PROTECTING ASYLUM SEEKERS AND GUEST WORKERS IN THE COMPREHENSIVE IMMIGRATION BILL

The U.S Conference of Catholic Bishops urges Senators to vote for the following amendments to S. 1348, the Comprehensive Immigration Reform Act of 2007:

The Lieberman Safe and Secure Detention Amendment. Lieberman amendment #1191 would maintain U.S. obligations to international human rights by providing safe and secure detention for victims of torture and persecution seeking asylum protection in this country. While awaiting judgment on their cases, persons claiming persecution or fear of persecution in their home countries often are subjected to prison-like conditions in U.S. detention facilities without proper health, nutritional, physical or spiritual care. This amendment makes major improvements to the U.S. detention system by reinforcing the country's rich heritage and tradition of assisting especially vulnerable persons.

The Bingaman Guest-Worker Workability Amendment. Bingaman amendment #1267 would eliminate the requirement for the ''years out'' for guest workers who are renewing their temporary Y-visas. By requiring workers to leave the country after two years, only to return one year later, the underlying legislation would create a highly-bureaucratic and unstable system for guest workers to come in to the country. It is likely that many guest workers would overstay their visas, knowing that they are to return in just a year, and many government resources would likely be devoted to seeking out and punishing individuals who are providing valuable and much-needed work. The Bingaman amendment provides a significant step toward creating a worker program that is more humane, workable, and desirous for both guest workers and employers alike.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
June 6, 2007.

THE U.S. SENATE,
Washington DC.

DEAR MEMBERS OF THE UNITED STATES SENATE: On behalf of Associated Builders and Contractors (ABC) and its more than 24,000 general contractors, subcontractors, material suppliers and construction related firms across the United States, I urge you to vote YES on an amendment (#1267) being offered by Senator Bingaman and Senator Obama to S. 1348, the ''Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007,'' which would remove the requirement that Y–1 temporary workers leave the country before renewing their visas.

Currently, the immigration bill allows Y–1 guest workers to work in the U.S. for 2-year periods (up to 6 years). However, it requires the workers to leave the U.S. for at least 1 year before renewing their visas. Requiring these workers to leave the country for a lengthy period of time between each work period is harmful for employers; extremely difficult and costly to enforce; harms American workers; and increases the likelihood that individuals will overstay their visas. Moreover, the construction industry, more so than many other industries, relies on highly trained workers to fill their labor force. Having a temporary worker on the job for only a two year time frame makes the current Y–1 visa program outlined in S. 1348 virtually useless for our industry. This is due to the fact that in most cases it takes two to four years to properly train workers in the construction industry.

The Bingaman/Obama amendment (#1267) would allow Y–1 temporary workers to stay in the United States for the entire duration of their work visa. This would give ample time for the employee to become fully trained in the construction industry and it would make the new Y–1 temporary visa beneficial to our ever expanding industry. It is imperative that America's construction industry be allowed the time needed to properly train their employees so that accidents on jobsites can be avoided at all costs.

ABC supports the Bingaman/Obama amendment (#1267) that would remove the mandatory requirement that Y–1 temporary workers leave the country before renewing their visa and ask you to vote ''YES'' on this important amendment.

Respectfully Submitted,
WILLIAM B. SPENCER,
Vice President, Government Affairs.

NATIONAL ASSOCIATION OF HOME BUILDERS,
June 5, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 235,000 member firms of the National Association of Home Builders (NAHB), we urge you (NAHB), we urge you to vote in support of the amendment being offered by Senators Jeff Bingaman (D–NM) and Barack Obama (D–IL), AMDT 1267, that would eliminate the mandatory one year cooling off periods in the proposed 2–1–2–1–2 future flow (''temporary worker'') program contained in Title IV of S. 1348, the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007. Because of the importance of this issue to our members, and the overall workability of comprehensive immigration reform, NAHB will be key voting in support of this amendment.

The future flow program in Title IV of S. 1348 will create a legal process by which immigrants can enter the United States in future years to work in industries that have established labor shortages. Under the current proposed legislation, the bill would require a worker to return to their home country for a full year every two years. This system essentially makes the entire program in Title IV unworkable for the construction industry. In the residential construction industry, employers spend much time and resources training employees. To arbitrarily lose valued employees at the end of two years, as they are forced to return home for a full year, creates unnecessary amounts of instability in our workplaces, and wastes scarce employer resources.

The Bingaman/Obama amendment will eliminate the mandatory one-year ''cooling off'' periods in the current bill, and replace it with a two-year visa, that can be renewed two additional times for a total of six years—equal to the six years that are ultimately allowed under the program in S. 1348 now. Removing the cooling off periods will create a much more usable program for employers, and we urge you to support this effort to improve the bill.

NAHB believes that a workable future flow immigrant program is essential to comprehensive immigration reform because without it, it is likely to lead to a situation that will encourage more illegal immigration in the future.

Again, NAHB will be key voting in support of the vote on the Bingaman/Obama amendment, AMDT 1267.

Sincerely,
JOSEPH M. STANTON,
Chief Lobbyist.

SEIU strongly support the removal of the requirement that Y–1 temporary workers leave the U.S. for at least 1 year before renewing their visas. While we are willing to accept a temporary worker program in exchange for legalization of the 12 million undocumented living among us, we are very disappointed with the guest worker program contained in the ''Grand Bargain''. This is why the Bingaman/Obama amendment is critical and would improve workers ability to stay employed during the entire period of their Y visa. When temporary workers are working in year round jobs it is more difficult for all workers to raise their wages and improve their working conditions. The Y–1 visa program as it is currently drafted will ensure wage depression for all workers, because it will ensure workers leave their jobs every two years. Employers will be less likely to invest in worker training or offer benefits and wages to retain workers. Removing the 1 year return requirement will help all workers raise the wages, gain job experience and receive valuable training to improve the job skills. The 2–1–2–1–1 is a recipe for wage depression, job turnover and increased illegal workers, as history has demonstrated—guest workers will overstay their visas, when they have no legal channel to remain in the country.

We thank Senator Bingaman and Senator Obama for their continued leadership on comprehensive immigration reform. SEIU urges all Senators to vote for this improving amendment.

ALISON REARDON,
Director of Legislation, Service Employees International Union (SEIU).

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from New Mexico and I have worked on a great many matters since he was elected in 1982. If I may have the attention of the Senator from New

Mexico, I am about to compliment him. I don't like to compliment him behind his back. The Senator from New Mexico and I have worked on a great many matters since he was elected to the Senate in 1982. I came at about the same time after the 1980 election. I am especially interested in his amendment and the criticism of the bill because it is the politics of compromise and not based on sound public policy.

The Senator from New Mexico and I are now working on a bill called the Bingaman-Specter bill on global warming. I am pleased to hear there has been no compromise in that bill that is based upon sound public policy. But in a very serious way, I suggest that is what we do. This place would be run a lot better if I ran it unilaterally. The Senator from New Jersey, who is presiding, smiles at that. I think more in humor than in disagreement. But we have 100 Members of this body with 200 different ideas. Each of us has two ideas on the same subject at a minimum. I know the Senator from New Mexico has a full plate on many items. He chairs the Energy Committee. He has been working on the global warming issue. He is not on Judiciary, and he doesn't have a special concern—well, for whatever reason, he did not elect to become part of the group of Senators who worked on the bill, for good and sufficient reason. I am not suggesting he should have. He attended the sessions, as did the Senator from New Jersey who is presiding, and saw what we were doing. We were so compromised that people on opposite ends of the political spectrum left us. They wouldn't stay with us because we couldn't satisfy everybody, and understandably so. We simply could not satisfy everybody.

The question is whether we would have satisfied anybody. We will know when we move along and try to get this bill to final passage. But when you take what happened to us last year—we passed a bill in the Senate, they passed one in the House, and we couldn't even conference it, wouldn't even conference it. There are people who just want a tight border and to deport 12 million undocumented immigrants. That is what they want to do.

As we work through the compromises, I would consider it a compliment to be a party to the politics of compromise, and I would accept the term ''politician'' with grace and appreciation. I remember hearing Adlai Stevenson speak in the early fifties. Perhaps it was when he first ran for President in 1952. He said: Do you know the definition of a statesman? The definition of a statesman, Mr. President, is a dead politician. That is why I much prefer being a politician, at least for the moment. I much prefer being a politician.

On this specific amendment, we hassled about this a long time. We had 6 years in mind. Should it be 3 and 3 or should it be 2 and back and 2 and back for a year and back? We finally accepted this compromise to try to make the workers temporary, that they would not get roots here and not return to their home country; that when we are working within the structure of the immigration laws, we have to accommodate the 12 million because we cannot deport them. We would like to identify those who are criminals, who are not contributing, who do not have roots and deport them, if we can identify them in numbers that we can handle.

Then there was the issue of trying hard to avoid the characterization of amnesty. Amnesty is a lot like Shakespeare's famous definition of a rose:

> That which we call a rose by any other name would smell as sweet.

If we could find more ways to make these 12 million people earn citizenship, we would. We have the fine. Maybe it is too high, maybe it is too low. We have back taxes. Maybe we can find that out and maybe we cannot. The requirement of English I think everybody agrees with. Having roots in this country, yes. Being a contributor to this country, yes. If we could shake the title of amnesty, we would like to do it, if somebody could tell us how to do it.

There are many people who are so opposed to what we are trying to do, they will call anything amnesty. I am not going to say it is not amnesty—although I believe it is not amnesty because they are earning their way—because if you get involved in name calling, it all disintegrates. People are angry at President Bush for saying it is not amnesty when they are sure it is amnesty.

I compliment the President for the leadership he has shown on this issue. He sent us Secretary of Commerce Gutierrez and Secretary of Homeland Security Chertoff. For hours, days, weeks, months they worked on it. There was a commitment by the administration.

The President has spoken out on this issue loudly, plainly, and clearly. He has taken a lot of brickbats for it, but he is working hard on it. On the Senate floor a few weeks ago, I made a comment that it was either amnesty or anarchy. Anarchy is what we have here; that is, if it is amnesty—and, again, I say I think it is not, but I am not going to get into a name-calling contest with people who want to call names.

Lou Dobbs of CNN has been one of the most vocal critics of the plan. He has a right to do that, and I have been on his program and discussed it with him, debated it with him. But I was interested to see him comment about my characterization of anarchy. That struck a chord. Lou Dobbs doesn't like anarchy—nobody likes anarchy—but in a sense that is the choice we have.

So I urge my colleagues to vote against the amendment of the Senator from New Mexico, although I have great respect, and I know this is very thoughtful, very well presented, all except for his criticism of the politics of compromise.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I first thank my colleague and congratulate him for his leadership on this bill. I know he has worked long and hard to bring this bill to the floor and is making the best out of a very awkward, difficult situation in trying to get all the interested parties under the same tent.

I am reminded of when I was attorney general of my State of New Mexico. One of the duties of the attorney general in New Mexico is to issue what are called attorneys general opinions about different legal points that come up. Sometimes those opinions are followed by various State agencies and then they are challenged in court. I remember in one of the cases where it was challenged in our State supreme court, a friend of mine on the State supreme court, who was a very wise man, wrote an opinion essentially saying that the opinion I had issued, the attorney general opinion, was wrong. He said attorneys general opinions are entitled to great weight, except when they are wrong.

That is sort of the way I feel about the bill that has been brought to the floor. I have great respect for those who have put it together, and it is entitled to great weight and deference, except where it clearly is wrong. That is what we are trying to do with this amendment, is to correct an area of the bill that clearly is wrong. I hope my colleagues will see it the same way and support my amendment. But I compliment the Senator from Pennsylvania for his leadership on this important issue.

AMENDMENT NO. 1177

I wish to speak very briefly about another amendment, unless the Senator from Pennsylvania wishes to say something, and then I would defer to him. I gather he does not need to at this point.

Let me speak briefly about another amendment I have filed. It is amendment No. 1177. It provides forestry workers with Y visas some of the same rights to ensure that the terms of their guest worker contracts are honored the same way other guest workers in the agricultural sector can have their contracts honored.

This is an amendment that is eminently reasonable. It was adopted by unanimous consent during the debate as part of the immigration bill we passed out of the Senate in the last Congress. I hope we can get agreement from the managers of the legislation to

include it this year as well. So I wished to briefly allude to that amendment and urge every consideration of it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1197

Mr. KENNEDY. Mr. President, I expect that Senator DEMINT will come to the floor to address his amendment, but in the next 5 minutes that we have before he does so, I would say his amendment is basically saying there will be no adjustment in status unless all these individuals are going to be able to buy into the high-deductible HSAs, health savings accounts, and that because of the fact that immigrants are a burden on the health care system, that they should be required to do this additional kind of work to meet their responsibilities under this legislation.

There are a couple factors I wish to mention. First of all, if you take the fact that you have 12 million of these individuals, the 12 million who are the undocumentable, they are going to, as part of their fine, pay $500 per individual. That comes to some $6 billion—$6 billion—that can go for support for various health care offsets into local communities. That is not an insignificant amount of resources. We anticipated this possibility, No. 1.

No. 2, we ought to make an examination of what happens to these undocumented individuals. What is the utilization by the undocumented? We know they are basically healthier, they are younger, and the various information and statistics we see says there is not an overutilization of the health services.

I have statistics for undocumented immigrants in one of the border States, this is in Texas, and I will read this and include the appropriate part in the RECORD. The Comptroller's office estimates the absence of the estimated 1.4 million undocumented immigrants in Texas would have been a loss to their gross State product of $17 billion. Also, the Comptroller's office estimates State revenues collected from undocumented immigrants exceed what the State spends on services, with the difference being $424 million. That is today, one State—Texas—in the utilization of services.

So we find this population where there has not been an overutilization of services, and we have provisions in the current legislation to deal with this problem and deal with it generously. But the Senator from South Carolina wants to insist on a high-deductible program.

Let us look at the average high-deductible program. The average annual deductible for a high-deductible plan required under the DeMint amendment is $1,900 for an individual and $4,000 for a family. The average annual premium for the plan: $2,700 for an individual and $7,900 for a family. The total average cost for an individual would be $4,600 and $11,000 for a family. That is for the average individual and family. This includes the fees and also the deductibility.

We have the various studies that have been done, the reports, and this information is from the Los Angeles Times. It points out that plans with high deductibles of $1,000 or higher monthly premiums that can be less than $100, as Senator DEMINT provides, are a good fit for healthy people with some financial resources. The median annual income of those using the high-deductible plans is $75,000. This is a fit for $75,000. Although the lower premiums make plans attractive, cash-strapped families run the risk of being unable to afford the deductibles.

Those are the facts. So the effect of the DeMint amendment is another way of denying the 12 million undocumented from being able to participate in the other provisions of the legislation, which we have very carefully crafted. They have to pay a high fine, they have to pay the State a set-aside, they are going to have to pay the fees as they move along. These are not insignificant. We are talking about thousands and thousands of dollars which have been worked out carefully and considered.

This kind of additional burden will say to men and women whose average income may be $10,000 or $11,000 that they are not going to be able to do it. Take those individual Americans who are making $10,000 and $11,000 and look at how many of them are able to afford health insurance. Virtually none. We know about that in Massachusetts because Massachusetts has passed a very effective program to bring those individuals in and to help and assist those individuals.

So the idea that we are going to put this in as a requirement is another way of saying to those individuals, look, we might like other provisions of the legislation, but this is a way of effectively barring you from being able to participate in this program. That undermines the object of a very important aspect of this whole endeavor. Therefore, I hope the amendment will be defeated.

As I understand from the Chair, the last several minutes are supposed to be for the Senator from South Carolina; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I don't see him in the Chamber. I think we ought to reserve that time for the Senator. As I understand, under the previous agreement, we have agreed to vote at 2 p.m.; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to speak on my amendment that is up for a vote.

The ACTING PRESIDENT pro tempore. At the present time, all time has expired.

Mr. DEMINT. I ask unanimous consent that I have 2 minutes to speak on my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I appreciate the opportunity to speak on this amendment. I think all of us would agree that we would like to design an immigration program that benefited America, that actually brightened the future for Americans, for our children, and that we do not want an immigration system that is going to invite people from all over the world who will come here and be a burden to the American taxpayers.

Unfortunately, the way this bill is written, the Z visas we offer all the illegal immigrants in this country do not require that these illegals have health insurance before they are given these legal passes. That means they will continue to be a heavy burden on the American health care system.

Senator KENNEDY has said the $500 one-time fee they have to pay is enough to cover these costs. I know every American wishes they could pay $500 and have free health insurance for life but, unfortunately, it is more expensive than that. Also, Senator KENNEDY has said these types of minimum policies cost well over $2,000 a year, which is, frankly, not true. Many of us have policies that cost less than $1,000 a year for a high-deductible policy, which is the minimum level we ask for.

The least we can ask of these immigrants we are granting permanent legal status in this country is not to be a burden on Americans for their health care. To have a minimum level of health insurance is the least we can ask. This amendment would require Z visa holders to have that minimum level, and I ask all of my colleagues to support it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the DeMint amendment No. 1197.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—43

Alexander	Crapo	Murkowski
Allard	DeMint	Nelson (NE)
Bennett	Dole	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Lott	Voinovich
Corker	Martinez	Warner
Cornyn	McCaskill	
Craig	McConnell	

NAYS—55

Akaka	Feinstein	Mikulski
Baucus	Graham	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Kyl	Sanders
Casey	Landrieu	Schumer
Clinton	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Webb
Domenici	Lincoln	Whitehouse
Dorgan	Lugar	Wyden
Durbin	McCain	
Feingold	Menendez	

NOT VOTING—1

Johnson

The amendment (No. 1197) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from New Mexico has an important amendment. He was over here yesterday afternoon and evening and spoke well about it. He came over here during the lunch hour. It is a very important amendment. He deserves to be heard.

AMENDMENT NO. 1267

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided on the Bingaman amendment No. 1267, as modified.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator LANDRIEU be added as a cosponsor to amendment 1267.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this amendment tries to eliminate the 2–1–2–1–2 provisions in this bill. The underlying bill says if a guest worker comes here, they can work for 2 years, they are kicked out for a year, they can come back, work for two more, they are kicked out for a year, they can come back work for two more, then they are kicked out for good.

What my amendment does is to say: Let's bring them here for 2 years, allow them to renew their visa twice, so that they would be here a maximum of 6 years. This makes a lot more sense for employers, for American workers who are competing for these jobs, for the guest workers themselves.

This has the support of the business community, the unions, the Catholic bishops. Everybody interested in this bill supports this. This is commonsense legislation. I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, earlier this afternoon the Senator from New Mexico criticized the bill as being the ''politics of compromise,'' as opposed to sound public policy. I told him, had he participated in the negotiations, he would have seen quintessential politics of compromise. You could not begin to make any progress at all on this legislation unless it was the politics of compromise. I suggest that is an art form frequently practiced in this body. I reminded the Senator from New Mexico of our cosponsorship of global warming. I am glad to hear there is nothing in the bill which he is the principal sponsor of that is a factor of the politics of compromise. I am glad our bill is pure.

I have not seen the bill, in the short time I have been in the Senate, that doesn't have compromise in it. If it did not have any compromise, it would not have gotten here. If it did get here, it would not be passed.

The principle of this bill is to make it temporary so people do not establish roots. If you dealt with Senator KYL on this matter, you would understand how important he is to this bill and how important this provision is to his continued support.

Mr. OBAMA. Mr. President, I come to the floor today to speak in favor of the Bingaman-Obama Y–1 guest worker amendment.

The Bingaman-Obama amendment removes the requirement that Y–1 visa holders under the new guest worker program leave the United States for at least 1 year before renewing their visas. Designing a worker program where people are supposed to come to the U.S. for 2 years, leave for a year, return for 2 years, leave for a year, and then return for 2 years is a recipe for creating a new undocumented population.

Our amendment does not modify the overall number of permissible work years, which would still be limited to a total of 6 years, and it doesn't change the term of the visa, which would still be 2 years. In order to renew their visa, applicants would still have to demonstrate that they are eligible to meet the requirements of the program. The amendment maintains the general structure of the program, but revises it in a manner that makes the program more workable.

We need to pass this amendment because the process in the underlying bill is costly and burdensome on employers, especially small businesses. Requiring employers to rehire and retrain workers every 2 years imposes unnecessary costs and creates instability in the workforce.

The underlying language is also harmful to American workers. The 1-year absence requirement would ensure that guest workers are always at the lowest end of the pay scale, which would depress overall wages. And the system as now designed provides an additional incentive for guest workers to overstay the term of their visas. Rather than returning to their home countries after their 2-year visas expire, many workers will just remain in the United States and become undocumented immigrants.

In short, the temporary worker design in the bill is unworkable and difficult to enforce. It is unlikely that the government will be able to sufficiently track the entry and exit of these workers to ensure that they comply with the 1-year absence requirement. By removing the 1-year requirement to leave the country between renewals we would at least be making the program workable.

Our amendment has the support of a variety of labor, business, immigration, and religious groups. Specifically, the Service Employees Union International, SEIU, the National Association of Homebuilders, NAHB, the Associated Builders and Contractors, ABC, the U.S. Conference of Catholic Bishops, USCCB, the American Immigration Lawyers Association, AILA, U.S. Hispanic Chamber of Commerce, and the National Immigration Forum, NIF, have voiced their strong support of this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1267.

Mr. BINGAMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—41

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hutchison	Pryor
Boxer	Inouye	Reed
Brown	Kerry	Reid
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shelby
Casey	Leahy	Tester
Coburn	Lieberman	Whitehouse
Conrad	Lincoln	Wyden
Dodd	Menendez	

NAYS—57

Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Feinstein	Roberts
Bunning	Graham	Rockefeller
Burr	Grassley	Salazar
Byrd	Gregg	Sessions
Chambliss	Hatch	Smith
Clinton	Inhofe	Snowe
Cochran	Isakson	Specter
Coleman	Kennedy	Stabenow
Collins	Klobuchar	Stevens
Corker	Kyl	Sununu
Cornyn	Levin	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dole	McCain	Webb

NOT VOTING—1

Johnson

The amendment (No. 1267), as modified, was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:45 p.m. today be for debate prior to a vote in relation to the following amendments; and that the time until then be equally divided and controlled between the two leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments covered in this agreement prior to the vote; that at 6:45 the Senate proceed to vote in relation to the amendments in the order listed; and that there be 2 minutes of debate equally divided prior to each vote, with the votes after the first being 10 minutes in duration; that if an amendment on this list is not pending, it is to be called up now. These amendments are Cornyn, No. 1250; Reid, No. 1331; Sessions, No. 1234; Menendez, No. 1194; Kyl, No. 1460; Lieberman, No. 1191; and that a half hour of the minority's time on these amendments be allocated to Senator SESSIONS, and another half hour allocated to Senator CORNYN.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. STEVENS. Mr. President, reserving the right to object, is this an exclusive list?

Mr. REID. No.

Mr. STEVENS. No objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I wish to inquire of the majority leader: I have an amendment that is a change in the amendment by which we proposed to sunset the guest worker provision. That amendment failed by one vote. I have made a modification to that amendment and would intend to reoffer the amendment and have another debate on it and a vote on that amendment. I wonder if I could inquire of the Senator——

Mr. REID. Mr. President, I say to my friend, at this time tentatively there are three Democratic amendments pending. There are no Republican amendments to match those. When we finish this tranche of votes, we are going to try to complete tonight at least these six more. I understand the Senator has or will refile his amendment, and we will be happy to take that into consideration as we try to move this bill along.

Mr. DORGAN. Mr. President, I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, reserving the right to object, could the leader tell us when amendments can be called up which were not on the list he just read, that have not been allowed to be called up today?

Mr. REID. We are working on that now. We are making progress. There are going to be three called up as soon as we get this vote started. That will be the next agreement we will enter into, and there will be three Republican amendments. So if you have something you care about, work with your colleagues over there to see if that can be one of the next three.

Mr. THUNE. Mr. President, I thank the Senator.

The ACTING PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

AMENDMENTS NOS. 1331 AND 1460 TO AMENDMENT NO. 1150

The ACTING PRESIDENT pro tempore. The clerk will report two amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1331 to amendment No. 1150.

The amendment is as follows:

(Purpose: To clarify the application of the earned income tax credit)

At the end of subtitle F of title VII, add the following:

SEC. _____. EARNED INCOME TAX CREDIT.

Nothing is this Act, or the amendments made by this Act, may be construed to modify any provision of the Internal Revenue Code of 1986 which prohibits illegal aliens from qualifying for the earned income tax credit under section 32 of such Code.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KYL, for himself and Mr. SPECTER, proposes an amendment numbered 1460 to amendment No. 1150.

The amendment is as follows:

(Purpose: To modify the allocation of visas with respect to the backlog of family-based visa petitions)

Beginning on page 270, strike lines 31 and 32, and insert the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABLITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—''.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and the time to be charged to the majority side.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

The Senator from Virginia is recognized.

AMENDMENT NO. 1313

Mr. WEBB. Mr. President, I wish to discuss amendment No. 1313, an amendment I will offer to the immigration reform bill, which will address what I believe are two important, crucial flaws in this legislation. The first flaw relates to what many are calling amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. The second flaw relates to an unworkable set of procedures that is applicable to those who are properly being offered legal status. It is important to the health and practicality of our system, in my view, that these two flaws be addressed.

My amendment would achieve three critically important goals. It creates a fair and workable path to legalization for those who have truly put roots down in America; it protects the legitimate interests of all working Americans; and it accords honor and dignity

to the concept of true American justice. If one accepts the premises of these three goals, then I strongly believe this amendment is the best way forward for our country.

As a general matter, I agree with my colleagues that the time has come for fair and balanced reform of our broken immigration system. When I say ''fairness,'' I mean a system of laws that is fair to everyone in the United States, and especially our wage earners.

I strongly support the provisions in this immigration bill that strengthen our Nation's borders. Our porous borders are a threat to our national security, and we have wasted far too long to fix this problem.

I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers. This bill's employment verification system will help ensure that illegal workers cannot get employment in the United States and would, therefore, face no choice but to return to their homelands.

As a point of reference, I did not support this bill's creation of a massive new temporary worker program. Two weeks ago, I supported Senator DORGAN's two amendments to strike and sunset that program, and I find it regrettable the Senate did not adopt those amendments. We have seen a good bit of analysis on the Senate floor in recent days to the effect that the temporary worker program will be largely unworkable. To the extent it would work, it would create a wage-based underclass and a bureaucratic nightmare. Furthermore, as I stated on the floor 2 weeks ago, I believe guest worker programs—aside from purely temporary, seasonal work—drive down the wages of hard-working Americans, and of those who came here by following the law.

With those points in mind, I wish to now turn to my amendment, which regards the other major component of this bill: the legalization program.

My amendment reflects a proposal I have been discussing with Virginians ever since I began my campaign for the Senate last year. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in our communities. I do not, however, favor this path to citizenship for all undocumented persons. Under the provisions of the immigration bill we are now debating, virtually all undocumented persons living in the United States would be eligible to legalize their status and ultimately become citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of true fairness, which is the very foundation of our society.

My amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status based on the depth of a person's roots in their community. Under my proposal, undocumented persons who have lived in the United States at least 4 years prior to the enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills the past few Congresses addressed—bills that were supported by Senators from both parties and by immigrants' rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

Among the statutory criteria would be an individual's work history; payment of Federal or State income taxes; property ownership and business ownership in the United States; knowledge of English; attendance, successfully, at American schools; immediate family members living in the United States; whether the applicant has a criminal record; and, very importantly, whether the applicant wants to become an American citizen.

Like the underlying bill, applicants would be given probationary status while the DHS considers their Z visa application and could lawfully work during this probationary period.

I believe these provisions are fair to our immigrant population, and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill, which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical. It strikes the bill's unrealistic ''touchback'' requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their American jobs. They would leave their families in turmoil and place further strain on our community services. Basic fairness and common sense dictates that these persons be allowed to apply for a green card from within the United States.

I believe my amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that will help us avoid the same mistakes our country made in 1986 with the Simpson-Mazzoli amnesty bill.

I have heard loudly and clearly from Virginians, and I have talked with people on all sides of these issues. What I hear over and over again is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so, and to do so realistically.

I ask my colleagues to support amendment No. 1313 when it comes to a vote in the Senate.

With that, Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. WEBB. Mr. President, I gladly yield to my colleague.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was listening to the description of the amendment by Senator WEBB. I think it is a good amendment, and I intend to be prepared to support it. This amendment is about the treatment of those who have come here without legal authorization. The underlying bill, by the way, was cobbled together by a group of people, including the White House, I guess, and they said anybody who shows up in this country without legal authorization by December 31 is deemed to then have been legal and will be given a work permit.

I think Senator WEBB's approach is much more sensitive and much more realistic to our people who have been here 10, 15, 20 years without legal authorization but they have been model citizens, they raised families, have had jobs, have done things that would commend them to us for the future. He is suggesting a much more sensible way of dealing with that. I think that amendment makes a lot of sense.

I did want to say we had a vote on the guest worker or temporary worker provisions, and I offered an amendment, or 2 amendments, and the second amendment was to sunset that after 5 years. I lost that vote by one vote in the Senate, and I have filed an amendment at the desk and will attempt to have another vote on that. I have modified section 2 just a bit. But my hope is that the Senate would reconsider and pass the amendment that would sunset this temporary worker provision after 5 years. Again, the vote was 49 to 48 against my amendment, and we will have another opportunity to vote on it.

The reason I mention it is the Senator from Virginia mentioned that amendment and the other amendment I offered as well. I ask the Senator from Virginia if he doesn't think this piece of legislation, in addition to legalizing those who have come here as of December 31st of last year, saying you now

have legal status—in addition to that—saying we believe there are millions of people who don't live here at this point whom we want to be able to invite in to take American jobs—I ask the Senator from Virginia whether that makes much sense in the scheme of trying to create economic opportunity for Americans at the lower economic scale in this country. There are a lot of people working at the bottom of the ladder here who want jobs, who can't find jobs, and find downward pressure on their income. I ask whether the Senator doesn't believe this temporary worker program displaces people in this country who need these jobs.

Mr. WEBB. Mr. President, I say to the Senator from North Dakota I was very pleased to support both his amendments for those reasons and reasons similar to them. I hope the Senator can get a vote on his revised amendment. I think it is important we deal with this immigration issue in a very realistic and practical manner, with the focus being the well-being of individuals who are here legally and who are citizens whose wages and salaries are in many ways being held down by these types of programs. The guest worker programs are classic examples of that.

I also would like to say that with respect to the timeline in the present bill and the cutoff for full legalization being anyone who came here before December 31 of last year, or before January 1 of this year, one of the questions that has been raised on my amendment is: Well, what do we do with these people who haven't been here 4 years? Some questions have been raised saying this would create an unfairness in this amendment. But the answer to that—the obvious answer to that is: What do we do with people who came here after December 31? They are here. What are we going to do with the people who are here next year? They are going to be here.

There is always going to be some leakage in our system. What we are looking for is a measure of fairness for people who have truly put down roots in their community and to allow them to assimilate and become American citizens. That is a separate thing from the guest worker program that the Senator from North Dakota is talking about, and I hope I get another chance to vote for his amendment.

Mr. DORGAN. Mr. President, if the Senator would yield further for a question, there are some in this Chamber who say to us: The choice on immigration is between doing the wrong thing and doing nothing. That is not the choice at all. That is a false choice. They bring the wrong thing to the floor of the Senate and say: If you oppose this, then you are for nothing.

One of the things we are for is enforcing the law. We have a law in this country about employer sanctions, about illegal immigration, trying to stop it. All one would have to do would be to enforce the law. In 2004, there were four cases in the entire United States of America that were brought by the U.S. Justice Department against employers who were employing illegal workers, illegal aliens—four. What does that tell us? That tells us that the administration says: We surrender on the issue. We surrender.

The other point I wished to make is there is no discussion on the floor of the Senate in the construct of this bill, within the debate on this bill, about the American worker. I understand we have an immigration issue. I fully understand that, and we need to deal with that. But part and parcel of that, in my judgment, ought to be some discussion on the floor of the Senate about how this affects the American worker. We have a lot of workers in this country who aren't doing very well. It has been a long time since they have seen any increase in their income, despite their productivity rising. Where is the debate about the impact on the American worker? It is not selfish for us to believe that ought to be a part of this discussion.

So I ask the Senator from Virginia whether he believes as well that when you bring an immigration bill to the floor, you ought to have some discussion about what is the impact of this issue on the American worker, on the people who have a high school education or perhaps don't even have a high school education and who are at the bottom of the ladder, got up this morning and went to work and are working at minimum wage, struggling to get by to raise a family to do the best they can and discover at the end of the day: Oh, by the way, there is more downward pressure on your income because the employer can bring somebody through the back door that is able to be paid lower wages, they will work for less money, even as the bigger employers are exporting jobs out the front door to China and Sri Lanka and Bangladesh.

So I ask whether the American worker shouldn't play a bigger role in the debate on the floor of the Senate.

Mr. WEBB. Mr. President, I would say that an enormous amount of work has gone into this piece of legislation, as we all know. I appreciate all the energy that the Senator from North Dakota has placed for years on the interests of the American worker. I share those interests. This amendment that I offer is based on two things. One is fairness to everyone, including the American worker, and the other is the practicality that is this particular part of the legislation.

Mr. DORGAN. I thank my colleague.

Mr. WEBB. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

AMENDMENT NO. 1250

Mr. CORNYN. Mr. President, I have an amendment that is scheduled for a vote later on this evening, and I would like to spend a few minutes explaining it. This is—well, let me put it this way: If the definition of insanity is doing the same thing over and over and over again and expecting a different outcome, the provisions in the underlying bill that my amendment will correct represents insanity in action because it repeats a mistake made in the 1986 immigration laws that is within our power to correct. I believe the amendment I am offering will allow that correction to take place, and I offer it in that spirit.

At the very least, the American people expect we will not intentionally repeat mistakes. They don't expect us to be perfect. They do expect us to do our best, and we owe them that much. But in this case, doing our best means not repeating a mistake.

Quite simply, the Department of Homeland Security is, under the current bill, prohibited from using internally all information from Z visa applications, as well as sharing information with the relevant law enforcement agencies. That is right. You can actually apply for a Z visa if you are 1 of the 12 million or so people here in the country already in violation of our immigration laws, whether it is entering without a visa or once having entered with a visa, overstaying that visa, and if you are seeking the benefits of this underlying bill which are mainly represented in the form of a Z visa, the information contained in that application by those 12 million individuals is effectively shielded from law enforcement authorities. For example, if an applicant comes forward and is denied a Z visa, this legislation currently pending prohibits the Immigration and Customs Enforcement Service from using that information in order to apprehend that person who is not legally present in the country.

What we learned about the 1986 amnesty was that the New York Times said it created the largest immigration fraud in the history of the United States. That same view is shared by the general counsel of the Immigration and Naturalization Service under President Clinton with regard to statutory restrictions on sharing and using information. That general counsel, Paul Virtue, noted that this prohibition greatly contributed to this fraud.

At this point, I ask unanimous consent that the New York Times article be printed in the Recored and I refer my colleagues to the testimony of Paul Virtue before the House Immigration and Claims Subcommittee of the House Judiciary Committee at judiciary house.gov/judiciary/106–52.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. In addition to questions of why we would want to put out of bounds to law enforcement agencies information which they could use to investigate and identify fraud and criminal conduct, you might ask: Why the double standard? For example, we don't afford these kinds of robust confidentiality provisions for other classes of immigrants such as asylees or battered women or those who fall under the temporary protected status provisions. So why would we have a double standard? When an asylum seeker applies for legal status, that asylum seeker must submit an application and return at a later date for the decision. If that asylum seeker's application is denied, then he or she is taken into custody on the spot, based on information contained in the application.

Now, the proponents of this bill will tell us that without these guarantees of confidentiality, those who are already here in the country in violation of our immigration laws will not come forward and seek the benefits of the Z visa provided for under the bill, which leads me to ask: Aren't we granting the biggest benefit that can ever be given to anybody in the world—legal status and a path to American citizenship—even though these individuals have violated our laws?

And to be clear, we are talking about those who cannot even establish that they meet the minimum requirements to get this valuable benefit. Even worse, they have continually flouted our immigration and criminal laws. Why would we consciously give these individuals broad privacy protections by the mere filing of their application for Z status, and why would they be treated differently from other immigrants?

The proponents say they do exempt from confidentiality those who commit fraud or are a part of some other scheme in connection with their application. Of course, that is the very least we should do. But this bill does not go nearly far enough to effectively enforce our immigration laws and protect the American people from those who could and would and might do us harm.

For example, on page 311 of the bill, in section 604(b) labeled ''Exceptions to Confidentiality,'' the drafters of this bill have chosen to protect aliens who are criminal absconders who have not been removed from the United States; that is, people who are under orders of deportation but who have not yet been removed. This is, in fact, a felony offense under 8 U.S.C. 1253, which is punishable for up to 4 years in prison. Yet the underlying bill would provide confidentiality for that individual.

We all know that hundreds of thousands of individuals come across our borders each year in violation of our immigration laws. But what most Americans would be shocked to realize is that, according to recent estimates, almost 700,000 aliens who have immigrated illegally or overstayed who have been ordered deported have simply failed to comply with that court order. How many Americans think that it is OK to ignore a court order? How many Americans, after receiving a subpoena from a court, ignore it and simply skip that court date?

Let me give two examples of what I am talking about. In section 604(b), the drafters claim they allow law enforcement to go after information for those denied Z status because of felonies and serious criminal offenses, but what is missing are those aliens who have actually committed those felony offenses but who have not yet been actually convicted. In section 604, the drafters further claim they resolve the problem by allowing law enforcement access to those who commit fraud or misrepresentations in their Z applications. But again, what is missing is law enforcement's ability to reach third-party fraud: Where the alien, him or herself may not be complicit but to prosecute the third party, the Government needs the information from the Z application filed by such individuals in order to make the case. Simply stated and summarized, fraud by third parties involved in a Z application; crimes that have not yet resulted in a conviction; absconders—people who have ignored a valid court order and who have yet to be physically removed—as well as those Z visa applicants who are denied on noncriminal grounds, all of those categories of information are rendered confidential and kept from law enforcement authorities when it comes to investigating crime and other wrongful conduct.

As I said earlier today, in fact, if we were more interested in regaining the public's confidence that we were actually serious about passing an immigration law that could be and would be vigorously enforced, I don't think I would be up here offering this amendment because it would be agreed to without the necessity of a vote. But strangely, to me, this commonsense sort of amendment is being resisted. In a way, it helps merely confirm what most people across the country—particularly in my State—seem to suspect, which is that Congress cannot be trusted and is not serious about creating an immigration law system that can be adequately enforced.

As my colleagues know, I offered a separate amendment that would categorically bar fugitive aliens from receiving the benefits under this bill. I believe this is an issue of fundamental fairness and integrity of the system. In exchange for what has been offered to this population, which is the largest legalization program in our Nation's history, we should be able to say that for any person who applies for and receives benefits under this program, we will authorize the Immigration and Customs Enforcement Service to look at that application and to, if necessary, if warranted under law, arrest that individual who made that application and deport them, in accordance with our laws that Congress has already passed.

But the bill the Senate is considering today turns a blind eye to those who apply for the benefits under this bill and are denied. This bill would allow them simply to slide back into the shadows—the precise problem we are being told we are trying to fix.

I daresay if you ask a random taxpayer on the street this simple question: Assume an alien comes forward to apply for legal status under this bill. Because the applicant doesn't satisfy one of the criteria for being awarded legal status, the applicant is denied benefits under the bill. What happens to that individual under the Senate immigration bill? If you were to ask that question to a man or woman on the street, I bet you that 100 out of 100 times people would say: Well, they ought to go home, they ought not to be granted benefits under the bill. Certainly, they would say you ought not to hide evidence of fraud or criminality or wrongdoing that could be investigated and prosecuted.

Yet the so-called confidentiality provisions my amendment addresses, under the current bill, would prevent law enforcement officials from using information on the application to locate and remove a significant population of those who don't qualify for legalization but have applied for it.

To be clear, this is for individuals who have actually applied for a Z visa, or benefits under the program, and have been denied, not those whose Z visa status has been granted.

This is, in essence, providing an opportunity—to significant categories of individuals whose applications are considered and rejected—to slide back into the shadows, which is the very problem we are told this solution is designed to solve.

The whole point of this exercise, we continue to be told, is to enhance U.S. security by bringing people out of the shadows. But this bill would draw people out, only to allow them to slide back in if they demonstrate they are disqualified for the benefits under the bill—the very people we ought to be focusing on and having deported in accordance with our laws.

I remind my colleagues of our Nation's recent history with mass legalization and the consequences of prohibitions on Federal agencies sharing information.

As I have stated, reasonable observers have concluded that the 1986 amnesty was rife with fraud. That is the conclusion of the New York Times in the article that will be part of this record, dated November 12, 1989. The title is ''Migrants' False Claims: Fraud on a Huge Scale.''

We also note, for example, from the 9/11 Commission staff statements, that Mohamed and Mahmud Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards, or legal permanent resident status, under the Special Agricultural Workers Program, which was an amnesty program created by the 1986 bill.

Under this Special Agricultural Workers Program, a key component of the 1986 amnesty, these applicants had to provide evidence they had worked on perishable crops for at least 90 days between May 1, 1985, and May 1, 1986; their residence did not have to be ''continuous'' or ''unlawful.'' Nearly 1 million illegal aliens received legal permanent resident status under this amnesty—''twice the number of foreigners normally employed in agriculture'' at that time, according to the 9/11 Commission staff statements.

In other words, the inference is inescapable that there was fraud on a huge scale, based on the very kind of confidentiality provisions this bill includes and which my amendment would remove.

I wish to make one other point about this ill-conceived confidentiality provision. Under this bill we are considering, Congress would even prohibit the use of information from sworn third-party affidavits that are one of the documents that can prove eligibility. Who could not, with a little bit of creativity and initiative, get some third party to provide an affidavit that says: Yes, you were present on June 1, 2007; thus, you are eligible for the benefits under this program.

If you designed a program to welcome and invite and embrace fraud more, I cannot imagine what it would be. Yet that very same sort of affidavit could be rendered confidential and could not be shared with law enforcement personnel, unless my amendment is passed.

We already know from well-documented prosecutions of document vendors and other legalization cases that the type of documents submitted—especially sworn affidavits from third parties, not even relatives—no qualification, just third parties—have been used routinely to further fraud.

At the very least, we should not repeat the mistakes of 1986 by allowing the continued use of sworn affidavits by applicants to establish eligibility for the Z visa. My amendment takes care of these concerns.

We know one thing: Criminals and terrorists have abused—and will continue to seek ways to abuse—our immigration system in order to enter and remain in this country.

I regret this bill we are debating fails to give law enforcement the commonsense tools they need in order to prevent terrorists and others from exploiting the vulnerabilities inherent in any massive legalization.

My colleagues may tell you there is a confidentiality exception for national security and for fraud. But to rely solely on these exceptions is simply wishful thinking; it is not going to happen. It doesn't go nearly far enough to reach the kinds of fraud and criminal conduct and other wrongful conduct I have mentioned.

This kind of information law enforcement needs may provide valuable leads of which they were previously unaware. Failure to allow law enforcement to connect the dots is a deadly mistake I have heard my colleagues promise they would ''never allow to happen again.'' So I urge those who are truly serious about the commitment to make sure this kind of fraud and the danger associated with it doesn't ever happen again to support my amendment and make a crucial improvement to this legislation.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

[From the New York Times, Nov. 12, 1989]

MIGRANTS' FALSE CLAIMS: FRAUD ON A HUGE SCALE

(By Roberto Suro)

In one of the most extensive immigration frauds ever perpetrated against the United States Government, thousands of people who falsified amnesty applications will begin to acquire permanent resident status next month under the 1986 immigration law.

More than 1.3 million illegal aliens applied to become legal immigrants under a one-time amnesty for farm workers. The program was expected to accommodate only 250,000 aliens when Congress enacted it as a politically critical part of a sweeping package of changes in immigration law.

Now a variety of estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000.

LACK OF MANPOWER AND MONEY

The Immigration and Naturalization Service has identified 398,000 cases of possible fraud in the program, but the agency admits that it lacks both the manpower and the money to prosecute individual applicants. The agency is to begin issuing permanent resident status to amnesty applicants on Dec. 1, and officials said they were approving 94 percent of the applicants over all.

Evidence of vast abuse of the farm worker amnesty program has already led to important changes in the way immigration policies are conceived in Congress. For example, recent legislation to aid immigration by refugees from the Soviet Union was modified specifically to avoid the uncontrolled influx that has occurred under the agricultural amnesty program.

Supporters of the farm worker amnesty argue that it accomplished its principal aim of insuring the nation a cheap, reliable and legal supply of farm workers and that it made an inadvertent but important contribution in legitimizing a large part of the nation's illegal alien population. #1,000 Workers, 30 Acres Critics point to cases like that of Larry and Sharon Marval of Newark. Last year they pleaded guilty to immigration fraud charges after immigration service investigators alleged that the Marvals were part of an operation that helped about 1,000 aliens acquire amnesty with falsified documents showing they had all worked on a mere 30 acres of farmland.

The amnesty for farm workers was a last-minute addition to the Immigration Reform and Control Act of 1986, which sought to halt illegal immigration with a two-part strategy. Under a general amnesty, illegal aliens who could prove they had lived in the United States since before Jan. 1, 1982, were given the chance to leave their underground existence and begin a process leading to permanent resident status. And to stem further illegal immigration, the employment of illegal aliens was made a crime.

The agricultural amnesty program was adopted at the insistence of politically powerful fruit and vegetable growers in California and Texas who wanted to protect their labor force. In several respects, the provisions for the program were much less strict than the general amnesty program, which drew 1.7 million applicants. Instead of having to document nearly five years of continuous residence, most agricultural worker applicants had to show only that they had done 90 days of farm work between May 1, 1985, and May 1, 1986.

Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible to fraud. But he argued that budget decisions had made the battle to combat fraud more difficult.

''There has not been enough diligence in tracking down the fraud,'' he said, ''because funding for the I.N.S. has been cut by the White House in each of the last three budgets, even though everyone agreed when the bill passed that greater I.N.S. manpower was essential to make it work.''

Congress rarely raises the immigration service budget above Administration requests.

Aside from its budget problems, the immigration service has repeatedly come under fire this year in Congress and in an audit by the Justice Department for what was termed mismanagement and administrative inefficiency.

John F. Shaw, Assistant Immigration Commissioner, agreed that ''manpower restrictions'' at the agency were a major factor in the fraud in the agricultural amnesty program. He said much of the fraud ''shot through a window of opportunity'' when the agency was frantically trying to deal with many new burdens of the 1986 immigration law.

PEOPLE WHO SOLD FALSE DOCUMENTS

Mr. Shaw said law-enforcement efforts had been limited to the people who sold false documents to applicants for the farm worker amnesty. The immigration service has made 844 arrests and won 413 convictions in cases alleging fraud in the amnesty program. The people involved ranged from notaries public to field crew leaders. ''It was a cottage industry,'' Mr. Shaw said.

The immigration service can revoke legal status if it finds the applicant committed fraud, but even this effort is limited. Only applications that appear linked to a fraud conspiracy are held for review, as when an unusually large number of applicants assert that they have worked in the same place. Some 398,000 aliens have fallen into this category since the application period ended last Nov. 30, but it is likely that many of them will get resident status.

Mr. Shaw said the fraud conspiracies often involved farms that actually did employ some migrant labor. So it is frequently impossible to separate legitimate from illicit claims.

Given the limited law-enforcement effort, no precise count of fraud in the agricultural amnesty program is possible. But some rough estimates are possible based on information from the aliens themselves. An extensive survey conducted in three rural Mexican communities by the Center for U.S.-Mexican Studies at the University of California in San Diego found that only 72 percent of those who identified themselves as applicants for farm worker amnesty had work histories that qualified them for the program. A similar survey conducted by Mexican researchers in Jalisco in central Mexico found that only 59 percent qualified.

But fraud alone does not explain why the program produced more than five times the applicants Congress expected. Frank D. Bean, co-director of the Program for Research on Immigration Policy at the Urban Institute in Washington, said the miscalculation in the Special Agricultural Worker program reflected longstanding difficulties in tracking the number of temporary illegal migrants from Mexico.

''It is at least plausible that a very large percentage of the S.A.W. applicants had done agricultural work in the U.S. even if they did not meet the specific time requirements of the amnesty,'' Mr. Bean said. 'It Was a Weak Program'.

Mr. Shaw of the immigration service, and other critics of the law, believe there were more fundamental flaws. ''It was a weak program and it was poorly articulated in the law,'' he said.

Unlike almost all other immigration programs, which put the burden of proof on the applicant, the farm amnesty put the burden on the Government. Consequently, aliens with even the most rudimentary documentation cannot be rejected unless the Government can prove their claims are false.

Stephen Rosenbaum, staff attorney for California Rural Legal Assistance, a nonprofit service organization for farm workers, argued that there was no other way to structure an immigration program for an occupation ''that does not produce a paper trail.'' He noted that farm workers are paid in cash and neither the employers nor the workers keep detailed records. 'Immense Logistical Problems.'

''You can argue the wisdom of a farm worker amnesty, but if you have one, you have to recognize the immense logistical problems involved in producing evidence,'' he said.

The immigration service at first tried to apply the stringent practices common to other immigration programs, like rejecting applicants with little explanation when their documents were suspect. But three lawsuits brought in Florida, Texas and California over the last two years forced the agency to follow the broader standards mandated by Congress.

The burden-of-proof issue arose again earlier this year when the House of Representatives approved legislation that would have made any person who could prove Soviet citizenship eligible for political refugee status.

A legislator with a powerful role on immigration policy, Senator Alan K. Simpson, Republican of Wyoming, eliminated the provision because of concerns raised by the farm worker amnesty program, an aide said. Mr. Simpson, who is on the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, substituted a series of specific circumstances that had to be met for a Soviet citizen to be considered a refugee, like denial of a particular job because of religious beliefs.

Immigration experts believe that the agricultural amnesty program will probably color policy debates over other categories of aliens whose qualifications will be difficult to document, like the anti-Sandinista rebels of Nicaragua.

''One certain product'' of the agricultural amnesty program, Representative Schumer said, ''is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it.''

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina is recognized.

(The remarks of Mr. DEMINT pertaining to the submission of S. Con. Res. 35 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, so I understand, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 42 minutes remaining.

Mr. KENNEDY. I yield such time as I might use.

On the Cornyn amendment, the issue is basically confidentiality. Why is confidentiality important? What we are trying to do with this proposal is to say to the 12.5 million who are living here, the undocumented as well as those in agricultural jobs: Come out of the shadows, and if you are going to meet the other requirements of the bill—paying fines, go to the end of the line, demonstrate solid work achievement and accomplishment—you will eventually be able to get in line after the backlog is completed for a green card and citizenship. We are saying to the individuals: If you are undocumented today, we want you to register.

There is a question with regard to people who are undocumented today. If I go down and say my name is—maybe an undocumented Irish person, say his name is Halloran, and he goes in and says: I am Halloran and live on Linden Street. I am undocumented, my wife is undocumented, and my children are undocumented. We want these people to come out of the shadows and register to begin this process, right? Right. We have to make sure those people are going to have a certain amount of confidentiality, that they are not thinking they are just going to sign in and register and report to be deported. That is what the Cornyn amendment effectively does, is report to deport because he eliminates all kinds of protections of confidentiality.

We provide levels of protection of confidentiality for individuals, but not if they have been involved in any criminal activity and any fraudulent activity.

The Senator from Texas mentions the 1986 act. He has been mentioning the 1986 act time and time again. I responded that President Reagan signed that act. Republicans were in charge at that time, and they administered that act from 1986 to 1992. I voted against that legislation for many of the reasons that have been outlined. That is a different time.

If they want to talk about what President Reagan and what the Republicans did at that time, they can be my guest. But the fact is, as we do know, there were incidents where fraud was committed during that program in the submission of various agricultural documents, and fraud was committed. That is all outlined in a 1988 report which has been quoted here. But that has been the document. We have not seen other documents about similar kinds of fraudulent activities.

As a result, what did we do with this legislation? We did a number of things because of what happened in 1986.

We provide additional protections and requirements in these areas of identification. We provide a number of protections in this legislation, and I will include those at the conclusion of my statement.

Secondly, we have included in this legislation that if the DHS believes fraud has been committed, they can move ahead and deport. Do my colleagues understand? If the Department of Homeland Security thinks fraud has been committed by these individuals, they can move ahead and deport. That has been included. We have also included random audits of these various programs.

The point that has been made that in 1986 there were irregularities we accept and agree. The fact that the 1986 act was not well managed, we agree. Was there fraud in a number of these affidavits? We say, yes, and that is why we took action in this legislation to address it. And I will include those particular citations.

I will run through these points very quickly. If the applicant is inadmissible for criminal reasons or an alien smuggler, that information is turned over to the local law enforcement and police. If there has been a conviction of a crime, criminal activity, smuggling, marriage fraud, all of that information is turned over to the police. If there is any indication of any kind of intelligence activity, it is turned over to the Department of Homeland Security.

We have written into this legislation protections so we are not going to have abuses of confidentiality. But—but, Mr. President—when we are talking about other kinds of activities—for example, if they fail the English test, or because there is a certain amount of work requirement time, there is an issue as to whether they completed the work requirement, we protect their confidentiality. If they fail the English test, we protect their confidentiality. If there is a technical registration issue, we protect their confidentiality.

This is enormously important because if we do not protect their confidentiality, they are not going to register. It is as clear and simple as that.

This represents a very careful balance that was worked out. I respect the Senator from Texas on this issue, but it is important that we have guarantees for individuals if we expect them to register as this system is being set up because it is going to transition. We know parts of this system are not going to go into effect until we have border security, and if we expect individuals to participate in that system, we have to guarantee their confidentiality. We do so. It is enormously important. This system isn't going to function unless we do.

If the Cornyn amendment is adopted, the bottom line is this system will not function, and it will not work because as individuals in this community are wondering whether they ought to sign up for this system, by and large they are going to check with perhaps their local parish, maybe their local priest, maybe a nonprofit organization, social service organizations, community organizations in which they have confidence and trust, and those individuals are going to know whether there is confidentiality or not. Those individuals upon whom they rely in the local community, extended members of their family, nonprofit organizations, church organizations, unless they are able to give the assurance to these individuals that their confidentiality is going to be protected, we are not going to have people involved, and we are not going to have success with this legislation.

As I mentioned, in the incidence of fraud, we have addressed those extensively with provisions in the legislation. If there are incidents of fraud, criminal activity, terrorist activity, any of the other kinds of issues that involve criminality, of course, that protection is effectively out the window. We provide confidentiality, but limited in a very important way. It is enormously important to the success of the program.

Mr. President, I anticipate that we are going to have presentations by my friend and colleague from Alabama sometime with regard to the earned-income tax credit. I have comments in response to that amendment. I know there will be an alternative amendment that will be offered in that area. I will address the Senate when we have that particular proposal.

Eventually, we are going to have the Lieberman amendment, which is a very thoughtful amendment. We will have opportunity to address it at that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I appreciate the tremendous effort that has been made on both sides of the aisle to try to address the immigration dilemma facing our country. In my view, other than the war in Iraq, the war on terror, there is nothing more important before us, and we should leave the bill on this floor for as long as it takes to get it right because as difficult as it is to get it right, it seems to me that failure is not an option. If we fail, then what we have done is admitted that we have just simply allowed a situation to continue where perhaps a million new illegal persons will come into our country each year. That contravenes the rule of law upon which this country is founded, it works against our ability to be a country that lives by the motto that is engraved up there on the wall, ''one from many,'' to assimilate into our country the number of people who are coming, and it is a poor example for the rest of the world when we suggest to them that they create governments that rely upon the rule of law. It also absolutely enrages the American citizens, who look at Washington and say that the Government has done a horrible job for the last 10, 15, 20 years in enforcing our immigration laws. Americans have, in many cases, lost faith that we even have the ability to fix the mess. I used to feel that way myself before I came here. I haven't been here that long—just 4 years.

Twelve years ago, I was a candidate for President of the United States. I was in those debates which we watched on television last night, or those kinds of debates. One of my proposals was that we should create a new branch of the military in order to secure the border. In 1994, 1995, and 1996, Americans were upset about our inability to distinguish between legal immigration, which is the lifeblood of our country, and illegal immigration, which is an affront to the rule of law and the principles of what it means to be an American. So this has been going on year after year after year.

When I was home last week in Tennessee, I spent a lot of time listening and talking to Tennesseans. In fact, I just left a group of homebuilders from Tennessee in my office who were talking to me about the immigration bill and about some concerns they have. But of all the concerns that came through to me last week in my conversations with Tennesseans, it boils down to this: We don't really trust you guys in Washington, DC, to fix this problem. You don't seem to be willing to do it.

So I have a suggestion today that I will make, an amendment that I intend to offer. I won't call it up at this moment, but I want my colleagues to know about it and the country to know about it because I think if this bill were to become law, it would increase the level of trust the American people would have in the ability of this Government to enforce whatever law we pass. I am not suggesting it would solve everything or that we would regain trust overnight, but I am suggesting it would be a step forward. I will describe the legislation in just a moment, but it boils down to this: We would involve the Governors of the border States between the United States and Mexico in determining whether the new border control system we put in place is actually operational.

Right now, particularly amendment offered by my distinguished colleague from New Hampshire (Senator GREGG) the other day, the proposed bill has been strengthened in the following way: He said that his amendment would require the Department of Homeland Security to certify that it has established and demonstrated operational control over the entire U.S.-Mexico land border before other parts of the bill involving legal status could go into effect. We call this the trigger.

Senator ISAKSON from Georgia suggested this last year. It is a wise idea. It says, first we secure the border, and then, when it is secure, we do the other things about legalization of people already here, to the extent we decide to do that. But the question still remains: Who is going to say when the border is secure? The people out across the country—at least those in Tennessee—don't trust us, don't trust the Government in Washington, because of this poor record of 20 years. It doesn't matter that I just got here 4 years ago. They look up here and see the Government and they say: You didn't do it last year, you didn't do it 3 years ago, you didn't do it 10 years ago or 15 years ago, so how do we know you are ever going to do it, even if you pass the law?

Well, the three things I can think of that would make a difference are, No. 1, to pass a bill with teeth in it. For example, the Gregg amendment says there will be 20,000 Border Patrol agents. That is more than we currently have. Today, there are 13,000. There

will be four unmanned aerial vehicles. There will be 300 miles of vehicle barriers. Currently, there are about 78. There will have to be at least 370 miles of fencing already built. Now, there are 700 already authorized by the Secure Fence Act of 2006, and that hasn't changed, but 370 miles would have to be built. There would have to be 70 ground-based radar and camera towers on the southwest border. There would have to be a permanent end to catch and release. There would have to be an employment verification system that requires employers to electronically verify new hires within 18 months and all existing employees within 3 years. All of those things would have to be in place. The words are they would have to be ''established and demonstrated, that the Federal Government had operational control over the entire U.S.-Mexico land border.''

The amendment that is already part of the bill, the Gregg amendment, said the Director of Homeland Security would certify that. What I add with my amendment is it has to be concurred in, agreed with, signed off on by three of the four Governors on the United States-Mexico border. In other words, we pass the law with teeth—the teeth of the Gregg amendment and maybe more. I have suggested, and others seem to have agreed, what we ought to do is then fund the law. Either the President challenges us to pass an appropriations bill within 30 days after we pass the law, we do it ourselves, or we set up a trust fund—the way we do for highways and the way we do for Social Security, the way we do for anything else—and we say that money goes to secure the border, to fund these things. We pass a law with teeth. Then we provide the money. Then the Director of Homeland Security says the border is secure. That is the trigger. My amendment would say: The Governors of the border States, three out of four, have to agree.

The Governors of the border States are not in Washington, DC. They have not been infected with whatever is up here. They have not even been vaccinated. I have been up here long enough to be vaccinated with whatever disease is up here, and for that reason more Tennesseans trust the Governors than they do the Washington officials to solve this problem. If the Governors of California, Arizona, New Mexico, and Texas say yes, the border is secure, we agree with the certification of the Department of Homeland Security, I think that would be good enough for most Americans. That is the point of my amendment.

We need to put together a good bill that secures the border first. After border security, the other biggest problem is what to do about those already here illegally. I think that issue is less of an issue if most Americans believe we would pass a law that permitted the Border Patrol agents and the verification system to be done, that we would fund it and we would actually do it as certified by the Director of Homeland Security and the Governors on the border. Then I think they would be willing to accept different solutions for those already here.

But the week before last I voted for the amendment offered by Senator VITTER that would have sent the bill's drafters back to the drawing board on the question of what to do about the 12 million illegal persons, more or less, who are already here.

Senator HUTCHISON and Senator CORKER have done some very important work on this issue, which I intend to support and to cosponsor. That amendment would require illegal immigrants, who want to work here, to return to their home countries and reenter through legal channels in addition to paying a fine and passing the criminal background check.

In addition to that, this bill should be about another subject about which we hear almost nothing, and that is the number of people who come here legally every year. A little more than a million people come into the United States each year legally. Today, if I remember the figures right, most are family members. Some come here as students. Some come here as researchers, to create jobs for us. Some come here as refugees. For those Americans who come here legally and who are prospective citizens, especially given the large number of people coming from overseas, we need to do everything we can to help those persons become Americans.

I have filed several amendments. They seek to promote learning English, our common language, and what it means to become an American through an understanding of history and civics. For example, one of these amendments will help these legal immigrants learn English and what it means to be an American, to codify the oath of allegiance, and to make English our national language.

Another amendment would ask the Government Accountability Office to provide a comprehensive report on the costs imposed on the public and private sector by having millions of U.S. citizens and lawful permanent residents who are not proficient in English. So far in this debate the Senate has already passed my amendment to establish a Presidential award to recognize companies who have taken extraordinary efforts to help their employees learn English and American history and civics.

Some may say that is not so important, we all agree with that. It is awfully important. If you take a look at Europe today and you see the difficulty France has helping immigrants become French, and that Germany has helping immigrant workers become German, and that Japan has—because no one has an idea of what it might mean to become Japanese if you are not born Japanese—you can see how fortunate we are in this country to have literally invented the concept of becoming American. We say it does not matter what your race is, it doesn't matter who your grandfather is, you come here, you take the oath George Washington gave his officers at Valley Forge and you say: I am not whatever I was. I pledge allegiance to America. I learned the language, I learned the history, and we have a few principles we agree on, and I am an American. I am proud of where I came from, but I am prouder to be an American. Race doesn't matter. Religion doesn't matter. We pride ourselves on that. It is a tremendous advantage we have, so we ought not lose sight of the importance of helping legal citizens learn English and what it means to be an American.

I have heard some talk that encouraging people to learn English is somehow divisive. I can't imagine that. In fact, it is the reverse. It is our unifier. It unifies us, to have a common language. It unifies us to know that the rule of law and equal opportunity are common principles.

We debate what that means, and often they collide and conflict and we have to work that out as legislators, but we all agree on the same common principles and we enjoy the fact we have a common language, so I can speak to the President, and I can argue with the Senator from Colorado or I can agree with him as we are doing on an Iraq piece of legislation right now. We have a common language.

So, common language, what it means to be an American, finding many different ways to honor these new citizens who come here legally—that ought to be as important a part of this bill as securing the border and creating a verification system in dealing with the people who already got here illegally.

Primarily I came to the floor this afternoon to let my colleagues know I have a suggestion for how to begin to regain the trust of the American people on this issue, and that is this bill should pass with strong new provisions for border security, with funding to pay for it, and with a trigger that says the legalization parts of the bill don't take effect for 2, 3, 4, maybe even 5 years, until the border is secure.

Then the question is how are we going to know if the border is secure? The bill says trust the Director of Homeland Security. I say ask him, pay attention to him or her, but also trust the Governors of the border States. Let three out of the four Governors, of California, Arizona, New Mexico, and Texas concur with the Director of Homeland Security that the border is secure before we begin the legalization process, and I think the American people might buy it, they might believe

that, and we might begin to regain their trust, after 20 years of mismanagement, that we are willing to take seriously securing the border and establishing respect again so we can have a rule of law.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Colorado is recognized.

Mr. SALAZAR. I thank my friend from Tennessee for his comments on the importance of immigration reform. I would say there is agreement in this Chamber among both Democrats and Republicans that what we need to do is secure our borders. The legislation before us today and the legislation we have been working on is, in fact, intended to secure our borders. We all recognize we need to move from a system of lawlessness and broken borders that create a wake of victims, to a system of law and order and a system of immigration reform that works for our country. We have been making significant progress as we move forward with this legislation. At this point we have already had 15 rollcall votes on this legislation. We expect to have another seven rollcall votes on this legislation as we move forward today. That gets us up to 22 rollcall votes. Last year before cloture was invoked on the immigration bill that was before the Senate, there were, at that time, 23 rollcall votes. So by the end of tonight we should be at a point where we would have equaled at least the number of votes we had last year.

We have some difficult amendments still coming up that we will be voting on, both today and tomorrow, but it seems to me we are making significant progress, and I appreciate the hard work that is going on today on the Democratic side as well as the Republican side.

Again, I appreciate the leadership of Senator REID. What he did is say: I am going to take the time of the Senate, 100 Senators. All of us here in the Chamber know how important our time is. We get a 6-year license to serve as Senators, so how we spend our time and how our time is allocated is at a very high premium. What Senator REID did was to say a long time ago we would spend the latter part of May, and now we are into June, dealing with this huge issue of immigration reform. At the end of the day it is a national security issue that goes to the heart of what Senator ALEXANDER was saying, which is we have to secure the borders of this country, we have to deal with the economic realities that have created the immigration issues we are facing here today, we have to deal with the reality of 12 million undocumented workers who live here in the shadows of America's society, and we have to create a system for immigration that is going to work into the future.

The people who have worked on this, including President Bush in the White House, have helped us move this debate forward—hopefully closer to conclusion.

I see my friend from New Jersey, who is I think ready to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first, I ask unanimous consent that Senator REID be added as a cosponsor of the Menendez-Hagel amendment, No. 1194.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 1194

Mr. MENENDEZ. Mr. President, let me first commend my distinguished colleague from Colorado, who has been a voice of reason throughout this whole process. He has been a leader in trying to fashion a comprehensive immigration reform that is tough and smart. We need immigration reform that is tough as it relates to making sure our borders are protected. We have not only the right but the obligation to secure those borders and ensure that we have the wherewithal and the resources to make sure only those who cross, cross in a fashion that is safe, legal and orderly. At the same time, we need immigration reform that deals with our economy, fueling that economy, and finally finds justice for individuals who are often subject to human trafficking as well as exploitation.

To my distinguished colleague from Colorado, I tip my hat for the tremendous effort he has made—and that brings us to where we are today. But I do want to go toward one of the pending amendments that will be voted on in the next block. It is the amendment I have offered with Senator HAGEL and many others that goes to the core of one of the great issues the Senate will decide as it relates to this immigration bill, and that is whether families and the reunification of families is still a value to the Senate, is still a value in our family, whether families who come together and are strengthened by being together and helping each other and working with each other and nurturing each other and by so doing strengthening communities in the process are to be preserved, or are they, in terms of that battle, likely to be eliminated and struck, at least in our immigration context?

I certainly hope when the Senate comes to vote, it will be voting in a way that is in line with the many speeches I have heard here, that I have heard in committee hearings, that I have heard in the other body, in the House of Representatives, where I served before coming here, about family values, family reunification is going to be preserved. It is time to put our votes where our values are. The Menendez-Hagel amendment offers that opportunity.

Now, I do wish to wave my saber to the managers of the bill. I have heard some suggestion that there may be an attempt to offer a budget point of order which would require a higher vote total. I would simply say that there are also budget points of order on the underlying substitute. If in fact we are going to go down that slippery slope, then I would have the expectation myself to be offering budget points of order against the substitute. I think what is fair is to have a vote up or down on the amendment as it relates to the majority of the Senate's will. We will see what the majority will of the Senate is.

But if we are going to move down that road, I would acknowledge that there is a budget point of order as it relates to the underlying substitute. So I hope we will not move to that type of tactic as we pursue the vote on this amendment.

Now, it seems to me that under the existing bill, people who apply under the existing rule, under the law as it is today, who observe the law, who follow the rules, who said to their family member: No, no, do not come to the United States, wait your turn, follow the law, obey the rules, who filed an application as is a right of a U.S. citizen to file for a petition for their immediate relative, who paid their application fee, whose Government took their application fee, whose Government went ahead and made an analysis of that petition to see if it was a petition that was lawfully entitled to be approved, and who approved the very essence of that petition saying: Yes, this person, as a U.S. citizen, has the right—the right—to go ahead and apply for their family member, their brother or sister, their mother or father, their son or daughter—that is the universe that we are talking about—and says: Having approved my documentation and having approved of that petition, then you must wait your turn to the time that ultimately the priority date will invoke the possibility for you to come to the United States.

That is the law. That is obeying the law. That is the rule of law. So you would think that in the legislation we are debating, those who have obeyed the law, followed the rules, and those who are U.S. citizens and have done the right thing, that we would not extinguish, eliminate their right for having done the right thing—for having done the right thing.

But that is the very essence of what this bill does, unless we adopt our amendment. Under the bill, not only does, of course, the Senate bill propose a radical change to who and how you can come to this country, but it also cancels the applications that are pending—pending—of many people who have been waiting patiently in line for family-based visas. If you are a U.S. citizen or lawful permanent resident, you filed after May of 2005, the date that arbitrarily was taken and put into

the bill to bring in a relative to the family immigration system, your application is gone. It is voided. You are told: Get to the back of the line—the back of the line, by the way, which is the back of the line with people who violated the law, who violated the law. Imagine that.

Whose right is being extinguished here? Not the family member who is waiting abroad. No. The right of the individual that is being extinguished is the U.S. citizen. That is where the right accrues. It is that person who has the right to make this claim under existing law.

So we take away their right after they filed the petition, paid their fees, and told their family members to wait. They are told to get in the back of the line. The back of the line is after those individuals who did not follow the law and obey the rules.

It boggles the mind. Under the Senate bill, employment-based immigrants are allowed to continue their applications as long as they are pending after the date of enactment. Employment-based verification. What about those families who have done everything right? It is only fair, in my mind, that family-based immigrants be given the same treatment.

The Menendez-Hagel amendment goes a long way to restoring fairness to this situation by doing what? We simply take the cutoff date that is in the bill, May 2005, and we say: Do not treat American citizens any worse than you are going to treat those who came into the country in an undocumented fashion. You are going to give them a benefit, January 1, 2007. They had to be here by January 1, 2007. Well, then, let those who followed the law, obeyed the rules, paid their fees, told their families to wait, they have the same benefit: January 1, 2007.

It is not outside the ''grand bargain.'' It is within the same context. You want to clear out a backlog? Fine, clear out a backlog but be fair in the process. Do not extinguish the rights of U.S. citizens.

It is important to understand, as we talk about this, the stringent requirements that exist under the law today governing family sponsorship for immigration. They would continue to apply in these cases. Any U.S. citizen or lawful permanent resident wishing to sponsor a family member, as part of the approval of that petition, must demonstrate that he or she earns at least 125 percent of the Federal poverty level and must sign a legally enforceable ''affidavit of support,'' pledging to ensure his or her relative will not become a public charge.

On top of that, based upon the welfare reform legislation that was passed several years ago, legal immigrants are barred, barred from accessing most Federal means-tested public benefits for the first 5 years in the United States and are thereafter subject to further limitations until they have worked 40 quarters in this country, which is the equivalent of 10 years—10 years. Five years first, in terms of being barred from any public benefit because you came in on the affidavit of a family member who said: I am going to be responsible for this individual, and then 10 years after, in terms of being subject to further limitations of their necessity to have worked 40 quarters, 10 years.

Now, I have heard a lot about the rule of law. I am for the rule of law. But how does the rule of law get promoted, how does the rule of law get promoted when we say to a U.S. citizen who has applied for their family member waiting abroad, waiting their time, following the rules, obeying the rule of law, that, in fact, they have an inferior right to someone who did not follow the rules, who did not obey the law, and who ultimately will receive a benefit superior, superior to that U.S. citizen who is claiming their family member and waiting under the law and pursuing the law?

In my mind, it sends out totally the wrong message. The message should have been: No, no. Come across. Come however you can. Then, by the way, you know we are going to give you a benefit. Do not stay out there waiting. Yes, it breaks our heart that we are not together. Yes, you are going to have to wait a period of time. But you know that is the law. We are going to do this right.

Oh, no. Instead of honoring and rewarding that and sending a message that when you observe the law there is a benefit, you know, we do the opposite. We do the opposite under this bill. Our amendment very simply says: A U.S. citizen claiming their family member, waiting under the legal process, waiting to proceed, that their right should not be snuffed out like that, under this bill, in May of 2005, when those who have crossed the borders of our country through a process that is unchecked, undocumented, get a benefit—January of 2007.

Because here is the message we send under this bill: Break the law, you get a benefit—January of 2007. Follow the law, follow the rule of law, obey it, your right is snuffed out in May of 2005. So I think if we want to send a message about the rule of law, what we want to do is to ensure we put on an equal footing the rights of a U.S. citizen claiming their family member, obeying the law, to give them the same opportunity that those who have not. That is what our amendment is all about.

Now, as we approach moving toward a vote on this amendment, I wish to remind our colleagues about whose rights they are snuffing out. Rights of individuals good enough to wear the uniform of the United States, good enough to serve their country, good enough to fight for their country but not good enough to observe their right to claim their family member.

Under this bill, both U.S. citizens and U.S. legal permanent residents' rights are snuffed out. These men in different branches of the armed services of the United States, they were good enough to fight for their country, but they were not good enough, under this bill, to have their rights preserved to claim their family member.

That does not make sense to me. Now, I have heard about this killer amendment—killer amendment. One of our colleagues has tried to describe our amendment on family reunification as a killer amendment. What is a killer amendment? A killer amendment is an amendment that is proposed by a sponsor who does not want to see comprehensive immigration reform pass the Senate.

Now, the ironic part of that is many who used that language last year when I was in the Senate voting for comprehensive immigration reform, that was used against me in my election last year. They were voting against comprehensive immigration reform. Killer amendment? When did family reunification—family reunification—strengthening of families, preserving the rights of U.S. citizens, including those who wear the uniform of the United States, when did that become a killer amendment?

Now, I have heard a lot about family values in my 15 years in Congress. You know, when you want to move away from the human aspect, when you want to forget, for example, the face of Marine LCpl Jose Antonio Gutierrez, a legal permanent resident of the United States who gave his life, the first soldier to die in Iraq, under this bill, had he survived, you would have extinguished his right to claim his family. He was good enough to die for his country, not good enough to have his rights preserved. When you don't want to see the human faces, you dehumanize it so you can deal with it abstractly. So what have we heard about? We have heard about chain migration. We can treat it like an inanimate object; we have to stop that chain migration.

This is much more than chain migration. This chain my colleagues so abstractly refer to, the top of this chain is someone who is a mother or a father. When did that become such a horrible thing? I thought we wanted to strengthen families, honor our parents, honor their ability to perform and to be strengthened. But that is chain migration. We can't let a U.S. citizen be able to claim their family. No, that is chain migration. We can't do that.

When did we decide our brothers and sisters are nonnuclear? But they are part of the chain, brothers and sisters. Then our children—this is a good one—if they are under the age of 21, they are part of our nuclear family. If they are

over the age of 21, they are no longer part of our nuclear family, just a little part of this chain.

I have two children. One is 21; the other is 23. I have never for a moment, because they changed from 20 to 21, believed they were not part of my nuclear family. I don't view them as part of a chain. I don't love them any less. I couldn't live without them any less. The mere passage of a year, some numerical figure makes them part of a chain, nonnuclear. I guess we can do away with our children. I guess we can do without the right of U.S. citizens to claim their children. We can just discard them. I guess when you become 21, you really don't matter anymore. As a matter of fact, all of that family values stuff doesn't matter anymore. Unless we adopt this amendment, that is what we are talking about.

Imagine if we couldn't have such a set of circumstances be preserved by virtue of this amendment. I have shown some of these pictures before, but as we move to the vote, I hope people understand what I am talking about. Under the bill, family reunification that I believe is so critical, we wouldn't have a lot of people in our country who have made enormous contributions. Ultimately, we ended up thriving because of their contributions. We ended up thriving on the contributions of a Colin Powell whose parents, under this bill, would not have been eligible to come to this country and, therefore, unlikely that he would have been born here and had the opportunity to become chairman of the Joint Chiefs of Staff or Secretary of State. He has made a good contribution to this country.

Right now in Iraq our leadership comes from GEN David Petraeus. The reality is, under this bill his parents would have been unlikely to come to this country, and he would not be a United States general and leading the best efforts we can have in Iraq.

Under this bill, the inventor of the polio vaccine, Jonas Salk, would not have made it to this country. Yet he saved the lives of millions and millions of people here and across the world. Under this bill, at least, America wouldn't have been the place in which electricity and the light bulb would have been found. Thomas Edison, from my home State of New Jersey, likely would not have made it because his parents weren't rocket scientists.

The list goes on and on. We have a gentleman who did a great service to our service men and women across the globe, Bob Hope. Under this bill his parents wouldn't have made it, and we wouldn't have had an incredible ambassador for our country and an incredible sponsor of goodwill for the men and women who served us over decades around the globe.

What do we say? This came out recently in one of the newspapers. What are our priorities? Stopping terrorists, stopping drugs at the border? No. Drugs or explosives? No. We are just checking to make sure you don't take any loved ones with you.

Under this bill, it doesn't matter because even when you obey the law and follow the rules, you ultimately have your right extinguished.

It seems to me we have our values wrong. It is not about chain migration, not about just looking at the ability to say that family reunification should not happen, especially when the burden is on the family member who happens to be a U.S. citizen. I simply believe the question before the Senate will be, are you willing to vote to eliminate the right that exists today of a U.S. citizen who filed his papers, the Government took his money, he obeyed the law, followed the rules, you are going to take away his or her right? But you are going to give a right to individuals who didn't follow the law and obey the rules. I certainly don't believe that ultimately is in pursuit of the rule of law.

There are many organizations that have joined us. I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASIAN AMERICAN
JUSTICE CENTER,
Washington, DC, June 5, 2007.

DEAR SENATORS: We, the undersigned organizations, write to urge you to vote yes on the Menendez-Hagel Amendment to ensure fairness for U.S. citizens and their families. Without this amendment, U.S. citizens will be punished for playing by the rules and waiting in line to be reunited with their family members.

The current immigration bill being considered by the Senate contains a provision that would address the current family backlog of people that have applied for lawful permanent residence, but only for those who applied before May 1, 2005. Applications that were filed by U.S. citizens to sponsor their adult children or siblings after this cut-off date—an estimated 833,000—would be thrown out. Not only does this send the wrong message to people who are citizens and obey the law, the government will be severely taxed with the administrative cost of returning application fees for the past two years.

Senators Robert Menendez (D–NJ) and Chuck Hagel (R–NE) have introduced an amendment, co-sponsored by Senators Daniel Akaka (D–HI), Hillary Clinton (D–NY), Christopher Dodd (D–CT), Richard Durbin (D–IL), Daniel Inouye (D–HI), Frank Lautenberg (D–NJ), and Barack Obama (D–IL), to the current Senate bill that would correct this grave injustice by changing the cut-off date for legal immigrant applicants from May 1, 2005 to January 1, 2007—the same cut-off date that is currently set for the legalization of undocumented immigrants—and adding 110,000 green cards a year for a meaningful backlog reduction so as to not lengthen the 8–year deadline for clearing the adult children and sibling backlog.

By voting for the Menendez-Hagel Amendment, you will help immigrants who have gone through the long and sometimes arduous process of learning English and becoming citizens. These Americans have filed applications and paid fees to the U.S. government so that they can bring in their adult children or siblings. They have made life choices based on the very reasonable expectation that they would be eventually reuniting with their family members. Our country can't tell people who have been waiting patiently in line for visas that we are now retroactively rewriting the rules and effectively forcing them to start from scratch.

We urge you to vote yes on the Menendez-Hagel Amendment and ensure our immigration system is fair for United States citizens.

Very truly yours,

National Organizations: Asian American Justice Center; Advocates for Children and Elders International; American Friends Service Committee; American Immigration Lawyers Association; Amerian-Arab Anti-Discrimination Committee; Asian & Pacific Islander American Health Forum; Association of Community Organizations for Reform Now; Cambodian American National Conference; Church World Service, Immigration and Refugee Program; Coalition for Comprehensive Immigration Reform; Democracia Ahora; Dominican American National Roundtable; Ethiopian Community Development Council; Federation of Indo-American Seniors' Association of North America; Friends Committee on National Legislation; Hate Free Zone; Hebrew Immigrant Aid Society; Hmong National Development; Immigrant Legal Advocacy Project; Immigrant Legal Resource Center; International Immigration; Foundation Japanese American Citizens League; Kurdish Human Rights Watch; Laotian American National Alliance; Latin American Legal Defense and Education Fund; Leadership Conference on Civil Rights; Legal Momentum; Lutheran Immigration and Refugee Service; Mennonite Central Committee, Washington Office; Mexican American Legal Defense and Educational Fund; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance to Nurture the Aged and the Youth; National Asian Pacific Center on Aging; National Association of Latino Elected and Appointed Officials Educational Fund; National Council of La Raza; National Korean American Service & Education Consortium; National Immigration Forum; National Immigration Law Center; NETWORK, A National Catholic Social Justice Lobby; Organization for Justice & Equality; Organization of Chinese Americans; People For the American Way; Sikh Council on Religion and Education; Sojourners/Call to Renewal; Somali Family Care Network; South Asian American Leaders of Tomorrow; Southeast Asia Resource Action Center; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; U.S. Conference of Catholic Bishops; World Relief.

Local Organizations: Asian American Federation of New York; Asian American Institute, Chicago, IL; Asian Law Caucus, San Francisco, CA; Asian Pacific American Legal Center of Southern California; CASA of Maryland; Causa, Oregon; Colorado Immigrant Rights Coalition; EI CENTRO de

Igualdad y Derechos, Albuquerque, NM; Filipino-American Coalition of Florida; Filipino American Political Alliance of Florida; Fresno Interdenominational Refugee Ministry; Guru Gobind Singh Foundation Sikh Center, Rockville, Maryland; Illinois Coalition for Immigrant and Refugee Rights; Iowa Citizens for Community Improvement; Korean Resource Center, Los Angeles, CA; Korean American Resource & Cultural Center, Chicago, IL; La Casita: Servicios Legales para inmigrantes, Trenton, NJ; Latin American Community Center, Wilmington, DE; Massachusetts Immigrant And Refugee Advocacy Coalition; National Capital Immigrant Coalition; New Jersey Immigration Policy Network; New York Immigration Coalition; Northwest Federation of Community Organizations; OCA—South Florida Chapter; Stone Soup Fresno; Tennessee Immigrant and Refugee Rights Coalition; The Pyonghoa Gospel Church, Flushing, NY; United Chinese Association of Florida; YKASEC—Empowering the Korean American Community, Flushing, NY.

Mr. MENENDEZ. There are 80 of them. I will not read them all, but I want to give a sense of some who have moral authority behind them, as it relates to saying the Senate should adopt this amendment: The Church World Service; the Hebrew Immigrant Aids Society; the Lutheran Immigration and Refugee Service; the Mennonite Central Committee; NETWORK, a National Catholic Social Justice Lobby; the Unitarian Universalist Association of Congregations; the United Methodist Church; the U.S. Conference of Catholic Bishops; and a whole host of organizations that are not religious in nature but clearly are advocates from all of the different sectors of society: For example, the Asian American Justice Center, the Asian and Pacific Islander American Health Forum, the Federation of Indo-American Seniors' Association of North America, the Friends Committee on National Legislation, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, the National Korean American Service & Education Consortium, to mention a few. They all believe this Senate should be putting its votes where its values are, into the reunification of families.

Finally, I know there will be an attempt to offer what we call a side-by-side, something to try to produce a figleaf for those who don't want to be seen as casting a vote against family reunification, a vote against snuffing out the rights of U.S. citizens. And that figleaf actually would do absolutely nothing. What it would do is guarantee the underlying bill. It would guarantee that a U.S. citizen who obeyed the law, followed the rules, did everything right, had their family member waiting, it would guarantee that their right would be snuffed out. It would guarantee that they would go to the back of the line, a line in which there are people who didn't follow the law, obey the rules, violated the law, and they will be in the back of the line with them.

That amendment that is going to be offered clearly is a figleaf. It clearly is poorly constructed. It doesn't deal with the present realities of undermining that right of a U.S. citizen. It does nothing to preserve the right of those people who filed and who are now being snuffed out, being cut out in terms of the rights of those U.S. citizens because of the underlying bill.

There is only one way to make this right. There is only one way to preserve family reunification. There is only one way to preserve the rights of these individuals who wore the uniform of the United States, who were good enough to wear the uniform, serve their country, and should have the right, which this bill snuffs out, to claim family members. There is only one way of making sure we don't turn this into an abstract object of chain migration, but that we understand the core values of family; that we understand a child who turns 21 is no less a child you love dearly and want to be with and who doesn't stop being part of your nuclear family because they magically turned 21 and are now nonnuclear. That is what is at stake in this amendment.

I urge my colleagues to support the Menendez-Hagel, and others, amendment so that, in fact, we can still stay within the ''grand bargain'' but we can do what is right on family reunification.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. KLOBUCHAR are printed in today's RECORD under ''Morning Business.'')

Ms. KLOBUCHAR. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the quorum call be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As we noted earlier, we are going to have a series of votes at 6:45. I wanted to address the amendment which has been offered by my friend, Senator SESSIONS from Alabama, which relates to the earned-income tax credit.

I see the Senator from Alabama has just arrived, so I will be glad to let him make his presentation and then respond. If that is what the Senator would like to do, I will withhold.

Mr. SESSIONS. I think I am ready, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1235

Mr. SESSIONS. Mr. President, I thank Senator KENNEDY for his courtesy, and I would just like to make some general comments about the earned-income tax credit and why I think this is important. I ask that I be notified in 20 minutes if I have gone that far.

The earned-income tax credit is one of the major—the major, in fact—transfer programs in the Federal Government. It is a payment of monies, in reality. It doesn't work the way it was intended, but in reality, it provides a substantial check every year to persons who are low-wage workers. It is for people who are trying to do well but are not making much money, so they give them a check to encourage work. I have felt for some time—and maybe I will talk with Senator KENNEDY one day about it, and we might reach an agreement on this—I think it would be much better if tax credit were paid along with your paycheck. It is designed to increase—it is allowed, under the EITC, but we don't do it that way. You file a return, and the next year, after you have completed your year's work, they send you a large check. On average, the recipient receives a benefit of almost $1,800 a year; that is, the people who qualify receive that amount. Again, the people who qualify are individuals who are working in lower wage jobs, which, in fact, are the types of jobs most of the 12 million illegal aliens are doing. They are working at low-wage jobs. Therefore, we can expect there will be a disproportionate number of persons who will qualify for this tax credit.

Now, the tax credit was designed to encourage Americans to work—American citizens. When it started in the 1970s under President Nixon, they thought there had to be some incentive so that you would get more money by working than by drawing welfare, or else you would just stay home and draw welfare. There still is a problem with that, in reality. But this bill was supposed to incentivize work, and that is why it was drafted the way it was and has continued to grow and become

quite substantial. But, again, it was designed to take care of American citizens, our own people.

Now, we are into an immigration reform bill where we have 12 million people here who came into our country illegally. They are being considered for amnesty. They are going to be allowed to stay in this country and be given that right. Maybe some didn't want it or didn't expect it, but they will be given the right to stay here. But under present law, because they are not legally here, they are certainly not entitled to the earned-income tax credit. Unless they file fraudulent documents and receive it fraudulently, they don't get an earned-income tax credit.

So we say we are going to have a $1,000 fine that people must pay as part of a punishment for being in the country illegally, and it is not really amnesty because they pay a fine, but in reality, the fine can be paid on the installment plan, and only $200 has to be paid the first year when you apply for the Z visa. So under the bill, as I understand it—I think there is little dispute about it—as soon as this bill passes, everybody can come in and get a probationary legal status in America, and then before long, they are entitled to apply for and receive a Z visa that is good for 4 years. It can be renewed indefinitely. At some point, they can apply, if they so choose, for legal permanent residency.

What I want to tell my colleagues is that not only will we be providing amnesty to the persons who came into our country illegally for a $200 payment, we will be giving them—even for the temporary probationary status and the Z visa, prior to legal permanent residency, the earned-income tax credit. I think that is quite a step. Indeed, you pay $200 for your fine, and you file your tax return next year and get a $1,800 check from Uncle Sam.

Don't be mistaken, the earned-income tax credit is for people who don't pay income tax. It is a gift from Uncle Sam. It is meant to encourage Americans to get out and work, not to encourage people to come into our country illegally to gain this benefit. So I just would say to my colleagues, this is an important principle.

According to the Congressional Budget Office—and they run the numbers on this—it is the largest single benefit program and cost of this bill in the first 10 years—not in the outyears; there are some big costs that aren't being calculated. But in the first 10 years, this is the largest direct single benefit.

Over the 2008 to 2017 period—

Ten years—

the Joint Tax Committee estimates that S.A. 1150 would increase outlays for refundable tax credits by about $13 billion, the largest direct spending effect of the legislation. Enacting 1150 would increase the amount of refundable tax credits mainly by increasing the number of resident aliens for income tax purposes.

In other words, it would increase the number of people eligible.

Resident aliens are taxed in the same manner as U.S. citizens and thus could qualify for the refundable tax credit.

They are taxed, but they are not going to be paying high taxes because many of them are lower income people, but they will get the tax credit.

So my amendment would reduce the bill's direct spending cost, the cost to the American taxpayer. Who pays the big check they get every year? Who pays the check they get every year? They are not paying it. It is the taxpayers, the American taxpayers. It is an additional reward on top of the amnesty that is provided. So my amendment would reduce the estimated cost of this legislation by nearly half, No. 1, and it is right, and it is fair.

Now, last year, my amendment—which I believed was justified, but this Congress didn't agree—said you would not receive the earned-income tax credit until you became a citizen. Why not? How is an illegal alien able to come here, not expecting the earned-income tax credit, and then be rewarded with it by our government? That never made sense to me.

But in this legislation—because I think it is important, and we can make a big difference here—in this legislation I have offered, it would simply say that during the time you have a probationary visa or a Z visa up until the time you become a legal permanent resident, you wouldn't get the earned-income tax credit. How much simpler is it than that?

I hope my colleagues will see that this is a perfectly logical amendment, and I would suggest it reflects on our mindset, our approach to this entire process, if we are not able to draw this kind of line as we go through passing—or attempting to pass—this historic piece of legislation. I really think we should give thought to that and ask ourselves what right does somebody who came into our country illegally, who has been here maybe for a number of years, expect to receive this benefit, where we say: OK, we are just going to give up; we are not going to make you go home; we will let you stay; you can have amnesty. By the way, you start receiving the earned-income tax credit of $2,000. How much sense does that make? I don't think that is good public policy. It raises questions about how serious we are about defining our immigration system in a way that works, that has bright lines, and carries out a logical policy. But I understand that people are determined to see that this goes forward.

Now, Senator REID has offered an amendment that is going to be a side-by-side. This amendment is very short, and basically all the amendment says is—I don't have it before me. Our majority leader, our Democratic majority leader, is offering an amendment that says: Well, we will comply with all the current laws of the IRS, and you don't get the earned-income tax credit if you are illegal. Well, of course. That means zero—nothing. I have to tell my colleagues, I am amazed at that amendment, unless I have missed something entirely, because that is what it is all about. They won't be illegal when they are given the probationary status or the Z visa status. They become legal and would get it. I was going to meet with some of the White House people to discuss this issue. I don't think they understood it that way, and I am not sure the President understood that this was actually going to happen under the legislation. But if this bill becomes law, they would get it.

So you say: Well, maybe they wouldn't get it. Well, if they don't get it, why wouldn't you vote for my amendment, which quite plainly assures that they don't get it? Follow me?

So I don't understand this cover amendment. It is not even a fig leaf, I say to my colleagues. I don't think you are going to be able to hide behind the Reid amendment because it is not going to do anything but guarantee that persons who are here and are given this amnesty will pay $200 and then they will get to draw nearly $2,000 a year under the earned-income tax credit.

The amendment being offered by Senator REID makes no sense to me. Maybe I missed something, but I don't think so. I would be delighted to hear what is in play. It is what you call a cover amendment. So what I say to my colleagues is, let's get realistic about what we are doing. Let's understand the cost this legislation is going to have. The Congressional Budget Office has found in their report—although it was written so that it is a little hard to find, but it is perfectly plain—the bill, over 10 years, will cost the American taxpayers $32 billion. A substantial chunk of that amount is the earned-income tax credit. They say the earned-income tax credit is for children. It is not for children, it is for American workers. You may get more if you have children, but it is not for children, it is for American workers.

I thank the Chair and reserve the remainder of my time on this issue.

The PRESIDING OFFICER (Mr. OBAMA). Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see the Senator from Arizona on the Senate floor. I was going to respond at some time to the Senator from Alabama. I am glad to wait until the Senator from Arizona is finished.

AMENDMENT NO. 1150

Mr. KYL. Mr. President, I thank the Senator from Massachusetts, since it is

important that, prior to a meeting we have at 5:30, to speak to an amendment offered by Senator MENENDEZ.

I want to be clear that we have a side-by-side amendment that we will also be voting on, which I think goes to the heart of what Senator MENENDEZ is trying to get at here, but it does so in a way that will not upset the bipartisan consensus that has been worked out on the legislation.

I think the Menendez amendment has been discussed in the past. It is an amendment that would, in significant ways, change the basic agreement that has been made by some of the Senators. Therefore, it would be very problematic were it to pass. There is a budget point of order against the Menendez amendment, and that point of order will be raised. Because of the extra cost that would be imposed by additional immigrants being permitted to come into the country over time, in fact, I think there is more than one budget point of order because of those increased costs. The general proposition is that some have said the bill is not family friendly and that we need to do more for families. I want to try to dispel that, Mr. President.

We start out with the proposition that somewhere between 12 million and who knows how many million illegal immigrants who are in the United States, for the most part, are going to be able to stay. If everything that can be expected of them is accomplished, they have the ability to apply for a green card and eventually potentially become citizens of the United States of America. That is a tremendous benefit for people who came illegally.

One of the reasons some of us have been willing to accommodate that is people have come here with families or have created families here, and we do not want to disrupt those families.

Secondly, there are family visas that historically have been issued by the United States. This bill doesn't in any way affect the ability of any legal permanent resident or citizen to bring into the United States their spouse or minor children. That is the so-called nuclear family.

In addition, 40,000 parents per year can be brought into the United States, and there are extraordinarily liberal visitations for parents beyond that 40,000 number. We have said the so-called nonnuclear family—the extended family—in the future is going to compete the same as workers are going to compete, so that we can get in balance with some of our competitors in the global economy, where more of the visas are reserved for work purposes and fewer for family purposes. But in the meantime, some 4 million people, roughly, who have applied for a family visa—extended or nonnuclear family—are going to be allowed to immigrate to the United States, and instead of taking 30 or 40 years, in some cases, it is going to all happen within an 8-year period of time. That is extraordinarily helpful to families and family reunification.

Now, it is true, if somebody has come here illegally and their family is still outside the country, we don't permit that family to come. But the object, obviously, is to try to encourage that individual to go back with his family. That would be family reunification.

But the problem the Menendez amendment poses is, instead of allowing those people who have applied for visas for extended families who have a reasonable expectation to come to the United States, he would change the date that measures their eligibility in such a way as to allow a lot of people—thousands, hundreds of thousands, actually—to immigrate to the United States who, today, under current law, have no reasonable expectation they would ever make it to the United States. What we have tried to do is to be fair and say, if you have a reasonable expectation you will be permitted to immigrate to the United States, we will allow you to come in, and we will do it within a very short period of time—8 years, or perhaps less than that period of time, as opposed to the perhaps 20 or 30 years it may have otherwise taken. If you didn't have a reasonable expectation to get in, then you are not going to come.

The reason the date was drawn where it was in May 2005 is that represented a compromise. I believe the original date was March or July of 2004—the time when people who were in line but had no reasonable expectation—that their application was going to be processed and were notified by the U.S. Government. Basically, the Government said: For the time, we are not going to be processing these numbers anymore because the backlog is too long. The backlog numbers are truly astounding. There are people in Mexico, for example, who have no reasonable expectation of getting here. For example, if you are the brother or sister of a U.S. citizen, and if you are a Mexican national and you recently filed to become a legal permanent resident of the United States, you have an expected wait of about 80 years. So even if you are 21 years of age, at the time when you can expect to get here you would be 101 years of age. That is not a reasonable expectation you will be allowed into the United States.

I went to Senator MENENDEZ and said: I think you have a point because we have drawn an arbitrary deadline. Remember, the date at which they were told we were no longer going to be processing, temporarily, these applications was in 2004. But in order to be more liberal, we moved the date to May 2005. His argument was, there may be some people who still had an expectation because they filed last year, and maybe they had an expectation they could make it.

I said: You know, there may be some such people, so let's take a look at it and see if we can redo this so everybody who had a reasonable expectation they could get here will be allowed to be here, no matter when they applied—whether it was 2 years ago, last year, 2 months ago, or 10 or 12 years ago—if they had a reasonable expectation of getting in.

We have crafted an amendment that I offered to Senator MENENDEZ, but he preferred to go forward with his amendment. But the side-by-side that I will be proposing is an amendment that stretches the date out to 2027. It says: If you had a reasonable expectation, based upon your category of immigration, the country you are from, the lines that currently exist with that country, if you had a reasonable expectation within the next 20 years you could have made it into the United States, then you get to come in under a family visa. That is extraordinarily liberal—everybody who really had an expectation that they could make it. Like I said, if you are this Mexican national, and you are the brother of an American citizen, and you were 21 years of age when you applied, you would be over 100 years old today. That is not a reasonable expectation. So you would not be permitted to come into the United States. You never had a reasonable expectation that you could make it.

The effect of my amendment and the Menendez amendment is almost identical in terms of the number of people who would be allowed to come to the United States. There is only a 3,000 difference out of about 600,000 people. So we are not reducing the number of people. We are making it accurate as to who can actually come.

There is also a general notion that somehow we are being unfair to families. As Senator KENNEDY has frequently pointed out, after this legislation is passed, for a period of 8 years, the total family percentage coming into the United States will be 74 percent. And you add another 15 percent for humanitarian visas, and there is only 11 left for the employment visas. Today, 65 percent are family visas. In subsequent years, families will still be the majority of immigrants to the United States—51 percent. Then you add to that another 17 percent for asylum seekers and other humanitarian visas; 17 percent of the total is a very humane number for the United States. We can still be very proud of our tradition of allowing the poor, hungry, and downtrodden to come to this country, and we will still have a majority of family-based visas in this country.

Mr. GRAHAM. Will the Senator yield?

Mr. KYL. Yes.

Mr. GRAHAM. For those who are worried about this, on the issue of families, you should be worried about this.

Is it not true that in this bill, in terms of family reunification, the way we have accomplished or dealt with the bill, families will be reunified decades earlier, and those who are waiting to join their families under this bill—those who have done it right—will be together no later than 8 years; is that correct?

Mr. KYL. That is exactly correct. Instead of waiting 20, 30 years, they will have to wait no longer than 8 years.

Mr. GRAHAM. So if you want to be the person who keeps families apart, bring this bill down. I assure families will not be reunified under the current system like they are here, that we will have a dramatic increase in green cards to get these families reunited. We go up to 74 percent. If you want to keep families apart, bring this bill down and let the current system survive.

Secondly, when it comes to families, there are 12 million people here illegally. Is it not true that their families, under this bill—if they will do the right thing—will never live in fear again?

Mr. KYL. Mr. President, to me, that is one of the main features of the bill. Today, we have people who are being exploited, people against whom crimes are being committed, but they are afraid to report it to the law enforcement authorities. They are not being paid adequate wages and their working conditions are poor. Frankly, they are being taken advantage of. As long as they are in this gray status, that will continue.

This bill offers them immediately an opportunity to begin a process by which they are playing by the rules and, as a result of that, they can have the freedom and the assurance of being protected by the laws of the United States.

Mr. GRAHAM. To my good friend from Arizona, I say this: If you are concerned about the 12 million people who are living in fear, subject to exploitation, then this is the best chance you will ever have in my political lifetime to fix it. If you want to bring this bill down, the one thing I can assure you is that the 12 million, or however many there may be, will not only live in fear, they are going to live in more fear because we have stirred up a hornets nest in this country.

I argue, if you care about people who have families not being afraid anymore, if they get themselves right with the law, help us pass this bill. In the future, after everybody has been accommodated who has a reasonable expectation, we are going to allow families to be part of the new immigration system.

Could the Senator tell me again, in the future, what percentage of visas will be given to families?

Mr. KYL. The answer I give the Senator is that family visas alone are 51 percent—a majority—and another 17 percent is humanitarian.

Mr. GRAHAM. Would the Senator acknowledge that is twice the family component of other nations with whom we are competing?

Mr. KYL. Mr. President, that is almost exactly right. I know in the case of—in fact, I will give you the exact number. In Canada, it is 24 percent. If we have 51 percent, obviously, that is close to twice that number. In Australia, it is 27 percent. And, again, if we are at 51 percent in the future, that is almost exactly twice. But remember, that is only after 8 years. For the next 8 years, it is 74 percent because of what the Senator from South Carolina was pointing out.

Mr. GRAHAM. Mr. President, the bottom line, I say to my good friend from Arizona, is we would have no bill without him. He stepped to the plate and said I am willing to look at the 12 million anew; I don't believe we are going to deport them, and I don't believe we are going to put them in jail; So I am going to give them a chance to identify themselves, come out of the shadows and do things that will make them valuable to our country and will be fair and humane.

We have accomplished that. We couldn't do it last year. We are going to reunite families who have been waiting for decades to get into this country. We are going to expedite family reunions in an 8-year period for some people because they would not live long enough to get back with their families.

In the future, we are going to have a new system. There is going to be a strong family component, but I make no apologies about this, in the future we are going to have immigration based on the global economy and merit. We need to start looking at where we are in the world and making sure people come into our country under a merit-based system. Neither one of my parents graduated high school. There is a way forward for the semiskilled and low-skilled workers to come into our country in the future. But the family component in the future will be spouses and minor children, freeing up thousands of green cards for merit-based employment. They are not going to bring in their adult children unless they have a way to get in on their own. They are not going to bring in their third cousin. Nobody else does that. They are going to come in as a nuclear family, and we are going to do it based on merit, and merit is not a degree.

Under this bill, if you come in with a strong back and a strong heart and a desire to get ahead, you get points for getting a GED, you get points for an apprenticeship, you get points for doing the things that make you a better person. So I reject completely the idea that the merit-based system excludes hard-working people.

I end with this one thought. If we don't get it right now and correct the flaws in our system which led to the 12 million which will make us globally noncompetitive, then who will? When will they do it? There are a million reasons to say no to something this hard, there are 12 million reasons to say yes, and there are many reasons in the future to say yes because our country cannot survive with a broken immigration system that makes us noncompetitive.

This is a national security issue. This is a global economic issue. Now is the time to understand we will never have a perfect bill but to do something that will be good for America.

I thank my good friend, JON KYL, and Senator KENNEDY for getting us this far.

Mr. KYL. Mr. President, I appreciate that from the Senator from South Carolina.

Let me make one final point. I know Senator KENNEDY wishes to speak.

It was not easy for some people to agree to allow at least 12 million immigrants who came to this country illegally to stay here and eventually become citizens. That was not easy. One of the bases upon which we were able to do that was to respond to an argument that had frequently been made: Why should we let all those people, is the way it is described, become U.S. citizens and then chain migrate all their family—their uncles, cousins, grandparents, and so on? The answer to that question is we probably shouldn't. So that was ended in this legislation. That is what was stopped. That is part of the agreement that was reached, the consensus that was reached.

The adoption of the Menendez amendment would undo that. You can imagine how someone like me feels. I have taken a lot of heat for agreeing that the people who are here illegally should stay here, but I knew one of the reasons that was more palatable was because we had at least stopped the chain migration that would occur for anybody subsequently in the future, after we cleared the backlog of people who already applied.

Mr. MENENDEZ. Mr. President, will the Senator from Arizona yield?

Mr. KYL. Yes, I will be happy to yield. I was going to conclude and turn to Senator KENNEDY. I will be happy to yield.

Mr. MENENDEZ. One point. Remember how the Senator from Arizona said how all ''those people'' would be able to claim their families. The Menendez amendment has nothing to do with ''those people.'' The Menendez amendment has everything to do with U.S. citizens today who have a right under the law. So I hope we do not confuse both of those.

Mr. KYL. Mr. President, I say to the Senator from New Jersey that what he said, as far as he said it, is, of course, exactly correct. What I was talking about was the tradeoff that existed between the accommodation to the 12

million people and—by the way, I don't use that phrase ''those people.'' I hope the Senator understands that I was referring to the criticism of those who say we shouldn't allow the illegal immigrants in the country, especially if we chain migrate their families. We ended the chain migration.

We had to draw a time when applicants would be able to apply and their applications would be considered. We had it at one point. We agreed to move that date to accommodate the people on the Democratic side of the aisle. The Menendez amendment would move it to January 1 of this year, bringing in, I think, a total of well over 800,000 people. That, obviously, would undo the rather delicate balance of agreements that was reached that deals with this subject.

Recognizing, however, we wanted to make sure anybody who had a reasonable expectation of being able to immigrate should be able to do so, we have prepared an amendment that would, in fact, allow anybody with a reasonable expectation to be able to immigrate here. We put the date way back to 2027, and we say that if you could have reasonably expected to get here by 2027, you are in and you are in within an 8-year period from now.

I think that is very fair. The person who is excluded under our proposal is the person who, as I said, is the sibling of a Mexican national who is a sibling of a U.S. citizen who might be 101 years old when he gets to the United States of America. That is not a reasonable expectation.

I think our approach is reasonable. It is consistent with the underlying agreement we reached. I regret to say—and I appreciate the Senator from New Jersey has every right to raise a budget point of order on the underlying bill—we fully expected there would be points of order at the conclusion presumably of the consideration of the bill and we would have to vote on those. Obviously, it is a 60-vote point of order. We expected to have 60 people who would support the legislation, and we believe that to be the case. But if the Senator wants to bring the bill down, as the Senator from South Carolina said, by raising an amendment such as that which has been proposed or at this time trying to conclude the budget point of order, I don't think that is the best way forward.

As the Senator from South Carolina said, we have one good chance to get legislation passed. I don't think we want to blow that chance. Now is our time. We were sent here to do difficult jobs. I hope, in the bipartisan spirit that has so far characterized our debate, we can move forward and continue to keep this bill as literally a beacon of hope for a lot of people who are counting on us.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the Senator from Vermont is looking for some time to speak. I believe there is 30 minutes I have remaining; is that correct?

The PRESIDING OFFICER. There is 30 minutes.

Mr. KENNEDY. The Senator from Connecticut, Mr. LIEBERMAN, wants time. I yield 10 minutes to Senator LIEBERMAN. I will use probably 6 or 7 minutes. I will be more than glad to give 10 minutes to the Senator from Vermont if not, we will try and extend that if we can.

Mr. KYL. Mr. President, if I might interrupt the Senator for a question. Would it be possible also to make sure Senator DOMENICI will be able to speak after the Senator from Vermont?

Mr. KENNEDY. I will take 5 minutes of the 30 minutes; Senator DOMENICI can have 5 minutes; 10 minutes to the Senator from Connecticut, Mr. LIEBERMAN; and 10 minutes to the Senator from Vermont, Mr. SANDERS. I think that takes up 30 minutes. I ask unanimous consent that another minute be given to each of us, 33 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1234

Mr. KENNEDY. Mr. President, I will be brief in response to the Sessions amendment. We are talking about the earned-income tax credit. That was developed in the 1970s. Why was the earned-income tax credit developed? Because of the increased number of children living in poverty.

We have, as this chart shows, in the United States more children who live in poverty than any other country in the world. This amendment would say to legal immigrants that you are not eligible for the earned-income tax credit that benefits children.

If we look at the report from the CRS, it shows that over 98 percent of the earned-income tax credit goes to families with children. That was its purpose, that is where it is focused, that was the reason for it, and this is the need.

Why in the world would we want to take benefits away from needy children? Who are the workers of the earned-income tax credit? Their average income is less than $20,000 a year. This is phased out at about $30,000 to $33,000 a year. This is the low-income individuals who are, what? Are they on welfare or are they out working? They are working. They have children. They are legal. Why take the benefits away from the children, the neediest children, most of whom are living in poverty?

We don't take the earned-income tax credit away from people who go to jail and commit murder. We don't take away the earned-income tax credit from people who have defrauded the Government. We don't take the earned tax credit away from burglars, child molesters, and the rest of the individuals who commit crimes. But this amendment wants to take it from one particular group and that is legal workers.

Who are those legal workers? They are trying to provide for their families, pay the penalties, show that they are working, and go to the end of the line. Many of these children are American children. They are not undocumented. They are American children because they were born here.

I find it difficult to understand, when we are talking about individuals who are working, who want to work, will work, are trying to make a better future for themselves and their families and particularly for their children, why they should be the only class of working people in the United States who ought to be penalized. That is what the Sessions amendment would do. That is wrong and it is not fair and it should not be accepted.

Mr. President, I yield the time as I have indicated.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator KENNEDY for yielding me time.

As I think we all know, this is a long and complicated bill. An important part of this bill deals with illegal immigration—how do we make sure we stop the flow of illegal immigrants into this country; how do we finally begin to deal with employers who are knowingly hiring illegal immigrants; what do we do with 12 million people who are in this country who, in my view, we are not going to simply, in the middle of the night, throw out of this country. These are difficult and important issues.

On those issues I am in general agreement with the thrust of this legislation. But, Mr. President, I wish to tell you there are areas in this bill where I have strong disagreement, and one is the issue of legal immigration, what we are doing in terms of bringing people into this country who, in my view, will end up lowering wages for American workers right now.

Senator KENNEDY a moment ago made a very important point. He talked about the truth that in our country today we have the highest rate of child poverty of any major country on Earth. That is a national disgrace. But on top of that, we have the highest rate of poverty of any major country on Earth. In fact, since President Bush has been in office, 5 million more Americans have slipped into poverty.

Today, in our country, as many people know, the middle class is shrinking. Millions of American workers are working longer hours for lower wages. In my State of Vermont, it is not uncommon for people to work two jobs, even three jobs, to make enough income to pay their bills. According to a

recent Pew-Brookings Institute study, men in their 30s earned, on average, 12 percent less in 2004 than their fathers did in 1974, after adjusting for inflation. In other words, in America, we are moving in the wrong direction. Our standard of living, in many ways, is going down. If we don't reverse trends, our kids will have a lower standard of living than we have.

Now, in the midst of all of that, we are finding many large corporations, both those who employ skilled workers—professional workers—and those who employ low-wage workers, that are coming to this body and are saying, my goodness, yes, we are outsourcing millions of decent-paying jobs; yes, we have opposed vigorously raising the minimum wage; yes, we have done everything we can to make sure workers can't form unions, but what we want to do now, because we love the American people so much and we are so concerned about the American worker, what we want to do now is bring millions of new workers into this country, both low-wage workers and professional workers.

The argument there is Americans don't want to do the work. They say: We can't find American workers to do the work. That is a crock, in many instances. It is not true. One of the groups that has come to Congress to tell us how much they are concerned about the need to find workers because they can't find Americans to do the jobs is our old friends at Wal-Mart.

As many Americans know, Wal-Mart pays low wages. They often hire people for 30 hours a week rather than 40 hours a week, and they provide minimal health care benefits. Yet Wal-Mart has come in and said: Well, we can't find the workers. Bring us in more low-wage workers.

Well, guess what. Two years ago, when Wal-Mart announced the opening of a new store in Oakland, CA, guess how many people showed up for that job in Oakland, CA, at a Wal-Mart. Eleven thousand people showed up—11,000 people showed up in Oakland—filled out applications for a job when only 400 jobs were available. Eleven thousand people for 400 jobs.

Wal-Mart says they need more low-wage workers coming in from around the world because they can't find workers. Well, that was a couple of years ago. So you might say: Well, that doesn't happen today. In January of 2006, when Wal-Mart announced the opening of a store in Evergreen Park, just outside of Chicago, in your home State, Mr. President, 24,500 people applied for 2,325 jobs. Yet Wal-Mart and their friends are coming in here saying we can't find Americans who want to work.

Let us be clear. Wal-Mart does not provide good wages, does not provide good benefits, does not provide good health care, yet we are finding many people who want to do that because people in this country are desperate, because people in this country want to work at almost any job.

Some of the people at the other end of the economic spectrum, the people who are hiring professionals, make the same argument. There are organizations out there, including companies such as Motorola, Dell, IBM, Microsoft, Intel, and Boeing, that say the same thing: We can't find professionals to do the jobs. I find it interesting that while these companies claim they can't find workers in the United States, some of these very same companies have recently announced major layoffs of thousands of American workers.

Let me repeat that. These companies are saying we desperately need to bring workers from other countries into America because we can't find people in the United States to do these skilled jobs. Yet, at the same time, they are laying off tens of thousands of American workers.

Let me give a few examples. A few days ago, the Los Angeles Times reported Dell would be eliminating 10 percent of its workforce, slashing 8,800 jobs. Dell is part of the group saying we need to bring more professionals into America. Meanwhile, as Dell has eliminated decent-paying jobs in the U.S., it applied for nearly 400 H–1B visas last year.

But Dell is not alone. On May 31, the Financial Times reported Motorola would be cutting 4,000 jobs on top of an earlier 3,500-job reduction designed to generate savings of some $400 million. This is nothing new. Motorola has cut jobs in this country year after year after year. But guess what. Motorola, part of a group saying they can't find American workers, recently received 760 H–1B visas. That was last year.

On May 30, Reuters reported IBM would be laying off more than 1,500 American workers, bringing total layoffs to that company of 3,700 last year. In April, CBS MarketWatch reported Citigroup announced it would be laying off 17,000 workers, yet Citigroup received over 330 H–1B visas.

Here is the point, and this is not a complicated point. Many of the largest corporations in this country are supporting this legislation. And you know why? It is not because they are staying up late at night worrying about some Mexican kid in Detroit or Chicago and what will be the future of that kid. They are not worrying about that. What they want to see is a continued influx into this country of cheap labor. They are not content with outsourcing millions of good-paying jobs. They are not content with fighting against working people who want to form unions. They are not content with their opposition, successful until recently, of keeping the minimum wage at $5.15 an hour for 10 years. That is not good enough. Now they are saying: Gee, we can't move Wal-Mart from America to China, we can't move hotels to China, we can't move restaurants to China, so what is the best way to continue keeping wages low for those workers?

When I was a kid, I worked in a hotel. I was a busboy. There is nothing wrong with that job. Millions of people do that job. I resent very much the fact that many of these large corporations are continuing their war against the middle class and against the American worker. I think it is high time the Senate begins to stand up for the American worker rather than the large multinational corporations who have so much sway over what we do in this body. I would hope before an immigration bill is passed, it will respect the rights of American workers, both low-wage workers and professional workers, and say that is our major responsibility, to make sure our kids——

Mr. SESSIONS. Will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANDERS. Mr. President, I ask unanimous consent for 1 additional minute to yield to my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. My question, I guess, Mr. President, would be something like this: Perhaps it could be true that the large number of job applications received by Wal-Mart facilities is because even though Wal-Mart does not pay great wages, they do have health care benefits and job security, as opposed to construction work. Would the Senator agree that if businesses raised wages at the construction sites, if they had jobs that had a more permanent status to them, and actually offered a retirement plan and health care benefits, they might get more people willing to work at the construction sites?

Mr. SANDERS. Reclaiming my time, Mr. President, the Senator makes an important point, and that is we have all been educated that economics is about supply and demand. If you don't get the workers you want, you raise wages and you raise benefits. You don't simply open the door and bring in other workers at low wages.

The Senator makes an important point.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I came to the floor tonight for a few moments to talk about the significance of the bill that is before us and the work that has been done by Senators and a couple of Cabinet members and great staff.

The American people have been telling us for many years that we are confronted with a problem that is apt to

destroy our land, destroy our country, destroy our values, and that problem is that we have an inability to control our borders. We have illegal immigrants who come across our borders by the thousands who are, for the most part, interested in jobs. But after some of them get here and their jobs are procured, there are other things they bring with them or do here that make the American people very worried about our future.

I, for one, as a Senator of long standing, grow more worried every year as to whether we will ever be able to control our borders and thus control who comes in and who goes out so that we know who they are. We have heard the American people tell us this is our biggest responsibility; that if we don't secure our borders, something bad is going to happen to our country. We have heard them tell us of the horror stories that happen when some of these immigrants come here without authority, without the law on their side; they sneak in, in the dark of the night, or however they have been able to come, and then they form gangs. We have heard about how they have scared our people, hurt them, killed them, and how they fight amongst each other. Of course, I am not talking about all of them. I am saying the American people see this and say to us, can't you ever control our borders?

I want to say I think a terrific job has been done with this bill. It is not finished—there are a few more amendments that need to be considered and some time taken to review the final bill—but I believe the bipartisan group that wrote this bill under the leadership of Senator JON KYL on the Republican side and Senator TED KENNEDY on the other side, working with their best staff for months, and then both day and night for the last 2 months, have put together a piece of legislation that shows how you can work out practical differences if in fact your goal is significant and you forget about politics, you forget about party, and you begin to write a law you can be proud of.

I think we are close to that. I don't think you get there very often. Rarely do you get the opportunity to be part of such a law as a Senator. So for those who are going to vote against this bill, tonight they are saying to themselves, I think I am going to vote against it, I ask you and urge you to think of when you are going to be given an opportunity to vote on a bill, a piece of legislation that is more important than this. If we don't do it now, with your vote, when will we do it?

If for some reason this bill fails, those who cause it to fail have to ask themselves, when will we get a bill we can rely on, that we can trust, which is put together by good, practical people who resolved issues in a practical manner by working on the issues that are now confronting us, which are that our borders are wide open and we have no control over what is happening.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I am certain if, after we pass legislation such as this, we provide the resources that are needed—and that is very important, and I think we are providing a means and a manner for resources to go to the border in this bill—and, secondly, if we annually make sure the resources and manpower are there to implement this law—because it will require much by way of manpower, much by way of technology—if we give this law that, we will return to say this was a historic event. Indeed, we will have done something good for America and good for our children. Something good for the families of existing immigrants, good for immigrants who are coming in the future and their families, who will also be permitted. We will also look for merit in those who are coming to help America, which is competing in a very difficult world.

I am very proud to be on the side of those who are trying to maintain the measure intact, or practically intact, because you can't do much better than was done by this hard-working bipartisan group. The more you try to change it, the more you risk losing it. When you end up thinking what did you lose it for, you end up really wondering whether you did right for your country.

I urge that we move as fast as we can, giving Senators an opportunity, those who need it, and, yes, saying we are going to pass it soon—I don't know about tomorrow or the next day but certainly send to our leader a message that if you will give us an opportunity to call up a few more amendments, it will get accomplished.

I look forward to more debate, more amendments.

Mr. MENENDEZ addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields to the Senator? If no Senator yields time, then the time will be divided equally between both sides.

The Senator from New Jersey.

Mr. MENENDEZ. I suggest the absence of a quorum and ask unanimous consent that it be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 1345

Mrs. DOLE. Madam President, I ask that at the conclusion of the consented time and the stacked votes, I be recognized to call up my amendment No. 1345 and that after 2 minutes of consideration, the amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time to the Senator? At this time, the Senator from Alabama controls 17 minutes and the Senator from Texas 12.

Mr. SESSIONS. Is there any other time left?

The PRESIDING OFFICER. There is not at this time.

Mr. SESSIONS. I will be pleased to yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, I am very concerned that amendments to this bill are being limited because there are many issues that deserve attention in this debate. For instance, in my home State of North Carolina, we have had a number of fatal automobile accidents caused by an intoxicated person who was in the United States illegally. Sadly, just yesterday morning on Interstate 40 near Raleigh, a man was killed on his way to work when his vehicle was struck by an SUV barreling across the median. The SUV driver, according to initial news reports, is an illegal alien, who now faces a number of criminal charges, including DWI.

In several of these incidents, the illegal alien driver has a record of DWI, sometimes repeated offenses, but has been caught and released. Just this past March, in Johnston County, NC, a 9-year-old boy and his father lost their lives in an accident caused by an intoxicated driver who had been convicted twice of drunken driving and had an outstanding warrant stemming from a probation violation—and he was in the United States illegally. Another tragic case was the death of Scott Gardner, a Gaston County school teacher, who was killed in 2005 by a drunk driver—a driver who was an illegal alien with five previous DWI charges. I want to thank my colleague RICHARD BURR who introduced the Scott Gardner Act to deal with this serious issue, and on the House side, my good friend SUE MYRICK has been a true leader on this front.

I hear from many North Carolinians who ask me what is Washington doing to stop this from happening. When are we going to take action to make our communities safer.

Such senseless tragedies are not unique to North Carolina. Automobile accidents caused by intoxicated illegal aliens are occurring around the Nation—too often killing innocent people

who are just going about their daily lives, or leaving the victims with crippling, disabling injuries.

It is a privilege, not a right, for an immigrant to receive legal status to live in the United States of America. My amendment would ensure that this privilege is not granted to an illegal alien with a DWI conviction.

No question, our DWI laws should be vigorously enforced, regardless of the offender's immigration or citizenship status.

My amendment addresses an all too prevalent problem and should be considered. There are a number of other amendments that deserve a place in this debate. The bill we are considering would have enormous ramifications for nearly every American, as well as those who want to work in this country or become American citizens. We must do our due diligence and not rush this bill through. The majority in this body must not stifle the voice of the minority Members. More amendments must be considered.

I yield back my remaining time to Senator SESSIONS, the Republican manager.

Mr. SESSIONS. I thank Senator DOLE for her insight, sharing that important information, and for offering an amendment and demonstrating once again that good amendments dealing with very important issues are not being allowed to be considered. This is not a free and open debate. This is not a free opportunity to amend. The majority leader is controlling his machinery, the train is moving down the track, and very few amendments are being approved.

I have offered and filed quite a number. I have only gotten two amendments, and I said at the beginning that only one would be voted on. We are having the first vote on one I have offered.

Madam President, I ask unanimous consent—I see my colleague, Senator KENNEDY, here—I ask unanimous consent that the pending business be set aside and I be allowed to call up amendment No. 1253.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Madam President, we have quite a number of other amendments. That is what we are going to hear when we offer any of them because we now have a cloture motion filed. If cloture is obtained and you don't have an amendment pending, you can't get a vote on it. We know what the game is, and it is not a free, open debate on one of the most important bills in the time that I have been in the Senate that we are considering today.

I would like to share a few more thoughts. Maybe I will have a few minutes left for Senator LIEBERMAN. I know he wants more time than he has gotten so far. Senator KENNEDY is maneuvering for me to give him some of my time and maybe I will be able to do that.

The earned-income tax credit will not be taken away from people who are illegally in the country today if my amendment is passed. The earned-income tax credit is a credit given to working individuals who have lower incomes to encourage people to work. That is what it is all about. It is for Americans and people legally here.

So what I propose is that we do not provide this, on average, almost $2,000-per-year paycheck from the U.S. Government, to people who came into the country illegally and were given this probationary card status through their Z card status.

I am not offering an amendment to take the earned-income tax credit away after they become legal permanent residents. So if they become a legal permanent resident, they would be entitled to have the earned-income tax credit.

Last year I offered an amendment that said that you would not get the earned-income tax credit until you became an actual citizen. That was voted down. Why? I still am not sure. I still don't think that was a good vote. But at least we ought not to give this credit to someone who was here illegally a few days ago, and now we give them some sort of probationary status and they immediately start getting paychecks from the Federal Government.

I don't think that is what this system is about. People would be given a great thing. They would be given amnesty, they would be able to stay in the country legally, continue to work, and any family gets to stay with them. All of this is in this piece of legislation.

A lot of people think that is too generous, but that is what this legislation does. The next question is: What else do they obtain by virtue of having this legal status bestowed on them when they were illegal? They are not receiving the earned-income tax credit now. It is not something that is being taken away from them. It is a question of when are we going to bestow that additional benefit on people who were in our country illegally and how much of an incentive does this payment to them create for other people who want to come into our country illegally?

That is some of the confusion we have. In my view, the first thing you do to reduce the flow of illegal immigration into the country is to quit rewarding it by Federal largesse. That is the first thing. If you cannot go out and arrest everybody—and that is not practical—and we are not going to do these other things, at least don't give people extra financial benefits as a reward to coming into our country illegally.

I am very concerned about that. I think that it is not a little bitty matter because the—Madam President, I would ask that I be notified when there is 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. So what I would say to my colleagues is, this is going to cost a lot of money. You do not have to be trained in economics to understand that money comes from somebody. Who does the money come from? It comes from American workers and taxpayers, many of whom are having their wages depressed as a result of this huge flow of illegal labor. They are being asked to pay an earned-income tax credit check of $1,800, on average, to individuals who were illegal a few months before and possibly still have not completed the full background check. They still may not have completed the process to go to even a Z visa. Then they may be in a Z visa status for some time.

I know it is said it is not amnesty because they have to pay a fine. How much is the fine? $1,000. They pay a $1,000 fine. Well, they do not actually pay a $1,000 fine. When they get this probationary status visa, they only pay $200. They pay the rest of it on an installment. Nobody has stated and set out how they are going to pay it. Presumably, they can pay it for 8 years or more.

So a person here illegally under the legislation that is now before us, that person would obtain legal status in the country, be able to work, and would then be entitled to receive an earned-income tax credit.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SESSIONS. So they would receive that earned-income tax credit, which would be, on average, almost $2,000, and they would pay only $200. Now, that is a pretty good deal, if you can get it, it seems to me. It is not necessary. It is not necessary as a matter of law, and it is not necessary as a matter of morality. It is certainly contrary to sound principles of Government. We should not do that.

I urge my colleagues to support this amendment. It is an amendment that would impact our Treasury by perhaps, according to the Congressional Budget Office, $10 billion in the next 10 years—$10 billion. So it is quite a sizable chunk.

Madam President, I see my friend, Senator LIEBERMAN is here. I yield the remainder of the time I have left to him. How much time remains?

The PRESIDING OFFICER. There is 3½ minutes.

The Senator from Connecticut.

AMENDMENT NO. 1191

Mr. LIEBERMAN. Madam President, I thank my friend, Senator SESSIONS. I appreciate his kind gesture. That brings me back within 30 seconds of

what I originally had. I appreciate that.

I am going to speak on amendment No. 1191, which is set down for a vote this evening. This is an amendment that would improve our Nation's treatment of asylum seekers, that is, people who come to our shores seeking refuge from persecution they have suffered in their home countries based on race, religion, nationality or political conviction.

As far as I know, this is the only amendment on the treatment of those seeking asylum that will be considered as part of this comprehensive immigration legislation. I offer this amendment because the Congressionally chartered Commission on International Religious Freedom has told us that our country, our Government, is failing in its historic duty to those ''longing to breathe free'' from the Statue of Liberty.

I believe, as the Commission outlined, we can address this serious challenge at very little expense, with no adverse affect on our Nation's security, and without impairing immigration enforcement operations. It is the right thing to do. It is consistent with our best values in our history. In fact, as you know, our Founding Fathers understood the Nation's role to be not just a haven for those seeking freedom but a haven for those seeking freedom from persecution.

Thomas Jefferson once likened the United States to a ''New Canaan,'' the Biblical Canaan in mind, where victims of persecution, and I am quoting here, ''will be received as brothers and secured against like oppressions by a participation in the right of self-government.''

That is exactly what America has become. To the great benefit of this country, some of the greatest Americans in our history came here as refugees seeking asylum from persecution. Nobel Laureates Albert Einstein and Thomas Mann became neighbors in Princeton, NJ. Henry Kissinger and Madeline Albright came with their families to the United States, fleeing from the Nazis and Communists, respectively, and went on, of course, to become Secretaries of State.

If I might, on a point of personal privilege say, most special to me, on a day in 1949, then a child, my wife, Hadassah Freilich Lieberman, came here with her parents seeking asylum from Communist Czechoslovakia. This national duty to those fleeing persecution is emblazoned in a particular stanza on the Statue of Liberty that says:

Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame is the
imprisoned lightning,
And her name . . . Mother of Exiles.

Yet despite that lofty sentiment, too often today we are apparently turning asylum seekers away without the proper hearings guaranteed them by law, or confining them in prison conditions alongside convicted criminals while their cases are pending. That is what the U.S. Commission on International Religious Freedom has reported to Congress. This group was established, I am proud to say, in 1998, pursuant to legislation I introduced along with then-Senator Nickles and still, fortunately, Senator SPECTER.

It was aimed at strengthening our Government advocacy on behalf of individuals around the world who were being persecuted for their faith. Congress in the year that we established the Commission on International Religious Freedom also expressed its concern that recently enacted expedited removal procedures might be causing our own Government to mistreat victims of oppression, religious oppression, who came to the United States seeking asylum.

To find out if this was happening, Congress directed the newly established Commission to study the treatment of asylum seekers. The Commission conducted a comprehensive investigation and released a report in February of 2005 that was quite critical of the procedures of the Department of Homeland Security.

The report's recommendations were reasonable and straightforward. Unfortunately, 2 years passed. I persistently asked officials at the Department of Homeland Security when it would respond to the report and was always told the same: The recommendations are under review.

It appeared that little or nothing was being done. In fact, this February, 2007, the Religious Freedom Commission itself issued a blistering report 2 years after its initial report in which it gave out grades. The Customs and Border Patrol Agency received an F with respect to its treatment of asylum seekers. The Immigration and Customs Enforcement Agency received mostly Fs, and an overall grade of D. The Department of Homeland Security itself generally received an overall grade of D as well in its treatment of those claiming to be coming to America to seek asylum from persecution—religious, racial, nationality or based on political conviction.

That is unacceptable. Remember it was Congress that originally expressed concern about the treatment of asylum seekers. It was Congress that directed the Commission it had created to study whether there is a problem, was a problem, and now, in this Congress, as part of this comprehensive immigration reform bill, it must be Congress that will fix the problems the Commission has found.

That is why I introduced separate legislation earlier this year and then filed this amendment. I am pleased to say it appears I have come to some agreement with the Department of Homeland Security on a modified version of the amendment which I hope will be broadly supported by my colleagues.

It implements the recommendations of the U.S. Commission on International Religious Freedom and will improve our treatment of those who come to our shores claiming they seek asylum from persecution.

We have made a number of changes to address the concerns the Department of Homeland Security brought to us. I am pleased to describe them briefly.

The Commission on Religious Freedom found that too often the Department of Homeland Security was returning asylum seekers to countries where they were persecuted without giving them a chance to adequately make their case that they had a credible basis for their claims of persecution. Often employees of the Department of Homeland Security were failing to even ask these asylum seekers if they feared persecution, as required by Department procedures, before they were removed. This amendment would require what might be called simple quality assurance procedures so that the Department of Homeland Security can ensure its practices comply with its policies.

Secondly, virtually all the defense facilities the Department of Homeland Security uses are run as maximum security prisons, and in many cases those seeking asylum in this country, because they claim to be fleeing countries that were persecuting them, those detainees are forced to share cells with convicted criminals in maximum security prisons, sometimes in county jails. This is not appropriate for asylum seekers and other detainees who are not criminals and are not being criminally prosecuted. This amendment would require better Department of Homeland Security standards for those detention facilities to make them more consistent with our best values and the words that are emblazoned on the Statute of Liberty. This amendment would also encourage the development of more appropriate facilities for asylum seekers and families with children. These would be modeled after two secure but less restrictive facilities that the Department of Homeland Security already operates, one in Florida and the other in Pennsylvania.

The amendment will also encourage the expansion of secure alternatives to detention such as supervised release programs. Congress has already funded programs of this kind, and they have been successful. The amendment ensures the Department of Homeland Security will conduct vigorous oversight of the detention facilities it uses so the facilities, in fact, are complying with Department standards.

It is time we put in place and enforce safeguards to ensure people fleeing persecution are treated humanely and in accordance not just with our Nation's laws but with our best values.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 1191, AS MODIFIED

Mr. LIEBERMAN. I have a modification to the amendment, which I send to the desk at this time.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

Subtitle ____—ASYLUM AND DETENTION SAFEGUARDS

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. DEFINITIONS.

In this subtitle:

(1) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term ''detainee'' means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

SEC. ____03. RECORDING EXPEDITED REMOVAL INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary in his discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ____04. OPTIONS REGARDING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

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

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) in subsection (b), by striking ''Attorney General'' and inserting ''Secretary'';

(3) in subsection (c)—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' each place it appears and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security''.

SEC. ____05. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological well-being.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

SEC. ____06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

SEC. ____07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this subtitle; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) CONTINUED EVALUATION.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) CONTRACTS AND OTHER CONSIDERATIONS.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) CRITERIA.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. LIEBERMAN. Madam President, it is my understanding that based on the agreement we have reached after negotiation with the Department of Homeland Security, the Senate is prepared to agree to the amendment. I ask unanimous consent that occur.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1191), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. This will mean the amendment now listed as No. 6 of those to be voted upon would no longer have to be voted upon.

The PRESIDING OFFICER. The Senator from Texas has the remainder of the time.

AMENDMENT NO. 1250

Mr. CORNYN. Madam President, I rise to speak in favor of my earlier amendment which would take the blinders off law enforcement personnel when it comes to investigating fraud and other wrongful and even criminal conduct on the part of those who are claiming an advantage under this legislation, as well as third parties who might be implicated in fraud or other criminality.

I would first like to respond to Senator KENNEDY's comments, and then I want to speak to the Menendez amendment briefly. Senator KENNEDY earlier claimed my amendment eliminated all kinds of protections of confidentiality. He said he provided a level of protection of confidentiality for individuals so it will encourage them to come forward and file their applications for Z visas, and he is worried if we allow law enforcement access to that information to investigate third party fraud or other criminality, the applicants for the Z visas will not be willing to come forward.

It should be noted that my amendment does not eliminate all protections. It simply ensures law enforcement has access to information for those who cannot qualify for Z status under the terms of the underlying bill, including those who are criminals and absconders who have reflected their prior disregard for our laws. Also, despite Senator KENNEDY's claim, their proposal still protects information for aliens who have committed crimes but have not been convicted and are denied Z status. My amendment would make that information available to law enforcement personnel in the discharge of their official duties.

Furthermore, the distinguished Senator from Massachusetts acknowledges there was fraud in sworn affidavits and claims.

He said he is now alluding to the 1986 fraud under the agricultural amnesty bill that I mentioned in my earlier remarks and which were the subject of a New York Times article dated November 12, 1989. He said we took action in this legislation to fix it.

First, let me express my appreciation to the Senator for acknowledging that the third party affidavits that were used to qualify for benefits in 1986 were a large source of fraud.

I see nothing in the bill that would ensure that fraudulent sworn affidavits, especially those provided by third parties, are accessible to law enforcement to prosecute the fraud.

This type of fraud remains protected and thus we haven't come very far from the problems we encountered in the 1986 amnesty.

Senator KENNEDY says we must guarantee confidentiality.

He said:

> If we expect individuals to participate in that system, we have to guarantee their confidentiality. It's enormously important. This system isn't going to function and work unless we do.

What my esteemed colleague is essentially saying is, we need to protect those who have violated our laws, even committed felonies and other crimes for which they have not yet been convicted, because they would not come out of the shadows and register.

The point is, it is more than just coming out of the shadows. It is giving legal status to a person who has arguably violated our laws and put them on a path to citizenship, denying law enforcement the opportunity to investigate and to prosecute where appropriate.

Further, we are essentially binding the hands of law enforcement because even if they wanted to prosecute these individuals and remove them from the

country, they couldn't get the evidence needed to make the case, nor could they remove the person because by merely applying for Z status, they get the protection from removal.

Is that really what we want to say to our country about who should be permitted to remain in the United States? I think not. Nothing in my amendment would affect the ability of those who have entered the country in violation of our immigration laws or who have simply overstayed their visa or even those who have produced false documents in order to gain access to work. My amendment would not even address any of those individuals. This present amendment would not do that.

But, surely, we want to remove the cloak of confidentiality, the blinders, from our law enforcement personnel that would allow them to investigate cases of fraud, wrongful conduct, and other criminality.

I remain flabbergasted that the proponents of this bill would embrace this sort of provision. I would think what they would want to do is restore public confidence that we are actually reestablishing the rule of law when it comes to this broken immigration system. If anything, this serves to confirm the worst fears of skeptics about this bill because, frankly, it does nothing but confirm their worst fears that this is a vehicle for perpetuating the same sort of mistakes we encountered in the 1986 legislation, but apparently those lessons were not learned.

AMENDMENT NO. 1194

I want to speak briefly about the amendment offered by Senator MENENDEZ while he is on the Senate floor regarding those who want to immigrate to our country, but particularly those who have respected our laws and who have waited patiently in line.

I am particularly troubled by the situation that his amendment is designed to remedy because the proponents of the underlying bill have said: We are not going to allow any line jumping. We are going to provide an opportunity for those who have violated the law to get right with the law, but we are not going to do so to the detriment of people who have followed the rules and waited patiently in line, expecting that their application for a visa or legal permanent residency would be acted on. As I said before the recess, this is a very important principle to me. It is a matter of fundamental fairness and crucial to the integrity of not only our immigration system but our entire legal system. It would be extremely unfair to allow someone who has not respected our laws to be able to obtain a green card before someone who has respected our laws and waited in line for a chance to enter the country legally.

I am not talking about the claim that those who wait in line legally have to do it in their home country while someone who is here illegally and obtains a Z card can wait in country. That certainly is an issue. Those who are here illegally are getting the advantage over and above those who have made the decision to obey our laws waiting patiently outside the country. Even Secretary Chertoff, a key negotiator of the compromise, admits in a USA Today article that there is a ''fundamental unfairness'' anytime illegal immigrants are permitted to stay in country, while those who have respected our laws wait patiently outside of the country. I am afraid we make what even Secretary Chertoff admits is a ''fundamental unfairness'' that much more unfair in the underlying bill. To their credit, proponents of this compromise have stated that the proposal would not allow anyone who came here illegally to obtain their green card until everyone who chose to follow the law gets their green card. That is a laudable goal, and that should be our goal. But to achieve this goal, the compromise arbitrarily sets the cutoff date for legally ''being in line'' at May 1, 2005, while setting the date for the end of the line for those illegally here at January 1, 2007.

As an illustration, this means someone who chose to respect our immigration laws, chose not to enter illegally, and filed the proper immigration paperwork on June 1, 2005, is not considered to be ''in line'' under the terms of this bill, while someone who decided not to respect the laws and enter illegally on the same date can obtain a Z status and ultimately secure American citizenship.

My staff has met with a number of groups who have focused on this particular problem. I know Senator MENENDEZ has been listening to their same concerns. The Asian American Justice Center in particular has made compelling arguments that declaring the end of the line for legal immigration as May 1, 2005, is unfair. Other groups, including the Interfaith Immigration Coalition, the Jewish Council for Public Affairs, the U.S. Conference of Bishops, the Mexican American Legal Defense and Education Fund have written to my office to explain that those people who played by the rules and applied after May 1, 2005, will not be cleared as part of the family backlog pursuant to the terms of the bill and will lose their chance to immigrate under current rules and be placed in line behind Z visa applicants. Some of these groups report that more than 800,000 people who have patiently waited in line will in essence be kicked out of the line.

I understand the Menendez amendment will be voted on soon. It addresses an important issue, ensuring that those who decided to abide by the laws will not be disadvantaged simply because they chose not to come here illegally.

As I said, I have been struggling with this over the past couple weeks because this is a matter of fundamental fairness. So I continue to consider this amendment. I know others are likewise considering it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Madam President, I thank the Chair and yield the floor.

AMENDMENT NO. 1250

The PRESIDING OFFICER. There will now be 2 minutes equally divided on amendment No. 1250.

Who yields time?

The Senator from Texas.

Mr. CORNYN. Madam President, I understand we have 2 minutes equally divided before the vote.

Simply stated for my colleagues, my amendment would remove the blinders that would prevent law enforcement from investigating and prosecuting wrongful conduct, including fraud and criminality.

I would think if there is one thing we learned from the 1986 amnesty, this type of confidentiality provision, if it protects any information to be gleaned from the applications of those who have actually been denied Z visas, it would be that we should pursue and support this kind of amendment which would help law enforcement and, even more importantly, help restore public confidence that we are not playing games with them but that we are actually serious about restoring the rule of law when it comes to our broken immigration system.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the Cornyn amendment attacks the whole issue of confidentiality for these undocumented aliens. If the Cornyn amendment is adopted, there are no individuals who are going to register for any of these programs—none—because all their information will be available.

This is a report-to-deport amendment. How are you going to convince individuals to come in and register for the Z visa program or any of the programs if they know all of their information is going to go to the Immigration Service and every other agency?

With regard to criminality, with regard to terrorism, with regard to all the fraud and all the abuse, we have put in here careful protections. Those kinds of protections are supported by JON KYL, by other Republican Members, and by all of us here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. If you accept the Cornyn amendment, it effectively undermines all confidentiality.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I appreciate everyone allowing me to say a few words before the vote starts. We have six votes that will take place. Any minute, the votes will start. We worked out an agreement—tentative in

nature, but I think it is fairly firm—we will have six more votes tonight. I want to alert Members we will have more votes tonight. It could be a late night, for sure.

When that is all completed, we will have had—I do not know the exact number—35 votes, or something like that, and it is evenly divided between Democrats and Republicans. There is one vote difference as to who offered the amendment. But I think we have made a lot of progress.

I hope people feel they are having an opportunity to have their voices heard in this regard. Within a short few votes, we will certainly have had more votes than we had last year. I am not sure that is a good guide for anything, but that is at least what we will be able to show everyone. I hope people would be able to see that the end is in sight.

Remember, if cloture is invoked on this matter, we will have 30 hours more of amendments. As I have indicated to my friend, the distinguished junior Senator from Arizona and others, upon being asked the question whether all these postcloture votes would take place, the answer is, we are not going to be blocking any people from voting on germane amendments.

I hope everyone understands it will be a late night tonight, and we will start early in the morning.

Mr. CORNYN. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Cornyn amendment No. 1250.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—57

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Baucus	Dole	McCaskill
Bennett	Domenici	McConnell
Bond	Dorgan	Murkowski
Brownback	Ensign	Nelson (NE)
Bunning	Enzi	Pryor
Burr	Graham	Roberts
Byrd	Grassley	Rockefeller
Chambliss	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Snowe
Collins	Isakson	Specter
Conrad	Klobuchar	Stevens
Corker	Kyl	
Cornyn	Lincoln	
Craig	Lott	
Sununu	Thune	Voinovich
Tester	Vitter	Warner

NAYS—39

Akaka	Feinstein	Mikulski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Kennedy	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Webb
Durbin	Lugar	Whitehouse
Feingold	Menendez	Wyden

NOT VOTING—3

Dodd	Johnson	Kerry

The amendment (No. 1250) was agreed to.

AMENDMENT NO. 1331

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Reid amendment, No. 1331.

Mr. REID. Mr. President, the earned-income tax credit is an important program that benefits low-income workers with children who are legally working in this country. Those working illegally in this country are ineligible for the earned-income tax credit.

This amendment makes it perfectly clear that nothing in the bill changes the prohibition of an illegal alien's access to the earned-income tax credit. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, this is not a cover vote. It is not a cover vote at all. It leaves the bill exactly as it was. The problem with the legislation is that those people who are today illegal and would be made legal through the probationary status visa or the Z visa would be entitled to receive the earned-income tax credit, which is, on average, nearly $1,800 per recipient. That earned-income tax credit is a direct payment from the taxpayers of America.

This amendment—unlike the vote you cast last year when I raised it—would allow the earned-income tax credit when you get a green card but not when you are on a Z visa or probationary visa. So this is less far-reaching than the amendment I offered last year.

I urge that this amendment not be accepted.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1331.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Brownback	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Smith
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—40

Alexander	DeMint	McCain
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Gregg	Snowe
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Warner
Craig	Lott	
Crapo	Martinez	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1331) was agreed to.

AMENDMENT NO. 1234

The PRESIDING OFFICER. There is now 2 minutes equally divided before the vote on the Sessions amendment No. 1234.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, who is eligible for the earned-income tax credit? Legal workers. They work. Who are the beneficiaries of the earned-income tax credit? Ninety-eight percent of it goes to poor children. What country in the world has the greatest percent of poor children? The United States of America. Ninety-eight percent of the benefits of the earned tax credit go to poor children, and many of them are American children.

In the history of the Internal Revenue Code, we have never excluded a class. We have treated everyone equally. The Sessions amendment for the first time in the history of the United States of America is going to say: Workers who are here legally are going to be denied the earned-income tax credit that can benefit their children who are looking for a better future.

I hope the Sessions amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, the earned-income tax credit was designed

and has been in effect as a support for American workers. That is what it is. Four million people who do not have children receive it.

This amendment says those people who are here illegally today who are made legal under this bill through the Z visa or the probationary status who have not yet obtained legal permanent residence would not get this benefit. The people are supposed to pay a fine, $1,000. They only have to pay $200. They pay that $200 fine, sign up, and they get a $2,000 earned-income tax credit, which is basically a check from the United States Government.

The people who are here illegally would be, under this bill, made legal, be allowed to work. They are not receiving earned-income tax credit today. There is no moral, legal, or principled reason to give them that in the future until they become a legal permanent resident.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1234.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—56

Alexander	Dole	McCain
Allard	Domenici	McCaskill
Baucus	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Bunning	Grassley	Roberts
Burr	Gregg	Rockefeller
Byrd	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Stabenow
Cochran	Isakson	Stevens
Coleman	Klobuchar	Sununu
Conrad	Kyl	Tester
Corker	Landrieu	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NAYS—41

Akaka	Durbin	Lieberman
Biden	Feingold	Menendez
Bingaman	Feinstein	Mikulski
Boxer	Hagel	Murray
Brown	Harkin	Nelson (FL)
Brownback	Inouye	Obama
Cantwell	Kennedy	Reed
Cardin	Kerry	Reid
Carper	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Collins	Levin	
Smith	Specter	Whitehouse
Snowe	Webb	Wyden

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1234) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. SESSIONS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1194

The PRESIDING OFFICER. There is now 2 minutes evenly divided before the vote on the Menendez amendment, No. 1194.

Who yields time?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, under the bill before us, U.S. citizens have less rights than an undocumented alien. The base bill says, you break the law, you get benefits up to January 1, 2007. You follow the rule of law, and your right as an American citizen to claim your family, for which you have already submitted a petition, is extinguished as of May 1, 2005. That is fundamentally wrong.

How do we promote the rule of law when we say to a U.S. citizen, who has already applied for their family member waiting abroad, paid their fees, the government has collected them, their application has been approved, they followed the rules and obeyed the law, that they have an inferior right—an inferior right—to someone who did not follow the rules and crossed the border and who will ultimately receive a benefit superior to that of a U.S. citizen who is claiming their family?

Why do we tell the family of the U.S. citizen to go to the back of the line behind people who violated the law? This is a vote about family values and family reunification. This is a vote about the rule of law. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona.

Mr. KYL. Mr. President, first of all, this is an amendment that would enable people to enter the United States and become immigrants, green card holders, and eventually citizens, who, under the current law, have no expectation of ever getting those rights because they are in categories or are from countries in which the waiting line is so long that they would never, ever be able, under existing law, to become a U.S. citizen.

In addition, because it would allow several hundred thousand immigrants to come into this country who would not otherwise be legal under existing law, there are three budget points of order, and, therefore, at the conclusion of these remarks, I will be making a budget point of order. I hope my colleagues agree that we should not waive the budget under these circumstances.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I make a point of order that the pending amendment, No. 1194, to S. 1348, violates section 201, the pay-as-you-go point of order of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. MENENDEZ. Mr. President, I regret that we have started down this road. I move to waive section 201 of the concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Hagel	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Hatch	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Bunning	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Stabenow
Coleman	Lieberman	Tester
Conrad	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

NAYS—44

Alexander	DeMint	McCain
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Snowe
Chambliss	Gregg	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NOT VOTING—2

Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1460

The PRESIDING OFFICER. There are now 2 minutes evenly divided before the vote on the Kyl amendment No. 1460. Who yields time?

Mr. KYL. Mr. President, could we have order?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I appreciate not waiving the budget in this last point of order. I will confess to you, I think that Senator MENENDEZ had a point in saying we should only allow people who had a reasonable expectation to be immigrants, and those who didn't should not. The bill itself drew an arbitrary deadline. Senator MENENDEZ drew a different arbitrary deadline. This side-by-side actually is constructed so that, under existing law, everyone who has a reasonable expectation of being allowed to immigrate under a family visa will be able to immigrate under a family visa. Only those people who never had any reasonable expectation would be denied.

What it does is to take it out to the year 2027, 20 years from now, and anyone who could have had a reasonable expectation of immigrating within that 20-year period would be allowed to immigrate under this amendment. It is a more precise and fair and just way to allow family members to come into the United States. The numbers are approximately identical to those who would be allowed to immigrate under the bill.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I urge my colleagues to vote against this. It is not more than a figleaf. It sounds great, 2027. The definition of ''reasonable expectation'' means absolutely nothing. The majority of the Senate voted to have some form, although it did not pass a budget point of order, to have some form of family reunification of U.S. citizens waiting to go be reunited with their family abroad.

This does nothing. As a matter of fact, I have heard some of the children, family members of U.S. citizens, would have to wait 60 years. I have the State Department's report. None of them are more than 15 years. So the reality is, this is a figleaf for those who voted against the last one. It does absolutely nothing for family reunification.

Let's keep at least a strong message we do want to reunify families as we move this bill ahead and vote against the Kyl amendment.

The PRESIDING OFFICER (Mr. SALAZAR). The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—51

Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Graham	Pryor
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Snowe
Collins	Isakson	Specter
Corker	Kyl	Stevens
Cornyn	Lincoln	Sununu
Craig	Lott	Thune
Crapo	Lugar	Vitter
DeMint	Martinez	Voinovich
Dole	McCain	Warner

NAYS—45

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Clinton	Levin	Webb
Conrad	Lieberman	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—3

Chambliss	Dodd	Johnson

The amendment (No. 1460) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1182 TO AMENDMENT NO. 1150

Mr. REID. Mr. President, I call up amendment No. 1182, the Thomas amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. Thomas, proposes an amendment numbered 1182.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary to establish new units of Customs Patrol Officers)

At the end of section 101 of the amendment, insert the following:

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the ''Secretary''), to establish new units of Customs Patrol Officers (commonly known as ''Shadow Wolves'') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

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

Mr. REID. I believe there is no debate on this matter.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1182) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1272 TO AMENDMENT NO. 1150

Mr. REID. Mr. President, I call up amendment No. 1272 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SCHUMER, proposes an amendment numbered 1272.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve security by providing for the establishment of B-1 visitor visa decisionmaking guidelines and a tracking system)

At the appropriate place, insert the following:

SEC. ___. B-1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with

respect to the issuance of B-1 visas by consular officers and determine whether modifications are necessary to ensure that such officers make decisions with respect to the issuance of B-1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether travelers holding a B-1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to travelers admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) MODIFICATION.—If after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) CONSULTATIONS.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders, including consular officials and immigration inspectors.

(b) DATA TRACKING SYSTEMS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B-1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(A); and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B-1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(B).

(2) LIMITATION.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) PUBLIC EDUCATION.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B-1 visa for business travelers.

(d) REPORT.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit to Congress, reports concerning the status of the implementation of this section.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1272) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, for all Senators, we now have a number of amendments lined up which we can vote on this evening. There will be about 80 minutes, an hour and a half, before the vote starts.

Mr. President, I ask unanimous consent that the time until 10 o'clock be for debate with respect to the following amendments and that the time be equally divided and controlled between the majority and Republican leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments in this agreement prior to the vote; that at 10 o'clock tonight, the Senate proceed to vote in relation to the amendments in the order listed; that there be 2 minutes of debate prior to each vote, with the votes after the first being 10 minutes in duration; and that if the amendment is not pending, then it be called up now.

The first amendment we will vote on is Clinton, No. 1183, as further modified; second is Ensign, No. 1374; the third one will be Salazar, No. 1384; fourth one is Inhofe, No. 1151; the fifth one is Hutchison, No. 1415; sixth is Vitter, No. 1339; seventh is Obama, No. 1202, as modified with the changes at the desk; and eighth is Dorgan, No. 1316.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1374

(Purpose: To improve the criteria and weights of the merit-based evaluation system)

Beginning on page 262, strike line 36 and all that follows through page 264, line 1, and insert the following:

Category	Description	Maximum points
Employment		**66**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**35 pts** Honorable Service within any branch of the United States Armed Services for (1) 4 years with an honorable discharge, or (2) any period of time pursuant to a medical discharge–**35 pts** U.S. employment in STEM or health occupation, current for at least 1 year (extraordinary or ordinary)–**35 pts**	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**23 pts**	
	U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**21 pts**	
U.S. employment experience	Years of lawful employment for a U.S. employer (in the case of agricultural employment, 100 days of work per year constitutes 1 year)–**5 pts/year** (max 30 pts)	
Age of worker	Worker's age: 25-39–**18 pts**	
Education (terminal degree)	Graduate degree in a STEM field (including the health sciences).–**50 pts** Graduate degree in a non-STEM field–**34 pts** Bachelor's degree in a STEM field (including the health sciences)–**40 pts** Bachelor's degree in a non-STEM field–**32 pts** Associate's degree in a STEM field (including health sciences)–**30 pts** Associate's degree in a non-STEM field–**25 pts** Completed certified Department of Labor registered apprenticeship–**23 pts** High school diploma or GED–**21 pts** Completed certified Perkins vocational education program–**20 pts**	**50**
English and civics	Native speaker of English or TOEFL score of 100 or higher–**30 pts** TOEFL score of 90-99–**25 pts** Pass USCIS Citizenship Tests in English & Civics–**21 pts**	**30**
Home ownership	Sole owner of place of residence–**8 pts per year of ownership**	**24**
Medical insurance	Current private medical insurance for entire family–**10 pts per year held**	**30**
Total		**200**

AMENDMENT NO. 1202, AS MODIFIED

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c)(1), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

(d) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

(1) INCREASE IN LEVEL.—Section 201(c)(1)(B)(ii) (8 U.S.C. 1151(c)(1)(B)(ii)) is amended by striking ''226,000'' and inserting ''567,000''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective during the period beginning on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted and ending on the date that an alien may be adjust status to an alien lawfully admitted for permanent residence described in section 602(a)(5).

AMENDMENT NO. 1384

(Purpose: To preserve and enhance the role of the English language)

At the end of the matter proposed to be inserted, add the following:

SEC. 702A. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English

(c) DEFINITION OF LAW.—For purposes of this section, the term ''laws of the United States'' includes the Constitution of the United States, any provision of Federal statute, or any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

AMENDMENT NO. 1151

(Purpose: To amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes)

Strike section 702 and insert the following:

SEC. 702. ENGLISH AS NATIONAL LANGUAGE.

(a) SHORT TITLE.—This section may be cited as the ''S.I. Hayakawa National Language Amendment Act of 2007''.

(b) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of national language.
''162. Preserving and enhancing the role of the national language.
''163. Use of language other than English.

''SEC. 161. DECLARATION OF NATIONAL LANGUAGE.

''English shall be the national language of the Government of the United States.

''SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE NATIONAL LANGUAGE.

''(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

''(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

''(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

''SEC. 163. USE OF LANGUAGE OTHER THAN ENGLISH.

''Nothing in this chapter shall prohibit the use of a language other than English.''.

(c) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government ..... 161''.

AMENDMENT NO. 1316

(Purpose: To sunset the Y–1 nonimmigrant visa program after a 5-year period)

At the end of section 401, add the following:

(d) SUNSET OF Y–1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) on the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, under the H–2A visa program or any visa program other than the Y–1 visa program.

AMENDMENT NO. 1415

(Purpose: To prohibit obtaining social security benefits based on earnings obtained during any period without work authorization)

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following new subsections:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

AMENDMENT NO. 1339

(Purpose: To require that the U.S. VISIT system—the biometric border check-in/check-out system first required by Congress in 1996 that is already well past its already postponed 2005 implementation due date—be finished as part of the enforcement trigger)

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

AMENDMENT NO. 1183, AS FURTHER MODIFIED

Mrs. CLINTON. Mr. President, I call up amendment No. 1183, as further modified, and ask unanimous consent for its consideration.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the majority

leader, Senator REID, and Senator DODD be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I know there are very strongly held and honestly felt disagreements in this Chamber on the legislation before us. Many of these differences are mirrored across our country. The issue of immigration strikes deeply at our values and our concept of America and stirs our emotions. While we may reach different conclusions, we all have to begin at the same place. Our immigration system is in crisis. I have concerns about this underlying bill, but we all do. This is not the bill any of us individually would have written and produced for the Senate's consideration. But I commend the primary sponsors for bringing this to the floor of the Senate so we can debate the issues it raises and try to craft a solution that simultaneously honors our Nation's strong immigrant heritage and respects the rule of law.

As a nation, we place a premium on compassion, respect, and policies that help families. But our immigration laws don't reflect that. In fact, our current laws tear families apart. For lawful permanent residents and their spouses and minor children, this bill not only fails to help them, it actually makes matters worse. It is time to take all the rhetoric about family values and put it into action and show that we mean what we say when we talk about putting families first. That is what my amendment does.

This amendment is a bipartisan amendment offered with Senator HAGEL and Senator MENENDEZ. It is our view we must make reuniting families a priority in our immigration system, that we should show compassion for those living apart from their spouses and minor children, that we should reform immigration in a way that honors families and brings them together. Unfortunately, the compromise bill before us fails to help families and children stuck in a bureaucratic quagmire created by our tangled, broken immigration system. Spouses and minor children of lawful permanent residents applying for a green card are required to remain overseas while awaiting their new legal status. The problem is there is a huge backlog.

Despite what some have suggested this week, the visa backlog for spouses and minor children of lawful permanent residents is significant and substantial. According to the June 2007 State Department visa bulletin, the backlog is currently more than 5 years long. For some, that backlog could stretch even longer. What does that mean? In very human terms it means parents are forced apart from their children. Husbands are separated from their wives. Tax-paying, law-abiding, legal immigrants who are doing the right thing are treated as though their families don't matter at all.

If you are a lawful permanent resident and your spouse and minor children are caught in this long line, your family is not allowed to enter the United States even for a brief visit. You are limited in your ability to leave the United States to visit your spouse and children overseas. Under our current policies, lawful permanent residents are forced to choose between their newly adopted country and living with their spouse or children. Five years may not seem long to some of us. We serve 6 years in the Senate. It seems to go by very fast. But 5 years in the life of a young child or in a marriage is precious time indeed. For a 10-year-old child, it is half their life. It is time that can never be recaptured. Unfortunately, that 5-year timeframe is often much less than what actually happens to these families.

We are proposing that spouses and minor children of lawful permanent residents be exempt from the visa caps and that we finally allow these nuclear families who have been separated for far too long to be reunited. This amendment is necessary because the compromise bill does absolutely nothing to bring these families together. In fact, the compromise actually reduces the number of visas for spouses and minor children of lawful permanent residents. It does not allocate a single visa to address the existing backlog for these family members.

As I have said many times, we have a national interest in fostering strong families. This amendment is supported by more than 100 faith-based, family, and immigrant advocacy organizations and denominations. I thank all of these organizations that have endorsed and rallied support for the Clinton-Hagel-Menendez amendment. They do an invaluable service in speaking out for people whose voices would otherwise not be heard.

The amendment is not considered a bill killer. It is not considered an amendment everybody has to vote against who has agreed to the compromise, because many of us know these legal permanent residents. Many of us actually work with them. Some of them even contribute to the campaigns of people in this Chamber. These are people who are doing everything they can to play by the rules, except they are divided for years from their spouses and minor children. I hope the Chamber will endorse this act of compassion and common sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I certainly agree with the Senator from New York about the value of having family unity. A strong family is certainly a very important value that we ought to maintain to the maximum extent possible. I intend at the appropriate time, before the vote comes up, to raise a point of order under concurrent resolution 21, but for a few moments I will deal with the merits as to the issue advanced by the Senator from New York.

The effect of adoption of this amendment would mean those who are now legal permanent residents or green card holders would have an immediate right to bring in their spouse and children, and it is estimated there are some 800,000 of these green cards in existence at the present time. From many perspectives, it would be worthwhile to have that accomplished. That would certainly be a personal preference of mine, if it were not for many collateral constraining factors about the difficulty of allowing that many additional green cards all of a sudden. The 800,000 figure is the best estimate that is available at this late hour.

The effect of the amendment offered by the Senator from New York as to the approximately 12 million undocumented immigrants would be that as soon as the backlog is cleared after 8 years, then at that time they would be eligible to have green cards issued as green card holders or as legal permanent residents, after the backlog is cleared in 8 years. Under the amendment by the Senator from New York, they would have the right to bring in their spouse and minor children.

Again, if I were to devise an ideal system and there were not other limitations, I certainly would not disagree with that as a desirable way to proceed. But this compromise was constructed very carefully and very painfully by the dozen or so Senators from both the Democratic side of the aisle and the Republican side of the aisle who structured it. The Presiding Officer was a member of that group, the junior Senator from Colorado. In structuring the arrangement to not allow legal permanent residents or so-called green card holders from bringing in their spouse and minor children, there were many tradeoffs. As I have said on the floor earlier, many of the provisions which were excluded, rejected, were ones I personally would have favored. I have cast a fair number of votes here during the course of this debate that, given my preferences, I would have cast differently. But the overall objective of getting a bill passed is worth the compromises which have been made.

Earlier today, this amendment was characterized by the Senator from New Mexico as the politics of compromise. Well, that might sound bad, but that happens to be the reality of what goes on in the Senate all the time. It goes on in all political bodies. We don't have anyone who can structure a bill to his or her precise specifications. If I could structure a bill, it would be a very different bill. But my role, along with a

number of other Senators, was to try to find accommodations to find a bill which we could agree to and bring to the floor and then, if the full Senate wanted to work its will to the contrary, that is the way the system works. But there is nothing inappropriate about the politics of compromise. That means we sacrifice the better for the good.

The overall good is to get a bill passed which will deal with 12 million undocumented immigrants in a constructive way. It gives them an opportunity to escape the fear they now have that they will be detected at any time. It gives us an opportunity to identify those who are not contributing, who have criminal records, who ought to be deported. We can't deport all 12 million, but for the balance to be on the path toward citizenship, that is a very worthwhile, commendable objective as to the greater picture. We have comprehensive reforms. We have securing the border and employer verification. I will not go through all of the details, but this bill is very important. This accommodation to reject the contentions of the Senator from New York is necessary if we are to attain the greater good.

Mr. KYL. Mr. President, might I just interrupt with a question to the Senator?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, is it not true that under this amendment, this amendment would wipe out the difference between a citizen of the United States and a green card holder with respect to their right to immigrate the nuclear family? So there would be no distinction between a green card holder and a citizen's rights?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. It is the citizen who has the right to bring a spouse and minor children, not legal permanent residents, so-called green card holders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it was the intention of the majority leader to ask that there be 10 minutes on each amendment to be evenly divided. I think that was the desire in order to be fair to all of those who were going to offer amendments. I think those who are offering amendments were given that kind of assurance. So I ask unanimous consent that the remaining time be allocated equally between the amendments and equally in terms—well, I ask unanimous consent that there be 10 minutes on each amendment equally divided between those who favor the amendment and those who are opposed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Mr. President, may I inquire, was a budget point of order or other point of order made against the amendment?

The PRESIDING OFFICER. It was not raised. It is not in order at this time.

Mrs. CLINTON. Mr. President, let me, just if I could, respond.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take 2 minutes of my time on the following amendment and yield it to the Senator. She was not aware of the time limitation when she made her remarks. I think she ought to be entitled to make her comments.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the Senator.

I think it is important to recognize that there are many distinctions between a U.S. citizen and a foreigner living legally in the United States which uphold the value of citizenship, but the right to marry and to live with your family should not be one of them.

Denying legal permanent residents, who are on the pathway to pledging their allegiance to the United States, the right to marry and live together in our country is an obstacle to their becoming the kind of full-fledged citizens we want them to be.

Also, under current law, guest workers, students, and others can be with their spouses and minor children and then adjust to legal permanent resident status with them. Due to the backlogs, only lawful permanent residents are treated differently.

So, Mr. President, I understand that those who worked so hard on coming up with this compromise may not be able to find their way clear to support this at this time, but I do not believe we have a national interest in separating legal permanent residents from their spouses and minor children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

AMENDMENT NO. 1151

Mr. INHOFE. Mr. President, let me make an inquiry. It is my understanding that under the UC, all of the eight amendments that will be considered on the floor have been called up and are in order to be considered; is that correct?

The PRESIDING OFFICER. They have not all been reported at this time.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me tell you something procedurally that is going to happen here in about an hour at 10 o'clock. There is a list of amendments. First, there are two of them, and then the Salazar amendment will be considered. After that, the Inhofe amendment will be considered.

Now, I want to get something understood procedurally because I think it is very important for everyone, particularly the occupant of the chair at this time, who has the Salazar amendment, to know what is going on.

A year ago, we debated the Inhofe amendment that would make English the national language for the United States of America. We debated it at length, hour after hour. We talked about that every President back to and including Theodore Roosevelt in 1916 made comments that English should be the official and should be the national language of the United States of America. We talked about the 50 countries that have English as a national language, one being in west Africa—Ghana—and one being in east Africa—Kenya—but not the United States of America.

Now, one of the things that happened a year ago is I had my amendment up, which is essentially the same amendment that will be up tonight. I would like to have you listen carefully. It is really a one-sentence amendment. All it says is:

> Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

In other words, this is an entitlement.

Now, it has exceptions in there for laws that are on the books, such as laws protecting the sixth amendment, which would be the Court Interpreters Act and other such things. However, it was aimed—I don't want to act as if I am hiding this because we talked about this a year ago. One of the things has been very controversial: At the very end of the Clinton administration was when he passed Executive Order No. 13166, and 13166 essentially said that if you are a recipient of Federal funds, then your documentation can all be done in whatever language you desire, so it could be Swahili, it could be Spanish, or any other language.

Now, what happened a year ago was they passed my amendment—and my amendment was exactly the same as it is today—and it passed by a vote of 62 to 35. Does that sound right? So, 62 to 35. Then right after that, the Salazar amendment—and I see the Senator from Colorado is preparing to respond—was passed, which gutted my amendment, did away with it.

So those individuals who voted for my amendment and then voted for the Salazar amendment—and there are quite a few Democrats and Republicans who did that—voted to make English the official language and then, in the next vote, 3 minutes later, voted to take it away.

Now, I see that this is happening again tonight because, unfortunately, I

have to offer my amendment first. I anticipate it will be adopted because it is very popular. Right now, the polling shows that 91 percent of the people in America want English as an official language, and 76 percent of Hispanics believe English should be an official language.

Now, I am prepared to go on and debate this issue. I should not have to do it since 62 Members of this body already voted in favor of it. What I am going to say now, though, is very significant because if you vote for the Inhofe amendment when it comes up tonight, then vote for the Salazar amendment, you are essentially saying you are gutting the Inhofe amendment and you do not want English to be the official or the national language of the United States of America.

The Salazar amendment is exactly the language in the underlying bill. I have it before me. I would be glad to read it. In fact, I am not sure how this time is going to work out. If we have time equally divided, I am going to run out of time. So I will just state that the language is precisely the same in the underlying bill. The underlying bill actually puts into law executive orders, and this specific executive order of 13166, which gives anyone an entitlement to any language he or she wants, will become law. That is the language which is in there right now.

I am attempting to change that language. If my amendment is adopted, it will change. However, the next vote is going to be on the Salazar amendment. I am just saying to you, as my friends out here, do not vote for both of us because if you vote for both of us, you are voting to make English the official language, and then, in the very next vote, you are taking it away and reinstating the original language in the bill.

So I hope no one is going to think it is going to go unnoticed if anyone votes for my amendment and then votes to kill the amendment they just supported. That is what is going to happen tonight. I look forward to the vote.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator's time has expired.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to speak in opposition to the proposed amendment by my good friend from Oklahoma. First and foremost, I want to say I believe all Members of this Chamber and the people in the United States understand that English is important and that people, in order to succeed in our society, need to learn English; that the ability to acquire the English language and to speak it well is something we all support, and we support a number of different programs that would assist people who have limited English proficiency to acquire the English language as a keystone to success. I think that goes without saying.

The amendment that is proposed by my friend from Oklahoma would, in fact, do a number of things that I think are problematical and should cause all of us to vote against the amendment.

The first and a very important reason to vote against his amendment is that it is contrary to the provisions of law that exist in many States. For example, in the State of New Mexico, you have in the Constitution—in the Constitution of the State of New Mexico—as my good friend, Senator DOMENICI, would articulate here, a provision that says that many of the documents within that State have to be provided in both English and Spanish. The same thing is true for the State of Hawaii. I believe this is a States rights issue, and those constitutions of those States ought to be respected. There are other States in our Union which have decided they are going to adopt English as their official language. I believe that is a matter the States ought to decide. I do not believe it is a matter we ought to be imposing here from Washington, DC, on the backs of the States of our Union.

Also, at the end of the day, what my good friend from Oklahoma is attempting to do with his amendment is to undo an executive order that has been long recognized by President George Bush, implemented by President George Bush, conceived by President Bill Clinton, and put into law with his signature.

President Clinton's executive order was signed on April 11, 2000, on October 26, 2001. That executive order was recognized by Ralph Boyd with the U.S. Department of Justice under the Bush administration. It was again recognized on January 11, 2002, and again on November 12, 2002, and then again on December 1 of 2003.

If I may take a moment to just read a portion of what was included in that communication that went out from the U.S. Department of Justice to all of the court administrators across the United States and all of the U.S. district courts. It said the following in the memorandum:

> It is beyond question that America's courts discharge a wide range of important duties and offer critical services both inside and outside the courtroom. Examples range from contact with the clerk's office in pro se matters to testifying at trial. They include but are not limited to matters involving domestic violence, restraining orders, parental rights, and other family law matters, eviction actions, alternative dispute resolution or mediation programs. . . .

And on and on.

What both the Bush administration and the Clinton administration recognized in this executive order is that it is important to make sure people who have limited English proficiency receive the kinds of services so they can understand what is going on in terms of the interface between the Government and themselves.

Mr. President, I believe my friend from Oklahoma has an amendment in search of a problem, and I urge my colleagues to vote against it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will take just a few minutes. I am sorry to interrupt the debate.

EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to S.J. Res. 14 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 179, S.J. Res. 14, relating to Attorney General Alberto Gonzales.

Harry Reid, Richard J. Durbin, Kent Conrad, Bernard Sanders, Jeff Bingaman, Dan Inouye, Jon Tester, S. Whitehouse, Debbie Stabenow, Byron L. Dorgan, Amy Klobuchar, Sherrod Brown, Carl Levin, Chuck Schumer, Barbara Boxer, Jack Reed, H.R. Clinton.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Thank you, Mr. President.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 6, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 9, H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanch L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark

Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I had alerted the distinguished Republican leader I was going to do this. I had to do it because we had to do it before the night's business ends.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Colorado still has, I think, 1 minute 10 seconds.

Mr. SALAZAR. Mr. President, parliamentary inquiry in terms of the time available with respect to the Inhofe amendment.

The PRESIDING OFFICER. The Senator has the remaining 45 seconds.

Mr. INHOFE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Yes, I understand that. Parliamentary inquiry: Since we are talking about two amendments, the Salazar amendment and the Inhofe amendment, then I would assume there would be another 10 minutes equally divided later on this evening if it is the desire of the offerors; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. If they wanted to use the time, obviously it would be respected.

Mr. SALAZAR. Mr. President, parliamentary inquiry again: Just to be clear, then, on the Salazar amendment No. 1384, there will be 10 minutes for debate equally divided between the majority and the minority.

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. And with respect to the Inhofe amendment, the minority time has expired, and there is 43 seconds left on the majority side?

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. Mr. President, I conclude by urging my colleagues to vote no on the Inhofe amendment. At the end of the day, what the Inhofe amendment is proposing to do is to undo executive orders that have been signed by both the Clinton administration and the Bush administration. Those executive orders were created in order to be able to have people understand what is happening with respect to the courts, with respect to domestic violence, and with respect to other issues that our government provides services for where they need to be able to understand what is happening with respect to the communication they are receiving.

I urge my colleagues to vote no on the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1374

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1374.

Mr. President, this bill does a laudable job in setting up a new merit-based system for the future. That is the right thing to do for our country, but the bill misses the mark.

Our country needs an immigration system that recognizes we want to attract the best and the brightest from around the world. We have been doing that for many years because we recognize that people who are smart, who are talented, when they come to this country they actually create jobs in this country. They create opportunities for other people in this country.

The current bill unfortunately misses the mark on this merit system. The current bill is actually worse than current law. This bill today is worse than current law, and that is why the high-tech community across the country has come out in opposition to the provisions of the merit-based system in this bill. I want to tell a small anecdote that will illustrate the problems with our current system on attracting talent.

In my office today, a gentleman by the name of Bill Watkins from Seagate Corporation out of California just opened a new branch in Singapore and hired U.S. graduates, foreign students who graduated from MIT and other universities. The reason he hired them to go to Singapore, where he will pay them less money than he would have paid them in the United States, the reason he sent those jobs overseas is because of our immigration policy that basically will educate you in the United States, but then after we educate you, we will send you home.

The amendment I offer today says we are going to actually value people who are educated here, especially in the science and mathematics and engineering fields—we call those the stem fields—in the health sciences fields, we are going to give you even more points than the current bill does so that into the future we will attract the best and the brightest from around the world. It is the idea of being a brain drain to the rest of the world. People from all over the world want to come to America. We want the best and the brightest to come to America because of this fact—whether it is low-skilled or high-skilled workers, 4 percent of the jobs, 4 percent of the people who have jobs in the future will create the jobs for the other 96 percent of Americans. Those are the talented people we want to attract.

Over half of the start-ups in Silicon Valley in the last 10 years have come from immigrants. Those people, when they start up companies, create jobs in America. They create opportunities, some high skilled, some low skilled, but they are creating opportunities for people to pursue the American dream. So while the current bill is going in the right direction, it misses the mark.

So my amendment says we are going to reward those in the sciences, those in the technical fields, those who have a Ph.D. in electrical engineering. We are going to give you enough points to virtually guarantee entrance into this country. It is a good thing. It is why the high-tech community is supporting my amendment.

We also put in this amendment, if you are an immigrant, if you are one of these Z visa holders, we actually want you to be rewarded for doing military service. So we are going to offer another amendment to make sure they can do military service, and then when they do that, we want to reward them to come into this country. To serve in our military should be the greatest honor, and we should reward people with legal permanent status, the ability to get legal permanent status.

We have a shortage of nurses in this country. We give more rewards for people in the health sciences as well in our amendment.

I think this is a critical amendment to improve this bill. If we are going to do a comprehensive immigration reform bill, we certainly shouldn't make it worse than current law, and this bill is worse than current law when it comes to high-tech workers coming into this country. So I would urge all of our colleagues to support this amendment. I know it is a delicate balance that we have between the various people who have brought this bill together, but I truly believe this is an improvement on not only current law, but it is also a great improvement on the current bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there anyone who is going to speak on the other side on the amendment?

The PRESIDING OFFICER. The Senator could be recognized, and the person is free under the agreement to speak later during the course of the evening.

Mrs. HUTCHISON. Mr. President, in that case, I would like to use 4 minutes of my time and then reserve the remainder of my time for if there is opposition to my amendment.

AMENDMENT NO. 1415

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1415.

Mr. President, will the Presiding Officer notify me at 4 minutes so that I may reserve the remainder of my time?

The PRESIDING OFFICER. The Chair will so advise.

Mrs. HUTCHISON. Mr. President, our Social Security system, we all know, is in a very precarious position. In fact, we are trying to pass Social Security reform that would extend the life of our Social Security system. We know we are facing impending insolvency. The trust fund has $2.4 trillion and is supporting 46 million beneficiaries. In 2017, the trust fund will begin paying out more in benefits than it receives in revenue. It is expected to be fully exhausted in 2041. If we pass the bill before us, we will be adding millions of new beneficiaries into the Social Security system, but we will also be allowing individuals who were not authorized to work in this country the opportunity to qualify from illegal work.

Under the current bill, Social Security credits for the time prior to getting a valid card would not be allowed. That is the good part of the bill. However, on a visa overstay or someone who has a card in their name, but they are working illegally, they would still be able to get quarters credited for that illegal work. My amendment would close that loophole.

According to the GAO, about 22 percent of the whole Social Security that an employee would pay over 40 quarters would be approximately $193.42 per month. What I meant to say is, if you take the example of an hourly worker making $9 an hour, they would, in a 40-hour workweek, contribute $193 to the system per month. However, after working 40 quarters, which is the minimum, the payout would be $405 per month for each overstay after the age of 65 and up to the expected life expectancy of 78. So 22 percent would be paid in, while 78 percent would come out. This means over the lifetime of the Social Security for that worker, the payout would be $81,922 but the input would be $23,210. So over the lifetime of that person, the deficit would be $58,712.

Now, it is estimated that 40 percent of the illegals in this country are visa overstays. So if you multiply the 40 percent, which is about 4.8 million people according to estimates, you would get $28 billion that would be a deficit in the Social Security system. That is if it were 1 year of overstay. We don't know how many years people overstay. That is impossible to know right now. But if it were 2 years, it would be $56 billion, and it goes on.

We asked for a scoring of this amendment, and we have a letter from the Chief Actuary of the Social Security Administration.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mrs. HUTCHISON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1384

Mr. SALAZAR. Mr. President, I call up my amendment No. 1384.

Mr. President, I ask that the Chair let me know when I have 2 minutes remaining on my time.

The PRESIDING OFFICER. The Chair will so notify.

Mr. SALAZAR. I ask unanimous consent that Senator PETE DOMENICI be added as a cosponsor to this amendment No. 1384.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise to speak on behalf of my amendment No. 1384 and to urge my colleagues to join me in support of this commonsense legislation that supports English as the common language for the United States of America.

Our amendment is a very simple amendment. It says that the Government of the United States—and here I am quoting:

> The Government of the United States shall preserve and enhance the role of English as the language of the United States.

Again, it is:

> The Government of the United States shall preserve and enhance the role of English as the language of the United States.

This is a simple and straightforward amendment that recognizes the reality of the United States of America, that we are a people who yearn to speak English, want to speak English, and have the vast majority of our people knowing how to speak English.

This language I have read is also part of a carefully crafted compromise. It is included in the underlying legislation that was worked upon by both Republican and Democratic Senators over a long period of time. It was agreed that this was the language that made the most sense in terms of including a provision relating to the English language in the underlying legislation.

As I said earlier in opposition to Senator INHOFE's amendment, this is in fact a States' rights issue. The States of America ought to decide whether they are going to call English the official language of their State, as they did in Colorado; or they should decide, as they did in New Mexico in their constitution in 1912, to recognize English and Spanish as part of the language within their State. That was their right as New Mexicans. It is their right in Hawaii to be able to recognize a language other than English. It is a matter that ought to be left to the States. It would be a Washingtonian kind of thing to require these mandates upon the States, and it is something that we as the Senate should reject. Our language in amendment No. 1384 preserves that ability of the States to be able to enact their own legislation with respect to the English language.

Finally, I only say that in my own personal history the native language in my home was Spanish. My family had lived along the banks of the Rio Grande River in southern Colorado for a period of 407 years. During all that time, they preserved their Spanish language, but they also honored and preserved the English language. My father and mother, who were veterans of World War II, had eight children who became college graduates. They understood the importance of English as something that would help them live the American dream, as all eight of their children have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, if I am in order, I will speak in strong support of my amendment No. 1339 which will be voted on later tonight.

The PRESIDING OFFICER. The Senator is so entitled.

AMENDMENT NO. 1339

Mr. VITTER. Mr. President, there has been a lot of discussion in this debate on the immigration bill about enforcement provisions. There has been a lot of discussion about triggers in this bill to ensure that enforcement actions are taken, are paid for, and are enacted before other aspects of the bill, such as the Z visa program and the temporary worker program, go into effect.

My grave concern is that these triggers are wholly inadequate and represent thinking that is backward from where it needs to be. If you look at the triggers designed in the bill, they were arrived at, again, as I would put it, in a backward fashion.

The question was asked: Well, it is going to take about 18 months to be ready to enact the other provisions of the bill, so what enforcement are we teed up to do during the next 18 months anyway? We will define that as the enforcement trigger for the bill.

I simply think that is the wrong way to arrive at a trigger. The key question has to be: What needs to be done? What is the totality of significant measures that needs to be done in order to have real enforcement at the border and real enforcement at the workplace? Let's make that totality the trigger in the bill. Of course, the triggers are far less than that.

One perfect example is the subject of this amendment. The US–VISIT Program has been authorized since 1996, but it is not near operational. This is the program that would establish an entry and exit system so we know absolutely who comes into the country on visas and when those people leave, if they leave on time under their visa, or if they do not and are, therefore, overstaying their visa.

Without such a system, we cannot possibly know who is in the country and who is overstaying their visa. This is a very serious part of our illegal immigration problem. As of 2006, the illegal population, by most estimates, included 4 million to 5.5 million overstays. So visa overstays are a big part of the problem. We know from 9/11, that visa overstays accounted for many

of the terrorists at the center of the 9/11 plot.

So how can we have meaningful enforcement without this US–VISIT system, including the exit portion of the system? We cannot. The simple answer is that we can't. My amendment No. 1339 would include full implementation of this exit system of the US–VISIT Program into the trigger of the bill. Therefore, the other significant portions of the bill, such as temporary workers, such as Z visas, et cetera, cannot take effect until the full trigger is pulled, including full implementation of the US–VISIT system.

If we are serious about enforcement, we have to pass this amendment. If we are serious about enforcement, we have to recognize that 4 million to 5.5 million illegals in this country are visa overstays, and we cannot get our hands around that visa overstay problem without full implementation of this system, which has been authorized but nowhere near implemented since 1996.

So I urge all my colleagues to come together and build up the trigger and enforcement provisions of this bill with the Vitter amendment No. 1339.

With that, I yield back my time.

(Mr. SALAZAR assumed the Chair.)

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1202

Mr. OBAMA. Mr. President, I come to the floor tonight to speak about the new point system created in this bill—a proposal that will radically change the way we judge who is worthy of lawful entry into American society.

For decades, American citizens and legal permanent residents have been able to sponsor their family members for entry into our country. For decades, American businesses have been able to sponsor valued employees. The bill before us changes that policy—a policy that, while imperfect, has worked well, and this bill will now replace it with a new, untested, unexamined system to provide visas to immigrants who look good on paper but who may not have any familial or economic ties to our country.

I have serious concerns about this new experiment in social engineering, not only because of the lack of evidence that it will work but because the bill says the new point system cannot be changed for 14 years. For that reason, I come to the floor today, joined by Senators MENENDEZ and FEINGOLD, to offer amendment No. 1202 to sunset the point system after 5 years.

I am pleased that immigration experts, religious organizations, and immigrant advocacy organizations have all endorsed our amendment.

These groups have endorsed our amendment because the point system in this bill constitutes a radical shift in immigration policy, premised on the view that there is something wrong with family and employer-sponsored immigration. If this program were merely supplementing the current system rather than significantly replacing it, it would not have caused as much concern.

Religious organizations and immigrant advocacy groups have also endorsed my amendment because the decisions about what characteristics are deserving of points—and how points are allocated for those characteristics—were made without a single hearing or public examination.

They support the amendment because the new points system shifts us too far away from the value we place on family ties and moves us toward a class-based immigration system, where some people are welcome only as guest workers but never as full participants in our democracy. Indeed, the practical effect of the points system is to make it more difficult for Americans and legal permanent residents with family living in Latin America to bring them here.

Our current immigration system delivers the lion's share of green cards—about 63 percent—to family members of Americans and legal permanent residents, while roughly 16 percent of visas are allocated to employment-based categories. The bill before us would reduce visas allocated to the family system in order to dramatically increase the proportion of visas distributed based on economic points. Once implemented, these new economic points visas would then account for about 40 percent of all visas, while family visas would account for less than half of all visas, with the remainder going for humanitarian purposes.

Under the new system, just a few of the current family preferences would be retained in any recognizable form. Spouses and children of U.S. citizens would still be able to come, but parents of U.S. citizens would no longer be counted as immediate family. Thus, most parents seeking to join their children and grandchildren in the United States would be denied green cards.

The rest of the current family preferences—siblings, adult children, and many parents—would be eviscerated.

The new points system would also eliminate employment-based green cards altogether, forcing employers recruiting workers abroad to rely exclusively on short-term H–1B and Y visas. This proposal takes an admittedly problematic employment-based visa system and replaces it with a far more problematic temporary worker visa system.

The design of the points system leaves numerous questions unanswered. Beyond pushing workers from Latin America to the back of an endless line with no hope of ever reaching the front, the new points system leaves unspecified the crucial question of how migrants with sufficient points will be prioritized. Government bureaucrats would thus be left with unprecedented discretion to determine which immigrants have acceptable education, employment history, and work experience to merit admission into the country.

Taken together, the questionable design of this points program and the fundamental shift away from family preferences in the allocation of visas raises enough flags that we should not simply rubberstamp this proposal and allow it to go forward.

Let me be clear. Senators MENENDEZ, FEINGOLD, and myself are not proposing to strike the program from the bill, but this system should be revisited after a reasonable amount of time to determine whether it is working, how it can be improved, and whether we should return to the current family and employer-based system that has worked so well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, we live in a global economy, and I do believe America will be strengthened if we welcome more immigrants who have mastered science and engineering. But we cannot weaken the very essence of what America is by turning our back on immigrants who want to reunite with their family members, or immigrants who have the willingness to work hard but might not have the right graduate degrees. That is not who we are as a country. Should those without graduate degrees who spoke Italian, Polish, or German instead of English have been turned back at Ellis Island, how many of our ancestors would have been able to enter the United States under this system?

Character and work ethic have long defined generations of immigrants to America. But these qualities are beyond the scope of this bill's points system. It tells us nothing about what people who have been without opportunity can achieve once they are here. It tells us nothing about the potential of their children to serve and to lead.

In short, the points system raises some serious concerns for me. I am willing to defer to those Senators who negotiated this provision and say we should give it a try, but I am not willing to say this untested system should be made virtually permanent. For that reason, I urge my colleagues to support to sunset this points system after 5 years so we can examine its effectiveness and necessity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think it is very appropriate you be occupying the Chair during this moment in this debate. My good friend from Illinois says to those who have worked so hard to get this bill to the point it is at: Nothing personal, but I can't live with this provision.

Bipartisanship is music to the American people's ears. When you are out there on the campaign trail, you are trying to bring us all together. You are trying to make America better. Why can't we work together? This is why we can't work together because some people, when it comes to the tough decisions, back away because when you talk about bipartisanship, some Americans on the left and the right consider it heresy, and we are giving in if we adopt this amendment.

The 12 million who have lived in fear for decades, my Republican colleagues and a majority have told our base we are not going to put them in jail and we are not going to deport them. No matter how much you scream, no matter how much you yell, we are going to make them right with the law, we are going to punish them, but we are not going to play like they don't exist, and we are going to do things differently in the future.

If you care about families under this bill, people are united in 8 years who would be 30 years getting here. If you care about families wanting to wake up one morning and not be afraid, this bill does it.

This amendment in the name of making the bill better says that bipartisanship doesn't have the ''bi'' in it. It means everybody over here who has walked the plank and told our base you are wrong, you are going to destroy this deal. And that is exactly what it is, a deal—a deal to make America more secure, to give people a chance to start their lives over again and to have a new system that has a strong family component but will make us competitive with the world because some people don't want to say to the loud folks: No, you can't have your way all the time.

Let me tell you, this is about as bipartisan as you will get, Mr. President. Some of us on the Republican side have been beat up and some on the Democratic side have been beat up because we have tried to find a way forward on a problem nobody else wants to deal with.

To my friend, Senator KENNEDY, thank you for trying to find a way, as much as we are different, to make this country better, more secure, to treat 12 million people in a way they have never been treated and, in my opinion, deserve to be treated, to have a chance to start over.

What a sweet idea it is to have a second chance in life. Well, they are not going to get it if this is adopted, and America will be all the worse for it. What a great opportunity we have as a country not to repeat the mistakes of 1986, by having a merit-based immigration system that has a strong family component but frees up some green cards so we can be competitive.

So when you are out on the campaign trail, my friend, telling about why can't we come together, this is why.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator has no time.

Mr. OBAMA. I understand, but I wish to respond to my colleague from South Carolina since it appears to be directed at me.

Mr. KENNEDY. I yield 2 minutes of my time.

Mr. MCCAIN. I object unless the Senator from South Carolina has sufficient time as well.

Mr. OBAMA. I would like to give additional time. When the Senator from South Carolina addresses me directly, I feel it is appropriate for me to respond.

The PRESIDING OFFICER. The Senator from Massachusetts has the opportunity to yield time.

Mr. KENNEDY. I think I am entitled to yield time. I am in charge of the time on this side. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts yields 2 minutes to the Senator from Illinois.

Mr. OBAMA. Mr. President, I have a very simple response to what we just heard. I think it is important to consider the actual amendment before us as opposed to what appeared to be a broad-based discussion of the bill overall.

What this amendment specifically does is it says we will go forward with the proposal that has been advanced by this bipartisan group. It simply says we should examine after 5 years whether the program is working. The notion that somehow that guts the bill or destroys the bill is simply disingenuous and it is engaging in the sort of histrionics that is entirely inappropriate for this debate. This is a bill that says after 5 years, we will examine a point system in which we have had no hearings in the public. Nobody has had an opportunity to consider exactly how this was structured. It was structured behind closed doors. And the notion that after 5 years we can reexamine it to see if it is working properly, as opposed to locking it in for 14 years, that somehow destroys the bipartisan nature of this bill is simply untrue.

I ask all my colleagues to consider the nature of the actual amendment that is on the floor as opposed to the discussion that preceded mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1415

Mrs. HUTCHISON. Mr. President, I wish to use the final minute of my time on my amendment No. 1415 and say I want to make sure we are doing everything to be fair to the people who pay into our Social Security system. We know we will be adding more people in this bill, but we want to make sure they are people who have worked legally in the system. Therefore, I hope we will adopt my amendment No. 1415, cosponsored by Senator GRASSLEY.

I ask unanimous consent to have printed in the RECORD a letter from the office of the Chief Actuary of the Social Security Administration in which he says the average annual savings in the bill from my amendment would be approximately $300 million this year, and over the 75-year period there will be more savings up front, fewer savings toward the end of the 75 years, but the average would be about $300 million per year. That is into our Social Security trust fund.

It is a matter of fairness to the people who have paid legally, and I hope everyone will support amendment No. 1415.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF THE CHIEF ACTUARY,
Baltimore, MD, June 6, 2007.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: Matthew Acock of your staff and Derek Kan of the Republican Policy Committee have requested that we produce preliminary estimates of the effect of two amendments to S. 1348, as amended with A. 1150, on the financial status of the Social Security program. They emphasized the need for at least preliminary estimates as quickly as possible. We have developed preliminary estimates for these amendments consistent with the analysis provided to Chairman Max Baucus on the current bill S. 1348/1150.

AMENDMENT 1301: OPTION TO REFUND PAYROLL TAXES FOR Y-VISA GUEST WORKERS

Your amendment number 1301 to S.1348 would provide Y-visa workers who have completed their time in this status and have returned to their home country the option to get a refund of employee payroll taxes from Social Security and Medicare. Exercising the option would preclude obtaining credit for these earnings toward Social Security or Medicare benefits. It would also preclude returning to the United States as a Y-visa guest worker in the future.

We assume that only those Y-visa workers who have no intention of returning to the U.S. would exercise the option. Such workers, without exercising the option, would often have made the payroll tax contributions with no expectation of receiving any benefits in the future because the limit of 6 years in Y-visa status is not sufficient to obtain insured status for most Social Security benefits (unless the U.S. and the worker's home country have an in-force totalization agreement). Thus, refunded payroll taxes under the amendment would represent a reduction in revenue for the OASDI program.

Of the 200,000 Y-visas granted each year we estimate that roughly two thirds would ultimately exercise the option to receive their employee payroll taxes back as a refund.

Those not exercising the option would be individuals who either attain legal permanent resident status in the U.S. or overstay the Y-visa and continue residing in the U.S. on an unauthorized basis. We estimate that the reduction in revenue from this amendment, assuming it is enacted along with S. 1348/1150, would be a negligible worsening in the long-range OASDI actuarial balance. The average annual cost over the 75-year long-range projection period would be about equivalent to $200 million this year.

AMENDMENT 1302: WITHHOLDING OF SOCIAL SECURITY EARNINGS CREDITS FOR Z-VISA WORKERS WHEN NOT LEGALLY AUTHORIZED TO WORK

S. 1348/1150 provides for legalization of current undocumented immigrants who were working in the United States on January 1, 2007. This amendment would prohibit assigning credit toward OASDI benefits for years in which earnings were received but the worker was not legally authorized to work. The effect of the amendment would restrict the use of such earnings credits for Z-visa holders who obtained a legitimate Social Security number (SSN) before January 1, 2007. S. 1348/1150 already includes this restriction for workers who would first obtain a legitimate SSN after 2006.

We estimate that almost one half of the 6.5 million individuals expected to gain legal status under S. 1348/1150 (through Z-visas and agricultural visas) would be affected by this amendment. We estimate that the long-range actuarial balance would be improved by 0.01 percent of taxable payroll.

We are hopeful that these quick preliminary estimates will be helpful. We will be working on more detailed estimates and must caution that due to the preliminary nature of estimates mentioned here, the more detailed estimates could differ somewhat. We look forward to continuing to work with you on this important legislation.

Sincerely,

STEPHEN C. GOSS.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

AMENDMENT NO. 1151

Mr. INHOFE. Mr. President, the distinguished Senator from Colorado and I have each had 5 minutes on my amendment. I have not had 5 minutes in rebuttal of the amendment of the Senator from Colorado. Let me tell you what is going on. I know a lot people in this Chamber are going to think no one is going to figure this out. I am going to say it over and over again after this is over if the outcome is as I anticipate it will be.

First, this is probably the first time in 20 years we have had an honest effort where we can make English our national language in the United States of America. This is something all the polling data shows is in the nineties—91 percent, 93 percent of the people in America who want to have this amendment adopted.

In fact, a Zogby poll last month in May showed 76 percent of the Hispanics in America want to have English as the national language.

The Salazar amendment is precisely what the underlying bill is. The underlying bill—and I can read it to my colleagues, but I have done it three times on the floor already—yes, it does put into law the controversial Executive Order 13166. My colleagues have heard a lot about this from their constituents.

It says you are entitled to have your information, if you receive Government money, in any language of your choosing—Swahili or any other language. That is what is in the underlying bill. That also is in the Salazar amendment.

This is what is going to be happening. My colleagues have a chance to change all of this when they vote on the Inhofe amendment, which is I believe the third amendment in line tonight. What I don't want my colleagues to do is vote for my amendment and then vote for the Salazar amendment. All that does is put it right back where the bill is now. In other words, it would do away with my amendment and put it back as the language is in the underlying bill.

So there is no reason in the world to do it, unless someone is trying to cover up their true position. If my colleagues believe we should join the other 50 countries, such as Kenya, Ghana, and other countries around the world, that have English as their official language, then this is a chance to do it. If my colleagues do not believe it, then this is their chance to vote against the Inhofe amendment.

It is an act of hypocrisy if colleagues vote for the Inhofe amendment and then vote for the Salazar amendment to undo the Inhofe amendment. That happened a year ago. Democrats and Republicans did that. However, this time it will not go unnoticed.

It is interesting that every President back to and including Teddy Roosevelt in 1916 said very emphatically that we should have English as our official language, as our national language. It was said by President Clinton, it was said by the other President Roosevelt, by both President Bushes, and everyone has been for it.

I have a listing I wish to make part of the RECORD that shows all of the polling data in the last 5 years. It shows that between 85 and 95 percent of the American people want this amendment adopted. My colleagues can turn their backs on them or they can try the old trick they do around here all the time: Vote for the Inhofe amendment, and then turn around to vote to undo it if they want.

One thing that was stated by the Senator from Colorado was there are a lot of statutes this would negate. I remind my colleagues, if they read this bill, it says: Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English.

I have a list I also want to be made part of the RECORD that shows there are many statutes where they mandate languages other than English. A good example is the Court Interpreters Act. That is put in there to protect the sixth amendment to the Constitution, so people can be advised of their rights.

Again, my colleagues are going to have the opportunity to vote to make English our national language. I hope they will adopt this. They will certainly be serving their constituents well if they do. But if they do, they shouldn't turn around and undo what they just did because that is not going to go unnoticed.

Mr. President, I ask unanimous consent that the polling information and the list of selected Federal laws requiring the use of languages other than English be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ENGLISH AMENDMENT POLLS

Polls: All types of pollsters of all groups, liberal and conservative, immigrant and nonimmigrant, with all wordings show consistently high levels of support for making English the official language of the United States:

1. A Zogby Poll conducted on May 17–20, 2007 showed that 83 percent of Americans favor official English legislation, including 76 percent of Hispanics. 94 percent of Republicans, 72 percent of Democrats, and 83 percent of Independents are favorable to official English legislation.

2. An April 2007 McLaughlin & Associates poll showed 80 percent of all Americans indicated that they would support a proposal to make English the official language.

3. A December 2006 Zogby International poll showed that 92 percent of Americans believe that preserving English as our common language is vital to maintaining our unity.

4. A June 2006 Rasmussen Reports poll showed that making English the nation's official language is favored by 85 percent of Americans; this figure includes 92 percent of Republicans, 79 percent of Democrats, and 86 percent of those not affiliated with either major political party.

5. A March 2006 Zogby International Poll showed 84 percent of likely voters support making English the official language of government operations with commonsense exceptions.

6. A 2004 Zogby poll showed 92 percent of Republicans, 76 of Democrats and 76 percent of Independents favor making Englisgh the official language.

7. In 2000, Public Opinion Strategies showed 84 percent favored English as the official language with only 12 percent oppposed and 4 percent not sure.

8. A 1996 national survey by Luntz Research asked, ''Do you think English should be made the Official Language of the United States?'' 86 percent of Americans supported making English the official language with only 12 opposed and 2 percent not sure.

Latino immigrants support the concept of Official English:

1. An April 2007 McLaughlin & Associates poll showed that 80 percent of all Americans, including 62 percent of Latinos, would support a proposal to make English the official language.

2. A March 2006 Zogby poll found that 84 percent, of Americans, including 71 percent of Hispanics, believe English should be the official language of government operations.

3. My favorite poll is this one: In 2004 the National Council of LaRaza found that 97 percent strongly (86.4 percent or somewhat (10.9 percent) agreed that ''The ability to speak English is important to succeed in this country.''

STATUTES

SELECTED FEDERAL LAWS REQUIRING THE USE OF LANGUAGES OTHER THAN ENGLISH

The following are provisions of the United States Code which expressly require the use of languages other than English:

1. The Food Stamp Act of 1977—(7 U.S.C. §2020(e)—Under certain circumstances, requires states to provide written and oral assistance in languages other than English.

2. Immigration and Nationality Act—(8 U.S.C. §1224)—Provides interpreters during examinations of aliens seeking entry to the United States.

3. Domestic Violence Prevention—(8 U.S.C. §1375a(a))—States that information for non-immigrants shall be in languages other than English.

4. The Equal Educational Opportunities Act of 1974—(20 U.S.C. §1703(f))—Upheld in Lau v. Nichols, (1974), this Act necessitates some accommodation for students who don't speak English.

5. Language Instruction for Limited English Proficient and Immigrant Students—(20 U.S.C. §6823)—Requires state plans for educating limited English proficient students. Describes how local schools will be given flexibility to choose the language instructional method to be used, so long as the plan is scientifically-based and demonstrably effective.

6. Plans for Educating Limited English Proficient Student—(20 U.S.C. §6826)—Calls for plans for educating limited English proficient students, including demonstrations that teachers are multilingual.

7. Authorizes Grants for Educating Limited English Proficient Students—(20 U.S.C. §6913)—Authorizes and mandates grants for educating limited English proficient students without limitation on language used.

8. Education of Limited English Proficient Students—(20 U.S.C. §6932)—Requires research on education of limited English proficient students.

9. Language Instruction Educational Program Definition—(20 U.S.C. §7011)—Defines ''language instruction educational program'' as one that may include instruction in both English and the child's native language to enable participating children to become proficient both in English and in a second language.

10. Parental Notification of Identity of Limited English Proficient Students—(20 US.C. §7012)—Provides for parental notification of identification of a student as limited English proficient, including use of language other than English to notify the parent.

11. Native American Languages Act—(25 U.S.C. §2902–2906)—Preserves, protects, and promotes the use of Native American languages. States that nothing in the Native American Languages Act shall prevent the use of federal funds to teach English to Native Americans.

12. The Court Interpreters Act—(28 U.S.C. §1827(d))—Invoking the Sixth Amendment right to confront witnesses, requires the use of interpreters in certain judicial proceedings.

13. Labor Protection Notices for Migrant Workers—(29 U.S.C. §§1821(g), 1831(f))—Migrant and farmworker labor protection notices must be in languages other than English, according to the level of fluency of the workers.

14. Migrant Health Centers and Alcohol Abuse Programs—(42 U.S.C. §§254b(f), 245c, 4577b)—Federally-funded migrant health centers and alcohol abuse programs that serve a significant non-English-speaking population must have interpreters.

15. Substance Abuse and Mental Health Administration Reorganization Act—(42 U.S.C. §§290aa(d)(14))—Requires some services in languages other than English.

16. Disadvantaged Minority Health Improvement Act—(42 U.S.C. §300u–6(b)(7))—Requires the Office of Minority Health to provide multilingual services.

17. Voting Rights Act—(42 U.S.C. §§1973b(f)(1), 1973aa–1a)—Restricts elections and election-related materials published only in English in the bilingual ballots and voting materials sections of the Voting Rights Act.

18. Older Americans Act—(42 U.S.C. §3027(a)(20)(A))—Requires state planning agencies to use outreach workers who are fluent in languages other than English when there is a substantial number of limited-English proficient older persons in a planning area.

19. Community Development Grants—(42 U.S.C. §5304)—Requires applicants for community development grants to explain how they will meet the needs of non-English-speaking persons.

20. Child Development Grants—(42 U.S.C. §9843)—Permits grants for child development (Head Start) programs for limited English proficient children.

21. Domestic Violence Hotlines—(42 U.S.C. §10416)—Requires a plan to provide domestic violence telephone hotline operators in Spanish.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think there are 2 minutes left on the discussion of this issue.

I hope our colleagues listened to the extraordinary history of the Salazar family. It is the living of the American dream. It is respect for the Spanish language and Spanish tradition, and the reverence that it has for English today.

I am disappointed in the Inhofe amendment because the Inhofe amendment doesn't add one nickel, it doesn't add 1 hour for those who want to learn English. To learn English in my home city of Boston, MA, immigrants have to wait 3 years in order to gain admission to a class to learn English. There are long waits in all parts of the country. If we had some effort to try and provide the opportunity for those who do not know English to learn English, I think we would be much better off.

Finally, as the Senator from Colorado has pointed out, the great civil rights protections of Title VI of the 1964 Civil Rights Act and Executive order 13,166 as well as protections dealing with public health and safety that we have found to be so important in terms of ensuring the health and the safety and the security of our people. Providing information needed to protect health and safety depend on communication—communication—and we have developed a process, a way of respecting different traditions in order to be able to do that.

The Salazar amendment retains and respects that tradition, and it is the way we should be proceeding and embracing this evening for the reasons he stated so well.

AMENDMENT NO. 1374

Mr. President, I wish to yield time on the Ensign amendment. I think I have 5 minutes on the Ensign amendment in opposition?

The PRESIDING OFFICER. The Senator is correct. The Senator has 5 minutes on the Ensign amendment.

Mr. KENNEDY. Mr. President, the Ensign amendment basically rearranges what we call the merit-based system that has been included in this legislation. This was the subject of a good deal of debate: Do we want to develop a merit-based system that has been developed in some other countries. It has had some success in some areas, some challenges in others.

During the debate there was a question about how we would develop a merit-based system to take in the needs of the United States. There are important needs in high skills, but we also understand from the Department of Labor that 8 out of the 10 areas of occupations are basically low skill, what they call low skill. Those may be teachers, they may be managers, or professional people in some areas, but they are basically individuals who have very important skills that are essential to the American economy.

We had debate about how we were going to work out that merit system, and in that whole process we worked diligently to find a system that is going to respect the higher skilled but also provides some opportunity for the low skilled as well to be able to gain entry and then to gain what we call the sufficient points to move far forward and able to gain green cards and eventually citizenship.

The Ensign amendment absolutely emasculates that amendment and virtually closes out all of the low-skilled possibilities for people who might come on in as temporary workers or may come on in under other provisions of this legislation. Under the Ensign amendment, all of those individuals, the lower skilled, are effectively eliminated and closed out, make no mistake about it. Make no mistake about it.

Finally, we have provisions in the legislation dealing with the higher skills, called the H–1B provisions. That is directly related to higher skills. We have addressed that issue in other provisions of the legislation.

For those reasons, I would hope the Ensign amendment would not be accepted.

AMENDMENT NO. 1339

Mr. President, on the Vitter amendment, let me add some additional points to this debate. A great deal of

time was spent listening to Secretary Chertoff, to making recommendations about what is going to be in the national security interest to preserve our borders. That was one of the most important parts of the development of this legislation.

Senator ISAKSON came forward with a very important suggestion and a proposal with regard to ensuring that we were going to have true national security, protection of our national security before other provisions were going to be set forth. We have had good chances during the period of these past months to work with Homeland Security and to work with all of the Members of this body to ensure we were going to have effective provisions to protect national security. We even accepted a Gregg amendment which we believed added to the provisions that were accepted.

It is our belief those provisions are sufficient, the allocations of resources for the border, the utilization of enhanced border patrols, the enhanced border security, which has been outlined time and again during the course of this debate. They are sufficient. So I would hope at the time that amendment is addressed it would not be accepted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1316

Mr. MCCAIN. Mr. President, I rise in opposition to the Dorgan amendment. I was a little surprised to see it in order, but that happens quite often around here. This is the same amendment we voted on a couple of weeks ago. It was a close vote, I realize, but I didn't know we were going to have a practice of second chances on amendments after they were defeated.

It seems to me this is something that is very unnecessary. But if we get into the custom here with so many amendments that we vote again and again, I don't think that is good for this process. I think the process that has taken place so far has been very commendable. Both managers have done a great job, but this is another attempt to do away with the temporary worker program. It is another attempt to kill this legislation. That is what it will do. That is exactly what this amendment does.

We had vigorous debate on it once, with a long period of debate, and it was defeated. Now, basically, we are having another vote again. I don't think that is appropriate. But more important, one thing that hasn't changed, I say to my colleagues, if you pass this, it kills the bill. We have made too much progress with too much debate and with too much consensus to revisit the same issue over again and have it carry this time.

I am sure the sponsor of the amendment has some reason for bringing it up again, but I don't think there is a good reason, and I hope we will reject this amendment because it has already been rejected.

I urge my colleagues to vote ''no'' on the Dorgan amendment.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I take the time on the Dorgan amendment myself. How much time remains on this?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. Mr. President, I have opposed the Dorgan amendment each time for very important and basic reasons. We are attempting to secure our borders. We are going to secure our borders. We know, even when we secure our borders, we are going to have pressure on those borders to come through. People are either going to come through the front door or they are going to come through the back door.

What do I mean by that? If they are coming through the back door, they are going to be the undocumented and the exploited undocumented workers, such as we have seen in my own city of New Bedford, where they are arrested and exploited and are driving down wages. If they come through the front door, they are going to meet the needs of American industry when we find there are no existing options for American workers. There is going to be the requirement that you have to get American workers first. We have accepted that and restated that with the Durbin amendment. But if they are able to gain entry into the United States, they are going to have the kind of protections that are included in the legislation.

I have listened to those who have been opposed to the temporary workers, saying there are no rights and protections for these temporary workers. They ought to read the bill. They ought to read the bill, because any temporary worker who is going to be hired is going to be guaranteed the prevailing wage, they are going to be protected by the OSHA provisions, they are going to be protected by workmen's compensation, and they are going to have the opportunity, we believe, over a period of time, if they have come in, to try to improve themselves, to learn English, to involve themselves in an employment program to begin to go up the ladder in terms of getting a green card. So that is the choice.

If we act to eliminate the temporary worker program, we are going to find what we have at the present time, that hundreds of individuals die in the desert; that we are going to have those individuals who are able to gain entry in the United States and are undocumented and they are going to be exploited, as they are exploited today, and they will drive down wages, as happens today. That happens to be the situation.

Some like some temporary worker programs better than others, but we have the one we have in this bill and we have every intention to try and make it work. We have set up a careful system in the bill to accommodate the concerns about the size of the temporary worker program. There is, as well, a market-based adjustment that is crucial to the provision in the bill, and I think it would be a great mistake to effectively emasculate the temporary worker program. That is what the Dorgan amendment would do.

Mr. President, I believe that I am the only one who has time that is remaining. If that be the case, I would be glad to yield back the remaining time.

I ask if the Chair would be good enough to state the amendments, the first amendment that would be before the Senate at this time. We have a series of different votes, and I think we ought to have the opportunity to make sure all of us understand exactly what we are voting on.

I believe the hour of 10 o'clock has arrived, and I yield whatever time remains, and I think we expect yeas and nays votes on all of them.

AMENDMENT NO. 1183

The PRESIDING OFFICER. The question occurs on the Clinton amendment, No. 1183.

Mr. KYL. Mr. President, I make a point of order that the pending Clinton amendment, No. 1183, to S. 1348, violates section 201, the pay-as-you-go point of order of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. KENNEDY. Mr. President, I move to waive the applicable provisions in the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—44

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Kennedy	Nelson (NE)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Conrad	Lieberman	Stabenow
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

NAYS—53

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Pryor
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—2

Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 1374

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1374, offered by the junior Senator from Nevada, Mr. ENSIGN.

Who yields time? The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, my amendment goes to the merit-based system. We have a serious problem in this country where we are graduating incredible engineers from our high-tech universities. When they graduate, we say: You must go home.

I had a company in my office today from Silicon Valley. They are opening an office in Singapore, hiring American graduates, foreign-born graduates from American universities, opening in Singapore because they cannot hire them in this country. There are not enough visas.

My amendment fixes the merit-based system and says we want to attract the best and the brightest from around the world. The high-tech community supports my amendment because they think the underlying bill is flawed.

Mr. President, India and China will graduate 600,000 to 700,000 engineers. We will be graduating 65,000 to 70,000. Half of ours are foreign-born. We do not have enough of that brain power coming into this country like we have had in the past. Those who came here will come here and create opportunities for other people in the United States.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the merit-based system that is included in this legislation as it exists at the present time is heavily skewed toward the high skills. I would say 75 to 80 percent of those who are going to qualify in the merit-based system are going to be for the highly skilled.

There is the reservation under the skill system, 25 or 30 percent for lower skills because our economy designed high skills, and the Department of Labor says 8 out of 10 occupations that our Nation needs are low skills: teacher's aides, home health aides, and others.

That has been worked out. That is the way it is. Under the Ensign amendment you would completely skew it to shortchange all of the low skills, all for the high skills. We are taking care of the high skills with the H–1B program. If we need to do something about that, then let's have amendments to do it.

But this way effectively is saying to millions of people who have come here and have been absolutely indispensable to our economy that they are never going to have a chance to be part of the American dream.

I hope the amendment will be defeated.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—42

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Tester
Corker	Isakson	Thune
Cornyn	Lincoln	Vitter
Crapo	Lott	Warner

NAYS—55

Akaka	Byrd	Collins
Bayh	Cantwell	Craig
Biden	Cardin	Durbin
Bingaman	Carper	Feingold
Boxer	Casey	Feinstein
Brown	Clinton	Graham
Brownback	Coleman	Hagel
Harkin	Lugar	Salazar
Inouye	Martinez	Sanders
Kennedy	McCain	Schumer
Kerry	McCaskill	Snowe
Klobuchar	Menendez	Specter
Kohl	Mikulski	Stabenow
Kyl	Murray	Voinovich
Landrieu	Nelson (FL)	Webb
Lautenberg	Obama	Whitehouse
Leahy	Reed	Wyden
Levin	Reid	
Lieberman	Rockefeller	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1374) was rejected.

AMENDMENT NO. 1384

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1384 offered by the Senator from Colorado, Mr. SALAZAR. Who yields time?

Mr. SALAZAR. Mr. President, I ask for a ''yes'' vote on Salazar 1384 and a ''no'' vote on Inhofe 1151, and the 2 minutes under that time I will yield to Senator DOMENICI from New Mexico.

Mr. INHOFE. Parliamentary inquiry, before the Senator speaks: Is the 2 minutes equally divided?

The PRESIDING OFFICER. It is 2 minutes equally divided. The senior Senator from New Mexico is recognized.

Mr. SALAZAR. Parliamentary inquiry: The senior Senator from New Mexico is recognized for 2 minutes to speak on both amendments?

The PRESIDING OFFICER. We are now considering only the Salazar amendment. There are 2 minutes to be divided equally.

Mr. SALAZAR. I ask unanimous consent that the senior Senator from New Mexico be given 2 minutes to speak on both Salazar 1384 and Inhofe 1151.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SALAZAR. I yield 1 minute on Salazar 1384 and request a ''yes'' vote and yield the time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I, too, ask for a ''yes'' vote on the Salazar-Domenici amendment which everybody should understand says that the English language is the common language of the United States. I come from a State that is different from most of yours in that we have had a long history of trouble regarding what language we speak; this has been so from the very time New Mexico started to become a State. The legislature of the United States played around with New Mexico in an effort to see if there could be enough Anglos so there wouldn't be a majority of Spanish speakers at the State's infancy. We were told we had to wait for Statehood until there was a majority of English speakers in New Mexico, and the U.S. Supreme Court later said the Congress

could not do that to New Mexico. New Mexico could do what they desired. We voted in a State constitution that still stands that says English and Spanish are common languages and you can speak both languages.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, this is very simple. I hope everyone understands and is listening. We are going to have an opportunity in a few minutes to vote on another amendment which we will describe at that time with 2 minutes equally divided.

If you are opposed to English as the national language of the United States, then vote for the Salazar amendment. That is exactly what it does. His amendment says anyone who receives Federal money is entitled—this is an entitlement—to have the documentation in any language he or she chooses. It could be in Swahili, French, any other language.

So if you are opposed to English as the national language, go ahead and vote for this amendment. But keep in mind, when you do, that 91 percent of Americans are on our side of this issue and want English to be the national language, and 76 percent of the Hispanics, as a result of a poll that was taken in May of this year—a Zogby poll—are for English as the national language.

I ask you to defeat the Salazar amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to Salazar amendment No. 1384.

Mr. SALAZAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—58

Akaka	Coleman	Kohl
Baucus	Collins	Landrieu
Bayh	Conrad	Lautenberg
Bennett	Domenici	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lieberman
Boxer	Feingold	Lincoln
Brown	Feinstein	Lugar
Brownback	Hagel	McCaskill
Cantwell	Harkin	Menendez
Cardin	Inouye	Mikulski
Carper	Kennedy	Murkowski
Casey	Kerry	Murray
Clinton	Klobuchar	Nelson (FL)
Nelson (NE)	Sanders	Warner
Obama	Schumer	Webb
Reed	Snowe	Whitehouse
Reid	Specter	Wyden
Rockefeller	Stabenow	
Salazar	Tester	

NAYS—39

Alexander	DeMint	Martinez
Allard	Dole	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Pryor
Burr	Graham	Roberts
Byrd	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stevens
Corker	Inhofe	Sununu
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1384) was agreed to.

Mr. DURBIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment be modified to be a first-degree amendment.

Mr. INHOFE. Mr. President, reserving the right to object—I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

AMENDMENT NO. 1151

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1151 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma is recognized for 1 minute.

Mr. INHOFE. Mr. President, last year, a year and a month ago, we had this same vote. Sixty-two people in this Chamber voted in favor of it, and I will ask them to do the same again. This, very simply—we talked about this many times—makes English the official, the national language of the United States as opposed to giving an entitlement to anyone, to any other language, which is in, of course, the amendment we passed.

If this amendment passes, it will go to conference, and we will have an opportunity to do something in conference to decide whether it is a combination of these or one or the other should prevail. So I ask that you do what 90 percent of your constituents want you to do and that is vote yes on the Inhofe amendment to make English the national language of the United States of America.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Colorado is recognized for 1 minute.

Mr. SALAZAR. Mr. President, I ask my colleagues to vote no on 1151 for three reasons. First, it is in violation of the very delicate compromise, the bipartisan compromise that has been put together by both Republicans and Democrats. Second of all, it is an absolute transparent attempt to undo the Executive Orders of President Bush and President Clinton and the implementation memorandums from both of those Presidents. Third, this is a States' rights issue.

Fourth, for me, I remember having my mouth washed out with soap as a young man for speaking the Spanish language, which is my native language. I love English and we should encourage people to speak English.

This amendment is nothing but a divisive amendment among the people of the United States. I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—64

Alexander	Dole	Mikulski
Allard	Dorgan	Murkowski
Baucus	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Cardin	Hutchison	Snowe
Carper	Inhofe	Specter
Chambliss	Isakson	Stevens
Coburn	Klobuchar	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Lincoln	Vitter
Conrad	Lott	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCain	Wyden
Crapo	McCaskill	
DeMint	McConnell	

NAYS—33

Akaka	Feingold	Menendez
Bayh	Feinstein	Murray
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Cantwell	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Domenici	Levin	Stabenow
Durbin	Lieberman	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1151) was agreed to.

AMENDMENT NO. 1415

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1415 offered by the Senator from Texas, Mrs. HUTCHISON.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator ALLARD be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the underlying bill does not allow Social Security credits for work done with a fraudulent card. However, it does allow credit for work done on visa overstays. We all know that is estimated to be about 40 percent of the 12 million estimated illegal immigrants.

Mr. President, if we don't pass this amendment, it could jeopardize the integrity of the Social Security system for all the hard-working people who are going to depend on that for their retirement. It would be a loss of about $28 billion per year. I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Texas. She has worked with the managers of this legislation. We are prepared to accept this amendment. We thank her for the courtesy, and we hope the membership will support her amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1339

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1339 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, this amendment is very simple and straightforward. It would add to the enforcement trigger mechanism of the bill that the US–VISIT Program be fully operational. This is the entry/exit system program that has been authorized since 1996 but has never been put into operation.

As Senator HUTCHISON just mentioned, we all know a huge part of the illegal immigration problem is visa overstays. The latest estimate, in 2006, is that 4 million to 5.5 million visa overstays are illegal immigrants in this country. We cannot get a handle on that problem without the US–VISIT system knowing when people are leaving the country and, thus, whether they are overstaying their visa. Yet that is not part of the enforcement mechanism in the bill at all.

Let's vote for this amendment and make it part of the bill.

Mr. KENNEDY. Mr. President, there was no difference among all of us in trying to ensure that we were going to have a secure America. We worked very closely with Secretary Chertoff. In this legislation, we have increased it to 27,000 detention beds, 20,000 border guards, 375 miles of fencing, 275 vehicle barriers, 70 ground-based radars and cameras, sensors, and 4 unmanned aerial vehicles. We accepted the Isakson trigger, saying that the other aspects of this legislation will not go into effect until these are committed. Then we accepted the Gregg additions. We are in the process now of trying to negotiate with the administration to get mandatory spending to make sure all these are done, and done expeditiously.

The Secretary of Homeland Security thinks we have met our responsibilities. I hope the amendment will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—48

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Baucus	Dorgan	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Rockefeller
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burr	Hatch	Smith
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Stevens
Coleman	Landrieu	Sununu
Corker	Lincoln	Tester
Cornyn	Lott	Thune
Craig	McCaskill	Vitter
Crapo	McConnell	Webb

NAYS—49

Akaka	Feinstein	Menendez
Bayh	Graham	Mikulski
Biden	Gregg	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Inouye	Obama
Brown	Kennedy	Reed
Cantwell	Kerry	Reid
Cardin	Klobuchar	Salazar
Carper	Kohl	Sanders
Casey	Kyl	Schumer
Clinton	Lautenberg	Specter
Cochran	Leahy	Voinovich
Collins	Levin	Warner
Conrad	Lieberman	Whitehouse
Domenici	Lugar	Wyden
Durbin	Martinez	
Feingold	McCain	

NOT VOTING—2

Dodd Johnson

The amendment (No. 1339) was rejected.

Mr. KYL. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on amendment No. 1202 offered by the Senator from Illinois, Mr. OBAMA.

Mr. OBAMA. Mr. President, this amendment is very simple. It sunsets after 5 years the points system that has been structured in this bill. I wish to emphasize that I think the authors of this legislation deserve credit for working diligently and coming up with a carefully balanced bill, but the points system we are transitioning to is a radical departure from the one we have had in the past. The question is, do we, after 5 years, take a look and see whether it is working properly? Is it one that is inhibiting families from unifying in this country? Is it something that is making it easier or harder for employers to operate effectively in a lawful fashion?

What this amendment simply says is that after 5 years, we will reexamine the bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. I leave it there. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from South Carolina is recognized for 1 minute.

Mr. GRAHAM. Mr. President, I say to my colleagues who worked to put this bill together, they know what this does. The deal is that in 8 years people will be reunited as families who never would have seen each other for maybe 30 years. We have united families in 8 years. The Z visa people have a chance to start over, but only after the backlog is cleared.

The merit-based system is the vehicle to be used after 8 years so they can come into our system and maybe one day be a citizen and get a green card. If we sunset the merit-based system at 5 years, there is no vehicle left, and to us over here, what would my colleagues say if we sunsetted the Z program in 5 years? My colleagues would walk, and they should.

This is not right. This does not help us as a country.

This destroys the vehicle to solve a problem that has been neglected for 20-something years.

I ask my colleagues to vote no for the sake of the country.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 1202.

Mr. OBAMA. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—42

Akaka	Feingold	Murray
Baucus	Hagel	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kerry	Reed
Boxer	Klobuchar	Reid
Brown	Kohl	Rockefeller
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NAYS—55

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Bennett	Ensign	Murkowski
Bond	Enzi	Pryor
Brownback	Feinstein	Roberts
Bunning	Graham	Salazar
Burr	Grassley	Sessions
Cardin	Gregg	Shelby
Carper	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Stevens
Coleman	Kennedy	Sununu
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1202) was rejected.

AMENDMENT NO. 1316

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1316 offered by the Senator from North Dakota, Mr. DORGAN.

Mr. REID. Mr. President, will this be the last vote?

The PRESIDING OFFICER. This will be the last vote; that is correct.

The Senator from North Dakota is recognized for 1 minute.

Mr. DORGAN. Mr. President, this is a sunset of the temporary worker program in 5 years. It is a new bill, a new program, with more questions than answers. It seems to me that we ought to ask some questions at the end of 5 years.

In the fifth year, we will have 600,000 jobs assumed by temporary workers coming in; in the fourth year, 400,000 jobs, and on and on. So the question is, How many of them are going to leave? What if they do not leave? Are we going to come back to the floor with a new immigration bill, talking about illegal immigration? Why don't we sunset after 5 years to see if this has worked?

Let me make a final point as we vote. We have had a lot of discussion about immigration, but no one on the floor of the Senate is talking about the impact on American workers. All of these jobs the temporary workers will assume are going to compete with people at the bottom of the economic ladder in this country. They are called American workers as well.

Let us sunset this and evaluate what we are doing, what kind of contribution to illegal immigration this will amount to, and what impact it has on American workers. Let us sunset this at the end of 5 years.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the third time we have dealt with this issue. As much as I respect the Senator from North Dakota, he doesn't care more about American workers than I do.

The fact is, if you have a secure border, workers are either going to come in through the front door or the back door. If they come in through the back door, as they are now doing, they are going to be exploited and humiliated. If they come through the front door, as a result of the fact that there is no American worker prepared to take that job, they are going to get labor protections, the prevailing wage, OSHA protections, workmen's compensation, and they are going to have those kinds of protections which they do not have now.

You may not like the temporary worker program, but we have to have predictability for a period of time. In the legislation are correcting mechanisms for this program. Let us at least give it a chance to work.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 1316.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—49

Baucus	Enzi	Obama
Bayh	Feingold	Reed
Biden	Harkin	Reid
Bingaman	Inhofe	Rockefeller
Boxer	Inouye	Sanders
Brown	Klobuchar	Schumer
Bunning	Kohl	Sessions
Byrd	Landrieu	Shelby
Cardin	Lautenberg	Stabenow
Casey	Leahy	Sununu
Clinton	Levin	Tester
Conrad	McCaskill	Thune
Corker	Menendez	Vitter
DeMint	Mikulski	Webb
Dole	Murray	Wyden
Dorgan	Nelson (FL)	
Durbin	Nelson (NE)	

NAYS—48

Akaka	Crapo	Lott
Alexander	Domenici	Lugar
Allard	Ensign	Martinez
Bennett	Feinstein	McCain
Bond	Graham	McConnell
Brownback	Grassley	Murkowski
Burr	Gregg	Pryor
Cantwell	Hagel	Roberts
Carper	Hatch	Salazar
Chambliss	Hutchison	Smith
Coburn	Isakson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stevens
Collins	Kyl	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1316) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I know the hour is late and we have had a long day. I think it has been a very productive day. Due to the delay in getting amendments actually voted on, of course, the amendment I had voted on this morning had been pending for a full 2 weeks before we were able to secure an agreement to vote.

I ask unanimous consent to call up some of my pending amendments so we can get them pending. I ask unanimous consent that my amendment 1400, which is at the desk, be called up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I would have to object. We are in the process of attempting to clear up these. We have had a very full day. I want to thank the Senator from Texas for his cooperation. We will try to address these in an orderly way. We have been trying to process some of these back and forth. I think we have made extraordinary progress today. We are trying to make sure everyone's voice and interests positioned on those issues are going to have an opportunity to be heard. Now I have to object. I will work with the Senator and see if we cannot arrange time for consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I know it has been a long day. But the majority leader has filed a cloture motion which will be voted on tomorrow. There is concern that there are many amendments that have been filed which have not been allowed to be called up and be made pending.

While I think there have been some recent indications that there is more of a willingness to allow amendments to be considered, I am very concerned, because of the procedural posture we will find ourselves in very soon, that some of these amendments will not be allowed to be considered.

I am concerned as well that may very well affect how many of us are required to vote on cloture. I think there has been a recent spirit of cooperation which I hope continues. But if there is going to be an insistence on a vote on cloture, and at the same time a denial of the opportunity of many of us to call up amendments and actually have them considered and voted on, I do not think we will have any alternative but to vote against cloture.

I regret the reluctance to allow us to call up amendments continues at this time. If permitted, I want to call up at least four of my amendments: 1400, 1208, 1337, and 1399. But I understand there has been objection lodged. There likely will be objection lodged to additional unanimous consent requests.

I would note for the record here that there are a lot of other amendments that have not been allowed to be considered, and we have got a lot of work to do before we can consider that everybody has had the opportunity to call up amendments and have them voted on.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would state for the record that last year before cloture was successfully invoked on immigration, the Senate disposed of 30 amendments with 23 rollcall votes. This year, after votes just completed, the Senate has disposed of 41 amendments, with 27 rollcall votes, 11 amendments more than when we last considered this bill under the other party's control. Not counting side-by-side alternative amendments, there have been 18 Democratic amendments offered, compared to 21 Republican amendments. Counting side by sides, it is 21 Democrats, 22 Republicans. So I would say to my friend from Texas, by standards of the last debate on the immigration bill, we have considered 11 more amendments, we have had more rollcall votes, there have been more side by sides and other votes offered from the Republican side than the Democratic side.

So I say at this point this has been a fair and complete process. It is now 12:20 in the morning. We have worked a long day; probably have 2 long days ahead of us. But to argue that Members have not had their chance to express themselves through the amendment process is not reflected in the actual vote.

Mr. CORNYN. Mr. President, I do not dispute the numbers. They are what they are. But I would point out that this bill did not go through the Judiciary Committee. Last year when the McCain-Kennedy amendment and the bill considered in the Judiciary Committee, I believe there were 62 amendments filed. I think there were a lot more filed than that, but actually 62 amendments. So there was a process at the Judiciary Committee level last year which gave people an opportunity to have their positions heard. That has not been the case this year. I would point that out as an obvious point of distinction. I hope there is not going to be any attempt to try to force this bill through before Senators are ready to consider all or at least a reasonable number of amendments, because I do not think we will have any alternative but to vote against cloture, to allow debate to continue and allow additional amendments to be heard.

Mr. DURBIN. Mr. President, in the interests of allowing Senator CORNYN and other Senators to offer amendments, I make a unanimous consent request that cloture votes be postponed tomorrow until 4 p.m. so Senator CORNYN and others who wish to can offer amendments before the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, I believe a demonstration of willingness to allow us to call up amendments and have them debated and actually voted on would have been reflected in the last 2 weeks. As I have pointed out, I was denied for a full 2 weeks an opportunity to have the very first amendment I called up actually scheduled for a vote. I know the distinguished deputy majority leader is acting in good faith. But I think we need to have a vote on that cloture motion at the time it is currently scheduled. So I would respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have offered amendments on a number of occasions and had asked those amendments be made pending, and set aside the pending business to make certain amendments pending. I have had objection.

At this time I once again ask that amendment No. 1323, which we referred to as the Charlie Norwood amendment, that deals with empowering State and local law enforcement officers to participate through the normal process, if they choose, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, it is pretty clear what has been occurring is very few amendments have had the opportunity to get a real debate. This is an important amendment. It deals with whether local law enforcement can actually participate in any meaningful way in the enforcement of Federal immigration laws. I will tell you what the facts are, with the help from my fine staff chief counsel, Cindy Hayden.

We wrote a law review article for Stanford University Law School that dealt with this issue, and it is a very important issue. It is one well-understood by the legal professionals who have been behind the scenes crafting this legislation.

The ninth circuit has held that visa overstays, which make up 40, maybe 45 percent, and in the future, if this bill becomes law, maybe more than 50 percent of the people illegally in the country, would be visa overstays.

Those persons, if involved in some traffic accident, like many of the terrorists were before 9/11—they were stopped for traffic violations by local police officers, but because that is not a normal criminal violation, as is the case for people who have come across the border, they are not detainable under the ninth circuit ruling by local police officers.

So it is a weird thing. Several other circuits seem to have held differently. But the ninth circuit case was most on point. Lawyers for police departments all over America are telling their police departments: You may not have authority to hold anybody, so even if you apprehend someone you are concerned about who could even be a terrorist, like those people involved in 9/11, or like John Malvo, who was involved in those murders, was stopped for traffic violations, we do not have a system in place to even allow local police to detain them for even a short period of time until they are turned over to the Federal authorities.

That is the way the system ought to work. There are 600,000 to 800,000 State and local law enforcement officers in America. We are not trying to mandate that they do anything. But in the course of their business, their normal duties, if they come upon people in violation of the law, they ought to be able to hold them and turn them over to the Federal authorities.

I am disappointed we are not getting to move forward on that amendment, very disappointed. We had this matter sort of fixed in Judiciary Committee last year. Then an amendment came up—somebody figured out the significance of it, and that amendment took it out. Ever since, any effort to get that to be made a part of this fix has been undermined and blocked.

I say to my colleagues, I do not believe anybody can say they have a commitment to having an enforceable immigration system if they throw roadblocks up that undermine the ability of State and local law enforcement to participate in their normal course of their duties by detaining people they come upon who are here illegally. You would think that would be an easy thing to get done. I have said before, it seems when it comes to immigration, many things can be accepted, many things people approve of. But if you come up with something that actually is very effective, that is what gets objected to. This is something that is critical. It is a testament and a test of our will and our seriousness as a body.

If we are not prepared to pass legislation like the Norwood amendment, named after former House Member Charlie Norwood from Georgia, who died recently, if we are not prepared to do that, we are not serious about this.

I will say one more thing. Time and time and time again, I have heard Members of this body say: Oh, we cannot vote for this amendment, or you must vote against that amendment. Why? Because we have an agreement. A compromise. It violates our compromise. Well, who was in on that compromise? I am frankly getting tired of that. That is not satisfactory to me.

The question really should be, is this amendment good or not good for the legitimate interests of the Nation? No one small group of people have a right to meet in secret with special interest groups and write an immigration bill and ram it down the throat of this Senate. I oppose it. It is not right. You can agree or disagree on these amendments, but do so on the merits, whether or not it actually makes sense, not on some deal made by some advocacy group or some business interest. That is not what this Senate is all about.

I hope today the people will begin to see that a small group of Senators who meet in secret and plot out a bill, that if printed in actual bill language would be 1,000 pages, don't have the power to say we can't have amendments and we can't change it, and if you do get an amendment up, we are all going to stick together and vote it down because it doesn't comply with our little compromise.

The masters of the universe are playing a tough game here. I have called them that affectionately. I respect the Members who have attempted to do what maybe they thought was right. But when you look at the bill, it is a product of a political compromise. A group of politicians met in secret and wrote a bill that is exceedingly technical, exceedingly important.

Let me tell you who was not there in this meeting. The American people were not there. Who was advocating for the American people?

I will tell you another group who was not there. That is the law enforcement agencies that are charged with enforcing our laws at the border. They weren't there. As a matter of fact, they had a press conference a couple of days ago. They were at the national press club and made a presentation. These are senior retired officials who had many decades of experience in enforcing our laws at the border. They uniformly condemn this legislation, as do the Border Patrol Agents Association. They condemn it roundly. Hugh Brien, himself an immigrant, became chief of the Border Patrol from 1986 to 1989. I started making notes on C–SPAN the night before last. I just happened to turn it on. He said this bill is a ''sell out, a complete betrayal of the nation, a slap in the face to millions coming here legally.''

He referred to the people in 1986 who passed the 1986 act and promised it would do things as our masters and our mandarins, who said the bill was going to work and it never worked. He said:

> Based on my experience, it's a disaster.

Kurt Lundgren, national chairman of the Association of Former Border Patrol Agents said this:

> There are no meaningful criminal or terrorist checks in the bill.

He said:

> Screening will not happen.

He said:

> Congress is lying about it.

With regard to the proposal that record checks would be performed within 24 hours, he said:

> There's no way records can be done in 24 hours. As to the proposal that Senator CORNYN tried to fix that allows gang members, MS–13 international gang organization groups to get amnesty by simply saying they renounce their allegiance to the gang, he said:
>
> What planet are they from?

Jim Dorcy, an agent for 30 years and inspector general with the Department of Justice that handled investigations into all these areas involving the Border Patrol, internal investigations, he said:

> The 24-hour check is a recipe for disaster.

Referring to the bill, Mr. Dorcy, 30 years with the Border Patrol said:

> I call it the al-Qaida dream bill.

Roger Brandemuehl, chief of the Border Patrol from 1980 to 1986, second one I am calling on here that was chief of it, said:

> We have fallen into a quagmire.

He said:

> The so-called comprehensive reform is neither comprehensive nor reform.

He said:

> It's flawed.

He set forth some principles that he thought would actually work. When asked had he been consulted by the masters of the universe who cobbled this bill together, a bunch of politicians who have never arrested anybody in their lives, they joked about it. They never have been consulted. Nobody wanted to know what they knew or cared about.

I will just wrap up and say I am not comfortable with the way this bill is going. I think we have been slow-walked in the way the majority leader and the group that is trying to move this bill forward is doing this. They are objecting to having amendments pending. So when cloture is filed, if an amendment is not pending, it fails. It can't be voted on postcloture. So this way they have been able to maintain control over the amendment process and will be able to maintain it, even if cloture is obtained tomorrow. I don't know what will happen tomorrow, but I know this: There are a lot of good amendments. I have seen some of the amendments Senator CORNYN has that are important. I know some of the amendments I have are important to having a good, lawful immigration system. There remain major flaws in this legislation. We should not pass it in its present form.

In rebuttal to the constant refrain that somehow this bill is going to end the lawlessness and create a lawful system, I point out that the Congressional Budget Office, just 2 years ago, issued their analysis of the bill and concluded there would only be a 25-percent reduction in the number of people coming into our country illegally. We have gone through all this, and we are only going to get a 25-percent reduction in the number of people who come here illegally, when we arrested last year over a million people. What kind of system is this?

I wish the principles and goals contained in the talking points that were bandied about early on in this process could have been achieved. I had hoped they would and said some good things about it because I thought some of the principles involved in this year's process were a bit better than last year, but the truth is, when you read the fine print, very little progress was made in those directions, and the major flaws continue. I just wish it weren't so. But that is my opinion of it. I don't think we are on the road to improving the bill. I don't think we are proceeding effectively to allow full debate and amendment.

I yield the floor.

AMENDMENT NO. 1311, AS MODIFIED, TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Good morning, Mr. President.

On behalf of Senator COBURN, I call up amendment No. 1311 and ask that the amendment be modified with the changes at the desk and then be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 1311, as modified.

The amendment, as modified, is as follows:

(Purpose: To require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted)

Strike section 1 and all that follows through page 4, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

The provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as previously directed by the Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with

an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, the Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.'',

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS.

SEC. 101. ENFORCEMENT PERSONNEL.

(a) Additional Personnel—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 501 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

Mr. COBURN. Mr. President, I rise to clarify the record of my vote on Bingaman amendment No. 1267. I intended to vote against the amendment. I do not support the amendment and I wish to explain why.

The Bingaman amendment No. 1267 would have allowed certain future legal temporary workers to renew their work visas from the United States, rather than being required to leave the country for a period of time to reapply. In order to have a true temporary worker program, workers must only come to the U.S. for a season and then return to their home country. If workers are instead permitted to stay in the U.S., they will likely establish economic and familial roots, and will not want to leave when their legal visa has expired. People who want to take part in our society should seek legal citizenship, rather than extending upon an agreement that was intended to be temporary. I encourage those who have respected our laws and want to live in our country to apply for a green card and become a U.S. citizen.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

63RD ANNIVERSARY OF D-DAY

Mr. CHAMBLISS. Mr. President, I stand before you to honor the memory of the heroes who sacrificed their lives on the beaches of Normandy 63 years ago today. It was these brave men who stared into the face of the stark unknown and forged on to military victory. Supreme Allied Commander and future President Dwight D. Eisenhower led the decisive invasion, now known as D-day, that brought liberation throughout Europe.

It was on June 6, 1944, at 6:30 a.m., that the first assault wave of a great armada rolled onto the beaches of Normandy, France. Operation Overlord commenced and everyone involved knew there was no turning back. And while the size and scope of the operation were colossal, so were the risks. The success of the battle hinged on the element of surprise, and with literally thousands of men involved in the planning, its secrecy hinged on those same men. It is clear these men were the epitome of unfailing loyalty, courage, and solidarity. The invasion had been postponed a day due to weather, and it was only after assurances from a meteorologist that conditions would improve that General Eisenhower agreed to proceed. But still, cloudy skies caused drop zones to be overshot, and more than half of the equipment to be parachuted in was lost. But soldiers persisted, risks paid off, and bravery triumphed over peril. On that dangerous early morning, following a treacherous English Channel crossing, 150,000 Allied troops took the shore, and 100,000 continued inland. Mr. President, 9,000 men were lost that day, but it went down in history as the decisive battle that turned the tide of the war.

I am proud to bring your attention to what these men did. And as I recognize their valor on this remarkable anniversary, I think it is both fitting and necessary to recognize the valor of our troops in battle today who are no less brave, and who face uncertainty and risk, as did those who fought for freedom in the Second World War. I wish I could stand up here and draw other comparisons between these two wars—WWII and the global war on terror—and between the threats of Nazism and terrorism, because it is without a doubt that World War II, despite our human losses, brought a unity of cause to our Nation, and that would be a great place for us to be again. But the fact is that we are in a different world and a different century; we face a different enemy, and, most of all, our Nation has tremendous differences on how to deal with this enemy.

However, as with the heroism demonstrated by our fighting forces both then and now, there are other unmistakable parallels. The invasion on D-day marked a pivotal time in history when the outcome was uncertain. The great generals going into battle had faith and trust in their troops, but knew their bold strategy carried with it great risk. Just before the invasion, MG Leroy Watson, commander of the 3rd Armored Division, sent his troops this message:

> This is the greatest military operation in the history of the world. Its success or failure will determine the course of events for the next hundred years.

General Eisenhower, also uncertain about the outcome, prepared a letter which he never had to deliver, accepting responsibility for the loss. He expected catastrophic failure and military victory. He wrote to his troops:

> My decision to attack at this time and place was based upon the best information available. The troops, the Air and the Navy did all that bravery and devotion to duty could do.

The leaders knew the danger, but also knew the consequences of failure. In Iraq, and in the fight against terrorism, we must continue to stay the course, because the stakes of not winning are too high, and, as was the case on D-day, we are again in a pivotal time in history. And again, the outcome will surely determine the course of events for the remainder of this century.

D-day was a tremendous battle, with thousands of casualties over the course of a day. It was a time of great loss for our Nation. And amidst those losses stand stories of bravery, individual valor and resounding brotherhood—stories that enveloped the historic battle and personalized it for a nation. And I can tell you that the soldiers I met in Iraq, and the troops whose stories I heard at Fort Benning and Fort Stewart, will be remembered in the annals of our Nation as warriors who are as brave, as strong, and as committed as the heroes of D-day we remember today.

And the Generals who led these brave men will also never be forgotten. World War II saw Eisenhower, Patton, Marshall and Bradley—all of these men have secured their places in history. And today and in the future we will remember the legacies of Petraeus, Odierno, McChrystal, and Fallon—generals and admirals whose leadership, ingenuity, courage and forthrightness are shaping the Iraq strategy, and no doubt its military outcome.

So in drawing these parallels, my conclusion is that in the history of war, there are some constants: the bravery of soldiers, the uncertainty of battle, the value of leadership, and the necessity of victory. These things never change. They were evident on June 6, 1944, and they are evident

today. And so it is on the 63rd anniversary of D-day, the decisive battle of World War II, that I recognize the heroes who fought, lived, and died valiantly. And I thank them and their families for setting an example and standard our warriors remember on the battlefield today, and for creating a generation that is willing and able to set the same standard and example for our heroes of tomorrow. I hope that our men and women in uniform serving around the world today will draw courage from the example of those who have gone before them as they execute the responsibilities we as a nation have trusted them to carry out.

TRIBUTE TO WILLIAM ''BILL'' FRANCE, JR.

Mr. MARTINEZ. Mr. President, I wish to speak today to pay tribute to a great Floridian, Bill France, Jr.—a man who lived the American dream, a man who literally turned an idea and hard work into a multibillion dollar national exhibition we today know as NASCAR.

Bill France was a great Floridian in many other ways as well. He was someone who contributed greatly to his local community of Daytona Beach, FL, as well as to the State of Florida at large. Mr. France left us at his home in Daytona Beach, when he passed away earlier this week after a long and difficult battle with cancer.

What we in Florida know, and what the news reports confirmed immediately following his death, is that Bill made NASCAR everything it is today: The sold-out races, the national network television coverage, the regalia and the memorabilia—it all can be credited to this man and his love of the sport.

Born right here in the Nation's capital, Bill France moved as a young man with his family, Bill France, Sr., and his mother Anne to Daytona Beach, FL, in 1935 to escape the Great Depression. With $100 in his pocket, Bill, Sr., started a new life for his family in Florida, setting up an auto repair shop and quickly taking a great interest in racing. In 1938, he would set up the Daytona Beach Road Course, and from there, as they say, the rest is history.

This course he set up back in those days was so unique, and to see photographs of it is one of those things that one can only harken back to the old Florida that is no more. But the races were essentially conducted on the strip of sand in Daytona Beach. They would circle around A1A, the strip of highway that was there at the time, and then circle back around on to the beach. The spectators would sit there on the beach side and watch these cars as they raced literally on the beach.

Bill, Jr., spent his young life around the racetrack and worked toward the legacy his father had begun to build. He worked on cars, helped out during races, and beginning in 1956, he worked every day of the week for more than a year on the construction of the Daytona International Speedway.

In 1972, Bill, Jr., took the reins of the racing organization that his father had helped to found in 1948 and took the risks and made the decisions that took NASCAR to a whole new level.

The International Motorsports Hall of Fame describes it this way:

> Other than the founding of NASCAR itself, Bill, Jr.'s appointment to leadership is probably the most significant event in the history of the sanctioning body. As rule-maker, promoter, ambassador and salesman, France has set the standard by which all other forms of motor sports are measured. He has taken it from a regional sport to a national sport, and nurtured its growing popularity on television, culminating in a record-setting $2.4 billion broadcast contract.

He served for a quarter century leading NASCAR to unbelievable heights and set the stage for what it has become today.

I know I speak for hundreds of thousands of fans, the drivers, the pit crews and anyone and everyone who enjoys NASCAR, as well as Floridians and Daytona Beach residents, when I say a well deserved ''thank you'' to Bill France, Jr., for making our weekends a lot more exciting, more enjoyable, and a lot faster. Florida thanks you for your vision, Bill. We will miss you, but you leave behind a legacy we will never forget.

REMEMBERING SENATOR CRAIG THOMAS

Mr. THUNE. Mr. President, today I rise to honor Senator Craig Thomas, who, very sadly, passed away Monday evening. As all of us in the Senate know, Craig was a respected Member of this body. A number of my colleagues have made very kind remarks on the floor about their relationship with Craig. While I have not served as long in the Senate as have many of my colleagues who knew and worked with Craig over the years, I did have an opportunity to get to know him since being elected to the Senate in 2004.

I think one of the most important things we have all witnessed with Craig's passing is the outpouring of support and stories about the people he impacted in the Senate, in Wyoming, and across the country.

Without question, the Senate is a lesser place today without Craig's presence. One of the clearest indications of any politician's popularity is his or her support back home. Craig's leadership as the senior member of the Wyoming delegation was overwhelming—primarily due to the confidence he earned from his constituents back in Wyoming. That confidence was something he fought to keep since first being elected to Congress back in 1989.

Craig's battle with leukemia was very indicative of the way he led his life and how he worked on behalf of his State and our Nation. I also believe if his diagnosis hadn't been made public following his reelection last November, I doubt anybody would have known of the battle he waged as he underwent his chemotherapy treatments.

Craig did timeless work on behalf of the citizens of Wyoming and our Nation. His absence from the Senate will be greatly felt. Kimberley and I are deeply saddened by Craig's passing and extend our prayers to Susan and her family. Craig's hard work over the years on behalf of Wyoming and our Nation is a testament to his character and gives all of us something to strive for.

Craig Thomas was a man of the people. He was a Wyoming original. He represented the very heart and soul of the people of his State and of our Nation. He personified hard work and integrity. He was a ''what you see is what you get'' kind of a guy. Wyoming and America are a better place because of his service.

Mr. FEINGOLD. Mr. President, I join the many Senators who have paid tribute to our colleague Craig Thomas. Many of my colleagues have come to the floor since Senator Thomas's passing, and it is clear how many friends he had in this Chamber and how well everyone thought of him and the work he did.

We all knew him as a hard-working Member of the Senate who quickly earned his colleagues' respect. That respect was grounded in the way Craig Thomas served his country throughout his life. He spent 4 years in the U.S. Marine Corps and served in the Wyoming State Legislature, the U.S. House of Representatives, and since 1995, the U.S. Senate.

During his years in the Senate, Senator Thomas served Wyoming with great dedication. Raised on a ranch, Senator Thomas understood the concerns of rural Americans, and I appreciated his efforts in the Senate to stand up for the people who keep our rural communities strong. That is an important concern in my State, and I know it is in Wyoming as well.

I was very pleased to work with him to improve competition and fair treatment for farmers and ranchers. I know that he was committed to giving farmers and ranchers a fair shake in the marketplace, and his constituents appreciated that dedication.

Senator Thomas also worked on a range of health care issues important to rural Americans. He well understood the challenges that people in rural areas face as they seek access to health care services and helped to address those concerns. The Senate benefited from his leadership as cochair of the Senate's Rural Health Caucus, where he showed tremendous commitment to these issues. He led the push to maintain full funding for several rural

health discretionary programs, and I am grateful for his efforts. That was just one of the many ways he contributed to the work of the Senate and served the people of Wyoming.

As we remember Senator Thomas, we can all be grateful for the life he led and his outstanding service to the Senate and to our country. To his wife, his family, his staff, and his many friends, I offer my condolences and my deepest sympathies.

Ms. STABENOW. Mr. President, I rise to join others in paying tribute to a wonderful colleague, Senator Craig Thomas. Tragically, last night, he lost his battle with leukemia. I want to send my heartfelt condolences to his wife Susan, his children, Patrick, Greg, Peter, and Lexie, and to his staff.

Since January, I had the pleasure to serve with Senator Thomas on the Finance Committee. I found him to be a hard-working Senator and very concerned about his constituents' struggling to get health care in rural areas.

I also had a chance to work with him last year on the Michigan Lighthouse and Maritime Heritage Act. This legislation sets up a process whereby the National Park Service would work with the State of Michigan to create a lighthouse tourist trail.

As my colleagues know, he was chairman of the National Parks Subcommittee, which had jurisdiction over this legislation. During consideration of this bill, he was helpful to me and the people of Michigan even though these lighthouses are thousands of miles away from his home. He held a hearing on this legislation, worked with me to get it to the floor and ultimately to the President's desk.

On behalf of the people of Michigan, we appreciate his support of this legislation.

Senator Thomas was a wonderful man—kind and decent to everyone. We will all miss him.

Mr. COLEMAN. Mr. President, with a combination of great sadness and admiration, I join my colleagues in honoring the life of Craig Thomas, a person of strength, passion, and integrity.

Those who have had the blessing of traveling to the State of Wyoming appreciate its amazing beauty and variety. Craig Thomas reflected the geography of his State. He could be as peaceful and serene as Wyoming's rolling prairie grass lands, and he could be as striking and powerful as its majestic mountains.

Growing up, he learned the creative dynamic of frontier life: rugged individualism joined with an ethic of neighbor-helping-neighbor when the need was great.

In this sometimes stuffy and frustrating Washington world, he was a fresh breeze of unconventionality. He maintained his Wyoming vision of life throughout many years in this city, and the people of Wyoming deeply appreciated his strong immunity to the political disease called Potomac Fever.

Craig Thomas lived a very meaningful life and made the State and country he loved a better place to live in. From his young days as a marine to his last days as a Senator, his heart was service and he put everything he had into making a difference for generations to come.

Because of his service here, our national parks are a legacy that will be passed to future generations in better shape than he found them. Because of his fiscal conservatism, fewer dollars of debt will be passed on to our children. Because of his vision and integrity, a model of public service will be available to those who come after.

Laurie and I send our prayers to the Thomas family. We thank them and the people of Wyoming for sharing Senator Thomas with the Nation.

Every one of us on this floor can learn a lesson from his life and remember Craig Thomas by living the values and commitments he taught us.

Mr. ROCKEFELLER. Mr. President, when Craig Thomas passed away on Monday evening, the U.S. Senate lost more than a Member; our institution has lost a good man and I a good friend—someone who was proud to be called an American cowboy. Sharon and I extend our deepest sympathy to his wife Susan, his family, his friends, his staff, and the people of Wyoming whom he served with such complete dedication.

Over the last few years, I worked closely with Senator Thomas. I came to know him well and came to respect him enormously. We both represented small, rural States with critical constituencies—his most emblematic being the farmer, mine the miner. We both maintained a deep commitment to our home States. Perhaps most importantly, we both had a history of public service.

Throughout our careers, I would say that we had a very good partnership. We served together on the Senate Finance Committee and fought to make this country more independent of foreign energy, to promote the development of clean coal technologies, and to preserve the rural American lifestyle.

Through it all, I greatly liked and admired Senator Thomas and appreciated him for the fine human being he was. He was a man of strong principle, one who knew the bottom line and didn't hesitate to consult his colleagues on the other side of the aisle. What I will remember most about him, however, wasn't his ability to work with his so-called foes or our tough fights in the Senate, but for his deep affinity for the beauty of this country.

In fact, over the years, when I have traveled to Wyoming and looked up at that towering, earthly skyline of the Grand Tetons, I have often thought of Craig.

Craig, after all, was perhaps one of the people who shared my deep love of the Grand Tetons. It was in those mountains and the Gros Ventre that we found a common bond. Together, we exchanged our marvels about the alpine lakes, the cutting glaciers, wind-swept glaciers and sparkling rivers.

I will never forget his advice on enjoying the beauty of Jackson Hole or his stories about long horseback rides or camping in the cool shadows of the mountains. I will never forget his interest in the wildlife and his appreciation for the foliage. Nor will I forget how passionately he protected the autonomy of the park, and how much he cherished the culture and beauty of his home.

Senator Craig Thomas held my deepest respect; and, to his family and the people of Wyoming, I offer my deepest sympathies. He was a valuable public servant, a true fighter and a friend—and, more than anything, a true American.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Craig Thomas.

It is a somber day in the Senate Chamber as we mourn this loss.

His passing leaves a significant mark on the many lives he touched throughout his life. On behalf of myself and my wife Annette, I send my deepest sympathies to his wife Susan, his four children, and the entire Thomas family.

Craig was an influential force in the Senate for the people of Wyoming, as well as a thoughtful leader on national issues.

Craig served the people of Wyoming with distinction and honor.

His roots in the State ran deep, and Wyoming had no greater advocate. He has built his reputation as a fiscal conservative while focusing on the unique issues affecting the American west.

He was honest, humble, good natured, and loyal. It was these characteristics that he brought to the Senate and to his work. He was an effective leader because he believed you could get a lot accomplished when you did not care who took the credit.

Craig was committed to the values and principles he believed in deeply. He loved his State, and it showed. He was committed to protecting our Nation's natural resources, improving the lives of those in rural America, and a leader in advocating a sound national energy policy.

It was my true privilege to have served with Craig over the past 13 years in the Senate. While we continue to mourn his passing, we should try to carry on with the same determination and energy he brought every day to the challenges he faced.

He will be remembered as a dedicated American, a marine, a public servant, and the quintessential American cowboy who gave so much of his life in service to the Nation.

I offer my thoughts and prayers to those close to Craig in this difficult time, especially to his family.

ENERGY INDEPENDENCE

Ms. KLOBUCHAR. Mr. President, today I come to the floor to discuss some of the changes that need to be made to our national energy policy. The simple truth is, our country is headed down the wrong energy path. Our current path has led to record-high electricity and gas prices. These prices are not only hurting ordinary families, they are also hurting businesses who are seeing their costs go up dramatically. The growth of energy-intensive industries such as manufacturing is actually being stunted due to skyrocketing electricity costs. We already know the negative global impacts our current energy path is having on our environment. It is clear we can't continue down this energy path anymore. It is not good policy. It is not good economic policy, and it is not good environmental policy.

Mr. President, I will be introducing a bill that will lead the Nation down a path to a better, cleaner, more independent energy economy, a path that takes us away from higher electric bills and leads to new opportunities for investment and innovation, more jobs, and more economic development. As the chart beside me illustrates, 52 percent of our electricity is currently generated from coal; 15 percent is from natural gas; 3 percent from petroleum; 20 percent from nuclear; 7 percent from hydro; and 3 percent from renewable energy. Clearly, this is not a diversified energy portfolio. Clearly, something needs to be done about rising energy costs.

It is estimated that Americans will spend over $200 billion more on energy this year than last year. That is an increase of nearly 25 percent. The bill will allow us to meet our future electricity needs. It will allow us to diversify our electricity supply. It will allow us to reduce the vulnerability of our energy system, and it will allow us to stabilize electricity prices, protect the environment, and most of all, stimulate the economies of rural America.

It is time to act. It is time to pass an aggressive renewable electricity standard, one requiring that all electricity providers would have to generate or purchase 25 percent of their electricity from renewable sources by the year 2025. Twenty-two States throughout the country have already demonstrated the value of establishing renewable electricity standards.

This chart shows what is going on around the country. I am looking at Rhode Island, to try one State, a 16-percent standard by 2019. You see California, 20 percent by 2010. You see Washington, 15 percent by 2020. All over the country, we see a change afoot. The checkered States are ones that have voluntary goals, such as Illinois. The striped States have standard goals, and the green States actually have standards put into law.

While the States are already heading down the path toward the new ''green economy,'' the Federal Government has not even made it to the trail head. The Federal Government is stuck in the fossil age.

I am proud to say my State of Minnesota is further down the path than any other State. In February, the Democratic Minnesota State legislature passed and our Republican Governor signed into law what is considered the Nation's most aggressive standard for promoting renewable energy in electricity production. It is a ''25-by-25'' standard. By the year 2025, the State's energy companies are required to generate 25 percent of their electricity from renewable sources such as wind, water, solar, and biomass. The standard is even higher for the State's largest utility, Excel Energy, which must reach 30 percent by 2020. The CEO has been in my office and said it is going to be tough but they are going to make it, and they are going to be able to meet this goal without raising rates.

I admire what the States and communities and businesses are doing across the country. I admire them for their inspiration, and I admire them for their initiative. There is a famous phrase: the ''laboratories of democracy.'' That is how Supreme Court Justice Louis Brandeis described the special role of States in our Federal system.

In this model, States are where new ideas emerge, where policymakers can experiment, where innovative proposals can be tested.

Brandeis wrote over 70 years ago:

> It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But he did not mean for this to serve as an excuse for inaction by the Federal Government. Good ideas and successful innovations are supposed to emerge from the laboratory and serve as a model for national policy and action. That is now our responsibility in Congress.

The courage we are seeing in the States, as they deal with global warming, climate change, should be matched by courage in Washington, DC. We should be prepared to act on a national level, especially when the States and local communities are showing us the way.

Now there is an opportunity for the Federal Government to act. It is time for the Federal Government to begin moving toward an aggressive national standard—on par with Minnesota's 25-by-25 standard.

There are many economic benefits of this aggressive standard. Yet, perhaps most importantly, an aggressive national standard opens the door to a new electricity industry that will bring thousands of jobs and pump billions of dollars into our economy.

Over the last 20 years, America's renewable energy industries—and the wind industry in particular—have achieved significant technological advancements. The industries for solar, wind, and biomass energy systems are expanding at rates exceeding 30 percent annually.

The clean water revolution is still in its infancy. I think of it like the beginnings of the computer revolution when the computer used to take up an entire room. Now they are much cheaper, and they are much more efficient. That is what is happening with our green technology. But it will not happen unless we get into the act and set the standards as they should be.

Businesses are coming on board. CEOs of major corporations such as DuPont, Duke Energy, and General Electric see the opportunities. High-tech entrepreneurs in our country want to develop the green technologies before they do it in India and Japan. It is already starting.

Nationally, venture capital investments in ''green'' or ''clean'' technologies have increased dramatically. Last year, venture capital investment in green technologies reached an impressive $2.9 billion. From 2001 to 2006, there was a 243 percent increase in green technology venture capital investments.

Not only is clean technology the fastest growing venture capital sector, it is now the third largest category—behind only biotech and computer software.

The economic benefits are not just limited to high-risk investors. In September of 2004, the Union of Concerned Scientists used the Energy Information Administration's National Energy Modeling System to examine the costs and benefits of an aggressive national standard. Their analysis found an aggressive national standard would reduce electric and natural gas prices and provide significant economic benefits for all of America.

For example, as you can see from this chart, an aggressive national standard would create 355,000 new jobs—nearly twice as many as generating electricity from fossil fuels.

We would see economic development, such as $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenue. We would see consumer savings. We would see $49 billion in lower electricity and natural gas bills. We would have a healthier environment. We would see reductions in global warming, pollution equal to taking nearly 71 million cars off the road. We would see

less air pollution, less damage to land, and better water use.

So while traditional manufacturing jobs continue to move away from the United States, the country now has an opportunity to become a global hub of new, high-quality jobs in manufacturing and other high-skill areas, while generating environmental benefits at the same time.

So the future looks bright. Never before have we seen such strong interest and growth in renewable energy and energy-efficiency technologies. But the question we face is this: Does the United States want to be a leader in creating the new green technologies and the new green industries of the future? Or are we going to sit back and watch the opportunities pass us by?

In this country, we have the fields to grow the energy that will keep this Nation moving. And we have the wind energy to propel our economy forward. Right here in the United States, we have the science, we have the universities, we have the technological know-how, and we have the financial capital to harness our own homegrown energy.

It is time to act. The only thing holding us back is complacency. A national renewable energy standard will be a major contributor in driving innovation in green technologies.

Now, I know there are critics of a national standard. These critics—who I believe are stuck in the fossil age—believe an aggressive standard would negatively affect the reliability of an energy system. Yet, these critics seem to forget that numerous countries in Europe, including Spain, Germany, and Denmark—where wind power supplies over 30 percent of their electricity—have seen no adverse impacts on the reliability of their systems.

In fact, a renewable electricity standard can actually increase the overall reliability of an electric system. It can diversify our electricity sources so we are not so reliant on energy sources such as natural gas that are vulnerable to periodic shortages or other supply interruptions.

Not only is a national standard more reliable and good for the economy, it will also, of course, protect the environment and public health. Electricity production has a significant impact on our environment. Today, electricity accounts for more than 26 percent of smog-producing emissions, one-third of toxic mercury emissions, and some 40 percent of climate-changing greenhouse gases.

An aggressive standard will reduce CO_2 emissions by 434 million metric tons per year by 2020—reductions of 15 percent below current levels. This, as I said, is equivalent to taking nearly 71 million cars off the road.

A couple of weeks ago, Minnesota's own Tom Friedman had a cover story in the New York Times magazine about ''The Power of Green.'' It should be required reading for anyone who cares not only about the future of our environment but also our economic future and our future national security. He talked about the need in this area for setting the standards. When you set the standards, and people can see off into the future, we will see the investment. People say: Well, why do you have a standard set at 2025? Obviously, our bill is going to have a standard growing each year. But the reason you want to go out to 2025 is you want American businesses and capitalists and people involved in this to understand if they invest, where they are going.

In his article, Tom Friedman asks: ''How do our kids compete in a flatter world? How do they thrive in a warmer world? How do they survive in a more dangerous world?''

The answer is in making the most of the economic and technological opportunities to reduce our dependence on fossil fuels and the greenhouse gas pollution that comes from it.

Friedman says clean energy technology is going to be ''the next great global industry.'' Well, if that is the case—and I believe he is right—then we need to make America the leader. We cannot afford to sit back and watch the opportunities pass us by.

As I mentioned before, we are seeing unprecedented interest and growth in renewable energy technologies. But at the same time, we are no longer the world leader in two important clean energy fields. We rank third in wind power production, behind Denmark and Spain. We are third in solar power installed, behind Germany and Japan.

Ironically, these countries surpassed us largely by adopting technologies that had first been developed right here in the United States. We came up with the right ideas, but we did not capitalize on these innovations with adequate policies to spur deployment. Our foreign competition was able to leapfrog over American businesses because these other countries have government-driven investment incentives, aggressive renewable energy targets, and other bold national policies.

Friedman proposes a ''Green New Deal''—''one in which government's role is not funding projects, as in the original New Deal, but seeding basic research, providing loan guarantees where needed, and setting standards, taxes and incentives that will spawn'' all kinds of new technologies.

I agree. It is about leading the new economy. It is about making America the global environmental leader, instead of a laggard. It is about creating a better economy for the next generation by inventing a whole new industry, which will not only give us the clean power industrial assets to preserve our American dream but also give us the technologies that billions of others need to realize our own dreams without destroying the planet.

It is about not being complacent. It is about getting on a new energy path. I believe an aggressive renewable electricity standard leads us down that path.

I urge all of my colleagues to support an aggressive standard. I suggest Minnesota's standard: 25 percent by 2025 for renewable electricity. It is a start down the path.

TRIBUTE TO FORMER CONGRESSMAN PARREN J. MITCHELL

Mr. KERRY. Mr. President, today I rise to pay tribute to a fallen pillar of the movement to extend equal opportunity to thousands of African-American and minority businesses throughout our Nation: Congressman Parren J. Mitchell.

With the passing of former Congressman Mitchell on May 28, 2007, our country has lost one of its legendary advocates for minority business owners, a giant who knew that the struggle for civil rights and equal opportunity would be decided in America's board rooms as well as its voting booths and lunch counters.

Congressman Mitchell fought with heart, grit, integrity, and determination to level the playing field so more minority firms could do business with the Federal Government. He didn't just serve as chairman of the House Small Business Committee, he served as Congress's conscience. He also was founder and chairman of the Minority Business Enterprise Legal Defense and Education Fund.

Congressman Mitchell's life was an incredible story of courage and resolve. He became the first African-American graduate student at the University of Maryland when he challenged the university's policy of segregation. He was the first African American elected to Congress from the State of Maryland. He was the first African American elected to Congress who lived below the Mason-Dixon line since 1898. And he was the first African American to chair the House Small Business Committee.

Congressman Mitchell's work on that committee has left a legacy that is as long and impressive as his commitment to equal opportunity for all of our nation's citizens. Many of his policies made it possible for the rise of the minority business community. In 1976, he attached an amendment to a public works bill stipulating that cities and States receiving Federal grants had to award 10 percent of the money to minority-owned businesses. That year he also managed to pass a law requiring contractors to document their goals in contracting with minority-owned companies. In 1980, he was able to successfully amend the Surface Transportation Assistance Act to require 10 percent of the money to be set aside for minority businesses.

On May 22, 2007, in the Senate Committee on Small Business and Entrepreneurship we held a hearing to look at the state of minority small businesses. And while the witnesses at the hearing revealed that there have been many gains for minority businesses, they also revealed that there is still more that needs to be done. I believe that the accomplishments of those who testified at the hearing would have made Congressman Mitchell proud. I also believe that the testimony about discriminatory practices that still confront minority businesses would have confirmed for him as it did for me that there are still more hills to climb.

The challenge now is to climb those hills by creating opportunities for minority businesses that will do justice to the memory of Congressman Mitchell. As we move forward in the Senate Committee on Small Business and Entrepreneurship, the best way to do that is to pass laws that expand opportunities for all Americans who have been shut out or left behind.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on May 24 I was unable to vote on the motion to concur in House amendment to Senate amendment to H.R. 2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. Regarding vote No. 181, I would have voted in favor of the motion to concur in House amendment to Senate amendment to H.R. 2206. My vote would not have altered the result of this motion.

Mr. President, I also regret that on May 24 I was unable to vote on certain provisions of S. 1348, the Comprehensive Immigration Reform Act of 2007. I wish to address these votes so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 176, on amendment No. 1186, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 177, on amendment No. 1158, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 178, on amendment No. 1181, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 179, on amendment No. 1223, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 180, on amendment No. 1157, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT KEITH NEAL HEIDTMAN

Mr. DODD. Mr. President, every Memorial Day, words fight a losing battle against action. Each year, as spring warms into summer, we pause our lives and bow our heads in safety, and grope for words to honor the men and women who have made that safety possible. Inevitably, we fail; we say ''fallen'' when we mean ''killed''; we say ''sacrifice'' for those who died unwillingly, in great pain. I believe we do so because we want to find a register for our voice to match the heroism of their work, but, also, because high words shield us from the immediacy of death in war. Even as we remember, we can't help looking away.

But some lack that luxury. They are in Iraq and Afghanistan, and they are living the war we speak about. For 10 American soldiers in Iraq, Memorial Day was their last day.

Last week, the Senate was out of session in commemoration of Memorial Day, but now that we have returned, I want to honor the memory of one of those 10 soldiers: Army 1LT. Keith Neil Heidtman. He was a native of Norwich and a graduate of the University of Connecticut. He was 24 years old. On Monday, May 28, the helicopter he was copiloting crashed, likely brought down by enemy fire. Early the next morning, an Army chaplain brought the news to Lieutenant Heidtman's family.

For Maureen and Arthur Robidoux, his mother and stepfather, for Kerry Heidtman, his father, for Chris Heidtman, his uncle, and for Keely Heidtman, his older sister, memories will never fill the place of the live they loved. ''If you had to pick your son, this is who you would pick,'' said Chris Heidtman. ''He was handsome, he was bright''. A star baseball player and a distinguished ROTC cadet, Lieutenant Heidtman volunteered for pilot training upon his graduation in 2005.

He learned the value of service from his parents, both public servants themselves: his mother at the State Department of Children and Families, and his father in a State child-support program. His death reminds us that the highest service carries the highest cost. ''We're sending our finest, and we're losing them,'' said Lieutenant Heidtman's uncle.

So today we honor one of our finest, who wore our uniform and died long before his time. Next Memorial Day, his name will join the rolls of our dead. I pray that by then time will have soaked up his family's tears. Next spring, we will bow our heads and look for words to do him justice. I don't believe those words exist. His best memorial will be in our silence.

WAR CRIMES TRIAL

Mr. FEINGOLD. Mr. President, earlier this week in a special chamber of the Special Court for Sierra Leone, based in The Hague, proceedings began in the trial of former Liberian President Charles Taylor, who is accused of crimes against humanity, war crimes, and serious violations of international law committed during Sierra Leone's 11-year civil war. Tens of thousands died in this conflict that ended in 2002, and more than a third of Sierra Leone's 6 million people were forced to flee. His trial is expect to have significant impact across Sierra Leone but also throughout neighboring countries as his raging brutality was in no way confined by national borders.

For over a decade, the people of Sierra Leone and Liberia not only suffered from deprivation and displacement at the hands of Charles Taylor, but they also endured forced recruitment of child soldiers, widespread and brutal sexual violence, and horrifying murders and mutilations. Those responsible for these crimes abandoned all human decency in their quest for power and wealth.

I have long been a strong supporter of accountability mechanisms around the world—and in particular Sierra Leone's Special Court and Truth and Reconciliation Commission. I have worked to ensure that the United States provides appropriate financial and political support for such important institutions, which are crucial to building a framework for the rule of law in postconflict countries. I commend the court for taking its mandate seriously and for following the evidence where it led—directly to a sitting head of state.

Despite Charles Taylor's unwillingness to appear at the opening of yesterday's trial, the message this critical trial sends—to current and would-be corrupt, violent, and brutal leaders—is momentous: the international community will no longer stand silently by but will support efforts to break the worst cycles of violence and impunity. When the trial continues later this month in The Hague, it is essential that international fair trial standards are adhered to, that robust and transparent outreach programs continue uninterrupted so the trial remains as accessible as possible to those most affected by the conflict and that great care is taken to ensure the security of victims, witnesses, and their families.

While I welcome the proceedings in The Hague, more needs to be done on behalf of the people of Sierra Leone and Liberia. True accountability for the horrific atrocities they endured will only be achieved when the rule of law is respected at every level in the governments of both countries and all citizens have access to justice. Great steps forward have been taken, but much more work remains. I will continue to press the United States and the international community not to desert the people of Sierra Leone—or

the region—as they work to reconcile their grievances and seek to heal from one of Africa's worst conflicts.

CONQUER CHILDHOOD CANCER ACT

Mr. WYDEN. Mr. President, I would like to take a few moments to talk about 8-year-old Jenessa Byers, known as ''Boey'' by her friends and family.

Last year, Boey was diagnosed with a very rare childhood cancer called rhabdomyosarcoma. Showing tremendous courage and strength as she underwent radiation and chemotherapy, Boey battled the cancer into remission. Unfortunately, that cancer returned and Boey is back in treatment undergoing radiation and chemotherapy once again.

While I was in Oregon over the recess, I had a chance to visit with Boey and her family at the Children's Cancer Center at Doernbecher Children's Hospital, as well as with other children at the hospital who are battling a variety of childhood cancers. Boey refers to herself as a warrior in the fight against cancer, and there is no doubt about it, Boey is a warrior. As I witnessed firsthand when I visited her last week, she is fighting the cancer as hard as she can. This in itself makes Boey a very brave and very special little girl.

But what makes her especially amazing is that in spite of what she is going through, Boey has been working tirelessly to help other children who are also battling cancer. Each month, she donates special bears and handmade cards titled ''Be Strong'' to other children at the hospital. The day before her eighth birthday last month, Boey participated as a survivor in the American Cancer Society's Relay for Life, for which she raised over $500. In addition, she has raised money to help fight cancer on a local radiothon, and she has raised awareness using her own videos, which she has posted on YouTube.

Because of Boey's incredible compassion and determination to help the other children fighting cancer, she was recently asked to be a spokesperson for Doernbecher Children's Hospital. On May 31, she spoke about her experiences at a reception for the Children's Miracle Network. Just this past weekend, she was featured in a segment of the Doernbecher Children's Miracle Network Telethon.

While I was visiting Boey, she asked me to cosponsor the Conquer Childhood Cancer Act. Introduced by Senators REED and COLEMAN, this act would provide critical resources for the treatment, prevention, and cure of childhood cancer. The act would authorize $150 million over a 5-year period to expand support for biomedical research programs of the existing National Cancer Institute-designated multicenter national infrastructure for pediatric cancer research. It would also establish a population-based national childhood cancer registry; enable researchers to more accurately study the incidence of childhood cancers and long-term effects of treatments; and provide funding for informational and educational services to families coping with a diagnosis of childhood cancer. The Conquer Childhood Cancer Act brings hope to the more than 12,500 children who are diagnosed with cancer each year, as well as more than 40,000 children and adolescents currently being treated for childhood cancers.

On behalf of Boey and the other courageous and wonderful children I met at Doernbecher Children's Hospital recently, and every child with cancer, I would like to announce that I am cosponsoring the Conquer Childhood Cancer Act. I will be working with my colleagues to get this bill signed into law so that we can find a cure for childhood cancer once and for all.

D-DAY ANNIVERSARY

Mr. BIDEN. Mr. President, I would like to take a moment to recognize the great sacrifices made by our Nation's veterans on the anniversary of D–day and to once again highlight the need for all of us to do more for those serving today.

On this day 63 years ago, 3,393 American troops gave their lives on the beaches of Normandy defending the freedom of America and its allies. These brave young men sacrificed themselves to stop an empire born of hatred from consuming Europe and fought to prove that freedom and justice would never bow to terror and intolerance. Their valor and service will forever endure in our Nation's memory.

Today, a new generation faces new challenges. The nearly 170,000 American troops currently serving in Iraq and Afghanistan exemplify the kind of courage and dedication that has defined the American military throughout our history. And for the sacrifices they are willing to make, we in the Senate, our colleagues in the House, the military leadership, the President, and the American people have an absolute moral obligation to provide our servicemen and women with the best possible protection when we send them to war.

I know that when President Roosevelt sent his men into battle, he did not simply pay lipservice to their courage, he made sure that they had the strongest artillery, the best gear, and the most advanced equipment available. He did not worry that the landing craft he needed for D–day would not be needed when the war ended. He made equipping the force the entire Nation's top priority. Calling on the patriotism of American businessmen to ensure military needs were met before all else. And so I ask why—a half century later—we cannot do the same for our troops today.

Today, improvised explosive devices, IEDs, are the single greatest threat to the lives of our troops, causing 70 percent of U.S. casualties in Iraq. The military has indicated that mine resistant ambush protected, MRAP, vehicles, which provide four to five times more protection than up-armored Humvees, will reduce casualties from IEDs by two-thirds. These vehicles have already been tested fully at Aberdeen Proving Center and our allies have been using similar technologies in the field for years.

So why, then, are these critical vehicles not already in the field?

We learned recently that in February of 2005, Marine commanders in Iraq realized that they needed vehicles designed specifically to defeat the IED threat and asked the Pentagon to build them. Yet 2 years later their request remains unfulfilled. Secretary Gates has indicated that MRAPs compete with other defense spending, which may make it difficult to produce all we need. I just don't get that logic. I can see no greater use of our dollars than getting American troops the best possible protection that exists today. This Nation can afford to do that and whatever else is necessary to do right by our military men and women and their families.

At a later date we will get to the bottom of what happened in 2005, but our first order of business today should be making sure that we get our troops the technology they need as soon as possible. That will require a genuine assessment of how many MRAPs are needed in the field and how much it will cost to build that critically needed inventory.

We also need to provide our troops with all the latest in tested technology to defend against the new weapons which insurgents are using in Iraq: shaped charges called EFPs, or explosively formed penetrators/projectiles, those shaped-charges which hit our vehicles from the side with devastating effect. We cannot wait another 2 years to field technology to protect against these devices when Americans are dying today.

Today I ask of my colleagues, of the President, of our military commanders, and of the American people, that we pay respect to American servicemembers with more than words. We have the ability and the obligation to do more and we must.

Mr. MARTINEZ. Mr. President, 63 years ago today, many brave Americans and other allied forces members were dropped out over the frigid North Atlantic coastline of Normandy; numerous others stormed the beaches from the sea. Ultimately, well over 100,000 determined Allied troops were involved in one of the most remarkable and well orchestrated military events in history. D–day was among the greatest victories of World War II. June 6,

1944 is a day all lovers of freedom should hold on high. We cannot ever forget the sacrifice and meaning of that day.

Were it not for the supreme leadership—both here and abroad—of President Franklin D. Roosevelt, Prime Minister Winston Churchill, General Dwight D. Eisenhower, and many other government and military leaders—and a patriotic citizenry—we might be living in a starkly different world today. D–day does not just signify singular success; it symbolizes the power of our fearless democracy and way of life. This triumph—not only on D–day, but in the war effort at large—helped to further a clear message made by an earlier American President, one who was considering the weight of World War I. As Woodrow Wilson remarked a generation earlier, ''The world must be made safe for democracy.'' The events of June 6, 1944, helped to make the world a safer place. Victory would not have come about without the smart and strong dedication of our military.

We must take it upon ourselves as Americans, and as grateful citizens, to continue to thank the brave patriots who served in what has become a legacy of freedom; we thank them for their service and their sacrifice. Every generation faces new challenges and must accept the consequences of inaction. We are better off for the actions of the Greatest Generation. Across the beaches of Omaha, Utah, Juno, Gold, and others, our brave Allied troops sacrificed mightily on June 6, 1944. That sacrifice lives on.

For all those veterans of D–day, and for that matter, any campaign of World War II, thank you. You helped to make the world safe for democracy. Your victorious struggle of more than 60 years ago makes this Nation proud and grateful. Thank you for your dedication and sacrifice.

LOS ALAMOS NATIONAL LABORATORY

Mr. DOMENICI. Mr. President, I wish to congratulate Los Alamos National Laboratory for its part in completing the 100th genome sequence. Like the Human Genome Project, this achievement serves as a constant reminder of the possibilities before us and a step forward in scientific knowledge. The scientists of Los Alamos National Lab constantly achieve excellence through their various endeavors, and I am proud of their contribution to this vast project. This well-deserved recognition highlights their continuing dedication to serving this country through research in health and environment-related fields.

Los Alamos National Laboratory has championed the advancement of national security for over 60 years. In the tumultuous times of World War II, it stood as our Nation's front line in acquiring a superior tool with which we could be certain that freedom would prevail. However, once its mission was complete it continued to pursue the advancement of American security and research. What began as an installation solely focused on the creation of an atomic bomb has developed into a diverse and advanced institution dedicated to securing our nuclear ordinance, combating the effectiveness of weapons of mass destruction, and addressing many problems in areas such as energy and health.

Los Alamos National Laboratory serves as one of five national laboratories working with the Department of Energy to sequence genomes. Labeled the Joint Genome Institute, this group of research institutions first helped to complete the Human Genome Project, which has since been called one of the greatest scientific advances of our time. The benefits of this outstanding achievement are many. For example, we can now match organ donors and recipients with less uncertainty and even diagnose disease more efficiently.

Over the years, the mission of the Genome Project has oriented itself towards other vital interests. The Joint Genome Institute is now targeting specific animals and microbes with traits that, if harnessed, could aid in areas such as biotechnology, alternative fuels, and the environment. For example, the organism just completed has shown potential in aiding the cleanup of uranium-contaminated areas. This application would greatly benefit Los Alamos itself, which has several radioactive wastesites.

In the past, I have strongly supported the research of Los Alamos National Laboratory and the advancement of the Genome Project and have helped each of them secure defense and biotechnology funding. In return, their research has yielded important advances in areas such as health, energy, and the environment. Furthermore, the continuing excellence of Los Alamos National Laboratory has led to the creation of many jobs in the northern New Mexico region. Los Alamos continues to succeed in its purpose of national service, and I am pleased to offer my support and congratulations for their contribution to the 100th mark in the Genome Project.

ADDITIONAL STATEMENTS

100th ANNIVERSARY OF HETTINGER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that is celebrating its 100th anniversary. On July 3–8, the residents of Hettinger will gather to celebrate their community's history and founding.

Hettinger is a vibrant community in southwest North Dakota. Hettinger holds an important place in North Dakota's history. The townsite was founded in 1907, and Erastus A. Williams of Bismarck, whose son-in-law was Mathias Hettinger, was credited with naming the community. It became the county seat of Adams County in 1907. The post office was established in May 17, 1907, and Hettinger was organized into a city in 1916. One of the last living survivors of the Titanic, Ole Abelseth, was a longtime resident of Hettinger.

Today, Hettinger is a magnet for outdoor enthusiasts who come to enjoy bird watching, fishing, and big game hunting. Nearby Mirror Lake offers camping and other outdoor activities for all ages. In 2004, Hettinger was recognized as Hometown of the Year by the Bismarck Tribune and it received the North Dakota Capital Community Designation by the Federal Home Loan Bank, which recognized Hettinger's vision and planning in sustaining and revitalizing the local economy.

The people of Hettinger are enthusiastic about their community and the quality of life it offers. Hettinger has a wonderful centennial celebration planned that includes dances, a steak fry, a lumberjack show, a parade, a horseshoe tournament, class reunions, and a whisker growing contest. The week long celebration will definitely be one to remember.

Mr. President, I ask the U.S. Senate to join me in congratulating Hettinger, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Hettinger and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hettinger that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hettinger has a proud past and a bright future.•

125TH ANNIVERSARY OF ELLENDALE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. From June 28 to July 1, the residents of Ellendale will gather to celebrate their community's history and founding.

Ellendale is a community of about 1,550 on the border between North and South Dakota. It was founded in 1881 in anticipation of the Milwaukee Road Railroad. It was the first white settlement in the county and, as the first stop on the railroad in the region, it became a great distributing point for settlers' supplies. It was named in honor of the wife of Milwaukee Road Rail Road official S. S. Merrill.

Today, Ellendale is the county seat of Dickey County. It is also home to an

Opera House which, at one time, was the largest between Minneapolis and Seattle. The Organization of the People in Ellendale for the Restoration of the Arts hopes to reopen the Opera House, which is currently undergoing restoration, so that it can, once again, have live productions. In addition, the Cole Memorial Museum hosts numerous artifacts and memorabilia showcasing the Ellendale area.

For those who call Ellendale home, it is a comfortable place to live, work, and play. The people of Ellendale are enthusiastic about their community and the quality of life it offers. Nearby Pheasant Lake offers a wealth of recreational opportunities from fishing to boating to camping. The community has a wonderful quasquicentennial weekend planned that includes school reunions, a Walk of Fame inductee banquet, a golf tournament, and a Historical Pageant.

Mr. President, I ask the U.S. Senate to join me in congratulating Ellendale, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Ellendale and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Ellendale that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ellendale has a proud past and a bright future.●

100TH ANNIVERSARY OF BOWMAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 100th anniversary. From June 29–July 4, the residents of Bowman will gather to celebrate their community's history and founding.

Bowman is a quaint town of about 1,500 people nestled in the southwest corner of North Dakota. It was founded in 1907 and is named after William Bowman, the territorial legislator, after whom the county is also named.

Today, Bowman is the county seat of Bowman County. It is also home to the Pioneer Trails Regional Museum, which preserves the rich history of the community and surrounding area. Bowman lies in an area of the state that has a number of fossils that are millions of years old. In fact, within the last few years, paleontologists uncovered the fossils of a tyrannosaurus rex. Bowman also plays host to the Bowman County Fair, an annual 3-day fair with live music, games, and other events that adults and children can enjoy.

For those who call Bowman home, it is a comfortable place to live, work, and play. The people of Bowman are enthusiastic about their community and the quality of life it offers. Bowman won the City of the Year 2006 award from the North Dakota League of Cities. The community has a wonderful centennial weekend planned that includes school reunions, a golf tournament, local musical entertainment, and much more.

Mr. President, I ask the U.S. Senate to join me in congratulating Bowman, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Bowman and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bowman that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bowman has a proud past and a bright future.●

HONORING THE F.A. PEABODY COMPANY

● Ms. SNOWE. Mr. President, today I recognize a tremendous small business from my home State of Maine that was recently designated as the 2007 Eastern Region Small Business of the Year by the United States Chamber of Commerce. Established in 1927 by Frank A. Peabody, the F.A. Peabody Company, based in Houlton, ME, has grown over the last 80 years to meet the insurance, investment, and real estate needs of Mainers. From the number of employees, to the number of locations, and even the services the company provides to the residents of northern Maine, F.A. Peabody's expansion has been a crowning achievement of small business in Aroostook County and, indeed, all of northern and eastern Maine. This award is a fitting recognition of F.A. Peabody's past accomplishments, and its continued superb work for Maine.

F.A. Peabody began as a property casualty insurance agency for Aroostook County, and grew to represent 20 insurance companies. As time progressed, the company expanded to meet other needs in the community, including investment management, real estate brokerage, and travel services. A truly diversified operation, F.A. Peabody has gone further in recent years by administering mortuary trusts and providing broadband internet to businesses and individuals from the counties of Maine's northern potato fields to its eastern shoreline. In light of a lack of broadband internet in Aroostook County earlier this decade, F.A. Peabody decided to take action and become a broadband internet service provider.

Collectively, F.A. Peabody employs over 70 people, and has a wellness program to award employees with bonuses and gifts. Chris and Bob Anderson, president and chief financial officer, respectively, of F.A. Peabody, carry on the company's commitment to Maine's positive, pro-growth small business community.

F.A. Peabody is truly a success story, and a bright example of what small businesses can accomplish with measured expansion and consistent determination. I congratulate F.A. Peabody on all of its accomplishments and, in particular, for garnering the attention of the U.S. Chamber of Commerce. This award is well-deserved, and I am confident that F.A. Peabody's strong, outstanding achievements will continue for years to come as a source of pride for all of Maine. I wish F.A. Peabody and its employees continued success.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1675. An act to suspend the requirement of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2132. A communication from the Assistant to the Board, Legal Division, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks'' (ID No. R–1271) received on June 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2133. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Securities Held in Treasury Direct'' (31 CFR Part 363) received on May 30, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2134. A communication from the Secretary of Commerce, transmitting, the report of a draft bill intended to reauthorize the Coral Reef Conservation Act of 2000; to the Committee on Commerce, Science, and Transportation.

EC–2135. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Technical Revisions or

Amendments to Update Clauses'' (RIN1991–AB62) received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC–2136. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina: Revisions to State Implementation Plan; Clarification'' (FRL No. 8321–4) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2137. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the Texas State Implementation Plan Regarding a Negative Declaration for the Synthetic Organic Chemical Manufacturing Industry Batch Processing Source Category in El Paso County'' (FRL No. 8321–7) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2138. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory'' (FRL No. 8320–9) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2139. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Richmond-Petersburg 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory'' (FRL No. 8320–8) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2140. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8320–3) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2141. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project that was authorized for Chesterfield, Missouri; to the Committee on Environment and Public Works.

EC–2142. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Aggregation of MECs Under Section 72(e)(11)'' (Rev. Rul. 2007–38) received on June 1, 2007; to the Committee on Finance.

EC–2143. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Mid-Year Changes to a Section 401(k) Safe Harbor Plan'' (Announcement 2007–59) received on June 1, 2007; to the Committee on Finance.

EC–2144. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substitute Mortality Tables'' (Rev. Proc. 2007–37) received on June 1, 2007; to the Committee on Finance.

EC–2145. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Conservation Contributions'' (Notice 2007–50) received on June 1, 2007; to the Committee on Finance.

EC–2146. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment Under Section 367(b) of Property Used to Purchase Parent Stock from Parent Shareholders in Certain Triangular Reorganizations'' (Notice 2007–48) received on June 1, 2007; to the Committee on Finance.

EC–2147. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, an annual report relative to the Supplemental Security Income Program; to the Committee on Finance.

EC–2148. A communication from the White House Liaison, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on June 5, 2007; to the Committee on Finance.

EC–2149. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of the AN/APS–137B(V)5 Radar for the Japanese Maritime Self-Defense Force; to the Committee on Foreign Relations.

EC–2150. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Low Income Home Energy Assistance Program of fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–2151. A communication from the Assistant Secretary, Office of Management, Department of Education, transmitting, pursuant to law, an annual report relative to the Department's use of category rating; to the Committee on Health, Education, Labor, and Pensions.

EC–2152. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2153. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2154. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2155. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through April 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2156. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Reproduction Fees'' (RIN3095–AB49) received on May 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2157. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel James C. McConville to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2158. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, the Defense Intelligence Agency's 2007 Annual Report relative to the threat posed to the United States by weapons of mass destruction, ballistic missiles and cruise missiles; to the Committee on Armed Services.

EC–2159. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2160. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the management report relative to the Bank's system of internal controls employed during fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2161. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule to Temporarily Close the Bottomfish Fishery in the Main Hawaiian Islands to End Overfishing'' (RIN0648–AV49) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2162. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA23) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2163. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments'' (RIN0648–XA16) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2164. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Decrease in the Commercial Trip Limit for

Golden Tilefish in the South Atlantic'' (RIN0648–XA21) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2165. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Advanced Technology Program Notice of Availability of Funds and Announcement of Public Meetings'' (RIN0693–ZA74) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2166. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NIST Consortium/Consortia for Post-Complementary Metal Oxide Semiconductor Nanoelectronics Research Program; Availability of Funds'' (RIN0693–ZA75) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2167. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Precision Measurement Grants Program; Availability of Funds'' (RIN0693–ZA70) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2168. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NIST Center for Neutron Research and Neutron Scattering, and Sample Environment Equipment Financial Assistance Programs; Availability of Funds'' (RIN0693–ZA73) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2169. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Summer Undergraduate Research Fellowships Gaithersburg and Boulder Programs; Availability of Funds'' (RIN0693–ZA71) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2170. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Measurement, Science and Engineering Grants Programs; Availability of Funds'' (RIN0693–ZA72) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2171. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–2172. A communication from the Regulatory Analyst, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Protection of Eagles; Definition of 'Disturb''' (RIN1018–AT94) received on June 4, 2007; to the Committee on Environment and Public Works.

EC–2173. A communication from the Commissioner, Social Security Administration, transmitting, a draft bill intended to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program; to the Committee on Finance.

EC–2174. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled ''Federal Employees Health Benefits Improvements Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2175. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled ''Locality Pay Extension Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2176. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru'' (RIN1505–AB79) received on June 4, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2177. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Office's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2178. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2179. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, a legislative proposal intended to enhance the Department's ability to protect Americans from violent crime and terrorism; to the Committee on the Judiciary.

EC–2180. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary for Health, received on June 5, 2007; to the Committee on Veterans' Affairs.

EC–2181. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Operations, Preparedness, Security and Law Enforcement Functions, received on June 5, 2007; to the Committee on Veterans' Affairs.

EC–2182. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a draft bill intended to authorize additional resources in the United States bankruptcy courts; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. BROWN, Mr. KERRY, Mr. DODD, Mrs. MURRAY, Mr. FEINGOLD, and Mrs. BOXER):

S. 1553. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1554. A bill to comprehensively address challenges relating to energy independence, air pollution, and climate change facing the United States; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. MURRAY, and Mrs. BOXER):

S. 1555. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. WYDEN, Mr. KERRY, Mr. AKAKA, Mrs. MURRAY, and Mr. DODD):

S. 1556. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Ms. COLLINS, Mr. MENENDEZ, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 1557. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 1558. A bill to amend title 14, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE:

S. 1559. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to reauthorize the provision of telemedicine and distance learning services in rural areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself, Mr. DOMENICI, and Mr. KENNEDY):

S. 1560. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. DORGAN):

S. Res. 221. A resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. Res. 222. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. KENNEDY, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. AKAKA, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. STEVENS, Mr. LIEBERMAN, and Mr. WYDEN):

S. Res. 223. A resolution recognizing the efforts and contributions of the members of

the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; considered and agreed to.

By Mr. DeMINT:

S. Con. Res. 35. A concurrent resolution declaring June 6 a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; to the Committee on Rules and Administration.

By Mr. CASEY (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. OBAMA):

S. Con. Res. 36. A concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 548

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1254

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and

chronic care coordination services, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1405

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1405, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. 1444

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1444, a bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1542

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1542, a bill to establish State infrastructure banks for education, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), the Senator from Colorado (Mr. SALAZAR), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

S. RES. 85

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 85, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

AMENDMENT NO. 1183

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1183 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1194

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1194 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. DEMINT, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Tennessee (Mr. CORKER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1197 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1199

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1199 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1202 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1267

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1267 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1313

At the request of Mr. WEBB, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1313 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1314

At the request of Mr. GRAHAM, the names of the Senator from Colorado

(Mr. SALAZAR), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1314 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. BROWN, Mr. KERRY, Mr. DODD, Mrs. MURRAY, Mr. FEINGOLD, and Mrs. BOXER):

S. 1553. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator SNOWE to introduce legislation to strengthen our international HIV prevention efforts and empower the people on the ground who are fighting this disease to design the most effective and appropriate HIV prevention program.

The bill is cosponsored by Senator LEAHY, Senator DURBIN, Senator CLINTON, Senator LAUTENBERG, Senator BROWN, Senator KERRY, Senator BOXER, Senator DODD, Senator MURRAY, and Senator FEINGOLD.

This bill simply strikes the provision in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 that mandates that at least 33 percent of HIV prevention funding in the President's Emergency Plan for AIDS Relief, PEPFAR, be set aside ''abstinence-until-marriage'' programs.

Let me be clear from the beginning: this bill does not prohibit the administration from funding ''abstinence-until-marriage'' programs.

In fact, if the bill becomes law, the administration would still be able to spend all of our HIV prevention funding on abstinence-until-marriage programs if it decided do so.

This bill is about giving the administration and HIV/AIDS workers the flexibility to design the most effective HIV prevention program without having to worry about artificial earmarks that are based on politics, not science.

Indeed, in the fight against the HIV/AIDS pandemic, we cannot afford to tie ourselves down with undue restrictions.

Worldwide, 40 million people are infected with HIV. Each day, approximately 12,000 people are newly infected with HIV. In 2006, there were 4.3 million new HIV infections around the world, 2.8 million in sub-Saharan Africa alone. Sub-Saharan Africa is home to almost two-thirds of the estimated 40 million people currently living with HIV.

Across sub-Saharan Africa, the prevalence rate for the adult population is 6 percent. Mr. President, 2.1 million adults and children died of AIDS in 2005.

Despite these devastating numbers, according to UNAIDS, less than one in five people at risk for infection of HIV have access to basic prevention services. Studies have shown that two-thirds of new HIV infections could be averted with effective prevention programs.

Clearly, we still have a long ways to go to rein in this disease.

The 2003 HIV/AIDS legislation recognized that prevention, along with care and treatment, is an essential component of that fight and demands a multipronged approach. It endorsed the ''ABC'' model for prevention of the sexual transmission of HIV: abstain, be faithful, use condoms.

Yet instead of allowing HIV/AIDS workers and doctors the ability to use all of the prevention tools at their disposal to respond to local needs, we required them to spend at least 33 percent on ''abstinence-until marriage'' programs.

The question has to been asked: Why 33 percent? Why not 15 percent? Why not 50 percent? What scientific study concluded that 33 percent of HIV prevention funds for abstinence only programs was appropriate?

There was no study and it begs the question: when you are fighting a pandemic that has already cost so many lives, who should decide how to allocate funding among different types of HIV prevention programs, Congress or the people with the knowledge and expertise on how to fight this disease?

I support abstinence programs as a critical part of our HIV prevention programs. But mandating an earmark has negative consequences for other effective tools.

It means less money for funds to prevent mother-to-child transmission, less money to promote a comprehensive prevention message to high risk groups such as sexually active youth, and fewer funds to protect the blood supply.

Indeed, the evidence clearly shows that the one-third earmark has inhibited the ability of local communities to design a multipronged HIV prevention program that works best for them.

Last year, the Government Accountability Office issued a report that found ''significant challenges'' associated with meeting the abstinence-until-marriage programs. The report concluded that the 33 percent abstinence spending requirement is squeezing out available funding for other key HIV prevention programs such as mother-to-child transmission and maintaining a health blood supply.

Country teams that are not exempted from the one-third earmark have to spend more than 33 percent of prevention funds on abstinence-until-marriage activities, sometimes at the expense of other programs, in order for the administration to meet the overall 33 percent earmark.

The spending requirement limited or reduced funding for programs directed to high-risk groups, such as sexually active youth and the majority of country teams on the ground reported that meeting the spending requirement ''challenges their ability to develop interventions that are responsive to local epidemiology and social norms.''

Last month, a congressionally mandated review by the Institute of Medicine on the first 3 years of the President's Emergency Plan for AIDS Relief also found significant problems with the abstinence earmark. It concluded: there is no evidence to support a 33 percent abstinence only earmark; the 33 percent earmark does not allow country teams on the ground the flexibility they need to respond to local needs.

Our bill seeks to address the problems highlighted in the GAO and the Institute of Medicine reports and provide local communities the necessary flexibility to achieve the goal we all share: stopping the spread of HIV, especially among young people.

Simply put, our bill balances congressional priorities with public health needs. Under our legislation, country teams can take into account country needs including cultural differences, epidemiology, population age groups and the stage of the epidemic in designing the most effective prevention program.

One size does not fit all. A prevention program in one country may look a lot different than a prevention program in another country.

A May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation highlights that proven prevention programs include behavior change programs, including delay in the initiation of sexual activity, faithfulness and correct and consistent condom use; testing and treatment for sexually transmitted diseases; promoting voluntary counseling and testing; harm reduction programs for IV drug users; preventing the transmission of HIV from mother to child; increasing blood safety; empowering women and girls; controlling infection in health care settings; and devising programs geared towards people living with HIV.

For example, studies have shown that combining drugs with counseling and instruction on use of such drugs reduces mother-to-child transmission by 50 percent.

Such cost effective programs are not related to abstinence and should not be constrained by the 33 percent earmark on funds for prevention.

I understand the importance of teaching abstinence. It is and will remain a key part of our strategy in preventing the spread of HIV.

But let us listen to the words of someone with firsthand experience about the challenges sub-Saharan African countries face in combating HIV/AIDS and the constraints the ''abstinence-until-marriage'' earmark places on those efforts.

In an August 19, 2005, op-ed in the New York Times, Babatunde Osotimehin, chairman of the National Action Committee on AIDS in Nigeria, wrote:

Abstinence is one critical prevention strategy, but it cannot be the only one. Focusing on abstinence assumes young people can choose whether to have sex. For adolescent girls in Nigeria and in many other countries, this is an inaccurate assumption. Many girls fall prey to sexual violence and coercion. . . . When dealing with AIDS, we must address the realities and use a multipronged approach to improving education and health systems, one that can reach all of our people.

He concludes:

National governments must have the freedom to employ the very best strategies at our disposal to help our people.

I could not agree more.

If we want to help the girls of Nigeria and the youth of sub-Saharan Africa, we cannot limit the information they receive about keeping them safe from acquiring HIV.

We do not have time to lose. I urge my colleagues to support this legislation and support a pro-abstinence, multipronged approach to preventing the spread of HIV.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1553

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''HIV Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President's Emergency Plan for AIDS Relief (in this Act referred to as ''PEPFAR'') is an unprecedented effort to combat the global AIDS epidemic, with $9,000,000,000 targeted for initiatives in 15 focus countries.

(2) The PEPFAR prevention goal is to avert 7,000,000 HIV infections in the 15 focus countries—most in sub-Saharan Africa, where heterosexual intercourse is by far the predominant mode of HIV transmission.

(3) According to the Joint United Nations Programme on HIV/AIDS, young people between the ages of 15 and 24 years old are ''the most threatened by AIDS'' and ''are at the centre of HIV vulnerability''. Globally, young people between the ages of 10 and 24 years old account for ½ of all new HIV cases each year. About 7,000 young people in this cohort contract the virus every day.

(4) A recent review funded by the United States Agency for International Development found that sex and HIV education programs that encourage abstinence but also discuss the use of condoms do not increase sexual activity as critics of sex education have long alleged. Sex education can help delay the initiation of intercourse, reduce the frequency of sex and the number of sexual partners, and also increase condom use.

(5) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) requires that at least ⅓ of all prevention funds be reserved for abstinence-until-marriage programs.

(6) A congressionally mandated review by the Institute of Medicine of the first 3 years of PEPFAR unequivocally recommends greater flexibility in the global fight against AIDS. The March 2007 Institute of Medicine report entitled ''PEPFAR Implementation: Progress and Promise'' calls for greater emphasis on prevention than the law currently allows and says that ''removal of the abstinence-until-marriage'' earmark, among other changes, ''could enhance the quality, accountability, and flexibility'' of prevention efforts.

(7) The Institute of Medicine report further found that the abstinence-until-marriage earmark ''has greatly limited the ability of Country Teams to develop and implement comprehensive prevention programs that are well integrated with each other and with counseling and testing, care and treatment programs and that target those populations at greatest risk''.

(8) The Institute of Medicine report also found that the earmark has ''limited PEPFAR's ability to tailor its activities in each country to the local epidemic and to coordinate with . . . the countries' national plans''.

(9) The Institute of Medicine report is in keeping with the conclusions of a report issued in 2006 by the Government Accountability Office. The GAO report, entitled ''Spending Requirement Presents Challenges for Allocating Funding under the President's Emergency Plan for AIDS Relief '', found ''significant challenges'' associated with meeting the earmark for abstinence-until-marriage programs.

(10) The Government Accountability Office found that a majority of country teams report that fulfilling the requirement presents challenges to their ability to respond to local epidemiology and cultural and social norms.

(11) The Government Accountability Office found that, although some country teams may be exempted from the abstinence-until-marriage spending requirement, country teams that are not exempted have to spend more than the 33 percent of prevention funds on abstinence-until-marriage activities—sometimes at the expense of other programs.

(12) The Government Accountability Office found that, as a result of the abstinence-until-marriage spending requirement, some countries have had to reduce planned funding for Prevention of Mother-to-Child Transmission programs, thereby limiting services for pregnant women and their children.

(13) The Government Accountability Office found that the abstinence-until-marriage spending requirement limited or reduced funding for programs directed to high-risk groups, such as services for married discordant couples, sexually active youth, and commercial sex workers.

(14) The Government Accountability Office found that the abstinence-until-marriage spending requirement made it difficult for countries to fund medical and blood safety activities.

(15) The Government Accountability Office found that, because of the abstinence-until-marriage spending requirement, some countries would likely have to reduce funding for condom procurement and condom social marketing.

(16) In addition, the Government Accountability Office found that ⅔ of focus country teams reported that the policy for implementing PEPFAR's ABC model (defined as ''Abstain, Be faithful, use Condoms'') is unclear and open to varying interpretations, causing confusion about which groups may be targeted and whether youth may receive the ABC message.

(17) The Government Accountability Office found that the ABC guidance does not clearly delineate permissible ''C'' activities under the ABC model. Program staff reported that they feel ''constrained'' by restrictions on promoting or marketing condoms to youth. Other country teams reported confusion about whether PEPFAR funds may be used for broad condom social marketing, even to adults in a generalized epidemic.

(18) Young people are our greatest hope for changing the course of the AIDS epidemic. According to the World Health Organization, ''[f]ocusing on young people is likely to be the most effective approach to confronting the epidemic, particularly in high prevalence countries''.

SEC. 3. ENSURING BALANCED FUNDING FOR HIV PREVENTION METHODS.

(a) SENSE OF CONGRESS ON ABSTINENCE-UNTIL-MARRIAGE FUNDING REQUIREMENT.—Section 402(b)(3) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7672(b)(3)) is amended by striking '', of which such amount at least 33 percent should be expended for abstinence-until-marriage programs''.

(b) ELIMINATION OF ABSTINENCE-UNTIL-MARRIAGE FUNDING REQUIREMENT.—Section 403(a) of such Act (22 U.S.C. 7673(a)) is amended by striking the second sentence.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1554. A bill to comprehensively address challenges relating to energy independence, air pollution, and climate change facing the United States; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Energy Independence, Clean Air, and Climate Security Act of 2007. This legislation takes an integrated approach that is much needed and long overdue if we are to address effectively three intertwined issues of crucial importance to our Nation's economy and security and to the health of our people and our planet. I am very pleased to be joined on this legislation by Senator LIEBERMAN, a true leader on energy, climate change, and environmental issues.

The majority leader has announced the Senate may well take up a broad package of energy legislation next week. The bill I am introducing today lays out my own vision of how our Nation can best address its energy problems.

If Mark Twain were with us today, it is not hard to imagine he would rephrase his famous quip about the weather to something along the lines of: Everyone talks about climate change and energy independence, but nobody does anything about it.

Since the actions we take to reduce our dependence on foreign oil, to clean our air, and to reduce our contribution

to climate change all affect each other, it is necessary we develop a comprehensive strategy for all three of these challenges.

Indeed, since the oil embargo of 1973, through 17 Congresses and 7 different Presidents, energy efficiency and energy independence have generated a lot of talk, some pretty good ideas, and a lot of promises but not enough concerted, determined, coordinated action. During these 34 years, our Nation's imports of foreign oil have soared from less than 35 percent to more than 60 percent, leaving us dangerously reliant on unstable regions of the world in order to fuel our Nation and our economy.

In addition to our increased reliance on foreign oil, we are also consuming more and more electricity. As demand puts increasing pressure on supply, electricity prices have soared. In the summer, when air-conditioners struggle to keep up with rising temperatures, we run the risk of blackouts, brownouts, and price spikes.

At the same time, our greenhouse gas emissions have soared, leading to virtually indisputable evidence that human activity is contributing to climate change. In the United States, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Globally, carbon dioxide concentrations in the atmosphere now far exceed the natural range over the last 650,000 years. We know this from scientific analyses of ice cores and other evidence.

According to the Intergovernmental Panel on Climate Change, the increase in greenhouse gas emissions has already increased global temperatures and has likely contributed to more extreme weather events, such as droughts and floods. These emissions will continue to change the climate, causing warming in most regions and likely causing more floods, droughts, and an increase in the intensity of hurricanes.

Climate change is not the only environmental problem caused by fossil fuel use. The quality of our air also suffers. Although we have made some important strides in improving air quality since the 1970s, we have not done enough. Fossil fuel use is the primary cause of mercury pollution, smog, and acid rain that continue to plague our Nation. Indeed, air pollution causes thousands of asthma attacks and costs many lives annually.

The time has come to address our air quality, climate change, high energy prices, and dangerous reliance on foreign oil. The legislation I am introducing today is, I believe, the first Senate bill that would address all these problems in a single, integrated approach. There have been many bills introduced that address one of these problems. This is an attempt to have a comprehensive approach and to recognize that each of these problems affects the other.

My legislation focuses primarily on two sectors of the economy: electricity and transportation. Together, these two sectors account for 73 percent of carbon dioxide emissions. Electricity generation accounts for more than 40 percent of our carbon dioxide emissions. More than 80 percent of these emissions are attributable to coal-fired powerplants. Coal-fired powerplants are also the single largest source of mercury pollution, smog, and acid rain. Between 1990 and 2004, emissions from these sectors increased by 27 percent.

My legislation requires utilities to reduce carbon dioxide emissions to 1990 levels by the year 2020, while also addressing the emissions that cause smog, acid rain, and mercury pollution. It includes a renewable portfolio standard which would help to diversify our electricity supplies and energy efficiency resource standards that the Alliance to Save Energy estimates would save consumers, over time, billions of dollars on their electricity bills.

The transportation sector, which relies almost entirely on oil, is not only partly responsible for our dangerous reliance on foreign oil but also accounts for 33 percent of carbon dioxide emissions. My legislation would help to reduce emissions from this sector through a combination of provisions such as CAFE standards for automobiles and heavy-duty trucks, tax incentives for consumers to encourage them to purchase hybrid and alternative fueled vehicles, incentives for manufacturers to produce the next generation of energy-efficient vehicles, and a low carbon fuel standard that will help to replace some gasoline with biofuels. Taken together, these provisions will substantially reduce our reliance on foreign oil, while reducing greenhouse gas emissions by hundreds of millions of tons.

I wish to make clear the choice is not between hobbling our Nation's economy and protecting our environment. This legislation is based on the principle that research, development, and implementation of new approaches to energy independence and environmental stewardship will provide a powerful new stimulus for our economy. All too often, we are confronted with proposals to address one issue that only aggravate another problem. The integrated approach I am proposing will help us break through that impasse.

This legislation does not attempt to reinvent the wheel. In fact, it incorporates several good ideas from my colleagues that have been introduced as separate bills, many of which I have cosponsored, such as the Ten-in-Ten and other CAFE bills, the DRIVE Act, and the Clean Power Act. It includes provisions of legislation I have introduced to address abrupt climate change and to eliminate certain tax credits for the oil industry. It contains many of the excellent energy efficiency provisions in the Energy for Our Future Act introduced by Representative CHRIS SHAYS in the House.

My bill is also complementary with the McCain-Lieberman Climate Stewardship and Innovation Act. We need to pass that bill in order to establish a nationwide cap and trade program for addressing climate change. However, the regulations to implement that could take many years. The legislation I am proposing today will help us take some early action to help achieve the targets in the McCain-Lieberman bill.

I believe the first step toward energy independence is to make better, more efficient use of our current energy supplies. The first title of this bill tackles that issue on several fronts.

It would implement the ''Ten-in-Ten'' legislation I have co-sponsored with Senators FEINSTEIN and SNOWE to increase fuel economy standards to 35 miles per gallon by 2016. It would then go a step further and increase CAFE standards to 45 miles per gallon by 2025. This provision would save approximately 2.5 million barrels of oil per day.

It would help consumers buy more fuel-efficient cars by repealing the phase-out of the tax credit for hybrid vehicles, which is scheduled to sunset at the end of 2009. It would also require light trucks that use diesel fuel to meet more stringent EPA emission standards in order to qualify for the lean-burn credit.

Public transportation is one of the most effective ways we can get more passenger miles per gallon. This legislation would promote the development and use of public transportation by subsidizing fares, encouraging employers to assist their employees with fares, and authorizing funding to build energy-efficient and environmentally friendly modes of transport, such as clean buses and light rail.

It would direct the Department of Transportation to designate 20 Transit-Oriented Development Corridors in urban areas by 2015, and 50 by 2025. These TOD Corridors would be developed with the aid of grants to state and local governments to construct or improve facilities for motorized transit, bicycles, and pedestrians. These provisions would be funded by an authorization of $500 million per year from 2007 through 2016.

We must do more to encourage the development and manufacture of energy-efficient vehicles. This legislation would create a 20-percent investment tax credit for automobile manufacturers, and a fuel economy achievement credit for manufacturers that have a combined fleet fuel economy that exceeds that of their 2005 model year. This credit would begin at 5 percent next year and rise to 50 percent in 2015.

And we must do more to help existing vehicles be as energy efficient as

possible. This legislation would direct the DOT to create a National Tire Fuel Efficiency Program that would include tire testing and labeling, energy-efficient tire promotions through incentives and information, and the creation of minimum fuel economy standards for tires. These standards would establish the maximum technically feasible and cost-effective fuel savings without adversely affecting tire safety or average tire life.

Heavy-duty vehicles move our economy. This legislation would keep them on the move while helping to reduce both fuel consumption and emissions. It would require DOT to develop a testing and assessment program to determine what is feasible to improve the efficiency of heavy vehicles, and then to develop the appropriate fuel-economy standards. It also would provide a tax credit of up to $3,500 for the purchase of idling reduction technology for heavy vehicles.

In order for the Federal Government to lead by example, this legislation would require the Secretary of Energy to issue regulations for federal fleets covered by the Energy Policy Act of 1992 to reduce petroleum consumption by 30 percent from a 1999 baseline by 2016.

Title II of my legislation focuses on increasing our energy independence and reducing our emissions from the transportation sector through the use of alternative fuels.

Renewable fuels offer great potential to help us achieve greater energy independence. This legislation would help us realize that potential by establishing a clean, renewable fuels performance standard. The performance standard would require fuel providers to increase the volume of clean, low-carbon, renewable fuels by up to 35 billion gallons by 2025, unless EPA finds that the increase is technically infeasible or is likely to result in adverse impacts.

This legislation would expand existing tax credits for ethanol to include cellulosic biomass. While there has been a great deal of focus on using corn-based ethanol in order to decrease our reliance upon foreign oil, there are other renewable, plant-based energy sources that are more environmentally friendly and have greater potential to reduce greenhouse gas emissions.

Researchers at the University of Maine have been at the forefront of applying a research technique known as ''Life Cycle Analysis.'' Life Cycle Analysis is a unique interdisciplinary research tool that analyzes the energy requirements and environmental footprint involved with the manufacture, use, and disposal of a material. This technique is ideal for identifying fuels which have the lowest environmental impact and the greatest potential for reducing greenhouse gas emissions, while reducing our dependence on foreign oil.

My legislation would authorize $275 million over five years for research that would use Life Cycle Analysis in order to identify and develop new biotechnologies. These technologies will help move our petroleum-based economy toward a renewable, sustainable forest bio-economy.

Environmental stewardship must go beyond the tailpipes of our vehicles to the smokestacks of our power plants. Title III of my legislation builds upon the Clean Power Act that I introduced in the last Congress with Senators JEFFORDS and LIEBERMAN. I have, however, modified this provision to provide assistance to small businesses struggling with high electricity costs. I have also included increased funding for important conservation programs such as Forest Legacy, in order to help wildlife adapt to the impacts of climate change.

This legislation would cut all four major power plant pollutants over the next six years. Sulfur dioxide and nitrogen oxides, which cause smog, acid rain, and asthma attacks, would be cut by 75 percent. Toxic mercury emissions would be cut by 90 percent from 1999 levels, and carbon dioxide, which forms the heat-trapping blanket that contributes to global warming, would be cut to 1990 levels.

These reductions would do more than provide long-term protection for our environment; they also would produce dramatic and immediate health gains for our people. According to the EPA, quick and decisive cuts in nitrogen and sulfur emissions from power plants would save 18,700 lives every year, avoid 366,000 asthma attacks, and prevent $100 billion in health care costs. In addition, these cuts would combat the acid rain that is spoiling some of our Nation's most treasured parks and wilderness areas.

The Centers for Disease Control has concluded that 4.9 million women of childbearing age have elevated levels of mercury, and that 322,000 newborns are at risk of neurological damage from mercury exposure. This provision preserves our national commitment to reduce toxic threats to pregnant women and to children by requiring meaningful reductions and by prohibiting trading.

The Clean Power Act incorporated into this legislation closes the grandfather loophole that exempts dirty, aging power plants from cleanup. Every power plant will be required to meet the most modern pollution control standards by either the plant's 40th year of operation or by the fifth year of the enactment of this legislation.

The Clean Power Act uses market mechanisms, such as buying and selling pollution allowances known as ''emissions trading.'' As I have already stated, under my bill, this trading will not be allowed for toxic mercury. Nor will it be allowed if it enables a power plant to pollute at a level that damages public health or the environment.

Power plants are the largest source of our Nation's contribution to global warming; as I stated earlier, they account for some 40 percent of our carbon dioxide emissions. This legislation would return carbon dioxide emissions to 1990 levels. By providing electricity producers with regulatory certainty now about future pollution-reduction requirements, this legislation would allow smarter investments and more cost-efficient planning.

As with existing motor vehicles, we must make more efficient use of the energy we now produce to heat our homes and power our lights. This legislation would double funding for the Department of Energy Weatherization Program, reaching $1.4 billion for 2008. It also would provide predictable funding for the valuable Energy Star Program, which helps consumers buy energy efficient appliances, and would extend the renewable electricity tax credit through 2011 and the residential investment tax credit for solar and energy efficient buildings through 2012.

This legislation also includes an Energy Efficiency Performance Standard for utilities. This provision requires utilities to achieve energy efficiency improvements. This provision would help consumers save on their electricity bills. By way of example, in California, where a similar provision was employed, utilities achieved energy savings at a cost of around 2–4 cents per kilowatt hour. According to the Alliance to Save Energy, an Energy Efficiency Performance Standard could save consumers $64 billion in net savings, and avoid the need to build 400 power plants, preventing 320 million metric tons of carbon dioxide emissions.

In addition, my legislation includes a renewable portfolio standard which would require utilities to generate 20 percent of their electricity from environmentally sound renewable energy sources by the year 2020. For example, biomass electricity generated under this provision must be done using sustainable forest practices.

This legislation will help Americans save on utility bills, and make our tax code fairer, too. Title V would eliminate two major tax credits that benefit large oil and gas companies: tax credits for intangible drilling costs and for excess percentage over cost depletions. This would save the taxpayers billions of dollars over the next five years.

This legislation also would help us better understand and assess climate change. During the last three years, I have had the opportunity to meet in the field with some of the world's foremost climate scientists. I have traveled to Ny-Alesund, Norway, the northernmost community in the world, where I saw the dramatic loss of sea-ice

cover and the retreating Arctic glaciers. I have seen the same alarming changes in Alaska. Just a year ago, I went to the other end of the world and met with researchers—including a team from the University of Maine's outstanding Climate Change Institute—in Antarctica. These regions are the canary in the coal mine, and the changes taking place provide a warning we cannot ignore.

Nor can we forestall taking action by arguing over the precise extent of climate change and the human contribution to it. The answer to scientific uncertainty is additional research. Title VI of my legislation would authorize $60 million for abrupt climate change research. Studies suggest that the climate can change dramatically within a very short period of time. An abrupt climate change triggered by the ongoing buildup of greenhouse gases could cause catastrophic droughts and floods. Understanding and predicting climate change are enormous scientific challenges. A great deal more scientific research is necessary in order to better understand the potential risk of abrupt climate change, and this legislation would provide the resources that are so urgently required.

There are few issues of greater concern to my constituents in my home state of Maine than our nation's ongoing and escalating reliance on foreign oil, and the damage our vehicle and power plant emissions are doing to the environment. They bear the brunt of wildly fluctuating and steadily increasing energy prices. They know the harm this dependence causes to our national security, and they know the harm our current energy usage causes to the air they breathe. And although a bone-chilling, winter nor'easter may bring a new round of jokes about the possible benefits of global warming, they know that human-caused climate change is no laughing matter. They know we must be better stewards of our planet.

I believe that all Americans—whether they live in the sunny south or a winter wonderland—share these concerns. They have heard enough talk; they want us to act. Americans deserve to breathe clean air, pay reasonable gasoline and electricity prices, live in a world with a stable climate future, and have the peace of mind that comes with secure energy supplies. The Energy Independence, Clean Air, and Climate Security Act offers a comprehensive, integrated approach to these issues.

In conclusion, let me describe the six titles very briefly.

The first title of my bill would increase energy independence and reduce greenhouse gas emissions by improving the efficiency of our transportation sector. The second title would accomplish similar goals by replacing some gasoline with alternative fuels. The third title would reduce emissions of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides from power-plants. The fourth title would help to reduce heat and electricity bills and diversify our electricity supply through a combination of energy efficiency and renewable energy provisions. The fifth title would help save taxpayers money through the elimination of certain tax breaks for the oil industry. Finally, the sixth title would authorize $60 million for abrupt climate change research to help us better understand this phenomenon.

I am particularly excited about renewable fuels. I think there is a lot we could do to expand the tax break for ethanol to include cellulosic biomass. There is very exciting research being done at the University of Maine which has been in the forefront of applying a research technique known as ''Life Cycle Analysis,'' which is a tool that analyzes the energy requirements and environmental footprint involved in the manufacture, use, and disposal of a material. It is ideal for identifying fuels which have the lowest environmental impact and the greatest potential for reducing greenhouse gas emissions while reducing our dependence on foreign oil. This technology will help us move our petroleum-based economy toward a renewable, sustainable, forest bioeconomy.

This is a complex bill. I appreciate the indulgence of my colleagues.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Ms. COLLLNS, Mr. MENENDEZ, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 1557. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator ENSIGN, to introduce the Improving 21st Century Community Learning Centers Act of 2007, which will provide children with safe, healthy, and academically focused afterschool programs. This bill is endorsed by the Afterschool Alliance, an organization representing more than 20,000 public, private, and nonprofit afterschool providers who are dedicated to expanding access to high quality afterschool programs, as well as many other national and local organizations.

More than 14 million children enrolled in kindergarten through 12th grade spend time unsupervised in the hours after school. Between the hours of 3 p.m. and 6 p.m., while parents are at work, kids are most likely to experiment with risky behaviors. To the contrary, students who regularly attend afterschool programs have better grades and behavior in school, better peer relations and emotional adjustment, and lower incidences of drug use, violence, and pregnancy. America's families rely on afterschool programs to give their children the opportunity to be engaged in high quality learning activities that will enhance their children's success in school and in life.

The Improving 21st Century Community Learning Centers Act of 2007 is designed to do three things: enhance program quality and sustainability, address the obesity epidemic by including physical fitness and wellness programs in the list of possible programming activities, and encourage service learning. First, our bill provides States with tools designed to sustain high quality afterschool programs by allowing program grantees to renew their grants based on their program performance. The legislation also gives States the option to expand their technical assistance functions to further improve the quality of afterschool programs.

Second, this bill will increase opportunities for children and young people to be more physically active. As obesity reaches epidemic proportions in our society, allowing for such opportunities is critical in ensuring our children's overall health. Obesity is among the easiest medical conditions to recognize, but among the most difficult to treat. The annual cost to society for obesity is estimated at nearly $100 billion. Physical activity and wellness programs are critical to our overall health and well-being.

Third, this bill encourages children to be involved in service learning and youth development activities. Service learning integrates student designed service projects with academic studies. This type of program has been shown to strengthen student engagement, enhance student achievement, lower drop out and suspension rates, develop workforce and leadership skills and provide opportunities for team work. The Improving 21st Century Community Learning Centers Act will help build the character and work ethic of our children and youth.

Finally, it is of paramount importance that we adequately fund our afterschool programs. Currently, afterschool programs have served, at most, only 1.4 million children. It is critical that we provide more opportunities for youth to be engaged in high quality afterschool programming.

The Improving 21st Century Community Learning Centers Act provides a critical first step toward ensuring the health, safety, and education of our Nation's children. I hope that my colleagues will join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1557

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Community Learning Centers Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States are unsupervised after the school day ends.

(2) 6,500,000 children are in after school programs but an additional 15,300,000 would participate if such a program were available.

(3) After school programs inspire learning. In academic year 2003–2004, 45 percent of all 21st Century Community Learning Centers program participants had improved their reading grades, and 41 percent improved their mathematics grades.

(4) In academic year 2003-2004 teachers reported that a majority of students who participated in 21st Century Community Learning Centers programs demonstrated improved student behavior, particularly in the areas of academic performance, homework completion, and class participation.

(5) A growing body of research also suggests that children who participate in after school programs attend school more regularly, are more likely to stay in school, and are better prepared for college and careers.

(6) Benefits of after school programs extend beyond the classroom. Communities with after school programs have reported reduced vandalism and juvenile crime.

(7) After school programs help working families. One study estimates that decreased worker productivity due to stress and absenteeism caused by issues related to after school care arrangements costs employers $496 to $1,984 per employee, per year, depending on the annual salary of the employee. The total cost to the business industry is estimated to be between $50,000,000,000 and $300,000,000,000 annually in lost job productivity.

(8) While students in the United States are falling behind in science, technology, engineering, and mathematics (STEM), more than 90 percent of after school programs funded by 21st Century Community Learning Centers offer STEM activities, providing more time for children and youth to gain skills and build interest in the STEM fields. Evaluations of after school programs offering STEM activities to students have found increases in the reading, writing, and science skills proficiency of these students. Children who participate in such programs show more interest in science careers, and are more likely to have engaged in science activities just for fun.

(9) Data from 73 after school studies indicate that after school programs employing evidence-based approaches to improving students' personal and social skills were consistently successful in producing multiple benefits for students, including improvements in students' personal, social, and academic skills, as well as students' self-esteem.

(10) Teens who do not participate in after school programs are nearly 3 times more likely to skip classes than teens who do participate. The teens who do not participate are also 3 times more likely to use marijuana or other drugs, and are more likely to drink alcohol, smoke cigarettes, and engage in sexual activity. In general, self care and boredom can increase the likelihood that a young person will experiment with drugs and alcohol by as much as 50 percent.

(11) A 2006 study predicts that by the year 2010 more than 46 percent of school-age children in the Americas will be overweight and 1 in 7 such children will be obese. A study of after school program participants in 3 elementary schools found that after school participants were significantly less likely to be obese at the 3-year follow-up physical exam and were more likely to have increased acceptance among their peers. After school programs provide children and youth with opportunities to engage in sports and other fitness activities.

(12) After school programs have been identified as effective venues for improving nutrition, nutrition education, and physical activity at a time when just 20 percent of youth in grades 9 through 12 consume the recommended daily servings of fruits and vegetables.

(13) After school programs also provide children and youth with opportunities for service learning, a teaching and learning approach that integrates student-designed service projects that address community needs with academic studies. With structured time to reflect on their service experience, these projects can strengthen student engagement, enhance students' academic achievement, lower school drop out and suspension rates, and help develop important workforce skills that employers are looking for, including leadership skills, critical thinking, teamwork, and oral and written communication.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301).

SEC. 4. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PURPOSE.—Section 4201 (20 U.S.C. 7171) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''service learning and nutrition education,'' after ''youth development activities,''; and

(B) by striking ''recreation programs'' and inserting ''physical fitness and wellness programs''; and

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) ALLOTMENTS TO STATES.—Section 4202 (20 U.S.C. 7172) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) in subsection (c)(3)—

(A) in the matter preceding subparagraph (A), by striking ''3 percent'' and inserting ''5 percent''; and

(B) by adding at the end the following:

''(E) Supporting State-level efforts and infrastructure to ensure the quality and availability of after school programs.''.

(c) AWARD DURATION.—Section 4204(g) (20 U.S.C. 7174(g)) is amended by striking the period and inserting '', and are renewable for a period of not less than 3 years and not more than 5 years based on grant performance.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 4206 (20 U.S.C. 7176) is amended to read as follows:

''SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

Mr. ENSIGN. Mr. President, I rise today to introduce the Improving 21st Century Community Learning Centers Act of 2007 with my colleague, Senator CHRIS DODD.

The Improving 21st Century Community Learning Centers Act of 2007 will go a long way toward providing our Nation's children with safe, healthy, and academically focused aftershool programs. Mr. President, 21st century community learning centers provide students in rural and inner-city public schools with access to homework centers, tutors, mentors, and drug and alcohol prevention counseling, as well as cultural and recreational activities.

Today, 14.3 million children go home alone when the school day ends, including over 40,000 kindergartners and almost 4 million middle school students. With less than half of the children in afterschool programs, the parents of another 15.3 million children say their children would participate in afterschool—if a program were available. The 21st Century Community Learning Centers Program is a critical resource to children, families, and communities in their struggle to meet the need for high-quality afterschool programs.

The 21st Century Community Learning Centers Program is a worthwhile and necessary investment—evaluations show that these investments are having a great impact on children's academic achievement and behavior. In 2003–2004, 45 percent of all program participants had improved their reading grades and 41 percent improved their math grades. Teachers reported that a majority of the students participating in the programs improved their academic performance, improved their school attendance, completed more homework on time and to the teacher's satisfaction, and improved their class participation. Beyond the academic gains, these programs are making kids and communities safer by reducing vandalism and juvenile crime. It is important that we provide our children with access to high-quality, safe, and enriching environments in the hours after the school day.

When my colleagues and I passed the No Child Left Behind Act in 2002 it included a bipartisan commitment to quality afterschool programs and investment in the 21st Century Community Learning Centers Program. The learning centers are currently funded at $981 million and serve about 1 million children, yet this is just a fraction—7 percent—of the children who are eligible for the program and need access to high-quality afterschool programs. Improving 21st Century Community Learning Centers Act of 2007 will address this need and provide our

children with the sustainable after-school opportunities that they deserve.

Recent evaluations of 21st Century Community Learning Center Programs show that participating students are improving both their academic performance and social behavior in and out of the classroom. Yet maintaining quality programs takes constant effort and resources. This legislation increases the investments in quality that are critical to ensuring that programs not only contribute to children's academic and social development but also give young people the opportunities that will ensure their college and workplace readiness in the future.

As the father of three and as a former latch-key kid myself, I understand the benefits of providing children with a place to go and activities to help them excel. I am committed to ensuring that our schools have the assistance they need to ensure that our children leave the public education system as well-rounded individuals. Children attending public schools should not only be proficient in reading, writing, and arithmetic but also be skillful in music, art, and athletics. It is my sincere hope that my colleagues in the Senate will recognize this important need and cosponsor the Improving 21st Century Community Learning Centers Act of 2007.

By Mr. DODD (for himself, Mr. DOMENICI, and Mr. KENNEDY):

S. 1560. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD, Mr. President, I rise today to introduce bipartisan legislation with my colleagues, Senators DOMENICI and KENNEDY, that seeks to meet the mental health needs of children and adolescents.

I believe that the task of ensuring the emotional well-being and resiliency of our young people is one of paramount importance. We all know that mental health is a critical component contributing to a child's general health and ability to grow both intellectually and physically. Yet, the task of ensuring the mental health of children and adolescents is not an easy one. In fact, it is arguably one of the most difficult and largely unspoken tasks facing our Nation today.

According to the Substance Abuse and Mental Health Services Administration SAMHSA, 1 in 10 children and adolescents suffer from mental health disorders serious enough to cause some level of impairment. Out of these young people, only one in five receive the specialty mental health services they require.

These startling statistics prompted former Surgeon General Dr. David Satcher to convene a conference in 1999 that examined the mental health needs of children. The conference, composed of some of the Nation's leading experts in mental and public health published a seminal report that concluded that ''. . . the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.'' The report further concluded that ''. . . there is broad evidence that the Nation lacks a unified infrastructure to help children suffering from mental illness.''

The ''burden of suffering'' described in Surgeon General Satcher's report is a burden endured by millions of children, adolescents, and their families in Connecticut and across our Nation. Throughout my Senate career, I have heard from families who have shared with me their personal stories in struggling to care for their children. Their stories have fueled my belief that child and adolescent mental health needs to be a top priority.

Recognizing the fragmentation of the Nation's mental health delivery system, Surgeon General Satcher's report concluded that one fundamental way to meet the mental health needs of children and adolescents is to ''. . . move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.'' The report further stated eight goals to ensure the resiliency of children and adolescents. These goals were: first, to promote public awareness of children's mental health issues and reduce the stigma often associated with mental illness; second, to continue to develop, disseminate, and implement scientifically proven prevention and treatment services in the field of children's mental health; third, to improve the assessment and recognition of mental health needs in children; fourth, to eliminate racial, ethnic and socioeconomic disparities in access to mental health care services; fifth, to improve infrastructure for children's mental health services, including support for scientifically proven interventions across professions; sixth, to increase access to and coordination of quality mental health care services; seventh, to train frontline providers to recognize and manage mental health issues, and educate mental health care providers about scientifically proven prevention and treatment services, and; finally, to monitor the access to and coordination of quality mental health care services.

In 2002, President Bush established the President's New Freedom Commission on Mental Health to study three obstacles identified by the President that prevent Americans with mental illness from getting the care they require. These obstacles were identified as the stigma that too often surrounds mental health care, a lack of mental health parity, and the fragmented mental health delivery system. In 2003, the President's New Freedom Commission issued a report that made a series of recommendations on how the Nation's mental health system could be transformed for the better. Like Surgeon General Satcher's report, this publication also set forth a series of goals. They were: first, to ensure that Americans understand that mental health is essential to overall health; second, to ensure that mental health care is consumer- and family-driven; third, to eliminate disparities in mental health care services; fourth, to ensure that early mental health screening, assessment, and referral services are common practices; fifth, to ensure that excellent mental health care is delivered and research is accelerated; and finally, to ensure that technology is used to access mental health care and information.

I describe these two reports because the legislation I am introducing with my colleagues today seeks to address the recommendations they espouse. The Child and Adolescent Mental Health Resiliency Act of 2007 authorizes $205 million in an effort to meet five principal objectives.

The first objective is to increase access to, and improve the quality of, mental health care services delivered to children and adolescents. Our legislation seeks to meet this objective in several ways.

First, it authorizes a new grant of $50 million for states to develop and implement a comprehensive mental health plan exclusively for children and adolescents that provides community-based mental health early intervention and prevention services and relevant support services, such as primary health care, education, transportation and housing. The plan would have to meet a set of core operational and evaluative requirements and would have to be developed through extensive outside consultation with children and adolescents, their families, advocates and health professionals.

Second, our legislation authorizes two matching grants of $22.5 million each for community health centers, many of which primarily serve low-income populations, and primary health care facilities, such as a pediatrician's office, to provide community-based mental health services in coordination with community mental health centers and/or trained mental health professionals.

Third, our legislation authorizes a new grant of $22.5 million for states, localities and private nonprofit organizations, for example, school districts, to provide community-based mental health services in schools and appropriate mental health training activities to relevant school and health professionals.

Fourth, our legislation authorizes a new grant of $20 million for States, localities and private nonprofit organizations to provide community-based mental health services specifically for at-risk mothers and their children.

Fifth, our legislation authorizes a new grant of $10 million for States, localities and private nonprofit organizations to provide community-based mental health services for children and adolescents in juvenile justice systems.

Sixth, our legislation authorizes $10 million for the Secretary of Health and Human Services to establish, run and evaluate a demonstration project that improves the ability of local case managers to work across the mental health, public health, substance abuse, child welfare, education, juvenile justice and social services systems in a State.

Finally, our legislation requires States to meet their statutory obligations to fund fully mental health screening services under the Early and Periodic Screening, Diagnostic and Treatment Services Program. It also requires current successful initiatives, such as the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbance Program, the Community Mental Health Services Performance Partnership block grant, the Community Mental Health Services block grant, and the Jail Diversion Program, to expand their scope with respect to certain reporting, evaluative, and service activities.

The second objective our legislation seeks to meet is ensuring greater public awareness and greater family participation in mental health services decisionmaking. Toward this end, our legislation does the following:

First, it authorizes a new grant of $10 million for States, localities and private nonprofit organizations to develop policies that enable families of children and adolescents with mental health disorders to have increased control and choice over mental health services provided and received through a publicly funded mental health system.

Second, it authorizes a new grant of $10 million for private nonprofit organizations to provide information on child and adolescent mental health disorders, services, support services and respite care to families of children and adolescents with or who are at risk for mental health disorders.

Third, it authorizes a new grant of $10 million for private nonprofit organizations to develop community coalitions and public education activities that promote child and adolescent resiliency.

In addition, our legislation authorizes $10 million to establish two new technical assistance centers. These centers are designed to collect and disseminate information on mental health disorders, mental health disorder risk factors, mental health services, mental health service access, relevant support services, reducing the inappropriate use of seclusion and restraints, and family participation in mental health service decision-making, exclusively for children and adolescents with or at risk of mental health disorders.

The third objective that this legislation seeks to meet is for the Federal Government to develop a policy specifically designed to meet the unique mental health needs of children and adolescents. The legislation authorizes $10 million for the establishment of an interagency coordinating committee consisting of all Federal officials whose departments or agencies oversee mental health activities for children and adolescents. Modeled after language in the Garrett Lee Smith Memorial Act, our legislation requires the coordinating committee to consult with outside parties, develop a Federal policy exclusively pertaining to child and adolescent mental health, and report annually to Congress on specific challenges and solutions associated with comprehensively addressing the mental health needs of children and adolescents. It also gives the committee flexibility to develop and implement joint demonstration projects that bolster appropriate mental health care services to children and adolescents.

The fourth and final objective that this legislation seeks to meet is increasing the amount of research into child and adolescent mental health. Only through intensive research can we develop evidence-based best practices that allow us to develop services that fully meet the mental health needs of our children. Toward that end, our legislation authorizes a new grant of $12.5 million for States, localities, institutions of higher education and private nonprofit organizations to identify and research current service, training and information awareness gaps in mental health delivery systems for children and adolescents. Our legislation also authorizes $12.5 million to enhance comprehensive Federal research and evaluation of promising best practices, existing disparities, psycho-tropic medications, trauma, recovery and rehabilitation, and co-occurring disorders as they relate to child and adolescent mental health.

I have begun working with my colleagues on the Committee on Health, Education, Labor, and Pensions to reauthorize the Substance Abuse and Mental Health Services Administration. It is my hope that this legislation can contribute to that reauthorization effort.

I would like to conclude by saying that this legislation, while comprehensive, is a first step, not a complete solution, towards fully meeting the challenge of ensuring the resiliency of our children and adolescents. We need to continue working together—young people, families, doctors, counselors, nurses, teachers, advocates, and policymakers, since we all have a stake, either professional or personal, on this issue. Only by working together can we develop effective and compassionate ways through which every young person in this Nation is given a solid foundation upon which to reach his or her dreams in life. I sincerely hope that my colleagues will join us in this important effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1560

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child and Adolescent Mental Health Resiliency Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS
Sec. 101. Grants concerning comprehensive state mental health plans.
Sec. 102. Grants concerning early intervention and prevention.
Sec. 103. Activities concerning mental health services in schools.
Sec. 104. Activities concerning mental health services under the early and periodic screening, diagnostic, and treatment services program.
Sec. 105. Activities concerning mental health services for at-risk mothers and their children.
Sec. 106. Activities concerning interagency case management.
Sec. 107. Grants concerning consumer and family participation.
Sec. 108. Grants concerning information on child and adolescent mental health services.
Sec. 109. Activities concerning public education of child and adolescent mental health disorders and services.
Sec. 110. Technical assistance center concerning training and seclusion and restraints.
Sec. 111. Technical assistance centers concerning consumer and family participation.
Sec. 112. Comprehensive community mental health services for children and adolescents with serious emotional disturbances.
Sec. 113. Community mental health services performance partnership block grant.
Sec. 114. Community mental health services block grant program.
Sec. 115. Grants for jail diversion programs.
Sec. 116. Activities concerning mental health services for juvenile justice populations.

TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES

Sec. 201. Interagency coordinating committee concerning the mental health of children and adolescents.

TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

Sec. 301. Activities concerning evidence-based or promising best practices.

Sec. 302. Federal research concerning adolescent mental health.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, mental health is a critical component of children's learning and general health.

(2) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, 1 in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment.

(3) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, only 1 in 5 children and adolescents who suffer from severe mental illness receive the specialty mental health services they require.

(4) According to the World Health Organization, childhood neuropsychiatric disorders will rise by more than 50 percent by 2020, internationally, to become 1 of the 5 most common causes of morbidity, mortality, and disability among children.

(5) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.

(6) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, there is broad evidence that the nation lacks a unified infrastructure to help children suffering from mental illness.

(7) According to the President's New Freedom Commission on Mental Health, President George Bush identified 3 obstacles preventing Americans with mental illness from getting the care they require: stigma that surrounds mental illness, unfair treatment limitations and financial requirements placed on mental health benefits in private health insurance, and the fragmented mental health service delivery system.

(8) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, 1 way to ensure that the country's health system meets the mental health needs of children is to move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.

(9) According to the President's New Freedom Commission on Mental Health, transforming the country's mental health delivery system rests on 2 principles: services and treatments must be consumer and family-centered, and care must focus on increasing a person's ability to successfully cope with life's challenges, on facilitating recovery, and building resiliency.

(10) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the mental health and resiliency of children can be ensured by methods that promote public awareness of children's mental health issues and reduce stigma associated with mental illness, continue to develop, disseminate, and implement evidence-based and promising prevention and treatment services in the field of children's mental health, improve the assessment of and recognition of mental health needs in children, eliminate racial, ethnic, and socioeconomic disparities in access to mental healthcare services, improve the infrastructure for children's mental health services, including support for evidence-based and promising interventions across professions, increase access to and coordination of quality mental healthcare services, train frontline providers to recognize and manage mental health issues and educate mental healthcare providers about evidence-based and promising prevention and treatment services, and monitor the access to and coordination of quality mental healthcare services.

(11) According to the President's New Freedom Commission on Mental Health, the country's mental health delivery system can be successfully transformed by methods that ensure Americans understand that mental health is essential to overall health, ensure mental health care is consumer and family-driven, eliminate disparities in mental healthcare services, ensure early mental health screening, assessment, and referral services are common practices, ensure that excellent mental health care is delivered and research is accelerated, and ensure that technology is used to access mental health care and information.

TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 101. GRANTS CONCERNING COMPREHENSIVE STATE MENTAL HEALTH PLANS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A, the following:

"SEC. 520B. COMPREHENSIVE STATE MENTAL HEALTH PLANS.

"(a) GRANTS.—The Secretary, acting through the Center for Mental Health Services, shall award a 1-year, non-renewable grant to, or enter into a 1-year cooperative agreement with, a State for the development and implementation by the State of a comprehensive State mental health plan that exclusively meets the mental health needs of children and adolescents, including providing for early intervention, prevention, and recovery oriented services and supports for children and adolescents, such as mental and primary health care, education, transportation, and housing.

"(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a certification by the governor of the State that the governor will be responsible for overseeing the development and implementation of the comprehensive State mental health plan; and

"(2) the signature of the governor of the State.

"(c) REQUIREMENTS.—The Comprehensive State Plan shall include the following:

"(1) An evaluation of all the components of the current mental health system in the State, including the estimated number of children and adolescents requiring and receiving mental health services, as well as support services such as primary health care, education, and housing.

"(2) A description of the long-term objectives of the State for policies concerning children and adolescents with mental disorders. Such objectives shall include—

"(A) the provision of early intervention and prevention services to children and adolescents with, or who are at risk for, mental health disorders that are integrated with school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs, foster care systems, child welfare systems, and other child and adolescent support organizations;

"(B) a demonstrated collaboration among agencies that provide early intervention and prevention services or a certification that entities will engage in such future collaboration;

"(C) implementing or providing for the evaluation of children and adolescents mental health services that are adapted to the local community;

"(D) implementing collaborative activities concerning child and adolescent mental health early intervention and prevention services;

"(E) the provision of timely appropriate community-based mental health care and treatment of children and adolescents in child and adolescent-serving settings and agencies;

"(F) the provision of adequate support and information resources to families of children and adolescents with, or who are at risk for, mental health disorders;

"(G) the provision of adequate support and information resources to advocacy organizations that serve children and adolescents with, or who are at risk for, mental health disorders, and their families;

"(H) identifying and offering access to services and care to children and adolescents and their families with diverse linguistic and cultural backgrounds;

"(I) identifying and offering equal access to services in all geographic regions of the State;

"(J) identifying and offering appropriate access to services in geographical regions of the State with above-average occurrences of child and adolescent mental health disorders;

"(K) identifying and offering appropriate access to services in geographical regions of the State with above-average rates of children and adolescents with co-occurring mental health and substance abuse disorders;

"(L) offering continuous and up-to-date information to, and carrying out awareness campaigns that target children and adolescents, parents, legal guardians, family members, primary care professionals, mental health professionals, child care professionals, health care providers, and the general public and that highlight the risk factors associated with mental health disorders and the life-saving help and care available from early intervention and prevention services;

"(M) ensuring that information and awareness campaigns on mental health disorder risk factors, and early intervention and prevention services, use effective and culturally-appropriate communication mechanisms that are targeted to and reach children and adolescents, families, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs,

foster care systems, child welfare systems, and other child and adolescent support organizations;

''(N) implementing a system to ensure that primary care professionals, mental health professionals, and school and child care professionals are properly trained in evidence-based best practices in child and adolescent mental health early intervention and prevention, treatment and rehabilitation services and that those professionals involved with providing early intervention and prevention services are properly trained in effectively identifying children and adolescents with or who are at risk for mental health disorders;

''(O) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on evidence-based or promising best practices;

''(P) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on family and consumer involvement and participation;

''(Q) conducting annual self-evaluations of all outcomes and activities, including consulting with interested families and advocacy organizations for children and adolescents.

''(3) A cost-assessment relating to the development and implementation of the State plan and a description of how the State will measure performance and outcomes across relevant agencies and service systems.

''(4) A timeline for achieving the objectives described in paragraph (2).

''(5) An outline for achieving the sustainability of the objectives described in paragraph (2).

''(d) APPLICATION OF OTHER REQUIREMENTS.—The authorities and duties of State mental health planning councils provided for under sections 1914 and 1915 with respect to State mental health block grant planning shall apply to the development and the implementation of the comprehensive State mental health plan.

''(e) PARTICIPATION AND IMPLEMENTATION.—

''(1) PARTICIPATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall ensure the participation of the State agency heads responsible for child and adolescent mental health, substance abuse, child welfare, medicaid, public health, developmental disabilities, social services, juvenile justice, housing, and education.

''(2) CONSULTATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall consult with—

''(A) the Federal interagency coordinating committee established under section 401 of the Child and Adolescent Mental Health Resiliency Act of 2007;

''(B) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles IV, V, and XIX of the Social Security Act, and the State's Children's Health Insurance Program under title XXI of the Social Security Act;

''(C) State mental health planning councils (described in section 1914);

''(D) national, State, and local advocacy organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

''(E) relevant national medical and other health professional and education specialty organizations;

''(F) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(G) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(H) families and friends of children and adolescents who have attempted or completed suicide;

''(I) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

''(J) third-party payers, managed care organizations, and related employer and commercial industries.

''(3) SIGNATURE.—The Governor of the State shall sign the comprehensive State mental health plan application and be responsible for overseeing the development and implementation of the plan.

''(f) SATISFACTION OF OTHER FEDERAL REQUIREMENTS.—A State may utilize the comprehensive State mental health plan that meets the requirements of this section to satisfy the planning requirements of other Federal mental health programs administered by the Secretary, including as the Community Mental Health Services Block Grant and the Children's Mental Health Services Program, so long as the requirements of such programs are satisfied through the plan.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 102. GRANTS CONCERNING EARLY INTERVENTION AND PREVENTION.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART K—MISCELLANEOUS MENTAL HEALTH PROVISIONS

''SEC. 597. GRANTS FOR MENTAL HEALTH ASSESSMENT SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, community health centers that receive assistance under section 330 to enable such centers to provide child and adolescent mental health early intervention and prevention services to eligible children and adolescents, and to provide referral services to, or early intervention and prevention services in coordination with, community mental health centers and other appropriately trained providers of care.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a community health center that receives assistance under section 330;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) provide assurances that the entity will have appropriately qualified behavioral health professional staff to ensure prompt treatment or triage for referral to a speciality agency or provider; and

''(4) provide assurances that the entity will encourage formal coordination with community mental health centers and other appropriate providers to ensure continuity of care.

''(c) IDENTIFICATION.—In providing services with amounts received under a grant or cooperative agreement under this section, an entity shall ensure that appropriate screening tools are used to identify at-risk children and adolescents who are eligible to receive care from a community health centers.

''(d) MATCHING REQUIREMENT.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597A. GRANTS FOR PRIMARY CARE AND MENTAL HEALTH EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to mental health programs for early intervention and prevention services to children and adolescents with, or who are at-risk of, mental health disorders and that are in primary care settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate child and adolescent mental health early intervention and prevention assessment services;

''(2) provide appropriate child and adolescent mental health treatment services;

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions for children and adolescents ; and

''(4) facilitate networking between primary care professionals, mental health professionals, and child care professionals for—

''(A) case management development;

''(B) professional mentoring; and

''(C) enhancing the provision of mental health services in schools.

''(d) MATCHING REQUIREMENTS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597B. GRANTS FOR MENTAL HEALTH AND PRIMARY CARE EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to primary care programs for children and adolescents with, or who are at-risk of, mental health disorders who are in mental health settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate primary health care services, including screening, routine treatment, monitoring, and referral for specialty treatment of medical or surgical conditions;

''(2) provide appropriate monitoring of medical conditions of children and adolescents receiving mental health services from the applicant and refer them, as needed, for specialty treatment of medical or surgical conditions; and

''(3) facilitate networking between primary care professionals, mental health professionals and child care professionals for—

''(A) case management development; and

''(B) professional mentoring.

''(d) MATCHING FUNDS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597C. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out sections 597, 597A, and 597B, $45,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 103. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES IN SCHOOLS.

(a) EFFORTS OF SECRETARY TO IMPROVE THE MENTAL HEALTH OF STUDENTS.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall—

(1) encourage elementary and secondary schools and educational institutions to address mental health issues facing children and adolescents by—

(A) identifying children and adolescents with, or who are at-risk for, mental health disorders;

(B) providing or linking children and adolescents to appropriate mental health services and supports; and

(C) assisting families, including providing families with resources on mental health services for children and adolescents and a link to relevant local and national advocacy and support organizations;

(2) collaborate on expanding and fostering a mental health promotion and early intervention strategy with respect to children and adolescents that focuses on emotional well being and resiliency and fosters academic achievement;

(3) encourage elementary and secondary schools and educational institutions to use positive behavioral support procedures and functional behavioral assessments on a school-wide basis as an alternative to suspending or expelling children and adolescents with or who are at risk for mental health needs; and

(4) provide technical assistance to elementary and secondary schools and educational institutions to implement the provisions of paragraphs (1) through (3).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, private nonprofit organizations, elementary and secondary schools, and other educational institutions to provide directly or provide access to mental health services and case management of services in elementary and secondary schools and other educational settings.

(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, a private nonprofit organization, an elementary or secondary school, or an educational institution; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the entity will—

(i) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with mental health disorders;

(ii) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with co-occurring mental health and substance abuse disorders; and

(iii) demonstrate a broad collaboration of parents, primary care professionals, school and mental health professionals, child care processionals including those in educational settings, legal guardians, and all relevant local agencies and organizations in the application for, and administration of, the grant or cooperative agreement.

(3) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this subsection to provide—

(A) mental health identification services;

(B) early intervention and prevention services to children and adolescents with or who are at-risk of mental health disorders; and

(C) mental health-related training to primary care professionals, school and mental health professionals, and child care professionals, including those in educational settings.

(c) COUNSELING AND BEHAVIORAL SUPPORT GUIDELINES.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall develop and issue guidelines to elementary and secondary schools and educational institutions that encourage such schools and institutions to provide counseling and positive behavioral supports, including referrals for needed early intervention and prevention services, treatment, and rehabilitation to children and adolescents who are disruptive or who use drugs and show signs or symptoms of mental health disorders. Such schools and institutions shall be encouraged to provide such services to children and adolescents in lieu of suspension, expulsion, or transfer to a juvenile justice system without any support referral services or system of care.

(d) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall conduct a study to assess the scientific validity of the Federal definition of a child or adolescent with an ''emotional disturbance'' as provided for in the regulations of the Department of Education under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and whether, as written, such definition now excludes children and adolescents inappropriately through a determination that those children and adolescents are ''socially maladjusted''.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall submit to the appropriated committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to supercede the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records; and

(2) to modify or affect the parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

SEC. 104. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES UNDER THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT SERVICES PROGRAM.

(a) NOTIFICATION.—The Secretary of Health and Human Services, acting through the Director of the Centers for Medicare and Medicaid Services, shall notify State Medicaid agencies of—

(1) obligations under section 1905(r) of the Social Security Act with respect to the identification of children and adolescents with mental health disorders and of the availability of validated mechanisms that aid pediatricians and other primary care professionals to incorporate such activities; and

(2) information on financing mechanisms that such agencies may use to reimburse primary care professionals, mental health professionals, and child care professionals who provide mental health services as authorized under such definition of early and period screening, diagnostic, and treatment services.

(b) REQUIREMENTS.—State Medicaid agencies who receive funds for early and period screening, diagnostic, and treatment services funding shall provide an annual report to the Secretary of Health and Human Services that—

(1) analyzes the rates of eligible children and adolescents who receive mental health identification services of the type described in subsection (a)(1) under the medicaid program in the State;

(2) analyzes the ways in which such agency has used financing mechanisms to reimburse primary care professionals, mental health professionals, and child care professionals who provide such mental health services;

(3) identifies State program rules and funding policies that may impede such agency from meeting fully the Federal requirements with respect to such services under the medicaid program; and

(4) makes recommendations on how to overcome the impediments identified under paragraph (3).

SEC. 105. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. ENHANCING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, and private nonprofit organizations to provide appropriate mental health promotion and mental health services to at-risk mothers, grandmothers who are legal guardians, and their children.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

''(1) provide mental health early intervention, prevention, and case management services;

''(2) provide mental health treatment services; and

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 106. ACTIVITIES CONCERNING INTERAGENCY CASE MANAGEMENT.

Part L of title V of the Public Health Service Act, as added by section 102, is amended by adding at the end the following:

"SEC. 597D. INTERAGENCY CASE MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall establish a program to foster the ability of local case managers to work across the mental health, substance abuse, child welfare, education, and juvenile justice systems in a State. As part of such program, the Secretary shall develop a model system that—

''(1) establishes a training curriculum for primary care professionals, mental health professionals, school and child care professionals, and social workers who work as case managers;

''(2) establishes uniform standards for working in multiple service systems; and

''(3) establishes a cross-system case manager certification process.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 107. GRANTS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 106, is further amended by adding at the end the following:

"SEC. 597E. CONSUMER AND FAMILY CONTROL IN CHILD AND ADOLESCENT MENTAL HEALTH SERVICE DECISIONS.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, and tribal organizations for the development of policies and mechanisms that enable consumers and families to have increased control and choice over child and adolescent mental health services received through a publicly-funded mental health system.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, or a tribal organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to carry out the activities described in subsection (a). Such activities may include—

''(1) the facilitation of mental health service planning meetings by consumer and family advocates, particularly peer advocates;

''(2) the development of consumer and family cooperatives; and

''(3) the facilitation of national networking between State political subdivisions and tribal organizations engaged in promoting increased consumer and family participation in decisions regarding mental health services for children and adolescents.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 108. GRANTS CONCERNING INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 107, is further amended by adding at the end the following:

"SEC. 597F. INCREASED INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, private nonprofit organizations to enable such organizations to provide information on child and adolescent mental health and services, consumer or parent-to-parent support services, respite care, and other relevant support services to—

''(1) parents and legal guardians of children or adolescents with or who are at risk for mental health disorders; and

''(2) families of adolescents with or who are at risk for mental health disorders.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 109. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 108, is further amended by adding at the end the following:

"SEC. 597G. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

''(a) EDUCATIONAL CAMPAIGN.—The Secretary shall develop, coordinate, and implement an educational campaign to increase public understanding of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, public and private nonprofit organizations with qualified experience in public education to build community coalitions and increase public awareness of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall—

''(A) be a public or private nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant or contract under this subsection shall be used to—

''(A) develop community coalitions to support the purposes of paragraph (1); and

''(B) develop and implement public education activities that compliment the activities described in subsection (a) and support the purposes of paragraph (1).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 110. TECHNICAL ASSISTANCE CENTER CONCERNING TRAINING AND SECLUSION AND RESTRAINTS.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 109, is further amended by adding at the end the following:

"SEC. 597H. TECHNICAL ASSISTANCE CENTER CONCERNING SECLUSION AND RESTRAINTS.

''(a) SECLUSION AND RESTRAINTS.—Acting through the technical assistance center established under subsection (b), the Secretary shall—

''(1) develop and disseminate educational materials that encourage ending the use of seclusion and restraints in all facilities or programs in which a child or adolescent resides or receives care or services;

''(2) gather, analyze, and disseminate information on best or promising best practices that can minimize conflicts between parents, legal guardians, primary care professionals, mental health professionals, school and child care professionals to create a safe environment for children and adolescents with mental health disorders; and

''(3) provide training for primary professionals, mental health professionals, and school and child care professionals on effective techniques or practices that serve as alternatives to coercive control interventions, including techniques to reduce challenging, aggressive, and resistant behaviors, that require seclusion and restraints.

''(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

''(1) local and national advocacy organizations that serve children and adolescents

who may require the use of seclusion and restraints, and their families;

''(2) relevant national medical and other health and education specialty organizations; and

''(3) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve children and adolescents who may require the use of seclusion and restraints, and their families.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 111. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 110, is further amended by adding at the end the following:

''SEC. 597I. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

''(a) GRANTS.—The Secretary shall award 5-year grants to, or enter into cooperative agreements with, private nonprofit organizations for the development and implementation of three technical assistance centers to support full consumer and family participation in decision-making about mental health services for children and adolescents.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization that demonstrates the ability to establish and maintain a technical assistance center described in this section; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to establish a technical assistance center of the type referred to in subsection (a). Through such center, the entity shall—

''(1) collect and disseminate information on mental health disorders and risk factors for mental health disorders in children and adolescents;

''(2) collect and disseminate information on available resources for specific mental health disorders, including co-occurring mental health and substance abuse disorders;

''(3) disseminate information to help consumers and families engage in illness self management activities and access services and resources on mental health disorder self-management;

''(4) support the activities of self-help organizations;

''(5) support the training of peer specialists, family specialists, primary care professionals, mental health professionals, and child care professionals;

''(6) provide assistance to consumer and family-delivered service programs and resources in meeting their operational and programmatic needs; and

''(7) provide assistance to consumers and families that participate in mental health system advisory bodies, including state mental health planning councils.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 112. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS WITH SERIOUS EMOTIONAL DISTURBANCES.

Section 561 of the Public Health Service Act (42 U.S.C. 290ff) is amended—

(1) in subsection (b)(1)(A), by inserting before the semicolon the following: ''and provides assurances that the State will use grant funds in accordance with the comprehensive State mental health plan submitted under section 520B''; and

(2) in subsection (b), by adding at the end the following:

''(4) REVIEW OF POSSIBLE IMPEDIMENTS.—A State may use amounts received under a grant under this section to conduct an interagency review of State mental health program rules and funding policies that may impede the development of the comprehensive State mental health plan submitted under section 520B.''.

SEC. 113. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(6) PERFORMANCE MEASURES.—The plan requires that performance measures be reported for adults and children separately.

''(7) OTHER MENTAL HEALTH SERVICES.—In addition to reporting on mental health services funded under a community mental health services performance partnership block grant, States are encouraged to report on all mental health services provided by the State mental health agency.''.

SEC. 114. COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(8) CO-OCCURRING TREATMENT SERVICES.—The plan provides for a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse and services, for children and adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Substance Abuse Prevention Treatment Block Grant program under subpart II.''.

(b) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—Section 1915 of the Public Health Service Act (42 U.S.C. 300x–4) is amended by adding at the end the following:

''(c) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines for use by States that describe how amounts received under a grant under this subpart may be used to fund integrated treatment services for children and adolescents with mental health disorders and with co-occurring mental health and substance abuse disorders.

''(d) MODEL SERVICE SYSTEMS FORUM.—The Secretary, in consultation with the Attorney General, shall periodically convene forums to develop model service systems and promote awareness of the needs of children and adolescents with co-occurring mental health disorders and to facilitate the development of policies to meet those needs.''.

(c) SUBSTANCE ABUSE GRANTS.—Section 1928 of the Public Health Service Act (42 U.S.C. 300x–28) is amended by adding at the end the following:

''(e) CO-OCCURRING TREATMENT SERVICES.—A State may use amounts received under a grant under this subpart to provide a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse services, for children and adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Community Mental Health Services Block Grant program under subpart I.

''(f) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines, for use by States, that describe how amounts received under a grant under this section may be used to fund integrated treatment for children and adolescents with co-occurring substance abuse and mental health disorders, including the transitioning to adulthood.''.

SEC. 115. GRANTS FOR JAIL DIVERSION PROGRAMS.

Section 520G of the Public Health Service Act (42 U.S.C. 290bb–38)—

(1) in subsection (a), by striking ''up to 125'';

(2) in subsection (d)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) provide appropriate community-based mental health and co-occurring mental illness and substance abuse services to children and adolescents determined to be at risk of contact with the law; and

''(6) provide for the inclusion of emergency mental health centers as part of jail diversion programs.''; and

(3) in subsection (h), by adding at the end the following: ''As part of such evaluations, the grantee shall evaluate the effectiveness of activities carried out under the grant and submit reports on such evaluations to the Secretary.''.

SEC. 116. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR JUVENILE JUSTICE POPULATIONS.

(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, tribal organizations, political subdivisions of States, consortia of political subdivisions, public organizations, and private nonprofit organizations to provide mental health promotions and mental health services to children and adolescents in juvenile justice systems.

(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a), an entity shall—

(1) be a State, a tribal organization, a political subdivision of a State, a consortia of political subdivisions, a public organization, or a private nonprofit organization; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

(1) provide mental health early intervention, prevention, and case management services;

(2) provide mental health treatment services; and

(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES

SEC. 201. INTERAGENCY COORDINATING COMMITTEE CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in collaboration with the Federal officials described in subsection (b), shall establish an interagency coordinating committee (referred to in this section as the ''Committee'') to carry out the activities described in this section relating to the mental health of children and adolescents.

(b) FEDERAL OFFICIALS.—The Federal officials described in this subsection are the following:

(1) The Secretary of Education.

(2) The Attorney General.

(3) The Surgeon General.

(4) The Secretary of the Department of Defense.

(5) The Secretary of the Interior.

(6) The Commissioner of Social Security.

(7) Such other Federal officials as the Secretary determines to be appropriate.

(c) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Committee.

(d) DUTIES.—The Committee shall be responsible for policy development across the Federal Government with respect to child and adolescent mental health.

(e) COLLABORATION AND CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall collaborate with the Committee (and the Committee shall collaborate with relevant Federal agencies and mental health working groups responsible for child and adolescent mental health).

(f) CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary and the Committee shall consult with—

(1) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles V and XIX of the Social Security Act, and the State Children's Health Insurance Program under title XXI of the Social Security Act;

(2) State mental health planning councils (as described in section 1914);

(3) local and national organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

(4) relevant national medical and other health professional and education specialty organizations;

(5) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(6) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(7) families and friends of children and adolescents who have attempted or completed suicide;

(8) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

(9) third-party payers, managed care organizations, and related employer and commercial industries.

(g) POLICY DEVELOPMENT.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall—

(1) coordinate and collaborate on policy development at the Federal level with the Committee, relevant Department of Health and Human Services, Department of Education, and Department of Justice agencies, and child and adolescent mental health working groups; and

(2) consult on policy development at the Federal level with the private sector, including consumer, medical, mental health advocacy groups, and other health and education professional-based organizations, with respect to child and adolescent mental health early intervention and prevention services.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Committee shall submit to the appropriate committees of Congress a report that includes—

(A) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of current activities concerning the mental health of children and adolescents;

(B) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of the activities carried out under grants, cooperative agreements, collaborations, and consultations under this Act, the amendments made by this Act, and carried out by existing Federal agencies;

(C) the results of an evaluation to be conducted by the Committee to analyze identified problems and challenges, including—

(i) fragmented mental health service delivery systems for children and adolescents;

(ii) disparities between Federal agencies in mental health service eligibility requirements for children and adolescents;

(iii) disparities in regulatory policies of Federal agencies concerning child and adolescent mental health;

(iv) inflexibility of Federal finance systems to support evidence-based child and adolescent mental health;

(v) insufficient training of primary care professionals, mental health professionals, and child care professionals;

(vi) disparities and fragmentation of collection and dissemination of information concerning child and adolescent mental health services;

(vii) inability of State Medicaid agencies to meet Federal requirements concerning child and adolescent mental health under the early and period screening, diagnostics and treatment services requirements under the medicaid program under title XIX of the Social Security Act; and

(viii) fractured Federal interagency collaboration and consultation concerning child and adolescent mental health;

(D) the recommendations of the Secretary on models and methods with which to overcome the problems and challenges described in subparagraph (B).

(2) ANNUAL REPORT.—Not later than 1 year after the date on which the initial report is submitted under paragraph (1), an annually thereafter, the Committee shall submit to the appropriate committees of Congress a report concerning the results of updated evaluations and recommendations described in paragraph (1).

(i) FLEXIBLE JOINT-FUNDING PROGRAMS.—

(1) IN GENERAL.—In carrying out the activities described in subsection (h), Federal officials participating in the Committee may, notwithstanding any other law, enter into interagency agreements for the purposes of establishing flexible joint-funding programs, and each official may allocate discretionary funds appropriated to that agency to such flexible joint-funding programs.

(2) PROGRAM PURPOSES.—Flexible joint funding programs as described in paragraph (1) may include demonstration projects that address and eliminate the—

(A) fragmented mental health service delivery systems for children and adolescents;

(B) disparities between Federal agencies in mental health service eligibility requirements for children and adolescents;

(C) disparities in regulatory policies of Federal agencies concerning child and adolescent mental health;

(D) inflexibility of Federal finance systems to support evidence-based child and adolescent mental health;

(E) insufficient training of primary care professionals, mental health professionals, and child care professionals;

(F) disparities and fragmentation of collection and dissemination of information concerning child and adolescent mental health services; and

(G) inability of State Medicaid agencies to meet Federal requirements concerning child and adolescent mental health under the early and period screening, diagnostics, and treatment services requirements under the Medicaid program under title XIX of the Social Security Act.

(j) PERSONNEL MATTERS.—

(1) STAFF AND COMPENSATION.—Except as provided in paragraph (2), the Secretary may employ, and fix the compensation of an executive director and other personnel of the Committee without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The maximum rate of pay for the executive director and other personnel employed under paragraph (1) shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 301. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 111, is further amended by adding at the end the following:

''SEC. 597J. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to, and enter into cooperative agreements with, States, political subdivisions of States, consortia of political subdivisions, tribal organizations, institutions of higher education, or private nonprofit organizations for the development of child and adolescent mental health services and support systems that address widespread and critical gaps in a needed continuum of mental health service-delivery with a specific focus on encouraging the implementation of evidence-based or promising best practices.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

''(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, an institution of higher education, or a private nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this subsection shall be used to provide for the development and dissemination of mental health supports and services described in paragraph (1), including—

''(A) early intervention and prevention services, treatment and rehabilitation particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(B) referral services;

''(C) integrated treatment services, including family therapy, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(D) colocating primary care and mental health services in rural and urban areas;

''(E) mentoring and other support services;

''(F) transition services;

''(G) respite care for parents, legal guardians, and families; and

''(H) home-based care.

''(b) TECHNICAL ASSISTANCE CENTER.—The Secretary shall establish a technical assistance center to assist entities that receive a grant or cooperative agreement under subsection (a) in—

''(1) identifying widespread and critical gaps in a needed continuum of child and adolescent mental health service-delivery;

''(2) identifying and evaluating existing evidence-based or promising best practices with respect to child and adolescent mental health services and supports;

''(3) improving the child and adolescent mental health service-delivery system by implementing evidence-based or promising best practices;

''(4) training primary care professionals, mental health professionals, and child care professionals on evidence-based or promising best practices;

''(5) informing children and adolescents, parents, legal guardians, families, advocacy organizations, and other interested consumer organizations on such evidence-based or promising best practices; and

''(6) identifying financing structures to support the implementation of evidence-based or promising best practices and providing assistance on how to build appropriate financing structures to support those services.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 302. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

Part K of title V of the Public Health Service Act, as added by section 201 and amended by section 301, is further amended by adding at the end the following:

''SEC. 597K. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

''(a) BEST PRACTICES.—The Secretary shall provide for the conduct of research leading to the identification and evaluation of evidence-based or promising best practices, including—

''(1) early intervention and prevention mental health services and systems, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(2) mental health referral services;

''(3) integrated mental health treatment services, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(4) mentoring and other support services;

''(5) transition services; and

''(6) respite care for parents, legal guardians, and families of children and adolescents.

''(b) IDENTIFICATION OF EXISTING DISPARITIES.—The Secretary shall provide for the conduct of research leading to the identification of factors contributing to the existing disparities in children and adolescents mental health care in areas including—

''(1) evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services;

''(2) psychiatric and psychological epidemiology in racial and ethnic minority populations;

''(3) therapeutic interventions in racial and ethnic minority populations;

''(4) psychopharmacology;

''(5) mental health promotion and child and adolescent emotional well-being and resiliency;

''(6) lack of adequate service delivery systems in urban and rural regions; and

''(7) lack of adequate reimbursement rates for evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services.

''(c) PSYCHOTROPIC MEDICATIONS.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of psychotropic medications and SSRIs and other pyschotropic medications for children and adolescents.

''(d) TRAUMA.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of trauma on the mental health of children and adolescents, including the effects of—

''(1) violent crime, particularly sexual abuse;

''(2) physical or medical trauma;

''(3) post-traumatic stress disorders; and

''(4) terrorism and natural disasters.

''(e) ACUTE CARE.—The Secretary shall provide for the conduct of research leading to the identification of factors contributing to problems in acute care. Such research shall address—

''(1) synthesizing the acute care knowledge data base;

''(2) assessing existing capacities and shortages in acute care;

''(3) reviewing existing model programs that exist to ensure appropriate and effective acute care;

''(4) developing new models when appropriate; and

''(5) proposing workable solutions to enhance the delivery of acute care and crisis intervention services.

''(f) RECOVERY AND REHABILITATION.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance the recovery and rehabilitation of children and adolescents with mental health disorders.

''(g) CO-OCCURRING DISORDERS.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance services and supports for children and adolescents with co-occurring mental health and substance abuse and disorders.

''(h) COST OF UNTREATED MENTAL HEALTH DISORDERS.—The Secretary shall provide for the conduct of research assessing long-term financial costs of mental health disorders left untreated in children and adolescents.

''(i) RESEARCH COLLABORATION.—The Secretary shall provide for the conduct of research that reviews existing scientific literature on the relationship between mental and physical health, particularly identifying new methods and models to enhance the balance between mental and physical health in children and adolescents.

''(j) COLLABORATION.—In carrying out the activities under this section, the Secretary shall collaborate with the Federal interagency coordinating committee established under section 201 of the Child and Adolescent Mental Health Resiliency Act of 2007, and relevant Federal agencies and mental health working groups responsible for child and adolescent mental health.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 221—SUPPORTING NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS MONTH AND EFFORTS TO EDUCATE PEOPLE ABOUT PERIPHERAL ARTERIAL DISEASE

Mr. CRAPO (for himself and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 221

Whereas peripheral arterial disease is a vascular disease that occurs when narrowed arteries reduce blood flow to the limbs;

Whereas peripheral arterial disease is a significant vascular disease that can be as serious as a heart attack or stroke;

Whereas peripheral arterial disease affects approximately 8,000,000 to 12,000,000 Americans;

Whereas 1 in 5 patients with peripheral arterial disease will experience cardiovascular death, heart attack, stroke, or hospitalization within 1 year;

Whereas the survival rate for individuals with peripheral arterial disease is worse than the outcome for many common cancers;

Whereas peripheral arterial disease is a leading cause of lower limb amputation in the United States;

Whereas many patients with peripheral arterial disease have walking impairment that leads to a diminished quality of life and functional capacity;

Whereas a majority of patients with peripheral arterial disease are asymptomatic and less than half of individuals with peripheral arterial disease are aware of their diagnoses;

Whereas African-American ethnicity is a strong and independent risk factor for peripheral arterial disease, and yet this fact is not well known to those at risk;

Whereas effective treatments are available for people with peripheral arterial disease to reduce heart attacks, strokes, and amputations and to improve quality of life;

Whereas many patients with peripheral arterial disease are still untreated with proven therapies;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of peripheral arterial disease among medical professionals and the greater public in order to promote early detection and proper treatment of this disease to improve quality of life, prevent heart attacks and strokes, and save lives and limbs; and

Whereas September 2007 is an appropriate month to observe National Peripheral Arterial Disease Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease;

(2) acknowledges the critical importance of peripheral arterial disease awareness to improve national cardiovascular health;

(3) supports raising awareness of the consequences of undiagnosed and untreated peripheral arterial disease and the need to seek appropriate care as a serious public health issue; and

(4) calls upon the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 222—SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mrs. CLINTON (for herself and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 222

Whereas over 37,170 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the 4th most common cause of cancer death in the United States;

Whereas 75 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest of any cancer;

Whereas there has been no significant improvement in survival rates in the last 25 years and pancreatic cancer research is still in the earliest scientific stages;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis of the disease is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 40 to 50 percent higher in African Americans than in other ethnic groups; and

Whereas it would be appropriate to observe November as Pancreatic Cancer Awareness Month to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

Mrs. CLINTON. Mr. President, I rise today to introduce a resolution which supports the goals and ideals of Pancreatic Cancer Awareness Month. This resolution is an important step toward bringing the public awareness, funding for research, and congressional attention that is essential for addressing one of the most lethal cancers we face as a Nation.

I doubt that there is one person who hasn't lost a friend or family member to cancer, or knows someone who has. The American Cancer Society tells us that pancreatic cancer is the fourth leading cause of cancer death in the United States. The reality is that pancreatic cancer will take over 33,000 American lives this year, more than 2,330 in New York. And yet, there are no early detection methods and our best treatment is a surgical procedure that is more than 70 years old.

I believe that we can do better. This resolution encourages communities across the country to use the month of November to bring attention to what we have left to tackle. We need research dollars to create early detection methods, to find effective treatments, and to raise awareness about this deadly disease.

I am proud to introduce the Pancreatic Cancer Awareness Month resolution today, and I hope my colleagues will join me in supporting this critical health issue.

Mr. SMITH. Mr. President, I rise today in support of a resolution that recognizes November as National Pancreatic Cancer Awareness Month. I am pleased to be joining my colleague, Senator CLINTON, in introducing this resolution, which represents a way to educate communities across the Nation about pancreatic cancer and the need for increased research funding, early detection methods, and effective treatments and programs.

Like many Americans, I have seen the ramifications of cancer first hand. I support this resolution in honor and loving memory of the millions of Americans who have been diagnosed with pancreatic cancer and their families, and for my mother, Jessica Udall Smith, whom I lost to pancreatic cancer.

Pancreatic cancer is hard to detect in its early stages as it doesn't cause symptoms right away. Also, because the pancreas is hidden behind other organs, health care providers cannot see or feel the tumors during routine exams. Because there are no early detection methods, pancreatic cancer often is found late and spreads quickly.

This year, more than 37,000 Americans will receive a diagnosis of pancreatic cancer and for over 33,000 of them, it will be their killer. While overall cancer death rates have declined, the number of people diagnosed with pancreatic cancer is actually increasing. It is projected that this year, 440 Oregonians will die from pancreatic cancer. That represents a 17-percent increase in pancreatic cancer deaths in Oregon over the last 3 to 4 years.

Individuals fighting pancreatic cancer continue to face discouragingly low odds of survival. In 1975, the 5 year survival rate for pancreatic cancer was 2 percent. Twenty-five years later, the survival rate remain at an unacceptably low level of 5 percent, making this cancer the fourth leading cause of cancer-related death. Indeed, pancreatic cancer is considered the deadliest cancer, of which 75 percent of patients diagnosed with this disease die within the first year and most within the first 3 to 6 months. Early detection tools, such as those that currently are available for ovarian, colon, breast and prostate cancer, would make a significant impact on pancreatic cancer, but those tools require a new investment in basic scientific research at the National Cancer Institute, NCI.

In recent years, funding for cancer research has fallen behind the promise made during the doubling of the budget for the National Institutes for Health, NIH. When NIH funding was first doubled, success rates for first submissions of grant requests to the NCI were 30 percent overall and 15 percent for new investigators. Those rates now have dropped to an average of 10 percent across the board. Unfortunately, we are anticipating cuts to other NCI programs that advance research, such as the Specialized Programs of Research Excellence program, which provides vital opportunities to explore new areas of research.

I support biomedical research and the great promise it holds in the development of new treatments and possible cures for the many types of cancer, including pancreatic cancer. Past investments at the NCI have helped drive new discoveries that led to the decline in overall cancer deaths in the U.S. for the second consecutive year. Now is the time to expand our efforts in the fight against pancreatic cancer.

I ask that my colleagues support this resolution, which will help increase research, education and awareness for pancreatic cancer.

SENATE RESOLUTION 223—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF THE MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM UNDER THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE UNITED STATES ARMED FORCES DURING AND FOLLOWING WORLD WAR II WHO WERE RESPONSIBLE FOR THE PRESERVATION, PROTECTION, AND RESTITUTION OF ARTISTIC AND CULTURAL TREASURES IN COUNTRIES OCCUPIED BY THE ALLIED ARMIES

Mr. INHOFE (for himself, Mr. KENNEDY, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. AKAKA, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. STEVENS, Mr. LIEBERMAN, and Mr. WYDEN) submitted the following resolution; which was:

S. RES. 223

Whereas the United States Government established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas in 1943 to promote and coordinate the protection and salvage of works of art and cultural and historical monuments and records in countries occupied by Allied armies during World War II;

Whereas the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas is also known as the Roberts Commission, in honor of its chairman, Supreme Court Justice Owen J. Roberts;

Whereas, in connection with the establishment of the Roberts Commission, the Monuments, Fine Arts, and Archives program (MFAA) was established under the Civil Affairs and Military Government Sections of the United States Armed Forces;

Whereas the establishment of the Roberts Commission and the MFAA provided an example for other countries, working in conjunction with the United States, to develop similar programs, and more than 100 foreign MFAA personnel, representing at least seventeen countries, contributed to this international effort;

Whereas the MFAA was comprised of both men and women, commissioned officers and civilians, who were appointed or volunteered to serve as representatives of the Roberts Commission and as the official guardians of some of the world's greatest artistic and cultural treasures;

Whereas members of the MFAA, called the ''Monuments Men'', often joined frontline military forces and some even lost their lives in combat during World War II;

Whereas, during World War II and for years following the Allied victory, members of the MFAA worked tirelessly to locate, identify, catalogue, restore, and repatriate priceless works of art and irreplaceable cultural artifacts, including masterpieces by Da Vinci, Michelangelo, Rembrandt, and Vermeer, that had been stolen or sequestered by the Axis powers;

Whereas the heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated, and set a moral precedent and established standards, practices, and procedures for the preservation, protection, and restitution of artistic and cultural treasures in future armed conflicts;

Whereas members of the MFAA went on to become renowned directors and curators of preeminent international cultural institutions, including the National Gallery of Art, the Metropolitan Museum of Art, the Museum of Modern Art, the Toledo Museum of Art, and the Nelson-Atkins Museum of Art, as well as professors at institutions of higher education, including Harvard University, Yale University, Princeton University, New York University, Williams College, and Columbia University;

Whereas other members of the MFAA were founders, presidents, and members of associations such as the New York City Ballet, the American Association of Museums, the American Association of Museum Directors, the Archaeological Institute of America, the Society of Architectural Historians, the American Society of Landscape Architects, the National Endowment for the Humanities, and the National Endowment for the Arts, as well as respected artists, architects, musicians, and archivists; and

Whereas members of the MFAA have never been collectively honored for their service and contributions to humanity, and they are deserving of the utmost acknowledgment, gratitude, and recognition, in particular the 12 known Monuments Men who are still alive: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II have made and continue to make possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

Mr. INHOFE. Mr. President, I rise today to introduce a resolution honoring the efforts and contributions of the members of the Monuments, Fine Arts, and Archives Program under the Civil Affairs and Military Government Sections of the U.S. Armed Forces during and following World War II. This group, known as the ''Monuments Men,'' was responsible for the preservation, protection, and restitution of priceless artistic, and cultural treasures in countries occupied by the Allied armies.

In 1938, the Nazi party in Germany began a wide-scale confiscation of millions of pieces of artwork and other cultural artifacts throughout continental Europe, including masterpieces by Leonardo Da Vinci, Michelangelo, and Rembrandt. Much of the art was confiscated from Nazi-conquered Europe, as well as from Jewish private collectors who were forced to relinquish their property rights.

In 1944, with the Allied armies rolling across Europe, the Monuments Men began their work. They were given the charge of protecting the cultural treasures of Europe, which proved to be a daunting task, given that they, at times, had to protect these treasures from friend as well as foe. Their first task was to prevent Allied forces in the field from damaging national monuments and from damaging or looting public or private collections. In the spring of 1945, the Monuments Men began discovering large caches of Nazi-confiscated artwork and artifacts. They began the arduous process of cataloging and repatriating the artwork and artifacts to their rightful owners.

I would like to take this moment to recognize the efforts of a couple of my fellow Oklahomans who served as Monuments Men. CPT Walter Johan Huchthausen served as a Monuments, Fine Arts, and Archives officer with the U.S. 9th Army in Europe. Captain Huchthausen was born in Perry, OK on December 19, 1904. He earned a master of architecture degree from Harvard University in 1930 and went on to become the director of the Department of Design at the Boston Museum School of Fine Arts before joining the faculty at the University of Minnesota. Captain Huchthausen enlisted in 1942. He served as a Monuments Man in France and Germany before he was tragically killed by gunfire in April of 1945 while working to salvage an altarpiece in a German town.

Technical SGT Horace V. Apgar of Oklahoma City was transferred to the Monuments Men in Frankfurt in 1945, where he was involved in the retrieval and restitution of Jewish property. He was then assigned to the Rothschild home in Paris, which was being used as a depository for recovered Jewish artifacts stolen from synagogues and temples. Mr. Apgar returned home after the war and sought a career in music. He graduated from the Eastman School of Music at the University of Rochester in 1949 served as a bass teacher at the University of Oklahoma from 1951 to 1955. He went on to a 56-year career with the Oklahoma City Philharmonic Orchestra.

It is in large part due to the tireless efforts of Captain Huchthausen, Sergeant Apgar, and the many brave American men and women who served as Monuments Men that over 5 million works of art and other cultural treasures were protected and preserved following the collapse of the Nazi regime.

SENATE CONCURRENT RESOLUTION 35—DECLARING JUNE 6 A NATIONAL DAY OF PRAYER AND REDEDICATION FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES AND THEIR MISSION

Mr. DEMINT submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 35

Whereas public prayer and national days of prayer are a long-standing American tradition to bolster national resolve and summon the national will for victory;

Whereas the Continental Congress asked the colonies to pray for wisdom in forming a nation in 1775;

Whereas Benjamin Franklin proposed that the Constitutional Convention begin each day with a prayer;

Whereas General George Washington, as he prepared his troops for battle with the British in May 1776, ordered them to pray for the campaign ahead, that it would please the Almighty to ''prosper the arms of the united colonies'' and ''establish the peace and freedom of America upon a solid and lasting foundation'';

Whereas President Abraham Lincoln, in declaring in the Gettysburg Address that ''this nation, under God, shall have a new birth of freedom'', rededicated the Nation to ensuring that ''government of the people, by the people, for the people, shall not perish from the earth'';

Whereas, as 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944 (D-Day), President Franklin Delano Roosevelt went on the national radio to lead the Nation in prayer for their success;

Whereas, in his D-Day radio prayer, President Roosevelt did not declare a single day of special prayer, but instead compelled all Americans to ''devote themselves in a continuance of prayer'';

Whereas the words of President Roosevelt calling on all Americans to ''devote themselves in a continuance of prayer'' for American soldiers, sailors, airmen, and Marines in harm's way are just as appropriate today as they were in June 1944;

Whereas, with our troops once again facing danger abroad and the Nation looking for support here at home, the time is ripe to once again heed the words and prayerful wisdom contained in the D-Day radio address of the 20th century's greatest Democrat president as he implored the Nation: ''as we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts'';

Whereas more than 350,000 men and women of the United States Armed Forces are deployed worldwide today;

Whereas more than 200,000 of these troops are engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies;

Whereas more than 3,800 brave Americans have been killed, and over 26,000 have been wounded, while fighting the War on Terror;

Whereas, because the War on Terror will be long and hard, because success is not likely to come with rushing speed, and because the sacrifice will continue to be immeasurable in human terms, it is appropriate to make every anniversary of D-Day, June 6th, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

Whereas the D-Day radio address of President Roosevelt is the inspiration and model for this annual national day of prayer and rededication: Now, therefore, be it

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

(1) every June 6 will hereafter be a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

(2) in encouraging our fellow Americans to join us in this national day of prayer and rededication for our troops and their mission, that the Senate and the House of Representatives will each designate one member to read aloud in the Senate and House chambers each June 6th, in its entirety, President Roosevelt's D-Day radio prayer, as follows:

''My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.''.

Mr. DEMINT. Mr. President, I rise to speak on a resolution I have submitted today that declares June 6 a national day of prayer and rededication for the men and women of the U.S. Armed Forces and their mission.

As my colleagues know, when 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944, President Franklin Roosevelt went on national radio to lead the Nation in prayer for their success.

With more than 350,000 men and women of the U.S. Armed Forces deployed worldwide today, and many of these troops directly engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies, President Roosevelt's words calling on all Americans to ''devote themselves to a continuance of prayer'' for American soldiers, sailors, airmen, and marines in harm's way are as appropriate today as they were in June of 1944.

As we have witnessed, the war on terror will be long and hard. Unfortunately, the sacrifice will continue to be immeasurable in human terms. It is appropriate to make every anniversary of D–day, June 6, a national day of prayer for the men and women of the U.S. Armed Forces.

Now I wish to read President Roosevelt's D–day radio prayer:

MY FELLOW AMERICANS

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

This same prayer will be read in the Chamber of the House of Representatives today, and I hope this Chamber will take up this resolution at some point and make June 6 a day of prayer for our Nation.

SENATE CONCURRENT RESOLUTION 36—SUPPORTING THE GOALS AND IDEALS OF NATIONAL TEEN DRIVER SAFETY WEEK

Mr. CASEY (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. OBAMA) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON RES. 36

Whereas motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable;

Whereas almost 7,500 drivers between the ages of 15 and 20 years were involved in fatal crashes in 2005 throughout the United States;

Whereas the fatality rate in the United States for drivers between the ages of 16 and 19 years, based on miles driven, is 4 times the fatality rate for drivers between the ages of 25 and 69 years;

Whereas the majority of teen driver crashes in the United States are due to driver error and speeding, and 15 percent of the crashes are due to drunk driving;

Whereas roughly two-thirds of the teenagers killed in motor vehicle accidents in the United States each year do not use seatbelts;

Whereas approximately 63 percent of teen passenger deaths in the United States occur while other teenagers are driving;

Whereas it is necessary to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving safety;

Whereas the National Teen Driver Survey, developed with input from teenagers and administered by The Children's Hospital of Philadelphia, demonstrates a national need to increase overall awareness about the safe use of electronic handheld devices, the risk of nighttime and fatigued driving, the importance of consistent seatbelt use, and the practice of gradually increasing driver privileges over time as a young driver gains more experience under supervised conditions;

Whereas in 2005, 1,553 crash fatalities involving a teen driver occurred in the fall, when teenagers are in the first months of the school year and faced with many decisions involving driving, including whether to drive with peer passengers and other distractions; and

Whereas designating the third week of October as National Teen Driver Safety Week is expected to increase awareness of these important issues among teenagers and adults in communities throughout the United States, as additional research is conducted to develop and test effective interventions that will help teenagers become safe drivers: Now, therefore, be it

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

(1) supports the goals and ideals of National Teen Driver Safety Week; and

(2) encourages the people of the United States to observe the week with appropriate activities that promote the practice of safe driving among the Nation's licensed teenage drivers.

Mr. CASEY. Mr. President, I rise today to introduce, along with my colleagues, Senators SPECTER, DURBIN and OBAMA, a Senate concurrent resolution that will recognize a National Teen Driver Safety Week during the third week of October. This resolution will focus increased public attention and positive action upon the No. 1 cause of death of adolescents in our country—motor vehicle crashes. The fatality rate for drivers ages 16 to 19 is approximately four times that of drivers ages 25 to 69. In 2005, approximately 7,500 of our Nation's teenagers were involved as drivers in fatal car crashes.

According to data from the National Highway Traffic Safety Administration, 13 of 67 counties in Pennsylvania had six deaths or more in 2005 as a result of traffic accidents involving teens. In Lackawanna County alone, where I reside, there were 13 accidents among drivers ages 19 and under that resulted in death or an incapacitating injury.

It is essential that we focus a heightened degree of public attention and awareness upon this tragic—and preventable—crisis. A majority of teen driver crashes are due to driver error and speeding. We must provide more numerous and effective interventions that will help reduce accidents involving teen drivers.

We all know that learning to drive is an important rite of social passage and independence for teenagers. The Children's Hospital of Philadelphia, in partnership with the State Farm Insurance Companies, is conducting ongoing research on teen drivers and recently completed the National Young Driver Survey, questioning thousands of students across the country. The survey was designed to be representative of the 10.6 million public high school students in the United States. Thanks to this new data, we know more about what teens themselves think about driving and how we can more effectively instill safe driving habits.

I would like to mention three key findings from this survey:

1. The critical role of parents. As parents, we are often our children's first driving teachers. But our role does not end when our children get their licenses. Parents play a major role in setting and enforcing safe driving behavior, supervising their teen drivers, and ensuring that teens assume responsibility for driving, including financial responsibility.

2. The prevalence of risky distractions. With 80 percent of teen drivers reporting that they own cell phones, these technological advances pose a serious threat to our children's safety while driving. Nearly all—93 percent of—teens in the survey report that they witness distractions such as cell phone calls, loud music, other teens in the car, and their own emotions. Nearly half of all teens say they have witnessed road rage in fellow teen drivers.

3. The prevalence of risky driving behaviors. While 50 percent of teens report seeing other teens drive drunk, nearly three fourths of teens report seeing their peers drive while fatigued. Half of teens report driving 10 miles over the speed limit at least some of the time. Only 65 percent of teens say they consistently use seat belts.

This superb research from Children's Hospital will continue to provide us greater insight and strategies for reaching our young people.

Our resolution will designate the third week in October, when schools are back in session, as a time for intensive outreach and programming to encourage teens to drive more safely—to minimize risky driving conditions, to manage peer-to-peer interactions around driving, and to learn the skills they need to detect and react to hazards more appropriately.

As a member of the Senate, and as a father, I want to do everything in my power to ensure our children are safe on the road. Losing even one child to a preventable death is a tragedy beyond words. I urge my colleagues to support this resolution recognizing a National Teen Driver Safety Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1334. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1335. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1336. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1337. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1338. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill S. 1348, supra; which was ordered to lie on the table.

SA 1339. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1340. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1342. Mr. LEVIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1343. Mr. LEVIN (for himself, Mrs. CLINTON, Mr. TESTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1344. Mr. BYRD (for himself, Mr. GREGG, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1345. Mrs. DOLE (for herself, Mr. BURR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1346. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1347. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1348. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1349. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1350. Mr. SPECTER (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1351. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1353. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1355. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1360. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1361. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1362. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1363. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1364. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1365. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1366. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1369. Mr. GRASSLEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1370. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1371. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1372. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1373. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1374. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1375. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1376. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1377. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1378. Mr. ENSIGN (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1379. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1380. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1381. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1382. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1383. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1384. Mr. SALAZAR (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1385. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1386. Mr. LEAHY (for himself, Mr. SALAZAR, Mr. CARDIN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1387. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1388. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1389. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1390. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1392. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1393. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1394. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1395. Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1397. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1398. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1399. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1400. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1401. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1402. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1403. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1404. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1405. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1406. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1407. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1409. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1410. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1411. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1412. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1413. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1414. Mrs. LINCOLN (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1415. Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. ENSIGN, Mr. ALLARD, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1416. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1417. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1418. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1419. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1420. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1421. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1422. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1423. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1424. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1425. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1426. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1427. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1428. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1429. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1430. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1431. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1432. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1433. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1434. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1435. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1436. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1437. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1438. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1439. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1440. Mrs. HUTCHISON (for herself, Mr. CORKER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1441. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ (for himself, Mr. DURBIN, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1443. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1444. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1445. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1446. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1447. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1449. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1450. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1451. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1452. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1453. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1454. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1455. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1456. Mrs. FEINSTEIN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S.

1348, supra; which was ordered to lie on the table.

SA 1457. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1458. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1459. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1460. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1461. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1462. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1463. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1464. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1465. Mr. GRAHAM (for himself, Mr. KYL, Mr. MCCAIN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1466. Mr. BIDEN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1467. Mr. SCHMUER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1468. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1469. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1470. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1471. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1472. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1473. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1474. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1475. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1409 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1334. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 218A of the Immigration and Nationality Act (as added by section 402(a)), add the following:

''(5) REQUIREMENT.—

''(A) IN GENERAL.—For each calendar year in which Y nonimmigrant visas are made available under this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, shall reserve not less than 25 percent of the quantity of Y nonimmigrant visas available for the calendar year for use by business concerns, in accordance with this paragraph.

''(B) TIMELINE.—Of the Y nonimmigrant visas reserved under subparagraph (A), the Secretary shall ensure that—

''(i) for the period beginning on January 1 of the applicable calendar year and ending on June 30 of that calendar year, the visas are provided only to entities that qualify as small businesses under the Small Business Act (15 U.S.C. 631 et seq.) (including regulations promulgated pursuant to that Act); and

''(ii) for the period beginning on July 1 of the applicable calendar year and ending on December 31 of that calendar year, any remaining visas are provided to business concerns, regardless of whether the business concerns qualify as small businesses.''.

SA 1335. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN FEDERAL JUDGESHIPS IN DISTRICTS WITH LARGE NUMBERS OF CRIMINAL IMMIGRATION CASES.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this section is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

(c) ADDITIONAL DISTRICT COURT JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 4 additional district judges for the district of Arizona;

(ii) 1 additional district judge for the district of New Mexico;

(iii) 2 additional district judges for the southern district of Texas; and

(iv) 1 additional district judge for the western district of Texas.

(B) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(i) by striking the item relating to Arizona and inserting the following:

''Arizona ..... 16'';

(ii) by striking the item relating New Mexico and inserting the following:

''New Mexico ..... 7''; and

(iii) by striking the item relating to Texas and inserting the following:

''Texas:

Northern	12
Southern	21
Eastern	7
Western	14''.

(2) TEMPORARY JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 1 additional district judge for the district of Arizona; and

(ii) 1 additional district judge for the district of New Mexico.

(B) VACANCY.—For each of the judicial districts named in this paragraph, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this paragraph shall not be filled.

(d) FUNDING.—To carry out this section, the Director of the Administrative Office of the United States Courts shall, for each of fiscal years 2008 through 2012, allocate $2,000,000 from the Administrative Office of the United States Courts Salary & Expenses (Administrative Expenses) account.

SA 1336. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 242, between lines 39 and 40, insert the following:

(e) DOCUMENTATION REQUIREMENT; PROHIBITION OF OUTPLACEMENT.—Section 212(n)(1) (8 U.S.C. 1182(n)), as amended by this section, is further amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(f) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

SA 1337. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. USE OF PRIVATE LAND BY BORDER PATROL.

(a) PURPOSE.—The purpose of this section is to encourage land owners to make land and water areas on their property available to agents of the Federal Government to enforce the immigration laws of the United States by limiting the liability of land owners toward persons entering their property for such purposes.

(b) DEFINITIONS.—In this section:

(1) LAND.—The term ''land'' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property.

(2) OWNER.—The term ''owner'' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

(c) POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.—Section 287(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(3)) is amended by striking ''twenty-five miles'' and inserting ''100 miles''.

(d) LIABILITY LIMITED FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an owner of land shall not liable for damages arising from an act or omission of an officer of the Federal Government, or any State or Federal law enforcement officer, who enters the owner's property with or without the permission of the owner.

(2) EXCEPTION.—Paragraph (1) shall not apply to any act or omission of the owner of land that results in damages if the act or omission is not attributable to a law enforcement officer.

SA 1338. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, to provider for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike page 10, line 32 through page 11, line 11 and insert the following:

''Section 236(a)(2) (8 USC 1226(a)(2)) is amended—

(1) by adding '', and'' at the end of subsection (a)(3), and

(2) by adding a new subsection (a)(4) that reads ''may not provide the alien with release on bond or with conditional parole if the alien is a national of a noncontiguous country, has not been admitted or paroled into the United States, and was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the secretary of Homeland Security.''

SA 1339. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

SA 1340. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 2, insert the following:

''(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y-1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

''(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

''(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

The failure of an employer to document compliance with subparagraph (E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under subparagraph (E) in communications with employers, and encourage State agencies to do so as well, to help employers become aware of and comply with such requirement in a timely manner.''.

SA 1341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 9 and 10, insert the following:

(3) CHANGED COUNTRY CONDITIONS.—Section 208(b) (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for a rehearing before an immigration judge for an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq or an ethnic Albanian who fled Albania or the former Yugoslavia (Kosovo, Montenegro, and Macedonia) whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) remained in the United States as of the date of the enactment of this paragraph.''.

SA 1342. Mr. LEVIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 38, insert ''In this paragraph, the county unemployment rate shall be determined, for seasonal businesses, during the period in the preceding year when the Y nonimmigrant would have been employed.'' after ''7 percent.''.

SA 1343. Mr. LEVIN (for himself, Mrs. CLINTON, Mr. TESTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 5 and 6, strike insert the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase by 1,722 the number of full time border patrol agents, immigration inspectors, and customs inspectors at the northern border pursuant to authorizations under—

(1) section 402 of the USA PATRIOT Act of 2002 (Public Law 107–56);

(2) section 331 of the Trade Act of 2002 (Public Law 107–210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), as amended by subsection (b) of this section.

SA 1344. Mr. BYRD (for himself, Mr. GREGG, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for

comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SA 1345. Mrs. DOLE (for herself, Mr. BURR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 19 and 20, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking ''and'' at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting ''; and'' and

(C) by adding at the end the following:

''(V) a second conviction for drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.''.

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.

SA 1346. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

SA 1347. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. One of the primary functions of the satellite office shall be to prosecute and deter criminal activities commonly involving illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

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

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 1348. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and insert the following:

(e) ADDITIONAL CONSULTATION.—Notwithstanding subsection (a), the certification by the Secretary of Homeland Security under subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

TITLE I—BORDER ENFORCEMENT

SA 1349. Mr. VOINOVICH submitted an amendment intended to be proposed

by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and insert the following:

(e) ADDITIONAL CONSULTATION.—Notwithstanding subsection (a), the certification by the Secretary of Homeland Security under subsection (a) shall be prepared—

(1) based on analysis by the Comptroller General; and

(2) in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

TITLE I—BORDER ENFORCEMENT

SA 1350. Mr. SPECTER (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BOARD OF IMMIGRATION APPEALS AND IMMIGRATION JUDGES

SEC. ___01. BOARD OF IMMIGRATION APPEALS.

(a) COMPOSITION AND APPOINTMENT.—Notwithstanding any other provision of law, the Board of Immigration Appeals of the Department of Justice (referred to in this title as the ''Board''), shall be composed of a Chair and 22 other immigration appeals judges, who shall be appointed by the Attorney General. Upon the expiration of a term of office, a Board member may continue to act until a successor has been appointed and qualified.

(b) QUALIFICATIONS.—Each member of the Board, including the Chair, shall—

(1) be an attorney in good standing of a bar of a State or the District of Columbia;

(2) have at least—

(A) 7 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise in immigration and nationality law; and

(3) meet the minimum appointment requirements of an administrative law judge under title 5, United States Code.

(c) DUTIES OF THE CHAIR.—The Chair of the Board, subject to the supervision of the Director of the Executive Office for Immigration Review, shall—

(1) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(2) direct, supervise, and establish internal operating procedures and policies of the Board;

(3) designate a member of the Board to act as Chair if the Chair is absent or unavailable;

(4) adjudicate cases as a member of the Board;

(5) form 3-member panels as provided by subsection (g);

(6) direct that a case be heard en banc as provided by subsection (h); and

(7) exercise such other authorities as the Director may provide.

(d) BOARD MEMBER DUTIES.—In deciding a case before the Board, the Board—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with the authority provided in this section and any regulations established in accordance with this section.

(e) JURISDICTION.—

(1) IN GENERAL.—The Board shall have jurisdiction to hear appeals described in section 1003.1(b) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(2) LIMITATION.—The Board shall not have jurisdiction to hear an appeal of a decision of an immigration judge for an order of removal entered in absentia.

(f) SCOPE OF REVIEW.—

(1) FINDINGS OF FACT.—The Board shall—

(A) accept findings of fact determined by an immigration judge, including findings as to the credibility of testimony, unless the findings are clearly erroneous; and

(B) give due deference to an immigration judge's application of the law to the facts.

(2) QUESTIONS OF LAW.—The Board shall review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of immigration judges.

(3) APPEALS FROM OFFICER'S DECISIONS.—

(A) STANDARDS OF REVIEW.—The Board shall review de novo all questions arising in appeals from decisions issued by officers of the Department.

(B) PROHIBITION OF FACT FINDING.—Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board may not engage in fact-finding in the course of deciding appeals.

(C) REMAND.—A party asserting that the Board cannot properly resolve an appeal without further fact-finding shall file a motion for remand. If further fact-finding is needed in a case, the Board shall remand the proceeding to the immigration judge or, as appropriate, to the Secretary.

(g) PANELS.—

(1) IN GENERAL.—Except as provided in paragraph (5) all cases shall be subject to review by a 3-member panel. The Chair shall divide the Board into 3-member panels and designate a presiding member.

(2) AUTHORITY.—Each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before the Board.

(3) QUORUM.—Two members appointed to a panel shall constitute a quorum for such panel.

(4) CHANGES IN COMPOSITION.—The Chair may from time to time make changes in the composition of a panel and of the presiding member of a panel.

(5) PRESIDING MEMBER DECISIONS.—The presiding member of a panel may act alone on any motion as provided in paragraphs (2) and (3) of subsection (i) and may not otherwise dismiss or determine an appeal as a single Board member.

(h) EN BANC PROCESS.—

(1) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chair—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(2) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(i) DECISIONS OF THE BOARD.—

(1) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if—

(A) the decision of the immigration judge resolved all issues in the case;

(B) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(C) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(D) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(2) SUMMARY DISMISSAL OF APPEALS.—The 3-member panel or the presiding member acting alone may summarily dismiss any appeal or portion of any appeal in any case which—

(A) the party seeking the appeal fails to specify the reasons for the appeal;

(B) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(C) the appeal is from an order that granted such party the relief that had been requested;

(D) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(E) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law.

(3) UNOPPOSED DISPOSITIONS.—The 3-member panel or the presiding member acting alone may—

(A) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(B) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(4) NOTICE OF RIGHT TO APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in a United States Court of Appeals not later than 30 days after the date of the decision.

SEC. ___02. IMMIGRATION JUDGES.

(a) APPOINTMENT OF IMMIGRATION JUDGES.—

(1) IN GENERAL.—The Chief Immigration Judge (as described in section 1003.9 of title 8, Code of Federal Regulations, or any corresponding similar regulation) and other immigration judges shall be appointed by the Attorney General. Upon the expiration of a term of office, the immigration judge may continue to act until a successor has been appointed and qualified.

(2) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 5 years of professional, legal expertise or at least 3 years professional or legal expertise in immigration and nationality law.

(b) JURISDICTION.—An Immigration judge shall have the authority to hear matters related to any removal proceeding pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) described in section

1240.1(a) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(c) DUTIES OF IMMIGRATION JUDGES.—In deciding a case, an immigration judge—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with their authorities under this section and regulations established in accordance with this section.

(d) REVIEW.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.

SEC. ___03. REMOVAL AND REVIEW OF JUDGES.

No immigration judge or member of the Board may be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by this title.

SEC. ___04. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this title.

SEC. ___05. SENIOR JUDGE PARTICIPATION.

(a) IN GENERAL.—Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

(b) SENIOR JUDGES.—Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SA 1351. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 277, line 25, strike ''$1,000'' and insert ''$2,500''.

SA 1352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 286, beginning on line 4, strike all through line 10, and insert the following:

(iii) for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest, the Secretary may, in the Secretary's discretion, waive the application of paragraphs (1)(C), (2)(D)(i) (when the alien demonstrates that such actions or activities were committed involuntarily), (5)(A), (6)(A) (with respect to entries occurring before January 1, 2007), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act; and

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SA 1353. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 274, beginning on line 8, strike ''or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant''.

SA 1354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 24, strike ''may'' and insert ''shall''.

SA 1355. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 269, line 18, strike ''child or''.

SA 1356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 33, insert ''documents described in section 218A(m) of the Immigration and Nationality Act, as added by section 402 of this Act, and 601(j) of this Act,'' after ''permanent resident card,''

SA 1357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 154, strike line 23 and all that follows through page 155, line 8, and insert the following:

''(2) EXCEPTION.—The Secretary of Homeland Security may waive the termination of the period of authorized admission of an alien who is a Y nonimmigrant for unemployment under paragraph (1)(D) if the alien submits to the Secretary an attestation under penalty of perjury in a form prescribed by the Secretary, with supporting documentation, that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall depart the United States immediately.

''(k) REGISTRATION OF DEPARTURE.—

''(1) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure in a manner to be prescribed by the Secretary of Homeland Security.

''(2) EFFECT OF FAILURE TO DEPART.—In the event an alien described in paragraph (1) fails to depart the United States or to register such departure as required by subsection (j)(3), the Secretary of Homeland Security shall take immediate action to determine the location of the alien and, if the alien is located in the United States, to remove the alien from the United States.

''(3) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in paragraph (1) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates.''.

SA 1358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 262, strike line 34 and all that follows through page 264, line 24, and insert the following:

''(A) The merit-based evaluation system shall consist of the following criteria and weights:

Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)—**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)—**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or (2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm—**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39—**3 pts**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.—**20 pts** Bachelor's Degree—**16 pts** Associate's Degree—**10 pts** High school diploma or GED—**6 pts** Completed certified Perkins Vocational Education program—**5 pts** Completed Department of Labor Registered Apprenticeship—**8 pts** STEM, associates and above—**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher—**15 pts** TOEFL score of 60–74—**10 pts**	**15**

Category	Description	Maximum points
	Pass USCIS Citizenship Tests in English & Civics—**6 pts**	
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen—**8 pts**	**10**
	Adult (21 or older) son or daughter of a legal permanent resident—**6 pts**	
	Sibling of United States citizen or LPR—**4 pts**	
	If had applied for a family visa in any of the above categories after May 1, 2005—**2 pts**	
"Total Supplemental schedule for Zs		**100**
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts**	**25**
	Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts**	
	Worked in agriculture for 5 years, 100 days per year–**25 pts**	
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets, established pursuant to section 412 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, shall submit recommendations to Congress to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.''.

SA 1359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 15 and 16, at the following:

''(G) As used in this section, all references to Test of English as a Foreign Language (TOEFL) scores are based on the TOEFL internet-based test scoring scale of 0–120. Applicants using a TOEFL computer-based test or paper-based test, both of which have different scoring scales, must achieve comparable test scores as follows:

''(i) To be awarded 10 points on the merit-based evaluation system, an applicant must achieve a TOEFL internet-based test score of 60 to 74, a TOEFL computer-based test score of 170 to 203, or a TOEFL paper-based test score of 497 to 537.

''(ii) To be awarded 15 points on the merit-based evaluation system, an applicant must achieve a TOEFL internet-based test score of 75 or higher, a TOEFL computer-based test score greater than 203, or a TOEFL paper-based test score greater than 537.''.

SA 1360. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (f) of section 218A of the Immigration and Nationality Act, as added by section 402.

SA 1361. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike lines 12 through 26, and insert the following:

(2) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(A) SMUGGLING PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(B) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—

(i) IN GENERAL.—In each of the fiscal years 2008 through 2011, the Secretary of Homeland Security shall increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in the United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States, to investigate immigration fraud, and to enforce workplace violations.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subparagraph.

(C) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

On page 140, beginning on line 4, strike ''In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500'' and insert the following: ''In each of the two years beginning on the date of the enactment of this Act, the appropriations necessary to hire not less than 2500 a year''.

SA 1362. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 310, line 27, insert ''within 2 years of the date of such denial, termination, or rescission of status, and only'' after ''only''.

SA 1363. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who carries out the functions of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1364. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal such sums as may be necessary to carry out this section.

SA 1365. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1366. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title 1, insert the following:

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding subsection (a), the programs established under title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence shall become effective on the earlier of—

(A) the date on which the Secretary submits a written certification to the President and Congress in accordance with subsection (a); or

(B) the date that is 3 years after the date of the enactment of this Act.

(2) PRESIDENTIAL WAIVER.—The President may waive the application of paragraph (1) for national security purposes.

SA 1368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 601(m)(1)(B) is amended—

(1) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately; and

(2) by striking the matter preceding subclause (I) (as so redesignated) and inserting the following:

''(B) PERIOD OF EMPLOYMENT REQUIRED.—

''(i) APPLICABILITY.—Any requirement of this title relating to employment or the seeking of employment by an alien shall not apply to any alien who is—

''(I) under the age of 16 years; or

''(II) over the age of 65 years.

''(ii) REQUIREMENT.—Subject to clause (i), each Z–1 or Z–3 nonimmigrant shall remain employed for not less than 150 total days during each applicable calendar year, except in a case in which—''.

SA 1369. Mr. GRASSLEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the subsection (a) of section 1, add the following:

(6) STAFF ENHANCEMENTS FOR CITIZENSHIP AND IMMIGRATION SERVICES: The United States Citizenship and Immigration Services has hired and trained 300 additional adjudicators.

On page 3, line 33, strike ''(5)'' and insert ''(6)''.

SA 1370. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15)(C), as added by section 713 of this Act, is amended to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.38 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 14.38 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1371. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

SA 1372. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

In section 214A(h) of the Immigration and Nationality Act, as added by section 622(b), strike paragraph (2).

SA 1373. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214A(h) of the Immigration and Nationality Act, as added by section 622(b), strike paragraph (2).

SA 1374. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 262, strike line 36 and all that follows through page 264, line 1, and insert the following:

Category	Description	Maximum points
Employment Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**35 pts** Honorable Service within any branch of the United States Armed Services for (1) 4 years with an honorable discharge, or (2) any period of time pursuant to a medical discharge–**35 pts** U.S. employment in STEM or health occupation, current for at least 1 year (extraordinary or ordinary)–**35 pts**	**66**
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**23 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**21 pts**	
U.S. employment experience	Years of lawful employment for a U.S. employer (in the case of agricultural employment, 100 days of work per year constitutes 1 year)–**5 pts/year** (max 30 pts)	
Age of worker	Worker's age: 25-39–**18 pts**	
Education (terminal degree)	Graduate degree in a STEM field (including the health sciences).–**50 pts** Graduate degree in a non-STEM field–**34 pts** Bachelor's degree in a STEM field (including the health sciences)–**40 pts** Bachelor's degree in a non-STEM field–**32 pts** Associate's degree in a STEM field (including health sciences)–**30 pts** Associate's degree in a non-STEM field–**25 pts** Completed certified Department of Labor registered apprenticeship–**23 pts** High school diploma or GED–**21 pts** Completed certified Perkins vocational education program–**20 pts**	**50**
English and civics	Native speaker of English or TOEFL score of 100 or higher–**30 pts** TOEFL score of 90-99–**25 pts** Pass USCIS Citizenship Tests in English & Civics–**21 pts**	**30**
Home ownership	Sole owner of place of residence–**8 pts per year of ownership**	**24**
Medical insurance	Current private medical insurance for entire family–**10 pts per year held**	**30**
Total		**200**

SA 1375. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 261, strike line 26 and all that follows through page 262, line 8.

On page 264, in the table preceding line 1, strike the items relating to supplemental schedule for Zs.

On page 272, strike lines 16 through 39.

SA 1376. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 272, strike lines 16 through 39.

SA 1377. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 261, strike line 26 and all that follows through page 262, line 8.

SA 1378. Mr. ENSIGN (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 302, line 34, strike ''(r) Definitions-'' and insert the following:

(r) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

(s) DEFINITIONS.—

SA 1379. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218E of the Immigration and Nationality Act, as added by section 404, insert the following:

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

''(1) may be admitted for a period of up to 3 years;

''(2) shall be subject to readmission; and

''(3) shall not be subject to the requirements of subsection (h)(4).''.

SA 1380. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) STAFF ENHANCEMENTS FOR INTERIOR ENFORCEMENT.—The Assistant Secretary for Immigration and Customs Enforcement has hired not less than 2,000 additional special agents to do investigations, to include work enforcement.

On page 3, line 33, strike ''(5)'' and insert ''(6)''.

SA 1381. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RELIEF FOR WIDOWS AND ORPHANS.

(a) TRANSITION PERIOD.—

(1) IN GENERAL.—In applying section 201(b)(2)(B) of the Immigration and Nationality Act, as amended by this Act, to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(2) PAROLE; ADJUSTMENT OF STATUS.—If the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative due to the citizen relative's death—

(A) such alien may be paroled into the United States pursuant to section 212(d)(5); and

(B) notwithstanding section 212(a)(9) of such Act, such alien's application for adjustment of status shall be considered by the Secretary.

(b) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSE AND CHILDREN.—

''(1) IN GENERAL.—Any alien described in paragraph (2) who applied for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsections (a) and (d) of subsection 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b).''.

(c) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status, such application may be renewed by an alien whose qualifying relative died before the date of the enactment of this Act if a motion to reopen is filed, without a fee, not later than 2 years after the date of the enactment of this Act.

(2) PAROLE; ADJUSTMENT OF STATUS.—If the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act—

(A) such alien may be paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) notwithstanding section 212(a)(9) of such Act, such alien's application for adjustment of status shall be considered by the Secretary.

(d) PROCESSING OF IMMIGRANT VISAS BY THE DEPARTMENT OF STATE .—Section 204(b) (8 U.S.C. 1154(b)) is amended—

(1) by inserting ''(1)'' before ''After an investigation''; and

(2) by adding at the end the following:

''(2) Any alien described in paragraph (3) whose qualifying relative died prior to completion of immigrant visa processing may

have an immigrant visa application adjudicated as if such death had not occurred, and any immigrant visa issued before the death of the qualifying relative shall remain valid.

''(3) An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsections (a) and (d) of section 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b).''.

(e) NATURALIZATION.—Section 319(a) (8 U.S.C. 1429(a)) is amended by inserting ''or, if the spouse is deceased, was the spouse of a citizen of the United States at the time of such death,'' after ''citizen of the United States,''.

SA 1382. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15), as added by section 713 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if an employer seeks to hire a merit-based employer-sponsored immigrant described in section 203(b)(5) or if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.28 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1383. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15), as added by section 713 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.28 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1384. Mr. SALAZAR (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 1151 proposed by Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, Mr. BURR, Mr. ISAKSON, Mr. BUNNING, and Mr. COLEMAN) to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 702A. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English

(c) DEFINITION OF LAW.—For purposes of this section, the term ''laws of the United States'' includes the Constitution of the United States, any provision of Federal statute, or any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

SA 1385. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 2 and 3, insert the following:

(iv) NONAPPLICABILITY TO CERTAIN ALIENS.—Clauses (i) through (iii) shall not apply to any alien who qualifies for a Z nonimmigrant visa and a subsequent adjustment of status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

On page 304, line 36, strike ''must'' and insert ''(except an alien granted legal status under section 244) shall''.

SA 1386. Mr. LEAHY (for himself, Mr. SALAZAR, Mr. CARDIN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

''(W) subject to subsection (s) of section 214, an alien—

''(i) who the Secretary of Homeland Security determines—

''(I) is a scholar; and

''(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

''(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;''.

(b) CONDITIONS.—Section 214 (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien is able to demonstrate that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

''(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

''(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

''(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this

subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

''(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

''(5) DURATION OF STATUS.—

''(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

''(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 additional 2-year period.''.

SA 1387. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless such credit reduces such alien's income taxes for any such preceding taxable year.

SA 1388. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless such credit reduces such alien's income taxes or self-employment taxes for any such preceding taxable year.

SA 1389. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless 100 percent of such credit reduces such alien's income taxes for any such preceding taxable year.

SA 1390. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless 100 percent of such credit reduces such alien's income taxes or self-employment taxes for any such preceding taxable year.

SA 1391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, after line 19, insert the following:

(s) PERJURY AND FALSE STATEMENTS.—All application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(t) FRAUD PREVENTION PROGRAM.—The head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall develop an administrative program to prevent fraud within or upon such program or authority. Subject to such modifications the head of the department may direct, the program required by this subsection shall provide for fraud prevention training for the relevant administrative adjudicators within the department.

SA 1392. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287, strike line 12 and all that follows through line 35 on page 296, and insert the following:

(6) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a Z–1 nonimmigrant.

(ii) An alien applying for extension of the alien's Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,000 for a Z–1 nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) APPLICATION INFORMATION.—The application form shall request such information

as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in subsection (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than 6 months after the date on which the Secretary begins to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center;

(v) remittance records; and

(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(I) the name, address, and telephone number of the affiant;

(II) the nature and duration of the relationship between the affiant and the alien; and

(III) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(A) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(B) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each Z nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with United States Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years.

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien

who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to 3 attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,000 for a Z–1 nonimmigrant.

SA 1393. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 21, strike ''in the first sentence'' and insert ''and inserting '(other than a nonimmigrant described in subparagraph (E)(iii), (H)(i) (except subclause (b1)), (J) (if coming to the United States to receive graduate medical education or training described in section 212(j)(1) or to take examinations required to receive such graduate medical education or training), (L), or (V) of section 101(a)(15))' ''.

SA 1394. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 425, add at the end the following:

(j) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) (8 U.S.C. 1184(l)), as amended by this section, is further amended by adding at the end the following:

''(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

''(A) primary care physicians and physicians practicing specialty medicine; and

''(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

''(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

''(ii) a Mental Health Professional Shortage Area;

''(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

''(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

''(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).''.

(k) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) (8 U.S.C. 1151(b)) is amended by adding at the end the following:

''(F) Alien physicians who have completed service requirements under section 214(l).''.

SA 1395. Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 419(a) (relating to numerical limitations on H-1B nonimmigrants), is amended to read as follows:

(a) H–1B AMENDMENTS.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed 200,000 for each fiscal year; or'';

(2) by striking paragraphs (6), (7), and (8); as redesignated by section 409(2) and

(3) in paragraph (9), as redesignated by section 409(2)—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numeric limitations described in clause (i) shall not exceed'' and inserting the following: ''Without respect to the annual numeric limitation described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

SA 1396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1(a), add at the end the following:

(6) USCIS ADJUDICATORS.—The Citizenship and Immigration Service has hired 300 additional adjudicators.

SA 1397. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(7) STAFF ENHANCEMENTS FOR INTERIOR ENFORCEMENT.—The Assistant Secretary for Immigration and Customs Enforcement has hired not less than 2,000 additional special agents to conduct investigations, including worksite enforcement.

SA 1398. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, line 38, strike ''not''.

SA 1399. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, at line 36, strike ''renunciation of gang affiliation;''

SA 1400. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. ADJUSTMENT OF STATE IMPACT ASSISTANCE FEES.

Notwithstanding section 218A(e)(3)(B) of the Immigration and Nationality Act, as added by section 402, or section 601(e)(6)(C), an alien making an application for a Y–1 nonimmigrant visa or an alien making an initial application for Z–1 nonimmigrant status shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

SA 1401. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, add the following new subsection:

(e) INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.—

(1) REQUIREMENT FOR INFORMATION SHARING.—No person or agency may prohibit a Federal, State, or local government entity from acquiring information regarding the immigration status of any individual if the entity seeking such information has probable cause to believe that the individual is not lawfully present in the United States. Such probable cause includes the individual's failure to possess an identification document issued by the United States or a State.

(2) REQUIREMENT PRIOR TO IMPLEMENTATION.—Subject to subsection (a), with the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted

for permanent residence, may not become effective until the date that the Secretary submits a written certification to the President and Congress that the requirement set out in paragraph (1) is being carried out.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed—

(A) to limit the acquisition of information as otherwise provided by law; or

(B) to require a person to disclose information regarding an individual's immigration status prior to the provision of emergency medical or law enforcement assistance.

SA 1402. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 23, insert '', including the lease of 6 additional aircraft and 12 busses'' before the period at the end.

On page 36, after line 17, insert the following:

SEC. 139. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

At the appropriate place, insert the following:

SEC. ____. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 (8 U.S.C. 1302) is amended by adding at the end the following:

''(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.''.

(b) ANNUAL NOTIFICATION.—Section 265(a) (8 U.S.C. 1305(a)) is amended by striking ''(a) Each alien'' and inserting the following:

''(a) IN GENERAL.—

''(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

''(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland Security with the information described in paragraph (1).

''(3) NEW ADDRESS.—Each alien''.

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

''(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.''.

(d) TECHNICAL AMENDMENTS.—Section 266 (8 U.S.C. 1306) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SA 1403. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 265, line 25, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

(c) PROVISION OF W–2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

''(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

''(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

''(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W–2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

''(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue

or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W–2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W–2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.''.

(d) EXTENSION OF H–1B STATUS FOR MERIT-BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting ''(A)'' after ''(4)'';

(B) by striking ''If an alien'' and inserting the following:

''(B) If an alien''; and

(C) by adding at the end the following:

''(D) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.''.

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n), as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1), as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(d) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1), as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (c)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K), as redesignated by section 420(c)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).''

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2), as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A), as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers

that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C), as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n), as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers rights.''.

SEC. 422. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by inserting after subsection (F) the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) is amended by inserting after subparagraph (G), as added by subsection (a), the following:

''(H)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(H), as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) is amended by inserting after subparagraph (H), as added by subsection (b), the following:

''(I)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in

an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

SEC. 423. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost compensation, including back pay.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) is amended by inserting after subparagraph (I), as added by section 423, the following:

''(J)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 424. LIMITATIONS ON APPROVAL OF L–1 PETITIONS FOR START-UP COMPANIES.

Section 214(c)(2), as amended by sections 422 and 423, is further amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (L), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(K)(i) If the beneficiary of a petition under this subsection is coming to the United States to be employed in a new office, the petition may be approved for a period not to exceed 12 months only if the alien has not been the beneficiary of 2 or more petitions under this subparagraph within the immediately preceding 2 years and only if the employer operating the new office has—

''(I) an adequate business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has substantially complied with the business plan submitted under clause (i);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition if requested by the Secretary;

''(VI) evidence that the importing employer, from the date of petition approval under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods or services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this subparagraph shall do business through regular, systematic, and continuous provision of goods or services for the entire period of petition approval.

''(iv) Notwithstanding clause (iii) or subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the discretion of the Secretary, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subsection for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods or services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary, in the discretion of the Secretary.

''(L)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (K), to engage in employment in the United States during the initial 12-month period described in subparagraph (K)(i).

''(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (K)(ii).

''(M) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall establish procedures with the Department of State to verify a company or office's existence in the United States and abroad.''.

SEC. 425. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—

(1) IN GENERAL.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) (as amended by section 1(a) of Public Law 108–441 and section 2 of Public Law 109–477) is amended by striking ''and before June 1, 2008.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on June 1, 2007.

(b) PILOT PROGRAM REQUIREMENTS.—Section 214(l) (8 U.S.C. 1184(l)) is amended by adding at the end the following:

''(4)(A) Notwithstanding paragraph (1)(B), the Secretary of Homeland Security may grant up to a total of 50 waivers for a State under section 212(e) in a fiscal year if, after the first 30 such waivers for the State are granted in that fiscal year—

''(i) an interested State agency requests a waiver; and

''(ii) the requirements under subparagraph (B) are met.

''(B) The requirements under this subparagraph are met if—

''(i) fewer than 20 percent of the physician vacancies in the health professional shortage areas of the State, as designated by the Secretary of Health and Human Services, were filled in the most recent fiscal year;

''(ii) all of the waivers allotted for the State under paragraph (1)(B)) were used in the most recent fiscal year; and

''(iii) all underserved highly rural States—

''(I) used the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year; or

''(II) all agreed to waive the right to receive the minimum guaranteed number of such waivers.

''(C) In this paragraph:

''(i) The term 'health professional shortage area' has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

''(ii) The term 'underserved highly rural State' means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

''(iii) The term 'minimum guaranteed number' means—

''(I) for the first fiscal year of the pilot program, 15;

''(II) for each subsequent fiscal year, the sum of—

''(aa) the minimum guaranteed number for the second fiscal year; and

''(bb) if any State received additional waivers under this paragraph in the first fiscal year;

''(III) for the third fiscal year, the sum of—

''(aa) the minimum guaranteed number for the second fiscal year; and

''(bb) if any State received additional waivers under this paragraph in the first fiscal year.''.

(c) TERMINATION DATE.—Section 214(l)(4) of the Immigration and Nationality Act, as

added by subsection (b), is repealed on September 30, 2011.

(d) MEDICAL PROFESSIONALS.—Section 212(j) (8 U.S.C. 1182(j)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2)(A) An alien who is coming to the United States to receive graduate medical education or training (or seeks to acquire status as a nonimmigrant under section 1101(a)(15)(J) to receive graduate medical education or training) may not change status under section 1258 to a nonimmigrant under section 1101(a)(15)(H)(i)(b) until the alien graduates from the medical education or training program and meets the requirements of paragraph (3)(B).

''(B) Any occupation that an alien described in paragraph (2)(A) may be employed in while receiving graduate medical education or training shall not be deemed a 'specialty occupation' within the meaning of section 1184(i) for purposes of section 1101(a)(15)(H)(i)(b).''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by striking the matter preceding subparagraph (A) and inserting the following:

''(3) An alien who has graduated from a medical school and who is coming to the United States to practice primary care or specialty medicine as a member of the medical profession may not be admitted as a nonimmigrant under section 1101(a)(15)(H)(i)(b) of this title unless—'';

(e) DEFINITION.—Section 101(a)(15)(J) is amended by inserting ''(except an alien coming to the United States to receive graduate medical education or training)'' after ''abandoning''.

(f) INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214(h) (8 U.S.C. 1184(h)) is amended by inserting ''(E), (J) (if the alien is coming to the United States to receive graduate medical education or training),'' after ''described in subparagraph''.

(g) MEDICAL RESIDENTS INELIGIBLE FOR H–1B NONIMMIGRANT STATUS.—Section 214(i)(1) (8 U.S.C. 1184(i)) is amended to read as follows:

''(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term 'specialty occupation'—

''(A) means an occupation that requires—

''(i) theoretical and practical application of a body of highly specialized knowledge; and

''(ii) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States; and

''(B) shall not include graduate medical education or training.''.

(h) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 214(l) (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) in clause (i), by striking ''Attorney General to be in the public interest; and'' and inserting ''Secretary of Homeland Security to be in the public interest;'';

(ii) by striking subclause (ii) and inserting the following:

''(ii) the alien has accepted employment with the health facility or health care organization and agrees to continue to work for a total of not less than 3 years; and

''(iii) the alien begins employment not later than 90 days after the later of the date on which the alien—

''(I) received such waiver; or

''(II) received nonimmigrant status or employment authorization pursuant to an application filed under paragraph (2)(A) (if such application is filed not later than 90 days after eligibility of completing graduate medical education or training under a program approved pursuant to section 212(j)(1));'';

(B) by striking the period at the end and inserting the following: ''; or

''(E) in the case of a request by an interested State agency, the alien agrees to practice primary care or specialty medicine care, for a continuous period of 2 years, only at a federally qualified health facility, health care organization or center, or in a rural health clinic that is located in—

''(i) a geographic area which is designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(ii) a State that utilized less than 10 of the total allotted waivers for the State under paragraph (1)(B) (excluding the number of waivers available pursuant to paragraph (1)(D)(ii)) in the most recent fiscal year.'';

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) Notwithstanding section 248(a)(2), upon submission of a request to an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J), the Secretary of Homeland Security may accept as properly filed an application to change the status of such physician to [any applicable nonimmigrant status]. Upon favorable recommendation by the Secretary of State of such request, and approval by the Secretary of Homeland Security the waiver under this section, the Secretary of Homeland Security may change the status of such physician to that of [an appropriate nonimmigrant status.]''.

(3) in paragraph (3)(A), by inserting ''requirement of or'' before ''agreement entered into''.

(i) PERIOD OF AUTHORIZED ADMISSION FOR PHYSICIANS ON H–1B VISAS WHO WORK IN MEDICALLY UNDERSERVED COMMUNITIES.—Section 214(g)(5), as renumbered by section 409 and amended by section 719(c), is further amended by adding at the end the following:

''(D) The period of authorized admission under subparagraph (A) shall not apply to an alien physician who fulfills the requirements under subsection (l)(1)(E) and who has practiced primary or specialty care in a medically underserved community for a continuous period of 5 years.''.

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—IMMIGRATION BENEFITS

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

''(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under section 203(a), plus any immigrant visas not required for the class specified in subsection (d).

''(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 127,000, plus any immigrant visas not required for the class specified in subsection (d).''.

(b) MERIT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection—

''(A) for the first 5 fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) for fiscal year 2005, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(B) starting in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(ii) not more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007; and

''(C)(i) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens of nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in subsection (c), plus

''(ii) the temporary supplemental allocation of additional visas described in paragraph (2) for nonimmigrants described in section 101(a)(15)(Z).

''(2) TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in this paragraph is as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior

fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(3) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (2) shall terminate when the number of visas calculated pursuant to paragraph (2)(C) is zero.

''(4) LIMITATION.—The temporary supplemental visas described in paragraph (2) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

''(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens who—

''(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

''(ii) seek to enter the United States to continue work in the area of extraordinary ability.

''(K) Aliens who—

''(i) are recognized internationally as outstanding in a specific academic area;

''(ii) have at least 3 years of experience in teaching or research in the academic area; and

''(iii) who seek to enter the United States for—

''(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

''(II) a comparable position with an institution of higher education to conduct research in the area; or

''(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(L) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	
Experience	Years of work for U.S. firm–**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Supplemental schedule for Zs		
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts** Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts** Worked in agriculture for 5 years, 100 days per year–**25 pts**	**25**
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**
"Total		**100**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).'';

''(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-

based, employer-sponsored immigrants described in paragraph (5).

''(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking ''7.1 percent of such worldwide level'' and inserting ''4,200 of the worldwide level specified in section 201(d)(1)''; and

(B) by striking ''5,000'' and inserting ''2,500'';

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking ''7.1 percent of such worldwide level'' and inserting ''2,800 of the worldwide level specified in section 201(d)(1)''; and

(B) in subparagraph (B)(i), by striking ''3,000'' and inserting ''1,500''; and

(5) by adding at the end the following

''(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

''(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

''(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

''(III) the alien's entry into the United States will substantially benefit prospectively the United States.

''(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

''(I) the alien is recognized internationally as outstanding in a specific academic area;

''(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

''(III) the alien seeks to enter the United States—

''(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

''(bb) for a comparable position with an institution of higher education to conduct research in the area, or

''(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

''(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(C) PROFESSIONALS.—

''(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

''(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

''(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.''.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

''(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

''(i) 140,000, plus

''(ii) the number computed under subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

''(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.''.

SA 1404. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION.

(a) H-1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SA 1405. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr.

GREGG) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 262, beginning with line 10, strike all through page 265, line 25, and insert the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

''(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens who—

''(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

''(ii) seek to enter the United States to continue work in the area of extraordinary ability.

''(K) Aliens who—

''(i) are recognized internationally as outstanding in a specific academic area;

''(ii) have at least 3 years of experience in teaching or research in the academic area; and

''(iii) who seek to enter the United States for—

''(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

''(II) a comparable position with an institution of higher education to conduct research in the area; or

''(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	
Experience	Years of work for U.S. firm–**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Total		**100**

"Category	Description	Maximum points
"Supplemental schedule for Zs		
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts** Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts** Worked in agriculture for 5 years, 100 days per year–**25 pts**	**25**
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).'';

''(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

''(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to

the worldwide level specified in section 201(d)(1).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking ''7.1 percent of such worldwide level'' and inserting ''4,200 of the worldwide level specified in section 201(d)(1)''; and

(B) by striking ''5,000'' and inserting ''2,500'';

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking ''7.1 percent of such worldwide level'' and inserting ''2,800 of the worldwide level specified in section 201(d)(1)''; and

(B) in subparagraph (B)(i), by striking ''3,000'' and inserting ''1,500''; and

(5) by adding at the end the following

''(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

''(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

''(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

''(III) the alien's entry into the United States will substantially benefit prospectively the United States.

''(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

''(I) the alien is recognized internationally as outstanding in a specific academic area;

''(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

''(III) the alien seeks to enter the United States—

''(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

''(bb) for a comparable position with an institution of higher education to conduct research in the area, or

''(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

''(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(C) PROFESSIONALS.—

''(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

''(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

''(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.''.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

''(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

''(i) 140,000, plus

''(ii) the number computed under subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

''(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.''.

SA 1406. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 242, strike line 37 and all that follows through line 24, on page 250, and insert the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before

and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(h) PUBLIC AVAILABILITY AND RECORDS RETENTION.—Section 212(n) of such Act, as amended by this section, is further amended, by adding at the end the following:

''(7) For each application filed under paragraph (1), the employer who filed the application shall—

''(A) upon request, provide a copy of the application and supporting documentation to every nonimmigrant employed by the employer under the application;

''(B) upon request, make available for public examination at the employer's place of business or worksite a copy of the application and supporting documentation;

''(C) upon request, make available a copy of the application and supporting documentation to the Secretary of Labor; and

''(D) retain a copy of the application and supporting documentation for at least 5 years after the date on which the application is filed.''.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer

of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

(g) ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.—

(1) IN GENERAL.—The Secretary of Labor shall increase by not less than 200 the number of positions to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(2) FUNDING.—Notwithstanding any other provision of law, the Secretary of Labor may use amounts in the Fraud Prevention and Detection Account made available to the Secretary pursuant to section 286(v)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(C)) to carry out paragraph (1).

SEC. 422. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) DEPARTMENT OF HOMELAND SECURITY PROCESSING OF BLANKET PETITION L VISAS.—

(1) IN GENERAL.—Paragraph (2)(A) of section 214(c) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security shall provide for a procedure under which an importing employer which meets the requirements established by the Secretary of Homeland Security may file a blanket petition to import aliens as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) to import such aliens. Such procedure shall permit the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions. Adjudication of blanket petitions or individual petitions covered under such blanket petitions may not be delegated by the Secretary of Homeland Security to the Secretary of State.''.

(2) FRAUD PREVENTION DETECTION FEES.—Paragraph (12)(B) of section 214(c) of such Act is amended to read as follows:

''(B) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing an individual petition covered under a blanket petition described in paragraph (2)(A) initially to grant an alien nonimmigrant status described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SA 1407. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 238, strike lines 41 and all that follows through line 21 on page 239, and insert the following:

(2) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed 200,000 for each fiscal year; or'';

(3) by striking paragraphs (6), (7), and (8), as redesignated by section 409(2);

(4) in paragraph (9), as redesignated by section 409(2)—

(A) in subparagraph (B), by striking clause (iv); and

(B) by striking subparagraph (D).

SA 1408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LABOR CONDITION APPLICATION.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended—

(1) in subparagraph (D)—

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

''(D) SPECIFICATIONS.—

''(i) IN GENERAL.—The application''; and

(B) by adding at the end the following:

''(ii) VERIFICATION OF EMPLOYER ID NUMBER.—The application shall be denied unless the Secretary of Labor verifies that the employer identification number provided on the application is valid and accurate.''; and

(2) in subparagraph (G)(i)—

(A) by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in subclause (I), by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) has posted, for a period of not less than 30 days, the available position on a public job bank website that—

''(aa) is accessible through the Internet;

''(bb) is national in scope;

''(cc) has been in operation on the Internet for at least the 18-month period ending on the date on which the position is posted;

''(dd) does not require a registration fee or membership fee to search the job postings of the website; and

''(ee) has a valid Federal or State employer identification number.''.

SA 1409. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, after line 27, insert the following:

SEC. 509. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the shortage of nurses and physical therapists educated in the United States.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) include information from the most recent 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify the nurses and physical therapists receiving initial licenses in each State and the nurses and physical therapists licensed by endorsement from other States;

(D) identify, from among the nurses and physical therapists receiving initial licenses in each year, the number of such nurses and physical therapists who received professional educations in the United States and the number of such nurses and physical therapists who received professional educations outside the United States;

(E) to the extent possible, identify, by State of residence and the country in which each nurse or physical therapist received a professional education, the number of nurses and physical therapists who received professional educations in any of the 5 countries from which the highest number of nurses and physical therapists emigrated to the United States;

(F) identify the barriers to increasing the supply of nursing faculty in the United States, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies for Federal and State governments to reduce such barriers, including strategies that address barriers that prevent health care workers, such as home health aides and nurse's assistants, from advancing to become registered nurses;

(H) recommend amendments to Federal law to reduce the barriers identified in subparagraph (F);

(I) recommend Federal grants, loans, and other incentives that would increase the supply of nursing faculty and training facilities for nurses in the United States, and recommend other steps to increase the number of nurses and physical therapists who receive professional educations in the United States;

(J) identify the effects of emigration by nurses on the health care systems in the countries of origin of such nurses;

(K) recommend amendments to Federal law to minimize the effects of shortages of nurses in the countries of origin of nurses who immigrate to the United States; and

(L) report on the level of Federal investment determined under subsection (b)(1) to be necessary to eliminate the shortage of nurses and physical therapists in the United States.

(b) CONSULTATION.—The Secretary of Health and Human Services shall—

(1) enter into a contract with the Institute of Medicine of the National Academies to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.) that would be necessary to eliminate the shortage of nurses and physical therapists in the United States by January 1, 2015; and

(2) consult with other agencies in working with ministers of health or other appropriate officials of the 5 countries from which the highest number of nurses and physical therapists emigrated, as reported under subsection (a)(2)(E), to—

(A) address shortages of nurses and physical therapists in such countries caused by emigration; and

(B) provide the technical assistance needed to reduce further shortages of nurses and physical therapists in such countries.

(c) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(A) in paragraph (1)—

(i) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(ii) by inserting ''group I,'' after ''schedule A,'';

(B) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(C) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

(2) APPLICABILITY.—Notwithstanding any provision of this Act or any amendment made by this Act, section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by paragraph (1), shall apply to petitions filed on or before the effective date set forth in section 502(d) of this Act for classification under paragraph (1), (2), or (3) of subsection (b), or subsection (d), of section 203 of the the Immigration and Nationality Act (as such section was in effect on the day before the date of the enactment of this Act).

SA 1410. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike line 35 and all that follows through page 314, line 10, and insert the following:

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony (as that term is defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), may be placed forthwith in proceedings pursuant to section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (i), (iii), or (iv) of section 601(d)(1)(F) may be placed forthwith in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall represent the exhaustion of all review procedures for purposes of sections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding subsection (a)(2) of this section.

(2) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection an alien may file not more than 1 motion to reopen or to reconsider. The decision of the Secretary or Attorney General regarding whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as the case may be.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER TITLE VI OF THE SECURE BORDERS, ECONOMIC OPPORTUNITY, AND IMMIGRATION REFORM ACT OF 2007.—

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, (or any other habeas corpus provision) and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, including, a denial, termination, or rescission of such status.

''(2) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—

''(A) DIRECT REVIEW.—

''(i) IN GENERAL.—A denial, termination, or rescission of status under section 601 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides, if the petition for review is filed not later than 30 days after the later of the date of the denial, termination, or rescission and the date of the mailing thereof.

''(ii) REVIEW.—For any petition filed under clause (i)—

''(I) the court shall review the challenge to the denial, termination, or rescission of status on the administrative record on which the denial, termination, or rescission by the Secretary of Homeland Security was based; and

''(II) an alien may file not more than 1 motion to reopen or reconsider proceedings brought under this section.

''(B) REVIEW AFTER REMOVAL PROCEEDINGS.—A denial, termination, or rescission of status under section 601 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 may be subject to judicial review in conjunction with judicial review of an order of removal, deportation, or exclusion if the validity of the denial, termination, or rescission of status has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard of review of such a denial, termination, or rescission of status shall be governed by subparagraph (C).

''(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the denial, termination, or rescission of status by the Secretary of Homeland Security under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, relating to any alien shall be based on the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The court may reverse or remand any final decision that is found to be arbitrary, capricious, unsupported by substantial evidence, or otherwise not in accordance with law.

''(D) STAY OF REMOVAL.—An alien seeking administrative or judicial review under this subsection shall not be removed from the

United States until a final decision is rendered on the appeal of that alien.

''(E) CONFIDENTIALITY.—Information furnished or otherwise developed in judicial review proceedings shall be subject to the terms of section 604 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, relating to confidentiality. Appropriate measures shall be taken to ensure the confidentiality of this information, such as redacting identifying information from filings or, where necessary, filing documents under seal.

''(3) CHALLENGES ON VALIDITY OF THE SYSTEM.——

''(A) IN GENERAL.—Any claim that title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law may be made exclusively in an action instituted in an appropriate United States district court in accordance with the procedures under this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 from asserting that an action taken or decision made by the Secretary with respect to the status of the applicant under that title was contrary to law in a proceeding under section 603 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted by a person or entity under this paragraph—

''(i) if it asserts a claim that title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise unlawful, shall be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of that Act, not later than 1 year after the date of the initial application of the provision being challenged; and

''(ii) if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution of the United States or is otherwise unlawful, be filed not later than 1 year after the date that plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

''(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section 603 the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section 603 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.''.

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal department or agency, nor any officer, employee, or contractor of such department or agency, may—

(1) use the information furnished by an applicant under section 601, 602, or 603 or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, or any subsequent application, to extend such status under section 601, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602;

(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

(3) permit any person, other than an officer, employee, or contractor of such department or agency, or other entity approved by the Secretary of Homeland Security, to examine individual applications that have been filed under section 601, 602, or 603.

(b) EXCEPTIONS TO CONFIDENTIALITY.—

(1) IN GENERAL.—Subsection (a) shall not apply with respect to—

(A) an alien whose application has been denied, terminated, or revoked based on a finding by the Secretary of Homeland Security that the alien—

(i) is inadmissible under paragraph (2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of this Act), or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is deportable under paragraph (1)(E), (1)(G), (2), or (4) of the section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)); or

(iii) was physically removed and is subject to reinstatement pursuant to section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5));

(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked under section 601(d)(1)(F);

(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(D) an alien whom the Secretary determines has, in connection with the application of that alien under section 601 or 602, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document; or

(E) an order from a court of competent jurisdiction.

SA 1411. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—

''(i) IN GENERAL.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if, during the removal period, the alien—

''(I) fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(II) conspires or acts to prevent the alien's removal.

''(ii) EFFECT OF SEEKING STAY OF REMOVAL.—An alien who seeks a stay of removal before an immigration judge, the Board of Immigration Appeals, or a Federal judge, shall not for that reason be deemed to be conspiring or acting to prevent the alien's removal.

''(iii) APPLICABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS.—A determination to extend the removal period under this subparagraph beyond 180 days shall be made in accordance with the requirements of paragraph (9) and shall be subject to the administrative and judicial review provisions of such paragraph.''; and

(B) by adding at the end the following new subparagraph:

''(D) ALIENS NOT IN THE CUSTODY OF THE SECRETARY.—

''(i) DELAY OF REMOVAL PERIOD.—If, on the date determined under subparagraph (B), the alien is not in the custody of the Secretary of Homeland Security under the authority of this Act, the removal period shall not begin until the alien is taken into such custody.

''(ii) TOLLING OF REMOVAL PERIOD.—If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled until the date on which the alien is returned to the custody of the Secretary.'';

(3) in paragraph (2)—

(A) by striking ''During the'' and inserting the following:

''(A) IN GENERAL.—During the''; and

(B) by adding at the end the following new subparagraph:

''(B) DETENTION DURING STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of the Secretary's discretion, may detain the alien during the pendency of such stay of removal.'';

(4) by amending paragraph (3)(D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding; or

''(ii) for the protection of the community.'';

(5) in paragraph (6), by striking ''beyond the removal period'' and inserting ''for an additional 90 days'';

(6) by redesignating paragraph (7) as paragraph (10); and

(7) by inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—

''(A) IN GENERAL.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5),

that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable.

''(B) ADMISSION STATUS.—An alien described in subparagraph (A) shall in no circumstance be considered admitted.

''(8) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion, may detain an alien for 90 days beyond the removal period if the removal of the alien is reasonably foreseeable.

''(9) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) REGULATIONS.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall prescribe regulations to establish an administrative process by which the Secretary shall determine—

''(I) whether an alien's removal period should be extended beyond 180 days pursuant to paragraph (1)(C); or

''(II) if the removal period is not extended, whether the alien should be detained or released beyond the removal period (or beyond the additional 90-day detention period if such a period is authorized under paragraph (6) or (8)).

''(ii) LIMITATION ON DETENTION.—The Secretary may detain an alien while a determination under clause (i) is pending only if the Secretary has initiated the administrative process established pursuant to clause (i) not later than 30 days after the expiration of the relevant period.

''(B) EVIDENCE.—In making a determination under subparagraph (A)(i), the Secretary—

''(i) shall consider any evidence submitted by the alien;

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien that otherwise would be admissible before an immigration judge.

''(C) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary may detain an alien beyond the periods described in this subsection for additional periods of 180 days, renewable under subparagraph (D), until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future;

''(ii) determines that the alien—

''(I) has failed to make timely application in good faith for travel or other documents necessary to secure the alien's departure; or

''(II) has otherwise conspired or acted to prevent his removal and there would be a significant likelihood of that the alien would be removed in the reasonably foreseeable future in the absence of such failure or conspiracy; or

''(iii) certifies in writing—

''(I) after consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety, in which case the alien may be detained only in a civil medical facility;

''(II) pursuant to section 236A, that there are reasonable grounds to believe that the release of the alien would threaten the national security of the United States;

''(III) that—

''(aa) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), 1 or more attempts or conspiracies to commit any such aggravated felonies, or 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), for which the alien has served an aggregate term of imprisonment of not less than 5 years; and

''(bb) the Secretary has reason to believe that, because of a mental condition or personality disorder and behavior associated with such condition or disorder, the alien is likely to engage in acts of violence in the future or the alien's release would otherwise threaten the safety of the community or any person, notwithstanding any conditions of release, in which case the person shall be referred for civil commitment proceedings in the State in which the alien resides or, if the alien does not reside in a State, the State in which the alien is being detained.

''(D) RENEWAL OF DETENTION.—The Secretary may renew a determination or certification made under subparagraph (C) every 180 days after providing the alien with an opportunity to request reconsideration of the determination or certification and to submit documents or other evidence in support of such request. If the Secretary determines that continued detention is not warranted, the Secretary shall release the alien pursuant to subparagraph (G).

''(E) NONDELEGATION OF DETENTION DETERMINATIONS.—Notwithstanding any other provision of law, the Secretary may not delegate the authority provided under subparagraphs (C) and (D) to any employee below the level of Assistant Secretary for U.S. Immigration and Customs Enforcement.

''(F) REVIEW OF DETENTION DETERMINATIONS.—

''(i) REVIEW BY IMMIGRATION JUDGE.—A determination by the Secretary of Homeland Security to detain an alien under subparagraph (C) or (D) or to redetain an alien under subparagraph (H) shall be subject to review by an immigration judge in accordance with regulations to be prescribed by the Attorney General. Such regulations shall require an immigration judge to complete the review within 90 days. An immigration judge shall uphold the determination of the Secretary only if the Secretary establishes by clear and convincing evidence that the detention of the alien is authorized under subparagraph (C), (D), or (H).

''(ii) TIME PERIODS FOR ADMINISTRATIVE REVIEW.—For purposes of this subparagraph, a failure by the Secretary to reach a determination within 90 days of initiating the administrative process described in subparagraph (A) shall be treated as a determination to detain the alien.

''(iii) REVIEW IN FEDERAL COURT.—Notwithstanding any other provision of law, judicial review of an alien's detention under this section shall be available—

''(I) through only habeas corpus proceedings under section 2241 of title 28, United States Code; and

''(II) in the District Court of the United States in the district where the alien is detained or where removal proceedings against the alien were initiated.

''(G) RELEASE ON CONDITIONS.—If the Secretary determines that an alien should be released from detention, the Secretary may impose conditions on the release of the alien in accordance with the regulations prescribed pursuant to paragraph (3), including with respect to the use of electronic monitoring devices, the use of Federal or State mental or substance abuse treatment programs, and adherence to parole and probation requirements for aliens to whom such requirements apply under Federal or State law.

''(H) REDETENTION.—The Secretary may detain any alien subject to a final removal order who has previously been released from custody only if—

''(i) the alien fails to comply with the conditions of the alien's release; or

''(ii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (C) or (D).

''(I) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (H) as if the removal period terminated on the day of the alien's redetention.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to—

(A) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless—

(i) that order was issued and the alien was subsequently released or paroled before the date of the enactment of this Act; and

(ii) the alien has complied with and remains in compliance with the terms and conditions of such release or parole; and

(B) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

SA 1412. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike line 28 and all that follows through page 47, line 13.

SA 1413. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 32, strike ''(2) Definition of employer.—'' and all that follows through line 34.

SA 1414. Mrs. LINCOLN (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) PASSPORT APPLICATIONS.—

(1) IN GENERAL.—The programs referred to in subsection (a) shall not become effective until the Secretary of State submits a written certification to the President and Congress stating that the Department of State is processing and adjudicating passport applications for United States citizens in 6 weeks or less.

(2) PRESIDENTIAL PROGRESS REPORT.—The report required under subsection (c) shall describe the progress made in satisfying the requirement under paragraph (1).

SA 1415. Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. ENSIGN, Mr.

ALLARD, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following new subsections:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SA 1416. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 295, strike line 18 and all that follows through page 296, line 7, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1417. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 32 and 33, insert the following:

(9) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1418. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

SA 1419. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike page 10, line 32 through page 11, line 11 and insert the following:

''Section 236(a)(2) (8 U.S.C. 1226(a)(2)) is amended—

(1) by adding '', and'' at the end of subsection (a)(3), and

(2) by adding a new subsection (a)(4) that reads ''may not provide the alien with release on bond or with conditional parole if the alien is a national of a noncontiguous country, has not been admitted or paroled into the United States, and was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the secretary of Homeland Security.''

SA 1420. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 52, between line 18 and 19, insert the following:

''(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.''

SA 1421. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 52, between line 18 and 19, insert the following:

(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.

SA 1422. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act a Y–1 Nonimmigrant:

(1) may be extended for an indefinite number of subsequent two-year periods, as long as each two-year period is separated by physical presence outside the United States for the immediate prior 12 months,

(2) may not be accompanied by their spouse and dependents for any of their 2 year periods of work in the United States, and

(3) may not sponsor a family member to visit them in the United States under the ''parent visa'' created by Section 506 of this Act.

SA 1423. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sec. 506(a), strike the following sentence:

''The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''

SA 1424. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for

comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 501, insert the following subsection:

(d) Notwithstanding any other provision of this Act for each fiscal year starting with the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, 10,000 of the immigrant visas set aside under 503(c) of this Act for parents will be made available to aliens seeking immigrant visas under section 203(b) of the Immigration and Nationality Act based on achieving a score in the top 10 percentile on the Scholastic Aptitude Test (SAT) or the American College Testing (ACT) placement exam for that year. The test, the SAT or the ACT, must be taken in English for the immigrant to qualify. If more than 10,000 foreign applicants with the requisite SAT or ACT score apply, then the top 10,000 of the pool of applicants for that year will receive immigrant visas.

SA 1425. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sections 501 and 502, strike the ''supplemental schedule for Zs'' in its entirety and at the end of Section 502(b), insert a new subsection (G) that reads:

(G) Notwithstanding any other provision of this Act, aliens described in section 101(a)(15)(Z) of this Act must compete with all other applicants through the merit based evaluation system established under this subsection for merit based immigrant visas available under section 501 of this Act.

SA 1426. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sections 501 and 502, strike the ''supplemental schedule for Zs'' in its entirety and at the end of Section 502(b), insert new subsections (G) and (H) that read:

''(G) Notwithstanding any other provision of this Act, aliens described in section 101(a)(15)(Z) of this Act must achieve the same point threshold required for all other applicants to the merit based evaluation system established under this subsection.

''(H) Aliens described in section 101 (a)(15)(Z) shall be exempt from the annual cap on merit based green card as set by Section 501 of this Act.

SA 1427. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place on page 295, line 18 through page 296, line 2, insert the following changes:

Page 295, line 29, insert ''and'' between ''(2)'' and ''by demonstrating'';

Strike Page 295, line 38—page 296, line 2;

Adding a new (III) that reads: ''REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the TOEFL test which is administered by the Educational Testing Service.'';

Adding a new (IV) that reads: ''REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the TOEFL test as administered by the Educational Testing Service and receive a score 20 points higher than the first time they took the TOEFL test for the third renewal, or a score of 70, whichever is lower.'';

Changing (III) to (V) on page 296 line 3;

On p. 296 line 4, strike ''(I) and (II)'' and insert ''(I), (II)'' (III), and (IV)''.

SA 1428. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section 601(e), insert the following at the end of section 601(e)(8):

''(9) GOOD MORAL CHARACTER.—To be eligible for any Z nonimmigrant status, the alien must establish that the alien has been a person of good moral character, as defined in 8 U.S.C. §1101(f), I.N.A. §101(f), for his or her entire period of illegal presence in the United States.

SA 1429. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section (f)(2), strike the last sentence of subsection (2).

SA 1430. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section (f)(2), strike the last sentence of subsection (2).

SA 1431. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 607, and replace with the following:

SEC 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by:

(1) amending subsection (c) by deleting ''For'' and inserting ''Except as provided in subsection (e), for''; and

(2) adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number:

(a) such quarter of coverage is earned prior to the year in which such social security account number is assigned; or

(b) if such quarter of coverage was earned after the individuals visa or work authorization had expired.''.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

''(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.''

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '';and''; and

(3) by adding at the end of the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''

(c) Effective date—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SA 1432. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 30 and all that follows through page 11, line 11, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) (8 U.S.C. 1226(a)) is amended—

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

(2) in paragraph (2)(B), by striking ''but'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) may not provide the alien with release on bond or with conditional parole if the alien—

''(A) is a national of a noncontiguous country;

''(B) has not been admitted or paroled into the United States; and

''(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.''.

SA 1433. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, between lines 30 and 31, insert the following:

(d) VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, for each fiscal year beginning after the

date of the enactment of this Act, 10,000 of the immigrant visas allocated by section 203(a)(1) of the Immigration and Nationality Act for parents of a citizen of the United States shall be made available to aliens seeking immigrant visas under section 203(b) of the Immigration and Nationality Act who—

(A) achieve a score in the top 10th percentile on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(B) take the exams described in subparagraph (A) in the English language.

(2) LIMITATION.—If more than 10,000 aliens described in paragraph (1) apply for immigrant visas in a fiscal year, the 10,000 such aliens with the highest scores on the exams described in paragraph (1)(A) shall receive immigrant visas.

SA 1434. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 276, beginning on line 38, strike ''. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure''.

SA 1435. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, line 16, insert ''or, if such quarter of coverage is earned after the individual's visa or work authorization has expired'' before the period at the end.

SA 1436. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 260, strike line 3 and all that follows through page 268, line 35, and insert the following:

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

''(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under section 203(a), plus any immigrant visas not required for the class specified in subsection (d).

''(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 127,000, plus any immigrant visas not required for the class specified in subsection (d).''.

(b) MERIT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection—

''(1) for the first 5 fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) for fiscal year 2005, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(B) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(2) starting in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(B) not more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the 'Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007'; and

''(3) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens of nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in subsection (c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	**Description**	**Maximum points**
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts**	
National interest/critical infrastructure	U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts** U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	
Experience	Years of work for U.S. firm–**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Total		**100**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the

merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).

''(G) Notwithstanding any other provision of this Act or the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, aliens described in section 101(a)(15)(Z) shall compete with all other applicants through the merit based evaluation system established under this subsection for merit based immigrant visas available under section 201(d).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated—

(A) by striking ''7.1 percent'' and inserting ''4,200''; and

(B) striking ''5,000'' and inserting ''2,500''; and

(4) in paragraph (3), as redesignated—

(A) by striking ''7.1 percent'' and inserting ''2,800''; and

(B) striking ''3,000'' and inserting ''1,500''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b) (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and were pending or approved at the time of the effective date of this section, shall be treated as if such provisions remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(e) CONFORMING AMENDMENTS.—

(1) Section 201 (8 U.S.C. 1151) is amended by striking ''employment-based'' each place it appears and inserting ''merit-based''.

(2) Section 202 (8 U.S.C. 1152) is amended by striking ''employment-based'' each place it appears and inserting ''merit-based''.

(3) Section 203(b) (8 U.S.C. 1153(b)) is amended—

(A) by amending the matter preceding paragraph (1) to read as follows:

''(b) PREFERENCE ALLOCATION FOR MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for merit-based, special, and employment creation immigrants in a fiscal year shall be allotted visas as follows:'';

(B) in paragraph (6)(B)(i)—

(i) by striking ''employment-based'' and inserting ''merit-based''; and

(ii) by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraph (1)''; and

(C) in paragraph (6)(B)(iii)—

(i) by striking ''employment-based'' and inserting ''merit-based''; and

(ii) by striking ''each of paragraphs (1) through (3)'' and inserting ''paragraph (1)''.

(4) Section 212(a)(4) (8 U.S.C. 1182(a)(4)) is amended by striking subparagraph (D).

(5) Section 213A(f) (8 U.S.C. 1183a(f)) is amended—

(A) by striking paragraph (4);

(B) by striking paragraph (5) and inserting the following:

''(4) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

''(A) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

''(B) the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.'';

(C) by redesignating paragraph (6) as paragraph (5); and

(D) by striking ''(6)'' and inserting ''(5)''.

(6) Section 212(a) (8 U.S.C. 1182(a)) is amended by striking paragraph (5).

(7) Section 218(g)(3) (8 U.S.C. 1188) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(8)(A) Section 207(c)(3) (8 U.S.C. 1157(c)(3)) is amended by striking '', (5),'' in the first sentence.

(B) Section 209(c) (8 U.S.C. 1159(c)) is amended by striking '', (5),'' in the second sentence.

(C) Section 210(c)(2)(A) (8 U.S.C. 1160(c)(2)(A)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(D) Section 237(a)(1)(H)(i)(II) (8 U.S.C. 1227(a)(1)(H)(i)(II)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(E) Section 245(h)(2)(A) (8 U.S.C. 1255(h)(2)(A)) is amended by striking '', (5)(A),''.

(F) Section 245A(d)(2)(A) (8 U.S.C. 1255a(d)(2)(A)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(G) Section 286(s)(6) (8 U.S.C. 1356(s)(6)) is amended by striking ''and section 212(a)(5)(A)''.

(f) REFERENCES TO SECRETARY OF HOMELAND SECURITY.—

(1) Section 203 (8 U.S.C. 1153) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(2) Section 204 (8 U.S.C. 1154) is amended by striking ''Attorney General'' each place it appears, except for section 204(f)(4)(B), and inserting ''Secretary of Homeland Security''.

SA 1437. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1(a), insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required to be fully implemented by December 31, 2005, under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1438. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 606 and replace with,

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status.

SA 1439. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 262, strike line 34 and all that follows through page 265, line 15, and insert the following:

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)—**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)—**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	

"Category	Description	Maximum points
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or (2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm—**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39—**3 pts**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.—**20 pts** Bachelor's Degree—**16 pts** Associate's Degree—**10 pts** High school diploma or GED—**6 pts** Completed certified Perkins Vocational Education program—**5 pts** Completed Department of Labor Registered Apprenticeship—**8 pts** STEM, associates and above—**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher—**15 pts** TOEFL score of 60–74—**10 pts** Pass USCIS Citizenship Tests in English & Civics—**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen—**8 pts** Adult (21 or older) son or daughter of a legal permanent resident—**6 pts** Sibling of United States citizen or LPR—**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005—**2 pts**	**10**
"Total		**100**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).

''(G) Notwithstanding any other provision of this Act, an alien seeking Z nonimmigrant status pursuant to section 101(a)(15)(Z) shall—

''(i) be subject to the requirements of the merit-based evaluation system in the same manner and to the same extent as aliens seeking visas under this section; and

''(ii) shall be exempt from the worldwide level of merit-based, special, and employment creation immigrants provided under section 201(d).''.

SA 1440. Mrs. HUTCHISON (for herself, Mr. CORKER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Title VI and insert the following:

TITLE VI—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

SEC. 601.

(a) IN GENERAL.—Notwithstanding any other provision of law (including section 244(h) of the Immigration and Nationality Act (hereinafter ''the Act'') (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this Title.

(b) DEFINITION OF Z NONIMMIGRANTS.—Section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following new subparagraph:

''(Z) subject to Title VI of the [Insert title of Act], an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services or education; or

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and

''(I) is the spouse or parent (65 years of age or older) of an alien described in (i); or

''(II) was, within two years of the date on which [NAME OF THIS ACT] was introduced, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant.

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in (i) or (ii).''

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days or more than 180 days in the aggregate shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(A)(i) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(B) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(C) is described in or is subject to section 241(a)(5) of the Act;

(D) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(E) is an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(F) has been convicted of—

(i) a felony;

(ii) an aggravated felony as defined at section 101(a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section 101(h) of the Act;

(G) has entered or attempted to enter the United States illegally on or after January 1, 2007; and

(H) with respect to an applicant for Z–2 or Z–3 nonimmigrant status, a Z–2 nonimmigrant, or a Z–3 nonimmigrant who is under 18 years of age, the alien is ineligible for Z nonimmigrant status if the principal 2–1 nonimmigrant or 2–1 nonimmigrant status applicant is ineligible.

(I) The Secretary may in his discretion waive ineligibility under subparagraph (B) or (C) if the alien has not been physically removed from the United States and if the alien demonstrates that his departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent or child.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without

being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Act shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of the Act (relating to criminals);

(II) section 212(a)(3) of the Act (relating to security and related grounds);

(iii) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of the Act;

(IV) paragraph (6)(A)(i) of section 212(a) of the Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II);

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of the Act (relating to polygamists, child abductors, and unlawful voters);

(iii) the Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest; and

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of the Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(I) ELIGIBILITY.—The alien must not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (d)(2), regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I), the alien must—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be on January 1,2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single Z nonimmigrant.

(ii) An alien applying for extension of his Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z-1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 or Z–3 nonimmigrant status derivative to the Z–1 applicant.

(iii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z-1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(6) HOME APPLICATION.—An alien granted probationary status under subsection (h) shall not be eligible for Z nonimmigrant status until the alien has completed the following home application requirements:

(i) HOME APPLICATION FOR Z NONIMMIGRANT VISA.—An alien awarded probationary status who seeks to become a Z-1 or Z-A nonimmigrant must, within two years of being awarded a secure ID card under subsection j), perfect the alien's application for Z-1 or Z-A nonimmigrant status at a United States consular office by submitting a supplemental certification in accordance with the requirements set forth in subparagraph (ii). The alien shall present his secure ID card at the United States consular office which shall then be marked or embossed with a designation as determined by the Secretaries of State and Homeland Security which will distinguish the card as satisfying all Z-1 or Z-A requirements. The probationary status of an alien seeking to become a Z-1 or Z-A nonimmigrant who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(ii) CONSULAR APPLICATION.—

(I) IN GENERAL.—An alien granted probationary status who seeks to become a Z-1 or Z-A nonimmigrant must perfect the alien's application by filing a supplemental certification in person at a United States consulate abroad within two years of being awarded a secure ID card under subsection (j).

(II) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking to become a Z-1 or Z-A nonimmigrant shall file a supplemental certification at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(III) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking to become a Z-1 or Z-A nonimmigrant shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(a)(8). An alien making a false certification under this subparagraph shall be terminated pursuant to subsection (0)(1)(C).

(iii) EXEMPTIONS.—Subparagraphs (i) and (ii) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(iv) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (iii), an alien in probationary status who is seeking to become a Z-1 or Z-A nonimmigrant who fails to depart and reenter the United States in accordance with subparagraphs (i) and (ii) may not be issued a Z-1 or Z-A nonimmigrant visa under this section.

(v) DEPENDENTS.—An alien in probationary status who is seeking to become a Z–2, Z–3 or Z–A dependent nonimmigrant shall be awarded Z–2, Z–3 or Z–A dependent nonimmigrant status upon satisfaction of the requirements set forth in subparagraphs (i) and (ii) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking to become a Z–2, Z–3 or Z–A dependent nonimmigrant and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraphs (i) and (ii) may not be issued a Z–2, Z–3 or Z–A dependent nonimmigrant visa under this section unless the principal Z–1 or Z–A alien is exempted under subparagraph (iii).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland SecUrity shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the [NAME OF THIS ACT], the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of one year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the one-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the

period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(4) HOME APPLICATION.—No alien shall be awarded Z nonimmigrant status until the alien has completed the home application requirement set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under paragraphs (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien shall be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than six months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (0), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of

(a) presence or employment required under this section, or

(b) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(I) bank records;

(II) business records;

(III) employer records;

(IV) records of a labor union or day labor center;

(V) remittance records;

(VI) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(a) the name, address, and telephone number of the affiant;

(b) the nature and duration of the relationship between the affiant and the alien; and

(c) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(i) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(ii) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status:

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry.

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant

shall be four years, which shall begin to run on the date that the alien was first awarded a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—nonimmigrants may seek an indefinite number of four-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status;

(ii) ENGLISH LANGUAGE AND CIVICS.—

''(I) Requirement at first renewal.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to three attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or (cc) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that must be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of stay under this paragraph, or a change of status to another Z nonimmigrant status under subsection (1), may not be approved for an applicant who failed to maintain Z nonimmigrant status or where such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized status expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized stay expired, where it is demonstrated at the time of filing that:

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated his Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z–1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in his discretion, from the requirements under subsection (m) for a period of up to 180 days.

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if:

(i) the alien has violated any term or condition of his or her Z nonimmigrant status, including but not limited to failing to comply with the change of address reporting requirements under section 265;

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 or Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(1) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15).

(B) CHANGE FROM Z-A STATUS.—A Z-A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365–day period. The Secretary may, in his discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 to Z nonimmigrant status.

(m) EMPLOYMENT.—

(I) Z–1 and Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this Title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z–1 or Z–3 nonimmigrant, must remain continuously employed full time in the United States as a condition of such nonimmigrant status, except where—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if:

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set forth in section (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status must establish that he or she is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of the [Insert title of Act] have been exhausted or waived by the alien;

(B) (i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227); (ii) the alien becomes inadmissible under section 212 (except as provided in subsection (d)(2), or (iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated; or

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied

(G) with respect to an alien awarded probationary status who seeks to become a Z–1 nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within two years of receiving a secure ID card.

(3) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(4) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 or Z–3 nonimmigrant dependents, shall be subject to removal and depart the United States immediately.

(5) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(P) REVOCATION.—If, at any time after an alien has obtained status under section 601 of the [Insert title of Act] but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under section 601, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2 year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top five principal languages, as determined by the Secretary in his discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title and section 214A of the Immigration and Nationality Act:

(1) Z NONIMMIGRANT; Z NONIMMIGRANT WORKER.—The term 'Z noniminigrant worker' means an alien admitted to the United States under paragraph (Z) of subsection 101(a)(15). The term does not include aliens granted probationary benefits under subsection (h) and whose applications for nonimmigrant status under section 101(a)(15)(Z) of the Act have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT; Z–1 WORKER.—The term 'Z–1 nonimmigrant' or 'Z–1 worker' means an alien admitted to the United States under paragraph (i)(I) of subsection 101(a)(15)(Z).

(3) Z–A NONIMMIGRANT; Z–A WORKER.—The term 'Z–A nonimmigrant' or 'Z-A worker' means an alien admitted to the United States under paragraph (ii)(II) of subsection 101(a)(15)(Z).

(4) Z–2 NONIMMIGRANT.—The term 'Z–2 nonimmigrant' means an alien admitted to the United States under paragraph (ii) of subsection 101(a)(15)(Z).

(5) Z–3 NONIMMIGRANT; Z–3 WORKER.—The term 'Z–3 nonimmigrant' or 'Z–3 worker' means an alien admitted to the United States under paragraph (iii) of subsection 101 (a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS

(a) LAWFUL PERMANENT RESIDENCE.—

(1) Z–1 NONIMMIGRANTS.—

(A) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222.

(B) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(C) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) [INSERT CITE], the following requirements:

(i) STATUS.—The alien must be in valid Z–1 nonimmigrant status;

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of the Act;

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(iv) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 head of household must pay a $4,000 penalty at the time of submission of any immigrant petition on his behalf, regardless of whether the alien submits such petition on his own behalf or the alien is the beneficiary of an immigrant petition filed by another party; and

(2) Z–2 AND Z–3 NONIMMIGRANTS.—

(A) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(B) ADJUSTMENT OF STATUS.—

(i) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–2 or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(ii) REQUIREMENTS.—A Z–2 or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(I) STATUS.—The alien must be in valid Z–2 or Z–3 nonimmigrant status;

(II) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of the Act;

(III) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(IV) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa; and

(3) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under section (d)(2) shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this subsection.

(4) APPLICATION OF OTHER LAW.—In processing applications under this subsection on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary shall apply—

(A) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(B) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(5) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005.

(6) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 D.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(7) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(8) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z status by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(i) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(ii) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(9) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(10) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under section 286(w) of the Immigration and Nationality Act.

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subparagraph (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under [this Act].

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination 38 on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection 242(h) as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(i) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (1)(F)(ii) of subsection 601(d) of [this Act] because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the INA, may be placed forthwith in proceedings pursuant to section 238(b) of the INA.

(ii) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clauses (1)(F)(i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may be placed forthwith in removal proceedings under section 240 of the INA.

(iii) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in clauses (i) and (ii) of this subparagraph shall be final for purposes of subparagraph 242(h)(3)(C) of the INA and shall represent the exhaustion of all review procedures for purposes of subsections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding paragraph (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than one motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the Attorney General's discretion.

(c) JUDICIAL REVIEW.— Section 242 of the Immigration and Nationality Act is amended by adding at the end the following subsection (h):

''(h) Judicial Review of Eligibility Determinations Relating to Status Under Title VI of [this Act].

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of [this Act], including, without limitation, a denial, termination, or rescission of such status.

''(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title VI of [this Act] beyond the period for receipt of such applications established by subsection 601(f) thereof. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

''(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS UNDER TITLE VI OF [THIS ACT].—A denial, termination, or rescission of status under subsection 601 of [this Act] may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that:

''(A) the venue provision set forth in (b)(2) shall govern;

''(B) the deadline for filing the petition for review in (b)(1) shall control;

''(C) the alien has exhausted all administrative remedies available to the alien as of right, including but not limited to the timely filing of an administrative appeal pursuant to subsection 603(a) of [this Act];

''(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

''(E) LIMITATION ON REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under Title VI of [this Act] may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

''(F) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—The alien may file not more than one motion to reopen or to reconsider in proceedings brought under this section.

''(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary's denial, termination, or rescission of status under title VI of [this Act] relating to any alien shall be based solely upon the administrative record before the Secretary when he enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

''(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

''(A) IN GENERAL.—Any claim that title VI of [this Act], or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of [this Act] from asserting that an action taken or decision made by the Secretary with respect to his status under that title was contrary to law in a proceeding under section 603 of [this Act] and paragraph (b)(2) of this section.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph,

(i) must, if it asserts a claim that title VI of [this Act] or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement that title violates the Constitution or is otherwise unlawful, be filed no later than one year after the date of the publication or promulgation of the challenged regulation, policy or directive or, in cases challenging the validity of the Act, within one year of enactment; and

(ii) must, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed no later than one year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with Public Law 109–2 and the Federal Rules of Civil Procedure.''

''(D) PRECLUSIVE EFFECT.— The final disposition of any claim brought under subparagraph (5)(A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under subsection 603 [of this Act].

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under subsection 603 of [this Act], but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of the INA.''

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

(1) use the information furnished by an applicant under section 601 [and 602] of the

[—] or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under section 601 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act;

(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) EXCEPTIONS TO CONFIDENTIALITY.—

(1) Subsection (a) shall not apply with respect to—

(A) an alien whose application has been denied, terminated or revoked based on the Secretary's finding that the alien—

(i) is inadmissible under sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of the [—]), or (6)(E) of the Act;

(ii) is deportable under sections 237(a)(1)(E), (1)(G), (2), or (4) of the Act;

(iii) was physically removed and is subject to reinstatement pursuant to section 241 (a)(5).

(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked under section 601(d)(1)(F);

(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(D) an alien whom the Secretary determines has, in connection with his application under sections 601 or 602, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

(F) an order from a court of competent jurisdiction.

(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or revoked based on the Secretary's finding that the alien is inadmissible or deportable.

(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) may be disclosed to—

(1) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, of [—], any application to extend such status under section 601(k) of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602 of [—], then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) PENALTIES.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

SEC. 605. EMPLOYER PROTECTIONS.

(a) Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 247B (8 U.S.C. 1324a) or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by:

(1) amending subsection (c) by deleting ''For'' and inserting ''Except as provided in subsection (e), for''; and

(2) adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

''(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual. ''

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '';and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''

(c) EFFECTIVE DATE.—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(5)(B) and Section 602(a)(I)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) shall be credited as offsetting collections to appropriations provided pursuant to section 611 for the fiscal year in which this Act is enacted and the subsequent fiscal year; and

(2) shall be deposited and remain available as otherwise provided under this title.

SEC. 609. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of such title or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. 610. RULEMAKING.

(a) The Secretary shall issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under this section shall sunset no later than two years after the date of enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 601 and 602.

Subtitle B—DREAM Act

SEC. 612. SHORT TITLE.

This subtitle may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 613. DEFINITIONS.

In this subtitle:

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

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 614. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may beginning on the date that is three years after the date of enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of enactment, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) The alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary or Z nonimmigrant status and has satisfied the requirements of subparagraphs (a)(1)(A) through (F) shall beginning on the date that is eight years after the date of enactment be considered to have satisfied the requirements of Section 316(a)(1) of the Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 615. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. 616. HIGHER EDUCATION ASSISTANCE.

(a) Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) FEDERAL WORK.—study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 617. DELAY OF FINES AND FEES.

(a) Payment of the penalties and fees specified in section 601(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F) until the date that is six years and six months after the date of enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section 614(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section 614(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section 601(e)(5) consistent with the procedures set forth in section 608 within 90 days.

(b) With respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A) and (F), but not the eligibility criteria in section 614(a)(1)(B), the individual who pays the penalties specified in section 601(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section 614(a)(1).

SEC. 618. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section 623(a);

(2) the number of aliens who applied for adjustment of status under section 623(a); and

(3) the number of aliens who were granted adjustment of status under section 623(a).

SEC. 619. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 620. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following: ''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle C—Agricultural Workers

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''

PART I—ADMISSION OF AGRICULTURAL WORKERS

SEC. 622. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a)), of the Immigration and Nationality Act (8 U.S.C. 1101(a)), [as amended by section 601(b), is further amended by adding at the end the following new subparagraph:

''(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A of this Act; or

''(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.''.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following new section:

''SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

''(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

''(B) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

''(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

''(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

''(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

''(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

''(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

''(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

''(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

''(3) AUTHORIZED TRAVEL.—An alien who is granted a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

''(c) QUALIFICATIONS.—

''(I) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant a Z–A visa to an alien if the Secretary determines that the alien—

''(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24–month period ending on December 31, 2006;

''(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

''(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

''(E) meets the requirements of paragraph (3).

''(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall grant a Z–A dependent visa to an alien who is—

''(A) described in section 101(a)(15)(Z–A)(ii);

''(B) meets the requirements of paragraph (3); and

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

''(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

''(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

''(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILLTY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

''(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

''(B) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of such section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

''(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

''(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

''(d) APPLICATION.—

''(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

''(2) SUBMISSION.—Applications for a Z–A visa under may be submitted—

''(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

''(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

''(3) PROOF OF ELIGIBILITY.—

''(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

''(B) DOCUMENTATION OF WORK HISTORY.—

''(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (J) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

''(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

''(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

''(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

''(A) REQUIREMENTS.—Each qualified designated entity shall agree—

''(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

''(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

''(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

''(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

''(5) APPLICATION FEES.—

''(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

''(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

''(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

''(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to [ ].

''(7) TREATMENT OF APPLICANTS.—

''(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

''(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

''(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

''(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

''(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which [the alien's application for a Z–A visa] is denied.

''(B) TIMING OF PROBATIONARY BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

''(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

''(II) the end of the next business day after the date that the Secretary receives the alien's application for Z–A visa.

''(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

''(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

''(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

''(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

''(A) BEFORE APPLICATION PERIOD.—Beginning on the date of enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(e) NUMERICAL LIMITATIONS.—

''(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

''(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—

''(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

''(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

''(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

''(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

''(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

''(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

''(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

''(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

''(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

''(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

''(3) TERMS OF EMPLOYMENT.—

''(A) PROHIBITION.—No alien granted a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

''(B) TREATMENT OF COMPLAINTS.—

''(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

''(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

''(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration

and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

''(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

''(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

''(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

''(4) RECORD OF EMPLOYMENT.—

''(A) IN GENERAL.—Each employer of an alien who is granted a Z–A visa shall annually—

''(i) provide a written record of employment to the alien; and

''(ii) provide a copy of such record to the Secretary.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(i) TERMINATION OF A GRANT OF Z–A VISA.—

''(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

''(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

''(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

''(iv) in the case of an alien granted a Z–A visa, fails to perform the agricultural employment described in subsection (j)(l)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(l)(A)(iii).

''(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5 year work period, which may include submission of an application pursuant to this subsection.

''(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien granted a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

''(A) QUALIFYING EMPLOYMENT.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

''(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of enactment of the AgJobs Act of 2007; or

''(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3–year period beginning on such date of enactment.

''(ii) FOUR YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on such date of enactment.

''(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

''(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

''(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

''(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

''(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

''(i) the record of employment described in subsection (h)(4); or

''(ii) such documentation as may be submitted under subsection (d)(3).

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) renew the alien's Z visa status as described in section 601 (k)(2).

''(D) FINE.—The alien pays to the Secretary a fine of $400; or

''(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

''(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

''(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section 601 (k)(2) prior to the expiration of the application period described in subsection (c)(l)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

''(5) PAYMENT OF TAXES.—

''(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all such outstanding tax liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (l)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

''(6) ENGLISH LANGUAGE.—

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section 601 (k)(2), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(I) and (2).

''(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

(ii) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or

(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

''(7) PRIORITY OF APPLICATIONS.—

''(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

''(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

''(C) CONSULAR APPLICATION.—

(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

''(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 604.

''(1) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—Any person who—

''(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

''(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section 603.

''(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.''.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [ ], is further amended—

(A) in subparagraph (A), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (N)''; and

(B) by adding at the end, the following new subparagraph:

''(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.''.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.''.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

''Sec. 214A. Admission of agricultural worker.''.

SEC. 623. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

''(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status

''(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.''.

SEC. 624. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 625. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SA 1441. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain, or to continue to obtain, the labor of an alien in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A) or (2).

''(B) INFORMATION SHARING.—The Secretary shall establish procedures by which the employer may obtain confirmation from the Secretary that the alien is not an unauthorized alien with respect to performing such labor.

''(4) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

''(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

''(i) in the case of an individual who is a national of the United States—

''(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

''(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

''(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

''(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

''(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

''(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

''(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—

''(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

''(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

''(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

''(ii) has not been previously verified through the System.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

''(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth;

''(II) the individual's social security account number;

''(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(I) no earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

''(C) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

''(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

''(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

''(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

''(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

''(i) the decision rules, processes, or procedures utilized by the System;

''(ii) a natural disaster, or other event beyond the control of the government;

''(iii) acts or omissions of an employee or official operating or responsible for the System;

''(iv) acts or omissions of the individual's employer;

''(v) acts or omissions of the individual; or

''(vi) any other reason.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a confirmation described in subparagraph (C).

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a reversal described in clause (i).

''(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

''(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

''(B) SOURCE OF FUNDS.—Compensation or reimbursement provided under such paragraphs shall be provided from funds appropriated that are not otherwise obligated.

''(13) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment-related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

''(15) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

''(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

''(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related

employment practices, and employment discrimination based on national origin or citizenship status.

''(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

''(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of $1,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(z).

''(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

''(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

''(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(z).

''(l) DEFINITIONS.—In this section:

''(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

''(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

''(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

''(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.''.

(2) Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: ''Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).''.

(3) Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to

disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

''(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

''(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

''(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

''(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

''(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

''(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security,

and the taxpayer identity of each such employee or recipient.

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

''(i) preventing identity fraud;

''(ii) preventing aliens from unlawfully obtaining employment in the United States;

''(iii) establishing and enforcing employer participation in the System;

''(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

''(v) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

''(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

''(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)''; and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356), as amended by sections 402(b) and 623, is further amended by adding at the end the following new subsection:

''(z) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

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

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''; and

(B) in subparagraph (B), by striking ''in the case of a protected individual (as defined in paragraph (3)),''; and

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

''(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(ii) to use the verification system for screening of an applicant prior to an offer of employment;

''(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

''(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.''.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(2) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(3) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(4) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2008 through 2010'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 1442. Mr. MENENDEZ (for himself, Mr. DURBIN, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287, strike line 12 and all that follows through line 35 on page 296, and insert the following:

(6) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a Z–1 nonimmigrant.

(ii) An alien applying for extension of the alien's Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,000 for a Z–1 nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) APPLICATION INFORMATION.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and

mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in subsection (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than 6 months after the date on which the Secretary begins to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center;

(v) remittance records; and

(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(I) the name, address, and telephone number of the affiant;

(II) the nature and duration of the relationship between the affiant and the alien; and

(III) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(A) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(B) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each Z nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with United States Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years.

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to 3 attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,000 for a Z–1 nonimmigrant.

SA 1443. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADMISSION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.

Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that—

(A) for a period of at least one year beginning after March 1, 2003, he or she served the United States Government inside Iraq as an employee, volunteer, contractor, or employee of a contractor of the United States Government; or

(B) he or she has a parent, spouse, son, daughter, grandparent, grandchild, or sibling currently residing in the United States who is a United States citizen, lawful permanent resident, asylee, or refugee; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SA 1444. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c)(1), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

(d) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

(1) INCREASE IN LEVEL.—Section 201(c)(1)(B)(ii) (8 U.S.C. 1151(c)(1)(B)(ii)) is amended by striking ''226,000'' and inserting ''567,000''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective during the period beginning on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted and ending on the date that an alien may be adjust status to an alien lawfully admitted for permanent residence described in section 602(a)(5).

SA 1445. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, strike ''such limitation'' and insert ''the limitations under clauses (i) and (ii) of paragraph (1)(D)''.

SA 1446. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION PROCESSES.—

(I) IN GENERAL.—Except as provided in subclause (III), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(II) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–1 nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. A consular office in a country that is not a Z–1 nonimmigrant's country of origin may as a matter of discretion, or shall at the direction of the Secretary of State, accept an application for adjustment of status from such an alien.

(III) APPLICATIONS SUBMITTED FROM WITHIN THE UNITED STATES.—

(aa) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall permit a Z–1 nonimmigrant to submit an application for an adjustment of status to that of an alien lawfully admitted for permanent residence from within the United States if the country of origin of the Z–1 nonimmigrant authorizes the Z–1 nonimmigrant to submit the application.

(bb) REQUIREMENT TO REGISTER.—A Z–1 nonimmigrant applying for adjustment of status under this subclause shall submit to a consulate of the nonimmigrant's country of nationality in the United States a registration of the nonimmigrant's presence in the United States.

SA 1447. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 757 of the bill (relating to impact on commercial motor vehicles).

SA 1448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking ''a language'' and inserting ''an accredited language''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English

Language Program Accreditation, the Accrediting Council for Continuing Education and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1449. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), in paragraph (4)(C)(iii), strike subclause (I) and insert the following:

''(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

''(aa) 15; or

''(bb) the number of the waivers received by the State in the previous fiscal year;''.

SA 1450. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

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

SA 1451. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 36, after line 17, add the following:

SEC. 139. REPORT REGARDING USE OF LEVEES.

Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report regarding the use of flood control levees under the control of the International Boundary and Water Commission by U.S. Customs and Border Protection, which shall—

(1) discuss the purpose and importance of any such use of such levees;

(2) describe the level of degradation of such levees as a result of such use; and

(3) identify any formal agreements that may be needed between the Department of Homeland Security and the International Boundary and Water Commission or the Department of State to ensure needed access to such levees.

SA 1452. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

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

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary

needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration

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SA 1453. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

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

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the

provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1454. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

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

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1455. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 32 and 33, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

(1) SPECIFIED TERRORIST ACTIVITY.—In this subsection, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Secretary may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under paragraph (2) to engage in employment in the United States during the pendency of such application.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (2) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

(i) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(ii) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(i) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subparagraph (A).

(ii) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subparagraph (A) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(ii) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in subparagraph (A).

(8) EVIDENCE OF DEATH.—For purposes of this subsection, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(9) AUTHORITY OF THE ATTORNEY GENERAL.—The requirements and authorities under this subsection pertaining to the Secretary, other than the authority to grant work authorization, shall apply to the Attorney General with respect to cases otherwise within the jurisdiction of the Executive Office for Immigration Review.

(10) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

SA 1456. Mrs. FEINSTEIN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. HUMAN TRAFFICKING AWARENESS.

(a) FINDINGS.—Congress finds that:

(1) The United States has a tradition of advancing fundamental human rights.

(2) Because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent.

(3) To combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery.

(4) Beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking exist in the United States and around the world.

(5) The United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking.

(6) The United States must also work to end human trafficking around the world through education.

(7) Victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization.

(8) Human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave.

(9) Although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting.

(10) The effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

SA 1457. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ____. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6)of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SA 1458. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION.—A Z-1 non-immigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SA 1459. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 11 and all that follows through page 283, line 8 and insert the following:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

SA 1460. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 270, strike lines 31 and 32, and insert the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABLITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—''.

SA 1461. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike line 419(b)

On page 260, line 39 strike ''and''

On page 260, line 44, insert the following: '';and

(iii) up to 40,000 will be for aliens who met the specifications set forth in section 203(b)(1) of the Immigration and Nationality Act (as of January 1, 2007)

(iv) the remaining visas be allocated as follows:

(a) in FY 2008 through 2009, 85,401 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(b) in FY 2010, 56,934 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(c) in FY 2011, 28,467 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(d) in FY 2012, 14,234 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

On page 265, line 16, insert the following:

(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification

(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.

Section 214(g) is amended by adding at the end the following new subsection—

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''

SA 1462. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 409, strike paragraphs (1) and (2) and insert the following:

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

(B) by striking subparagraph (B) and inserting the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed—

''(i) for the first fiscal year after the effective date described in section 401(c) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, 200,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year, as adjusted in accordance with paragraph (2)(B); or

''(II) 600,000;

''(C) under clause (iii) of section 101(a)(15)(Y), may not exceed 20 percent of the annual limit on admissions of aliens under clause (i) of such section for that fiscal year; or

''(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

''(i) for the first fiscal year after the effective date referred to in subparagraph (B)(i), 100,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2)(A); or

''(II) 200,000.''; and

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—

''(A) IN GENERAL.—With respect to the numerical limitation in subparagraph (A)(ii) or (D)(ii) of paragraph (1)—

''(i) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(ii) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for

the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; or

''(iii) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.

''(B) Y–1 NONIMMIGRANTS.—With respect to the numerical limitation in subparagraph (B)(ii) of paragraph (1)—

''(i) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year and the total number of such visas was—

''(I) not more than 400,000, the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year; or

''(II) more than 400,000, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; or

''(ii) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''.

SA 1463. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 409, strike paragraphs (1) and (2) and insert the following:

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

(B) by striking subparagraph (B) and inserting the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed—

''(i) for the first fiscal year after the effective date described in section 401(c) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, 200,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2); or

''(II) 400,000;

''(C) under clause (iii) of section 101(a)(15)(Y), may not exceed 20 percent of the annual limit on admissions of aliens under clause (i) of such section for that fiscal year; or

''(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

''(i) for the first fiscal year after the effective date referred to in subparagraph (B)(i), 100,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2); or

''(II) 200,000.''; and

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii), (B)(ii), and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year; or

''(B) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''.

SA 1464. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 224, between lines 29 and 30, and insert the following:

(3) by amending paragraph (3), as redesignated by paragraph (2) of this section, to read as follows:

''(3) The numerical limitations of paragraph (1)—

''(A) shall apply to principal aliens and not to the spouses or children of such aliens; and

''(B) shall not apply to aliens seeking nonimmigrant status under section 101(a)(15)(Y)(i) for a fiscal year who have been granted nonimmigrant status under such section during a previous fiscal year.''; and

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SA 1465. Mr. GRAHAM (for himself, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike lines 34 through 39, and insert the following:

(2) OVERSTAY.—Except as provided in paragraphs (3) and (4), an alien who knowingly remains in the United States for more than 30 days after the expiration of the period of authorized admission for such alien shall be—

(A) imprisoned for not less than 60 days; and

(B) barred permanently from receiving benefits under the immigration laws of the United States.

On page 150, strike lines 4 through 20.

On page 286, beginning on line 4, strike all through line 10, and insert the following:

(iii) for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest, the Secretary may, in the Secretary's discretion, waive the application of paragraphs (1)(C), (2)(D)(i) (when the alien demonstrates that such actions or activities were committed involuntarily), (5)(A), (6)(A) (with respect to entries occurring before January 1, 2007), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act; and

In Section 1. Effective Date Triggers,

On page 3, line 43 insert the following:

(d) the Secretary of the Department of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien who was admitted to the United States under Section 101(a)(15)(H)(ii) (as amended by Title IV); Section 101(a)(15)(Y); or Section 101(a)(15)(B) (admitted under the terms and conditions of Section 214(s)) of the ACT, and who has exceeded the alien's authorized period of admission or otherwise violated any terms of the nonimmigrant classification in which the alien was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to national security, homeland security, or public safety.

Parent Visas:

(a) Paragraph 506(b) is amended by striking ''$1,000'' and inserting ''$2,500''

Fee for the new trigger language regarding the establishment and deployment of a Y departure tracking system.

(a) Paragraph 218A(e), as created by the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, is amended as follows:

(1) In subparagraph (3)—

(A) To redesignate paragraphs (C), (D) and (E) as paragraphs (D), (E), and (F), respectively;

(B) To add a new paragraph (C) to read as follows:

''(C) An Exit Tracking Fee, in an amount set by Secretary at a level that will ensure recovery of the full costs of providing the Y nonimmigrant visa exit system described in section 1(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and any additional costs associated with the administration of the fees collected''; and

(C) To add a new paragraph (G) to read as follows:

''(G) DEPOSIT AND DISPOSITION OF DEPARTURE FEE.—The funds described in subparagraph (C) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in 218A(e)(3)(C).''

Affidavit requirements:

(a) Amend paragraph (i) of section 601

(1) in subparagraph (2)

(A) amend paragraph (D)(ii) to read as follows:

''(ii) set by notice in the Federal Register such terms and conditions and minimum standards for affidavits described in (C)(VI) as are necessary, when such affidavits are reviewed in combination with the other documentation as described (A) or (C), to reliably demonstrate and provide for verification of the identity of any affiant or verification of the physical presence, identity, or employment information averred to by the affiant, or to otherwise prevent fraudulent submissions.''

Background Checks—

Section 601(g)(3)(B) is amended by adding ''and any other appropriate information'' after ''biometric data provided by the alien.''

Section 601(h)(2) is amended by adding prior to the period at the end of the subsection: ''unless that the Secretary determines, in his discretion, that there are articulable reasons to suspect that the alien may be a danger to the security of the

United States or to the public safety. If the Secretary determines that the alien may be a danger to the security of the United States or to the public safety, the Secretary shall endeavor to determine eligibility for Z status as expeditiously as possible.''

Security Checks/Electronic Registration System—

(a) add a new section to title VI to read as follows:

SEC. 626. ELECTRONIC SYSTEM FOR THE PRE-REGISTRATION FOR APPLICANTS FOR Z AND Z-A STATUS.

The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z-A nonimmigrant status to provide, in advance of the application described in paragraph 601(f), such biographical information and other information as the Secretary shall prescribe for the purpose of (1) providing applicants with an appointment to provide fingerprints and other biometric data at a DHS facility, (2) initiating background checks based on such information, and (3) other purposes consistent with this Act.

Treatment of Certain Criminal Aliens

Strike page 47, line 38-page 48 line 2 and insert:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any conviction that occurred before, on, or after enactment of this Act.''

Exit System Trigger for Y Visas—p.3, line 25 add as section 1(a)(6):

(6) *Visa exit tracking system:* The Department of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act, at designated ports of entry or designated U.S. Consulates abroad.

Strike section 111(a) in its entirety and replace with

(a) Section 215 of the Immigration and Nationality Act, (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (h);

(2) by moving redesignated subsection (h), as redesignated by paragraph (1) to the end;

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

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

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES—

''The Secretary shall require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.

''(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS—

''(1) The Secretary shall require aliens who were admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)), section 101(a)(15)(H)(ii), or section 101(a)(15)(Y) to record their departure at a designated port of entry or at a designated United States consulate abroad.

''(2) Aliens who do not record their departure as required in paragraph (1) shall be entered into the database as overstays within 48 hours of the expiration of their period of authorized admission.

''(3) The information in this database shall be made available to state and local law enforcement pursuant to the provisions of section 240D.''

Line edit amendment:

On page 49 lines 7–8 strike '', which is punishable by a sentence of imprisonment of five years or more''

On page 49 line 44 to page 50 line 10 strike ''Unless'' and all that follows and insert:

Any alien whom—

''(i) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe to be or to have been a member of a criminal gang (as defined in section 101(a)(52)); or

''(ii) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe to have participated in the activities of a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang;

''is inadmissible. The Secretary of Homeland Security or the Attorney General may in his discretion waive clauses (i) or (ii).''.

On page 50 line 16 through page 50 line 22, strike ''Any'' and all that follows and insert:

Any alien whom—

''(i) there is reasonable ground to believe is or has been a member of a criminal gang (as defined in section 101(a)(52)); or

''(ii) there is reasonable ground to believe has participated in the activities of a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang;

''is deportable. The Secretary of Homeland Security or the Attorney General may in his discretion waive clauses (i) or (ii).''

On page 51, strike lines 8–12 and insert: ''(ii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 101(a)(52)); and''

On page 51, line 24, redesignate (e) as (f). On page 51, line 24, redesignate (f) as (g). On page 51, line 23 insert:

(e) EFFECTIVE DATE.—The amendments made to subsections (b), (c) and (d) shall apply to—

1. Any act or membership that occurred on, before or after the date of the enactment of this Act, and

2. all aliens who are required to establish admissibility on or after the date of enactment of this section, and to all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

On page 289, line 35–36 strike ''gang membership, renunciation of gang affiliation;'' and insert ''gang membership;''

Misdemeanor Crime for Knowingly Overstaying Visa and Parole:

On page 52, line 10 strike ''or''

On page 52, line 18 strike the period after ''shipping laws)'' and insert ''; or'' On page 52, line 18 insert:

''(D) knowingly exceeds by 30 days or more the period of the alien's admission or parole into the United States.''

On page 53 redesignate subsections (b) and (c) as subsections (c) and (d) and insert on line 25: .

(b) SPECIAL EFFECTIVE DATE.—Subsection (a)(1)(D) of section 275 of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens admitted or paroled after the enactment of this Act.

Deposit and Spending of Penalties and Fines in Titles VI—

1. Add a new subsection (z) to section 286 as follows:

(z) IMMIGRATION ENFORCEMENT ACCOUNT.—

(1) Transfers into the Immigration Enforcement Account—Immediately upon enactment, the following amount shall be transferred from the general fund to the Immigration Enforcement Account, $4,400,000,000.

(2) Appropriations—

(a) There are hereby appropriated such sums that are provided under subsection 1 to remain available until five years after enactment.

(b) These sums shall be used to meet the trigger requirements set forth in title I, section 1.

(c) To the extent funds are not exhausted pursuant to (b), they shall be used by the Secretary of Homeland Security on one or more of the following:

1. Fencing and Infrastructure;

2. Towers;

3. Detention beds;

4. Employment Eligibility Verification System;

5. Implementation of programs authorized in titles IV and VI; and

6. Other federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

2. Strike section 608 and replace with the following:

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(6)(B) and Section 602(a)(I)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) the first $4.4 billion of such penalties shall be deposited into the general fund as repayment of funds transferred into the Immigration Enforcement Account under section 286(z)(1).

(2) penalties in excess of $4.4 billion shall be deposited and remain available as otherwise provided under this act.

On page 4, strike lines 12 through 26, and insert the following:

(2) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(A) SMUGGLING PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(B) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—

(i) IN GENERAL.—In each of the fiscal years 2008 through 2011, the Secretary of Homeland Security shall increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in the United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States, to investigate immigration fraud, and to enforce workplace violations.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subparagraph.

(C) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

On page 140, beginning on line 4, strike ''In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500'' and insert the following: ''In each

of the two years beginning on the date of the enactment of this Act, the appropriations necessary to hire not less than 2500 a year''.

Beginning on page 290, strike line 13 and all that follows through page 291, line 1, and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks—

(A) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to reenter the United States pursuant to existing regulations governing advance parole; and

(C) may not be considered an unauthorized alien (as defined in section 274A(b) of the Immigration and Nationality Act, as amended by section 302) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien described in paragraph (1) until the alien has passed all appropriate background checks.

Beginning on page 154, strike line 23 and all that follows through page 155, line 8, and insert the following:

''(2) EXCEPTION.—The Secretary of Homeland Security may waive the termination of the period of authorized admission of an alien who is a Y nonimmigrant for unemployment under paragraph (1)(D) if the alien submits to the Secretary an attestation under penalty of perjury in a form prescribed by the Secretary, with supporting documentation, that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall depart the United States immediately.

''(k) REGISTRATION OF DEPARTURE.—

''(1) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated U.S. consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

''(2) EFFECT OF FAILURE TO DEPART.—In the event an alien described in paragraph (1) fails to depart the United States or to register such departure as required by subsection (j)(3), the Secretary of Homeland Security shall take immediate action to determine the location of the alien and, if the alien is located in the United States, to remove the alien from the United States.

''(3) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in paragraph (1) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates.''. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 301.

At the appropriate place in Title 3, insert the following:

14 days prior to employment eligibility expiration employers shall provide, in writing, notification to aliens of the expiration of the alien's employment eligibility.

SA 1466. Mr. BIDEN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike line 9 and insert the following:

''(i) VICTIMS OF BATTERY AND EXTREME CRUELTY.—The Attorney General in the Attorney General's discretion may waive the provisions of subsection (a) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of subparagraph (A) of section 204 (a)(1), or classification under clause (ii), (iii), or (iv) of subparagraph (B) of such section, in any case in which there is a connection between—

''(1) the alien's having been battered or subjected to extreme cruelty; and

''(2) the alien's—

''(A) removal;

''(B) departure from the United States;

''(C) reentry or reentries into the United States; or

''(D) attempted reentry into the United States.

''(j) DEFINITIONS.—In this section:

On page 71, line 6, strike ''and''.

On page 71, line 14, strike the period at the end and insert the following: ''; and

(7) by adding at the end the following new subsection:

''(g) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under this section shall not apply to relief under sections 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240(A)(b)(2), or under 244(a)(3) (as in effect on March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.''.

On page 150, strike line 9 and insert ''grounds of inadmissability under section 601(d)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).''.

On page 150, strike line 31 and insert ''601(d)(1)(A), (D), (E), (F), or (G) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).''.

On page 157, line 7, strike ''; or'' and insert a semicolon.

On page 157, line 11, strike the period at the end and insert ''; or

''(D) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 158, line 2, strike ''; or'' and insert a semicolon.

On page 158, line 6, strike the period at the end and insert ''; or

''(D) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 271, strike lines 19 through 21 and insert the following:

(d) PETITION.—Section 204(a)(1) of the Immigrations and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking '', (3), or (4)''; and

(B) in clause (vii)(III), insert after ''immediate relative under section 201(b)(2)(A)(i)'' the following: ''(as in effect on January 1, 2007)''; and

(2) in subparagraph (D)(i)(I), by striking ''a petitioner'' and all that follows through the period at the end of the sentence and inserting ''an immediate relative''.

On page 279, line 14, strike ''; or'' and insert a semicolon.

On page 279, line 18, strike the period at the end and insert ''; or

''(iv) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 280, line 2, insert after ''terminated.'' the following: ''The provisions of this paragraph shall not apply to citizen and Y–1 nonimmigrant sponsors described in subsection 214(d)(2)(c)(ii) or section 237(a)(7).''.

On page 303, line 9, insert after ''221 and 222'' the following: ''of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202) unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) of such Act or under section 244(a)(3) of such Act (as in effect on March 31, 1997).''.

On page 305, strike line 13 and insert the following:

(A) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—

(i) IN GENERAL.—An

On page 305, between lines 19 and 20, insert the following:

(ii) EXCEPTION FOR CERTAIN INDIVIDUALS.—The restriction under clause (i) does not apply if the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) of the Immigration and Nationality Act or under section 244(a)(3) of such Act (as in effect on March 31, 1997).

SA 1467. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. B–1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with respect to the issuance of B–1 visas by consular officers and determine whether modifications are necessary to ensure that such

officers make decisions with respect to the issuance of B–1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether aliens holding a B–1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to aliens' admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) MODIFICATION.—If, after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) CONSULTATIONS.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders.

(b) DATA TRACKING SYSTEMS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B–1 visitor visas in order to ensure the consistent application of agency regulations or internal guidelines; and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B–1 visitor visas in order to ensure the consistent application of agency regulations or internal guidelines.

(2) LIMITATION.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) PUBLIC EDUCATION.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B–1 visa for business travelers.

(d) REPORT.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit reports concerning the status of the implementation of this section to the Senate Committees on the Judiciary & Foreign Relations and to the Committees on the Judiciary and Foreign Affairs of the House of Representatives.

SA 1468. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 5 and all that follows through page 124, line 6, and insert the following:

''(1) EMPLOYERS.—

''(A) IN GENERAL.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to prohibition from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Secretary. The Secretary or the Attorney General shall advise the Administrator of General Services of any such prohibition, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the prohibition.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department regarding an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the prohibition or may limit the duration or scope of the prohibition under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

''(2) CONTRACTORS AND RECIPIENTS.—

''(A) IN GENERAL.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to prohibition from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Secretary. Prior to prohibiting the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to prohibit the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the prohibition or may limit the duration or scope of the prohibition under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

SA 1469. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert the following after Section 126:

''SECTION 127. NORTHERN BORDER COORDINATOR.

''(a) IN GENERAL.—There shall be within the Directorate of Border and Transportation Security the position of Northern Border Coordinator, who shall be appointed by the Secretary and who shall report directly to the Under Secretary for Border and Transportation Security.

''(b) RESPONSIBILITIES.—The Northern Border Coordinator shall be responsible for—

''(1) increasing the security of the border, including ports of entry, between the United States and Canada;

''(2) improving the coordination among the agencies responsible for the security described under paragraph (1);

''(3) serving as the primary liaison with State and local governments and law enforcement agencies regarding security along the border between the United States and Canada; and

''(4) serving as a liaison with the Canadian government on border security.''.

SA 1470. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADMISSION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.

(a) IN GENERAL.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that—

(A) for a period of at least one year beginning after March 1, 2003, he or she served the United States Government inside Iraq as an employee, volunteer, contractor, or employee of a contractor of the United States Government; or

(B) he or she has a parent, spouse, son, daughter, grandparent, grandchild, or sibling currently residing in the United States who is a United States citizen, lawful permanent resident, asylee, or refugee; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

(b) AUTHORIZATION OF ADDITIONAL REFUGEE ADMISSIONS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following new subsection:

''(g) ADMISSION OF CERTAIN NATIONALS OF IRAQ.—In addition to any refugee admissions determined under subsections (a) and (b),

there are 250,000 refugee admissions authorized for each of fiscal years 2007, 2008, and 2009 for refugees who are nationals of Iraq.''.

SA 1471. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 242, strike line 37 and all that follows through line 24, on page 250, and insert the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''DC'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

SEC. 422. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that

employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SA 1472. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 30,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SA 1473. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, add the following new subsection:

(e) INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.—

(1) REQUIREMENT FOR INFORMATION SHARING.—No person or agency may prohibit a Federal, State, or local government entity from acquiring information regarding the immigration status of any individual if the entity seeking such information has probable cause to believe that the individual is not lawfully present in the United States. Such probable cause includes the individual's failure to possess an identification document issued by the United States or a State.

(2) REQUIREMENT PRIOR TO IMPLEMENTATION.—Subject to subsection (a), with the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, may not become effective until the date that the Secretary submits a written certification to the President and Congress that the requirement set out in paragraph (1) is being carried out.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed—

(A) to limit the acquisition of information as otherwise provided by law; or

(B) to require a person to disclose information regarding an individual's immigration status prior to the provision of emergency medical assistance.

SA 1474. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert before section 426 the following:

SEC. 425A. BLANKET PETITIONS TO SPONSOR INTERNATIONAL ATHLETES AND PERFORMERS.

Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) The Secretary of Homeland Security shall provide for a procedure under which a petitioner for aliens described in section 101(a)(15)(P) may file a blanket petition to import such aliens (including their essential support personnel) as nonimmigrants described in such section instead of filing individual petitions under paragraph (1) to import such aliens. Such procedure shall permit the expedited processing of visas for admission of aliens covered under such a petition.

''(ii) A petitioner may file such a blanket petition seeking continuing approval to import the aliens as described in clause (i), for itself and some or all of its parent organizations, branches, subsidiaries, and affiliates (collectively referred to in this subparagraph as 'qualifying organizations'), if—

''(I) the petitioner has an office in the United States where the petitioner has been doing business for not less than 1 year; and

''(II) the petitioner and the petitioner's qualifying organizations—

''(aa) have obtained approval of petitions under paragraph (1) for at least 10 aliens described in section 101(a)(15)(P) during the previous 12 months;

''(bb) have worldwide combined annual sales of at least $5,000,000; or

''(cc) have a United States workforce of at least 500 employees.

''(iii) A petitioner that meets the requirements of clause (ii) may request a blanket advisory opinion from a labor organization described in paragraph (6)(A)(iii).

''(iv) Notwithstanding paragraph (1), the question of importing any alien under a petition described in this subparagraph shall be determined by the Secretary of Homeland Security.

''(v) United States consular officers shall have authority to determine eligibility of individual aliens outside the United States seeking admission under blanket petitions filed under this subparagraph for aliens described in section 101(a)(15)(P), except for visa-exempt nonimmigrants. Visa-exempt nonimmigrants may seek a determination of such eligibility from an authorized Department of Homeland Security officer at a United States port of entry.

''(G) A petition approved under subparagraph (F) for an alien described in section 101(a)(15)(P) shall be valid for an initial period of time determined by the Secretary of Homeland Security, which shall not exceed 2 years.''.

SA 1475. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1409 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, after line 12 of the amendment, insert the following:

(d) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by subsection (c)(1), is further amended by adding at the end the following:

''(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

''(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

''(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

''(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

''(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

''(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.''.

(e) DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) DOMESTIC NURSING ENHANCEMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

''(2) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), and deposited into the account established under paragraph (1) shall be used by the Secretary of Health and Human Services to carry out section 832 of the Public Health Service Act. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.''.

(f) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the

grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a masters degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

''(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

''(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than September 30, 2010, a final report on such results.

''(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 286(w) of the Immigration and Nationality Act, there are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(g) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) a list of candidate countries not later than 6 months after the date of the enactment of the Improving America's Security Act of 2007, and annually thereafter; and

''(2) an amendment to the list described in paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to subparagraph (A) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,''.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''101(a)(27)(A),''.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(D) NATURALIZATION.—Section 319(b) of such Act (8 U.S.C. 1430(b)) is amended by inserting ''an eligible alien who is residing or has resided in a foreign country under section 317A'' before ''and (C)''.

(E) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to United States Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(h) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 6, 2007, at 10 a.m., to conduct a hearing entitled ''Paying for College: The Role of Private Student Lending.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in order to conduct a business meeting during the session of the Senate on Wednesday, June 6, 2007 at 10 a.m. in Room 406 of the Dirksen Senate Office Building.

The business meeting will consider the following agenda:

S. 506, the High Performance Green Buildings Act of 2007;

H.R. 1195, SAFETEA–LU Technical Corrections Act;

H.R. 798, a bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy;

S. 635, the Methamphetamine Remediation Research Act of 2007;

S. 1523, the Capitol power plant carbon dioxide emissions reduction demonstration project bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 6, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Trade and Globalization: Adjustment for a 21st Century Workforce.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Patent Reform: The Future of American Innovation'' on Wednesday, June 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Jon W. Dudas, Undersecretary of Commerce for Intellectual Property Director of the U.S. Patent and Trademark Office, Department of Commerce, Alexandria, VA;

Panel II: Mr. Bruce G. Bernstein, Chief Intellectual Property and Licensing Officer, InterDigital Communications Corporation, King of Prussia, PA; Ms. Mary Doyle, Senior Vice President, General Counsel and Secretary, Palm, Inc., Sunnyvale, CA; Mr. John A. Squires, Chief Intellectual Property Counsel, Goldman, Sachs & Co., New York, NY; Ms. Kathryn L. Biberstein, Senior Vice President, General Counsel and Secretary, and Chief Compliance Officer, Alkermes, Inc., Cambridge, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, June 6, 2007 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the impacts of climate change on water supply and availability in the United States, and related issues from a water use perspective.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that floor privileges be granted to Julie Blanks, a legislative fellow in my office, for the remainder of today's session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas, Mrs. HUTCHISON, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference for the first session of the 110th Congress.

RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF THE MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM UNDER THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE UNITED STATES ARMED FORCES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 223) recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas the United States Government established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas in 1943 to promote and coordinate the protection and salvage of works of art and cultural and historical monuments and records in countries occupied by Allied armies during World War II;

Whereas the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas is also known as the Roberts Commission, in honor of its chairman, Supreme Court Justice Owen J. Roberts;

Whereas, in connection with the establishment of the Roberts Commission, the Monuments, Fine Arts, and Archives program (MFAA) was established under the Civil Affairs and Military Government Sections of the United States Armed Forces;

Whereas the establishment of the Roberts Commission and the MFAA provided an example for other countries, working in conjunction with the United States, to develop similar programs, and more than 100 foreign MFAA personnel, representing at least seventeen countries, contributed to this international effort;

Whereas the MFAA was comprised of both men and women, commissioned officers and civilians, who were appointed or volunteered to serve as representatives of the Roberts Commission and as the official guardians of some of the world's greatest artistic and cultural treasures;

Whereas members of the MFAA, called the ''Monuments Men'', often joined frontline military forces and some even lost their lives in combat during World War II;

Whereas, during World War II and for years following the Allied victory, members of the MFAA worked tirelessly to locate, identify, catalogue, restore, and repatriate priceless works of art and irreplaceable cultural artifacts, including masterpieces by Da Vinci, Michelangelo, Rembrandt, and Vermeer, that had been stolen or sequestered by the Axis powers;

Whereas the heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated, and set a moral precedent and established standards, practices, and procedures for the preservation, protection, and restitution of artistic and cultural treasures in future armed conflicts;

Whereas members of the MFAA went on to become renowned directors and curators of preeminent international cultural institutions, including the National Gallery of Art, the Metropolitan Museum of Art, the Museum of Modern Art, the Toledo Museum of Art, and the Nelson-Atkins Museum of Art, as well as professors at institutions of higher education, including Harvard University, Yale University, Princeton University, New York University, Williams College, and Columbia University;

Whereas other members of the MFAA were founders, presidents, and members of associations such as the New York City Ballet, the American Association of Museums, the American Association of Museum Directors, the Archaeological Institute of America, the Society of Architectural Historians, the American Society of Landscape Architects, the National Endowment for the Humanities, and the National Endowment for the Arts, as well as respected artists, architects, musicians, and archivists; and

Whereas members of the MFAA have never been collectively honored for their service and contributions to humanity, and they are deserving of the utmost acknowledgment, gratitude, and recognition, in particular the 12 known Monuments Men who are still alive: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II have made and continue to make possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

ORDERS FOR THURSDAY, JUNE 7, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., later today, Thursday, June 7; that later today, on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1348 and there then be an hour of debate equally divided and controlled between the two leaders or their designees for debate to run concurrently with respect to the Coburn amendment No. 1311, as modified, and the motion to invoke cloture on the substitute amendment; that no amendments be in order to the Coburn amendment prior to the vote; and that upon the use or yielding back of time, the Senate proceed to vote in relation to the Coburn amendment No. 1311, as modified; that upon disposition of the Coburn amendment, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment; that Members have until 10:30 a.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:41 a.m., adjourned until Thursday, June 7, 2007, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate of January 9, 2007:

*MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

*NOMINEE HAS COMMITTED TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO FORMER CONGRESSMAN EARL LEE HOGAN

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. HILL. Madam Speaker, on Sunday night, June 3, 2007, the U.S. House of Representatives lost one of its own, a distinguished gentleman from southern Indiana. Former Congressman Earl Lee Hogan passed away Sunday evening, leaving behind a notable career of public service to Hoosiers. Born in 1920 in Hope, Indiana, Earl Hogan represented the Ninth District of southern Indiana from 1959 to 1961. As a young man, Congressman Hogan served his country as a bombardier on a B–17 in the Air Force, from 1940 to 1945. During his Air Force career, he was awarded the Distinguished Flying Cross, Purple Heart, and Air Medal with three oak leaf clusters. Congressman Hogan had a long career in law enforcement in Bartholomew County, serving first as deputy sheriff and then sheriff. Following his congressional service, Congressman Hogan took several positions focusing on rural development and agricultural issues. I thank Congressman Hogan and his family for their commitment and dedication to public service and all that they have given to the people of Southern Indiana. Congressman Hogan will be missed, but he leaves behind a record of service that speaks volumes about this honorable man.

RECOGNIZING BENJAMIN JAMES DUDDY FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Duddy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many Scout activities. Over the years Benjamin has been involved in Scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Assistant Senior Patrol, Den Chief, and Troop Scribe. Ryan is also a member of the Tribe of Mic-O-Say. His tribal name is Little Silent Stalking Snowy Owl. Ben is also a Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Benjamin constructed over 160 feet of fencing around a fishing pond. This safety fencing was erected to allow handicapped campers access to enjoy the pond and minimize the danger of accidentally entering the water. The project included distribution of 4 tons of gravel and reconstructing trail access to the pond. All of Benjamin's hard work took place at the Tall Oaks Youth Camp in Linwood, Kansas.

Madam Speaker, I proudly ask you to join me in commending Benjamin Duddy for his accomplishments with the Boy Scouts of America and achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. OBERSTAR. Madam Speaker, last month the House of Representatives voted on important legislation including VA health care bills, lobbying reform legislation, and amendments to the fiscal year 2007 supplemental appropriations bill.

During the consideration of these bills, I was in Minnesota to attend the funeral Mass for my uncle, Frank Oberstar.

Had I been present, I would have voted ''nay'' on the motion to recommit to H.R. 1100 (rollcall vote 408); I would have voted ''aye'' on H.R. 1100 (rollcall vote 409); I would have voted ''aye'' on H.R. 67, ''Veterans Outreach Improvement Act'' (rollcall vote 410); I would have voted ''aye'' on H.R. 612, ''Returning Servicemember VA Healthcare Insurance Act'' (rollcall vote 411); I would have voted ''aye'' on H.R. 1470, ''Chiropractic Care Available to All Veterans Act'' (rollcall vote 412); I would have voted ''aye'' on H.R. 2199 ''Traumatic Brain Injury Health Enhancement and Long-Term Support Act'' (rollcall vote 413); I would have voted ''aye'' on H.R. 2239, ''Early Access to Vocational Rehabilitation and Employment Benefits Act'' (rollcall vote 414).

I would have voted ''aye'' to order the previous question on H. Res. 427 (rollcall vote 415); I would have voted ''aye'' to approve H. Res. 427 (rollcall vote 416). I would have voted ''aye'' to order the previous question on H. Res. 438 (rollcall vote 417), and I would have voted ''aye'' on H. Res. 438 (rollcall vote 418).

I would have voted ''nay'' on the Smith motion to recommit with instructions on H.R. 2317 (rollcall vote 419); I would have voted ''aye'' on passage on H.R. 2317 (rollcall vote 420); I would have voted ''aye'' on the Conyers amendment to H.R. 2316 (rollcall vote 421); I would have voted ''aye'' on the Chabot motion to recommit with instructions on H.R. 2318 (rollcall vote 422); I would have voted ''aye'' on passage on H.R. 2316 (rollcall vote 423).

Because of my strong support for important and necessary funding for VA health care; necessary assistance for the Gulf region and U.S. farmers, and my support for an increase in the minimum wage, I would have voted ''aye'' on House Amendment 1 to H.R. 2206, the fiscal year 2007 supplemental appropriations bill (rollcall vote 424. Because House Amendment 2 to H.R. 2206 failed to provide reasonable accountability provisions to measure the Administration's Iraq policy, I would have voted ''nay'' on rollcall 425.

TRIBUTE TO MR. KIRTI DESAI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. PALLONE. Madam Speaker, I would like to take the time to recognize the most recent achievement of an outstanding member of the New Jersey community, Mr. Kirti Desai. In a ceremony on Ellis Island on Saturday May 12, 2007, NECO presented Mr. Desai with the Ellis Island Medal of Honor.

The Ellis Island Medal of Honor recognizes individuals from diverse ethnic backgrounds who have successfully maintained their cultural heritage and traditions while making outstanding achievements in their communities, personal lives, and professional endeavors. Since 1986 the Ellis Island Medal of Honor has been sponsored by NECO, a non-profit organization with a mission ''to honor our diverse Past, to advocate for positive change in the Present, and to build strong leaders for the Future.''

For over twenty years U.S. Presidents, artists, athletes, businessmen, entrepreneurs, and humanitarians have been recognized with this prestigious award. In receiving this award, Mr. Desai ranks among an impressive list of past medalist recipients ranging from former President Bill Clinton to famed athlete Muhammad Ali. With his own list of notable achievements, Mr. Desai is well deserved in finding a place among these outstanding Americans.

Mr. Kirti Desai, better known as Kenny, is the President, CEO, and founder of TAK Group of Companies. With a Master's Degree in Civil Engineering from Stevens Institute of Technology, a hard-work ethic, and unstoppable determination, Mr. Desai built his business from the ground up. Mr. Desai continued to expand his business into a conglomerate encompassing an increasing number of markets, eventually forming TAK Construction, TAK International, TAK Realty and Investment Company, and Sycamore Manor.

While it is one thing to establish a business, it is quite another to receive continuous recognition for its quality and success. In this regard, Mr. Desai's companies have been recognized with the New York and New Jersey Port Authority's Construction Company of the Year Award and SBA Construction Award

from Washington, D.C. under the Clinton Administration. Successful businesses such as these result from exceptional qualities of the individuals behind them.

As an active member of a number of various philanthropic organizations, Mr. Desai is as relentless in his commitment to his community as he is to his business companies. Somewhere between managing his business enterprises and raising three children, Mr. Desai is a leader in cultural and educational institutions including serving as a Director and Board member of the Bharitya Vidya Bhavan; the Chairman of the Indian Culture Society of Union, New Jersey, and the President of Vraj. He has even been involved in aiding the completion of the Mahatma Gandhi Center and Hindu Temple in Wayne, New Jersey.

The New Jersey State Assembly and the Township of Clark, New Jersey have already written proclamations acknowledging Mr. Desai's remarkable achievements in his life. It is only fitting that I now also acknowledge Mr. Desai's most recent recognition. I would like to thank Mr. Desai for his contributions to the New Jersey community and congratulate him on this Ellis Island Medal of Honor.

A TRIBUTE TO BOYS AND GIRLS CLUBS OF PASADENA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Boys and Girls Clubs of Pasadena, which will be celebrating its 70th anniversary this year. For the past 70 years, the Boys and Girls Clubs of Pasadena have remained committed to their motto of ''Caring for our future, one child at a time.''

Incorporated in 1937, the Boys Club of Pasadena, a member of the national organization, Boys Clubs of America, began by serving a Christmas dinner for 200 underprivileged boys in a rented space in Pasadena.

By 1953, the Boys Club membership had reached 4659, a drastic increase from 560 only ten years earlier. In the early 1960s, several milestones were achieved; the Boys Club acquired its own property, joined United Way of Los Angeles and received the National Program Award for Excellence for its Science Series Program.

Continuing to expand its services, the 1970s saw the Boys Club of Pasadena acquiring the Slavic Branch in Pasadena, becoming Pasadena's sponsor of the Summer Hot Lunch Program for Children, which served over 400 meals daily to club members, and the Boys Club Scholarship Program was formally established to aid young people with vocational, educational or fine arts pursuits.

The Boys Club of Pasadena opened the first childcare facility operated for pre-school children by any Boys Club. The Mackenzie/Scott Child Development Center opened in 1989 and was licensed by State of California for 88 preschool children. In 1990, the Center was accepted into the State of California Food Program and was formerly recognized by the City of Pasadena for excellence in child care.

In 1990, after the Boys Clubs of America changed its name to Boys and Girls Clubs of America, the Boys Club of Pasadena changed its name to the Boys and Girls Clubs of Pasadena.

Hilary Crahan became Executive Director of the Boys and Girls Clubs of Pasadena in 2004 and under her leadership the club has continued to emphasize both formal and informal education. Currently, over 7200 children participate at the five sites: Slavik Branch, the Mackenzie-Scott Branch, the Scott Child Care Center, the Performing Arts Center, and the Orange Grove Learning Center. The more than fifty academically enriching programs include music and arts education, sports, technology training, leadership classes, and tutoring in math, English, and science.

It is my pleasure to honor the Boys and Girls Clubs of Pasadena on their anniversary of 70 years of dedicated service to the youth in the 29th Congressional District. I ask all members to join me in commending their efforts.

TRIBUTE TO CAPTAIN PETER BOYNTON

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ISRAEL. Madam. Speaker, I rise today to honor Captain Peter Boynton. Captain Boynton will retire on June 1, 2007 after serving as Commander of Sector for the Long Island Sound, headquartered in New Haven, Connecticut, since June, 2004. Captain Peter Boynton has displayed a stalwart dedication to the safety and well-being of all those who travel on his waters and coastline for years. The Long Island Sound Sector includes 16 field units in Connecticut and on Long Island with 490 active duty military and civilians, 180 reservists and 1,800 volunteers with the Coast Guard Auxiliary. In his position as Captain, Boynton has been responsible for port safety and security, search and rescue, marine inspection and pollution response in Connecticut, Long Island and waters 200 miles offshore.

Captain Boynton has spent 10 years at sea on six Coast Guard cutters including the icebreaker Mackinaw, the cutter Spencer and the tall ship Eagle. He has commanded three cutters; Escanaba in Boston, Ocracoke in Puerto Rico, and Cape Morgan in Portland, Maine. His seagoing service includes spending five winters patrolling Georges Bank in the Gulf of Maine, and his Ocracoke crew seizing 23 tons of marijuana and 2 tons of cocaine in the Caribbean Sea.

Captain Boynton served at the White House as the Director for Global Affairs on the National Security Council staff, coordinating national policy for drug interdiction and migrant smuggling. He was also the senior Coast Guard liaison at the Department of State, coordinating international Coast Guard operations with the diplomatic community. He served as the Chief of Intelligence on a multi-agency drug task force in New York City.

Captain Boynton holds a Master's Degree in Public Administration from Harvard's Kennedy School of Government, and an Ocean Engineering degree from the Coast Guard Academy. Captain Boynton holds an unlimited Master's License in the Merchant Marine. His military awards include the Legion of Merit, Meritorious Service Medal and Presidential Service Badge.

Captain Boynton has always gone above and beyond the call of duty, specifically when it comes to paying the utmost personal attention to the questions and concerns of the community. He has built a reputation for listening to problems, answering questions, and finding solutions. He has done an excellent job protecting the people who travel on the Long Island Sound by being accessible to hearing and responding to their needs. I applaud Captain Peter Boynton for his contributions and dedication to the United States Coast Guard and the Long Island Sound.

PRAISING LT. GOVERNOR DAVID PATERSON'S COMMITMENT TO MINORITY AND WOMEN-OWNED BUSINESSES IN NEW YORK STATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to bestow praise to Lt. Governor David Paterson of the great state of New York for his commitment to empowering Minority and Women-Owned Businesses (MWBE). His initiative to start this dialogue has shown the lack of contracts that MWBEs receive from the major agencies and authorities in the state. Lt. Governor Paterson's leadership in this initiative will help to improve procurement practices in New York State by ensuring that MWBEs receive contracts that they are fully capable of performing.

Lt. Governor David Paterson's commitment to MWBEs will benefit businesses throughout the state just as the Upper Manhattan Empowerment Zone has done for business development, jobs, educational and health programs, and social services in Harlem, East Harlem, Washington Heights and Inwood. Today I enter into the RECORD an article published by the New York CaribNews highlighting the efforts of Lt. Governor Paterson for the advancement of MWBEs in New York State.

[From the New York CaribNews, May 15, 2007]

LT. GOVERNOR PUSHES AGENDA TO BENEFIT MINORITY & WOMEN-OWNED BUSINESSES

ALBANY, NY.—Taking an important step in fulfilling a campaign pledge to usher in a new era of accountability in the area of state government utilization of Minority and Women Owned Businesses, Lt. Governor David Paterson convened a meeting of executives from the state's major agencies and authorities. This historic gathering of state decision makers was part of a mandate issued in an Executive Order signed by Governor Eliot Spitzer on February 18th which, among other things, establishes an executive Leadership Council to examine state procurement practices and increase the utilization of qualified MWBE's.

Lt. Governor Paterson, who is leading the state's efforts to improve its MWBE program told Executive Leadership Council members, ''Last year the state spent over $11 billion in discretionary expenditures and MWBEs only received 3% of state contracts. This administration will reserve the negative inertia of the past 12 years and push to build the capacity of MWBE firms and increase the utilization of qualified MWBEs.''

After laying out the vision for the new MWBE initiative, MWBE Development Executive Director Michael Jones-Bey explained the purpose of the Executive Leadership Council sating that, ''This will be a forum to discuss best practices for implementation of procurement policies. It is also a means to hold agency executives accountable for compliance with state MWBE procurement laws.''

For many in attendance the highlight of the meeting was where agency executives made their presentations. Each executive delivered a PowerPoint presentation reporting their agency's previous quarterly utilization of MWBEs for expenditures in the areas of construction, construction consulting, commodities, and services. This was followed by a presentation of their goals. This unprecedented public airing of MWBE agency performance was followed by a general group discussion of ways to tackle some of the common problems encountered by agency executives.

TRIBUTE TO DR. JACOB EAPEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Jacob Eapen on being the 2007 recipient of the Ellis Island Medal of Honor. Dr. Eapen, a resident of Fremont, California, is a pediatrician who has spent countless hours through the years in community service. When he hasn't been serving on various boards in or near Fremont, he has provided medical assistance statewide and overseas. He has spent more than 25 years giving back to a world too often in need.

His endless work has earned him local, state and national recognition. His most recent award, the Ellis Island Medal of Honor, is a prestigious honor given annually by the New York-based National Ethnic Coalition of Organizations. The medal celebrates the immigrant experience and seeks to honor Americans from a wide variety of backgrounds for their positive and lasting imprint on society.

In previous years, the medal has been awarded to six U.S. presidents; courageous heroes who created positive social change such as Rosa Parks and Elie Wiesel and athletes, including Muhammad Ali. He is one of just six Indo-Americans and one of 12 Californians to receive the Ellis Island Medal of Honor this year.

Dr. Eapen was born in Trivandrum, Kerala, in southern India where he grew up and received his medical degree. He earned his master's degree in public health from the University of California, Berkeley. He spent five years in Sub-Saharan Africa as a teacher and physician. He recalls his days in Africa where he would arrive at the medical clinic at 8 a.m. and find 150 people waiting in line for medical help, including some who had walked for hours. This experience fueled his passion to value life and to make a difference in the lives of others.

He is currently an elected member of the Washington Hospital board of directors and works as a practicing pediatrician in Newark with Alameda County Health Services. Dr. Eapen has previously served as a board member of the Association of California Healthcare Districts, medical director of a local health care clinic, Alameda County public health commissioner, U.N. high commissioner for refugees in the Philippines, and as an adviser to Alameda County's Every Child Counts Commission. In 2004, he received the Medical Board of California's First Physicians award.

I join Dr. Eapen's friends and admirers in congratulating him on receiving his most recent award, the Ellis Island Medal of Honor. It is well deserved and a fitting symbol of his endless commitment and contributions to make a better life for others.

TRIBUTE TO RICHARD PATTENAUDE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Richard Pattenaude on the occasion of his being named chancellor of Maine's public university system, after 16 years of dedicated service to the University of Southern Maine. Richard's service to USM was extraordinary, and I join his many friends, coworkers and the students he taught in wishing him the best of luck in the next phase of his career.

Richard's service to public education began in 1972, when he took a job teaching political science at Colorado State University. His service to Maine's educational system began in 1991 when he became president of the University of Southern Maine.

Under his leadership, the University grew substantially in the classroom. Richard helped to add 12 new undergraduate, 5 masters and 2 doctorate programs to the course catalog, he rewrote the University's mission statement, and he led in the creation of the University's first and second strategic plans. Richard's influence extended beyond the classroom, however, and he made major contributions to improve USM's campus. He constructed over 75 million dollars worth of state of the art buildings and created more than 12 educational institutes—including the Multi-Cultural Student Center and the Center for Entrepreneurship—which responded to community needs.

Richard was truly successful in living up to his motto during his time with Southern Maine—he ''worked hard, did well, had fun.'' His leadership as the University's president will be missed, but the school can rest assured knowing he will still be working diligently to make Maine's public university system better for future generations of students.

IN TRIBUTE TO LIEUTENANT GENERAL DONALD J. WETEKAM

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MARSHALL. Madam Speaker, I rise today as co-Chair of the Air Force Caucus to honor Lieutenant General Donald J. Wetekam, Deputy Chief of Staff for Installations and Logistics, for his long and exceptionally distinguished military career.

General Wetekam entered the Air Force in June 1973 after graduating from the U.S. Air Force Academy. A career logistics officer, Don has commanded three maintenance squadrons, a logistics group and a logistics center. He has served staff tours at both major command and Air Staff levels, and served as Chairman, Army and Air Force Exchange Service Board of Directors.

General Wetekam was responsible for leadership, management and integration of Air Force civil engineering, security forces, logistics readiness, supply, transportation, and aircraft and missile maintenance, as well as setting policy and preparing budget estimates that reflect enhancements to productivity, combat readiness and quality of life for Air Force people.

Most importantly for the state of Georgia, General Wetekam served as Commander, Warner Robins Air Logistics Center, Robins AFB from 2002–2004. I watched as he created an excellent team atmosphere that led to use of LEAN and the introduction of unprecedented efficiencies at Robins. This model was the precursor to such efficiencies throughout the Air Force, culminating with Air Force Smart Operations for the 21st Century (AFSO 21).

Finally, Madam Speaker, I should note for the record that, although he has received numerous military awards, Don's Blues Brothers imitation is rumored to be quite special. A mutual friend told me it's the best he's ever seen, particularly the dance routine in ''the very small, black pants.'' But that same friend added that he'd seen the routine twice, which was ''to be honest, one time too many.'' So I'd guess Don's second career won't stray too far from his current day job. No doubt he will maintain his interest in running and NASCAR. He and his wonderful wife Sherrie are community-oriented folks who are involved in various charities. I hope they settle in Middle Georgia where they will always be welcome. If they do, I'll run with Don, maybe catch some NASCAR but certainly skip the Blues Brothers.

RECOGNIZING MILDRED AND LESTER GUDGELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize two outstanding constituents of Missouri's 6th Congressional District: Mildred and Lester Gudgell of Meadville, Missouri. Mildred and Lester will celebrate their 60th Wedding Anniversary on June 7, 2007.

Mildred and Lester were married on June 7, 1947 in Trenton, Missouri. They have raised five children: Nancy, Peggy, Benny, Paul and Ray, who is now deceased.

Mildred and Lester Gudgell have been outstanding citizens of Meadville and Northwest Missouri. They are dedicated and active members of their community.

Madam Speaker, I proudly ask you to join me in recognizing Mildred and Lester Gudgell. Their marriage of 60 years is inspirational, and I am honored to represent them in the United States Congress.

HONORING THE NATIONAL ASSOCIATION OF LETTER CARRIERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise to recognize and honor the National Association of Letter Carriers (NALC) Branch 70 for receiving the Volunteer Dedication Award given by The San Diego-Imperial Counties, AFL–CIO.

NALC Branch 70 was chartered in 1970, and has had a tradition of volunteering for charities, food drives, and legislative actions.

Unfortunately, due to the Hatch Act of 1939, the working letter carrier was prevented from taking any significant volunteer role in partisan political campaigns until 1993 when the Hatch Act was reformed.

NALC Branch 70, the United States Postal Service (USPS), along with the help of many other unions work together every year (on the 2nd Saturday of May) to collect food from our customers for those in our communities who are in need. This year will mark the 15th anniversary of the NALC Food Drive.

In 1982 the NALC Branch 70 and the USPS established a national program called Carrier Alert, of which Branch 70 is a member. This program, in simple terms, allows elderly and disabled customers to sign up for special attention from their letter carriers. When letter carriers suspect there is trouble they report it. One phone call could save a life; and in fact, lives have been saved through this program. The neighborhood letter carrier is always eager to help monitor the well-being of their customers. It is what letter carriers across the Nation do every day, with or without a formal program.

NALC Branch 70 and the USPS once a year also work with the Lions Club International by collecting eye glasses which are used to distribute to the poor throughout the world and was awarded the International Order of The Lion in 2005 by the Lions Club.

NALC Branch 70 understands it is not just about working together to help their own union, but working together with others so that everyone can have a better life. This is why the NALC Branch 70 is such a proud and distinguished member of the San Diego-Imperial Counties Labor Council.

IN HONOR OF THE STUDENT GRADUATES OF PARAMUS' D.A.R.E. PROGRAM AT WEST BROOK MIDDLE SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the Paramus Police Department will hold its D.A.R.E. graduation ceremony with the students of West Brook Middle School. More than 150 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program at West Brook Middle School, and I would like to recognize them all for taking this step toward positive citizenship:

Breanne Babin, Nicole Becker, Tamar Beylerian, Isabella Blanco-Rivas, Nicholas Bushman, Julia Castronovo, Deborah Daoud, Arnold De Masi, Anthony Gallo, Tiffany Hsiung, Alisha Jadhav, Stephen McGuire, Lauren Mihalik, Christina Muller, Hayley Niland, Aisling O'Connor, Justin Ordonez, Jacqueline Paizis, Kevin Perusse, Kimberly Portes, Nicholas Ruso, Zacky Sungkar, Daniel Toppo, Maxwell Wagner, Matthew Warren, Nadia Admani, Christopher Akdemir, Emily Aranda, Varun Bhatt, Miranda Campbell, Gabriel Cepeda, Divya Dasani, Nadine Haddad, Connor Hagen, Noel Hodgins, Brittany Hovan, Kwon-Sung Jung, Kathleen McGee, Leah Paterno-Olivari, Michael Piquero, Brian Polsky, Diego Ramirez, Michael Rullis, Akari Saito, Amitoj Sawhney, Nicole Sicari, Victoria Stabile, Nicole Tomic, Mimi Tsang, Alok Vaidya, Shefalee Vohra, Brandon Birdsall, Diana Blanco, Nicholas Bucci, Ryan Bucci, Steven Carrescia, Justin Cochran, Mark Cristaldi, Rebekah Daniel, Joseph Dobrowolski, Aleah Dotson, David Elhananov, Zinath Froogh, Michelle Kim, Emil Lopez, Carla Nilo, Yusuke Oshimizu, Daniel Paolazzi, Rachel Rigolosi, Eric Rosenzweig, Erika Soto, Athanasios Stepas, Michael Thompson, Gregory Vaks, Zachary Yabroudy, Priyanka Abraham, Jafar Ali, Alexandra Arrighi, Matthew Askling, Nicole Cagar, Alex Castro, Jesse Christie, Tyler Deas, Nicholas Delgiorno, Ariana Dellosa, Nina Fiorilla, Dean Fujita, Oscar Gonzales, James Hallihan, Nikolaos Haralambakis, Max Hopkins, Zalaikha Javed, Sofia Koutsoumbis, Matthew Lahanas, Lindsey Lucas, Kayla Mees, Janki Patel, Zachary Reuveni, Ryan Rivera, Liridona Shala, Pratyusha Valiveti, Matthew Alpher, Jason Back, Parita Bhanderi, Thomas Bores, Brooke Bukowski, Randy Casallas, Harold Choo, Matthew DeMatteo, Julia Deutlmoser, Jana Devaney, Margaret Doyle, Joseph Faris, Laura Heckelmann, Daniel Heidt, Yurina Iijima, Farah Kiki, Michelle Kim, Elyse Krupinski, Maya Peterson, Victoria Petruzzella, Victoria Poplaski, Justine Rizzitello, Adam Ron, Daniel Schauer, Emad Tirmizi, Kevin Tirpanciyan, Lakhini Vyas, George Ayob, Jr., Shannon Barile, Tiffany Buchen, Francis Ciambrone, Alexandra Cooney, Julia Cuomo, Alyssa De Clemente, Julia Dellosa, Erika Dipasquale, Jessica Goldman, Jessica Hazuda, Nicole Huaman, Sundesh Kodali, Kimberly La Vecchia, Matthew Lemash, Brian Monticello, Timothy Moran, Deanna Napoli, Shivam Raikundalia, Raquel Riggitano, Jacob Roth, Nicholas Salemme, Karan Shah, Zainab Shahsamand, Donovan Spivey, Carly Turton, Shawn Abraham, Joseph Akdemir, Asha Babu, Rachel Buchbinder, Allison Chang, Daniel Chen, John Chinchar, Inderpreet Dhaliwal, Lindsay Diamond, John Diaz, Sky Digirolamo, Stephanie Edelstein, Julia Gerogiannis, Michael Kim, Gina Kisley, Joseph Lee, Daisy Lee, Grace Lim, Annika Nungra, Alyssa Nungra, John Piccinich, Abraar Quraishi, Alexa Salinardi, Alexander Shater, Courtney Smallze, Rebecca Song, Ashlin Twardzik, Parth Vaidya.

TRIBUTE TO FAYE COWART

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Faye Cowart. Mrs. Cowart has served the community for 38 years as a leader in the area of public education. As an outstanding educator in the Los Angeles Unified School District since 1969, Mrs. Cowart has been dedicated to the promotion of student success and educational achievement.

Mrs. Cowart has been a long time resident of Altadena, CA, and began her career in education as a teacher in the Los Angeles School District. After teaching for several years, she served as a Title I Coordinator, Assistant Principal, and Compliance Coordinator in the Specially Funded Programs Branch. In each of these endeavors, she distinguished herself as a tireless advocate for improving the quality of education for all of our students.

I ask all Members to join with me in congratulating Mrs. Faye Cowart for her dedicated service and commitment to the promotion of quality education. I am sure that each person positively affected by Mrs. Cowart's service will also join me in wishing her much joy in the years to come and great thanks for her time, her energy, and her efforts.

RECOGNIZING DANIEL VINCENT WILLIAMS FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Vincent Williams, a very special young man who has exemplified

the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and by earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. For his Eagle Scout project, Daniel's leadership helped to replace the wire fencing around the backstop and painting the poles of the Winston R–VI School baseball field. This completes the fifth Eagle Scout project that improves the baseball field.

Madam Speaker, I proudly ask you to join me in commending Daniel Vincent Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COUNCILLOR LEONARD F. O'LEARY OF SALEM, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. TIERNEY. Madam Speaker, I rise today to honor Councillor Leonard F. O'Leary of Salem, MA. Councillor O'Leary recently announced that he would not be seeking reelection. It will be the first time since 1984 when he was first elected as Councillor of Salem's Ward Four that the O'Leary name will not appear on the ballot.

Lennie honorably served twelve consecutive, two-year terms, and his twenty-four years on the Salem City Council rank him among the longest serving City Councillors in Salem's long and storied history. He earned the respect of his colleagues on the Council over the years as reflected by their electing him Council President on four occasions during his tenure.

Lennie's institutional knowledge made him a valuable resource on the Council as he served as Chair on all of the Council's committees, including the Finance Committee and Committee on Ordinances, Licenses and Legal Affairs. He also served as the longtime Council Liaison to the City's Board of Health. Councillor O'Leary served his country as a member of the National Guard from 1961–1967, and he took great pride in advocating in support of his fellow veterans while on the Council.

In his over two decade long Council career, Lennie was legendary in his devotion to his Ward Four constituents, and he provided them with reliable and responsive service. He kept them informed with regular neighborhood meetings and tended to their every need whether by filing measures to prohibit overnight parking of heavy vehicles in residential neighborhoods or meeting with engineers and DPW crews to make sure road work proceeded in a timely and reasonable manner. Lennie advocated tirelessly for his Ward Four neighbors appearing at hundreds of Board of Appeals, Planning Board, and Conservation Committee hearings to make sure their concerns had a voice and were heard. He was rewarded by support across his Ward that was broad and deep.

Lennie would be the first to admit that he did not do it all alone. He would tell you that he had good friends and that he had good fortune in working with four mayors and countless dedicated colleagues on the Council. However, most important to Lennie was the full and untiring support he received from his wife Mary, who often accompanied him to those late night Council and Board meetings. Mary provided counsel that he could trust.

This week in Salem, Lennie's colleagues, friends, neighbors, and family will gather to celebrate and thank Councillor Leonard F. O'Leary for 24 years of unselfish public service. It is a most appropriate and deserving recognition for someone who has given so much of himself to the City of Salem.

H.R. 198 ''RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH''

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 198, which recognizes the significance of Black History Month.

Madam Speaker, it is easy to forget the past, especially a past that is so painful for so many. But I think we all recognize that the story of blacks in America is one that is truly uplifting and gives us the spirit to believe that any accomplishment is possible if we strive for it.

I want to take this opportunity today to talk about the black history that is too often ignored. Let me start by saying that we all revere the Reverend Dr. Martin Luther King. We love the leaders of the Civil Rights Movement. I am deeply grateful that this Nation has a day to honor Dr. King and that we have a Black History Month so that our children may understand the struggle that black Americans had to endure just to get to this point.

Madam Speaker, the history of blacks in America did not begin and end with the Civil Rights Movement. We need to remind everyone that the America we know today was built in substantial part by the skill, labor, intelligence, and determination of African Americans. These black pioneers succeeded despite the oppression they openly faced.

That's the history I want to talk about today. I want to talk about black Americans whose accomplishments have sometimes been overlooked. Their greatness in the face of adversity is what makes me so proud to be an African American.

So many oppressed people have had to surrender their souls, their hopes and their dreams because of the hardship they have been forced to face. However, black history is full of men and women who faced their hardships head on and refused to accept what they were told was their destiny. Instead, they instead looked at what they were given and dared to believe that not only could they improve upon it, but that they could strive for achievements almost unimaginable to any American. These great figures of black history are our past; they are our future. They are our compass as we move forward into this new generation.

I am proud to be a member of Congress representing the great State of Texas. In the 211 years of congressional history there have been 105 African American Members of Congress. We tend to think that before the Civil Rights Movement black Americans had no ability to represent themselves in government. Despite the tremendous obstacles of intimidation and harassment that were faced by black Americans who sought and won election to political office.

Hiram Rhodes Revels was the first African American member of Congress. During the Civil War, he helped organize Maryland's first two black regiments for the U.S. Army. In February 1870, he was elected from Mississippi to the United States Senate seat formerly held by Jefferson Davis. Hiram Rhodes Revels was in an extraordinary position, not only was he the first African American in Congress only a few years after the Civil War had ended, but he was representing a State where black men had only been in positions of servitude.

His seat in the Senate did not come without great controversy; a great debate arose in the Senate as to whether a man of color was entitled to a seat in our Nation's legislative body. However, it was the great Senator Charles Sumner of Massachusetts who made the closing argument for Revels' admission, declaring: ''All men are created equal, says the great Declaration, and now a great act attests to this verity. Today we make the Declaration a reality.''

During his time in the Senate, Hiram Revels voted to forgive officials from the secessionist States, who had broken their oaths to uphold the Constitution, as he made great efforts to unite a war-torn Nation. After leaving the Senate, Revels returned to Mississippi, where he became the founding president of Alcorn College. His life was one of tremendous achievement against the backdrop of the turbulent Reconstruction era.

Almost 100 years after Hiram Rhodes Revels was elected to the U.S. Senate, Shirley Chisholm became the first African American woman elected to Congress, when she was elected to represent New York's Twelfth Congressional District in 1968 running on the slogan, ''Fighting Shirley Chisholm—Unbought and Unbossed.''

She reflected that spirit well during her 14 years in Congress. During her first term she spoke out for civil rights, women's rights, and the poor and against the Vietnam War. Her first term in Congress was set against the backdrop of the Civil Rights Movement and the women's movement for equal rights.

Shirley Chisholm had an understanding that during those turbulent times the nation required a determined leader to represent the voice of so many Americans who felt dismay at their treatment. She took an extremely active role in changing the way women were to be judged from that point on. She remarked that, ''Women in this country must become revolutionaries. We must refuse to accept the old, the traditional roles and stereotypes.''

This is a sentiment that I myself take to heart. Women in this Nation are now told they have a right to determine the kind of life they want to lead; Shirley Chisholm was at the core of this movement.

On January 25, 1972, Chisholm announced her candidacy for President. She stood before

the cameras and in the beginning of her speech she said, ''I stand before you today as a candidate for the Democratic nomination for the Presidency of the United States. I am not the candidate of black America, although I am black and proud. I am not the candidate of the women's movement of this country, although I am a woman, and I am equally proud of that. I am not the candidate of any political bosses or special interests. I am the candidate of the people.''

Shirley Chisholm did not win the nomination; but she went on to the Democratic Convention in Miami and received 151 delegates' votes. More than that, she demonstrated the will and determination of so many Americans who had previously felt forgotten, she had lighted a fire under so many who had felt disenfranchised.

Despite being separated by almost a century Hiram Rhodes Revels and Shirley Chisholm led very similar lives. They both were in positions of great responsibility during times when this Nation was under a great burden. The true greatness of their story is not just that they overcame the oppression they faced, but that they had the courage to help remedy a Nation that in many ways had spited them. They refused to bend their principles to the hatred they faced; they were true pioneers in leadership.

They are my role models in Congress not only because they are African American but because they represent the kind of leaders that America has always needed at times of adversity, they had a spirit and a courage that could not be broken, they had a vision of America that exceeded most of their peers.

I am very proud to be a Member of Congress from the city of Houston, a city that is home to NASA. This Nation has been blessed to have been the pioneer in space exploration. However, one of our greatest accomplishments has been that not only have we sent men to space, but that we have sent different men and women who represent the spirit of this great Nation.

Major Lawrence was the first African American astronaut who trained at NASA. In 1983 Guion Bluford became the first African American to fly in space. He went on to serve on three more NASA missions and logged over 688 hours in space. Before becoming an astronaut, Maj. Guion Bluford flew 144 combat missions in Vietnam. Tragically, Ron McNair lost his life in the tragic Challenger accident, but we all will forever remember his great accomplishments. Mae C. Jemison also became the first African American female to fly in space.

In less than a century and a half blacks in America had gone from the chains of slavery to the surface of the moon. Physically this is an amazing accomplishment, but spiritually these great men and women throughout black history could have accomplished what they did without those who came before them. Each great black man or woman gave hope to future generations and recognition to the fact that no amount of oppression could suppress a true vision of a greater America.

The African American community continues to rise; this is still a beginning for us not an end. The vision for America that so many black Americans strived for is not yet complete. There are many more great black minds and souls that this Nation will be blessed to experience. I look forward to seeing our progress, I delight in our great history but I am really looking forward to our future progress.

For all these reasons, Madam Speaker, I am pleased and proud to support H.R. 198, which gives due recognition to the significance of Black History Month.

STATER BROS. MARKETS: A HISTORY OF SUCCESS . . . PAST, PRESENT, FUTURE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor the Stater Bros. Markets chain for receiving the ''Spirit of Cooperation Award'' recently presented by the San Diego-Imperial Counties Labor Council, AFL–CIO.

Stater Bros. Markets traces its beginnings back to a small grocery store on West Yucaipa Boulevard in Yucaipa, California. Twin brothers Cleo and Leo Stater purchased the original Stater Bros. Market with a $600 down payment, and opened for business on August 17, 1936. By the close of the 1940s, the Stater Bros. had expanded the chain to 12 locations, with 225 employees.

During the 1950s, Stater Bros. Markets had almost doubled to include 23 locations in the counties of San Bernardino, Riverside and Los Angeles. In 1960, the company began the operation of a construction business. This new division acted as a general contractor and became responsible for all planning, supervision and construction of new stores and other facilities. In 1979, scanning was introduced in the stores and during this time there was a significant growth and expansion for the company. During the 1970s, the number of store locations more than doubled to a total of 83 supermarkets.

The year of 1980 was the largest calendar year of growth for the company, with 10 supermarkets opening. In 1982, Stater Bros. launched its first television advertising campaign. In 1999, Stater Bros. acquired 43 additional supermarket locations, which included 33 former Albertson's Supermarkets and 10 former Lucky Supermarkets. Ten of the new locations were in San Diego County, giving Stater Bros. its first presence in the area of my Congressional District.

By the year 2004, Stater Bros. had been awarded the ''Supermarket Retailer of the Year'' twice, by the Progressive Grocer in 2001 and the Grocery Headquarters Magazine in 2004. In 2005, Stater Bros. made the ''Fortune 500'' list for the first time and was the only Inland Empire headquartered company to make the list.

Today, Stater Bros. is the largest privately owned Supermarket Chain in Southern California with annual sales in 2006 of $3.5 billion. They are highly deserving of the recognition that they are receiving from our very distinguished labor council and an excellent, corporate community partner.

IN HONOR OF THE WINNERS OF THE 2006–2007 INTERNET SCIENCE AND TECHNOLOGY FAIR

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the students of Don Bosco Prep High School in Ramsey, New Jersey, who recently won first place in Information and Communication in the 2006–2007 Internet Science and Technology Fair. The Class of 2008 students, James Cahayla-Wynne, Walter Hickey, Alexander Hieronymi, Robert Hoffmann, and John Kelly III developed an Integrated Navigation System called ''On Target.''

As the students themselves have described it on their website, www.ph3k.com: ''We resolve to design a multipurpose beacon, using GPS (Global Positioning Systems) technology, that can relay both its position and additional information about the surrounding environment, to existing data centers. These data centers will then synthesize and organize this raw data and forward it to the troops in the field who need it.''

These very bright students were aided in their quest by very supportive family, teachers, school administrators, and community leaders—Mrs. Bernadette Kozak, LTC Steven Fleming of the U.S. Military Academy, Fr. Lou Konopelski, and Mr. Paul O'Connor. As the George Bernard Shaw quote on the Don Bosco website states, ''Life isn't about finding yourself. Life is about creating yourself.'' Clearly, the faculty and staff at this school breathe life into those words each day.

TRIBUTE TO THE FLINTRIDGE FOUNDATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Flintridge Foundation, which will receive the 2007 Community Award presented by the Gamma Zeta Boule Foundation at their Annual Scholarship Luncheon in Pasadena, California on June 10, 2007. Each year, this award is given to an individual or organization that demonstrates extraordinary commitment and dedication to education and the community.

The Flintridge Foundation was created in 1985 and strongly upholds the values of individuality, diversity, and creativity on which it was founded. Francis and Louisa Moseley believed that the private sector was well qualified to understand and quickly respond to the changing needs of individuals and society as a whole, and out of that vision the Flintridge Foundation was born.

Since its beginning, the Flintridge Foundation has provided $23,531,290 in grants and has developed a conservation program that has helped to conserve biological heritage and ensure the sustainability of natural resources

by supporting the preservation and restoration of native ecosystems in the Pacific Northwest.

For their success and commitment to promoting education, the environment, and many other important priorities, I ask all Members of Congress to join me in congratulating the Flintridge Foundation upon receiving the 2007 Community Award.

RECOGNIZING ROSS ALLAN WILLIAMS FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ross Allan Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and by earning the most prestigious award of Eagle Scout.

Ross has been very active with his troop, participating in many Scout activities. For his Eagle Scout project, Ross's leadership helped to build a new enclosed dugout on the third base side for the Winston R–VI School baseball field. This completes the fourth Eagle Scout project that improves the baseball field.

Madam Speaker, I proudly ask you to join me in commending Ross Allan Williams for his accomplishments and for his efforts put with the Boy Scouts of America forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF LEGISLATION TO SIMPLIFY THE TAX AND ELIMINATE THE DRAWBACK FEE ON CERTAIN DISTILLED SPIRITS USED IN NON-BEVERAGE PRODUCTS MANUFACTURED IN A U.S. FOREIGN TRADE ZONE OR DOMESTIC USE AND EXPORT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. PASCRELL. Madam Speaker, I rise today to introduce a bill designed to equalize the competitive playing field between domestic and foreign users of certain distilled spirits used in the manufacture or production of non-beverage products.

Non-beverage products include medicines, medicinal products, food products, flavors, flavoring extracts and perfumes, all of which are unfit for beverage purposes.

The bill does this by allowing users that demonstrate to the Treasury Department that they are producing non-beverage products in a U.S. Foreign Trade Zone to avoid the excise tax on distilled spirits, which a foreign manufacturer of non-beverage product that uses distilled spirits does not pay.

A Foreign Trade Zone is a restricted-access site authorized by the U.S. Department of Commerce and supervised by U.S. Customs where companies can use special Customs procedures for importing and exporting materials and finished products. Zones are located in or adjacent to a Customs port of entry and operated pursuant to public utility principles under the sponsorship of a corporation granted authority by the Commerce Department pursuant to the Foreign-Trade Zones Act and regulations.

Authorized companies, of which there are many in New Jersey, therefore will be subject to continuous regulation by the Commerce and Treasury Departments as well as Customs.

The bill preserves necessary safeguards for the government as it monitors which companies use distilled spirits for beverage purposes and which companies use them for non-beverage purposes.

Such companies will be required to file regular reports with the Department of Treasury showing that the distilled spirits are used in the manufacture of non-beverage products. Currently, such manufacturers pay an excise tax of $13.50 per proof gallon and then must file for ''drawback'' with the burden on the claimant to show eligibility for drawback.

Under the drawback procedure, the government rebates all but $1 per proof gallon, charging the companies a $1 administration fee. Companies subject to this procedure can have considerable cash flow tied up in this process for an appreciable period of time. Again, a foreign manufacturer of non-beverage products is not subject to such tax and consequently, is not burdened by the need to file for drawback.

The imposition of this tax and burdensome drawback process on American manufacturers and producers put them at a competitive disadvantage, which I believe we should eliminate, while preserving the integrity of the government process to monitor the use of distilled spirits.

TRIBUTE TO MARTIN COUNTY AND FAIRMONT, MINNESOTA

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate Martin County, MN on two milestones it is celebrating this weekend: the sesquicentennial celebration of Martin County and the city of Fairmont, Minnesota, and the centennial celebration of the Martin County Courthouse.

Martin County was founded 150 years ago, on May 23, 1857. The county was named after Henry Martin of Wallingford, Connecticut, who was a resident of Mankato at the time.

The first permanent residents of what is now Fairmont, Minnesota were two men named E. Banks Hall and William H. Budd. In June of 1857, they built their homes beside two lakes that today are named—appropriately enough—Budd Lake and Hall Lake.

The town's original name was Fair Mount, which was later changed to Fairmont. Fifty years after the founding of Martin County, the County Courthouse was commissioned.

Construction on the Martin County Courthouse was completed on November 1, 1907: The building is built from Michigan sandstone and Indiana limestone and is topped by a dome that stands 108 feet above the ground.

The total cost of constructing the Courthouse—including furniture, plumbing and decorations—was just under $125,000.

Today, this Courthouse is the jewel of the city of Fairmont, where it sits overlooking Lake Sisseton.

Throughout its 100-year history, the Martin County Courthouse has made many changes, but it has not lost its original beauty.

I am pleased to join the State of Minnesota in congratulating Martin County and Fairmont, Minnesota on this important milestone. And I wish them continued growth and success for the next 150 years.

RECOGNIZING MR. WALLY BAILEY FOR HIS NATIONAL LEADERSHIP IN BUILDING SAFETY AND FIRE PROTECTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Mr. Wally Bailey, a resident of Fort Smith, Arkansas, and his group's recent visit to Capitol Hill during this year's annual recognition of Building Safety Week. On May 9, Mr. Bailey led a delegation of members of the International Code Council to meet with Congress to discuss nationally focused concerns in building safety and fire prevention. This year ICC's delegation focused specifically on a proposal to create a Community Building Code Administration Grant Program, and Mr. Bailey spoke to me persuasively of how this program would expand and support the quality and effectiveness of building code and fire code administration in underserved areas of our country.

Mr. Bailey serves as President of the Board of Directors of the International Code Council, a volunteer role to which he was elected in national leadership of a membership association of over 42,000 building safety and fire prevention professionals. It is this group that develops the building and fire codes that are in use all across our country for the construction and maintenance of our residential and commercial buildings, including the homes and the business, schools, and places of worship we visit regularly. These codes, created and maintained through a voluntary consensus development process, are in use by over 22,000 U.S. jurisdictions, including those who govern the quality, safety and energy efficiency of building construction at the local, State and Federal levels.

For the past three decades, Mr. Bailey has been a tireless advocate for building safety through superior building codes and effective building code administration. As the Director of Development and Construction for the City of Fort Smith, he supervises activities of a multidisciplined department that governs codes administration, inspections, plan review, property maintenance, historic preservation and land development. As a matter of note, two years ago he celebrated a quarter century of service to the City.

Since 1999, in addition to his work with the City of Fort Smith, Mr. Bailey has served in leadership positions with the ICC, culminating in his present role as President of the Board. Besides his being a distinguished citizen of my District, in my opinion, ICC's membership elected a leader who is an outstanding public safety professional and a truly dedicated public servant.

I would also like to take this opportunity to recognize the rest of the ICC delegation who visited Capitol Hill during Building Safety Week 2007, and thank them for their efforts to promote and defend a safe and sound built-environment. Those individuals include: Board Vice President Steven Shapiro, Board Secretary/Treasurer Adolph Zubia, Immediate Past President of the Board Henry Green; Board members Gregori Anderson, Edwin Berkel, James Brothers, John Darnall, William Dupler, Gerald George, Greg Johnson, Barbara Koffron, John LaTorra, Ronald Lynn, Doug Murdock, Ronald Piester, and James Ryan; ICC Government Relations Advisory Committee members Rebecca Baker, James Martin, Betts Nixon, Emory Rodgers, and George Wiggins; ICC Chapter Leaders Paul Aston, Roger Axel, Kurt Kasson, Sheila Lee, and Tina Rakes. Members of ICC's professional staff included its CEO Rick Weiland as well as Dominic Sims, David deCourcy, Sara Yerkes, James Tidwell, Mark Dinneen, Richard Kuchnicki, Laura Scott, Peter Feldman, and International Accreditation Services President Charles Ramani.

ED MATTAS: ''AN INSPIRATION TO ALL OF SAN DIEGO''

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor Ed Mattas, who is being honored with the ''Community Service Award'' by The San Diego-Imperial Counties Labor Council of the AFL-CIO.

After graduating from Kearney High School in San Diego, California, Ed started his Union career with Hazard Products in 1981. When Hazard closed their manufacturing plant in 1985, he moved on to RCP Block and Brick. While at RCP Block and Brick, Ed served as the Shop Steward.

Ed was then elected as Trustee to Teamsters Local 36 in 2001 and was appointed Vice President in 2006. He was hired as the Training Director for the San Diego County Construction Teamsters in 2002. Along with the job came a tractor trailer that is funded by Teamsters Locals 36, 481, 542, and 683. These Locals have made it easy for him to make the Teamster truck available for volunteer projects whenever possible.

Ed and his students have helped in many events in San Diego and Southern California. These events include the Postal Food Drive, the Christmas food and toy distribution, providing the hauling for the Trail of Hope Charity to the Apache Indians, many projects in assisting the Pacific Southwest Railway Museum in Campo, and helping to transfer food from the San Diego Food Bank to many needy organizations.

Ed Mattas truly has been an inspiration to all of San Diego.

HONORING CHRISTINE WARD-DIAZ, WINNER OF A PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to Christine Ward-Diaz, a science and math teacher at East Brook Middle School in Paramus, New Jersey, and winner of a Presidential Award for Excellence in Mathematics and Science Teaching this year.

As the Paramus Superintendent Janice Dime has noted, Ms. Ward-Diaz ''makes science learning come alive in her classroom.'' I had the pleasure of visiting with Ms. Ward-Diaz last year with the EPA Administrator, Stephen Johnson, to discuss energy conservation. Her teaching style clearly invigorates her classroom and challenges her students. The children were well-informed and excited to absorb as much knowledge as they could from their teacher.

Christine Ward-Diaz holds a bachelor's degree in elementary education from the University of Scranton and a masters in environmental studies from my alma mater, Montclair State University. Her superior teaching methods have long been recognized by her peers, earning her East Brook's Teacher of the Year in 2004–05. The Presidential Award is the federal government's highest honor for teaching excellence.

This statement in the CONGRESSIONAL RECORD will ensure her well-deserved place in official history. But, more importantly, the generations of students she inspires are a legacy in which we will all always share. I commend Christine Ward-Diaz for her dedication to her students and her community.

TRIBUTE TO MIKE GARRETT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mike Garrett, who will receive the 2007 Leadership Award presented by the Sigma Pi Phi Gamma Zeta Boule Foundation at their Annual Scholarship Luncheon in Pasadena, California on June 10, 2007. Each year, this award is given to a community leader who demonstrates extraordinary commitment and dedication to education and the community.

Raised in Los Angeles, California, Mike Garrett attended the University of Southern California, where he excelled as a football player and set numerous records. As an exemplary student athlete, Garrett was named an All-American twice, awarded the prestigious Heisman Trophy in 1965, and was inducted into the College Football Hall of Fame in 1985.

Garrett went on to become a star in the American Football League playing for the Kansas City Chiefs and the San Diego Chargers. He was a two time AFL All-Star, and led the Chiefs to a Super Bowl Victory in 1969. Throughout his entire professional career, Garrett gained a total of 8,049 yards and scored 49 touchdowns.

After his professional football career, Garrett attended the College of Law at Western State University, where he earned his Juris Doctor in 1986. Garrett also held numerous professional positions, which included Director of Business Development at the Great Western Forum, working at the District Attorney's Office in San Diego, and doing color commentary for USC football telecasts. In January of 1993, Garrett returned to USC as the Athletic Director where he has helped the football program regain its status as a dominant football power.

For his success and commitment to promoting education and athletics, I ask all Members of Congress to join me in congratulating Mike Garrett upon receiving the Sigma Pi Phi Gamma Zeta Boule's 2007 Leadership Award.

INTRODUCTION OF THE NATIONAL DIGITAL TELEVISION CONSUMER EDUCATION ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support of a bill that I am introducing, which would educate the American people about the Nation's transition to digital television broadcasting and help prepare them for the analog cutoff date in February 2009.

As you know, Congress enacted a ''hard date,'' February 17, 2009, by which our TV broadcasters must cease analog broadcasting and only transmit in digital. On that date, anyone who relies on over-the-air broadcasts will need a set-top box to receive and convert digital TV signals in order for their analog TV to continue to work.

The benefits of transitioning to digital TV signals are enormous, most importantly opening up desperately needed spectrum for first responders. I believe the American people will support this transition, but to make this transition a success our constituents need to know and understand why this is happening.

The Federal Communications Commission has been tasked with the responsibility of the success of this transition. If the Commission does not approach the analog cutoff date with care and consideration of the consumer, millions of TV viewing Americans will be left with a black screen.

I am particularly concerned that the FCC is relying heavily on a website to inform consumers about the transition and how to prepare for the analog cutoff day. I believe that this is not enough. According to the GAO, 21 million U.S. households rely on over-the-air television. Many of these households have a

combined income of $30,000 or less and do not have immediate access to the internet. I am not convinced that a website will help these families obtain the necessary information to prepare for the transition.

To facilitate this transition and make up for the lack of sufficient education from the FCC, I am introducing the National Digital Television Consumer Education Act. This legislation requires TV retailers to place signs next to analog televisions that will include an advisory that additional equipment is necessary after February 17, 2009 to continue using that TV. The bill also requires broadcasters to air PSAs for more than a year to help educate the public about what is happening and the set-top box subsidy program.

The DTV transition will impact every American. We must do everything to ensure the success of this transition and help our constituents from losing their television transmission in February 2009. I urge my colleagues to co-sponsor this bill which will help prepare the American people for the upcoming transition.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BURGESS. Madam Speaker, on Thursday, May 17, 2007, I missed six recorded votes due to a family obligation in Texas. Had I been present, I would have voted in the following manner.

H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Rollcall No. 378 H. AMDT. 203 (BACHUS R–AL) Amendment No. 001—''yes''; rollcall No. 379 H. AMDT. 205 (HENSARLING R–TX) Amendment No. 003—''yes''; rollcall No. 380 H. AMDT. 209 (MCHENRY R–NC) Amendment No. 007—''yes''; rollcall No. 381 H. AMDT. 21O (KANJORSKI D–PA) Amendment No. 008—''no''; rollcall No. 382 H. AMDT. 211 (ROSKAM R–IL) Amendment No. 009—''yes'' and rollcall No. 383 H. AMDT. 213 (GARRET R–NJ) Amendment No. 011—''no.''

MARKING THE CENTENNIAL OF THE LIMA CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. JORDAN of Ohio. Madam Speaker, I am honored today to pay special tribute to the outstanding women of the Lima Chapter of the Daughters of the American Revolution. The chapter marked its 100th anniversary with a special reception on June 3, 2007.

Chartered on April 10, 1907, the Lima Chapter has served the people of Lima in countless ways through the years. From their work in support of servicemembers and veterans to their committed work with the youth of Allen County, Ohio, the women of the Lima DAR have compiled a long and distinguished record of service in times of war and peace.

Fifty-two women have served the Lima Chapter as Regent, starting with Mrs. Clara Paine Ohler. The chapter's membership through the years has included women from all walks of life who have distinguished themselves in numerous ways through their service.

The Lima DAR is especially noted for its work in local schools to promote civic education, reflecting the group's love of country and its high regard for the gift of freedom that we all enjoy. They are true examples of the DAR's high calling to cherish, maintain, and extend the institutions of American freedom.

Madam Speaker, I invite all of my colleagues to join me in paying tribute to the Lima Chapter of the Daughters of the American Revolution. Our nation is better served through their hard work and diligence. We wish them all the best at their centennial celebration.

INTRODUCTION OF THE MAJOR SCOTT NISELY POST OFFICE NAMING BILL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. LATHAM. Madam Speaker, today I am introducing legislation to honor Scott Nisely of Marshalltown, Iowa, one of America's heroes who was killed in combat on September 30, 2006, while serving our country in Iraq.

Scott Nisley served 22 years in the Marines as an officer on active duty and as a reservist, retiring with the rank of major. He then worked 12 years for the U.S. Postal Service in Marshalltown, Iowa. Due to Scott's strong desire to serve his country, he accepted an enlisted rank in order to fill a vacancy in the Iowa Army National Guard. Scott had served a tour of duty during Operation Desert Storm as a marine in addition to Operation Iraqi Freedom as a guardsman.

Scott's friends, family, coworkers and fellow soldiers and marines attest to the positive and lasting impact he had on their lives. Scott's life was a shining example of dedication to service, and a strong commitment to his family, faith and country. The legislation I am introducing with the support of my colleagues from Iowa—LEONARD BOSWELL, STEVE KING, BRUCE BRALEY and DAVE LOEBSACK—would name the post office located at 309 East Linn Street in Marshalltown, Iowa, the ''Major Scott Nisely Post Office.'' The proposal was initiated by Scott's coworkers at the Marshalltown Post Office, and I am proud to help them make this timely and appropriate honor a reality. I strongly encourage my colleagues to swiftly consider and pass this legislation.

RECOGNIZING THE ACCOMPLISHMENTS OF MAJOR GENERAL BENNIE E. WILLIAMS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor a lifetime commitment of service to the United States of America. On June 15th, 2007, MG Bennie E. Williams of Fredericksburg, Virginia will retire after 35 years of dedicated service in the United States Army.

General Williams was commissioned as a Second Lieutenant in the Infantry after graduating from the Reserve Officers Training Corps program at Morgan State University, where he earned his Bachelor of Science degree in Education Administration and was designated a Distinguished Military Graduate. He received his Master's degree in Transportation Management from the Florida Institute of Technology, and military education includes courses at the Command and General Staff College, and the Army War College.

General Williams' initial assignments included a posting as Platoon Leader and Motor officer for the 2nd Armed Division at Fort Hood, Texas. In September 1975, he was Assistant Operations Officer and Commander of the Headquarters and Headquarters Detachment, 69th Transportation Battalion, Korea.

In July of 1992 he assumed command of the 169th Maintenance Battalion, 13th Corps Support Command, Fort Hood, Texas. From there he deployed with his unit to Somalia in Support of Operation Restore Hope.

Following a year of study at the Army War College, he transferred to Europe, and assumed command of the 16th Corps Support Group. From there he deployed with his unit to Bosnia in support of Operation Joint Endeavor. In July 1997, he assumed the duties of Chief of Staff for the 3rd Corps Support Command. In July 1998, he was transferred to Fort Belvoir, Virginia and assumed the duty of Chief of Staff Transportation Legislation at the Defense Logistics Agency, and was later named Chief of Staff for Defense Logistics Support Command for Defense Logistics Agency.

In September 2000, he was promoted to the rank of Brigadier General and again transferred overseas and was named Deputy Commanding General of the 21st Theater Support Command. He was later promoted to Major General and was later appointed Director of Logistics Operations and Readiness J–3/4, Defense Logistics Agency, in September of 2005, where he has been able to bring his wealth of experience and singular talents to bear on solving some of the most intricate sustainability and logistics challenges faced by our nation's Armed Services.

His tireless and selfless dedication to serving his country is represented by the many decorations he has earned including the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with 4 Oak Leaf Clusters, the Army Commendation Medal with

Oak Leaf Cluster, the Army Achievement Medal, the Superior Unit Award, and the Parachutist Badge.

In closing I wish to commend General Williams for his many years of distinguished service to our Nation, years spent protecting our freedoms of life, liberty and the pursuit of happiness. I wish him and his wife, Lenora, Godspeed in his retirement.

A NATIONAL SECURITY CONCERN—UNATTENDED CRIMINAL JUSTICE ISSUES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. RANGEL. Madam Speaker, criminal justice issues continue to plague our communities to the point that they threaten our national security. In this Congress we should make a commitment to address the issue of illegal guns distribution, recidivism, crack-cocaine sentencing disparities and systemic disenfranchisement of ex-offenders. We owe this to the many, primarily minority, families that are destroyed every year because of these devastating social ills that can be prevented.

First, the use of illegal guns is a serious problem across America. Everyday illegal guns are used to commit violent crimes, particularly in urban communities. The loss of life as a result of use of an illegal gun has ruined families and communities. We can no longer stand and watch as criminals illegally obtaining guns and use them to cause havoc. I serve as co-chair on the Congressional Task Force on Illegal Guns. Our focus is to address the Tiahrt Amendments, a series of ''riders'' in recent Commerce, Justice, and Science appropriation bills that limits local law enforcement access to data on gun tracing. These amendments which have become increasingly restrictive since Fiscal Year 2003 deny local law enforcement agencies the ability to identify illegal gun traffickers.

National security encompasses addressing issues that lead to poverty and hopelessness, for these feelings of despair threaten the safety of all Americans. Preventing individuals who have served their time in jail from obtaining employment, education and health care only leads to the unfortunate alternative; resort to careers in crime. Almost all states have in place a system of expunging records or providing a meaningful chance for ex-offenders to rebuild their life. The federal government has no such system. Therefore, I introduced H.R. 623, the Second Chance Act of 2007, which provides that federal ex-offenders have the same second chance as many state offenders. Federal first time ex-offenders who prove that they have fulfilled all requirements of their sentence, parole and supervised released have been completed; they have obtained a high school or GED equivalency degrees; they have remained free of drug and alcohol dependency; and they have completed a full year of community service can qualify for reentry into society and have their records expunged.

In addition, the rate at which blacks and whites are sent to prison for drug offenses continues to be grossly disparate and raises a clear warning flag concerning the fairness and equity of drug law enforcement across the country. We need to continue to build momentum to eliminate the sentencing disparity that keeps defendants convicted of trafficking crack in jail far longer than those convicted for powdered cocaine. Under the existing law, a defendant convicted of trafficking five grams of crack cocaine receives the same five-year mandatory penalty as a defendant convicted of trafficking 500 grams of powder cocaine. In addition, a mandatory minimum penalty of five years is automatically imposed for possession of five grams of crack cocaine, whereas simple possession of any quantity of any other substance—including powder cocaine—is a misdemeanor offense punishable by a maximum of one year in prison. To begin to address this, I introduced H.R. 460, the Crack Cocaine Equitable Sentencing Act, moves us one step closer to eliminating the disparity in sentencing for crack and powder cocaine offenses.

Finally, deprivation of the right to vote is not an inherent or necessary aspect of criminal punishment nor does it promote the reintegration of offenders into lawful society. Nationally, an estimated 5.3 million Americans are denied the right to vote because of laws that prohibit voting by people with felony convictions. This fundamental obstacle to participation in democratic life is exacerbated by racial disparities in the criminal justice system, resulting in an estimated 13 percent of Black men unable to vote. The impact on the political power of the minority communities is nothing short of devastating. I urge my colleagues on both sides of the aisle to support legislation that will help address the criminal justice issues that have been left unattended for far too long.

HONORING GRAPEVINE ROTARY CLUB'S 40TH ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MARCHANT. Madam Speaker, today I rise to honor the Grapevine Rotary Club's 40th Anniversary. The Rotary Club organization was started in Chicago, Illinois in 1905 and currently has approximately 1.2 million members associated with 32,000 Rotary Clubs worldwide. In 1964, Grapevine Mayor, Ira E. Woods had the vision of starting a Rotary Club in the community. On June 22, 1967 a telegram was delivered from Rotary International with confirmation of their charter membership.

Grapevine Rotary Club is an organization who benefits many people both near and far. Locally, they assist needy students at Grapevine Middle School with a mentoring program and sponsor many events, including: a yearly essay contest, the Special Olympics at Grapevine High School, the annual banquet for the Special Olympians, and the yearly Senior Citizens Banquet. In years past they built a pavilion at a local park. And, for the past 15 years, the Rotary Club has put up American Flags on holidays along Grapevine's Main Street. They have also supported local charities such as GRACE and Nash Farm.

They have helped others across the country such as in New Mexico where they have worked with other Rotarians to purchase water rights at the St. Bonaventure Indian Mission and School on the Navaho Reservation.

Globally, they have: helped donate fire trucks and ambulances to Acuna, Mexico, Grapevine's sister city; supported cataract surgeries and helped provide artificial limbs for the needy in India; assisted students at a school in Tanzania and helped drill water wells in Peru and Ghana. The club sponsors teacher exchanges throughout the world including Latin America, Eastern Europe and India. The Grapevine Rotary participates in the One World program with Russia to help promote world peace.

Madam Speaker, it is with great pride that I recognize the tremendous contributions to the individuals, organizations and communities that Grapevine Rotary Club has benefited for the past 40 years. It is an honor to represent this humanitarian organization in the 24th District of Texas.

NICO FERRARO: AN INSPIRATION TO SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor Nico Ferraro, who is being honored as the ''Labor Leader of the Year'' by The San Diego-Imperial Counties Labor Council, AFL–CIO.

Nico was initiated into the union on June 15, 1971, and knew it was for him. He went on to serve a five-year steamfitter apprenticeship with the United Local 638 in New York City.

His urge to travel and see the country continually took him to several western states until he eventually landed in San Diego. Nico's political activism caught the attention of Local 230's officers and he was elected to the Executive Board in 1989. In 1992, he was elected as the Pipefitter Business Representative and served in that capacity until his appointment to Business Manager in 1997.

As Local 230's Business Manager, Nico represents the various divisions of the 1600 member local union in many ways. He is a Trustee to the pension and welfare funds, the Secretary to the Joint Apprenticeship Committee, President of the Southern California Pipe Trades District Council #16, President of the San Diego Building Trades, a member of the Board of Directors of the National City Park Apartments' 460 unit complex, built and managed by the Building Trades since 1968, and an Executive Board member to the Central Labor Council. One of Nico's proudest positions was serving on the Board of Directors of the Construction Tech Academy from 2002 to 2006. The academy is a uniquely designed High School dedicated to Construction, Architecture, and Engineering. The San Diego Building Trades honored Nico as the John Lyons Labor Leader of the Year in 2000.

In his role as Business Manager, Nico is focused on organizing, training, and political action. He is dedicated to improving the wages,

pension and working conditions of his membership and demonstrating to all of San Diego the benefits of union membership. He has spoken on the record before the Industrial Welfare Commission.

Nico is involved in all aspects of the Labor movement. He has had numerous pro-union letters to various editors of San Diego newspapers published. To enhance his career as a union officer, Nico enrolled in the Labor Studies Program at San Diego City College. He completed the program in 1994 and continued his studies, earning a Business and Labor Studies Degree and graduating with honors in June 2000.

California Governor Gray Davis further honored Nico by appointing him to the Industrial Welfare Commission Wage Board, where he was asked to determine the wages, work hours and working conditions for the mining, drilling and construction industries.

Nico Ferraro truly has been an inspiration to all of San Diego.

HONORING THE REVEREND BILLY GRAHAM

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SHULER. Madam Speaker, I rise today to recognize an important milestone in the historic ministry of the Reverend Billy Graham. On Thursday, May 31, 1,500 of Reverend Graham's friends gathered for the dedication of the Billy Graham Library in Charlotte, North Carolina. Among those friends were all three of our living former Presidents. Reverend Graham's ministry has touched more people in this world than could ever be able to attend such a dedication.

I am honored to have Reverend and Mrs. Graham as two of my constituents in Western North Carolina. The Grahams moved to Montreat many decades ago, and have made an indelible mark on the area. I have the utmost respect for Reverend Graham.

The newly dedicated Billy Graham Library is appropriately built in the shape of a barn, which no doubt reminds Reverend Graham of his childhood on a nearby dairy farm. When Billy Graham was born some 88 years ago no one but God knew the influence he would have on the world.

Billy Graham has ministered to hundreds of millions of people across the world, over 210 million of those contacts coming through the form of live audiences. Reverend Graham has ministered to Congressmen, celebrities, and heads of state. He has ministered to people without regard to their wealth, political affiliation, social status, or skin color; and he did it before such things were popular. Billy Graham has stood for what is right throughout his long career. He paid Reverend Martin Luther King's bail on numerous occasions, refused to speak in Little Rock while school segregation was being insisted upon by the state government, and he would not visit South Africa during Apartheid until The government would allow a desegregated audience.

Reverend Graham commented at last week's dedication that "I feel like I've been at my own funeral, listening to all these speeches. I feel terribly small and humbled by it all." That statement explains the character of Reverend Graham better than anything I can say.

Madam Speaker, the legacy of Billy Graham will live on long after he is gone, and I am proud to congratulate him on the opening of this new library which will help to carry his legacy forward. Billy Graham has served his Lord for a lifetime, and it is an honor to serve Reverend Graham in the United States Congress. May God continue to bless Billy Graham.

D/FW INTERNATIONAL AIRPORT'S "WELCOME HOME A HERO" PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to the "Welcome Home a Hero" program at Dallas-Fort Worth International Airport. The "Welcome Home a Hero" program is a daily gathering of volunteers to celebrate the homecoming of soldiers returning from Iraq, Afghanistan, and Kuwait. This program is one of the Nation's foremost morale builders for our troops with over 150 civic organizations, governmental departments, and businesses volunteering during its 3-year tenure. This tremendous effort has made the "Welcome Home a Hero" program one of the largest ongoing community service efforts in north Texas. These committed volunteers have given of their time so that our troops, as well as their families, can see how proud we are as a community, and as a nation, of their service and sacrifice.

Madam Speaker, the north Texans that participate in the "Welcome Home a Hero" program are the first people the troops see upon their return to the United States, and they speak on behalf of all Americans in thanking them and celebrating the safe return of each soldier. On June 12, 2007, the 500,000th soldier will come home for a well-deserved 2 weeks of rest and recuperation, and I am proud to share that the "Welcome Home a Hero" program at Dallas-Fort Worth International Airport has been selected by the U.S. Military to host this celebration. I extend my personal gratitude to the program's volunteers for their efforts in supporting our dedicated men and women in uniform who are proudly serving our Nation.

Madam Speaker, I am indeed honored to pause and pay tribute to these wonderful volunteers and valiant soldiers who represent the very best of the United States of America.

THE IRAQ STUDY GROUP RECOMMENDATIONS IMPLEMENTATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am pleased to introduce legislation to implement the recommendations of the Iraq Study Group (ISG)—also known as the "Baker Hamilton Commission"—as a bipartisan foundation for long overdue strategic change in our policy in Iraq.

I am pleased to be joined by my colleagues Representatives FRANK WOLF, MICHAEL MCCAUL, and DANIEL LIPINSKI—and 41 other Members—in introducing this bill, and I am grateful for all their help in building support for this legislation. Representative WOLF deserves special recognition for the role he played in spearheading the creation of the Iraq Study Group and in pushing forward its recommendations.

The ISG was created in March 2006 at the request of a bipartisan group of Members of Congress, led by Representative WOLF, and was co-chaired by former Secretary of State James Baker and former chairman of the Foreign Affairs Committee, Representative Lee Hamilton. In December 2006, the ISG released its recommendations and outlined a bipartisan approach to bringing a responsible conclusion to the Iraq war.

What this legislation does is to take these recommendations and establish them as official United States policy. Among the recommendations outlined in the bill are a new diplomatic offensive in the region that includes the creation of the Iraq International Support Group; giving the highest priority to training, equipping and advising the Iraqi military and security forces; assessing the full budgetary and personnel impact of the war in Iraq on the U.S. military; accelerating and increasing oil production and accountability including equitable distribution of oil revenues in Iraq; implementing and oversight of economic reconstruction programs in Iraq with the creation of a new Senior Advisor for Economic Reconstruction; ensuring that the President includes the cost of the war in his annual budget request; and setting conditions that can lead to redeployment of U.S. combat forces as early as the first quarter of 2008, including necessary diplomatic, infrastructure and security benchmarks.

It is clear to me that a Democratic majority in Congress cannot unilaterally legislate an end to this war and expect its architect and champion—President Bush—to sign on the dotted line. In my view, the only way to end this war—and to end it in a way that minimizes the likelihood of greater regional bloodshed—is to broaden the tent of opposition, and engage concerned Republicans in pressuring the Bush Administration to change course. That is why I worked last year with Representative Joe Schwarz on a resolution insisting on benchmarks for Iraqi political stability and a process to hold the Bush Administration accountable.

That is why I am introducing this bill today. Democrats and Republicans must work together to change the course in Iraq, and implementing the major policy recommendations of the bipartisan Iraq Study Group is an overdue step in this direction.

As an early and consistent opponent of this war I do not believe that embracing these recommendations is the only action we in Congress must take, but it is important as a foundation. I, for one, will also continue to push for a strategy of military disengagement in Iraq

and phased redeployment of our forces, because I do not believe we should ask our soldiers to referee a civil war.

Ending American military participation in this war and managing the consequences of the Bush Administration's failures will not be easy and it will not come overnight, but it will come—and the ISG recommendations offer a means of moving toward these goals.

Many of us embraced the ISG's recommendations when the report was first released last year, and many of us believe that the report still provides a comprehensive blueprint for a way forward in Iraq and the Middle East, from both the military and the diplomatic perspective.

I do not believe the ISG recommendations or my bill will offer a complete solution, but they will offer a start.

We went into war as a badly divided country; I hope we can end it differently and that is my motivation in offering this bill today.

A TRIBUTE TO THE 2007 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2007 recipients of the Ellis Island Medal of Honor. The Ellis Island Medal of Honor is presented annually by the National Ethnic Coalition of Organizations (NECO), representing more than 250 organizations that span the spectrum of ethnic heritages, cultures and religions. Since the organization's founding in 1986, approximately 1,700 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America.

In addition, NECO awards one International Ellis Island Medal of Honor each year. This year's international honoree was Victor Phillip Dahdaleh, Chairman, Dadco. Mr. Dahdaleh is Canadian.

And for the first time in its history, NECO presented a Global Humanitarian Award to H. E. Sheikha Haya Rashed Al Khalifa, President of the 61st Session of the United Nations General Assembly.

When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States on just its first day of operation. By the time the center closed in 1954, 17 million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,000 people per day. Many of these newcomers had little or no knowledge of English, hardly any money, and many arrived with only the clothes on their backs. They arrived risking their lives in exchange for freedom and a better way of life.

I, once again, commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation. As Rosemarie Taglione, Executive Director of NECO has said so eloquently on a number of occasions: "NECO's message of tolerance and harmony among diverse ethnic groups is, perhaps, even more important today than it was 20 years ago."

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2007 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement:

Dr. Gregory Adamian, H. E. Sheikha Haya Rashed Al Khalifa, George Altirs, Peter Arnell, Dr. Elias Ayoub, Dr. Ernest M. Barsamian, Michelle Bodden, Edgar Cahn, Leo Chen, Dr. Aram V. Chobanian, Jaekun Chung, Mario Ciano, Denis A. Cortese, MD, Hon. Leslie Crocker-Snyder, Victor Phillip Dahdaleh, Nicholas J. Daniello, MD, Dr. Joel Alan DeLisa, Kirti Desai, Dr. Akshay Desai, Michael J. Dowling, James J. Dowling, Blaise Durante, Hon. Jacob Eapen, MD, MPH, Mory Ejabat, Richard A. Elias, MD, Hani Findakly, PhD, Arthur Flegel, Jon Fortgang, Douglas Foshee, Philip Friedman, Cynthia R. Garrett, Obren Gerich, Joi Gordon, Col. R. L. Grabowski, USMC, MSGT Nicholas G. Grand, USAF (Ret.), Patrick Grant, Hon. Chuck Hagel, George Hamilton, William Harrington, Esq., Richard Heckmann, Col. Jack H. Jacobs, USA (Ret.), Rev. John I. Jenkins, CSC, Ik Joong Kang, Dr. Sarkis Kechejian, Don Keenan, Do-Young Kim, David E. Kimmel, Jr., Dr. Steven S. Koh, George J. Kostas, Les Kuczynski, Joan Kuyper-Farver, Irene Ladas, LTC. Larry H. Lang, USAF, Rep. Tom Lantos, Dr. Edwin Pak-Wah Leung, Dr. John M. Levinson, Hon. Guillermo Linares, Harvey Mackay, Patrick J. Martucci, Thomas Mattia, CPT. Gary A. Maynard, USN, Mitchell Modell, Hon. Samuel Mok, Todd Morgan, C. Warren Moses, Dr. Vance Moss, Dr. Vince Moss, Sharmin Mossavar-Rahmani, Maureen Murphy, Fereydoun Nazem, Hon. Liet Nguyen, Col. Tracey E. Nicholson, USA, Fr. Michael O'Connell, Dr. Kiran C. Patel, Antonio M. Perez, Asst. Chief Diana L. Pizzuti, L. Rafael Reif, PhD, RADM Stephen W. Rochon, USCG, James Rogers, Michael Rogers, Hon. Carlos A. Romero-Barcelo, Ali A. Saberioon, Carlos A. Saladrigas, Dominick M. Servedio, Smita N. Shah, Donald Soffer, Dr. Patrick Soon-Shiong, Toomas M. Sorra, MD, Debra Brown Steinberg, Esq., Daniel J. Sullivan, Daniel J. Thomas, DDS, Gerald Turpanjian, Luis A. Valentin, Tai Nin Wang, Richard J. Wolff, Mahvash Yazdi, Dr. Gazi Zibari, Mira Zivkovich.

HONORING BILL FRANCE JR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MICA. Madam Speaker. I rise today to pay tribute to William Clifton "Bill" France, who passed away Monday, June 4, 2007, at his home in Daytona Beach, Florida. It was my honor to have known and worked with Bill France over the past years. Known by friends as "Bill Jr.," he was a legend in American motorsports.

The son of NASCAR's founder, he was born in Washington, DC on April 4th, 1933. His family moved to Daytona Beach in 1934 where his father, William France, Sr., began establishing the world's most famous racing circuit and a national sports phenomenon.

Bill Jr. graduated from Seabreeze High School in Daytona Beach in 1951 where he played on the basketball team. He attended the University of Florida and served in the United States Navy from 1953 to 1955.

After his service in the Navy, Bill Jr. found the love of his life, Ms. Betty Jane Zachary, who became the mother of his two children, Brian France and Lesa Kennedy. Both of his children and his wife were instrumental in the success of what is now "the most watched American sport," NASCAR.

Bill Jr. did not begin his journey as CEO. He started working his way up the ranks holding positions as a flagman, concierge, race scorer and other jobs. In 1959, he even drove a bulldozer and a grater during the construction of the Daytona International Speedway before becoming Co-Chairman and Chief Executive Officer.

With the passing of Bill France, American motorsports has lost a great leader, our country and State have lost an outstanding citizen and I have lost a wonderful friend. He will be remembered as a patriotic American, a pillar of our community, a respected businesman, a compassionate husband and a loving father. To his wife Betty Jane, his son Brian, his daughter Lesa France Kennedy, his brother James, his three grandchildren and the all of the France family, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Bill France's contributions and ask all Members of the U.S. House of Representatives of the 110th Congress to join me in remembering a great American.

RECOGNIZING MR. WALLY BAILEY FOR HIS NATIONAL LEADERSHIP IN BUILDING SAFETY AND FIRE PROTECTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Mr. Wally Bailey, a resident of Fort Smith, Arkansas, and his group's recent visit to Capitol Hill during this year's annual recognition of Building Safety Week. On May 9, Mr. Bailey led a delegation of members of the International Code Council to meet with Congress to discuss nationally focused concerns in building safety and fire prevention. This year ICC's delegation focused specifically on a proposal to create a Community Building Code Administration Grant Program, and Mr. Bailey spoke to me persuasively of how this program would expand and support the quality and effectiveness of building code and fire code administration in underserved areas of our country.

Mr. Bailey serves as President of the Board of Directors of the International Code Council, a volunteer role to which he was elected in national leadership of a membership association of over 42,000 building safety and fire prevention professionals. It is this group that develops the building and fire codes that are in use all across our country for the construction and maintenance of our residential and commercial buildings, including the homes and the businesses, schools, and places of worship we visit regularly. These codes, created and maintained through a voluntary consensus development process, are in use by over 22,000 U.S. jurisdictions, including those who govern the quality, safety and energy efficiency of building construction at the local, State and Federal levels.

For the past three decades, Mr. Bailey has been a tireless advocate for building safety through superior building codes and effective building code administration. As the Director of Development and Construction for the City of Fort Smith, he supervises activities of a multidisciplined department that governs codes administration, inspections, plan review, property maintenance, historic preservation and land development. As a matter of note, 2 years ago he celebrated a quarter century of service to the City. Since 1999, in addition to his work with the City of Fort Smith, Mr. Bailey has served in leadership positions with the ICC, culminating in his present role as President of the Board. Besides his being a distinguished citizen of my District, in my opinion, ICC's membership elected a leader who is an outstanding public safety professional and a truly dedicated public servant.

I would also like to take this opportunity to recognize the rest of the ICC delegation who visited Capitol Hill during Building Safety Week 2007, and thank them for their efforts to promote and defend a safe and sound built-environment. Those individuals include: Board Vice President Steven Shapiro, Board Secretary/Treasurer Adolph Zubia, Immediate Past President of the Board Henry Green; Board members Gregori Anderson, Edwin Berkel, James Brothers, John Darnall, William Dupler, Gerald George, Greg Johnson, Barbara Koffron, John LaTorra, Ronald Lynn, Doug Murdock, Ronald Piester, and James Ryan; ICC Government Relations Advisory Committee members Rebecca Baker, James Martin, Betts Nixon, Emory Rodgers, and George Wiggins; ICC Chapter Leaders Paul Aston, Roger Axel, Kurt Kasson, Sheila Lee, and Tina Rakes. Members of ICC's professional staff included its CEO Rick Weiland as well as Dominic Sims, David deCourcy, Sara Yerkes, James Tidwell, Mark Dinneen, Richard Kuchnicki, Laura Scott, Peter Feldman, and International Accreditation Services President Charles Ramani.

IN HONOR OF THE WELCOME HOME A HERO PROGRAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Welcome Home a Hero program at Dallas/Fort Worth International Airport. Every day, more than a hundred troops come through DFW on their way home from Iraq and Afghanistan for Rest and Recuperation. Since Welcome Home a Hero's inception in 2004, coordinated volunteers have gathered at the airport each day to greet our brave men and women serving our country and to make sure they receive the warm homecoming they have earned.

Welcome Home a Hero is a result of the dedication of the North Texas Commission, the employees at DFW International Airport, the USO, the Boy Scouts of America, local businesses and thousands of volunteers. This program is one of the largest and most effective community initiatives in north Texas, and its positive impact on the morale of our troops has not gone unnoticed.

As the 500,000th soldier arrives at DFW International Airport this month and the program approaches its 3-year anniversary, I want to thank all involved in this valuable effort. The dedicated and selfless participants of this valuable program are what make our country great.

The North Texas Commission, DFW Airport employees, the USO and all of the volunteers should be proud of their leadership and accomplishments. I am extremely grateful for their dedication to our troops and our country, and I applaud the people of north Texas for taking the initiative to create this program.

A TRIBUTE TO MICHAEL METTS

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Mr. Michael Metts, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Michael's leadership during 2006 and 2007 has contributed significantly to the Hi-Noon Rotary Club and the community of Carlsbad. During his tenure, membership exceeded one hundred people and the Hi-Noon Rotary Club awarded $28,000 for high school scholarships. In addition, under his leadership the Carlsbad Hi-Noon and Carlsbad Evening Rotary clubs partnered to sponsor the annual Oktoberfest fundraiser, a community event which provided over $26,000 to the Carlsbad Women's Resource Center, The Boys and Girls Club of Carlsbad and Community Youth Services.

During his presidency, a number of other projects were completed. These projects included providing volunteers to help maintain public and private property, provide food and clothing for the needy and the homeless and assist in the distribution of food, clothing and toys to needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. A Children's Christmas party and dinner for very needy elementary school students was also provided. In an effort to improve literacy, badly needed bilingual dictionaries were provided and distributed in English and Spanish speaking elementary schools. In addition a book a week was contributed to a school library and mentors were also provided for the "City Stuff" program. This program promoted an understanding of the working of city government for young Carlsbad school children.

Michael's leadership also contributed to the hosting of exchange students from 11 foreign countries, the sponsorship of a Model UN Project, the building of a house for a needy family and dental care and financial aid for impoverished children in Mexico. Support was also provided to our deployed service personnel overseas.

I hope my colleagues will join me in recognizing the many fine achievements of Michael Metts. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

HONORING THE ARTISTIC ACCOMPLISHMENT OF VINCENT GIACALONE OF EMERSON, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend twelve-year-old Vincent Giacalone of Emerson, NJ, whose artistic submission to the UPS Store Design Dale's New Ride contest took the top prize.

The contest was sponsored by UPS to raise awareness and funds for the U.S. Marine Corps Reserves' Toys for Tots program, which distributes toys to needy children across the nation each year. Since its beginning in 1947, when Major Bill Hendricks led a group of Marine Reservists in Los Angeles to collect and distribute 5,000 toys to needy children to brighten up their Christmas, Toys for Tots has grown to be a program almost synonymous with the holidays. Over its 59-Christmas-history, Toys for Tots has distributed 370 million toys to more than 173 million needy children.

Vincent's prize-winning artwork will emblazon NASCAR's Dale Jarrett's #44 Camry at an October 28th race in Atlanta. This date marks the kick-off of the fundraising campaign for the Toys for Tots Foundation in 2007. Since its inception 16 years ago, the Foundation has supplemented the Marine Corps' local toy collections with more than 70.2 million toys valued at more than $387 million and has provided valuable promotion and support materials.

I commend young Vincent Giacalone for being a part of a program that helps so many children his own age share in the spirit and joy of the holidays each year.

HONORING THE 100TH ANNIVERSARY OF UPS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of UPS.

In 1907, Jim Casey founded the American Messenger Company, in Seattle Washington, with $100 borrowed from a friend. Within its first 12 years in business, the company would change its name to Merchants Parcel Delivery and then to United Parcel Service. That name lasted until 2003 when the company adopted the acronym, UPS, familiar to customers worldwide, as its official corporate name.

The world has changed drastically in the 100 years since Jim Casey started his delivery business in Seattle. UPS has not only adapted to those changes but it has been an industry leader through the innovative ways it conducts its business. In 1907, most deliveries of the American Messenger Company were on foot. Longer distances required the use of bicycles for transportation. Deliveries included, as the initial company name implied, messages as well as parcel deliveries from merchants and meals from local restaurants.

The reputation of the American Messenger Company grew because of the guiding principle of the founder, ''best service and lowest rates.'' As their reputation and business expanded, the company also increased its territory, first to include the entire west coast, then to the New York City market in the 1930's. Through aggressive battles with regulating agencies, UPS finally expanded its territory nationally to be the first package delivery company to have access to every address in the 48 contiguous states in 1975.

As the company's territory expanded, it had to also adapt to the evolution of its core business. As the landscape of transportation and communication improved dramatically in the early part of the 20th Century, the need for messenger service declined. With gas and rubber rationing imposed during World War II, many stores cut back on their customer deliveries. Customer demand for rapid service necessitated the need for air transportation. The need for real-time information on delivery status required new technologies and information systems. With each of these developments, UPS not only adapted, but led the industry.

Today, UPS is a global corporation that not only delivers packages but provides management and information services to meet the growing demands of their customers. UPS continues to be innovative. As an example, they have the largest fleet of alternative-fuel vehicles in the industry, traveling a combined 126 million miles since the year 2000. Through all of its growth and innovation, UPS remains true to its founder, Jim Casey's slogan, ''best service and lowest rates.''

Madam Speaker, I ask my colleagues to join me in congratulating the management and employees of UPS as they celebrate their 100th anniversary.

IN RECOGNITION OF JERUSALEM DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker. I rise today to join the Jewish people in Jerusalem and throughout the world in celebration of Yom Yerushalyim, Jerusalem Day.

On June 7, 1967, the 28th of Iyar 5727, the Israel Defense Forces in the heat of the Six-Day War unified the city of Jerusalem under Jewish control. At approximately 10 a.m. on that day, the earth shattering proclamation ''The Temple Mount is ours. It is in our hands'' reverberated in the hearts of Jews across the globe. The dream of once again being able to visit the Kotel, the Western Wall, and other previously inaccessible holy sites of Jerusalem, had become a reality. In the subsequent years to follow, Jewish people from every nation on earth would make pilgrimages to the holy city of Jerusalem to visit its revered sites and offer their heartfelt prayers.

Every stone in Jerusalem is saturated with Jewish history, every street contains a story and saga from biblical times, as well as modern times. Even though Jerusalem is a city laden with rich archeological artifacts, and remnants of ancient times, it has become a thriving city that has preserved its historic nature and adapted to modern life. Beautiful shopping malls, fresh food markets and restaurants are commonplace in Jerusalem, which emphasizes the enormous cultural advancements that the modern State of Israel has made in its short existence.

Perhaps one of the most moving aspects of modern day Jerusalem is its abundance of Yeshivas, Kollels and the prominence of Jewish religious life. It is truly inspiring to see Jews, young and old immersed in the deep study of Jewish texts. Many Hasidic sects and other Orthodox institutions based in my district have satellite branches in Jerusalem and quite a few of my young constituents study Judaism in Jerusalem and return to the United States invigorated from their experiences.

Madam Speaker, I am honored to recognize this very jubilant day and reaffirm my unflinching support for the city of Jerusalem and the State of Israel.

ANNOUNCING THE INTRODUCTION OF A RESOLUTION TO DESIGNATE THE THIRD WEEK OF OCTOBER AS ''NATIONAL TEEN DRIVER SAFETY WEEK''

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. DENT. Madam Speaker, today I will introduce legislation to designate the third week of October as ''National Teen Driver Safety Week.''

Unfortunately, roughly 7,500 teenage drivers were involved in fatal car crashes in 2005. The time has come for us to recognize this terrible problem and consider effective interventions that will help reduce the number of accidents involving teens.

On Monday, January 22, 2007, following a tragic accident that claimed the lives of two Pennsylvania high school students, the Morning Call compiled a report of fatal crashes involving teens that had occurred in the Lehigh Valley region since 2001. This report indicated that there were a total of 13 fatalities between 2001 and 2006, with alcohol involved in two of the seven accidents reported. Other contributing factors included racing and reckless behavior. Sadly, it appears these events could have been prevented, enabling these children to reach their destinations safely.

To address this troubling issue, the Children's Hospital of Philadelphia is currently conducting research that will help develop the best interventions to reduce the risk of crash injury for teen drivers and travelers sharing the road with them. The alliance of CHOP and State Farm Insurance Company, its partner in this initiative, is nationally recognized for its research and outreach involving child passenger safety. However, this year they have expanded their agenda from the car seat to the driver's seat in an effort to address the cause of motor vehicle crashes, the leading cause of death among American teenagers. Together, CHOP and State Farm have conducted research indicating that teens often drive while distracted and fatigued. I believe this alliance between CHOP and State Farm brings together a wide range of expertise in research and outreach—translating scientific evidence into actions that will help save lives.

It is important that Congress supports efforts to effectively educate teens and families about ways to address these problems. This resolution will support the goals and ideals of a week in which intensive programming will be used to encourage teens to drive more safely. By perhaps delaying exposure to risky driving conditions until they have enough supervised driving experience, managing peer-to-peer interactions around driving, and reinforcing the need to detect and react to hazards more appropriately, teens will be better prepared to drive responsibly.

Madam Speaker, teens are dying in crashes at a rate of four times that of adult drivers and we must act now to prevent future tragedies.

HONORING CAPTAIN MARK SPONENBURGH

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Ms. HOOLEY. Madam Speaker, I rise honor Captain Mark Sponenburgh, a remarkable and distinguished constituent of mine from Seal Rock, OR. On this 63rd anniversary of the ''D–day'' landings in Normandy, a ceremony is being held in Washington, DC to celebrate the dozen remaining ''Monuments Men'' who served our country with honor and valor during World War II. While Captain Sponenburgh was unable to attend today's ceremony, I wish to take this opportunity to acknowledge the countless contributions he has made to our country and community.

Over the years, Captain Sponenburgh has served others in a variety of capacities. He volunteered for the U.S. Army in 1942 where he was commissioned in the Corps of Engineers. Stationed in Britain, he served campaigns in Normandy, Northern France, and Luxembourg before requesting to be transferred to the Monuments, Fine Arts & Archives section program under the Civil Affairs and Military Government Sections of the United States Armed Forces.

During World War II, Nazi dictator Adolph Hitler ordered covert missions to locate and secure art from every region his regime conquered in Europe. As a member of the ''Monuments Men,'' Captain Sponenburgh joined an elite multinational force of more than 350 men and women serving on frontline military units during and after WWII to preserve, protect and liberate artistic and cultural treasures in countries occupied by the Allied armies.

Responsible for having tracked, identified and catalogued millions of priceless works of art and irreplaceable cultural artifacts stolen by Hitler and the Nazis, the heroic deeds of these unsung heroes continue to benefit us all today.

In addition to having studied and taught in Britain, France, Egypt, and Pakistan, Captain Sponenburgh brought his many years of experience and skills to the University of Oregon as well as Oregon State University. Admired by his students for his passion and intellect, he was sorely missed when he entered retirement.

I joined my colleagues in this chamber last month in passing a resolution honoring the great contributions made by all members of the ''Monuments Men,'' but today I rise, Madam Speaker, to ask my colleagues to join me in honoring Oregon's last living member, Captain Mark Sponenburgh.

IN RECOGNITION OF D–DAY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise to honor our brave military forces who on this day in 1944—63 years ago—landed on Utah and Omaha beaches, 2 of the 5 beaches at Normandy on a mission known as Operation Overlord, the D–day invasion.

Today we honor those who never made it ashore, drowning from the weight of their gear or killed by the enemy as they struggled out of the water. The ones who did make it fought valiantly on those beachheads and further on through many campaigns in Europe during World War II.

There are fewer and fewer of the Great Generation left with us today, but their sacrifice for our country and their dedication to protecting freedom and democracy lives on.

On this day, which commemorates the beginning of the Allied forces effort to liberate mainland Europe from Nazi occupation during World War II, I ask that everyone take a moment to remember all of these brave souls and salute them. We are forever grateful for their service and their sacrifice to protect freedom for future generations.

INTRODUCING THE SANCTITY OF LIFE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce the Sanctity of Life Act. The Sanctity of Life Act provides that the Federal courts of the United States, up to and including the Supreme Court, do not have jurisdiction to hear abortion-related cases. The legislation also clarifies that State and local courts do not have to treat Federal cases overturning State abortion laws as binding precedent.

Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are on the slippery slope toward euthanasia and non-consensual human experimentation. Although the real problem lies within people's hearts and minds, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, where the court usurped the State's authority over abortion. Congress can, and should, take a major step toward restoring respect for all life by using the authority granted to it in Article 3, Section 1 of the Constitution to rein in rogue Federal judges from interfering with a State's ability to protect unborn life.

Madam Speaker, it is my hope that my colleagues will join me in support of this bill. By following the Constitution and using the power granted to the Congress by the Constitution, we can restore respect for the sanctity of human life.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. COOPER. Madam Speaker, I was absent on Tuesday, June 5th, 2007. Had I been present for votes, I would have voted ''yes'' on each of the five votes taken: H. Res. 397, H. Res. 422, H. Res. 430, H. Res. 451, and H. Res. 452.

A TRIBUTE TO OSWALD ''OZZIE'' TORRES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Oswald ''Ozzie'' Torres who is being honored at the International Association of Lions Club District 20–K1 Governor's Testimonial Dinner. Mr. Torres, a native of Brooklyn, NY, is a successful Certified Public Accountant who credits his achievements to his caring parents Osvaldo and Lydia Torres.

Mr. Torres decided to follow in his father's footsteps and establish a career in accounting. Together they are the driving force of the firm Torres and Associates.

Mr. Torres has been a member in good standing of the Brooklyn Caribe Lions' Club since 1995 and has received numerous recognition awards from Lions Club International. Among those honors include; the Progressive Melvin Jones Fellowship and the Robert J. Uplinger award from District 20–K1.

Mr. Torres has been a presenter at many orientation sessions and workshops speaking in both English and Spanish. He has served District 20–K1 as Chairman of International Understanding and Cooperation, Leadership, Membership; Business Manager of the Kings and Queens Publication; Zone and Region Chairman; Cabinet Secretary and Treasurer; Vice-District Governor; and currently District Governor.

Mr. Torres has served the communities of both Brooklyn and Queens and has previously been named ''Business Person of the Year.'' He is a member and Executive Board Officer of the Boricua Festival of New York and is an Executive Member of the Woodhull Hospital Auxiliary Board.

Mr. Torres is married to Melissa Torres and has two sons Michael and Brandon.

Madam Speaker, I would like to recognize this pillar of our community for all of his contributions.

Madam Speaker, I urge my colleagues to join me in paying tribute to Oswald ''Ozzie'' Torres.

HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE PARREN JAMES MITCHELL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, today I rise to pay tribute to the life and acheivements of Parren James Mitchell, the first black Congressman to represent the State of Maryland, 1 of the 13 founding members of the Congressional Black Caucus, CBC, and a champion of civil rights. Mr. Mitchell was a powerful force in the 20th century resurgence of Black political strength in the United States and I was proud to serve with him in the Congress.

Born in Baltimore, MD, on April 29, 1922, Parren Mitchell was the ninth of 10 children in his family. He earned a bachelor's degree from Morgan State College in 1950 and was the first Black to earn a master's degree from the University of Maryland—College Park in 1952, after a successful suit that granted him fair admission, Mitchell returned to his undergraduate institution to teach sociology and serve as the assistant director of the Urban Studies Institute. He was also a commissioned officer of the 92nd Infantry Division during World War II, receiving the Purple Heart.

Having amassed more than 3,000 awards and 14 honorary degrees, Mitchell was a leader in politics and business. He served on the Supreme Bench of Baltimore City from 1954 to 1957 and as executive director to both the Maryland Human Relations Commission and Baltimore Community Action Agency.

Mr. Mitchell was elected to the 92nd United States Congress in 1971 and reelected for seven successive terms. As the first Black to head the House Committee on Small Business, his greatest triumph was in leading a fight to ratify bills providing special aid to Black business owners on the grounds that Blacks had been subjected to discrimination for generations. In addition to heading the Small Business Committee, he was also Democratic whip at large, the senior member of the House Banking, Finance and Urban Affairs Committee, and chairman of its Subcommittee on Domestic Monetary Policy.

In 1980, Mitchell founded the Minority Business Enterprise Legal Defense and Education Fund, Inc., MBELDEF, whose accomplishments include a successful lawsuit against Burger King in 1988 for discriminatory practices in awarding franchises.

As a mentor to African Americans committed to improving American civil rights, such as former president of the National Association for the Advancement of Colored People, NAACP, Kweisi Mfume, Mitchell was selflessly committed to uplifting his people and was even referred to during his chairmanship of the CBC as "the Little General."

Parren is remembered in Congress as a soft-spoken yet eloquent speaker with a large presence. Former Chair of the Senate Foreign Relations Committee Richard Lugar asserted it was Mitchell's impassioned plea for sanctions against South Africa that persuaded him to accept a tougher measure than the Senate originally backed in 1985.

Parren, along with other family members have dedicated their careers to public service and specifically to representing the people of Baltimore for many years. His brother, Clarence Mitchell, Jr., the late civil rights activist, was the chief lobbyist for the NAACP for 30 years and was instrumental in the passage of several civil rights bills. Two of his nephews, Clarence M. Mitchell III and Michael B. Mitchell, Sr., were elected as Baltimore city councilmen and Maryland State senators. His nephew, Keiffer Mitchell, is currently serving as a Baltimore city councilman and plans to campaign for the upcoming mayoral election in Baltimore city. His legacy of inspiring others to serve the public still lives on.

In remembering the life of Parren Mitchell, I am grateful to have known him personally and am confident that America is a better place because he lived.

HONORING THE COMMITMENT OF HERB HICKS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Herb Hicks as he celebrates his 40th year of perfect attendance as a Rotarian. A dedicated man, Hicks has been present for over 2,000 weekly Rotary meetings.

Hicks helped found the Cantonment Rotary Club in 1948. He later became the club's fifth president. Furthermore, Hicks has received the honor of being named a Paul Harris Fellow in Rotary, a privilege reserved for those who have donated $1,000 to the club. At 93 years of age, Hicks is the last charter member of the civic organization; yet he continues to play an important role at his local Cantonment Rotary Club.

Paul Frederick, current president of the Cantonment Rotary, explained, "Herb is one of the exemplars in this club. He leads by example and attendance to Rotary functions is one thing this club stresses. No one in this area has a longer perfect attendance record." He also pointed out that Hicks hosts an annual picnic for Rotary members and family.

Hicks is very clear on his priorities, saying, "I think Rotary is important. I put church first and Rotary second in my life." Hicks admits to cutting many business meetings short in order to be present for his 12:15 p.m. Wednesday meetings. However, for circumstances that were unavoidable, Hicks had a backup plan. Rotary International allows missed meetings to be made up by attending other local Rotary club meetings. Hicks divulged, "I have attended make-up meetings everywhere in the United States."

In total, Hicks has been a member of Rotary for 59 years. The dedication exemplified can only be explained by Hicks as he said, "I like the fellowship and I like what Rotary does, I like its world-wide outreach and I believe in its principles and high ethical standards." To put it simply, Hicks asks, "If you are not going to attend, why belong?"

Madam Speaker, I would like to offer my congratulations to Hicks as he has not only set a precedent for the Rotary, but also has challenged the commitment of those before me today. I take pride in Hick's determination, and I wish him all the best.

HONORING LEE HAYES OF THE TUSKAGEE AIRMEN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize a great American patriot and World War II hero, Lee Hayes, of the renowned Tuskegee Airmen.

In 1941, the formation of the all African-American squadron based in Alabama, the Tuskegee Airmen, was largely regarded as an "experiment" by the U.S. military to test the combat readiness of an all-black fighting squadron. These brave servicemen demonstrated exceptional selflessness and patriotism as they fought two wars for our country—one against the enemy overseas and the other against segregation and discrimination at home.

Among the honors bestowed upon the Tuskegee Airmen include 150 Distinguished Flying Crosses, 744 Air Medals, 14 Bronze Stars, and 8 Purple Hearts. Most recently, they were awarded the Congressional Gold Medal, the highest honor that the legislative branch can bestow.

I am proud to call one of the Tuskegee Airmen a friend and neighbor. His name is Lee Hayes. He was raised on Long Island and is a current resident of Amagansett, New York. At 88 years young, Mr. Hayes was born in Mannboro, Virginia. In the 1930s, Lee's family moved to eastern Long Island, where he attended East Hampton High School.

Lee Hayes developed an interest in flying planes at a young age, while keenly aware of the sad racial realities of the time. In his own words: "I never thought much about whether or not blacks fly airplanes . . . It didn't occur to me that we didn't, and the more I thought about it, the more I wanted to do it."

After the Army drafted him and after scoring a 94 on the preliminary examination, Mr. Hayes impressed his instructors by quickly learning to fly the B–25 bomber. Mr. Hayes never entered combat, as the war ended shortly before he finished his pilot training. He was honorably discharged and returned to East Hampton.

Madam Speaker, it is truly an honor to represent Lee Hayes in the U.S. House of Representatives. On behalf of a grateful nation, I encourage my colleagues to join me in honoring Lee Hayes and the Tuskegee Airmen for their extraordinary bravery and contributions to our Nation.

IN RECOGNITION OF CATHERINE BOHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Catherine Bohan, for her outstanding efforts in educating children, and for her lifelong commitment to family, colleagues, and friends.

Cathy has educated and enlightened our children and prepared them for life's journey for approximately 40 years, including 13 years at Saint Richard School where she currently teaches third grade. She has proven herself a wonderful teacher, colleague and friend. Not only does she teach at Saint Richard School, but she also makes a tremendous contribution as member of the Liturgy Committee, a Eucharistic Minister, a Praxis Pathwise Mentor, and a member of the Retreat Committee.

Likewise, her services to Saint Clarence Church as RCIA Leader, Eucharistic Minister, PSR Teacher and Pre-Cana organizer while at the same time raising three beautiful children, is truly admirable. She has been married to her beloved husband, Patrick, for 30 years.

Madam Speaker and colleagues, please join me in honoring Catherine Bohan for her long and successful career as an educator and for her dedication to and care for the future generations of Northeast Ohio.

A TRIBUTE TO REVEREND DR. CLARENCE KEATON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Brooklyn resident Reverend Dr. Clarence Keaton. Reverend Dr. Keaton was born to parents Clarence Keaton Sr. and Mary F. Keaton. Dr. Keaton is the forth of seven children.

Reverend Dr. Keaton, affectionately known as Pastor of Pastors (POP) by his congregants and "Pastor Teacher" by his peers, has marked himself as a leader of change both in the clergy and throughout his community. The Reverend Dr. Kenton's path to the church was nearly derailed when during his youth, he became a gang leader. It was during that time Reverend Dr. Keaton received his divine calling going from leading gangs in the street to leading gangs to the church.

Reverend Dr. Keaton joined the ministry of Free Mission Apostolic Church under the tutelage of Pester Walter L. Dunlap. It was here Reverend Dr. Keaton taught for nearly a decade as a biblical instructor. In 1983, Reverend Dr. Keaton was ordained and blessed to establish the True Worship Church, and in 1985. Reverend Dr. Keaton's ministry grew at such a rapid pace that by September 21, 2001 he managed to build a new Cathedral on the property.

Reverend Dr. Keaton brings his divine wisdom to the community in a way which fosters growth and brotherhood. He is a leader who recognizes the plight of troubled youth and offers mentoring, guidance, and an outlet in prayer. His ministry truly meets the need of the people offering Computer Literacy classes, Deaf Ministry, Day Care Services, a Church news letter entitled, "The Voice of worship", and a Web site which keeps both the members and the community abroad informed of upcoming events and services.

Reverend Dr. Keaton has been recognized for his great contributions to the community, in an honorary doctorate of Divinity degree from Jesus Saves Bible Institute; citations for outstanding community service from former Councilwoman Pricilla Woolen, former Brooklyn borough president Howard Golden and current Borough president Marty Markowitz. Among his greatest honors are his wife Eartha Keaton, his four loving children; Tersha, Shawn, Tiffany, and Clearance III and amazing grandson, Kamari.

Reverend Dr. Clarence Keaton continues to serve as pastor and overseer of True Worship Church as the Presiding Bishop and founder of the True Worship Church Worldwide Ministries.

Madam Speaker, I would like to recognize Reverend Dr. Keaton's tremendous contribution to his congregants and the community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful man and his tireless contribution which is a testament to the American spirit.

IN HONOR OF DR. KWAME NKRUMAH AND THE 50TH ANNIVERSARY OF GHANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the life and contributions of the late Dr. Kwame Nkrumah and to acknowledge the 50th anniversary of the independence of Ghana, which is being recognized and celebrated this year. Kwame Nkrumah is the father of his nation, Ghana, and its anniversary of independence is an appropriate time for us to recognition his contribution. I introduce into the CONGRESSIONAL RECORD an article from CaribNews by Michael D. Roberts.

Dr. Nkrumah was born on September 21, 1909 in Ghana, the same country he led to liberation from Great Britain and was elected as Prime Minister in 1960. He attended college in the United States, studied philosophy, and developed an interest in the ideas of Marcus Garvey. Realizing the need for self government, he served as General Secretary of the United Coast Gold Convention, a political party interested in Ghana's independence. Involvement in this movement was unconventional and by all means unpopular. Despite, the lack of popularity, Dr. Nkrumah, had a vision not only for Ghana, but for all African countries. His leadership inspired 23 other African nations to gain independence in just 3 years after his election.

In addition to inspiring African countries to gain independence, Dr. Nkrumah envisioned unity. His vision to unite African countries was embodied with his influence in founding the Organization of African unity, established on May 25, 1963. The organization focused on ways to unify African nations and to speak with one continental voice. The organization changed over the years and was replaced with the African Union in 2001.

On March 6, 2007, Ghana celebrated the 50th anniversary of its independence. Celebrations were held all over the country and attended by world leaders. I pay honor and homage to Kwame Nkrumah for dedicating his life to Ghana democracy and working towards unifying African nations. His legacy and work still lives on with the celebration of Ghana's independence 50 years ago.

[From CaribNews]

KWAME NKRUMAH: THE MAN AND HIS TIMES—GHANAIAN POLITICAL VISIONARY, PAN-AFRICANIST AND ADVOCATE OF AFRICAN UNITY

(By Michael D. Roberts)

The African Antecedent: Setting the Stage for Africa's Independence

"Our independence is meaningless unless it is linked up with the total liberation of the African continent." Kwame Nkrumah, Accra 1957.

Those words were uttered 6 years before the formation of the Organization of African Unity (OAD) on the 25th May 1963. It was an organization formed with the express purpose of uniting all of Africa but from the onset those leaders who signed this historic document in Ethiopia, were divided by insularity and a profound lack of vision. That is all of them except one.

Today his vision has been realized and modified, perhaps for better or worse—no one knows—in the development of the African Union (AD) that came into being in 2001. This new organization replaced the OAU that many felt had did its time and served its purpose but was unrealistic and lacked any new mechanism for dealing with the vagaries of modern, emerging Africa and the rest of the world.

But his vision and steadfast belief in African Glory has made him a legend in his lifetime and clearly one of the great sons of Africa. Today, he stands tall for his contribution to African political consciousness and African unity. He was a man whose ideas were far advanced for the era in which he served. In 2007 Africa needs to revisit his life and times. His name was Kwame Nkrumah. As Ghana's leader he had developed a reputation of total commitment to the improvement of not only the people of Ghana, but all of Africa. In a very real way the building blocks for today's modem Africa is the sacrifice and vision of leaders like Nkrumah. Observe that on the eve of the signing of the document that would formally ratify the OAU this was the warning that Nkrumah gave to African leaders about the powerful forces lined up against the continent:

"Our essential bulwark against the sinister threats and other multifarious designs of the neocolonialists is in our political union. If we are to remain free, if we are to enjoy the full benefits of Africa's rich resources, we must unite to plan for total defense and the full exploitation of our material and human means, in the full interests of all our peoples. To go it alone will limit our horizons, curtail our expectations, and threaten our liberty . . . Unless we meet the obvious and very powerful neocolonialists' threats with a unified African front, based upon a common

economic and defense policy, the strategy will be to pick us off and destroy us one by one.''

Nkrumah's prophetic and visionary words were based on his profound study of how Europe colonized Africa and his experiences abroad. His study of Garveyism, the ideology of Marcus Mosiah Garvey, lent his thoughts and actions a sense of African pride and independence. But more than that Nkrumah demonstrated selfless leadership and completely dedicated himself to the emancipation of his people.

HONORING THE RETIREMENT OF STEPHEN TOWNLEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to honor one of Florida's finest, Mr. Stephen Townley, upon his retirement from the public service system. May 9, 2007 marked Townley's 30th year of duty under the United States Judicial Branch.

After graduation from the University of South Carolina in 1973, Townley began his career as a probation officer in Milton, Florida. Advancing rapidly, Townley was appointed a United States Probation Officer in 1977 then was promoted 8 years later to United States Probation Officer in the Northern District of Florida.

At the request of District Judge William Wilkins, the first Chairman of the U.S. Sentencing Commission, Townley aided the development of the U.S. Sentencing Guidelines. In this position, Townley worked to guide fair criminal sentencing, ensuring just punishment and the safety of his community. Later, Townley served on the Probation Officers Advisory Group to the U.S. Sentencing Commission.

In 1990, Townley was named Supervising U.S. Probation Officer and was promoted 2 years later becoming the Northern District's first Deputy Chief Probation Officer. During his last 8 years of service, Townley held the position of Chief Probation Officer of the Northern District of Florida. To his community, he embodies the epitome of loyalty, as he strove daily to keep danger away from the public.

Madam Speaker, I would like to offer my sincere and heartfelt congratulations to Mr. Stephen Townley on his 30th anniversary in serving the public. For the past 30 years, he has dedicated himself towards helping the residents of Northwest Florida and for that we will be forever grateful. I wish him the best in his retirement.

HONORING COAST GUARD CAPTAIN PETER J. BOYNTON

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize a committed and respected serviceman, retiring Coast Guard Captain Peter J. Boynton, for his distinguished career.

Captain Boynton has much to be proud of in his 28 year long career with the U.S. Coast Guard. Serving 10 years at sea aboard six different cutters, his experience and commitment is not easily matched; and in June 2004, Boynton accepted the Commander position of the Long Island Sound sector.

As commander, he led 490 active duty military and civilians, 180 uniformed reservists, and 1,800 volunteers with the Coast Guard Auxiliary at 16 operational units. From his command, Captain Boynton oversaw a number of issues and missions involving coastal Connecticut, the Long Island Sound, Long Island, and offshore up to 200 miles. These included life-saving rescues, pollution responses, security enhancements, ice breaking missions, and counter narcotics enforcement operations.

Captain Boynton also served as White House Director of Global Affairs on the National Security Council and at the Department of State as coordinator of international Coast Guard operations. In addition, he has served as Chief of Intelligence for a multi-agency drug task force.

Captain Boynton's successor for the Commander position had this to say: ''Captain Boynton has been an outstanding Sector Commander who has selflessly served the people of Connecticut and Long Island for these past 3 years. I understand I have some big shoes to fill following his retirement and I will work my hardest to continue Sector Long Island Sound's track record of exemplary service to the maritime community''.

Captain Boynton will retire to Connecticut with his wife Susan, and their three children. Madam Speaker, I thank and congratulate Captain Boynton for his outstanding service and a highly distinguished career. We wish him and his family continued success and a bright future in the years ahead.

IN RECOGNITION OF THOMAS J. SCANLON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Thomas J. Scanlon as the 2007 recipient of the Cleveland-Marshall College of Law Alumni of the Year Award. His ongoing support of the School, as well as commitment to the community, has made him a worthy recipient.

Since his graduation from Cleveland-Marshall in 1963, Tom has dedicated his efforts to making Cleveland-Marshall a premier institution for the study of jurisprudence. He has served as president of the Alumni Association, and currently serves as a member of the Dean's Committee. Tom has also devoted his time and energies to improving the health and vibrancy of the Northeast Ohio community. Tom has served, and still serves, as a trustee for numerous organizations, such as the Leukemia and Lymphoma Society, West Side Ecumenical Ministry, and the Irish-American Association, just to name a few.

Madam Speaker and colleagues, please join me in honoring Thomas J. Scanlon for his tireless dedication to Cleveland-Marshall College of Law and Northeast Ohio. May his service and hard work serve as an example for us all.

HONORING THE LIFE OF CONGRESSMAN PARREN MITCHELL

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor the life of Congressman Parren J. Mitchell who died on May 28, 2007. Parren J. Mitchell, was a civil rights leader and a dynamic former U.S. congressman who helped to establish the Congressional Black Caucus. Congressman Mitchell was elected to the House of Representatives from Baltimore in 1970 and was Maryland's first black congressman. This great public leader from the state of Maryland served eight terms before stepping down in 1986.

Born in Baltimore, MD in 1922, Mr. Mitchell was a graduate of Morgan State College and earned a master's degree from the University of Maryland. Mitchell had to sue the then-segregated University of Maryland for admission to the graduate school, and won. Additionally, he served as an officer in the 92nd Infantry Division during World War II, during which time he was wounded and received the Purple Heart. Prior to his election to Congress, Mitchell worked in the administrations of Baltimore mayors Theodore R. McKeldin and Thomas J. D'Alesandro III and Governor J. Millard Tawes. While active in state politics he was known as a passionate defender of minority and civil rights. Congressman Mitchell was also the brother of the late Clarence M. Mitchell, Jr., who was head of the NAACP's Washington office, and was one of Lyndon Johnson's chief advisors in the civil rights movement.

As a congressman, Mitchell fought for legislation requiring local governments to set aside 10 percent of federal grants to hire minority contractors. Congressman Mitchell was a crusader for minority economic rights and pushed forth to make economic empowerment a reality for minority-owned companies.

Congressman Mitchell dedicated his life to the ideal of public service. He served his country, his community, and his government with the determination and courage that is exemplary of a true public leader. He demonstrated his courage on the battlefield while fighting for democracy abroad and he would utilize that same courage and zeal to fight for equal rights and opportunities for all Americans here in the United States Congress.

Madam Speaker, I urge my colleagues to join me in honoring the life of Congressman Parren J. Mitchell.

RECOGNIZING SENATOR BOB ROVNER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bob Rovner—the 2007 recipient of The Spirit of Life Award from City of Hope. Mr. Rovner is being recognized by this outstanding organization for achievements in his field and his exceptional service to our community.

To be honored by a group with such a noble cause is a great distinction, one for which Mr. Rovner is certainly worthy. For years, City of Hope has been committed to the kind of medical research that has brought hope to millions of people living with a lifethreatening disease. Madam Speaker, Bob Rovner represents the type of spirit and dedication that make organizations like City of Hope as successful as they are. He has spent years championing worthy causes, helping to publicly guide our community in a positive direction.

Mr. Rovner has spent his life performing an inspiring array of accomplishments in public service. Mr. Rovner began his career as an assistant district attorney under Sen. ARLEN SPECTER and alongside Gov. Ed Rendell. He was then elected as the youngest ever member of Pennsylvania's State Senate, where he sponsored the Lottery Bill to direct all oflottery's profits to benefit senior citizens. Mr. Rovner went on to a successful business career and became highly involved in the community, serving on the board of trustees for Temple University and hosting several popular radio shows.

Beyond his impressive resume and his reputation for public service, I can say from personal experience that Bob Rovner has affected many lives for the better. Madam Speaker, Mr. Rovner's influence on the community has been undeniable and his continued work will shape the future of our region. Madam Speaker, I am honored to recognize Mr. Rovner for this award, but I am more honored to consider Bob Rovner a colleague and a friend, and I would like to thank him on behalf of those whose lives he has touched.

THE 50TH ANNIVERSARY OF BILL AND SUE LANDSKE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity that I take this time to recognize the 50th wedding anniversary of two of Northwest Indiana's finest public servants, Mr. and Mrs. Bill and Sue Landske of Cedar Lake, Indiana. For years, Bill and Sue have been fully committed to the citizens they serve, with Bill serving on the Cedar Lake Town Council and Sue serving as a State Senator for over 23 years. At this time, I would like to take this opportunity to thank them for their lifelong service and also congratulate them on their 50 years of devotion to each other.

Sue's service to her community extends far beyond her elected position. A veteran of the National Guard Reserve, Sue was elected to the Indiana State Senate in 1984. Senator Landske has remained fully committed to her constituents, and she has even remained an active member of several community organizations. For her efforts, Sue has received many accolades, including the prestigious Sagamore of the Wabash in 1980 and 1983. She has also been named Outstanding Republican Senator, Business and Professional Woman of the Year, Lake County Republican of the Year, and Jaycees' Citizen of the Year.

Not to be outdone, Bill Landske has been a constant fixture in his community for many years. In recent years, Bill has extended his service to the people of Cedar Lake as an elected official, where he has taken on the role of Cedar Lake Town Council member. His resolve to improve the quality of life for his constituents has been apparent since he took office, and he has served his constituents with complete dedication and professionalism.

Bill and Sue have shared many wonderful years together. They have epitomized true devotion and unwavering commitment. However, while they have remained fully dedicated to the people they serve, Bill and Sue's greatest source of pride is their family, which includes four daughters, Cathy (Don) Jones, Jackie (Jeffrey) Basilotta, Pam (Charles) Snyder, and Cheryl (Pete) Boisson, and one son, Eric. Bill and Sue have also been blessed with eight grandchildren: Matthew Jones; Leslie Stoops; Jeff Basilotta; Caitlin, Jenny, and Kim Snyder; and Patrick and Daniel Boisson. Bill and Sue's commitment to improving the future for their community and all of Northwest Indiana is surely an extension of their commitment to their grandchildren, whom they truly adore.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Councilman Bill Landske and State Senator Sue Landske as they celebrate a remarkable milestone, their 50th wedding anniversary. While their years of service to the citizens of Northwest Indiana are to be commended, it is their unselfish and lifelong devotion to each other that is worthy of our deepest admiration.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. MCMORRIS RODGERS. Madam Speaker, while I was absent from the House of Representatives last week due to the birth of my son, I would like to state how I would have voted on the following pieces of legislation if I had been able to be present: Rollcall No. 406—"yea"; rollcall No. 407—"yea"; rollcall No. 408—"yea"; rollcall No. 409—"nay"; rollcall No. 415—"nay"; rollcall No. 416—"nay"; rollcall No. 417—"nay"; rollcall No. 418—"nay"; rollcall No. 419—"yea"; rollcall No. 420—"yea"; rollcall No. 421—"nay"; rollcall No. 422—"yea"; rollcall No. 423—"yea"; rollcall No. 424—"yea"; rollcall No. 425—"yea."

URGING MEMBERS OF CONGRESS TO SUPPORT CARICOM SUMMIT TALKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the CaribNews newspaper the week of May 17, 2007 titled "Caribbean Aims to Cash in on Face Time with Bush". This article expresses the importance of the CARICOM Summit meetings to be held in Washington, D.C. from June 19–21, 2007.

The heads of states of the 15 nations that comprise the Caribbean Community (CARICOM) will be in Washington meeting with the Administration, as well as members of Congress. During their meetings in Washington, they wish to discuss U.S.-Caribbean trade relations, cooperation in education and security initiatives, immigration, disaster preparedness and mitigation, and other issues arising from our important relationships with our Southern neighbors.

A Summit of this magnitude and with the full leadership of CARICOM represents the first of its kind under the Bush Administration. I commend the Administration's initiative in establishing stronger and more consistent relationships with island states whose strategic importance has been recognized by their designation by former Secretary of State Colin Powell as our "third border."

This Summit comes at an important time for the American people as we celebrate the contribution of millions of Caribbean-Americans during Caribbean American Heritage Month. It is estimated that over 2.6 million Caribbean-Americans currently live in the United States. People from the Caribbean have contributed to the building of this great nation as the earliest and largest source of Black immigrants to the U.S.

It is important to recognize the Caribbean as strategically significant to the U.S. in terms of security, international trade, and education initiatives. Members of CARICOM serve as crossroads for major air and sea routes between North America, Africa, Europe and Asia. It is in our country's national security interests to make certain that the issues of poverty, illiteracy and HIV/AIDS in the region are addressed.

An unprecedented threat to the economic and social development of the Caribbean Community is HIV/AIDS. With a rate of 1.2 percent in 2006, Caribbean nations are second only to sub-Saharan Africa in adult HIV/AIDS prevalence. AIDS is one of the leading causes of death among adults aged 15–44 in the Caribbean, which threatens the Community's ability to achieve sustainable development. Migration from the Caribbean can contribute to the risk of HIV in the U.S., as acknowledged in USAID Assistant Administrator for Latin America and the Caribbean Adolfo Franco's testimony in 2005, citing statistics that Caribbean immigrants account for 46 percent of all immigrants testing HIV positive in New York City. High mobility in the region necessitates a regional approach in combating

the epidemic. By supporting legislation that will include all the CARICOM nations in the President's Emergency Plan for AIDS Relief (PEPFAR), we can expand our reach in fighting HIV/AIDS in the Caribbean and at home.

Although CARICOM countries receive preferential trade treatment under agreements such as the Caribbean Basin Initiative (CBI), CARICOM views its existing trading arrangements with the U.S. as no longer adequate. The CBI preferences are set to expire in October 2008, which could jeopardize an annual $8 billion worth of trade. The current CBI also includes only eight of the 15 countries that comprise CARICOM, further emphasizing the need to establish a new trading relationship. Serving as a backdrop to the Summit this month is the establishment of a CARICOM Single Market in 2006 and plans for full economic integration in 2008. In terms of trade with the U.S., the CARICOM Single Market and Economy (CSME) serves as an opportunity to strengthen ties and better prepare the region for a free-trade agreement (FTA) with the United States.

In addition to U.S.-Caribbean trade revisions, there is also a need to create a framework to manage the negative impact of the deportation process on the CARICOM nations. Caribbean governments assert that rising crime rates in some Caribbean nations can be attributed in part to the large number of criminal deportees they receive from the United States, with over 5,000 being sent from the U.S. to the Caribbean between October 2005 and October 2006. High rates of crime and violence in the Caribbean are undermining growth and investment, threatening human welfare, and impeding social development.

Our national security is also threatened by a failure to manage the deportation process. When deportees are sent to the Caribbean—many of whom acquire assets and connections in the United States—they are often sent empty-handed without a family support network in the Caribbean. This situation breeds poverty among deportees, which can make weak States vulnerable to terrorist networks and drug cartels within their borders. According to the World Bank, murder rates in the Caribbean are higher than in any other region of the world, and assault rates are significantly above the world average. These challenges compounded by narcotics trafficking, which is at the core of these high rates, transcend national boundaries, threaten America's national security, and require a coordinated regional response.

As Members of Congress, we have a significant opportunity to respond to the economic and political challenges facing the nations of the Caribbean, by encouraging educational exchange programs, promoting trade and supporting legislation that provides funding to address the HIV/AIDS situation in the region.

The issues I outlined today provide the foundation for a rich dialogue between the U.S. and the Caribbean Heads of State. I encourage my colleagues in Congress to play a significant role in fostering a mutually beneficial relationship with our friends of the Caribbean Community by supporting and participating in the CARICOM events that will be taking place on the Hill from June 19 through June 21.

CARIBBEAN AIMS TO CASH IN ON FACE TIME WITH BUSH

(GEORGETOWN)

On Jun. 20, Caribbean leaders will sit down with George W. Bush for the first full summit meeting with a U.S. President in a decade, and from all indications, they have a plethora of issues to put on the table, chief among them trade and disaster preparedness.

Since Democratic President Bill Clinton flew to the eastern Caribbean island of Barbados for a day in May 1997, the two sides have not met for any length of time at the Heads of Government or state level, though they have formalized annual and sometimes twice yearly meetings with secretaries of state and other high-level officials.

Analysts say the June summit comes at a time of serious anxieties for the 15-nation Caribbean Community (CARICOM), 10 of which form a free trade bloc that has functioned smoothly over the years save for the odd row over some members' protectionist policies. High-ranking CARICOM officials like Assistant Secretary-General Colin Granderson and others agree that the region would be remiss if leaders do not jump at the chance of reinforcing their geopolitical importance to the United States, being right in its backyard.

For one thing, the Ronald Reagan era Caribbean Basin Initiative and its offshoot, the Caribbean Basin Economic Recovery Act, governing trade with the U.S., are now subject to annual unanimous approvals by each member of the World Trade Organization (WTO), a development Governments say makes them feel very insecure. Washington has also expressed its discomfort with the fact that it has to ask every single country to say yes to renewing the preferential trade deal, which expires in two years.

Caribbean leaders and foreign ministers argue that trade worth an annual average of eight billion dollars is operating at the whims of WTO members and should have some formal, more structured cover.

They are considering asking Washington to negotiate and sign a U.S.-Caribbean free trade agreement, since it has become clear that efforts to forge a hemispheric umbrella agreement have collapsed under the weight of objections from regional Latin American powerhouses like Brazil and Venezuela, among others.

The region's Central American neighbors have already negotiated their own deal with the U.S., but a definitive position on the Caribbean may well emerge in the days leading up to the summit.

IN RECOGNITION OF JUDGE SEAN C. GALLAGHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Honorable Sean C. Gallagher as the 2007 recipient of the Cleveland-Marshall College of Law Alumni of the Year Award, and to celebrate his efforts to make a safer and more just Northeast Ohio.

For over 25 years, Judge Gallagher has served the people of Northeast Ohio with dedication and distinction. Whether a juvenile probation officer, a prosecuting attorney, a court bailiff, a municipal court judge, or an Ohio Court of Appeals judge, he has always had the concerns and the safety of the community at hand. He has also dedicated his time to numerous boards and associations to ensure that the legal profession maintains its integrity and continues to produce thoughtful and dedicated young attorneys.

Madam Speaker and colleagues, please join me in honoring Judge Sean C. Gallagher as the 2007 Alumni Award recipient. May Cleveland continue to benefit from his leadership and vision.

OUR LADY OF MOUNT CARMEL ROMAN CATHOLIC CHURCH'S 100TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my honor today to submit into the CONGRESSIONAL RECORD the history of the Our Lady of Mount Carmel Roman Catholic Church in Springfield, Massachusetts, as it celebrates its centennial anniversary.

Our Lady of Mount Carmel Church is the focal point of the Italian-American community in Springfield. I would like to take time today to acknowledge this important anniversary and to extend to the communicants of the Mount Carmel Church my best wishes for a strong and prosperous future.

THE CENTENNIAL 1907–2007 HISTORY OF OUR LADY OF MOUNT CARMEL ROMAN CATHOLIC CHURCH

In the late 1800s, the Italian community in greater Springfield, Mass., held religious services in the basement chapel of St. Michael Cathedral. A separate church in the South End, where most of the immigrants had settled, was an increasing need. Bishop Thomas Beaven placed this hope in the hands of the Stigmatine Congregation of Verona, Italy. Frs. Anthony Dalla Porta, first pastor, and Alfred Ballestrazzi came to the United States in May 1906. In 1907, a new Our Lady of Mount Carmel Church was named. The building, seating 500 worshippers, cost $35,000. It opened on December 24, 1911. Nearly 1,000 families were members of the infant parish. In 1919, five religious sisters, Daughters of Our Lady of Mercy, arrived from Savona, Italy. They opened a day nursery, sewing classes, and children's catechism instruction. The church building was expanded in 1932.

Stigmatine Fathers William Ludessi, Erminio Lona, Charles Zanotti, Peter Toretta, Paul Zanini, Camillo Santini, Carmen Russo, Richard Scioli, and currently Robert White, have served as pastors.

Mt. Carmel Church survived the Great Depression, the flood waters of 1936, and the hurricane of 1938. Church societies' fund-raising liquidated all debt by 1946. An elementary school, staffed by the sisters, opened in 1948. In 1959, a second major renovation of the church took place. The parish entered its Diamond years with hope and pride in the future.

Weekly St. Anthony devotion remains steadfast. In 1991, the new position of Pastoral Minister, open to a qualified non-ordained person, was filled by Sister of St. Joseph Elizabeth Matuszek. The quality of education, which the Daughters of Mercy established, has kept the school open as one of

five Catholic schools left in Springfield. Its first lay principal was Mrs. Claire Cote, who in 2002, achieved the maximum ten-year accreditation by the New England Association of Schools and Colleges, and opened a Preschool, an after-school program, and a computer laboratory. Mrs. Carol Raffaele succeeded Mrs. Cote in 2003, completing its interim evaluation for accreditation. The computer lab went state-of-the-art wireless. Library cataloging was computerized, and offices were connected to the Internet. The school developed a web page, www.mountcarmelschool.org. OLMC graduates consistently score in the top percentile in standardized tests. They thrive in high school, college, and beyond.

In Religious Education for our public school students, 26 CCD volunteers have been awarded the diocesan St. Pius X Medal, every year since the inception of this honor. Intergenerational Religious Education began with this Centennial Year Generations of Faith. Families with children, and adult households, came together for religious formation sessions.

Lay ministry has expanded far beyond our worthy list of certified lectors, special ministers of the Eucharist, choir, and ushers. Women and girls have joined men and boys as altar servers. Qualified laity help prepare candidates for the sacraments of Baptism, Confirmation, Holy Communion, and Marriage.

Members continue fundraising efforts in this age of rapidly escalating expenses. Bingo was a lucrative source of funds from 1967 to 1997. The October Taste of Italy became a new social focus and important fundraiser, first held in 1992. ''Bring your best Italian foods to serve at least 100'' was the request. Participants respond to the zealous leadership of Chairperson Rosemarie Costa. Hundreds come to affirm and enjoy the culinary achievements of dozens of Italian cooks.

Clerical tasks have become computerized. Clubs and Societies remain a consistent base of spiritual, social, and economic vitality. The Women's Guild is an important body of support for the parish. The Ministry of Caring of St. Vincent DePaul extends the Works of Mercy to and beyond our parish parameters. The Men's Retreat League continues its annual weekend at Holy Family Retreat Center in E. Hartford, CT. The parish Knights of Columbus are St. Gaspar Bertoni Council 5037. The Holy Name Society hosted the last of its coffee hours in 1999. Youth Ministry proudly donated a $700 replacement tree to the church, and sent a contingent to the Catholic Youth Conference in St. Louis in 1996. They donated half their treasury to the Centennial Renovation Fund.

For the 90th anniversary in 1997, a $300,000 capital campaign restored the slate roof and stained glass and alabaster windows. New entrance doors were installed.

Centennial plans began in 2002, for spiritual renewal, communications, and a $1.6 million capital campaign for physical renovations. Peter Zorzi of Studio One Architects, of our South End parish neighborhood, said, ''I can't count how many Sundays I sat at 8:30 Mass imaging what I would do to restore this church!'' With well-established competence and experience, Studio One brought us an enduring enthusiasm and a church of renewed beauty. Our gratitude for their services is beyond measure.

We installed the Verdin Singing Tower Carillon from nearby St. Joseph Church which closed. Its seasonal hymns resound throughout the South End three times daily. All pews were removed for restoration and resizing. Artists Salvatore Degli Atti and Salvatore Rossi of Italy achieved the acclaimed renovations. From St. Polycarp Church in Somerville, which closed, we purchased marble altars and other appointments. Architects redesigned the sanctuary space, completing handicap accessibility.

Fifty travelers journeyed to Italy in honor of the Centennial. The Communications Committee reached out to our most senior members, inviting those 80 years of age and older to submit memories and photos for the Anniversary Book. 101 responded.

A Mass of Thanksgiving for the Centennial was celebrated in the renewed church on June 10, 2007. Principal Celebrant and Homilist was Most Reverend Timothy A. McDonnell, Bishop of Springfield. A dinner for 700 followed at the Castle of Knights in Chicopee.

Since the 1907 South End origin of the parish, Interstate highway configuration has dispersed members to many surrounding cities and towns. Blessed with their heritage of Catholic faith, a festive Italo-American spirit, and strong and extended family, Mt. Carmel parishioners remain a vibrant and proud witness to their heritage and faith in Springfield's South End.

2007 FARM BILL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GRAVES. Madam Speaker, the 2007 farm bill is one of the most important pieces of legislation this House will consider this year. From such varied topics as rural development to nutrition to conservation to energy to research to disaster assistance, the farm bill will impact all of these issues and many, many more. In my district, Missouri's sixth, we have a lot of farmers diversified in different row crops and livestock. Many of my fellow farmers in Northwest Missouri are soybean producers, so it is with this in mind that I would like to draw this distinguished body's attention to a letter I have recently received from the United Soybean Board, an organization responsible for administering the soybean research and promotion programs of the soybean checkoff program. We've heard a lot about checkoff programs over the years, and I hope my colleagues will find the following correspondence useful as we move forward with the 2007 farm bill.

MAY 24, 2007.

Hon. SAM GRAVES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GRAVES: Thank you for your letter of May 10, 2007, regarding the soybean research and promotion efforts of the soybean checkoff program. I very much welcome the opportunity now and in the future to provide you, other members of Congress, and the soybean farmers of Missouri's Sixth District and in other parts of our country, information about our soybean checkoff.

As you know, at the urging of the nation's soybean farmers, Congress created the Soybean Promotion, Research and Consumer Information Act in 1990. Since that time, the United Soybean Board (USB), of which I serve as Chairman, and 29 Qualified State Soybean Boards (QSSBs), have invested soybean checkoff funds to provide profit opportunities for all U.S. soybean farmers.

Keeping in mind your suggestion for brevity, I am pleased to provide answers to the specific questions you posed in your letter about the accomplishments of the soybean checkoff:

1. Recently, biodiesel seems to receive a lot of news coverage. What role, if any, has the checkoff, national or state, played in the development or marketing of this product and what is the relationship of USB to the National Biodiesel Board?

Simply put, America's soybean farmers, through our soybean checkoff, established the biodiesel industry in the United States. The Missouri Soybean Merchandising Council (MSMC), a Qualified State Soybean Board (QSSB), funded the first significant biodiesel research back in 1990. The USB, MSMC and other QSSBs helped establish the National Biodiesel Board (NBB) in 1992. The soybean checkoff continues to fund most of the NBB-coordinated research and promotion that has made biodiesel one of the fastest-growing renewable fuels in the United States. According to NBB, biodiesel production in the U.S. has increased from an estimated 500,000 gallons in 1999 to 225 million gallons in 2006. Our biannual soybean farmer attitudes survey showed only 23 percent of all soybean farmers used biodiesel in 2002. Our latest survey shows more than 50 percent of all U.S. soybean farmers now use biodiesel in their operations.

2. I know that export markets for American agricultural products are very important to our nation's trade balance. How involved have USB or the QSSBs been, if at all, in developing these markets?

Since Congress established the national soybean checkoff program in 1990, U.S. soybean exports have doubled. U.S. Department of Agriculture figures show we exported 557 million bushels of U.S. soybeans in 1990. Last year, we exported a record 1.1 billion bushels of U.S. soybeans.

The growth of U.S. soy exports to China serves as an example of the kind of export development work accomplished by the soybean checkoff. State soybean checkoff programs funded the early reverse marketing activities in China to change the country from an exporter into an importer of soy. Shortly after Congress created the national soybean checkoff, USB also contributed to those efforts, such as providing technical information and support to China's poultry, livestock and aquaculture industries on how to use soy as a valuable protein source in animal feed. In 1995, these efforts, funded with soybean checkoff dollars and market development funds from the U.S. Department of Agriculture's Foreign Agricultural Service, helped turn China from being a soy competitor into a U.S. soy customer. China is now the biggest export customer of U.S. soy. Most recently, working with soybean checkoff farmer-leaders and staff, a group of Chinese buyers signed contracts in the United States to purchase 211 million bushels of U.S. soybeans, worth more than $2 billion. USDA projects when the marketing year ends later this year, China will buy over 400 million bushels of U.S. soy. In addition to building markets for U.S. soy in China, the soybean checkoff funds U.S. soy market development efforts in 80 countries around the world.

3. As a nation, we are becoming increasingly health conscious, and I know that soy is regarded as having positive health benefits. What has the checkoff program done to

help document these health benefits if at all? In addition, we are all aware of the issue of trans fats in the foods we eat. Is this an issue for soybeans and if so, what has been done to address it?

The soybean checkoff has been instrumental in funding the necessary research to document the health benefits of soy. Early on, state and national soybean checkoff organizations funded the scientific research that helped lead to the U.S. Food & Drug Administration's health claim in 1998 linking the benefits of soy to reducing the risk of heart disease. Also, USB's Soy Health Research Program has invested about $500,000 to assist scientists in submitting soy-related research grant applications, which has helped secure more than $12 million in research funds from the National Institutes of Health. This 24–1 return on soy research investments seeks to document how soy's role in a healthy diet can reduce the risk of such diseases as breast cancer, prostate cancer and osteoporosis.

Second, in the late 1990s, USB identified trans fat as an issue that could have a major impact on the future utilization of soybean oil. The checkoff established an initiative to determine food industry trends and needs, which eventually led to the creation of QUALISOY in 2004. This collaborative U.S. soybean industry-wide effort helped accelerate the development of new soybean varieties with oil that requires little or no hydrogenation and, therefore, is free of trans fats and ultimately lower in saturated fats. This year, U.S. soybean farmers are expected to plant up to 1.75 million acres of these new varieties, which also provide additional profit opportunities to U.S. soybean farmers.

4. We are also aware of the threat of Asian Soybean Rust to the American soybean farmer. I am pleased that USDA so quickly responded with specific programs to counter this threat. How, if at all, were checkoff funds used to assist this effort? How else, if at all, have either state or national checkoff funds been used to benefit soybean production, either by increasing yields or dealing with pests?

Similar to our efforts to increase soybean exports, the challenge to minimize the impact of Asian Soybean Rust provides a good example of how checkoff investments made by soybean farmers can be leveraged with federal government dollars to benefit us—and ultimately all consumers—with a safe, abundant supply of soy. Beginning in 2005, the soybean checkoff helped coordinate and fund an early-warning system for soybean rust through a cooperative effort with USDA. The system includes an extensive series of sentinel plots planted to soybeans that receive regular monitoring for rust and other plant pests and diseases. This system keeps us well informed about the spread of rust and helps us scout, monitor and manage our crops to prevent or minimize yield loss from this potentially devastating disease.

More broadly, finding solutions to soybean yield-robbing pests and diseases traditionally has ranked as USB's second largest investment area. For example, in 2001, USB-funded researchers published breakthrough research identifying specific genes in the Soybean Cyst Nematode (SCN), the leading cause of soybean yield loss from plant diseases. This helped serve as basis for more durable SCN resistance in soybean varieties. Just last year, researchers funded by the soybean checkoff published genetic markers for two rust-resistant genes. This allows soybean breeders to incorporate these genes into breeding programs without laborious testing against the harmful disease. We expect this to lead to new rust-resistant varieties in the next four to five years. These are just a few examples of how the soybean checkoff has helped me and other U.S. soybean farmers prevent or reduce soybean yield loss from harmful plant pests and diseases. No doubt, these efforts have helped U.S. soybean production grow from 1.98 billion bushels in 1991 to a record 3.18 billion bushels in 2006.

5. I know that soy products have been featured in the federal government's bioproducts support program. Are you aware of what soy products have been featured in this effort and if so, could you elaborate on how, if at all, national or state checkoff funds have been utilized to develop any of these products?

This is an area of special interest to me since I served three terms as chair of USB's New Uses program and one year as team lead of our Biobased Products Initiative. Our surveys show U.S. soybean farmers believe developing new soy uses, such as soy-based inks, plastics, lubricants, adhesives and solvents, should be a top priority of our checkoff. The most notable new industrial uses for soy developed by the soybean checkoff include soy biodiesel and soy ink. But hundreds of soy-based products, many developed with the help of soybean checkoff-funded research, now also fill our ever-growing Soy Products Guide, a catalog of soy-based bioproducts we publish annually. Recognizing the purchasing power of the federal government, the soybean checkoff has taken the lead in familiarizing federal purchasing officials with the availability and benefits of these products through workshops held in the nation's capital. Last year, USDA finalized its list of the first six categories of biobased items that would be awarded purchasing preference under the federal bioproducts support program. USB has funded research and marketing efforts with companies that make up three of the six categories, which include soy-based mobile hydraulic fluids, roof coatings and penetrating lubricants. Late last year, USDA proposed that more items be designated for preferred federal purchasing. When finalized, we anticipate that more soy-based bioproducts developed with the help of the soybean checkoff, such as spray foam insulation, carpet backing, electric transformer fluids, engine oils, cleaners and other solvents, will receive preferred purchasing designation.

6. The Soybean Promotion, Research and Consumer Information Act, as passed in 1990, called for regular ROI studies to evaluate the return to soybean farmers on their investment in the checkoff. Have those studies been undertaken, and if so, what were the results? If these studies do not reflect the additional funds that may have been leveraged through the use of checkoff funds, please expand on that point as well. In this same context, what evidence, if any, do you have that soybean farmers continue to support the checkoff?

Evaluation remains a cornerstone of every soybean checkoff-funded program. All USB-funded programs must have an evaluation component. As required by law, the soybean checkoff has also conducted regular return-on-investment (ROI) studies. An independent study, conducted in 1998 by Texas A&M, found that for every checkoff dollar invested, U.S. soybean farmers earned an additional eight dollars in net revenue. A similar study, conducted in 2003 by World Perspectives and AgriLogic, found a 6:1 ROI. USB's next regular ROI study will be conducted next year.

In addition to those noted above, numerous examples exist of how we maximize checkoff investments by achieving outside, matching funds to benefit all U.S. soybean farmers. For example, state and national soybean checkoff international marketing investments, which this year total $11.3 million, achieved a matching investment of $14.2 million in Foreign Market Development and Market Access Program funds through USDA's Foreign Agricultural Service. USB funding of the development of the soybean genome map and development of genetic markers helped lead to a nearly $5 million dollar grant for soybean genomics research conducted by the National Science Foundation. Soybean checkoff-funded genome research also positioned soy to be chosen by the U.S. Department of Energy's Joint Genome Institute as the next plant genome to be sequenced, a project valued at $11 million.

The federal law that created the soybean checkoff requires that U.S. soybean farmers have an opportunity every five years to request a referendum on continuation of the program. In 1999, less than 3 percent of eligible soybean producers requested a referendum on the soybean checkoff. In 2004, less than half of 1 percent of all eligible soybean producers requested a referendum. USB conducted its first statistically valid, biannual soybean farmer attitudes survey in 1997. At that time, 65 percent of soybean farmers surveyed indicated they supported the soybean checkoff. The most recent survey conducted earlier this year showed 73 percent of U.S. soybean farmers support the soybean checkoff.

7. And even though it is not directly related to the role of the United Soybean Board, what, if any, role has it played in the broader soybean or agricultural industry that members of Congress should know about?

The 64 farmer-directors who serve voluntarily on USB believe it's also our responsibility to help lead the U.S. soybean industry. Since 2002, USB has brought together state and national soybean checkoff and association leaders and staff for CONNECTIONS, a joint planning meeting to help establish our research and promotion priorities and strategies for the following three to five years. Last year, USB took the process a step further by engaging all players in the U.S. soybean value chain to actively take part in Soy 2020. This U.S. soybean industry-wide effort created a vision for the future of U.S. soybeans for the next twelve years. It focuses on four key stages: a comprehensive environmental scan that identified key areas of emphasis; analysis of different possible scenarios for the U.S. soybean industry; development of the vision and strategies to support each scenario; and a formal launch, which took place earlier this year.

Aside from this formal joint planning meeting, the farmer-directors of USB have also committed to a leading cause in U.S. agriculture—supporting the livestock and poultry industries. The animal agriculture industry is inherently important to the soybean industry, as it is our number one customer, consuming nearly all of the domestically used soybean meal. The USB-led Animal Agriculture Initiative is an effort to build support among soybean farmers and leading agriculture organizations, including the American Farm Bureau Federation, the Animal Agriculture Alliance, and other checkoff organizations such as the National Pork Board. This combined, concentrated support will not only help protect the domestic livestock and poultry industries from unnecessary criticism and ridicule, but will also help

protect our number one market for soybean meal.

I am confident this information will help you and other members of Congress understand how our self-help research and promotion program has created new U.S. soybean demand and profit opportunities for all U.S. soybean farmers. Please let me know if we can provide any additional information for you and your colleagues.

The 64 volunteer soybean farmer-leaders who make up our board truly believe we have an effective, efficient and farmer-driven soybean checkoff.

Respectfully yours,

ERIC NIEMANN,
Chairman, United Soybean Board (USB).

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 5, 2007:

Rollcall vote 426, on motion to suspend the rules and agree to the resolution H. Res. 397—Condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia, I would have voted ''aye.''

Rollcall vote 427, on motion to suspend the rules and agree to the resolution H. Res. 422—Calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan, I would have voted ''aye.''

Rollcall vote 428, on motion to suspend the rules and agree to the resolution H. Res. 430—Calling on the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, I would have voted ''aye.''

Rollcall vote 429, on motion to suspend the rules and agree to the resolution H. Res. 451—Directing the Committee on Standards of Official Conduct to respond to the indictment of, or the filing of charges of criminal conduct in a court of the United States or any State against, any Member of the House of Representatives by empaneling an investigative subcommittee to review the allegations, I would have voted ''aye.''

Rollcall vote 430, on motion to suspend the rules and agree to the Resolution H. Res. 452—Raising a Question of the Privileges of the House, I would have voted ''aye.''

CONGRATULATIONS, AMERICAN LEGION AUXILIARY OF SIKESTON, MISSOURI

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. EMERSON. Madam Speaker, I rise today to offer my most sincere congratulations to the American Legion Auxiliary of Sikeston, Missouri, which this year celebrates its 80th anniversary. Every year in the eight decades of the American Legion's existence in Sikeston, this group of patriotic Americans annually makes multiple investments of time, talent and treasure in our southern Missouri community.

The congressional district I represent would not be such a wonderful place without organizations such as this one, many of which are inspired by the Sikeston American Legion Auxiliary. Most notably, the Sikeston American Legion Auxiliary takes a keen interest in enriching the lives of young people. By sponsoring participants in Missouri Girls State and contributing to programs like Sikeston's Teacher Appreciation Week and the YMCA, the Sikeston American Legion Auxiliary makes a profound investment in our future leaders. Neither does the Sikeston American Legion Auxiliary forget those who served, supporting efforts at the Missouri Veterans Home, the John J. Pershing Veterans Hospital, the Missouri State Veterans Cemetery, and conducting an annual drive to benefit local disabled veterans. There are so many other ways in which the Sikeston American Legion Auxiliary lends its support to our community, they are too numerous to list today.

Ultimately, the Sikeston American Legion Auxiliary embodies the virtues of service. They are an active organization which is well-known throughout the region for its year-in, year-out commitment to the care, enrichment and betterment of the Sikeston community.

As a way of recognizing and honoring the important contributions of the Sikeston American Legion Auxiliary, I am proud to commend them for 80 years of philanthropy in the Eighth Congressional District of Missouri and to wish them all the best as they continue to endeavor in the charitable service of our community.

CELEBRATING THE ACCOMPLISHMENTS AND RETIREMENT OF ALETTE LUNDEBERG

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. HONDA. Madam Speaker, today I rise to recognize the contributions and well-deserved retirement of Ms. Alette Lundeberg. Alette has served the County of Santa Clara for 23 years, and has worked tirelessly for decades as an advocate for poor and indigent peoples, founding numerous programs for the underserved population in the community. Alette has been a leading figure on welfare and refugee issues at the local, state, and national levels.

Alette Lundeberg began demonstrating her leadership ability through teaching in the 1970s as an instructor at San Jose State University and De Anza College in Cupertino. She taught a graduate-level social science course focusing on public service. In addition to teaching, Alette worked as the Community School Director for the Sunnyvale Elementary School District, where she established citywide community education programs for women.

From 1977 to 1979, Alette worked in the County Executive's Office of Santa Clara as an Associate Management Analyst. She investigated and mediated complaints of discrimination, analyzed legislation, and prepared funding proposals.

In the 1980s, Alette started working with the Social Services Agency's Refugee program. She was responsible for the $16 million dollar annual budget and managed 130 staff members while collaborating with local counties and states on legislation issues.

In the late 1990s, Alette was appointed as Administrator of Benefit Services for the Santa Clara County Social Services Agency. She has been responsible for the Agency's Employment Support Initiative, which has been the planning arena for the California Work Opportunity and Responsibility to Kids, a welfare program that assists California families through services and cash aid. Aside from working as the Administrator of Benefit Services, Alette has also been a Board Member for numerous local community groups including the San Jose Development Corporation, Planned Parenthood of Santa Clara County, and Asian Americans for Community Involvement.

Madam Speaker, I rise today to honor this wonderful role model and mentor: Alette was my teacher on women's issues. Alette has spent countless years enriching the community through her leadership and dedication. Alette Lundeberg's work has been inspirational to many in the community and I offer her my best wishes for her much deserved retirement and thank her once again for her work serving the people of Santa Clara County.

HONORING GEORGE E. STEPP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. George E. Stepp for 38 years of dedicated service to the youth of Fairfax, VA.

Mr. Stepp began his career in 1969 as a social studies teacher with Fairfax County Public Schools. He quickly and eagerly made the transition to the administrative side when he was promoted to become assistant principal at Falls Church High School. Mr. Stepp went on to serve as principal at West Springfield High School for 6 years and Lake Braddock Secondary School for 3 years. In 1989, he became the superintendent of schools for area IV in the Fairfax County Public School system. He served in this position until he retired to become superintendent of schools for the city of Fairfax.

Over his career, Mr. Stepp has demonstrated an interest in his students, a desire to help them succeed, and the ability to put these aspirations into policies that create positive tangible outcomes. All students, faculty and parents who have been through one of his school's have expressed their heartfelt appreciation for the tireless work he has undertaken on their behalf.

Madam Speaker, in closing, I would like to commend and congratulate Mr. George E.

Stepp for all of his accomplishments. His legacy of success is found in each and every student who has traveled through his halls, taken his tests, and is now a contributing member of our community. While he will be greatly missed, his retirement is well deserved. I call upon my colleagues to join me in applauding George for these past accomplishments and in wishing him continued success in the years to come.

HONORING ARIZONA'S WILD HORSES

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to honor Arizona's wild horses living in the Apache-Sitgreaves National Forests.

The residents of the State of Arizona deeply value these magnificent wild horses.

These beautiful wild horses are truly the ''Living Symbols of the West,'' as described by the Wild Horse and Burro Act passed by Congress in 1971 to protect the wild horses of the United States.

The Rim Country wild horses date back to mounts brought by Father Eusebio Kino, who began his 1653 mission to eastern Arizona by setting out from the lands of my constituency in southern Arizona and traveling across our State northeast to the ''borders of the lands of the Apacheria which border on New Mexico.''

These original Spanish horses are the great ancestors of the Mogollon Rim country wild horses. They were the mighty Andalusian war horse, whose origins go back more than 28,000 years to the original Iberian horse; the magnificent Spanish Barb; and the graceful and fluid Spanish Jennet, the mount of many of the great kings of Europe; and the strong bloodlines of these original horses appear almost unchanged in our Rim wild horses 400 years later.

Our Arizona Rim wild horses are the direct descendents of the Spanish horses prized by the conquistadors so highly that the foals were carried in hammocks to protect their legs until they were old enough to travel on the forced marches; and prized by the early cattlemen for their endurance and heart and were the very mounts of the U.S. Cavalry as they rode to protect and expand the American west.

The Arizona Rim Country wild horses living in Apache-Sitgreaves National Forests are a most precious natural resource to be preserved for our children and grandchildren who will be able to see them for generations to come.

THE PGA OF AMERICA/DISABLED SPORTS USA MILITARY GOLF PROGRAM

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize an excellent new project to improve the lives of American soldiers who were wounded serving our country: the Disabled Sports USA Military Golf Program. The Wounded Warrior Project, Disabled Sports USA, America Supports You and the PGA of America have created a new program that aims to help rehabilitate veterans severely wounded in Iraq and Afghanistan. By instructing these wounded warriors how to play golf, the PGA and Disabled Sports USA teaches our disabled veterans a fulfilling recreation pursuit.

These organizations provide invaluable services to our veterans. Wounded Warriors offer programs nationwide that offer our severely injured soldiers opportunities to rebuild their lives.

Disabled Sports USA, established in 1967 by disabled Vietnam veterans to serve the war injured, has expanded to provide rehabilitative sports programs to anyone with a permanent disability.

America Supports You was launched in November, 2004, by the Department of Defense, and built a network of supporters that writes letters, sends care packages and helps the wounded when they return home.

And the PGA, America's largest working sports organization, comprised of 28,000 men and women dedicated to growing, teaching and managing the game of golf, has throughout its 91-year history provided instruction and equipment to the military and employment opportunities to veterans.

I am proud to recognize these four organizations that are doing so much to aid our honored veterans. I hope my fellow members of Congress share my passion for the Military Golf Program. The program, and its purpose of giving back to those who so nobly served our country, is worthy of our praise.

PAYING TRIBUTE TO CAPTAIN EDWARD HARDMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Captain Edward Hardeman and The Naval Junior Reserve Officers Training Corps (NJROTC) Unit at Centennial High School in Las Vegas, NV for being named the 2007 Navy League Most Outstanding Unit in the nation.

Captain Hardeman oversees 215 cadets along with Senior Chief Tom Borders and Petty Office Gail Johnson. The Naval JROTC Unit is in its 6th year at Centennial High School which received 7th overall in the nation at the NJROTC National Drill, Physical Fitness, and Academics Championships in Florida this past April. They were also awarded the Captain Jim Harvey Best School Sportsmanship/Spirit Award for the 3rd time in 4 years; a feat no other school in the Nation has ever accomplished.

Centennial High School's Naval JROTC Unit has been awarded the 2007 Navy League Most Outstanding (Best) Unit in the nation by the National Navy League, and is only the second unit in the nation to have been unanimously selected for this honor. The NJROTC program has 625 units throughout the world, including schools in Japan, Guam, and Spain.

Madam Speaker, I am proud to honor Captain Edward Hardeman and the Naval JROTC Unit at Centennial High School for their tremendous achievements.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. CONYERS. Madam Speaker, I took a leave of absence on June 6, 2007, as I was in my district on personal business. The following list describes how I would have voted had I been in attendance today.

Suspension bills: ''Yea,'' H.R. 1051, National STEM Scholarship Database Act; ''Yea,'' H.R. 2559, Higher Education Act Extension Act of 2007; ''Yea,'' H. Res. 421, honoring the trailblazing accomplishments of the ''Mercury 13'' women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space; ''Yea,'' H. Res. 446, honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing; ''Yea,'' H.R. 1467, 10,000 Trained by 2010 Act; ''Yea,'' H.R. 1716, Green Energy Education Act of 2007; ''Yea,'' H.R. 632, H–Prize Act of 2007; ''Yea,'' H.R. 964, Securely Protect Yourself Against Cyber Trespass Act; ''Yea,'' H.R. 2560, Human Cloning Prohibition Act of 2007.

''Yea,'' H. Res. 453, rule providing consideration of H.R. 2446—Afghanistan Freedom and Security Act of 2007.

Amendments to H.R. 2446: ''Yea,'' Lantos; ''Yea,'' Ackerman; ''Yea,'' Costa; ''Yea,'' Franks; ''Yea,'' Jackson-Lee: technical assistance; ''Yea,'' Jackson-Lee: women legislators; ''Yea,'' Kirk; ''Yea,'' Kucinich; ''Yea,'' Terry; ''Yea,'' Van Hollen.

''Yea,'' H.R. 2446, Afghanistan Freedom and Security Support Act of 2007 (final passage).

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. HONDA. Madam Speaker, on Tuesday, June 5, I was unavoidably detained and was not present for a rollcall vote on that day. Had I been present I would have voted: ''Yea'' on rollcall 426 for passage of H. Res. 397, condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia.

VETERAN'S DAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Ms. LOFGREN of California. Madam Speaker, this poem is in tribute to Veteran's Day.

I think of your valor,
In being willing to take a stand for liberty,
I am speechless,
In light of your bravery,
I know your type,
Is not charmed, by show-offs, in the ranks,
Nonetheless
Please, lower your guard for a moment,
And hear a grateful nation's thanks,
It's not the battles you fight, it's signing the line, saying you will.

HONORING DANIEL O. BERNSTINE

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. WU. Madam Speaker, I rise today to pay tribute to one of Oregon's great higher education leaders. Daniel O. Bernstine, president of Portland State University, which is located in my district, will soon leave Oregon to become the President and Chief Executive Officer of the Law School Admissions Council.

During his ten years as president of Oregon's largest and most diverse university, Portland State University has achieved many milestones. While many refer to Dan as a builder, a fundraiser, and an inspiring leader, I know Dan to be a student-oriented university president and someone who has always worked to provide greater opportunities for people through access to higher education.

As a president who walks his talk, Dan has opened the doors of higher education to literally thousands of students. Over the past ten years, enrollment at PSU grew from 14,000 students to over 24,000 students.

Another of President Bernstine's legacies at Portland State will be the growth in faculty research. During his tenure, the University has established several national research centers, including the Center for Electron Microscopy and Nanofabrication, the Oregon Transportation Research and Education Center, and the Center for Lakes and Reservoirs. As a result of Dan's dedication to enhancing the research programs that relate directly to the economic needs of the Portland metropolitan region, Portland State's faculty research funding has grown from $17 million in 1997 to over $40 million this year. I think it is safe to say that Dan Bernstine has helped generate one of the largest business enterprises, through university research, in the Portland area.

Finally, I want to speak to the partnerships that President Bernstine has fostered. Chief among them is his work to connect Portland State University to the area's community colleges. He has been so successful in building connections with the community colleges that I modeled legislation (HR. 596) after the work that was done to provide students with co-enrollment in Portland State and their local community college. Again, this is another example of the incredible commitment Dan Bernstine has to ensuring student success in higher education.

Daniel O. Bernstine came to Portland, Oregon in 1997 having served as Dean of the Law School at the University of Wisconsin. I first met Dan informally—before he had formally started at Portland State. I was having dinner in Portland and overheard a conversation—Dan was excitedly describing the various wonders and attributes of Portland State and the region to his dinner guest. I later found out that he was convincing, successfully, one of his staff from the University of Wisconsin to join him at Portland State. Even before he had started his first day, he was already a tireless advocate for Portland State and the region. Since that time he has been a visionary leader for Portland State and an active member of the community. One of his most significant volunteer efforts involved chairing the Urban League where he stabilized the organization and brought fiscal accountability to the operations.

Dan Bernstine will be missed—for his work at Portland State, for his enduring leadership in the community, and for his passion for opening the doors of higher education to the community. I hope our friendship and our yearly banters over the Stanford/Berkeley games will continue when he moves to Pennsylvania.

Madam Speaker, please join me in honoring Dan Bernstine for his contributions and in wishing him well in his new leadership opportunity.

CONGRATULATING THE PLATTSBURGH STATE WOMEN'S HOCKEY TEAM UPON WINNING THE 2007 DIVISION III NATIONAL CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. McHUGH. Madam Speaker, I rise today to congratulate the State University of New York at Plattsburgh (Plattsburgh State) Lady Cardinals upon winning the 2007 NCAA Division III Women's Ice Hockey National Championship, their first national championship and the third won by Plattsburgh State in a team sport.

On March 17, 2007, Plattsburgh State, which is located in my Congressional District, won the Division III National Championship when it defeated the Middlebury College Lady Panthers by a score of 2 to 1 at the Ronald B. Stafford Ice Arena in Plattsburgh, New York. In that game, Lindsay Brown and Shay Bywater scored goals for Plattsburgh State, Assistant Captain Danielle Blanchard and Lindsay Littman both added two assists, and goaltender Bree Doyle made 28 saves. Blanchard, Bywater, and Doyle and were all named to the NCAA All-Tournament Team and Blanchard, Assistant Captain Julie Devereux, and Doyle earned All-American accolades.

Of note, Doyle, a two-time All American from Ogdensburg, New York, ended her collegiate career with the Lady Cardinals with a 50–4–3 record in 58 games and as the program's all-time leader in winning percentage (.904), goals against average (1.26), and save percentage (.936). She also is the Lady Cardinals' single season-leader in victories (23), games played (27), minutes played (1604.16), saves (520), and save percentage (.937), all of which she set during her junior year.

The Lady Cardinals team also included coaches Kevin Houle and Erin O'Brien as well as the following players: Danielle Beattie, Laurie Bowler, Ainsley Brien, Elise Campbell, Amber Ellis, Tiarra Garrow, Sandra Grant, Gina Kozar, Assistant Captain Keltie Jones, Tara Kahn, Kayla McDougall, Sam Menton, Lesley Ann Mitchell, Stephanie Moberg, Captain Jessica Moreau, Claire O'Connor, Sarah Samson, Sharis Smith, and Valen Timmons.

The Lady Cardinals completed the 2007 season as the first NCAA all-Divisions undefeated women's team with a record of 27–0–2 and just the fourth undefeated NCAA hockey team in history. They were ranked No. 1 in the U.S. College Hockey Online poll for the last 13 weeks, unanimous on 12 occasions, and set or tied NCAA Division III records for winning percentage (.966), home wins (18), and overall victories. Moreover, their coach, Kevin Houle, who has a 96–16–6 (.839) record in his four seasons at the helm, won the 2007 NCAA Division III Women's Ice Hockey Coach of the Year. Houle was also named the NCAA Division III Women's Ice Hockey Coach of the Year in 2006.

Madam Speaker, it is an honor to have the opportunity to congratulate the Plattsburgh State Lady Cardinals ice hockey team for their accomplishments. Accordingly, I now ask my colleagues to join me in recognizing the entire Lady Cardinals hockey team for their remarkable season.

PAYING TRIBUTE TO HEATHER WILDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Heather Wilder a recent recipient of the 12th annual Prudential Spirit of Community Award from Nevada in 2007.

Heather Wilder is currently in the seventh grade at Ernest Becker Middle School. Heather is being recognized for writing a series of 10 booklets to help foster children cope with fear, anxiety, and uncertainty that often affect foster children. These informative booklets are based on Heather's own experiences in the foster services. She wrote the ''ABCs'' of foster care, and then with a grant from the City of Las Vegas, she was able to print these booklets which were distributed to orphanages, counseling centers, mental health hospitals and the Department of Child and Family Services.

Madam Speaker, I am proud to honor Heather Wilder and her achievements in providing hope and understanding in foster care situations. I wish Heather continued success in her efforts.

TRIBUTE TO DR. LAWRENCE T. GERATY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. Geraty is one of these individuals. On June 7, 2007, he will be honored as the Greater Riverside Chambers of Commerce's Citizen of the Year at a celebration dinner.

Dr. Larry Geraty has led an impressive and interesting life. As a child he traveled with his missionary family who lived and worked in China, Burma, Hong Kong, Lebanon, England, Germany, France, Israel, California, Maryland, Michigan and Massachusetts. After his young travels, he obtained his bachelors degree from Pacific Union College and went on to the Theological Seminary at Andrews University. Larry served as a pastor before being invited to join the Andrews Theological Seminary faculty. He studied Hebrew Bible and biblical archaeology at Harvard where he earned his Doctor of Philosophy degree. Dr. Geraty then returned to Andrews Theological Seminary as Professor of Archaeology and History of Antiquity where he taught for 13 years. He also led a series of major archaeological expeditions to the Middle East.

In his distinguished academic career, Dr. Geraty has received many honors including a Fulbright Fellowship and serving as advisor on archaeology to former Crown Prince Hassan of Jordan. Dr. Geraty has served as a leader on several societies such as the Vice President of the American Center of Oriental Research in Amman, Jordan. He has lectured all over the world and is a contributing author to several publications.

In 1985, Dr. Geraty became President of the Atlantic Union College in South Lancaster, Massachusetts, where he earned the reputation as a progressive academic administrator. For over 14 years, Dr. Geraty has served as President and Professor of Archeology at La Sierra University in Riverside, California. During his time in Riverside, Dr. Geraty has become a staple of the community through his leadership and generosity. He served on several boards including the Greater Riverside Chambers of Commerce, United Way of the Inland Valleys, Mayors Higher Education/Business Council, Raincross Club, Monday Morning Group, World Affairs Council of Inland Southern California, Riverside Arts Council and the Riverside Youth Action Executive Policy Board.

In 2000, Dr. Geraty received the P.E. MacAllister Award for Excellence in Field Archeology from the American Schools of Oriental research, and in 2001, he received the Charles Elliott Weniger Award for Excellence at Pacific Union College.

In light of all Dr. Geraty has done for the community of Riverside, including serving as the 2006–2007 Chairman of the Board, the Riverside Chambers of Commerce has named Dr. Geraty their Citizen of the Year. Dr. Geraty's tireless passion for community service, education and faith has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

IN RECOGNITION OF BARBARA ROMEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask for the House's attention today to recognize the outstanding work of a constituent of mine, Mrs. Barbara Romey, who was recently named an Outstanding History Educator by The History Channel for her commitment to history and her students.

Mrs. Romey teaches Social Studies at Central High School in Phenix City, Alabama. She is known for teaching history in a way that helps students connect and engage with current national and local issues. Throughout her career, Mrs. Romey has helped shape her students into successful and contributing members of the Phenix City community.

I congratulate Mrs. Romey for receiving this award, for her commitment to excellence in teaching, and for her dedication to helping better the lives of her students.

TRIBUTE TO MARSHAL MIZE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. WAMP. Madam Speaker, I rise today to honor Mr. Marshal Mize from my hometown of Chattanooga, Tennessee, as he retires from the Board of Directors of the Enterprise Center. Mr. Mize has been an outstanding leader in our business and civic communities. Now that he will be devoting more time to his family, I want to take a moment to recognize his tremendous accomplishments and thank him for all he has done in Chattanooga.

Marshal is a graduate of Georgia Southern University and served his country honorably, achieving the rank of Captain in the U.S. Air Force. After his military service, he went to work for the Ford Motor Company, eventually starting his own dealership in Chattanooga where he received countless awards for his leadership in sales and customer service. Mr. Mize is currently the president, chief manager and owner of Chandler LLC, a diversified company with interest in land, commercial real estate, businesses and airplanes.

Marshal has served in numerous civic endeavors. His term as President of the Chattanooga Rotary Club and member of the Board of Directors of The Enterprise Center will both be fulfilled in June. He has been active in the Chamber of Commerce, public television, Boy Scouts of America and was awarded the 10-Year Major Giving Award by the American Cancer Society. He serves as an elder and deacon of Signal Mountain Presbyterian Church.

Marshal Mize is a shining example of integrity, loyalty and outstanding leadership, and I am proud to recognize him today.

TRIBUTE TO HENRY P. JONES III

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend Henry P. Jones III. Henry is the Past President and CEO of the Jonesboro Regional Chamber of Commerce and has served the organization since January 1, 1981.

Under his leadership at the Chamber, Jonesboro has become Arkansas' fastest growing city and is home to more than 100 industrial plants and facilities. Henry has been involved in organizational management for over 45 years and was the driving force behind Jonesboro's many economic successes.

Henry Jones has a long list of accomplishments and distinctions. He has been the past president of the Arkansas Chamber of Commerce Executives, the Arkansas Association of Development Districts and the Economic Developers of Arkansas and is a past member of the Board of the Arkansas State Chamber of Commerce. In 1989, he was presented a Distinguished Service Award by the College of Business at ASU. In 1993, he was awarded a Pioneer Award by the Economic Developers of Arkansas. In 2002, the EDA presented him with the Outstanding Economic Developer Award. In 2004, the ASU College of Business Alumni Association named him the Business Executive of the Year.

Henry Jones has an impressive lifelong resume dedicated to public service. I ask my fellow members of Congress to join me in recognizing Henry Jones III for his tremendous contribution to Arkansas and our country.

PAYING TRIBUTE TO MOLLIE SINGER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mollie Singer a recent recipient of 12th annual Prudential Spirit of Community Award from Nevada in 2007.

Mollie Singer is currently a senior attending Nevada State High School. At the age of 4, she was diagnosed with diabetes and now it is her goal to vigorously raise money and promote awareness of the disease. Each year Mollie organizes a team to participate in the

Juvenile Diabetes Research Foundation's Walk to Cure Diabetes, her efforts have raised over $100,000 for the foundation. Mollie also organizes luncheons, picnics and other events to collect money for medical research.

In addition to her efforts on behalf of the Juvenile Diabetes Research Foundation, Mollie has educated the public by co-authoring a booklet called "The Road to a Cure", produced a video diary, and made public announcements. She has also formed a support group for those diagnosed with the disease. For her efforts, Mollie will receive a $1,000 award along with a silver medallion and a trip to Washington D.C. for her dedication to volunteering for this very worthy cause.

Madam Speaker, I am proud to honor Mollie Singer. Her efforts to raise awareness and find a cure for Diabetes are commendable. I wish Mollie continued success in her efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 7, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Vice Admiral Eric T. Olson, USN, for appointment to the grade of admiral and to be Commander, United States Special Operations Command, Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy, and Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

SD–106

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Universal Service Fund, focusing on assessing the recommendations of the Federal-State Joint Board.

SR–253

Environment and Public Works

To hold hearings to examine the health effects of asbestos, focusing on methods of mitigating such impacts.

SD–406

Judiciary

To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.

SD–226

2:30 p.m.

Foreign Relations

International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine the efficacy of the Foreign Assistance Reform, focusing on successes, failures, and the next steps; to be followed immediately by a full committee hearing to examine the nomination of the Reuben Jeffery III, to be Under Secretary of State for Economic, Energy and Agricultural Affairs.

SD–419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing telework policies and initiatives in the federal government.

SD–562

Intelligence

To hold hearings to examine terrorist ideology.

SH–216

JUNE 13

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs, Department of Defense, and Department of Labor cooperation on employment issues.

SD–562

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider original bills entitled "The Higher Education Access Reconciliation Act" and "The Higher Education Amendments of 2007", and other pending calendar business.

SD–628

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

SD–419

JUNE 14

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public safety and competition issues, focusing on the 700MHz auction.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 27

9:30 a.m.

Veterans' Affairs

Business meeting to mark up pending legislation.

SD–562

POSTPONEMENTS

JUNE 12

2:30 p.m.

Commerce, Science, and Transportation Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, June 7, 2007*

The House met at 10 a.m.

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

''If we have received good things from the hand of the Lord, why should we not accept evil as well?''

Lord, great comfort is provided in this wise question of Job. In times of adversity and anxiety, it is good for us all to recall the gifts You have given us, our Creator, just so that we are able to address what confronts us. Things often taken for granted mean more when inner strength is tested.

So it is, Lord, we approach this day with renewed gratitude for good health and strong relationship in family and in colleagues in Congress. We are also grateful for Your Divine Providence which has brought to us this moment and Your Word and wisdom to guide us that we may accomplish the multiplicity of tasks set before Congress on just an ordinary day.

But since our times are so powerful and threatening, Lord, Job's advice moves us, or should, to deeper gratitude. Only then will we be able to deal with whatever evil we need to face.

The times require us, as never before, to be grateful for our constitutional government, all the natural and human resources of this country, as well as the prayers and encouragement of the American people, for everything, Lord, is Your gift to our Nation. Gratitude will be our strength, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. COHEN) come forward and lead the House in the Pledge of Allegiance.

Mr. COHEN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

CONGRESS DOING THINGS TO MAKE AMERICA BETTER

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

Mr. COHEN. Mr. Speaker, the Congress is at a low point in terms of its ratings with the American public, but I want the American public to know that I am proud to be a Member of this Congress. Congress is part of a system of government that involves the executive and a two-part legislature that includes the Senate and the House. Our system of government is the best ever known to man, and it's working; although slowly, it's working.

The country has told the Congress and the President what the American people want, and that is to bring our troops home from Iraq, or to redeploy them to fight al Qaeda in Afghanistan and other places where there is terrorism.

We have increased the minimum wage. We have put more money into Pell Grants. We have reduced the cost of college loans. We are going to try to pass a bill, which I think we will today, on stem cell research to give people with catastrophic illnesses hope for the future.

This Congress is doing things to make America better. We are doing it in a responsible way with a balanced budget.

Mr. Speaker, I am proud to be a Member of this Congress, and I want this country to know that this Congress is working hard and doing its job to put America on the right course. We are draining the swamp to make this a more ethical place.

TIME TO ACT ON CRISIS IN BURMA

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

Mr. PITTS. Mr. Speaker, I rise today on behalf of freedom-loving people in Burma. This week there is a delegation of leaders from Burma, ethnic minority leaders, visiting Washington. The information they bring is a stark reminder of the brutality to the Burmese people under the military junta.

The terrible offensive of 2006 continues against the ethnic Karen people and others. Over 3,000 villages have been burned. There have been over 25,000 new internally displaced people in that one province.

How can we turn our backs on people who are being ethnically cleansed through genocide, raped, shot, maimed by land mines and who watch their villages and food sources be destroyed daily? The U.S. and the international community must help provide more humanitarian assistance and protection for them.

We need to continue to push for a U.N. Security Council resolution on Burma. The U.S. needs to renew its sanctions against dictators. We need to get direct humanitarian aid to the people.

It is time to act. The people of Burma deserve to live safely and peacefully in their own land.

SUPPORT THE LOAN FORGIVENESS ACT OF 2007

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, our country is facing a severe shortage of registered nurses. The situation is well-documented. The Journal of the American Medical Association has stated that, without changes, the United States will have a shortage of more than 400,000 nurses by the year 2020. To date, there has been limited government action to address this very national need.

Effective health care delivery relies on an adequate supply of well-educated health care professionals, so this week I introduced H.R. 2572, the Nurse Loan Forgiveness Act of 2007, to expand the supply and to help provide for the education of registered nurses, because nurses play a principal role in the health care delivery system in various settings, in hospitals, in home health agencies, in long-term care facilities, managed care centers and community health clinics.

The Nurse Loan Forgiveness Act would forgive up to $17,000 in Federal loans over a 5-year period for people who have worked in a hospital at least 1 year. If they continue to work, they would be able to, over time, have that entire amount forgiven.

Mr. Speaker, I hope that the Congress has the ability to take action on this critical issue, and I urge my colleagues to cosponsor this very important legislation.

RESPECTING ALL LIFE IN AMERICA

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

Mr. PENCE. Mr. Speaker, today Congress is once again poised to pass legislation that authorizes the use of Federal tax dollars to fund the destruction of human embryos for scientific research, and I oppose it.

I believe that life begins at conception. A human embryo is a human life, and therefore I do think it is morally wrong to create human life to destroy it for research.

But while supporters of this bill will argue this debate is a battle between science and ideology, that really misses the point. The debate today is not about whether we should do embryonic stem cell research. It is legal in all 50 States of this country. The debate today is about who pays for it.

It is simply morally wrong to take the taxpayer dollars of millions of pro-life Americans who believe that life is sacred and use it to fund the destruction of human embryos for research.

The debate today is not really about what an embryo is. The debate is about who we are as a Nation and whether we will respect the deeply held moral views of more than half of our citizenry.

I urge my colleagues to oppose this bill. Having been here before, I expect its passage. On behalf of millions of pro-life Americans, I say, Mr. President, veto this bill again.

ENDING SCANDALS

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

Mr. EMANUEL. Mr. Speaker, at this time last year, the Jack Abramoff scandal was on the front pages of the newspaper. Today, a new guilty plea in the scandal proves it is not over. It is like deja vu all over again. The president of a major environmental group with close ties to this administration pleaded guilty to obstructing a congressional investigation and agreed to provide assistance in the ongoing Jack Abramoff scandal investigation.

In little more than 4 months, Democrats and Republicans together in Congress have put an end to ''business as usual'' on Capitol Hill and passed the most sweeping ethics reform since Watergate. But our work is not done. We must continue to hold those in this institution accountable for their conduct, and reform doesn't stop at this end of Pennsylvania Avenue. The American people deserve better from their public servants.

This Congress passed legislation to assure that the public trust is not lost at the expense of private interests. We are shining a bright light on the goings on at the Department of Justice, the Department of Education, the Department of the Interior, the Veterans Administration and the Student Loan Administration. With the power to hold hearings and ask questions that demand answers, this Congress is holding the administration and their officials accountable for their conduct and their oversight of the public trust.

America voted for change, and we will hold both ends of Pennsylvania Avenue accountable. We will never accept business as usual in Washington and will not stop until we bring the right reforms to the goings on here in Washington.

A LOVE FOR LIFE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, sales and marketing is my career field, and I know a little bit about the branding of products and the value that is there, and sometimes the name of the product or the idea can make or break the success of the product. Marketing is not always about the product. Sometimes it is about selling a slogan.

Yesterday we debated the Human Cloning Prohibition Act, which sounds good, right? No one wants human cloning. But what this bill does is just a very clever marketing ploy that sounds good, but leaves open Pandora's box to a world of dangerous interpretation.

Let's make it clear: All this ban does is to prohibit a clone from living inside a mother's womb. It doesn't ban destroying clones from experimentation, just for human life. So that is good.

But how would this House leadership react when a woman breaks a law and decides to have a cloned embryo inserted into her womb? Would they force her to abort the clone inside of her?

Columnist Charles Krauthammer, a prominent supporter of embryonic stem cell research, says, ''This practice sanctions the most ghoulish and dangerous enterprise in modern scientific history, the creation of cloned human life for the sole purpose of destroying them in the name of science.''

Mr. Speaker, life is a gift, not a science experiment. Let us have the decency in this Chamber to treat it as such. I strongly opposed the bill and urge all those that believe in the beauty of life to do the same.

Today, we debate embryonic stem cell research. Republicans are often categorized as opposing stem cell research. The truth is that Federal funding for stem cell research has increased by 60 percent since 2004 and was nonexistent before 2001. I support ethical scientific research when it does not depend on the destruction of life and I urge my colleagues to do the same.

SALUTING THE IOWA NATIONAL GUARD'S 1ST BATTALION, 133RD INFANTRY

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

Mr. BRALEY of Iowa. Mr. Speaker, I rise today in the week after Memorial Day to salute the brave men and women of the Iowa National Guard's 1st Battalion, 133rd Infantry. Their devotion to serving their country is worth recognizing, because these men and women put their lives on the line, day in and day out, in Iraq.

On Memorial Day weekend, CBS's ''60 Minutes'' devoted an entire hour to telling the story of the 1–133rd, one of the first times since 2004 that they devoted an entire hour to one subject. Many Iowans watched intently that Sunday night as they saw the story of their friends, neighbors and loved ones. We saw a group of Iowans mature over 2 years from their deployment to their pending return back home.

We speak a great deal in this body about our troops and the war in Iraq, and for good reason. But if I have learned anything from my interactions with the 1–133rd over the past several months, it is that the sacrifices we ask our troops to make when they are deployed in a hostile situation thousands of miles from home really are incalculable.

The story of the 1–133rd should be required watching for all the Members of this body, who must weigh the decision to send our troops overseas.

Again, I commend these brave men and women from Iowa.

□ 1015

COMBATING FRAUDULENT CREDIT CARD ABUSE

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

Mr. WILSON of South Carolina. Mr. Speaker, what do Ozzy Osbourne concert tickets, strip clubs, Las Vegas casinos, and expensive jewelry have in common?

If you think it sounds like a bachelor party itinerary, you will be surprised to learn it actually is a sampling of purchases made and places visited by Federal employees while using their government-issued credit cards.

What began as an efficient method for tracking and reimbursing legitimate expenses has morphed into an unmonitored system that can lend itself to abuse and fraud. For these reasons, Senator GRASSLEY and I have reintroduced the Government Credit Card Prevention Act. This bill provides for necessary oversight, including credit checks and periodic audits.

American taxpayers will not stand for this continued abuse and lack of oversight. Enactment of this legislation is crucial to promote fiscal responsibility.

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

CONGRATULATIONS TO J.F. ALLEN COMPANY

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

Mrs. CAPITO. Mr. Speaker, on March 21 of this year, a West Virginia leader in work site safety, J.F. Allen Company, marked a milestone of 1 million safe hours of work. I rise today to honor the company and join its employees in celebrating this outstanding accomplishment.

Established as a small family business, J.F. Allen Company has grown into one of the largest heavy highway construction firms in our State. The company's contributions can be seen in all corners of my district, including Stonewall Jackson Dam and Interstates 79 and 81.

J.F. Allen's contributions to the State are critical to our infrastructure development and maintenance. However, it is their commitment to employee safety that is the most important contribution to West Virginia. Thanks in large part to an award-winning safety program, employees are safe at work, logging 1 million safe hours since 1994.

Mr. Speaker, small businesses are the heart of our economy, especially in rural States like West Virginia. J.F. Allen Company's record of worker safety and commercial achievement is a model for all companies and represents the very best of West Virginia's workers and businesses.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 464

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research. All points of order against the bill and against its consideration are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

SEC. 2. During consideration of S. 5 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 464 provides for consideration of S. 5, the Stem Cell Research Enhancement Act of 2007. The closed rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The rule waives all points of order against the bill and against its consideration except those arising under clause 10 of rule XXI. The rule also provides one motion to commit.

Mr. Speaker, today's debate on stem cell research should be about the hope of science. It should be about how our society has always valued ethical medical research.

Many Americans awoke this morning to a news story about a potential new stem cell research technique using skin cells from mice. It was on the front page of many newspapers precisely because our society values hope and scientific advancement when done in an ethical manner.

The bill made in order under this rule maintains that tradition. With the House's approval, expanded Federal embryonic stem cell research again will be one signature away from becoming law.

Mr. Speaker, we already know that embryonic stem cell research has a potential to cure many debilitating conditions like diabetes, Parkinson's disease, Alzheimer's, spinal cord damage, and maybe even bone marrow failure. These ailments affect the young and the old, the rich and the poor.

Families from all walks of life have had firsthand experiences with these tragedies. Sad but true, disease is one of life's great equalizers. Research and medical ingenuity are our society's tools to fight these diseases.

This shared experience, the hope that stem cell research brings, may be one reason why it enjoys such bipartisan support. Polls indicate that three out of every five Americans support stem cell research, including 54 percent of Republicans.

But there are many other reasons to endorse expanded Federal stem cell research. Earlier this year, Congress and the world heard support from an unexpected source. In testimony before Congress on March 19, the Director of the NIH made a high-profile break with the administration on shortsighted stem cell policy. He said: ''It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more cell lines that they can study.''

The United States has always led the effort to push the frontiers of medical research. But as the NIH Director's testimony indicates, Mr. Speaker, on this issue the United States is falling behind for no good scientific or moral reason.

His testimony is in line with the consensus within the wider scientific community as well. The American Association for the Advancement of Science, the Cancer Research and Prevention Foundation, the UC Davis Medical Center in my hometown of Sacramento, the University of Texas Southwestern Medical Center at Dallas in my colleague's district, the Lance Armstrong Foundation, all of these and hundreds of others support ethical embryonic stem cell research.

Mr. Speaker, it is abundantly clear that we must update our national stem cell research policy. A bipartisan majority in Congress has tried several times. Last year, both Chambers voted by wide bipartisan margins to expand ethical Federal stem cell research. Unfortunately, the President blocked that progress, that hope, that good science. But his veto only delays the issue temporarily because support for this responsible research continues to grow.

Earlier this year, the new Democratic majority acted swiftly to reconsider the issue. The bill before us is a result of that bipartisan, bicameral leadership; and it passed by a greater margin than in the last Congress.

We should act now to forward that proposal on to the President. We should give him another chance to do what is right by signing this bill into law.

Mr. Speaker, there is little disagreement about the science of stem cell research or what ethical rules should govern it, so let's stop delaying a commonsense proposal. I urge all Members to support this rule and the underlying legislation.

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

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

Mr. Speaker, I rise today in strong opposition to this closed rule and to this seriously flawed underlying legislation. While the process involved with bringing bills to this floor is very slightly improved over this past January when the Democratic leadership bypassed long-standing bipartisan regular order and used their rules package to create a closed process that skipped

even bringing their flawed stem cell bill to the Rules Committee for its consideration, it is still overwhelmingly flawed and directly contradicts widely reported Democrat campaign promises to run the most open and ethical Congress in history.

Yesterday, the Rules Committee met and the majority Democrats reported out two completely closed rules, one which will completely lock down this important debate today regarding the Federal funding of stem cell research upon which a great deal of honest and heartfelt moral and scientific disagreement exists on both sides of the aisle.

In this exclusive and rushed process, it feels very familiar for the Members. If it does, it should. Because, back in January, the Democrat leadership forced a similar hastily written and politically motivated stem cell bill through the House without any input from the Members. Their purpose then was the same as it is today: to attempt to score some political points at the expense of sound science, openness, and transparency, not to mention feedback from its Members.

Because they knew that their crass political move would never pass the Senate, today we are forced again to take up yet another flawed stem cell bill for political purposes under yet another completely closed rule that provides no Member of this body with the opportunity to amend or improve it.

Worst of all, rather than taking this second chance to work in a bipartisan fashion to create a bill that balances cutting-edge medical research with the serious ethical implications created by stem cell research, this rule simply advances the Democrats' cynical agenda to send a flawed bill to the President for his veto, despite the legislation not even achieving a veto-proof majority in the Senate.

Unfortunately, judging by their performance on recent supplemental funding measures for our troops, it seems like the Democrats need to be vetoed once or twice before they realize that they simply cannot pander to their liberal blogs. They actually need to work together to reach across the aisle to deliver workable bills that are in the interest of the American people.

Mr. Speaker, not only is this a bad way to handle this process, I think it is an embarrassment to the institution that the Democrat leadership would fail to work openly with the over 400 duly elected Members of this legislative body to find common ground that balances the multiple grave concerns surrounding this legislation.

This legislation forces taxpayers to fund research requiring the destruction of human embryos rather than seeking a middle ground on which researchers can be provided with the embryonic stem cells that they need to advance science while not violating the sanctity of life.

This legislation fails to specify whether these embryonic stem cells that will now be eligible for Federal funding can be taken from embryos that still retain the potential for implantation or if they would be taken from embryos that no longer have the potential for further cellular division.

This lack of clarity is not a function of a lack of ideas or debate on the matter. A compromise measure, introduced in the Senate by Senators ISAKSON and COLEMAN, already exists which provides for research only on those embryos which no longer have the potential for cellular division.

Here in the House my colleagues, including my friend from Georgia, Dr. GINGREY, also offered a thoughtful amendment that was rejected by the Democrat Rules Committee which would have provided for the Federal funding of pluripotent stem cells which can specialize in any bodily tissue but cannot develop into a human being.

□ 1030

And despite the near-certain protests to the contrary that will be made by some Members of this body, this legislation also fails to contain language to prohibit or even propose ethical regulations for cloning or egg farming.

Finally, rather than allowing science to progress based on merit, this legislation picks winners and losers in the research community by choosing which research methods would be funded. It diverts research funds from very promising areas, such as adult stem cells and cord blood, despite the fact that adult stem cells have already been proven to work over and over.

But don't take my word for it. James Thompson, the first scientist to derive stem cells from a human embryo, was quoted in The Wall Street Journal saying, ''I am not entirely convinced that embryonic stem cells will, in my lifetime and possibly anybody's lifetime for that matter, be holding quite the promise that we desperately hope they will.''

Mr. Speaker, this debate has been so politicized that the American public can no longer even hear above the political fray about the miraculous and leading-edge technologies and therapies being derived today from adult stem cells, amniotic fluid and human umbilical cords, all without the moral and ethical controversies created by this bill.

Treatments for injuries and chronic illnesses as diverse as spinal cord and heart tissue regeneration, bone marrow and vision therapies and diabetic management are all emerging as we speak, and this Congress should not be in the business of politically allocating scarce resources away from these technologies and methods as researchers continue to perform scientific miracles, such as creating embryonic-like stem cells without using eggs or destroying embryos, like the scientists at the Whitehead Institute for Biomedical Research in Cambridge, Massachusetts, have already accomplished in laboratory tests.

The point, Mr. Speaker, is that the process provided for under this rule does not allow for debate on the central issue: Does a middle ground exist that can provide scientists with the stem cells that they need to continue their cutting-edge research while at the same time respecting the sanctity of life?

Unfortunately, once again, the graveyard of good ideas in the House, the Democrat Rules Committee, has provided this body with a rule that allows none of this debate. Instead, Members of this body are being asked to vote up or down on a very blunt measure that fails to recognize the vast complexity of this issue.

This is no way to run the people's House, Mr. Speaker, and it is certainly no way to run a self-proclaimed most open and ethical Congress in history. I urge all of my colleagues to defeat this rule and the underlying legislation so that the House can have a real and meaningful debate on this issue and not allow something as important as the fate of stem cell research to be determined by bumper-sticker politics. This House does deserve better and the American people deserve better.

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

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from California (Ms. MATSUI) for yielding me the time.

Mr. Speaker, I rise today in strong support of this ground-breaking legislation, S. 5, the Stem Cell Research Enhancement Act of 2007, and I want to commend the bipartisan leadership of Senator REID and Senator HARKIN and Senator ORRIN HATCH for their hard work in crafting and passing this legislation. And I also want to thank the bipartisan leadership of Congresswoman DIANA DEGETTE and Congressman MIKE CASTLE for their tireless work on stem cell research funding.

Mr. Speaker, Democrats have fought long and hard in the name of science and innovation. Here in the House of Representatives on January 11 of this year, as part of the 100 hours legislation led by Speaker PELOSI, we saw the unlocked potential held in stem cell research. We saw the potential to cure the diseases that affect 100 million Americans, debilitating diseases such as Parkinson's, diabetes, Alzheimer's, Lou Gehrig's, multiple sclerosis and cancer, and I could go and on and on and on.

In my district of Massachusetts, my constituents see the value of progress and want to invest in the life sciences. As part of the life science initiative by

the State, a stem cell bank will be created at the University of Massachusetts Medical Center in Worcester. It will be part of the largest repository of stem cell lines in the world.

Mr. Speaker, embryonic stem cell research has the support of over 500 organizations, including the American Medical Association, AARP, the Association of American Medical Colleges, American Diabetes Association and Paralyzed Veterans of America, and I could go on. I believe we owe the American people the promise of science and medicine.

The legislation before us reflects the best science in the world. The legislation before us holds out the hope for a better life for millions of people all throughout the world.

It is time that President Bush stop being an obstructionist on this issue. It is time that he gets out of the way and listens to the will of the American people.

The gentleman from Texas (Mr. SESSIONS), my colleague, says that this is about politics. It is not about politics. This has nothing to do with politics, and it is sad that so many people who oppose this want to politicize this issue. It isn't about politics.

It is about life and death. It is about improving the quality of life through the best science that is available to us.

So it is time for this Congress to at long last do the right thing. We have debated this issue over and over and over and over and over. It is time for this Congress to do the right thing, to listen to the will of the American people, to listen to the best science and finally pass this bill.

GOVERNOR PATRICK ANNOUNCES MASSACHUSETTS'S NEW LIFE SCIENCE INITIATIVE

BOSTON.—Tuesday, May 8—Governor Deval Patrick today announced his plan to make Massachusetts the global leader in life sciences, unveiling for the first time ever a comprehensive, collaborative Massachusetts Life Science Strategy.

The plan, outlined during a speech at the BIO 2007 convention, includes a 10 year, $1 billion investment package that will both enhance the state's already nationally recognized assets in the fields of medicine and science and fill gaps in federal funding to ensure the state's ability to support life science progress from the idea stage through the production stage. The Patrick Administration's strategy brings together industry, academic research hospitals, and public and private colleges and universities to coordinate these efforts, spur new research, strengthen investments, create new jobs and produce new therapies for a better quality of life.

''There is no place in the world with as much talent in life sciences and biotech as here in Massachusetts,'' said Governor Patrick. ''Now is the time for us to invest in that talent and bring together the resources of our unparalleled research universities, teaching hospitals, and industry to work towards a common goal—to grow ideas into products to create cures and jobs.''

Key to the Governor's Life Science Initiative is new legislation that will strengthen the Massachusetts Life Science Center and charge it with the execution of a life science mission focused on science and economic development, strategic investments at critical stages of the development cycle, and collaboration with the private sector to create innovation infrastructure critical to both researchers and companies. The Governor also announced his commitment to making targeted investments in companies that encourage life science economic development in the Commonwealth.

''I commend the Governor for reaching out to all sectors of our life science cluster in order to craft a stem cell/life science package that recognizes the unique institutional assets and intellectual firepower in our region,'' said Steven Hyman, Professor of Neurobiology at Harvard Medical School and Chairman of the Massachusetts. ''The Governor allocates state resources in effective ways to enhance our traditional strengths, buttress areas that need attention, and encourage powerful collaborations between our leading edge institutions.''

Today's announcement at the BIO 2007 Convention highlighted the following:

A $1 billion investment package that includes funds to:

Bridge the NIH funding gap—A competitive grant program during the current downturn in federal support to sustain key programs in the state. Our collective success during the 1998–2003 period when the NIH budget doubled from $14 billion to $28 billion only solidified Massachusetts' dominance in the area of biomedical research. However, the subsequent four years of flat funding since 2003 has caused a 13 percent loss of funding power by NIH and a 35 percent reduction in support for clinical trials. The Patrick administration will make surgical investments during the downturn to sustain key programs here in Massachusetts in order that our position is sustained to once again capture large percentages of new funding when it materializes.

Create the Massachusetts Stem Cell Bank—A first in the nation centralized repository of new stem cell lines available to all sectors, public and private, of research enterprise. Boston University, Brigham & Women's, Children's Hospital, Harvard University, Massachusetts General Hospital, the Massachusetts Institute of Technology, Partners HealthCare and the University of Massachusetts have already agreed to participate in the Bank when it is completed.

Establish Massachusetts Life Science Fellowship Grants—Grant packages for research institutions in Massachusetts to attract and retain the rising stars of life sciences research in the Commonwealth, and ensure Massachusetts is competitive with other states and nations.

Establish Massachusetts Life Science Innovation Centers—Centerbased research facilities that streamline technology transfer, development time and funding opportunity.

''As the president of the University of Massachusetts, the leading public academic research institution in the Commonwealth, I applaud Governor Patrick for making such a strong commitment to the life sciences, particularly stem cell research and RNAi-related research and development,'' said University of Massachusetts President Jack M. Wilson. ''The announcement today is an important step in developing a world-class life sciences strategy for the Commonwealth that will foster scientific innovation, including unlocking the mysteries of debilitating diseases, and spur economic growth. The University of Massachusetts is proud to be able to play an important role in this strategy and I truly believe this proposal is far-reaching, comprehensive and of sufficient scope and scale to enable Massachusetts to continue and expand its national and global leadership in biotechnology and the life sciences.''

''It is clear to me that scientific innovation and cutting-edge research help set Massachusetts apart in the eyes of the life sciences and greater scientific community. Today's announcement of this significant, new state funding is an important signal that the opportunities to do cutting-edge research in this state are expanding. I am proud that RNAi is already changing the scientific landscape, offering new tools in the effort to better human health; my colleagues at the UMass Medical School and I see great promise in our continued work with RNAi and RNAi Therapeutics. Support of this type from the government, academic institutions and society allows us to further advance science and to conduct important basic, clinical and translational research,'' Nobel Laureate Craig Mello, Ph.D. of the University of Massachusetts Medical School said.

''The future of life sciences is here in Massachusetts.'' Governor Patrick said. ''We have the talent. We have the entrepreneurial spirit. Now let's seize the future.''

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the ranking member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I'm proud to stand here as someone who is supportive of embryonic stem cell research. I have voted in support of this research in the past, and I plan to vote for it again today when this measure is brought up.

But I have to say that as I listened to my very good friend from Massachusetts (Mr. MCGOVERN) speak on this issue, and I will say again to him that, as he knows, I am a supporter of stem cell research and I will be voting in support of this bill, I'm absolutely horrified by the remarks that were just made by my colleague from Massachusetts. Why? Because just yesterday he stood here during the debate on the Afghanistan Freedom Act rule and said there that we're now enjoying a new day in the House of Representatives, and yet, we today are considering this rule under a completely closed process, shutting out all Members, Democrats, Republicans alike, who might want to have an opportunity to make some kind of amendment or modification to this process.

Further, Mr. MCGOVERN went on to talk about the fact that there is a very important institution in his congressional district that will be the beneficiary of the funding that is provided for this research, and that gets right to the point that I believe is a very important one for us to make.

Well, we continue, Mr. Speaker, to hear this argument that it's a new day in this Congress. I am very, very troubled over a number of issues and over the fact that nothing, nothing could be further from the case.

Now, we've heard both sides of the aisle talk about the need for earmark

reform, and that's the reason that I just raised the issue of Mr. MCGOVERN's hospital to be a beneficiary of this bill. I'm wondering whether or not that's an earmark that we're considering.

Now, Mr. Speaker, I'm very proud of the fact that, in the 109th Congress, we passed major earmark reform legislation. It was earmark reform legislation that had enforceability and full accountability, and we heard Democrats say that they wanted to, quote/unquote, improve on the earmark reform that we proudly put into place in the 109th Congress.

The real tragedy here, Mr. Speaker, is the fact that we not only have seen no improvement on the issue of earmark reform, but what has happened? We have seen a retrograde step taken on the issue of accountability and enforceability.

And let me explain that to my colleagues and then proceed to say that Mr. SESSIONS will be moving to defeat the previous question, and if the House sees fit to defeat the previous question on this issue, Mr. Speaker, what we will do is we will offer an amendment, an amendment that will finally bring about the kind of enforceability that we passed in the 109th Congress but, through sleight of hand by the House Committee on Rules, has been denied every Democrat and every Republican in this institution.

And so let me make it very clear, as we complete this debate and go into a vote on the previous question, any Member of this institution who votes in favor of the previous question to end debate will be, in fact, denying an opportunity for us to have accountability, enforceability and transparency on this issue of earmark reform.

Now, what is it that we've seen reported to us on this earmark process that is going to be moving ahead in the days and weeks and months ahead? We've already seen abuse in the Intelligence authorization bill that we had, and I'm not going to get into the details of that. Everyone knows we had a major clash that took place here between our colleague from Michigan (Mr. ROGERS) and the gentleman from Pennsylvania (Mr. MURTHA). We all know about that.

But what is on the horizon for us, Mr. Speaker? What's on the horizon is the fact that the very distinguished gentleman from Wisconsin, the chairman of the Committee on Appropriations, has already announced, when it comes to the issue of earmarks, we're not going to be doing it in the appropriations process. How is it that earmarks are going to be able to get into the bill? They're going to be air dropped into conference reports. Now, it's very difficult to imagine a more secretive process for earmarks than to have them air dropped into conference reports.

But now let's again look at what we did in the 109th Congress and what we're going to propose if Mr. SESSIONS is successful at defeating the previous question.

What is going to happen, Mr. Speaker, is we're simply going to say that there should be an opportunity for enforcement. Again, we had that enforcement provision in the earmark reform that we passed in the 109th Congress, but that has been completely denied. Mr. Speaker, no Democrat, no Republican can stand up, and if a list is not provided of those earmarks, raise a question about that. If the chairman has simply said, there are no earmarks, there is no opportunity today under the action that has been taken by this Democratic Congress, whether they have said they're for earmark reform and accountability and transparency, they, in fact, deny that.

And so all we're saying, Mr. Speaker, is let's give Democrats and Republicans an equal opportunity to do what it is that the American people have said should be done. We want to bring an end to wasteful spending and abuse of this so-called earmark process.

So there's going to be an opportunity. There's going to be an opportunity in just a few minutes for every single Member of this institution, Democrat and Republican alike, to decide whether or not we're going to build on the success that we had in the 109th Congress with accountability, enforceability and transparency on earmark reform, or will we, in fact, allow a secretive process which encourages abuse to proceed.

Now, I'm old enough, Mr. Speaker, to have served here when Ronald Reagan was President of the United States. In his negotiations with the Soviet Union, he used a Russian expression. ''Doveryai, no proveryai,'' was the Russian expression that he used. And what did that translate to? ''Trust, but verify.'' And that's exactly what this debate comes down to, Mr. Speaker: Trust, but verify, because I hear Democrats and Republicans alike say that we need to have full accountability and we need to bring an end to abuse of the earmark process. But we need to have a process of verification. We need to have a process that will allow us to ferret out the kind of abuse that we've already seen in the 110th Congress to this earmark process.

□ 1045

Again, I am going to encourage a ''no'' vote on the previous question. Mr. SESSIONS will be encouraging that at the end. When, because I am an eternal optimist, like Ronald Reagan, when we defeat the previous question, all we will be doing is saying that we should come back to the kind of accountability, transparency, and enforceability of the earmark reform to which everyone seems to be so strongly committed.

Ms. MATSUI. Mr. Speaker, I want to remind everybody today that we are talking about embryonic stem cell research.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI), a member of the Rules Committee.

Mr. ARCURI. I thank my colleague and good friend, the gentlelady from California, for yielding me this time.

Mr. Speaker, I rise today in very strong support of this rule and the underlying bill, the Stem Cell Research Enhancement Act.

I have listened to stories from around my upstate New York district from families affected by life-threatening and debilitating illnesses: children with childhood diabetes, men and women with spinal cord injuries, lupus, Alzheimer's and Parkinson's. Every day, these brave Americans fight the odds with the hope that stem cell research will one day give them a new lease on life.

The Stem Cell Research Enhancement Act will ensure that our Nation's scientists are able to work towards making that hope a reality. Most importantly, this bill creates an ethical framework, stronger than the President's current policy, which must be followed in conducting this lifesaving research. The bill only authorizes the use of stem cell lines generated from embryos that would otherwise be discarded by fertility clinics and requires written, informed consent from the donating women.

My constituents support this ethically responsible lifesaving research, and I stand with them today to give hope to millions of people around the country.

Opponents say they believe life is sacred, and I agree. It is. So let us leave no stone unturned to give as many people the opportunity, the chance to live, people with lupus, with Alzheimer's, with Parkinson's, with diabetes. Let us pass this stem cell bill.

The message from the American people is clear. It is time for this administration to do the right thing and sign this critically important law.

My colleague talks about bumper sticker policies and pandering to liberal blogs. This is not about pandering to liberal blogs. This is about listening to the American people. It is time this administration listens to the American people and signs a stem cell research bill.

Mr. SESSIONS. Mr. Speaker, I yield to the gentleman from Georgia, Dr. GINGREY, 5 minutes.

Mr. GINGREY. I thank my former colleague on the Rules Committee, Mr. SESSIONS, for yielding to me.

Mr. Speaker, I rise today in very strong opposition to the rule and the underlying legislations, S. 5, the Stem Cell Research Enhancement Act.

Once again, the Democratic majority brings to the floor a closed rule on a

bill that Members of this body would love to have the opportunity to make better through the amendment process. This legislation has not been given a committee hearing or even vetted in a markup. Instead, the Democrats in the House have said that they know best, period, in the 110th Congress.

Over 45 percent of the bills have come up under our closed rule, and less than 2 percent have enjoyed what we call an open rule that allows for full and honest debate, whether it's debate from a Democrat or a Republican.

Now their legislation was sent over to the other body in January, where they changed it, they amended it. So why, I don't understand, why do the House Democrats insist on shutting their colleagues in the people's House out of the process? It's okay in the other body, but it's not okay here.

Well, this new majority has sent a clear message when it comes to valuing the input of their colleagues. They don't.

On bills that clear committees unanimously, bills where both parties rush to the floor to applaud the final legislative process, the Democrats allow amendments on those. Let them offer them and be debated. But on an issue where the American people hold deeply differing views, the Democrats shut out ideas and debate.

By once again debating this stem cell legislation under the same closed rule, the Democratic leadership is saying to the American people this issue is the same today as it was in January, as it was last summer in the 109th Congress, as it was, indeed, back in August of 2001.

However, the reality is that this issue has fundamentally changed. Science is moving faster than bureaucracy and, yes, even faster than politics. Scientific breakthrough after scientific breakthrough shows that there are other ways to achieve the hope, the hope of medical cures, the new therapeutic treatments without any collateral damage mandated by the legislation that we are debating today.

Science has, indeed, outrun politics, and the American people, they deserve a full and comprehensive debate on a morally contentious issue such as this.

That's the reason that I offered an amendment, my colleague referred to it earlier, to the Rules Committee yesterday that would have replaced this ethically divisive legislation with a bill introduced by Representative ROSCOE BARTLETT, the gentleman from Maryland, and myself. We call it the Alternative Pluripotent Stem Cell Therapy Enhancement Act.

This amendment would authorize the use of Federal funds to research alternative and ethical ways to extract embryonic life or pluripotent stem cells. My amendment would authorize the use of Federal funds to research alternative and, yes, ethical ways to extract these embryonic-like, or we call them pluripotent, stem cells; and that's what we should be debating on the floor of this esteemed body today, legislation that sidesteps the ethical questions of embryonic stem cell research altogether.

We don't have to go down this road that totally divides us. Some on the Republican side, some on the Democratic side, pro-life, pro-choice, if we can avoid that division, I think we ought to embrace the opportunity to do so.

That's why, reluctantly, I have to come and stand and oppose a rule. I have great respect for my colleagues on the majority side of the Rules Committee that I worked with for the last 2 years, but I think it's wrong to close a rule or a question of this importance.

So I do, I ask my colleagues, oppose the rule and oppose the underlying legislation. That's exactly what we need to do, because we can do this better, and we don't have to divide one another.

Ms. MATSUI. Mr. Speaker, before I yield, I just want to make a point that this bill sets stringent ethical guidelines for an expanded Federal embryonic stem cell research program, and it encourages new alternative sources of stem cell research, like what made the news today.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio, a member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. I thank the gentlewoman for her leadership on this rule and on this very, very important issue and for the time to speak.

Mr. Speaker, I rise today in favor of the rule and in favor of S. 5, the Stem Cell Research Enhancement Act.

As the elected representative of diverse constituencies, we face many challenges in this House. We face challenges that affect the lives, finances, work and health of all Americans. As we face these challenges, we are called to do everything in our power to create solutions and find relief for the problems that plague our constituents. We are called to fight. We are called to work creatively. We are called to open doors and explore new avenues. We do everything in our power to relieve suffering, to bring relief, to create opportunity and to enhance lives.

Today, I rise in favor of continuing that mission to do everything that we possibly can to relieve the suffering of the people of Ohio's 13th District and districts across the United States.

During my campaign, I had the good fortune to meet a business owner by the name of Fred Martin. For the past 33 years, Fred has lived with diabetes. Diabetes has no cure. Despite diligent care, a precise diet and insulin, shots that he takes over and over throughout the day, the best that Fred can hope for is that his disease not get any worse. He has worked meticulously over the past 33 years to manage his disease so that he could be there for his children and attend to his business, but he wonders how his life could be different.

Fred endures seven insulin shots every day, two before breakfast, two before lunch, two before dinner and one before bed. He pricks his finger to check his insulin levels 8 to 10 times every day. He says that he's glad that he's still here. He's grateful for all that science has done for him that has allowed for him to be around to raise his children. But he adds, please, don't stop now.

When discussing the potential that stem cells hold, he says, ''To deny our scientists the right to make the people in our society healthier and to help them lead better lives is really a crime! . . . I expected more of my government.''

If we do not change our policies soon, we will continue to drive this cutting-edge research overseas. Just this week, newspapers report that British scientists are embarking on research which could deliver the world's first stem cell treatment for blindness. The 4 million pounds that were donated to the project came from an anonymous American philanthropist. This country cannot afford to be a hostile environment for scientific research and development.

Today, we have a chance to unlock a world of potential. Our researchers will no longer have to fight with one hand tied behind their back.

I believe that we have a duty to our constituents to do everything we can to make their lives better, to relieve their suffering and to use our government and its resources effectively and efficiently to heal, help and explore.

Fred Martin was right. Our constituents expect more. Today, they will get it.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding and for his strong and clarion remarks on this rule.

Mr. Speaker, I oppose this rule and rise to oppose the underlying bill as well.

I must tell you, as I listened to the gentlelady from Ohio bring her remarks to the floor, I want to say, there they go again. There they go again, telling the American people that this is a debate between science and ideology when, in fact, destructive embryonic stem cell research, despite my strong moral objections, is completely legal in the United States of America.

The debate today is not about whether embryonic stem cell research, research that destroys a human embryo for scientific research, should take place. This is just about who pays for it.

I can understand why Members of the majority want to focus on this false

choice between science and ideology. The language like America becoming a hostile environment for medical research is amusing me, because destructive embryonic stem cell research, and I say this with a heavy heart, is legal in all 50 States in America. It is simply that liberals in this country are not content to simply have research that destroys human embryos for unproven human science, but they want me to pay for it. They want tens of millions of Americans who, like I do, believe that life begins at conception to see their taxpayer dollars used to fund research that they find morally objectionable. That's really the issue.

The debate is not about whether we should do embryonic stem cell research, would that it was, would that we were here on the floor actually debating along the fault lines of science and morality. I am ready for that debate. Forty-eight years and nine months ago today, I was an embryo. I am ready to have the debate about the sanctity and the value of human life. But we are not having that debate today.

America since Roe v. Wade has moved past the issue that was framed so eloquently by the late President Ronald Reagan. He said, we cannot diminish the value of one category of one human life without diminishing the value of all human life.

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But our Supreme Court made a decision decades ago that we would put choice above life. But I will stay in that moral debate. But, again, it's not what we're about today. And any one of my colleagues here on the floor and anyone listening in, let's at least be honest about what we're talking about. And that is, this debate is not about whether we should do embryonic stem cell research. And I know we've heard from wonderful scientists on our side of the aisle who've reminded us, inconvenient for the majority, that 100 percent of the scientific breakthroughs that have taken place in stem cell research have taken place in adult stem cell research. There's not been a single therapy developed from embryonic stem cell research, and there are scientific reasons why we can expect that there never will be, given the instability of nascent human life at that stage. But I'm not an expert in that area.

You know, I'm a guy; I come from south of Highway 40 in Indiana. I keep things real simple. This is just a debate about who pays for research that destroys human embryos. And I simply want to say again, this debate is not really about what an embryo is. This debate is about who we are as a Nation; whether or not Congress will, as they did before, send legislation to the President of the United States that will take the taxpayer dollars of millions of pro-life Americans and use it to fund research that they find morally objectionable. But I can count, Mr. Speaker. I expect this legislation will pass again. But I thank God that we have a President in the White House who will, I have every confidence, veto this legislation just as he did before, and that we have a tenacious pro-life minority in this House that will defend the President's veto.

Let me say, again, I believe that life begins at conception. And I believe it's morally wrong to create human life to destroy it for scientific research. But that is not what this debate is about. This debate is not about whether we should do embryonic stem cell research; it's about who pays for it. And liberals in this Congress are not content simply to have embryonic stem cell research legal in all 50 States. They want pro-life Americans like me to get our wallets out and finance it, and I'm not having that, Mr. Speaker.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, let me just say that Mrs. Reagan was in favor of stem cell research, embryonic stem cell research. And we know that President Reagan had a very debilitating disease, and I feel that that's the reason why she has supported it.

So with that, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I rise in strong support of the Stem Cell Research Enhancement Act.

My own State, Pennsylvania, is in the forefront of science and medicine. Our hospitals, medical schools, biotechnology and pharmaceutical institutions are home to some of the best and brightest scientists who are working every day to provide new medicines and diagnostics. These scientists need access to all of the tools available to do their vitally important work.

The science is clear. Stem cell research offers hope for better treatments and possible cures for cancer, Parkinson's, Alzheimer's, diabetes, spinal cord injuries and so many other debilitating diseases and disorders that directly affect 100 million Americans and their families.

Yet President Bush continues to let politics, not science, not the health and well-being of American families, and not the will of the majority of Americans dictate his decision-making.

American families want cures, not politics. They want hope, not lost opportunities. That is why it is so important that we are, again, bringing this proposal to the floor of Congress.

Today, with bipartisan support, Congress will again seek to offer hope to millions of Americans battling disease and injury. Today, Congress will, once again, vote to maintain the United States' stance as a world leader in medical research and scientific advancement. And today, we will stand up to the President and, again, choose to advance scientific discovery in an ethical and responsible manner.

I urge my colleagues to support ethical scientific research and to support hope. We should vote ''yes'' on this rule. We should vote ''yes'' on the Stem Cell Research Enhancement Act.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to inquire upon how much time is remaining on both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 3½ minutes. The gentlewoman from California has 14.

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

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a very personal debate, and it is a serious one. But I would only ask my colleagues on the other side of the aisle to entertain the thought that we are, today, addressing the lives of Americans, and we can't fool around with life and death issues that impact on the lives of Americans. Millions of Americans today, a collective number of 110 million, are dealing with the diseases of diabetes, Alzheimer's, some with spinal cord injuries, and many others impacted by the inertia of this body. And so let me applaud my colleague, Congresswoman DEGETTE, because this legislation, as my colleagues realize, is imperative for it to move as S. 5, the Stem Cell Research Enhancement Act of 2007. We know that if this bill does not pass, it does not get to the President's desk, and lives of millions of Americans will be impacted. It is a simple bill. It says that ''the stem cells were derived from human embryos that are donated from in vitro fertilization clinics for the purpose of fertility treatment and were in excess of the needs of individuals seeking such treatment. The embryos would never be implanted in a woman and would otherwise be discarded. Such individuals donate the embryos with written informed consent, and receive no financial aid or other inducements.'' These embryos otherwise would be discarded.

What is our challenge in America? To rise to our higher angels?

This rule is constructed to save lives. Our friends will have the privilege of a motion to recommit, but we have the responsibility of saving the lives of 110 million Americans, children, family members of yours, loved ones, husbands and wives and others. Some are our soldiers on the front lines of Iraq and Afghanistan. We can do no less today. Pass S. 5. Vote for the rule, and vote against the motion to recommit.

Mr. Speaker, I rise today in support of S. 5, the "Stem Cell Research Enhancement Act of 2007," which the House passed in substantially similar form by a vote of 253–174 on

January 11, 2007. The legislation passed the Senate by a nearly veto-proof majority of 63–34. The only difference between the version passed by the House and the Senate is that the Senate version contains a provision directing the Secretary of HHS to conduct and support research on alternative human pluripotent stem cells.

Mr. Speaker, once again we find ourselves in a position to pass legislation that will provide our nation's scientists with the valuable opportunity to save lives. It is our duty as representatives of the people to help Americans who are suffering. The President should put away his veto pen and listen to the American people. They want him to sign this bill. Signing this bill will help bring about the new direction in leadership and responsiveness that American people voted for last November.

In 1998, the very first stem cells were isolated, leading to the immediate realization of the enormous possibilities this discovery presents. Suddenly treatments, even cures, seemed possible for devastating illnesses like Parkinson's disease, diabetes, Alzheimer's, Amyotrophic Lateral Sclerosis (ALS), cancer, and spinal cord injuries.

Despite restrictions on federal funding imposed by President Bush in 2001, the states of California, New Jersey, Connecticut, Illinois, and Maryland have provided funding for this important research. In 2005 and again last year, we learned that in spite of the President's continued opposition to stem cell research, support for it in Congress transcended party lines.

Unfortunately, the embryonic stem cells currently permitted by law for research are not sufficient for scientists' needs. According to the National Institute of Health (NIH), of more than 60 stem cell lines that were declared eligible for federal funding in 2001, only about 22 lines are actually available for study by and distribution to researchers. These NIH-approved lines lack the genetic diversity that researchers need in order to develop effective treatments for millions of Americans.

In spite of recent scientific breakthroughs that suggest alternate means of obtaining stem cells, I must caution my colleagues from thinking that embryonic stem cell research is no longer necessary. I applaud Dr. Anthony Atala and his team at Wake Forest University and Harvard University for their very recent outstanding discoveries. However, I must repeat the caution of Harvard researcher George Daley in saying that these newly discovered cells "are not a replacement for embryonic stem cells"—on the contrary, research for these is entirely complementary. In addition, while we know very little about these new methods, much progress has already been made in the research of embryonic, or pluripotent, stem cells, the most adaptable and unique of all the stem cell varieties. They currently provide scientists with the most possibilities for research and for the discovery of life-saving treatments; as such, we must allow these scientists the opportunity to do so.

It is understandable that many Americans may have moral conflicts with this issue if they believe that embryos need to be destroyed in order for this research to be implemented, but this is not the case. It is estimated that more than 400,000 excess frozen embryos exist in the United States today and that tens of thousands, and perhaps as many as 100,000, are discarded every year.

Further, S. 5 ensures that none of the embryos used in stem cell research is intended for implantation in a woman. All of these embryos would otherwise be discarded. Mr. Speaker, denying people in our nation who suffer from debilitating illnesses the possible medical benefits that could result from embryonic research is not only cruel but a waste of these valuable life-sustaining stem cells.

This is indeed a matter of ethics—we cannot morally argue that it is better to deny suffering people hope for a cure. Let us provide all people in this world with possibilities for a better future by supporting stem cell research. Let us create the potential for miracles in the lives of paralyzed individuals, those with cancer, or those in need of organ transplants.

This bill provides a limited—yet significant—change in current policy that would result in making many more lines of stem cells available for research. If we limit the opportunities and resources our researchers have today, we only postpone the inevitable breakthrough. Our vote today may determine whether that breakthrough is made by Americans, or not.

I urge my colleagues to vote in favor of this bill, to vote in favor of scientific innovation, and to vote in favor of a perfect compromise between the needs of science and the boundary of our principles.

Mr. SESSIONS. I continue to reserve my time, Mr. Speaker.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, first, I want to express my enormous appreciation to Congresswoman DIANA DEGETTE.

This morning Speaker PELOSI said, this is really a great day, not only in the United States Congress but for the American people around the country. Many times we deal with issues that are either sort of lower on the list of importance. We name post offices. We give certain honors to individuals. That's all good. But today we're dealing with an issue that affects millions, over 100 million Americans, really not a family that's not touched by Alzheimer's disease, Parkinson's disease, diabetes, as DIANA DEGETTE's daughter is. And like many mothers who come to the Congress and ask us to address issues that have affected their children, DIANA DEGETTE is in a position to actually make something happen, and she has, in the most educated, illuminated, compassionate way, to bring this legislation to the floor of the House of Representatives today.

I also rise in the name of our beloved friend and part of our congressional family, Lane Evans. Lane is one of the million Americans who suffers from Parkinson's disease, who has had to cut his career short. His leadership and dedication to making progress with stem cell research was inspiring. He understood the hope that embryonic stem cell research holds for so many like him. It's time that we pass this bill for people like Lane Evans; a hero, a Marine, someone who has fought all his life. And now we need to fight for him.

I also rise in support of this bill for my friend, Bonnie Wilson, and her daughter, Jenna, who's one of the 7 million American children living with diabetes. Stem cell treatment may be her only hope. It's time that we finally make progress, put aside ideology, and, yes, it is about ideology versus science, and pay attention to the science. And I want to thank all the children and parents, the children who have diabetes who have come to me year after year after year after year to my office, told me about the shots that they take, the parents waking up several times during the night to check the levels on their children; worrying day and night that they are going to get that phone call that there has been some disaster. It's for them that we do this. And so we're standing today on the brink of incredible scientific breakthroughs that are going to address the issues that plague all our families. My family has been plagued by the early loss of my daughter-in-law, Fiona, to cancer.

Let me just say then, for Fiona and for my grandchildren who were left motherless at a very, very young age, and all the families, I'm not alone. No one's alone in this; that we stand together today to say we believe in a cure. We want to support a cure. We, the American people, through our taxpayer dollars, what could be a better expenditure of that? Should we throw away unused embryonic stem cells? Should we toss in the garbage, literally, the possibility of these cures? I don't think so. Let's take that leap today for our children and future generations.

Mr. SESSIONS. Mr. Speaker, at this time I'd like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Every week, Mr. Speaker, medical journals, science periodicals, as well as the mainstream media, announce and report on yet another promise and advance in adult stem cell research and clinical application. Unlike embryonic stem cell research, which has had a poor track record, adult stem cell therapies are not only the present, they are the future as well. Cord blood stem cells, for example, are healing and mitigating a myriad of diseases today and promising research that suggests better therapies to come.

Let me just say a word about embryo destroying stem cell research. It has at least three strikes against it. First, it has an incredible propensity to morph into tumors. Secondly, if embryonic stem cells are ever successful and transplanted into humans, embryonic stem cells carry an enormous proclivity for rejection. And third, embryonic stem cell research requires the

killing of human embryos. If it ever worked, the limited supply of so-called spare embryos, and that's a very offensive word, let me just say. Those children who have been adopted from cryogenic tanks—snowflake babies—are a witness against this idea of saying somehow there's a spare embryo. But just take that for what it is. If it ever worked, there would be a near insatiable demand for freshly killed human embryos.

On that last point, let me ask my colleagues to consider what Dr. Robert Lanza, vice president of research and scientific development at Advanced Cell Technology said, and he said, ''creating that many lines,'' talking about to meet what would be the need, ''would require millions of embryos from IVF clinics.''

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In the March 16, 2006, edition of Stem Cells, Civin and Rao calculated how many embryos would be needed for clinical applications, and they said that embryonic stem cell lines could reach into the millions if the therapies live up to their potential. Millions of human embryos would be killed. That's unconscionable.

So this is the tip of the iceberg. You are talking about spare embryos now in this debate but if it ever did work, especially when we have an ethical alternative that does work, but if it ever did work, it would mean requiring the killing of millions of embryos, and I don't think enough Members have looked forward enough to realize where this could take us. That is a brave new world. This is the tip of the iceberg today, and hopefully we will not go that way. We must do ethical stem cell research instead.

And let me say one last thing. The Bush administration doubled from 300 to 600 million dollars the amount of money that we are spending on stem cell research. We are passionately in favor of stem cell research, but only the ethical kind.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman on the Rules Committee for yielding to me.

I rise in support of this bill and in support of the promise that comes with funding embryonic stem cell research.

Millions of Americans suffer from diseases for which we might actually find a treatment. Millions more watch family and friends suffer while we deny a chance for a cure. How can we tell a parent watching a child suffer from cancer that we aren't going to do every single thing possible to save that child? How can we tell a child that we won't try to put a halt to the ravages of the Parkinson's disease from which a father or mother is suffering? How can we tell a teenager that there is a chance we could repair a damaged spinal cord so that the teen can walk again but we aren't going to pursue it? How can we tell someone with a family member with Alzheimer's disease that we won't try every single thing possible to fight it?

In my own district, the Buck Institute on Aging is doing great research into lifesaving research with embryonic stem cells. Just recently, they received a grant from the State of California to continue their great work. Private research facilities and States are on the forefront of research, and the Federal Government must join them.

Today, we have an obligation. We have an obligation to the people of this country to support research that could prevent suffering, that could save countless lives. Federal funding for research in stem cells is vital. It is vital to making real progress as quickly as possible to find real cures.

I urge my colleagues to join me in supporting this bill that will certainly have long-lasting effects in improving the health and the well-being of millions of Americans; and I, too, want to thank Congresswoman DIANA DEGETTE from Colorado for being such a leader in the stem cell debate.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Republican Party, this President, is completely in favor of spending money in doing stem cell research. We, however, are not in favor of putting an olive branch out that is unproven, untested, and up to today has produced no results from embryonic stem cell research.

The real problem with it is that it takes someone else's stem cells and puts them into someone else's body and there is a rejection rate. We know what works best is when a researcher uses stem cells from a person's own body and puts them back into their own body. This is called stem cell research for adults. This is what will lead this country to where it needs to go.

We are simply saying, rather than spending Federal money on untested and unwise decision-making processes that have not led forth to any research that is meaningful, we should spend the money which will yield the best results.

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

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforcement to the earmark rule.

Mr. Speaker, before I yield back the balance of my time, I want to say thank you very much for your cautious and careful rulings and administration today as the Speaker. I appreciate and respect the way you have conducted yourself in this debate.

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

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I include the following statements in support of S. 5:

CANCER RESEARCH AND PREVENTION FOUNDATION

Embryonic Stem Cell Research and Regenerative Medicine

JUNE 7, 2007.

The Cancer Research and Prevention Foundation (CRPF) strongly supports efforts to expand the current, restrictive policy governing embryonic stem cell research, under strict, ethical guidelines. The Stem Cell Research Enhancement Act, S. 5, will accomplish the expansion, while maintaining strong ethical standards. Enactment of S. 5 will provide hope to the estimated 1.5 million men, women and children diagnosed with cancer each year.

The House and Senate have both passed legislation in the 110th Congress that will expand the current policy by allowing Federally-funded research to be conducted on embryos derived after August 9, 2001, on leftover embryos that will be otherwise destroyed or discarded by fertility clinics. The legislation ensures that no Federal funds will be used to create or derive embryos for research purposes, nor will any individual be compensated for donation of an embryo for research purposes.

According to a poll recently released by the Coalition for the Advancement of Medical Research, nearly sixty (60) percent of Americans want President Bush to sign the Stem Cell Research Enhancement Act into law. More than 500 disease advocacy organizations, universities, professional societies and other organizations have endorsed S. 5 and the Stem cell Research Enhancement Act.

Embryonic stem cell research may hold great potential to improve the prevention, diagnosis and treatment of cancer. Scientific evidence indicates that stem cells provide powerful models of the cellular and molecular origins of many cancer types, helping us better understand the disease and provide insight into critical aspects of cell growth and differentiation altered during tumorigenesis. This work may also improve pre-clinical evaluations of drug toxicity and efficacy, identify markers for early cancer detection and aid in the discovery of novel treatment targets.

The Cancer Research and Prevention Foundation supports embryonic stem cell research, as well as other forms of stem cell research such as bone marrow stem cells, adult stem cells and stem cells derived from cord blood.

Embryonic stem cell research has the potential to benefit millions of Americans suffering from cancer, diabetes, Alzheimer's, Parkinson's, spinal cord injury, heart disease and beyond. In order to realize the full potential of embryonic stem cell research, the Federal Government must act quickly to ensure that research is being conducted with the most scientifically viable stem cell lines available, that the best and brightest medical researchers and clinicians are involved

in the field, and that the United States and top research institutions remain leaders in biomedical and regenerative medicine research.

UNIVERSITY OF CALIFORNIA,
OFFICE OF THE PRESIDENT,
June 6, 2007.

Hon. DORIS MATSUI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MATSUI: On behalf of the University of California, I urge your support for S. 5, the Stem Cell Research Enhancement Act.

S. 5, the stem cell bill that you will consider this week is similar to the House version (H.R. 3) in that it expands the number of stem cell lines that are eligible for federal funding. It passed the Senate on April 11, 63 to 34. Like H.R. 3, this bipartisan bill also institutes strong ethical requirements to govern stem cell research. S.5 has been amended, however, to include the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754. The additional provisions from S. 2754 would direct the National Institutes of Health (NIH) to conduct and support basic and applied research to obtain stem cells using alternative methods that would not result in the destruction of an embryo. The University remains fully in support of S. 5 with these changes.

Understanding and realizing the potential of stem cells through the advancement of ethical scientific research is a priority for the University of California and our world-class research enterprise. Your support of S. 5, the Stem Cell Research Enhancement Act, will enable the University to continue its tireless pursuit of knowledge and scientific breakthroughs that may lead to developing cures for many devastating diseases and conditions and ultimately improve the lives of millions of Californians.

Sincerely,

A. SCOTT SUDDUTH,
Assistant Vice President.

LANCE ARMSTRONG FOUNDATION,
Austin, TX, June 5, 2007.

Hon. DORIS MATSUI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MATSUI: The Lance Armstrong Foundation (LAF) respectfully urges you to vote in favor of S. 5, the Stem Cell Research Enhancement Act. This legislation will be scored by the LAF as a key vote for cancer survivors.

The LAF unites people to fight cancer. We engage the public at large to pursue an agenda focused on preventing cancer, ensuring access to screening and care, improving the quality of life for people affected by cancer, and investing in needed research.

The LAF supports exploring every avenue of research, including embryonic stem cell research within specified ethical limits, until a cure for cancer is found. The most respected scientists in our field view embryonic stem cells as an area of research that must be explored, and one that our government must make a commitment to support.

S. 5 is identical to legislation that passed the House of Representatives in January, except that the Senate-passed bill contains an added provision that would direct the federal government to conduct and support research on alternative human pluripotent stem cells.

A vote in favor of S. 5, the Stem Cell Research Enhancement Act, is a vote in support of people affected by cancer and other serious and life-threatening illnesses.

Sincerely,

LANCE ARMSTRONG,
Chairman of the Board.
DOUG ULMAN,
President.

Mr. Speaker, ethical embryonic stem cell research is a reality. It exists, and it can help save lives.

The Federal Government has two options. We can engage by participating in the research and influencing the ethical debate within the global community. Or we can ignore the issue and let others lead.

Again, this is not just my opinion. The Presidentially appointed Director of the NIH said earlier this year, ''We cannot be second best in this area . . . I think it is important for us not to fight with one hand tied behind our back here.''

I could not agree more. America is the world leader in medical research and development. We cannot cede that ground.

I am in support of this bill for my young friend Scott, 11 years old, who is dealing with diabetes every single day; and for my good friend Sybil, who has Parkinson's disease and asks me all the time to support all stem cell research; and for those with blood or bone marrow cancers or failures like my husband, Bob. It is too late for him but maybe not for others.

The bill made in order under today's rule represents the bipartisan consensus in America on how we combine hope, the scientific consensus, and our values into a policy right for our society.

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

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

AMENDMENT TO H. RES. 464 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following new section:

SEC. 3. Clause 9(c) of Rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the bill, joint resolution, or conference report, or amendment described in paragraph (a)(3). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 195, not voting 16, as follows:

[Roll No. 440]

YEAS—221

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

NAYS—195

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

NOT VOTING—16

Andrews
Bilbray
Cantor
Conyers
Garrett (NJ)
Hastings (FL)
Holden
Jefferson
Kagen
Lampson
Marchant
Pickering
Pomeroy
Porter
Ryan (OH)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1147

Mrs. MYRICK, Mrs. CUBIN, Mr. BARTLETT of Maryland and Mr. SOUDER changed their vote from ''yea'' to ''nay.''

Messrs. JACKSON of Illinois, GUTIERREZ and OBERSTAR changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 224, noes 191, not voting 17, as follows:

[Roll No. 441]

AYES—224

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

NOES—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

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

NOT VOTING—17

Bilbray
Buyer
Cantor
Conyers
Garrett (NJ)
Hastings (FL)
Holden
Jefferson
Kagen
Lampson
Marchant
Pickering
Pomeroy
Porter
Ryan (OH)
Sestak
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1154

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I took a leave of absence until 12 p.m. on June 7, 2007, as I was in my district on personal business. The following list describes how I would have voted had I been in attendance this morning.

"Yea"—Motion on ordering the previous question on the rule.

"Aye"—H. Res. 464—Rule providing for consideration of S. 5, to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 464, I call up the Senate bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 5

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Research Enhancement Act of 2007''.

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

''SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

''(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo) .

''(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

''(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

''(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

''(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

''(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

''(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.''.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 2, is further amended by inserting after section 498D the following:

''SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—

''(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

''(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2010, to carry out this section.''.

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to House Resolution 464, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous matter on the bill under consideration.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as we consider S. 5 as passed by the Senate, I am pleased to report that both Houses of Congress have again found common ground on stem cell research policy. This is a matter of utmost importance. We have sent this legislation, or similar legislation on stem cell research, to the President twice. The legislation has been vetoed.

This is a bicameral bill and our actions are clear: We and the American people will not be deterred from enacting potentially life-saving legislation of this kind. For those suffering from diseases such as Alzheimer's, autism, cancer, cystic fibrosis, heart disease, Parkinson's or spinal cord injury, stem cell research offers both promise and hope, and that is why we must continue this fight and continue this research.

The legislation lifts the arbitrary date restriction and expands the number of cell lines eligible for federally funded research. It contains strong ethics provisions passed in H.R. 3, ensuring new stem cell lines are only derived from unused embryos created for human fertility treatments that would otherwise be discarded.

I want to be clear: S. 5 does not permit funding for creation or destruction of embryos. This is a critical point. If not used in research, these stem cells will be discarded as medical waste.

Finally, I note that S. 5 includes the text of the Hope Offered Through Principled and Ethical Stem Cell Research Act, or the HOPE Act, which is Senate language.

At this time I wish to yield now and I ask unanimous consent that the distinguished gentlewoman from Colorado (Ms. DEGETTE) be permitted to control the time on this side. She has done a superb job in providing leadership on this matter.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the distinguished physician from Denton and Flower Mound, Texas (Mr. BURGESS), a member of the committee.

Mr. BURGESS. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, the speed of scientific investigation certainly exceeds that of the legislative process. Medical research, especially in the field of regenerative medicine, holds great promise, and it is our responsibility to strike an appropriate balance between that which is ethical and the promise that regenerative medicine holds. Science is resolving and providing answers to this ethical dilemma actually without the help of legislation from this Congress, but really through the hard work of dedicated medical researchers.

□ 1200

Yesterday, in an article published in the scientific periodical ''Nature,'' several teams of researchers have been able to make stem cells from a mouse skin cell, a mouse fibroblast, by genetically modifying it with a special technique that they have developed.

So here we have a stem cell that was created from a skin cell without destroying an embryo. These researchers have already shown success with mice by reprogramming mature cells to act like stem cells. This field of cell signaling is going to be very important in the field of regenerative medicine in the decades to come.

These researchers are also working to see how these reprogrammed cells may limit the growth of tumors, a problem identified when using human embryonic stem cells from destroyed embryos.

When we had this discussion last January, Dr. Anthony Atala from Wake Forest University and his Institute of Regenerative Medicine have found that stem cells derived from amniotic fluid, no harm to the baby, no harm to the fetus, cells derived from amniotic fluid have the same or similar characteristics of stem cells derived from embryos. He has been able to build on this research and regrow human organs, bladders in mice, in a handful of cases to do the same thing in humans. Because these stem cells are not from embryos but from the amniotic fluid or from the placenta, there is much less risk of tumors developing than there is in embryonic stem cells. Because these cells are not from embryos but from the amniotic fluid, there is no harm to the embryo. Over 40 cell lines are available in Dr. Atala's lab.

Mr. Speaker, I am extremely disappointed that we have brought this bill to the floor without a hearing in our committee. The science has moved tremendously. This is the same bill we debated 2 years ago on this House floor. Not a single committee hearing, not a single consideration of how the science has advanced in the past 2 years. That is a shame, and for that reason this bill should be defeated. We should go back to the committee and go through regular order.

Once again, we are debating a bill on the House floor which science has lapped multiple times.

We all agree that medical research, especially in the fields of regenerative medicine hold great promise, but our responsibility is to strike an appropriate balance between the ethical challenges of stem cell research and the promise that it holds.

Science is beginning to address this ethical dilemma without the help of legislation from this Congress, but through the hard work of hundreds of medical researchers.

I would like to call an article in the recent edition of Nature to the Speaker's attention.

Several teams of researchers have been able to make stem cells from a certain type of skin cell genetically modified with retroviruses, without destroying embryos.

These researchers have already shown success with mice by reprogramming mature cells to act like stem cells.

These researchers are also working to see how these reprogrammed cells may also limit he growth of tumors, a problem identified when using stem cells derived from destroyed embryos.

Dr. Anthony Atala, director of Wake Forest University's Institute of Regenerative Medicine, has also found that stem cells derived from amniotic fluid have the same or similar characteristics of stem cells derived from embryos.

He has been able to build on this research and re-grow bladders in mice and in a handful of cases do the same in humans.

Because these stem cells are not from embryos but from amniotic fluid or placenta, there is less risk of tumors.

Over 40 lines are available in Dr. Atala's lab already, and he has the ability to collect more of these very plastic cells in any birthing center.

In fact, I am disappointed that instead of considering a bill that actually does something, which I have cosponsored and introduced by Congressman LIPINSKI, is not before us in place of S. 5.

This bill would provide funding to bank amniotic and placental cells and make them available for research and at some point in the future for actual medical treatments.

This Congress and its leadership has missed an opportunity to hold hearings on this important field of medical research and bring something to the floor that would actually move the science forward.

Instead, we have before us today, an uninformed, morally objectionable bill designed to inflame political divisions when what America needs is a Federal medical research policy that moves forward in an ethical and responsible manner in real-time, adapting to the needs of science.

Ms. DEGETTE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to express frustration, frustration that I share with millions of Americans around this country. Every day, millions of patients suffer from debilitating diseases and conditions. For many, embryonic stem cell research is the most promising source of potential cures and treatments. Unfortunately, because of the stubbornness of one man, President Bush, these people continue to suffer as they wait.

Since the discovery of embryonic stem cells in 1998, the vast majority of biomedical researchers in this country identify embryonic stem cell research as the most promising source of treatments for diseases like diabetes, Alzheimer's, Parkinson's, spinal cord injury and multiple sclerosis. With the unique ability to become any cell in

the body, embryonic stem cells truly are the key to taking science to a whole new level.

Unfortunately, President Bush has stubbornly refused to pay attention to these scientists and the patients who might be helped by this research. In August 2001, the President announced that he would prohibit the National Institutes of Health from funding research on embryonic stem cells lines created after August 2001. Assertions to the contrary, there are fewer than 20 stem cell lines in existence, and most of these researchers are finding less and less workable.

Despite the President's opposition to the research, Congress has acted over and over again for this funding. In 2006, we passed the first bill. This year, as H.R. 3, we passed the second bill. And all of the bills, including S. 5, have the same provisions: Embryos used to derive stem cells which were created for fertility treatments and are in excess of clinical need, the individuals for whom those embryos were created, have determined the embryos are not needed and voluntarily donate them and the individuals provide written consent.

Let me remind my colleagues that under current law there are no ethical guidelines like these that govern any stem cell research that happens today. Unfortunately, the President vetoed the bill. But in the 2006 elections, embryonic stem cell research became a critical issue, and it passed this House again in January with an overwhelming majority.

It is time to pass this bill again now with the Senate language and send a clear message to the President and this country: The majority of Americans want stem cell research.

While the NIH remains limited to a few number of stem cell lines, the rest of the world has eagerly filled the void. California has recently authorized several billion dollars to conduct embryonic stem cell research. Japan, the U.K., Singapore and others have allocated billions of dollars. But the NIH lags behind. Not only is it not participating in this research, it has lost its cutting edge.

Since I first began working on this issue, public support for embryonic stem cell research has soared. According to a Gallup poll released just this week, since May 2002, it has gone up to 64 percent, steadily increasing.

Mr. Speaker, the Senate gets it. The public gets it. The House gets it. Why doesn't the President of the United States get it?

Opponents of this research say there are other types of cell research that are being explored. And, in fact, yesterday, shockingly, another new advance, which seems to happen every time we bring this bill up. We welcome these advances as we welcome all advances in ethical life-saving research. However, this new scientific research should not be used as an excuse to say that it is a substitute for embryonic stem cell research.

One of the lead researchers, Kevin Eggan, said: ''All of us agree strongly with human embryonic stem cell research. These experiments are not motivated by a desire to find an end run around these issues.''

This week, in fact, on the other end, embryonic stem cell research has led to huge new advances in curing macular degeneration in England. They believe that embryonic stem cell research will lead to a cure in humans within 5 years.

It is promising research. It is supported by a majority of Americans, by the House, by the Senate. Mr. Speaker, that's why we are here today: the chance for so many to live a life that others take for granted.

Vote for S. 5 to restore hope.

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

Mr. BARTON of Texas. I would like to yield 1 minute to the distinguished congressman from Allentown, Pennsylvania (Mr. DENT), home of the Allentown Canaries.

Mr. DENT. Mr. Speaker, we have come to the floor many times over the past few years to discuss the advancement of various forms of stem cell research: adult, cord blood, amniotic, embryonic. We have had discussions about the science and about our moral obligations and about ethics. These discussions have been passionate and heartfelt. We have all come to the floor with the best of intentions.

For some of us, our feelings on these issues have been colored by personal experiences with our own families. For all of us, our stance has been informed by the conversations we have had with our constituents.

I have had countless discussions with my constituents about embryonic stem cell research. In particular, there are two families from my district whose personal stories have made a profound impact on my thinking about this issue, the Sheaffers from Kempton, Pennsylvania, and the Pitts from Nazareth.

I am very happy that the Pitts family, Melissa and Jeff and their sons, Ryan and Alex, are able to be with us today. I first met Melissa and the boys in 2005. Ryan and Alex are energetic 6-year-old twin boys. You could not tell them apart if not for the fact that Alex is in a wheelchair. Alex suffered a spinal cord injury at birth and has been paralyzed since. Melissa has told me that the promise of embryonic stem cell research gives her hope, hope that advances will allow her son, Alex, to live the same kind of independent life that Ryan will enjoy.

Every day that goes by while we play politics with science is a day that we could have gotten one step closer to finding therapies for kids like Alex. I urge my colleagues to support S. 5. This is an important bill which will ensure that researchers adhere to the highest possible principles of scientific inquiry and respect critical ethical boundaries while advancing some of the most important research of our time.

Ms. DEGETTE. Mr. Speaker, I am pleased to recognize the distinguished gentlewoman from California (Mrs. CAPPS) for 2 minutes.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of Senate 5, the Stem Cell Research Enhancement Act. But then again, you already know that because I have stood on this floor countless times in the past few years expressing this same sentiment.

Today, we have an opportunity to again pass a bill that would direct federally funded, ethical stem cell research and fulfill a promise to the overwhelming majority of Americans who support it.

Fortunately, my State of California has stepped up to the plate and dedicated $3 billion to embryonic stem cell research. But this is only the first step. Because the only way to make true progress is through coordinated research conducted on a national level. In the meantime, we sit and watch as scientists throughout Europe and the rest of the world make breakthroughs that the United States cannot as long as our researchers' hands are tied.

What amazes me most about this debate today is the rhetoric used by the opposition about using Federal money to create and destroy embryos. But then again, that is just what the opponents want you to believe, when, in fact, it is just plain untrue.

As we have discussed many times before, this bill explicitly mandates that Federal funds only be used to conduct research on stem cells already extracted from embryos created by in vitro fertilization which would have been discarded anyway because the donors no longer need or want them.

Please vote today in favor of this bill that will give hope to millions of Americans, including the loved ones of everyone in this body. My own family members suffer from diseases that may be cured through embryonic stem cell research. There is really nothing else left to say other than please don't let these people down. Don't tell them that the potential for cures for their diseases are not important enough.

Finally, I want to commend my colleagues, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE), and all of the people who have worked so tirelessly to bring this sound, bipartisan legislation here before us today.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Westminster, South Carolina, which is near the home of the Fighting Clemson Tigers, the starting catcher on the Republican charity baseball team, Mr. GRESHAM BARRETT.

Mr. BARRETT of South Carolina. Mr. Speaker, several times I have stood here and adamantly spoken against embryonic stem cell research.

I understand that stem cells are necessary for the advancement of medical science. I am encouraged and hopeful of the promising effects stem cell research has for those struggling with debilitating diseases and disabilities, but these solutions can be found without destroying innocent life.

We no longer have to choose between medical advancement and the protection of life. In fact, stem cells derived from adults and umbilical cords have produced over 70 successful therapies, while embryonic stem cell research has produced none.

Mr. Speaker, I do believe in the wonders of science and medical research, and I am hopeful that together we can find cures to these devastating diseases and disabilities, but the end does not justify the means.

The citizens that I represent cannot stand at this podium and speak for the protection of the innocent and those unborn yet do not have a voice, so I ask my colleagues to vote against S. 5. Let's work together to advance the science that we know works and does so without using taxpayer dollars to destroy life.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I thank my colleague for her leadership on this issue.

I rise today in support of S. 5. In January, I stood before this body to pledge my support for embryonic stem cell research; and I also shared with the House the story of my son, Nicholas, who is now 16 and has battled juvenile diabetes for 10 years.

I asked my colleagues to put aside the differences that they have from a political perspective to support this research that offers the promise of a better quality of life for millions of Americans like my son. When the House passed H.R. 3, I was optimistic. I believed in the power of the government to do good for this Nation and its citizen. I believed we could put politics aside for a cause of such great importance, but, Mr. Speaker, I was wrong. The administration, even many Members of this body, have succumbed to the vices of the game of politics. They put sound bites ahead of their own citizens.

In the last Congress, my colleagues in both Chambers worked together to craft legislation that would advance the promise of stem cell research. It was a good, bipartisan bill with broad support. Unfortunately, the President saw fit to veto their hard work, nullifying the opportunity that it offered.

Here we are again in the 110th Congress, Mr. Speaker, in exactly the same position we stood 2 years ago. And what has happened in the interim, thousands of children have died from terrible illnesses, and families have been torn apart. In the face of all this, we are having a debate that we have already had. With this enormous opportunity before us, I am saddened and, frankly, frustrated.

Today must be a day to start fulfilling our promise to the people of this country and be leaders on this great issue of importance. The future of our children and loved ones simply cannot wait.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to the distinguished gentleman from Trenton, New Jersey, the Honorable CHRIS SMITH, who is generally acknowledged as the pro-life leader in the House since Henry Hyde retired.

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Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in early January, a team of scientists from Wake Forest University and Harvard Medical School announced a historic breakthrough: a new readily available source of life-saving stem cells derived exclusively from amniotic fluid.

The Washington Post called these highly ethically derived pluripotent stem cells ''highly versatile and readily available.''

Newsweek said, ''A new era begins. Stem cells derived from amniotic fluid show great promise in the lab and may end the divisive ethical debate once and for all because the amniotic fluid stem cells are pluripotent, able to transform into cells representing each of the three major kinds of tissues found in the body.''

And ABC News pointed out that these stem cells can be taken from amniotic fluid with no harm to either the mother or her unborn child.

Earlier this week, I met with the Wake Forest University researcher, Dr. Anthony Atala, who led the team credited with this extraordinary study. Dr. Atala made it absolutely clear that these amniotic stem cells are pluripotent and that this research, along with numerous other remarkable initiatives in regenerative medicine, are progressing robustly.

Mr. Speaker, in April, the Journal of the American Medical Association reported that cord blood stem cells, not embryonic stem cells, were transplanted into 15 patients diagnosed with Type I diabetes and resulted in 13 becoming completely insulin-free.

We all know about the New York Times and the other news media carrying the surprise development that's in today's papers.

Finally, let me say, Mr. Speaker, recently Richard Doerflinger of the U.S. Catholic Conference compiled a comprehensive list of what he calls New Reasons for Hope, 111 recent developments published since Congress's stem cell votes of 2006. It is filled with one breakthrough after another, all attributed to adult stem cells, cord blood, amniotic fluid and the like. That's where the hope is, not in destroying embryos so as to derive their stem cells.

Vote ''no'' on this bill.

111 *New* REASONS TO RECONSIDER THE ALLEGED NEED FOR STEM CELL RESEARCH THAT DESTROYS HUMAN EMBRYOS

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Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN), a true hero on this issue.

Mr. LANGEVIN. Mr. Speaker, I am proud to rise in support of the Stem Cell Research Enhancement Act and to be a part of a Congress that has made this a top priority.

I particularly want to recognize the great work of Congresswoman DEGETTE, the gentlewoman from Colorado, for her outstanding leadership in this issue, and the gentleman from Delaware (Mr. CASTLE) for his leadership as well.

This legislation, Mr. Speaker, has strong bipartisan support in both Chambers of Congress. It enjoys the support of up to 70 percent of the American people, and this legislation, stem cell research, offers hope and the promise of a cure to millions of people around the world who are struggling with some of life's most challenging chronic conditions and diseases and disabilities.

Mr. Speaker, I became paralyzed almost 27 years ago as a young police cadet, standing in a locker room when a police officer's gun accidentally discharged, the bullet going into my neck and severing my spinal cord.

It's been an incredible journey and, at times, a difficult one. I was told back then that I would never walk again, but I have hope and faith, and I've always believed that somehow, through the miracle of science and research, that some day they would find a cure for spinal cord injuries. That day, that hope of a cure, has never been more real than it is today because of stem cell research.

Now, I recognize, though, this isn't just about JIM LANGEVIN or people suffering from spinal cord injuries. This is also about the millions of other people across America and throughout the world who are suffering from diseases, such as Parkinson's disease, Alzheimer's, juvenile diabetes, cancer and so many others, that could potentially be helped by stem cell research.

Now, I have to be the first to admit that my understanding of stem cell research has evolved and involved ongoing education, thought and prayer. In fact, unlike many of my colleagues who support the stem cell research bill before us, I'm opposed to abortion. The fact that my life hung by a thread, I'm reminded every day how precious a gift life truly is.

But I'm committed to the protection of life at all stages, and I've not taken my decision to support this legislation lightly.

Over the years, I had the good fortune to learn about stem cell research from some of America's renowned scientists, pro-life leaders like Senator ORRIN HATCH and also a dear friend who is certainly on my mind today, Christopher Reeve. So many people have helped me to come to the position to support this research, again because of the hope that it offers.

Now, in addition to all of these reasons, I believe that this legislation is vitally important because it provides appropriate safeguards for those that are in S. 5 so it can be done ethically and responsibly.

This offers great hope, and I urge my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I'd like to recognize the gentleman from Highland Park, Illinois (Mr. KIRK) for 2 minutes.

Mr. KIRK. Mr. Speaker, I rise in support of this stem cell research bill because, in my judgment, we should support several key principles: number one, that America should always lead with regard to medical research; number two, that doctors and scientists should guide medical cures; and number three, that hope for patients facing cancer or diabetes or Alzheimer's should be our top priority.

American leadership, doctors in charge, new hope for patients, oh, and bipartisan cooperation to make each of these ideals a reality, that's why we should support this bill.

In my home State of Illinois, our researchers and doctors are forging ahead like Dr. John Kessler, one of the leading researchers in the field of embryonic stem cell research at Northwestern University, who said ''stem cell biology promises to revolutionize the practice of medicine.''

I've also met with Dr. Daniel Peterson, an associate professor of neuroscience at Rosalind Franklin University of Medicine and Science in north Chicago, working on a project where stem cells are used for structural brain repair, a critical treatment for soldiers suffering from post-traumatic stress that offers new hope for veterans.

Or even a reference to today's Chicago Tribune, which talked about Dr. Richard Burt of Northwestern University and his work on stem cell research which could offer a cure for Type I diabetes.

Bringing hope to these patients and making sure the United States is in the lead and making sure that doctors are guiding this research and cures, not politicians, that's why we should pass this bill, and that's why I strongly support it.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague on the Energy and Commerce Committee for yielding to me.

I want to associate myself with the remarks of my colleague from Illinois (Mr. KIRK). That's why I'm here today. We have another opportunity today, Mr. Speaker, to give real hope to millions of Americans suffering from incurable diseases.

These are our constituents, our family members and our friends who cannot afford to wait much longer while this administration stubbornly refuses to accept the people's will.

Poll after poll shows that between 60 and 70 percent of the American people support the expansion of embryonic stem cell research to discover more effective cures and treatment for the diseases that plague our times—juvenile diabetes, Alzheimer's and Parkinson's, just to name a few.

Every religion in the world teaches us to do all we can to ease the burden of human suffering.

The administration's current stem cell policy flies in the face of that shared goal and shuts the door of hope to too many Americans awaiting a cure.

I know a majority of my colleagues agree with me, and I hope the President hears us loud and clear and will finally respond to the Congress's, and the American people's, desire for expanded embryonic stem cell research.

Last week I saw what happens in research at the University of Texas

Health Sciences Center. The private research is in one lab, and the NIH research is in a separate lab, duplicating facilities. What a waste of our scientific dollars, whether it comes from the taxpayers or from the individual and foundations. What a waste to have to do this, duplicate two labs, to be able to do this research.

And, Mr. Speaker, we know people, not just my colleague from Rhode Island, but I know a young lady 26 years old who had her spinal cord severed. Her only hope is embryonic stem cell research, and I'm glad to hear our colleague from Rhode Island talk about his experience. And he gives hope to this young lady who has no hope right now, except hopefully she'll be able to move her fingers.

Mr. BARTON of Texas. Mr. Speaker, I'd like to yield 2 minutes to the gentleman from the Golden State of California (Mr. DANIEL E. LUNGREN), the former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Let's understand some first principles. Human dignity is not reserved for adult human beings. The premise of human rights protections is that they are not contingent on arbitrary criteria such as size or location.

Ethical considerations must be weighed in light of the advances being made using adult stem cells, including those derived from cord blood. As has been mentioned, those advances are substantiated by peer review studies confirming improvement in many types of cancers, cerebral palsy, sickle cell anemia, paralyzing injuries, autoimmune diseases, metabolic disorders, neural degenerative diseases and heart damage.

This is consistent with the second principle of the Nuremberg Code, the directives for experimental human subject research, which are published at the Web site of NIH.

The principle reads simply, ''The experiment should be as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.''

Or as President Clinton's National Bioethics Advisory Commission said, ''In our judgment, the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing research.''

Well, we know they are. We talked about, before the House debating the bill earlier this year, the study published in Nature Biotechnology Journal, finding that amniotic fluids contain cells that can be cloned to produce stem cells to behave like embryonic stem cells.

We had today's article referring to the Nature Journal, publishing a study, showing that normal skin cells can be reprogrammed into an embryonic state in mice.

Instead of embracing this, we hear from the gentlewoman from Colorado, her words, shockingly, another scientific result reported yesterday. They seem to always come up whenever we're debating the bill. They are because that's what science is doing.

Vote this bill down.

Ms. DEGETTE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I'd like to recognize the gentleman from Lubbock, Texas, home of the Texas Tech Red Raiders (Mr. NEUGEBAUER) for 1 minute.

Mr. NEUGEBAUER. Mr. Speaker, you're going to hear a lot of perspectives today, but I wanted to give you a perspective from my friend James Clark. James wrote me this letter about stem cell research.

''In October 2004, I was involved in a car crash which has left me paralyzed from the waist down . . . Given the current technology and my condition, there is no hope of full recovery.''

James goes on to say, ''I fully support ethical forms of stem cell research. I believe, based on news accounts, that stem cells could be the key to a full recovery for me. To walk again and regain complete independence,'' would be, ''a joyous day for me and my family. I can only imagine how many American people would also benefit.

''But, Congressman, I believe there is a very dark side to stem cell research. There are those who believe stem cells should be taken from living embryos. In my opinion, the killing of an embryo for the harvest of stem cells is exactly the same as killing another human being. Under no circumstances do I wish to benefit from the stem cells that result from the harming or killing of a human embryo. No thanks, I'll stay in this wheelchair.''

Clearly, James has a lot to gain from scientific breakthroughs in stem cell research. Let's spend our money where we can get breakthroughs. Let's continue adult stem cells.

So let's focus taxpayer dollars on research that has shown promise.

Adult stem cell research, and other research that doesn't lead to the destruction of human life, have produced more than 70 treatments.

On the other hand, stem cell research on embryos has produced ZERO treatments or cures that could help James walk again.

I urge my colleagues to defeat this bill so that we can focus our resources on ethical and promising adult stem cell research that could help my good friend James get rid of his wheelchair.

Vote "no" on this bill.

CONGRESSMAN NEUGEBAUER, Thank you for letting me share my concerns with you about a matter of great importance to millions of Americans. The Congress debates again the issue of stem cell research for which history, generations of Americans to come, and God himself will judge us. For so very many reasons it is important that we get this issue right.

In October 2004 I was involved a car crash, which has left me paralyzed from the waist down. Further complicating any hope of recovery, I suffer a rare form of spinal cord injury resulting from anoxia or loss of blood flow to the spinal cord. Given the current technology and my condition there is no hope of full recovery.

Other people suffer conditions far worse than mine but just to establish my background let me share with you the following: I cannot use my legs, nor can I feel them. I suffer DVT's (blood clots in the veins) from the lack of mobility, lack of circulation and fragility of my legs. A DVT can lead to stroke or death. I cannot go to the bathroom in the normal way. I must have the assistance of catheters and at least once a day the help of another person.

I suffer constant back pain. It's rather mild but it also never quits. About once every two months I suffer a serious infection of one sort or another. Sometimes it's an infection under a toenail or sometimes it's a urinary tract infection. One such infection was so bad and developed so quickly I was taken to the emergency room and then hospitalized for almost a week.

The single most painful aspect of my condition is the embarrassment and humiliation of not having bowel and bladder control when it leads to an accident in public. There are not words that can describe the sense of absolute shame when this happens and I have to be extraordinarily careful when going to public places. Even the best-laid plans for an accident-free public outing are not always successful.

On the whole I would have to say I'm pretty happy. I have a lovely wife, two beautiful children, parents and extended family who love me deeply. I have been blessed.

I fully support ethical forms of stem cell research. I believe based on news accounts that stem cells could be the key to a full recovery for me. To walk, to regain complete independence, to retake my former strength and good health; I can't tell you how joyous that would be for me and for my family. I can only imagine how many millions of Americans would also benefit.

But, Congressman, I believe there is a very dark side to stem cell research. There are those who believe stem cells should be taken from living embryos. In my opinion the killing of an embryo for the harvest of stem cells is exactly the same as killing another human being. Under no circumstances do I wish to benefit from the stem cells that result from the harming or killing of a human embryo. No thanks, I'll stay in this wheelchair.

There are those who believe stem cells should be taken from aborted embryos. After all they're just going to be discarded anyway. To me that's like saying, well the Nazis did experiments on some of the 6 million Jews. Can't we use their notes and their lab materials to advance scientific and medical knowledge? No, as a matter we cannot do so with a clear conscience.

Nor can we with a clear conscience use embryonic stem cells resulting from the harm or death of a human embryo.

I have no opposition to the use of embryonic stem cells, which are collected in such a way as to cause no harm to an unborn baby (which includes a human embryo or a human fetus). I also have no opposition to the use of adult stem cells.

I fully support ethical research and I know you do too. Thank you for this opportunity to be heard on the record, Congressman Neugebauer. You have been a great friend to the sanctity of human life and for that we all owe you a debt of gratitude.

JAMES CLARK.

□ 1230

Ms. DEGETTE. Mr. Speaker, the only thing shocking about these recent scientific discoveries is they seem to be always revealed right at the same week that we do our embryonic stem cell bill on the floor.

Mr. Speaker, with that, I will be pleased to yield 2 minutes to our distinguished caucus Chair, Mr. EMANUEL, from Illinois.

Mr. EMANUEL. I would like to thank my colleague from Colorado. It is interesting she said that. I would like to speak slightly out of order from my prepared text.

The last time we debated stem cell research back in November of 2006, exactly that time there was another discovery about human amniotic fluid basically giving us the fact that we don't need stem cell research.

Past that, and you go back to the period of time in 2005 when we voted on this, the South Korean example was discovered exactly that same day we had that vote.

I used to, growing up, I used to say paranoid people have enemies, too. It is ironic that every time we vote on this legislation, all of a sudden there is a major scientific discovery that basically says you don't have to do stem cell research. The truth is, you don't base your research on one report in a medical journal. You provide leadership.

If you go back to the 1950s, we had a polio epidemic in this country that was killing thousands of people, leaving people terminally paralyzed. With funding from Washington, we found a cure for polio. Politics did not lead the way, medical research led the way, and America led its leadership there. That type of leadership needs to be provided for illnesses of Alzheimer's, Parkinson's disease and other work where we should allow the scientific research and the promise of stem cell research to move forward, rather than allow politics to dictate what we do here.

This is one of those promising areas where, regardless of philosophy or ideology, rather, or party affiliation, when you look at diabetes, Parkinson's disease, Alzheimer's, it affects every family, every community, individuals across this country. There is a promise here, a right way to do it. We can provide the leadership here for our medical research, define illnesses and cures to disease that not only affect our budget, our country, but our capacity to lead in the scientific field in this area.

I would like to thank my colleague, and this Nation should support this legislation. I look forward to finally getting this on the President's desk.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished congresswoman from Cincinnati, Ohio, Congresswoman SCHMIDT.

Mrs. SCHMIDT. Mr. Speaker, I rise in opposition of Senate bill 5. This Nation is divided on this issue. Many people believe our tax dollars should not be used when the compromising of a human life is involved. Many people believe embryonic stem cells kill a human life.

The research on embryonic stem cells has not lived up to the hope and promise of its supporters. Other forms have, and these do not compromise a human life. They include cord blood and embryonic fluid, adult stem cells, and just as reported in today's Christian Science Monitor, artificial stem cells from mice.

Let's use the public's tax dollars in a way that does not compromise our human values. Let's vote ''no'' on Senate bill 5.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished gentleman from Connecticut, another leader on this issue, both in the State House and Congress, Mr. MURPHY.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in support of the Stem Cell Research Enhancement Act.

Two years ago, as Congresswoman DEGETTE noted, I was honored to write and pass one of the Nation's first stem cell investment acts, Connecticut's $100 million investment in stem cell research. But I decided to seek a seat in this body because our action in Connecticut was ultimately hamstrung by inaction here in Washington, despite public cries for our Federal Government to invest in stem cell research. We could not, in large part not because of the will of this House but because of the will of the President.

What should not be in doubt here today is the promise that this legislation holds. Although new discoveries occur every day, including just yesterday expanding the potential of stem cell research, make no mistake, political lines drawn by this political body about what kind of research will be allowed and will not be allowed will frustrate science and postpone cures. That's why every major medical, science and scientific professional association, as well as major research universities and institutions and affected patient advocacy organizations support the passage of this bill.

Senator ORRIN HATCH from Utah, who has always been a faithful ally of the pro-life community, said that being pro-life is more than just caring for the unborns. It's about caring for the living as well. I couldn't agree more, when we talk about the sanctity of human life, and we all believe that human life is sacred.

We too often neglect the things that we can do to protect and extend the lives of our friends and loved ones who suffer from terminal and debilitating diseases. This bill, perhaps more than anything, is about extending and preserving life. That's a value that we all share.

One hundred million Americans are affected by some kind of life-threatening disease. Somewhere in this vast universe, a cure for their disease exists. I know it. We all know it. Let's stop putting up man-made barriers to finding that cure, a cure for our loved ones.

I stand in strong support of this bill. I commend Ms. DEGETTE for her long-awaited advocacy for this issue.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee from the Keystone State of Pennsylvania, Mr. JOE PITTS.

Mr. PITTS. I thank the gentleman for yielding.

Mr. Speaker, another day, another vote on legislation that has no chance of becoming law. Everyone on this floor understands that this bill is destined to be vetoed, and we will sustain that veto if and when the time comes.

But, if nothing else, today's debate is at least an opportunity to educate people on the truth about stem cell research. Supporters of embryo-destroying stem cell research would have you believe that embryonic stem cell research is the only way to go. That just is not true. Not only are there ethical alternatives using adult stem cells but these ethical alternatives are proving to be more effective than the embryo-destroying methods promoted by the bill.

Adult stem cells can be derived from numerous places, including nasal tissue, bone marrow, fatty tissue, umbilical cord blood, even amniotic fluid. These adult stem cells have already produced dozens of laboratory successes and even a handful of FDA-approved therapies for humans. Meanwhile, embryonic stem cell research has yet to produce a single treatment or cure in humans.

You will hear a lot of talk on the other side about how we oppose stem cell research. That's simply not true. I am a supporter of stem cell research. I support the research that actually works, the kind that treats human embryos properly, not like laboratory rats. I support the kind of respect for human life at all stages of development. The kind of stem cell research that I support is adult stem cell research.

There is another thing worth clarifying in the debate. The bill under consideration today is not about legalizing embryonic stem cell research. It's already legal. It can be performed in America by anyone who wants to.

The bill we vote on today is about who is going to pay for it. This bill

would have millions of Americans pay for a destructive research that they have fundamental moral objections to.

This bill is flawed. It was flawed the last time we voted on it. It's still flawed today.

I urge all of my colleagues to oppose it.

Ms. DEGETTE. Mr. Speaker, I would inquire as to the time remaining on each side.

The SPEAKER pro tempore. Ten minutes.

Ms. DEGETTE. And on the other side, Mr. Speaker?

The SPEAKER pro tempore. Fifteen minutes.

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

Mr. BARTON of Texas. I yield 3½ minutes to the former Governor of the first State of our great Nation, the State of Delaware, to the Republican sponsor of this legislation, Mr. CASTLE.

Mr. CASTLE. I thank the gentleman from Texas for yielding and for all his work on the this issue. I also obviously thank my coauthor and good friend on this, DIANA DEGETTE, for her tremendous work on it.

Mr. Speaker, I rise, obviously, in strong support of the Stem Cell Research Enhancement Act, which ethically expands the current Federal embryonic stem cell research policy.

I think we should make a note, this is a Senate bill we are dealing with now. It's changed from our House bill. While we considered similar legislation before, and we have referred to it, this bill has since been expanded to develop methods of deriving stem cells without destroying a human embryo. That's an addition to what we have considered before.

With this bill we have a real opportunity to make history, to jump-start research, which may lead to treatments and cures for countless diseases, including diabetes, HIV/AIDS, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis and cancer.

There are a number of things being stated here that I consider to be myths, and I would like to try to correct some of these in the brief time that I have.

First, this bill does not expand Federal funding and, in fact, does not contain any funds whatsoever. The expansion in the bill refers to the source of the embryos and the quality of stem cell lines. These stem cells would be developed from embryos that come from IVF clinics, which receive no Federal funding. There would be no Federal funding involved in that whatsoever.

Second, it is important to understand that we are only talking about research on embryos that would otherwise be thrown away as medical waste.

That is a decision which is made by those who created the embryo and whoever was running the IVF clinic before the subject of using them for research was ever brought up. So you are dealing solely with embryos on which the decision has been made to have them eliminated as medical waste, because, simply, they don't want to continue to pay for the storage of the embryo or whatever it may be. So anyone who refers to it as killing needs to understand that's going to happen anyhow. That's a decision that's been made. No stem cell would ever be taken from an embryo that was not destined to be destroyed in any event.

Third, the bill specifically states the embryos must be created for purposes of fertility treatment, and no money may have exchanged hands. We think there should be a greater ethical process in all of this, and all of that is spelled out very carefully in this particular legislation.

Fourth, as to the recent announcement of returning mature cells, perhaps, in the skin to an embryonic state which we have been reading about in the last day or two with respect to mice, we need to point out a couple of things: One, that's mice, not human beings; and there is a vast difference. Another interesting point is that these would not be eligible for Federal research dollars because they were derived after August 9, 2001.

Fifth is this whole issue of pluripotency and what could be done here. There is the constant argument here that adult stem cells have actually been able to resolve some problems. I am all for that. I am 100 percent for all the medical research which goes on. That's what this is all about.

I believe the embryonic stem cells can extend beyond that. I believe the pluripotency of embryonic stem cells, which is supported by so many scientists in this country, is what can make a difference. You don't see that in the others. I would encourage everybody to follow the medical and scientific institutions who are in support of this.

Just finishing the point with respect to the pluripotency, nothing has been stated with respect to the embryonic and umbilical stem cells, that they do have the same pluripotency, as do to embryonic stem cells, which can develop into any cell as far as your body is concerned.

There are approximately 500 medical and scientific universities throughout the country, and various other individuals and groups, Michael J. Fox and others, who support the stem cell research and ask us to vote in favor of lifting restrictions on potentially lifesaving medical research.

I would encourage a ''no'' vote on any motion to recommit to restructure the legislation and a ''yes'' vote on the underlying legislation.

Ms. DEGETTE. Mr. Speaker, I am now very pleased to yield 2 minutes to another distinguished leader on this issue, the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I stand in strong support of S. 5, the stem cell research act that we have gotten from the Senate.

This bill, first, I want to say, sets strong ethical standards to be followed that don't exist today. As the gentleman from Delaware stated, these embryos can't be created just for the purposes of research. They can only be produced for the purpose of reproduction and that are unused, that would otherwise be discarded as medical waste. They can only be donated, not sold, and only by the written consent of those involved.

Those are strong ethical standards that don't exist today. We need them to continue this research in an ethical way.

This stem cell research holds real promise to cures of so many diseases. But to unlock the full potential of this research, we must remove the artificial barriers that President Bush put in place to this research and to support the hopes of millions of Americans who work every day to survive under the burden of a life-altering diagnosis.

Nearly every family in this country has been touched. My own family, I had a cousin, Betty, who suffered and succumbed to MS. My grandmother and sister have suffered from cancer. In my State of Missouri, we took the extraordinary step in 2006 to vote to amend our State constitution to include protections for research and add strong ethical standards for it.

I also became involved in this debate because of the extraordinary men and women from my State, such as advocates like Bernie Frank of St. Louis, attorney and coordinator for the Parkinson's Action Network. He was diagnosed with Parkinson's 13 years ago but has been a fearless advocate. Advocates like Dr. Thy Huskey, assistant professor at the Washington University School of Medicine, she lives with this disease; and we want to continue to support this.

Mr. BARTON of Texas. Mr. Speaker, could I inquire on the time remaining on each side?

The SPEAKER pro tempore. You have 12 minutes. Eight minutes to the gentlelady; twelve minutes to the gentleman from Texas.

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

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2 minutes to the distinguished Congressman from Melbourne, Florida, which is known as the Space Coast and home of Cape Kennedy, Mr. WELDON.

□ 1245

Mr. WELDON of Florida. Mr. Speaker, I rise to speak in opposition to the bill as a physician who practiced medicine for many years prior to coming to

the House. And, indeed, I still see patients once a month at the VA clinic in my district.

I always considered it very, very important not only to help my patients with illness but as well to give them hope and to give them real hope and not false hope. And one of the things I've always been concerned about in this debate for the last 7 or 8 years since we've been conducting this debate is that the advocates for more funding, Federal funding, for embryonic stem cell research; and we are funding embryonic stem cell research, we're just not funding more research that involves destruction of human embryos; have been contending, the advocates of this have been contending for years that this has the greatest potential. And in reality, there are no phase 1 clinical trials with embryonic stem cell research. There are no phase 2 clinical trials. There are no phase 3 clinical trials. Embryonic stem cells have never moved beyond animal research because embryonic stem cells have never been shown to be safe.

Embryonic stem cells form tumors when you put them in animals, whereas adult stem cells, cord blood stem cells, not only have been shown to be safe, but they're in phase 1, phase 2 and phase 3 clinical trials. They are in clinical trials in heart disease, I think about 28 clinical trials, FDA-approved clinical trials. They're in clinical trials on treating a whole host of blood-borne diseases. And just very recently we saw published research, amazing research in phase 1 diabetes, juvenile diabetes research.

Indeed, I've been saying for years that medical science is going to move beyond this debate. And we saw a preview of that today published, that skin cells can be converted, possibly, back to forming embryonic-like cells. Science is going to move beyond this discussion. I don't think, being that millions of Americans believe in the sanctity of human life, that we should be funding research involving the destruction of human life.

Ms. DEGETTE. I'll continue to reserve, Mr. Speaker.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished Congressman from the Peach State of Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I rise today in strong opposition to S. 5, the Stem Cell Research Enhancement Act. And I do so, not because I oppose embryonic stem cell research, but because, as an OB/GYN physician, I oppose federally funded embryonic stem cell research that destroys human life. And the truth of the matter is, I am not alone in this belief, Mr. Speaker. In fact, I'm joined by nearly half the American public. Let me say that again: Nearly half of the American public opposes using taxpayers' dollars to fund embryonic stem cell research when a human embryo is destroyed in the process.

Now, I know that the supporters of this bill claim an overwhelming majority of Americans wholeheartedly endorse their bill. However, when these same Americans are asked specifically whether or not they would like the Federal Government to fund research that destroys a human embryo, the survey results refute that claim. In fact, over 60 percent, Mr. Speaker, of Americans do not support their money going towards destructive embryonic stem cell research.

Mr. Speaker, it's not the job of Congress to force the American taxpayers to fund research that they morally oppose. Rather, this body is charged with the awesome responsibility of being good stewards of the taxpayer dollar by supporting research that upholds the values of our society. And I want to remind my colleagues and the American people, today that is the question we're debating. We are debating whether or not American taxpayers should be forced to pay for research that destroys human life. Contrary to what we're hearing today, we are not debating whether or not embryonic stem cell research is legal in this country; because not only is it completely legal, but it is also well funded in both the private and public sectors. In fact, Mr. Speaker, between State governments and private sector, nearly $4 billion has been committed to embryonic stem cell research over the next 10 years.

So, Mr. Speaker, as a society that has always valued and protected the fragility of human life, we must reject this misguided attempt to force the American people into paying for something with which they fundamentally disagree. And I encourage my colleagues, oppose this bill.

Ms. DEGETTE. Mr. Speaker, if you did the math, 64 percent support embryonic stem cell research, so that's well in excess of a majority.

I am now pleased to recognize another leader, both at the State level and Federal level, in this, Mr. MITCHELL from Arizona, for 1½ minutes.

Mr. MITCHELL. Mr. Speaker, I want to thank Congresswoman DEGETTE for her leadership in this area.

Congress rarely gets an opportunity to do what it can do today, offer hope to millions of Americans who suffer from diseases such as Alzheimer's, Parkinson's, Lou Gehrig's and Huntington's disease.

As I have said many times, I believe the best way we can honor life is by investing in science and ethical research.

A growing majority of the American people, including my constituents in Arizona's Fifth Congressional District believe this is an investment that we should make, and they were proud when, last January, 253 Members of the House voted to support the Stem Cell Research Enhancement Act.

The American people support this research because they understand that we have a moral obligation to invest in embryonic stem cell research because it provides the best hope for a cure for these diseases and many others. They know we're already seeing progress in this field.

Just last month, scientists used embryonic stem cells to create insulin-producing cells that could one day lead to a cure for diabetes. Just imagine what we could do with a more serious commitment to stem cell research. The American people are watching us today, and the millions of Americans who could be helped by passing this legislation are depending on us today. Let us do the right thing and pass this legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to the distinguished gentleman from Lincoln, Nebraska, home of the world famous Nebraska Cornhuskers, Mr. FORTENBERRY.

Mr. FORTENBERRY. Mr. Speaker, I support stem cell research. I support stem cell research using umbilical cord blood cells, adult stem cell sources, amniotic fluid stem cells and now, as we have learned, a new source of stem cells, skin cells, all stem cell sources that are showing real medical process and avoid the ethically divisive issue of the destruction of unborn human embryos, unborn human persons.

Mr. Speaker, let's do what's right. Let's use our scarce resources for what makes sense and not force taxpayers to pay for questionable research that offends the sensibilities of so many Americans and has yet to show any real therapeutic productivity.

Research using adult stem cells, including umbilical cord blood and bone marrow sources has shown great promise and provided real clinical benefits to numerous patients suffering from approximately 72 diseases. Adult stem cells are providing genuine evidence-based hope for the potential cures for the ravages of Parkinson's, spinal cord injuries and even diabetes. We also know now that stem cells derived from amniotic fluid have allowed researchers in Europe to begin growing heart valves for pre-born infants diagnosed in utero with heart disease. Unlike embryonic stem cells, adult and amniotic sources have not been shown to form tumors in laboratory animals.

Mr. Speaker, all of these facts beg a central question: Why are we even considering expanding the use of Federal dollars to fund the ethically divisive and currently unproductive practice of embryonic stem cell research when so many viable and proven alternatives exist? It's not fair. It's not fair to those who are suffering from the ravages of disease. Why would we be willing in Congress to trade false hope for real hope?

We should oppose this measure. And I believe we should invest in proven stem cell research.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield to the very distinguished gentleman from Illinois (Mr. HARE) 1½ minutes.

Mr. HARE. Mr. Speaker, I'd like to thank my colleague and friend, Congresswoman DEGETTE, for introducing the Stem Cell Research Enhancement Act and for her leadership on this important issue.

As many of you know, I came to this Congress with a bittersweet victory. And although I'm deeply honored to be a new Member of this House and represent the 17th Congressional District of Illinois, part of me is sad that my friend and my mentor, Congressman Lane Evans, is not here in my place. Lane served as a distinguished Member of this body for over 24 years until Parkinson's forced him to retire at the end of the 109th Congress, cutting his exceptional service short. Lane is just one of millions of Americans struggling with chronic illnesses that are curable with the advancement of stem cell research.

Spencer House, the son of my very good friend, Doug House, suffers from juvenile diabetes and must take four insulin shots each and every day. But Doug is encouraged with the hope that embryonic stem cell research will some day offer his son a more normal life. And he's not alone. Poll after poll shows that a majority of Americans support ethical embryonic stem cell research as a way to prevent others from having to live with illnesses like Parkinson's disease, cancer, Alzheimer's and spinal cord injuries.

Mr. Speaker, today we decide whether to give the American people hope or to continue to prolong the suffering of those who struggle with curable chronic diseases. It's time to put the people above politics by providing millions of Americans with the hope of a better day, and we will do that this day by passing this important legislation.

Mr. BARTON of Texas. Mr. Speaker, I'd like to yield 1½ minutes to the distinguished gentleman from Texas, Mr. JEB HENSARLING, who is a graduate of that great university in our home State, Texas A&M, the fighting Texas Aggies.

Mr. HENSARLING. Mr. Speaker, I certainly understand the passion behind this debate, for I, too, have friends and loved ones who have been stricken with debilitating diseases who are longing for hope.

But in listening to the debate, Mr. Speaker, I fear not one in 100 understand what it is truly about. This is not a debate on whether stem cell research is legal in America. It is. It's not even a debate on whether or not embryonic stem cell research is legal in America. It is. It is not even a debate on whether the Federal Government will be permitted to fund embryonic stem cell research. It does, to the tune of roughly $40 million a year.

What this debate is about, Mr. Speaker, is whether or not, going forward, should taxpayer funds be used to destroy what many consider to be human life for research purposes. And this is especially, especially highlighted when we know that there are ethical alternatives and promising alternatives, such as adult stem cells, umbilical blood cord, amniotic fluid and, today, headlines, banner headlines all around the Nation about the promise now of skin cells. Let's fund stem cell research, but let's fund it ethically. And, Mr. Speaker, when this body takes on such profound issues, let's always err on the side of life.

Ms. DEGETTE. Mr. Speaker, I am now delighted to yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlelady, and I congratulate the gentlelady for the extraordinary work she has done, not just this year but throughout the years on this very, very important issue which offers hope for literally millions and millions of people, not just in America but throughout the world.

Mr. Speaker, again, today the new majority in this House demonstrates its commitment, its commitment to addressing the priorities of the American people. As we consider this legislation, the Stem Cell Research Enhancement Act of 2007, let us be clear: This bill, S. 5, has widespread bipartisan support in Congress and certainly among the American people. It passed the Senate in April by a vote of 63–34. And it's nearly identical to legislation the House passed in January by a bipartisan substantial margin of 253–174.

This legislation will pass again today. And thus the real question is will the President heed the will of the American people as expressed by bipartisan majorities in both Houses of Congress and sign this bill.

□ 1300

Or will the President continue to undermine the will of the American people.

In short, Mr. Speaker, this legislation would increase the number of embryonic stem cell lines eligible for federally funded research. Current policy limits the use of Federal funds for research only to those stem cell lines that existed when President Bush issued an executive order of August 9, 2001, an executive order which accommodated the research we are talking about but limited it.

This policy severely restricts the potential for lifesaving breakthroughs because only 22 of those 78 stem cell lines are available for research today; and the vast majority of those 22 lines are aged, contaminated, or have been developed through obsolete methods.

It cannot be stressed enough: This legislation only authorizes Federal research funds for stem cell lines generated from the embryos that would otherwise be discarded by fertility clinics. Thus, this legislation does not seek nor does it certainly intend to destroy life. It seeks to preserve life.

Former Senate majority leader Dr. Bill Frist, who was once an opponent of efforts like this one but now supports them, stated: ''I strongly believe . . . that embryonic stem cells uniquely hold specific promise for some therapies and potential cures that adult stem cells cannot provide.'' That was Dr. Frist, the former Republican majority leader of the United States Senate.

Mr. Speaker, we have, I think, a moral obligation to provide our scientific community with the tools it needs to save lives, and this legislation accomplishes that objective.

Supporters of this bill understand that there is a difficult issue for many Americans and that it raises many questions that humanity has yet to adequately answer, and that is why this legislation also directs HHS and the National Institutes of Health to issue ethical guidelines that will ensure the highest standards of scientific investigation. Furthermore, Mr. Speaker, this bill directs the Secretary of Health and Human Services to conduct and support research on stem cells not derived from human embryos.

The truth is, as demonstrated by Gallup polls taken since 2001, the more Americans learn about the potential for stem cell research, the more they support it. Just last month, 65 percent of Americans reported that they supported expanding Federal funding for stem cell research. This legislation represents the hope of millions of Americans who are waiting for us to take action.

I strongly urge my colleagues to support this bill, as they have before. It is an opportunity. It is a chance. It is a hope for better health and life for those whom we represent.

I urge the President to reconsider his veto when this bipartisan piece of legislation reaches his desk, and I urge my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I yield for the purposes of making a unanimous consent request to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in opposition to this bill.

Mr. Speaker, proponents of embryonic stem cells state the greatest advantage is the ''pluripotency'' of these cells, cells with the amazing ability to grow into any type of cell in the human body. It is this unique adaptability that they claim makes embryonic stem cells more promising than adult stem cells for treatment of human diseases. The truth however, is that embryonic stem cells have not produced a single viable human treatment for any disease; whereas, adult stem cells have produced numerous therapies that have been successfully administered.

Adult stem cells have provided human treatments, have a lower rate of immune rejection in patients, and show less likelihood of tumor formation. We should aggressively pursue this avenue of research. In seeking new treatments for the ills of humanity, let us also strive to protect the future of humanity. We too must uphold the first tenet of the Hippocratic oath—"First do no harm."

Proponents also claim that the U.S. is lagging behind the rest of the world in embryonic stem cell research and that increased Federal funding would close the gap. The fact is the United States leads the world in embryonic stem cell research. A recent Nature Journal publication states that U.S. scientists contributed 46 percent of all stem cell publications since 1998. Germany comes far second, representing 10 percent of studies, and the remaining 44 percent derive from between 16 other countries.

I want to remind my colleagues that the current ban on embryonic research does not prevent private funding for embryonic stem cell research. Microsoft Chairman Bill Gates and Newport Beach bond trader Bill Gross are among several private donors who have provided millions of dollars toward embryonic stem cell research. In fact the Federal Government has spent over $161 million on existing stem cell lines where the embryo had already been destroyed. The bill before us today advocates the further destruction of new life to expand human embryonic stem cell research. I urge my colleagues to vote against this legislation and do no harm.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 1½ minutes to another member of the Energy and Commerce Committee, from Williamson County, Tennessee, Congresswoman MARSHA BLACKBURN, a close personal friend of the Country Hall of Fame music legend Eddie Arnold.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for yielding.

The distinguished majority leader just mentioned that it is a debate about life, and, indeed, this is a debate about substance, Mr. Speaker, and it is also a debate about life, clear and simple, and protecting life. Because this bill would divert funds from promising leads of adult stem cell research that have shown large benefits, even one of those of being a cure for Type I diabetes, something that we hear about and there has been tremendous research on. It has shown remarkable promise, and this is a great example, in using immature brain cells and eyelet cells from living donors to develop the insulin-producing eyelet cells that are found lacking in people with diabetes. And by using these from living donors or adult brain cells, instead of embryos, science now has the potential to cure diabetes. It is a great example and lesson for us as we talk about the research that is going on with cord blood, with adult stem cells, and now we are learning with skin cells, producing results.

Let's not stop funding this research in order to chase after something else. Let's continue to do productive, results-producing research on which we all agree. And, as we do this, let's protect the sanctity of human life and not cheapen our efforts by disrespecting that life.

I urge my colleagues to vote against Senate bill 5.

Ms. DEGETTE. Mr. Speaker, I am now very pleased to yield to 1 minute to my colleague from Colorado (Mr. PERLMUTTER), a real leader on this issue.

Mr. PERLMUTTER. Mr. Speaker, this is a bill that holds promise for millions and millions of people across the country. We have heard from some of our friends who oppose this, and they have been very clinical in their descriptions.

I am a father of a daughter with a chronic illness of epilepsy, and this is the kind of research that will help my daughter not to have any more seizures. It is a potential. It is a possibility. And every father, every brother, every mother, every sister, every friend in this room wants to have hope for their friends and their family.

I want to compliment Ms. DEGETTE from Colorado, Mr. CASTLE from Delaware for giving my family hope, for providing this kind of promise. This legislature, this Congress can make a difference in millions of people's lives.

I ask that you all vote for this bill. This is a great bill, and I call on the President to show that he is a compassionate conservative and that he sign this bill.

Ms. DEGETTE. Could I inquire of the Speaker how much time is left on both sides.

The SPEAKER pro tempore. The gentlewoman from Colorado has 3½ minutes and the gentleman from Texas has 3 minutes.

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

Ms. DEGETTE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the first thing I want to do is I want to thank MIKE CASTLE, my friend, my compadre, and my fellow journeyman on this journey. We will win this. We will win.

I also want to thank my friend JOE BARTON, who has helped so much not just in this session of Congress but in the past, and all of my leadership on my side who continue to fight for this bill.

Our constituents sent us down here to do the people's work, and they want us to do it in a bipartisan way. This is the best example I can think of in the 10 years that I have been in Congress.

I just want to talk about a few of the misconceptions that have been raised today. The first one is the allegation that the American people do not support stem cell research. This is patently untrue. A new Gallup poll this week shows an increase of 12 percent of Americans that support this research in the last 5 years to 64 percent. Another recent poll showed that when it was explained to them that these embryos are slated to be destroyed but they could be donated for hope that 51 percent of self-described pro-life Republicans support this research.

There is a national consensus. There is a strong majority in the House and the Senate, and there is one thing stopping that, and that is a stubborn President. President Bush needs to understand it is ethical and it is the right thing to do.

Our opponents try to muddle this issue by saying that adult stem cells will be a substitute. This is also patently false. It is amazing that there is new research every time that we come up with this bill, but we welcome that research. We welcome all research. But it is not a substitute for embryonic stem cell research.

In fact, this recent study this week with the mouse cells, the scientists said success with mouse cells does not guarantee quick success with human cells. They called on Congress to pass the bill which would give federally funded researchers access to embryos slated for destruction at fertility clinics. These types of research are years away. Embryonic stem cell research has only been in existence for 7 or 8 years. But 1,300 scientists are sending a letter to President Bush today telling him that this is the research that shows promise, and 80 Nobel Laureates have endorsed the bill. The scientists say that embryonic stem cell research has promise in and of itself and that adult stem cell research, including amniotic research, cord blood, mouse cells, all of these cells are not a substitute.

Mr. CASTLE and I and all of our allies support all of these types of research, but it is not a substitute. But that is also why S. 5 has a provision that supports these.

Vote for hope. Vote for research. Vote for this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had this debate before, so I am going to refer people to the CONGRESSIONAL RECORD at the appropriate place for my basic remarks on the underlying issue. I simply want to clarify why we are having this particular debate today.

We passed this early in this Congress, this particular piece of legislation. It passed the Senate, and it went to the President, and the President vetoed the bill. Many of those who support embryonic stem cell research think that we ought to be able to find a little finer middle ground, that we might yet get the President to support a version of the bill. So the sponsors, Mr. CASTLE and Ms. DEGETTE, have added the Senate language from the last Congress that Mr. SPECTER and Mr. Santorum passed as a stand-alone bill that I

think passed the other body 100–0, which is a very strong vote. It has been added to this bill.

I might add that, apparently, the motion to recommit is going to be something like that language that Mr. GINGREY has offered to the motion to recommit.

So what we are trying to do here today is slice the cheese a little bit finer so that those in the pro-life community like myself who have a 100 percent pro-life voting record, over 23 years except for this one vote, can vote for it, those that believe that we should fund a broader array of embryonic stem cell research can vote for it, and the President can accept it. That is what this particular bill is all about.

I plan to vote for it. I plan to vote against the motion to recommit not because I am opposed to the policy on the motion to recommit, but if we were to accept the motion to recommit, that would send the bill back to the Energy and Commerce Committee and require further consideration, which may or may not result in the bill's coming back to the floor.

So Members have voted on this in this body this year already once. Those of us that served in the last Congress got to vote on it in the last Congress. So there are not too many undecideds. But we are hoping the addition of this Specter-Santorum language, which is also sponsored in the House by Mr. BARTLETT and Mr. GINGREY, will result in a little bit finer slice of the cheese, that we will yet get a bill through the House and through the Senate that the President will accept. So that is what this is about.

I would urge a ''yes'' vote on the bill and a ''no'' vote on the motion to recommit.

Mr. Speaker, stem cell legislation has been well debated on this floor, and I support it. This bill has again been brought to the floor with no committee process. When I was chairman we handled this important issue with full consultation with our minority. That is the preferable way to legislate.

This bill is designed to create enough lines of embryonic stem cells to allow basic scientific research to move forward. Most of the scientific community has articulated that once we can identify a perfect, undifferentiated stem cell, it will lead to significant scientific breakthroughs and the discovery of cures for many diseases.

For numerous reasons, not all of the potential stem cell lines that were thought to be available for research when the President announced his policy in August 2001 are actually viable for research purposes. The number of stem cell lines available for scientific research is actually well below the estimated number of stem cell lines that were thought to exist in August of 2001.

We will also eventually need additional embryonic stem cell lines to make further scientific advances. In order to produce clinical therapies, it is likely that researchers will also need more embryonic stem cell lines, of different genetic variations, than are presently eligible to receive Federal support.

Understandably, this is not a simple vote for anyone on this floor. There is no ideological cloak under which we can take cover. This is a vote of conscience for all members. In the 109th Congress, similar legislation was agreed to by a vote of 238 to 194 in the House and later passed the Senate by a vote of 63 to 37.

S. 5 before us today is actually an improvement over previous iterations of legislation on this issue. I strongly support the additional language that will examine methods of obtaining stem cells from alternative sources. I believe in this area we should be looking at different options that can lead to the medical breakthroughs necessary to save lives.

My position as an ardent supporter of the need to defend human life has never wavered. As my record will dictate, I have been opposed to all forms of abortion. I extend this principle to respecting the need for scientific research to protect and improve existing human lives. My decision to support this legislation is the product of much personal contemplation.

I would urge my colleagues to understand the great thought that goes into a vote of this nature and ask that we respect one another and their beliefs.

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

□ 1315

Ms. DEGETTE. Mr. Speaker, I am now honored to recognize the Speaker of the House for our remaining time.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady from Colorado for yielding time and for her exceptional leadership.

Every family in America who has concern about the health and well-being of moms and dads, grandparents and children, brothers and sisters owes a deep debt of gratitude to DIANA DEGETTE. With her stewardship of this bill, she has given us an opportunity to give hope to these many families across our country.

Every one of those families in America, every one of us is one telephone call or one diagnosis away from needing the benefits of stem cell research. I can't help but think that even those who are against this legislation today would want their family members, their child with diabetes, their husband with Parkinson's, their father with Alzheimer's, their mother with breast cancer, to have the benefit of stem cell research.

Science is a gift of God to all of us. And science has taken us to a place that is Biblical in its power to cure, and that is the embryonic stem cell research.

Congresswoman DEGETTE not only worked on this legislation on its substance, she was generous with her personal experience to demonstrate the need for the bill. She understood that this legislation had to be bipartisan. And I commend Congressman MIKE CASTLE of Delaware for his exceptional and courageous leadership on this legislation as well.

Today, we continue the debate. As Mr. BARTON said, we've had this debate before. In fact, bipartisan majorities in both Houses of Congress have passed similar legislation before. Yet with his cruel veto pen, President Bush dashed the hopes of many for the healing potential of stem cell research. Today, we, along with millions of Americans, are hoping for a different outcome. Because every family in America, again, is just one diagnosis, one phone call or one accident away from needing the benefits of embryonic stem cell, we hope the President will consider his position.

Mr. Speaker, this week I am observing 20 years in the Congress of the United States. I am proud of that. But I mention it here because this is one of the most glorious days, in the top five for sure, that I have experienced here. With the introduction of this legislation again, with its passage, which I think will be clear and bipartisan, we are doing something that is relevant to the lives of the American people. And we are doing something that gives people hope. With this legislation, we have the opportunity to save lives, find cures and, again, give hope to those suffering. It is an opportunity that neither we nor the President should miss.

This legislation, as has been mentioned, would allow American scientists to pursue the science they believe has the most promise to cure. It would bring embryonic stem cell research under the strict controls and ethical guidelines of the National Institutes of Health. That doesn't exist now. Why would we reject that? And it would help ensure our Nation remains pre-eminent in science.

There is every compassionate reason and scientific reason to support stem cell research. But why would we send this promising science offshore? Why would we allow other countries to attract the best scientists with the best facilities and the best public support? If that excellence leaves us, we are not the best. That is completely unacceptable to Americans. I am so proud of my own State of California, where we have taken action on the ballot to establish the research in our own State, but it should be available to the entire country.

According to scientists, including many Nobel Laureates, embryonic stem cell research could unlock the doors to treatments and cures to cancer, diabetes, Alzheimer's disease, Parkinson's, multiple sclerosis and many, many more diseases. If we have a scientific opportunity to treat and cure disease, we have a moral responsibility to support it.

Through stem cell research, this bill has the potential to bring hope and health to millions. I hope the President will sign it. It has support in Congress,

and in the country, 72 percent of Americans support this bipartisan bill. That is a remarkable number for a remarkable bill. Our Nation's scientists support this bill. Our finest research institutes support this bill. And many religious organizations support this bill. In fact, many religious leaders endorse this bill because of its respect of life, and they believe that science has the Biblical power to cure. As the Episcopal Church writes in its letter in support of this legislation, ''As stewards of creation, we are called to help men and renew the world in many ways. Medical research expands our knowledge of God's creation and empowers us to bring potential healing to those who suffer.''

Thank you, Congresswoman DEGETTE and Congressman CASTLE, for giving us the opportunity to support that science and honor that moral responsibility.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Stem Cell Research Enhancement Act of 2007. This bill would give new hope to millions of Americans with debilitating illnesses such as Parkinson's, Alzheimer's, and cancer, and would do so under an ethically stringent framework. We owe it to our citizens living in pain to find cures for these terrible afflictions, and enable them to live out long, healthy lives. While I am aware of the ethical questions raised by stem cell research, I believe it represents one of the most promising medical opportunities in human history.

Unfortunately, research on embryonic cells is stagnating because it is currently restricted to the 78 stem cell lines that NIB held before August 9, 2001. Of those 78 lines, only 22 were in good enough condition to be used: Most lines were contaminated by mouse feeder cells and could have been deadly if transplanted into people. In order to make new progress in stem cell research, there is a dire need for researchers to have access to lines that are new and uncontaminated.

Mr. Speaker, I believe that the bill before us would be a strong step toward reclaiming our status as the world's scientific leader and finding cures for millions of Americans suffering from debilitating and often fatal diseases. We must support our medical and scientific communities in their efforts to extend and enhance human life. Doing anything less is a disservice to our country and our citizens.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3, Expanding Stem Cell Research.

During the recorded vote on this important bill, I was required to be back in my home district to assist my mother, who is having surgery.

I believe stem cell research holds enormous promise for easing human suffering. Embryonic stem cell research could lead to cures that could dramatically improve lives. However, it is important to note that while I disagree with the creation of human embryos for scientific purposes, I agree that embryos created as a by-product of in vitro fertilization, which would otherwise be destroyed, should be allowed to provide greater insight into the myriad afflictions that can potentially be alleviated through stem cell research.

As with all scientific endeavors, we must ensure that the limitless bounds of science do not infringe on the beliefs that we hold as ethical human beings. For this reason, I categorically oppose the harvesting of embryos for scientific research as well as any attempt to use our scientific knowledge to clone human beings.

I would like the RECORD to reflect that I have been and will continue to be supportive of Stem Cell Research and that I would have voted yea had I been present. Federal support is critical to its success which is why I will continue to support ethical Stem Cell Research.

Mr. STARK. Mr. Speaker, I rise in strong support of Federal funding for stem cell research. Gravely ill Americans are asking their government for help, but President Bush's so-called ''moral'' reservations could again stand in the way of advances in medical science and deny people potentially life-saving cures.

I find it ludicrous that the same administration that has submerged the country in a nonsensical and deadly war professes that to make use of stem cells to develop cures is ''morally troubling.'' The President's backwards approach to what he considers progress would be laughable were the consequences of his decisions not so spectacularly detrimental to our country's welfare.

What is morally troubling is that Americans who are suffering from Alzheimer's, Parkinson's, cancer, and other deadly diseases cannot place hope in what is becoming an increasingly important field of research. It is morally troubling that friends and family who have suffered the loss of loved ones to painful and drawn-out illnesses cannot depend on our country's leaders to pursue what could be an effective form of disease prevention.

Instead of throwing away some 400,000 frozen embryos left over from in vitro fertilization procedures, we should use stem cells from these embryos to better the lives of countless individuals.

I urge my colleagues to soundly reject this phony ''culture of life'' and instead support H.R. 3 which promotes and prolongs life. I hope the Stem Cell Research Enhancement Act passes with enough support to overcome a likely presidential veto.

Mr. KIND. Mr. Speaker, I rise today in strong support of S. 5, the Stem Cell Research Enhancement Act of 2007. This bill would expand the current Federal policy on embryonic stem cell research by allowing federally funded research on stem cell lines derived after August 9, 2001, while implementing strong ethical guidelines to ensure Federal oversight of the research. I am pleased the 110th Congress has taken immediate steps to address this important issue, and it is my hope that members will once again unite in support of this bill.

Biologists, medical experts, and the vast majority of Americans agree there is a reservoir of discovery in embryonic stem cell research that offers hope for over 100 million Americans afflicted with life-threatening and debilitating diseases. The Stem Cell Research Enhancement Act allows this critical research to move forward in an ethical way by expanding the number of stem cell lines readily available to scientists, while implementing strong ethical guidelines to ensure federal oversight of the research. According to the National Institutes of Health (NIH), of the 78 stem cell lines that were declared eligible for federal funding in 2001, only about 22 lines are actually available for study by researchers.

We are already at risk of losing our scientific and technological edge because of increasing competition around the world. As a Nation of opportunity and innovation, we have a responsibility to embrace policies that create breakthroughs in both medicine and technology for the benefit of our citizens.

From its earliest days, The University of Wisconsin-Madison has been one of the leading facilities for stem cell research, and I believe with continued study, the possible medical benefits of stem cell research are limitless; lives affected by diseases, damaged tissue, and faulty organs would be greatly improved. Additionally, this legislation would ensure the important work of our scientists is not unnecessarily sidetracked by politics.

The significance of this legislation extends beyond the potential for advances in science and technology. More importantly, embryonic stem cell research could lead to new treatments and cures for the over 100 million Americans afflicted with life-threatening and debilitating diseases. Scientist believe these cells could be used to treat many diseases, including Alzheimer's, Parkinson's, diabetes, and spinal cord injuries. However, the promise of this research may not be reached if the Federal policy is not expanded.

Mr. Speaker, it has become increasingly clear that the American public supports expanding the Federal stem cell policy. From the study of human development to the discovery of life-saving cures,there are just too many potential benefits to allow Federal policy to roadblock the continuation of this groundbreaking research that holds promise and hope for so many lives. Thus, I strongly urge my colleagues to respond to the interests and needs of our Nation's citizens. Please join me in supporting this important legislation that will reinvigorate embryonic stem cell research in this country and allow science to move forward unimpeded, revolutionize the practice of medicine, and offer hope to the millions of Americans suffering from debilitating diseases.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of S. 5, the Stem Cell Research Enhancement Act which is the latest endeavor by this Congress to pass meaningful legislation that will impact the lives of millions of people suffering from a myriad of diseases.

S. 5 would expand the Federal funding of embryonic stem cell research by lifting the restrictions on the embryonic stem cell lines that can be used for Federally-funded research—restrictions that were imposed by President Bush in 2001. Most of the stem cell lines authorized for Federally-funded research under the President's policy are now no longer useful for research. However, the bill only authorizes Federal research funds for stem cell lines generated from embryos that would otherwise be discarded by fertility clinics. S. 5 also creates an ethical framework that must be followed in conducting this research under the guidance of the National Institutes of Health.

This body has voted in favor of expanding the number of stem cell lines eligible for Federal funding with strict ethical guidelines twice

in the past year. I believe it is time for the president to listen to the overwhelming support from Congress and more importantly, from the majority of Americans, who want science to prevail and cures to be found with the promise of embryonic stem cell research.

If Federally funded, this research could help nearly 100 million Americans suffering from cancer, Alzheimer's disease, diabetes, Parkinson's disease, spinal cord injuries, heart disease, ALS, and other devastating conditions. Put simply, embryonic stem cell research offers the greatest promise for developing treatments and cures.

Today, there are only 21 embryonic stem cell lines that are available to Federally funded scientists. This is a number that scientists confirm is insufficient and is negatively impacting medical advances in this country.

Mr. Speaker, I must repeat myself on this issue because it cannot be said enough times: this bill is about saving lives and preventing devastating diseases from ravaging and ending people's lives. As a founder and current co-chair of the Bicameral Congressional Caucus on Parkinson's Disease and as someone who lost my father to Parkinson's disease, I know firsthand just how important this legislation is and how important it is to open up the stem cell lines.

I stand with a bipartisan majority of Congress and urge my colleagues to vote in favor of this critical legislation.

Mr. BLUMENAUER. Mr. Speaker, I support S. 5, the Stem Cell Research Enhancement Act, because it is a critical advancement in scientific research. The medical possibilities from stem cells continue to excite the scientific community, holding great promise for therapies to alleviate human suffering from diseases such as diabetes, Parkinson's, Alzheimer's, multiple sclerosis, and cancer. Perhaps no area provides more potential to revolutionize the lives of Americans than the ability to avoid or cure debilitating diseases. It is time for the Federal government to be a full partner in the critical advancement of stem cell research.

This legislation enables scientists to pursue research in a responsible, ethical manner, through the utilization of the 400,000 surplus embryos currently frozen in storage at fertilization clinics across the U.S. The strict confines of this legislation present no threat to the sanctity of human life. I strongly concur with the National Institute for Health Director's statement that it is in the best interests of our scientists, our science, and our country to pursue all aspects of stem cell research—both adult and embryonic—to the fullest extent.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of the Stem Cell Research Enhancement Act—a smart, thoughtful and, more important, ethical piece of legislation that already has passed in the House. This bill will expand needed Federal funding to ensure that the promises of embryonic stem cell research finally become reality in this nation.

For the millions of Americans who suffer from the very conditions for which stem cell research could hold a cure, the time has come for us to do more than just offer hope. The time is now for us to find and offer cures to some of the most devastating conditions and diseases that detrimentally affect more than 100 million Americans and their families.

Mr. Speaker, this bill also will send a long overdue message to our friends in the global community: that we are re-assuming our place at the helm of the world's forward-thinking, inspirational and smart health lawmakers.

As a physician, I have seen what happens to people afflicted with diseases and conditions, like Alzheimer's, sickle cell anemia and Parkinson's, and I have seen the impact it has on their families, friends and loved ones. And, it sickens me to know that a promising public health advancement is being tainted by some of my colleagues who wrongfully and unethically applying a theological argument to this issue. Mr. Speaker, this is not a faith issue; this should not be a partisan issue; it's a public health issue and an American issue.

Imagine an America free of Parkinson's disease, Alzheimer's, sickle cell anemia and multiple sclerosis; spinal cord injuries, cancer and diabetes. I call on the President to sign the bill into law and to be a part of the solution—and not the problem. The time simply is now.

Mr. SHAY. Mr. Speaker, the gentlewoman from Colorado and the gentleman from Delaware deserve our thanks for sponsoring the Stem Cell Research Enhancement Act and working with so many families who have been impacted by diseases that may find cures as a result of this vital research. Their work and dedication on this legislation has been tremendous and praiseworthy. I also thank them for giving me the opportunity to cast one of the most important votes I will ever make in Congress.

Almost everyone has lost some family member prematurely. I think of the grandmother, whom I never met, who died when her daughter, my mother, was only 16. I think of my mother-in-law who never had the opportunity to know her grandchild who is now 27. I think of my cousin, who was brilliant and never got to realize his full potential.

Embryonic stem cell research has the potential to cure disease and save lives, and it is only 8 years old. These are discarded embryos that were never in the womb that can help save lives.

This is not a matter of pro-life versus pro-choice, but rather, it is a matter of man and womankind versus disease. I am happy this legislation has once again passed the House and Senate and will head to the President, and I pray the President reconsiders his position on this vital issue and signs this bill into law.

Sometimes ideology can box you in and cause you to make wrong and harmful decisions. I think it is time we recognize the Dark Ages are over. Galileo and Copernicus have been proven right. The world is in fact round. The earth does revolve around the sun. I believe God gave us intellect to differentiate between imprisoning dogma and sound ethical science, which is what we must do here today.

I want history to look back at this Congress and say that in the face of the age-old tension between religion and science, the Members here allowed critical scientific research to advance while respecting important ethical questions that surrounded it.

We know that by allowing embryonic stem cell research to go forward, treatments and prevention for diseases will not come to us overnight. But we also know embryonic stem cell research has the potential to yield significant scientific advances to heal and prevent so many diseases throughout the world.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise to offer my support for passage of S. 5, the Stem Cell Research Enhancement Act of 2007. The scientific community has demonstrated the great potential for stem cell research. Advancements are being made through the National Institute of Health, private sector biotechnology, and research universities.

Some of that progress has been made with stem cells from other than embryonic sources, but the Congress should not be in the business of shackling scientific discovery and should pass this legislation to open up the potential that embryonic stem cell research has to offer. In Orange County, California, the University of California at Irvine, Reeve Research Center is home to spectacular research that is utilizing embryonic stem cells to develop treatments for spinal-cord injuries and neurological disorders.

California has already led the way for responsible government support of stem cell research. Now is the time for the Federal government to do so as well. I urge my colleagues to support the Stem Cell Research Enhancement Act.

Mr. JORDAN of Ohio. Mr. Speaker, I rise today to express my opposition to S. 5, the Stem Cell Research Enhancement Act. Like H.R. 3, which we considered earlier this year, and H.R. 810, S. 5 would use taxpayer funds to destroy human life.

Some of my colleagues claim that embryonic stem cell research is essential to finding cures to a range of diseases. This could not be further from the truth. On top of the fact that embryo-derived treatments have been fraught with problems, including the widespread occurrence of tumor formation, there is now a host of increasingly more successful alternative treatments that offer tangible results to suffering Americans and their families.

Research has demonstrated that various forms of adult stem cell materials, umbilical cord blood and amniotic fluid are an excellent source of pluripotent stem cells. These materials have yielded highly successful, groundbreaking treatments for Brain Cancer, Breast Cancer, various forms of Lymphoma and Leukemia, Multiple Sclerosis, Parkinson's Disease, spinal cord injury, Sickle Cell Anemia and Krabbe Disease. Treatments employing umbilical cord blood have been particularly successful and the list goes on and on. Just recently, a new study by American and Brazilian researchers published in the Journal of the American Medical Association (JAMA) demonstrated the use of stem cells taken from 13 patient's own bodies to reverse the symptoms of Juvenile Diabetes. These patients have been able to live so far without insulin-some as long as three years. Just this morning, the Associated Press reported a new report from three independent teams of scientists that have been able to produce the practical equivalent of embryonic stem cells in mice without destroying any embryos. Thus far, ethical forms of stem cell research have

yielded treatments for over 73 different diseases while well-funded embryonic research has thus far only yielded tumors.

Mr. Speaker, every time my colleagues in the house trumpet the necessity of destroying embryos, scientific studies come along to prove them wrong on point after point. Rather than forcing taxpayers to fund the destruction of human life, we should be putting our resources into the types of ethical research that are rapidly providing the treatments that Americans so greatly desire.

Mr. HOLT. Mr. Speaker, today, the House will again pass legislation to support humane and potentially life-saving embryonic stem cell research. I am a cosponsor of this essential legislation to increase the number of embryonic stem cell lines that can be used to conduct federally funded research to search for cures for a number of diseases such as diabetes, Parkinson's disease, Alzheimer's, ALS, multiple sclerosis, and cancer.

The opponents of this legislation say that we should pursue alternative avenues for research, such as adult stem cells, cord blood cells, and amniotic fluid cells. And they are correct; we should investigate each one of them. Yet, that is not a compelling reason to block researchers from pursuing embryonic stem cell research, which experts agree holds the greatest potential because of the pluripotent nature of the cells.

As a research scientist, I understand that we will only understand the true value of each of these cell types when the research is done. That is why it is essential that we pass this bill and make more embryonic stem cell lines available for exploration.

My home state of New Jersey has demonstrated real national leadership on stem cell research. In 2005, New Jersey became the first state in the nation to award public funds for research on human embryonic stem cells. Just last month, Governor Corzine pledged an additional $10 million in public funds for stem cell research. And the state legislature recently approved $270 million for new stem cell research centers. New Jersey is taking the lead on this ground breaking research, but that can not be an excuse for inaction on the federal level.

It would be immoral for the federal government not to pursue this promising avenue of research, which holds the potential to revolutionize medical care for those afflicted with tragic diseases and conditions.

I implore President Bush to put his veto pen away—he must stop standing in the way of scientific progress that could benefit all Americans.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Stem Cell Research Enhancement Act of 2007. We can never guarantee the results of scientific research, but without it we can guarantee that there will be no results.

From juvenile diabetes, Alzheimer's and Parkinson's disease to Multiple Sclerosis and cancer, stem cell research has the potential to begin to uncover cures for the diseases that affect our constituents and our families. In the debate over fixing our broken health care system in America, we cannot afford to ignore the medical breakthroughs in disease management that stem cell research has the potential to uncover.

Some opponents of this legislation argue that the federal government already significantly funds stem cell research or that private entities will step in to take up the slack. The reality is that stem cell research is practically at a standstill in this country today. Of the 78 stem cell lines currently permitted under federally funded research, 57 are contaminated and are thus incapable of producing such breakthroughs. Research has been stifled under the Administration's stem cell policy.

This morning's news highlights a recent scientific paper written by scientists that have manipulated an ordinary mouse skin cell into what may be effectively an embryonic stem cell. More research must be done to see if scientists can coax human skin cells to have the same qualities as embryonic stem cells; however, as advocate Sean Tipton told the Washington Post this morning, ''You cannot make good policy one scientific paper at a time.'' The bill before us today encourages further research on isolating and testing non-embryonic cells and at the same time lifts the ban on federal support of embryonic stem cell research.

The Stem Cell Research Enhancement Act is a well-crafted, bipartisan approach. The bill only allows the use of stem cell lines generated from embryos that would otherwise be discarded by fertility clinics. The legislation contains strict ethical guidelines, including the requirement that embryos can be used only if the donor give their written consent and receive no money or other inducement in exchange.

The President vetoed very similar legislation last year, and there is little doubt that he will veto it again. The medical research that embryonic stem cell lines offer is crucial for millions of people dealing with incurable and debilitating diseases. It is an insufficient response for Congress to simply accept the Bush Administration's intransigence on this issue. The legislation before us is a bipartisan bill that strong majorities of the House and Senate support. Further, it is clear that a broad majority of Americans support responsible embryonic stem cell research. The real question today is whether enough Members of the House now recognize that the current stem cell policy is not working and are willing to vote for a better way forward. I urge all of my colleagues to join me in supporting this vital legislation.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor of the House version of the Stem Cell Research Act of 2007, I rise in strong support for S. 5.

I firmly believe that stem cell research holds the promise of scientific breakthroughs and finding cures for life-threatening diseases that could improve the lives of millions of Americans. We should allow the expansion of federally funded research of human embryonic stem cell lines. This bipartisan legislation would accomplish that while establishing ethical guidelines.

This is an issue that affects every family in America. A majority of the American people support stem cell research. I was disappointed that the President exercised his first veto last year on a piece of similar legislation that has bipartisan support. The Stem Cell Research Enhancement Act of 2007 will be soon on the President's desk for his signature. I hope this time the President will listen to Congress and the American people rather than to the extreme right of his own political party and not wield his veto pen on such promising legislation. We cannot put politics over the health of the American people.

Mr. Speaker, I strongly urge my House colleagues to support this bipartisan legislation.

Mr. CONYERS. Mr. Speaker, I rise today to applaud the passage of S. 5, the ''Stem Cell Research Enhancement Act of 2007.'' This legislation will give hope to 100,000,000 Americans, by greatly expanding scientists' access to embryonic stem cell lines and will create opportunities for medical and biological scientists to continue further investigation for additional stem cell lines. Moreover, this legislation will impact greatly the future of treatment of serious diseases.

During the last decade of research, significant scientific advancements have been made that allow scientists to research genetically stable and long lived human stem cells, by methods that would not destroy or endanger human embryos. The discovery of the new lines of stem cells has greatly enhanced the probability of additional discoveries in various treatment and cures. The support of continued research into this kind of scientific discovery gives great hope to many Americans and others around the world who depend on the scientific advancements that this country has been known for in decades past.

It is time that this groundbreaking research moves forward. I optimistically look forward to the many advances that will be made in the future.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I strongly support S. 5, the Stem Cell Research Enhancement Act of 2007. This bill directs the Secretary of Health and Human Services to support a comprehensive program of embryonic stem cell research.

In my 14 years with the Committee on Science and Technology, I have exhibited a firm and consistent commitment to scientific research. That includes stem cell research.

Nearly all of the scientific societies are strong supporters of this legislation, and many have contacted me urging support of S. 5. The bill supports the development of techniques to derive stem cells from non-embryo sources for the improved understanding of and treatments for diseases.

Mr. Speaker, this bill that will enable critically important, ethical stem cell research. The President vetoed such legislation in the past, and I hope that he will listen to the majority of Americans and support this measure.

The SPEAKER pro tempore. Pursuant to House Resolution 464, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GINGREY. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Gingrey moves to commit the bill (S. 5) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alternative Pluripotent Stem Cell Therapies Enhancement Act of 2007''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 409I the following:

''SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director of the National Institutes of Health, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—In this section, the term 'human embryo' includes any organism, not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of the enactment of the Alternative Pluripotent Stem Cell Therapies Enhancement Act of 2007, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2010, to carry out this section.''.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. GINGREY. Mr. Speaker, over the past 3 years, we have repeatedly stood on the floor of this House debating whether or not to expand the Federal Government's role in funding embryonic stem cell research. Today I implore my colleagues that, for once in this debate, let the facts speak louder than fiction. Let us all put aside political posturing and debate the impact of this legislation. Let us ensure that the American people hear the truth. We do not have to sacrifice human life to further stem cell research.

Once again, we find ourselves debating the same stem cell legislation without any input from the Members of this House. Essentially the Democratic majority and their leadership is saying to the American people: This issue has not changed since we debated it in January, since we debated it last summer; in fact, since we debated it back in August of 2001. But that assumption is fundamentally wrong. The reality is that this issue has changed. Science has moved past bureaucracy and, in fact, past politics, to which it owes no allegiance.

There have been multiple scientific breakthroughs which show that there are other ways to achieve medical miracles without the collateral damage mandated by S. 5. The American people deserve a full and a comprehensive debate on these very, very successful alternatives. That is the reason that I am offering this motion to commit, which would replace S. 5 with a bill that was originally introduced by the other gentleman from Maryland, Mr. ROSCOE BARTLETT, and myself, called the Alternative Pluripotent Stem Cell Research Therapies Enhancement Act.

This act would authorize the use of Federal funds to research alternative and ethical ways to extract embryonic-like, or pluripotent, stem cells. That is what we should be debating on the floor of this esteemed body today, legislation that mitigates the gut-wrenching ethical questions of embryonic stem cell research that damages or, more likely, destroys human life.

Mr. Speaker, the fact of the matter is the hope of embryonic stem cell research is not grounded solely in the fact that these cells are embryonic; rather, researchers are interested in embryonic stem cells because they are flexible, and they can specialize into any type of human tissue. Indeed, I doubt that the scientists care where these cells come from.

Pluripotent stem cells can be obtained in a variety of ethical and scientifically promising ways. They do ''not'' have to come from a living embryo which some call medical waste but others embrace as ''snowflake'' babies with priceless lives.

Mr. Speaker, this point cannot be illustrated any more clearly than in the ground-breaking research published in several scientific journals since the beginning of this year. In fact, just yesterday, Nature Journal published a study that shows research's ability to literally reprogram an adult cell taken from skin to achieve one of these pluripotent, or embryonic-like, stem cell states. This research offers the promise of generating embryonic stem cells without the collateral damage of harming human embryos.

Let me read to you a fascinating quote from this article: ''The race is now on to apply the surprisingly straightforward procedure to human cells. If researchers succeed, it will make it relatively easy to produce cells that seem indistinguishable from embryonic stem cells and that are genetically matched to individual patients.'' Mr. Speaker, that equates, my colleagues, to no rejection and no tumors. Hallelujah. Science has found a way to support human life in terms of medical cures. The way we derive those cures is so important.

Earlier this year, researchers at Wake Forest University and Harvard published a study that showed the capability to obtain pluripotent stem cells again from amniotic fluid, which have the necessary characteristics of being fast-growing and flexible, and can be harvested, get this, Mr. Speaker, as early as 9 weeks into a pregnancy with no damage.

These are just two examples of new cutting-edge research which has fundamentally changed this stem cell debate. We no longer need to engage in an issue that divides this Congress, and indeed our country, in half. We no longer need to contemplate a unilateral decision to spend taxpayer dollars on research methods that half of the public morally opposes.

I ask my colleagues to vote ''yes'' on this motion to commit.

Ms. DEGETTE. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Mr. Speaker, I want to be very clear. This motion to commit guts S. 5, pure and simple. What it does, it strips out the embryonic stem cell research portion of the bill, which of course is the bill. Instead, it simply leaves the section that also encourages alternative forms of research. So any Member of this House who supports embryonic stem cell research and who has voted for it in the past must oppose this motion to commit. Let me say it again: What this motion to commit does, it strips the embryonic stem cell research out of the bill.

Now, when I was a high school and college debater, one of the things that used to drive me crazy was inconsistency in my opponent's position. We have seen that in spades today. Mr. GINGREY just said, for example, that he supports adult stem cell research because it doesn't have the same kinds of problems that some embryonic stem cell research in mice have shown. In fact, though, the new study, which coincidentally just came out this week, just as a new study comes out every time we vote on embryonic stem cell research, the study on mice specifically says that these mouse cells, that the approach would have to be changed somewhat for use with human cells because it could cause cancer, just the criticism our opponents make of embryonic stem cell research. It's true that embryonic stem cell research is relatively new. However, these other sources that our opponents tout are even newer and have provided no evidence and no hope for cures. That is why 80 Nobel Laureates and 1,300 scientists have endorsed embryonic stem cell research as well as research into adult stem cells and other types of research.

What our bill does is, it says, let's do everything in an ethical way. Let's have ethically conducted embryonic stem cells, but only on embryos that are scheduled to be discarded as medical waste. Let's not throw them out. Let's use them to give hope to the millions of Americans who suffer from diseases for which adult stem cell research has shown no promise at all. That is why all of these researchers say we have to support both embryonic stem cell and adult stem cell and other types of alternatives.

□ 1330

They say there have been no cures found, but, again, just last week, researchers in Great Britain, because this research is going overseas, have found evidence that embryonic stem cell research may cure macular degeneration, which causes blindness in humans. Our friends, many of them formerly from U.S. universities who are in Great Britain, think that we will have a clinical application of this embryonic stem cell research within 5 years.

I want to conclude by saying, it is not either/or. It is both, so long as they are done ethically. Alan Leshner, Ph.D., with the American Association for the Advancement of Science, said, ''It is only through Federal support of research on both adult and embryonic stem cells that we may better understand the potential value and limitations of each type. We owe all those who may be helped by such research in the future to pursue all avenues of potential treatments and cures for serious diseases.''

Mr. Speaker, this motion to commit will kill the bill. Anyone who supports hope for the 110 million Americans who suffer from these terrible diseases must vote ''no'' on the motion to commit and ''yes'' on final passage.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 180, nays 242, not voting 10, as follows:

[Roll No. 442]

YEAS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Platts
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)

Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Cantor
Hastings (FL)
Holden
Jefferson
Kagen
Pickering
Pomeroy
Porter
Ryan (OH)
Tancredo

□ 1357

Mrs. JONES of Ohio, Messrs. OLVER, ABERCROMBIE, GENE GREEN of Texas, Mrs. GILLIBRAND, and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. ROGERS of Alabama, SAXTON, WELDON of Florida, TURNER, CALVERT, BARRETT of South Carolina, DONNELLY, KING of New York, SAM JOHNSON of Texas, and KING of Iowa changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Ms. DEGETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 247, nays 176, not voting 10, as follows:

[Roll No. 443]

YEAS—247

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—176

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf

NOT VOTING—10

Cantor
Hastings (FL)
Holden
Jefferson
Kagen
Pickering
Pomeroy
Porter
Ryan (OH)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1404

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1756

Mr. HUNTER. Madam Speaker, I ask unanimous consent to have the gentleman from Florida (Mr. BOYD) removed as a cosponsor to H.R. 1756.

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

There was no objection.

LUMBEE RECOGNITION ACT

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 465 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 465

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 65 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the

bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Thank you, Madam Speaker.

For purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate purposes only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 465.

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

There was no objection.

Mr. ARCURI. Madam Speaker, House Resolution 465 provides for consideration of H.R. 65, the Lumbee Recognition Act. For over 100 years, the Lumbees have been in Federal recognition limbo. This legislation, which maintains the strong bipartisan support of 215 Members, aims to bring closure to the issue of full Federal recognition for Lumbee Indians of North Carolina, which has lingered in question for far too long.

There's absolutely no question that the Lumbee Indians constitute an Indian tribe. The Lumbee were first recognized as a tribe in 1885 by their home State of North Carolina. After initially seeking Federal recognition in 1888, the Congress acknowledged the Lumbee Indians as an Indian tribe via the Lumbee Act of 1956 but denied them any benefits and privileges of such status. This rare form of recognition is nothing more than an unjust half measure that must be corrected by Congress.

Those opposed to the underlying bill will argue that it is the duty of the Department of the Interior to recognize the status of an Indian tribe. However, because of the action taken by Congress in 1956, creating half-measure recognition, the Department of the Interior has ruled that the Lumbee tribe is not eligible for the tribal recognition process which it administers. That's a very important point that should command the attention of every Member of this body. Simply put, the Department of the Interior is saying to Congress, your legislation in 1956 created this recognition problem and now you are the appropriate branch of the Federal Government to rectify it, that is, Congress.

The recognition of an Indian tribe by the United States has always ultimately been the responsibility of Congress. Even though the Department of the Interior established an administrative process for recognition of the tribes in 1978, Congress has since recognized nine tribes by special legislation where there were special circumstances. Further, because Congress tasks the administration with the authority to establish an administration recognition process in no way means that Congress completely abdicates its authority over such matters.

Madam Speaker, numerous bills have been introduced regarding Federal recognition of the Lumbee starting way back in 1899. And during that time, numerous hearings were held and reports were filed. Most recently, the Natural Resources Committee held a hearing in April of this year where the underlying bill was debated and amendments were offered. Further, the Department of the Interior has researched and studied the Lumbee history 11 times.

Madam Speaker, we owe it to the Lumbee Indians and the State of North Carolina to write the final chapter and close the book on the issue of full Federal recognition.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my good friend from New York for the time.

Madam Speaker, the State of North Carolina formally recognized the Lumbee tribe in 1885. Since 1888, the Lumbee tribe has been waiting for full Federal recognition.

Over the years, many bills were introduced in Congress to provide the Lumbees with Federal recognition, but these bills never reached the President's desk for signature. Finally, the Lumbee Act of 1956 recognized the Lumbee as a Native American tribe but denied them the Federal aid that comes with full status as a federally recognized tribe.

The Bureau of Indian Affairs' recognition process is reserved for tribes whose legitimacy must be established. This, however, is not the case with the Lumbees.

The Department of the Interior since 1913 has studied the identity of the Lumbee Indians 11 times, and each report has concluded that the Lumbees are a Native American tribe descended from the Cheraw Indians.

Furthermore, the Lumbee Act of 1956 actually prohibited the tribe from going through the Bureau of Indian Affairs' recognition process. Congressional action is thus needed for Federal recognition so the Lumbee tribe can be eligible for the full benefits that they are entitled to.

I wish to express my thanks to Mr. MCINTYRE for his strong leadership really on many issues affecting Native Americans as well as other important issues before this Congress and specifically for his perseverance and the brilliance that he has shown in bringing this bill to the floor today.

Even though I support the underlying legislation, Madam Speaker, I must oppose the closed rule under which the majority brings forth this bill. One of the central tenets of our friends in the majority of their campaign in 2006 was that they would run Congress in a more open and bipartisan manner.

□ 1415

On December 6, 2006, the distinguished Speaker reiterated her campaign promise. She said, ''We promised the American people that we would have the most honest and open government and we will.''

Here we are 6 months later, 6 months later, considering the second closed rule of the day. It seems that the campaign promise was just that, a hollow promise. But this closed rule, the second of the day, is not an isolated incident, obviously. So far in the 110th Congress, we have considered a total of 25 closed rules, 25 closed rules in about 5 months. Compare that to the 109th Congress where at this point we had considered six closed rules.

Now, my friends on the other side of the aisle like to refute this fact by claiming that they have offered a number of open rules, but that's not the case. The former very distinguished chairman of the committee, Mr. Moakley, a Democrat, said, and I quote, ''Open rules are silent on the amendment structure.''

By that definition, the Democrats have offered only one open rule this Congress. The majority on the Rules Committee had the opportunity to increase the number of open rules to two yesterday. However, they denied a motion that I made to amend this rule and allow an open rule. Not only did they deny our proposal for an open rule, they even denied an attempt to allow a bipartisan amendment offered by Representative SHULER, that even though I opposed that amendment on the merits, it came to the Rules Committee where Mr. SHULER and Mr. SHAYS sat for a long, long period of time, and then they very diligently and respectfully explained their amendment.

I happened to disagree with it, but as I stated in the Rules Committee, as strongly as I disagree with their amendment, I think they should have the right to present it. Yet not only did our friends, the majority in the Rules Committee, decide to close the rule absolutely, they even disallowed the bipartisan amendment by Mr. SHULER and Mr. SHAYS from being considered today by the full House. I think the Democrats should live up to their campaign promises and offer a more open process.

I urge my colleagues to defeat this closed rule, while, again, on the underlying substance of legislation, expressing my support for it.

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Madam Speaker, I rise in opposition to this rule.

The Bureau of Indian Affairs have established a process for recognizing Indian tribes. Recognition of tribes is a job for experts and requires facts. This decision should not be made by politicians relying upon a motion.

Every time a legislature has gotten involved in this case, they have gotten it wrong. The North Carolina State House mislabeled the group four different times. The U.S. Congress made the decision worse in 1955 by blocking them from going through the standard process.

I offered an amendment which would have taken the emotion and politics out of this process. It would have allowed the experts of the Bureau of Indian Affairs to establish the facts of this case, but this rule blocks that amendment.

Today, we have missed an opportunity to settle this case. Instead, once again, we will leave it up to politicians.

I am not an expert on Indian tribes. My colleagues are not experts on Indian tribes. None of us are qualified to make this decision.

I urge my colleagues to reject this rule and let the Bureau of Indian Affairs do its job.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure at this time to yield as much time as he may consume to the ranking member of the Committee on Rules, Mr. DREIER.

Mr. DREIER. Madam Speaker, I rise to join my very distinguished colleague from Miami, Mr. DIAZ-BALART, in not only opposing this rule but opposing the previous question on this. I am going to explain that in just a moment.

Mr. DIAZ-BALART went through and gave a very, very good summation of where we stand on this issue of openness, transparency and disclosure; and his reference to the December 6, 2006, quote from our distinguished Speaker, my fellow Californian, underscores the fact that everyone can talk about the issue of openness, transparency and disclosure. But when it comes to granting it, it's very sad and really a very sad day for this institution.

Now I know that there has regularly been a lot of criticism over the way we as Republicans managed this institution for the 12 years leading up to last November's election, but I like to remind our colleagues that, whatever criticism they want to level at us, it's not about what we did, it's about what they promised they were going to do. That's really the sad thing here, the promises that were made, in fact, have not been kept. I think that's evidenced, as Mr. DIAZ-BALART said, by virtue of the fact that we were going to have all of these open rules, and at this moment we are considering the second totally closed rule of the day, meaning that no Member will have the opportunity to offer any amendment whatsoever as we consider this measure.

In the last Congress, we were proud of the fact that we were able to take on what was a bipartisan concern, that being the abuse that we saw of earmarks. We all know what that consists of. It has been reported very, very widely, the abuse of earmarks; and that played a role in leading us, in the last Congress, to respond.

I am very proud in the 109th Congress we were able to pass major earmark reform that got at the issue of transparency and disclosure and, most important, enforceability, making sure that Members of this House, Democrat or Republican, stand up on the floor and raise a question and bring to the attention of this House an earmark that should be brought to the light of day.

We heard that the reforms that were passed at the beginning of this Congress were going to build on what we did in the last Congress and ''improve'' on the earmark reform that we passed in the 109th Congress.

Let me say again, as I did when we considered the last rule, every Member of this House, Democrat and Republican alike, will in just a few minutes have an opportunity to vote on whether or not we believe the earmark reform that has been touted very widely is going to be enforced. That's the vote we are going to face.

What it consists of is Mr. DIAZ-BALART will move to defeat the previous question so that we will simply have an opportunity to make it in order to consider an amendment that will allow us to enforce this much-ballyhooed earmark reform process.

Now, in the last rules debate, I quoted Ronald Reagan, and I quoted Ronald Reagan because during the discussion of the arms buildup and our negotiations with the former Soviet Union, Ronald Reagan used a Russian expression, and that Russian expression is ''doveryai, no proveryai.''

I have to say that my Russian has improved between the debate on the last rule and the debate that we are holding right now, because I got it a little turned around. But thanks to our first-rate staff here we went on to the Internet and found the exact Russian expression: ''Doveryai, no proveryai.'' Now, what that means is trust, but verify.

Everyone here has talked about the need for us to again have greater transparency, disclosure, accountability and enforcement on the issue of earmarks. Unfortunately, the rule that was passed in this 110th Congress, which was designed to improve on what we did in the 109th Congress, not only doesn't improve, it denies, it denies every Republican and every Democrat in this House an opportunity to come forward and, in fact, let the institution have the chance to determine whether or not this is a justifiable earmark.

A couple of examples most recently, we saw the clash that took place between the chairman of the Defense Appropriations Subcommittee, our friend, Mr. MURTHA of Pennsylvania, and the gentleman from Michigan (Mr. ROGERS). That was a very unfortunate part of the consideration of the intelligence authorization bill.

Then we saw the quote, the statement that was made by the distinguished chairman of the Committee on Appropriations, Mr. OBEY, who has announced that we are not going to be considering earmarks in the appropriations process itself, earmarks are only allowed to be airdropped into the appropriations conference reports, again, again further blurring the opportunity for Members to have, in full view, these earmarks.

Let me say once again we are going to give every Member of this House, in just a few minutes, the chance to vote on whether or not you believe there should be an opportunity for greater enforceability, transparency and disclosure of these earmarks that have been put into place. That promise was made early on; and, unfortunately, it has not been kept. We are going to give Members a chance to decide whether or not that promise should be kept.

So I urge my colleagues to vote ''no'' on the previous question, and that ''no'' vote on the previous question will again allow Mr. DIAZ-BALART the opportunity to offer this very thoughtful amendment that should enjoy very strong bipartisan support.

I thank again my friend from Miami for yielding.

Mr. ARCURI. Madam Speaker, my colleague from the Rules Committee, Mr. DREIER, may want this to be about earmark reform, and he may want this to be about other things, but, frankly, this is a rule about the Lumbee Indians.

Madam Speaker, I am now pleased to yield 5½ minutes to the gentleman from North Carolina (Mr. MCINTYRE) who can talk to us about the rule on the Lumbee Indians.

Mr. MCINTYRE. Madam Speaker, I rise in strong support of the rule for H.R. 65, legislation to grant the Lumbee Indians Federal recognition.

In the late 1500s, when English ships landed on the shores of Roanoke Island off the coast of North Carolina, the English discovered native Americans. Included among those native Americans were both the Cheraw and Pee Dee Indians, who were direct ancestors of the Lumbee Indians.

Later, in 1888, the Lumbees made their first effort at gaining Federal recognition. For at least 500 years, the Lumbee Indians have been inhabitants of this land; and for over half of that time that our country has been in existence, 119 of the 231 years of our country's history, the Lumbee Indians have been seeking the recognition and respect that they deserve.

As the largest tribe east of the Mississippi and the largest nonrecognized tribe in America, it is unfathomable that this tribe of 55,000 people has never been fully recognized by our government. H.R. 65 would provide equal treatment to the Lumbee tribe by correcting a half-measure that was adopted by this Congress in 1956, 51 years ago on this very day.

The 1956 half-measure acknowledged the Lumbees as Indians but cut off the tribe from the Federal statutes that apply to all other Federally recognized tribes. Every other tribe subjected by Congress to such a half-measure has since been fully recognized by a special act of Congress.

This would only apply to the Lumbees. It will not apply to the other tribes. You may hear arguments to the contrary, but this refers to correcting an injustice done by the Lumbee Act of 1956. So it is applicable only to this tribe.

H.R. 65 would do the same thing for the Lumbee tribe as it has done for two other tribes that were put in a similar circumstance. Thus, H.R. 65 is a long-overdue act of justice that would treat this tribe just like every other tribe in the same position has been treated. There is no question that the Lumbee Indians constitute an Indian tribe.

The State of North Carolina has consistently recognized that since 1885 under a series of State statutes, using different names for the tribe, until 1952, when the tribe held a referendum to decide upon its own name and not take a name imposed on it. They adopted the name Lumbee, drawn from the name of the river that the tribe was found at the time of the first white contact with these Indians in the 1730s.

The State amended its law to recognize the tribe under the name Lumbee in 1953, and that same bill was introduced in Congress to obtain Federal recognition under that same name. Before the Federal bill was enacted, though, Congress amended the bill to include termination language; and, as a result, Congress recognized the tribe in name only at the same time in 1956.

□ 1430

Because of this 1956 half-measure, the Solicitor General of the United States has ruled that the Lumbee tribe is not eligible for the tribal recognition process currently administered by the Department of the Interior and the Bureau of Indian Affairs. The Solicitor General has already ruled that the tribe has to come back to Congress to correct this injustice. Congress did it; Congress needs to correct it.

In any case, there's no need to send this back to the BIA. Why? Because the Department of Interior has already studied this tribe 11 separate times and each time has concluded that the Lumbees are indeed Indian, and they are descended principally from the Aboriginal Cheraw Tribe. The Department's own records also show that the modern day Lumbees are the same Indians first recognized by the State of North Carolina back in 1885 and by Congress by name in 1956. So Congress itself has put the Lumbee tribe in the Indian ''No Man's Land'' with the enactment of the 1956 half measure.

Congress has done this in the past to two other tribes, the Tiwas of Texas and the Pascua Yaqui of Arizona. In both cases, Congress has since gone back, passed special statutes extending full recognition to those tribes. So there is direct precedent for this action today, and it only is applicable to the Lumbees, and in all fairness, Congress should do the same for the Lumbees that they've done for other tribes that were in this unique position. This is all that we're asking, for the Lumbee tribe to be treated equally and fairly like every other tribe in this situation has been treated. If this is not done, the Lumbees will continue to be the only tribe in America left in this legal limbo, and that's fundamentally unfair to the Lumbee tribe. The recognition of an Indian tribe has always been done by the United States. Ultimately it's Congress's responsibility. More than half of the 565 tribes now federally recognized were recognized by Congress. And even after the Department of Interior established a separate procedure in 1978, Congress itself has still taken the effort to recognize nine tribes by special legislation when there were special circumstances, which is what we have here, special circumstances.

In 1935, D'Arcy McNickle, the Special Indian Agent of the Bureau of Indian Affairs, reported to Congress; this Special Indian Agent of the Bureau of Indian Affairs back in 1935 concluded, ''that they are Indians cannot be doubted,'' and I quote.

So now, in 2007, I trust that you and my colleagues will agree it is time for discrimination to end and recognition to begin. Join me in finally rectifying this wrong. Vote for the rule and vote for recognition for the Lumbee tribe.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, in a few minutes I will be asking for a ''no'' vote on the previous question so that we can amend this rule to allow the House to consider a change to the Rules of the House to restore accountability and enforceability to the earmark rule.

Now, by defeating the previous question, we wouldn't be derailing consideration of this important legislation today. But we would be fixing an unfairness, rectifying an unfairness in the House Rules. And we believe very strongly in this.

At this time, Madam Speaker, and I had an opportunity in the Rules Committee yesterday to point out to Mr. SHULER and Mr. SHAYS that, as I've stated before, on the floor of this House today, I oppose the substance of the amendment that they brought before us, but I certainly support it and support, at this time, their right to be heard.

It's unfortunate that the rule, the closed rule bringing the legislation to the floor today, has closed out all of the Members of the House, including Mr. SHULER and Mr. SHAYS.

Madam Speaker, at this time I'd like to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I do want to commend Congressman MCINTYRE for his labors of love and his efforts to bring this to the floor and his support for this.

I happen to oppose him on this for several reasons, and I want to say that I'm from North Carolina, as well as Mr. MCINTYRE. This has been an ongoing issue, as he made reference to in his comments, for years and years. But this issue of the Lumbee should be allowed to go through the existing Federal process. And I believe sincerely that Representatives SHULER and SHAYS offered an amendment in the Rules Committee to allow this to happen, but sadly, it was rejected.

The BIA process allows non-biased experts to objectively examine historical evidence and make decisions based on seven strict criteria. If there are problems with the process, then we should fix the process; ''we'' meaning the Congress. But Congress should not start down this slippery slope of hijacking the objective BIA process and start recognizing tribes on its own. This is and would be a serious mistake.

Madam Speaker, roughly 250 native groups have applications pending at BIA, Bureau of Indian Affairs. If we pass this bill, all of these groups will come knocking at the door of Congress seeking Federal recognition, and it will be impossible for those of us in Congress to say no.

Lumbees' tribal origins are suspect, at best. Over time, they have self-identified themselves as four different tribes: Cherokee in 1924; Cheraw in 1933; Siouan in 1934; and now they are Lumbees. This makes it all the more important for experts to determine their eligibility, not subjective Members of Congress.

Madam Speaker, the CBO says Federal recognition of Lumbees would cost $489 million in the first 5 years; $489 million in the first 5 years. I hope that my colleagues on both sides of the aisle, who maybe support this legislation, would allow this Congress, on such an important issue, to debate it, to debate amendments, and let's see how we can at least let the American people know that this is an open process and not a closed process.

And, Madam Speaker, I will tell you again, in closing, that many people in North Carolina are familiar with this issue and the history of the Lumbees. And their heritage is in question.

With that, Madam Speaker, I hope that my colleagues will vote against the rule and the legislation.

Mr. ARCURI. Madam Speaker, in response to my colleague from North Carolina, I would have to say that while it is the role of the Bureau of Indian Affairs to certainly deal with Indian tribes, we have delegated that responsibility to them as Congress, to that agency. We have not abdicated our responsibility. That is our responsibility as Congress. We should not give over our responsibility in any particular area completely to an agency. We have delegated that responsibility to them, and I think it is the responsibility and the duty of people in Congress to bring forth recognition in cases such as this.

With that, I would like to yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I rise to support the proposed rule to bring this bill, H.R. 65, for consideration. And I certainly would like to commend my good friend, the gentleman from New York, who's managing this legislation, and my good friend from Florida, the opposition, for their being here and to deliberate on the importance of this bill.

Madam Speaker, this is not a Republican or a Democratic piece of legislation. I say this because this bill has the absolute support of the chairman of the Committee on Natural Resources, Mr. RAHALL, and also the senior ranking member, the distinguished gentleman from Alaska, Mr. DON YOUNG. So we have bipartisan support to this proposed bill. In fact, over 215 Members have already sponsored this proposed legislation.

And I would be remiss if I did not give special commendation for the outstanding job that the gentleman from North Carolina has put in trying to bring this legislation for the last 6 years I believe, the gentleman from North Carolina, Mr. MCINTYRE. And I do commend him very much for his leadership and for his sensitivity in bringing this legislation out to the floor.

Madam Speaker, H.R. 65 would extend Federal recognition status to the Lumbee tribe of North Carolina. Several studies undertaken by the Department of the Interior have consistently concluded that the Lumbees are a distinct self-governing Indian community historically located on the Lumbee River in North Carolina.

This legislation is long overdue. Indeed, Congress passed the Lumbee Act of 1956. On its surface, one would deduce that this law was to provide Federal recognition to the Lumbee people. Instead, Congress perversely added a provision making the Lumbee Indian people ineligible for the services provided by the United States to other federally recognized tribes.

Today, we are simply here to rectify this injustice. This bill was reported by the Natural Resources Committee by a vote of 24–7. The tribe agreed to the provision that no gaming operation is ever to be part of their operations if they are ever to be recognized.

Madam Speaker, finally, I would note that the tribe has sought recognition through the current administrative procedure which was developed by the Bureau of Indian Affairs, which, by the way, was done through Federal regulation. It was not done by statutory mandate by the Congress. But this is not an option for them.

In 1989, the Associate Solicitor for Indian Affairs at the Department of Interior made the determination that the Lumbee Indian people are not eligible for the current process, and the fact that we have to go back to the provisions of the Lumbee Act of 1956. So there is no other option to obtain justice for these people, Madam Speaker.

And let me note that Congress is empowered to recognize Indian tribes, just as we have recently done for the Virginia Indian tribes. There are some 560 federally recognized Indian tribes in our country, and of those, Congress recognized 530 of them.

Madam Speaker, the times that I've met with the many members of this distinguished tribe, they noted to me, they say that many of them have fought, members of that tribe have fought in the defense of our Nation. And for a population of 53,000, and I believe six members of this tribe have already died from this terrible conflict that we're faced with now in Iraq. And to me, that is a way to show the patriotism, and we owe the people this recognition, I submit, Madam Speaker.

I urge my colleagues to support the proposed rule and pass this proposed bill, H.R. 65.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I wish I had just come to Congress, because then I could believe what I'm hearing from the other side of the aisle. I could have total ignorance about the past and feel comfortable with what we're doing. The problem is I've been here 20 years, and I know what we're doing. We are returning to the old ways under the Democratic Party that bypassed the Bureau of Indian Affairs, and lots of people made lots of money in the process.

This is not an open rule. This is not a restricted rule. This is a closed rule. And for a freshman Member of Congress to stand up and justify a closed rule and not even allow a debate on whether the Bureau of Indian Affairs should be involved blows me away.

The Bureau of Indian Affairs, if it needs to be fixed, how are you going to know about it unless you have a debate?

But you don't want a debate. You want a closed rule. You do not want a debate about this issue. And why? It's pretty obvious.

If you look at the record, it's very different than what was described. If you talk about what happened, it's very different than what was described.

When it came before the committee in the 1950s, the Member bringing it out, Mr. Carlyle, said, ''Now, I should like for you to recall that there's nothing in this bill that requests one penny of appropriation of any kind. There is nothing in this bill that would call for any upkeep or expenditure. It just simply relates to the name of these people of that county.''

And then we go on.

□ 1445

The first question that was asked by Mr. Aspinall: ''What are the tribal origins of these Indians?''

And then he asks: ''I can understand that they may have some Indian blood to that effect, but surely they have some Indian blood in their veins from other acknowledged tribes of the day.''

''Mr. Carlyle: 'I think perhaps I have a member of that race here who would be able to answer that question.'

''Mr. Aspinall: 'The next question would be: What benefit would they expect to get from this? Just purely the name Lumbee Indian Tribe does not appear to me to give too much importance to it, unless they expect to get some recognition later on as members of some authorized tribe and then come before Congress asking for the benefits that naturally go to recognized tribes.'

''Mr. Carlyle: 'No one has ever mentioned to me any interest in that, that they had any interest in becoming a part of a reservation or asking the Federal Government for anything. Their purpose in this legislation is to have a name that they think is appropriate for their group. I do not know that they refer to themselves as a tribe. They are citizens who belong to the Indian race, and they were interested in having a name that would have, they think, some significance.' ''

And then he goes on to say: ''Well, I just do not know of any particular tribe of Indians in this country that they claim to be associated with.''

That is the history of the debate.

And then we go to the floor of the House:

''Mr. Ford: 'Mr. Speaker, reserving the right to object, I should like to ask the author of the bill, the gentleman from North Carolina, whether or not the bill, if enacted, would in any way whatsoever commit the Federal Government in the future to the furnishing of services or monetary sums.'

''Mr. Carlyle: 'Mr. Speaker, I am happy to say that the bill does not provide for that, nor is it expected that it will cost the government one penny.'

''Mr. Ford: 'There is no obligation involved, as far as the Federal Government is concerned, if this proposed legislation is approved?'

''Mr. Carlyle: 'None whatsoever.'

''Mr. Ford: 'It simply provides for the change of the name?' ''

That is all the bill did. It wasn't intended to do something else. It wasn't intended to make them a tribe with all the benefits. It was simply to give them a name. And to come before this Chamber and suggest that somehow this bill was to do more is an outrage.

Now, what we are doing today is to bypass the Bureau of Indian Affairs. The Bureau of Indian Affairs has to see that there was a political, social, and economic association. That is what this tribe has to prove. But they don't want them to go before the Bureau of Indian Affairs because this is a tribe that had no name. It had no reservation. It had no language.

Now, if I am wrong, then the Bureau of Indian Affairs should be the one to decide. But I would say as strongly as I can say—no one here has the capability to know if this is truly a tribe.

Now, why would we want the Bureau of Indian Affairs to decide whether it is a tribe? Because they study it. They do the research on it. They determine that there is some legitimacy. If you create an Indian tribe that is truly not meeting the Federal standard, you make a mockery of every Indian tribe that exists today that can prove it.

I would just like to close by saying that you are opening up a Pandora's box. You are letting the floodgate in. And the best proof is my colleague from American Samoa who said we just did it a few months ago or weeks ago for someone else. It's no different. Now we do this. And then the next Member is going to come in and say, You did it for them and you did it for them. How come not us?

I know that former Representative Simmons, former Representative Johnson, and I have opposed tribes in our State of Connecticut bypassing the process. If they meet the standard, they should become a tribe. If they don't, they shouldn't. And I would just say to any of my colleagues who may have gotten elected in the meantime that if you allow this to happen you are going to allow a floodgate, and if you have a State-recognized tribe, they are going to come and say, I am a State-recognized tribe. Make me a Federal-recognized tribe. Make me a sovereign nation. Give me all the benefits that true tribes that are federally recognized have.

I encourage my colleagues to vote down this rule, allow an honest debate about the Bureau of Indian Affairs. What are you afraid of? To have a debate about the need to have the Bureau of Indian Affairs look at it? What are you so concerned about? What don't you want the public to know?

This is a closed rule. It is totally restricted, and it is an outrage.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA) to respond.

Mr. FALEOMAVAEGA. Madam Speaker, I do want to say I do have the highest respect for my good friend and colleague who has just taken the floor. In fact, I do want to commend him as a former Peace Corps volunteer for the islands of Fiji. And, as I said, I don't question some of the dialogue or the conversations or part of the CONGRESSIONAL RECORD that was taken from previous Congresses and other Members of Congress in the previous years in dealing with the issue. But let me share with my colleagues the situation of how we have dealt with the American Indians.

Madam Speaker, I submit our first policy, our first national policy, was to kill the Indians. Get rid of them.

Following that, our next policy was let's assimilate the Indians, make them all part of America.

And then, guess what? The next policy was to terminate the Indians. Don't give them any sense of recognition as a people.

These are our national policies in eras and periods of how we have dealt with Native Americans. So now the fourth policy that we now enunciated is let's find a system or procedure of how we can recognize them as Indian tribes.

Let me share with my colleagues what happened on that specific day when we held a hearing on the Lumbee Indians. This was years ago. One of the tribal chiefs of the Lumbee Indians testified before our committee and said they had to examine their teeth, their teeth, to see if they looked like Indians and having a certain structure of their facial features to make them look like Indians.

I must submit, Madam Speaker, the process that my good friend talks about was not developed until 1975 and thereafter. And the very person who wrote the regulation where these Indian tribes had to meet seven criteria in order for this Indian process to be completed and they would say now you are federally recognized, well, the person who wrote that regulation made a submission before our committee and said, even I would not have been able to submit an application if this is what we have to go through as the process. It is the most expensive process that we have had to burden Indian tribes to come up with.

And I must say, Madam Speaker, with all due respect to my good friend from Connecticut, I don't doubt his sincerity in terms of what he said. The process has failed. There is no question. But we have just recognized four or five Indian tribes from the State of Virginia. So how does that make it different in the State of North Carolina for this tribe, the Lumbee Indians? Over 100 years these people have been fighting for recognition, and they deserve that recognition, Madam Speaker.

Let me give a bit of history to my colleagues. We held 389 treaties with the American Indians, and guess what? We broke every one of them. That is the kind of history that we have had in dealing with Native Americans. They deserve better, Madam Speaker.

Again, I urge my colleagues to support this rule. Support this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, before closing, I would like to yield 2 minutes to the distinguished gentleman from Connecticut, who would like to make some other remarks.

Mr. SHAYS. Madam Speaker, I thank my colleague for yielding.

The arguments we just heard, though, are what frightens me the most. Because my colleague has said the Bureau of Indian Affairs is broken; therefore, Congress should be the ones to decide.

So will you tell me how Congressman MURPHY opposes the Schaghticokes when they come and make that argument? Just come to Congress, and if he has the political clout, they become a federally recognized tribe.

What do we say to my colleague, JOE COURTNEY, who has taken Mr. Simmons place, about the Eastern Pequots? We are saying, go before the Bureau of Indian Affairs. Now they are just going to come to him and say, you did it twice.

What do they say to me with the Golden Hill Paugussetts, who want to build a casino in Bridgeport and want to be recognized as a federally recognized tribe because all three of these tribes have State recognition?

We want to make sure they meet the standard. If they meet the standard, that is fine. But what you have done by your argument is just simply say, don't go through that process. It's broken. We are not going to fix the process. Just come to your Member of Congress and if they have the political clout, get it through. And that is what scares me more than I can express.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman.

Mr. FALEOMAVAEGA. Madam Speaker, I just want to say to my good friend that I did submit proposed legislation to rectify the process that has failed. But, unfortunately, we have still not taken up the legislation, so I want to try it again.

Mr. SHAYS. Madam Speaker, reclaiming my time, why don't we take that up first before we go through this process?

Mr. FALEOMAVAEGA. I will submit to my good friend, Madam Speaker, the situation that, dealing with the

Lumbee Indians, the Congress did formally recognize them in 1956 and there was no process in place.

Mr. SHAYS. Reclaiming my time, they recognized name only. That is all the tribe asked for. They wanted nothing else. And it wasn't Congress that did it against their objection. They did exactly what they asked for.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Madam Speaker, in answer quickly to the questions raised by my colleague from Connecticut when he says they don't want to go before the BIA because they do the research, that is absolutely incorrect. We have records of 11 studies that the BIA has done and every time concluded this was an Indian tribe.

Secondly, he says this is opening a Pandora's box; what do we say to the other tribes? This deals with one tribe with a specific statute that the Congress of the United States passed 51 years ago today called the Lumbee Act of 1956. That is what we answer. We are dealing with that specific law dealing with this specific tribe, and we have a specific bill today to answer the injustice Congress has done to this specific tribe that only deals with the Lumbee Tribe.

Third, there must be something, I guess, magical about going to the BIA. He asks, what are we afraid of? The answer is nothing. Not only have 11 studies already been done by the BIA, but the General Accounting Office itself says in conclusion in their own regulations under the law that authorized the BIA, the BIA's recognition process was never intended to be the only way groups could receive Federal recognition, and that is in statutory language itself.

So what are we afraid of? Nothing. They have been through 11 examinations. We are ready to rectify an injustice that occurred 51 years ago today. I believe it is long overdue that Congress do the right thing.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report, or manager's amendment includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

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

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress and provide Members with an opportunity to bring the question of earmarks before the House for a vote. Without these changes, the new earmark rule is nothing more than a fig leaf.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time, while reiterating my support for the underlying legislation, which I think is worthy legislation and has been thoroughly studied, I think it is most unfortunate that it has been brought forth with a totally closed rule.

□ 1500

I ask my colleagues to join me in defeating the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

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

Mr. ARCURI. Madam Speaker, for over 100 years the Lumbee Indians have been recognized by their home State of North Carolina.

The Department of the Interior has researched the Lumbee history on 11 separate occasions. Numerous bills have been introduced, many congressional hearings have been held, and the Department of the Interior has stated that the Lumbee are not eligible for the Department's recognition process because of Congress' action in 1956.

The gentleman from Connecticut has asked the question, what are we trying to hide? That's insulting. There is nothing that anyone is trying to hide. What we are trying to do is recognize a long-overdue injustice and recognize the Lumbee Tribe. That is what this bill is about, that is what all the hard work from the gentleman from North Carolina is about, is to rectify a long-overdue injustice.

Clearly, the time for half-measures is over. We have a responsibility to address the issue and write the final chapter of the unfortunate Lumbee Indian Federal recognition saga, which has gone on far too long.

Madam Speaker, I urge a "yes" vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 465 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following new section:

SEC. 3. Clause 9(c) of Rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the bill, joint resolution, or conference report, or amendment described in paragraph (a)(3). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.".

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 192, not voting 23, as follows:

[Roll No. 444]

YEAS—217

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

NAYS—192

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

NOT VOTING—23

Alexander
Blackburn
Cantor
Davis, Jo Ann
Doyle
Eshoo
Gerlach
Hastert
Hastings (FL)
Holden
Jefferson
Kagen
LaHood
McNulty
Miller (NC)
Pickering
Pomeroy
Porter
Shadegg
Slaughter
Smith (NJ)
Tancredo
Watson

□ 1527

Mrs. CUBIN, Mrs. MCMORRIS RODGERS and Mr. MARCHANT changed their vote from ''yea'' to ''nay.''

Ms. MOORE of Wisconsin and Ms. DELAURO changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on roll-call No. 444, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. ARCURI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 214, noes 193, not voting 25, as follows:

[Roll No. 445]

AYES—214

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski

Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

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

NOT VOTING—25

Alexander
Bishop (GA)
Blackburn
Cantor
Davis, Jo Ann
Deal (GA)
Doyle
Eshoo
Gerlach
Hastings (FL)
Holden
Jefferson
Kagen
LaHood
Lewis (GA)
Lynch
McNulty
Miller (NC)
Pickering
Pomeroy
Porter
Shadegg
Smith (NJ)
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1535

Mr. ROSS changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LEWIS of Georgia. Madam Speaker, on rollcall No. 445, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Madam Speaker, on rollcall No. 445 to H. Res. 465, I was mistakenly recorded as an "aye". My intended vote was "no".

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 465, I call up the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 65

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lumbee Recognition Act''.

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking ''and'' at the end of each clause.

(2) By striking '': Now, therefore,'' at the end of the last clause and inserting a semicolon.

(3) By adding at the end the following new clauses:

''Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

''Whereas since 1885 the State of North Carolina has recognized the Lumbee Indians as an Indian tribe;

''Whereas in 1956 the Congress of the United States acknowledged the Lumbee Indians as an Indian tribe, but withheld from the Lumbee Tribe the benefits, privileges and immunities to which the Tribe and its members otherwise would have been entitled by virtue of the Tribe's status as a federally recognized tribe; and

''Whereas the Congress finds that the Lumbee Indians should now be entitled to full Federal recognition of their status as an Indian tribe and that the benefits, privileges and immunities that accompany such status should be accorded to the Lumbee Tribe: Now, therefore,''.

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking the last sentence of the first section.

(2) By striking section 2 and inserting the following new sections:

''SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of North Carolina. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of North Carolina and its members.

''(b) Notwithstanding the first section, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Lumbee Tribe of North Carolina as determined under section 3(c), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgement of tribal existence.

''SEC. 3. (a) The Lumbee Tribe of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as members of a federally recognized tribe. For the purposes of the delivery of such services, those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(b) Upon verification by the Secretary of the Interior of a tribal roll under subsection (c), the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of North Carolina, a determination of needs and budget to provide the services to which members of the Tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget with the first budget request submitted to Congress after the fiscal year in which the tribal roll is verified.

''(c) For purposes of the delivery of Federal services, the tribal roll in effect on the date of the enactment of this section shall, subject to verification by the Secretary of the Interior, define the service population of the Tribe. The Secretary's verification shall be limited to confirming compliance with the membership criteria set out in the Tribe's constitution adopted on November 11, 2000, which verification shall be completed not less than 1 year after the date of the enactment of this section.

''SEC. 4. Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be treated by the Secretary of the Interior as 'on-reservation' trust acquisitions under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within Robeson County, North Carolina.

''SEC. 5. (a) The State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed on; and

''(2) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of North Carolina, or any dependent Indian

community of the Lumbee Tribe of North Carolina.

''(b) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer of jurisdiction may not take effect until 2 years after the effective date of the agreement.

''(c) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

The SPEAKER pro tempore. Pursuant to House Resolution 465, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–180, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 65

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lumbee Recognition Act''.

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking ''and'' at the end of each clause.

(2) By striking '': Now, therefore,'' at the end of the last clause and inserting a semicolon.

(3) By adding at the end the following new clauses:

''Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

''Whereas since 1885 the State of North Carolina has recognized the Lumbee Indians as an Indian tribe;

''Whereas in 1956 the Congress of the United States acknowledged the Lumbee Indians as an Indian tribe, but withheld from the Lumbee Tribe the benefits, privileges and immunities to which the Tribe and its members otherwise would have been entitled by virtue of the Tribe's status as a federally recognized tribe; and

''Whereas the Congress finds that the Lumbee Indians should now be entitled to full Federal recognition of their status as an Indian tribe and that the benefits, privileges and immunities that accompany such status should be accorded to the Lumbee Tribe: Now, therefore,''.

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking the last sentence of the first section.

(2) By striking section 2 and inserting the following new sections:

''SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of North Carolina, as designated as petitioner number 65 by the Office of Federal Acknowledgement. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of North Carolina and its members.

''(b) Notwithstanding the first section, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Lumbee Tribe of North Carolina as determined under section 3(c), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgement of tribal existence.

''SEC. 3. (a) The Lumbee Tribe of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as members of a federally recognized tribe. For the purposes of the delivery of such services, those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(b) Upon verification by the Secretary of the Interior of a tribal roll under subsection (c), the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of North Carolina, a determination of needs and budget to provide the services to which members of the Tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget to Congress after the tribal roll is verified.

''(c) For purposes of the delivery of Federal services, the tribal roll in effect on the date of the enactment of this section shall, subject to verification by the Secretary of the Interior, define the service population of the Tribe. The Secretary's verification shall be limited to confirming compliance with the membership criteria set out in the Tribe's constitution adopted on November 16, 2001, which verification shall be completed within 2 years after the date of the enactment of this section.

''SEC. 4. (a) Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be treated by the Secretary of the Interior as 'on-reservation' trust acquisitions under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within Robeson County, North Carolina.

''(b) The tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

''SEC. 5. (a) The State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed on; and

''(2) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of North Carolina, or any dependent Indian community of the Lumbee Tribe of North Carolina.

''(b) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer of jurisdiction may not take effect until 2 years after the effective date of the agreement.

''(c) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 65.

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

There was no objection.

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

To my colleagues on both sides of the aisle, this measure, which would extend Federal recognition to the Lumbee Tribe of North Carolina, is long overdue. For over 115 years, this tribe has sought Federal recognition only. When Congress finally stepped in to take action on this matter, it was in the midst of the termination era, an era in which the Federal Government was in the process of terminating its relationship with existing federally recognized tribes. As a result, Congress recognized the Lumbee Tribe in 1956, but in the same breath it terminated its relationship with the tribe.

At no time has the Department of the Interior ever opposed Federal recognition for this tribe based on a belief that the Lumbees are not entitled to such status. Indeed, several studies undertaken by the Department of the Interior have consistently concluded that the Lumbees are a distinct, self-governing Indian community historically located on Drowning Creek, now the Lumber River, in North Carolina.

Although the State of North Carolina has recognized the tribe for over 100 years, it has done so under various names. The State of North Carolina, not the Lumbees, is responsible for the various names imposed upon the tribe.

It was not until the tribe pressured the State that the tribe was authorized to conduct a referendum to choose its own name. When it did so in 1951, it chose the name ''Lumbee Indians of North Carolina.'' This is the only name ever selected by the tribe, and it is this name by which Congress, in 1956, recognized the Lumbees.

Some have expressed a concern about the cost of this bill. I want to note that the cost of this bill is for discretionary programs only. There is no mandatory spending. Any actual cost of this bill is subject to appropriations.

Others have expressed concern that the size of the Lumbee Tribe will unduly impact the tribes in their districts. This is not a reason to single out the Lumbees.

The Lumbees are Indians organized as a tribe, and they deserve Federal

recognition and access to the benefits and services in the same manner as other federally recognized tribes. Congress should not determine whether or not to honor its responsibilities to Indian tribes based on cost.

To address claims that the tribe is only interested in Federal recognition so they may conduct gaming, the tribe supported an outright gaming prohibition which has been included in this bill. The gaming prohibition precludes the Lumbee Tribe from engaging in, licensing, or regulating gaming pursuant to the Indian Gaming Regulatory Act or any other Federal law.

Extending Federal recognition to the tribe at this time is not something new nor does it bypass the administrative process established by the Bureau of Indian Affairs.

Congress first recognized the tribe in 1956. But because of our actions at that time, the tribe is not eligible for the administrative process. Congress is solely responsible for the injustice committed on this tribe. Now, after over 50 years, it is up to us to correct the wrong that Congress imposed so many years ago.

This legislation is sponsored by our colleague, Representative Mike McIntyre of North Carolina, and enjoys bipartisan support, including North Carolina Representatives BUTTERFIELD, ETHERIDGE, PRICE, COBLE, HAYES, MILLER and WATT.

I certainly commend Representative MIKE MCINTYRE of North Carolina for his dedication, his persistence, and his devotion to the Lumbee Indian Tribe. They have no better friend in the Congress of the United States.

I, too, am a cosponsor of H.R. 65; and I am pleased that Natural Resources ranking member, Mr. DON YOUNG, is also a strong supporter.

Importantly, the Governor of North Carolina, Mike Easley, supports this measure, as do two former Governors, former Republican Governor Martin and former Democratic Governor Hunt.

The pending measure was reported by the Natural Resources Committee by a roll call vote of 24–7.

In closing, I again commend the gentleman from North Carolina (Mr. MCINTYRE) for his dedication to this issue. Through his tireless efforts, the bill before us today has 215 cosponsors.

So let us join in this effort to grant the Lumbee Tribe the recognition they have long deserved. As Coach Kelvin Sampson, basketball coach at Indiana University noted in his testimony at our hearing, the Lumbees do not need our permission to call themselves Native American, but, unfortunately in today's world, they need our validation. It is up to us to do the right thing by extending Federal recognition to the tribe.

I urge all of my colleagues to join me in supporting the pending measure.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I compliment the chairman of the committee, Mr. RAHALL. As many of my colleagues know, I have long supported the efforts of the Lumbee Tribe to be federally recognized.

I have had discussions with the sponsor of the bill who represents them, the gentleman from North Carolina (Mr. MCINTYRE). I have studied their case for many years when I served as ranking member and chairman of the Committee on Resources.

The Lumbee's quest for recognition has been going for more than 100 years, which seems to be longer than almost any other tribe currently in the recognition process. During this time, the Lumbees have been put under a microscope and subjected to intensive debate by the State of North Carolina, the Bureau of Indian Affairs, the Congress, historians, and other Indian tribes.

In my judgment and that of the committee, this is clearly a distinct community of Indian people who meet the definition of ''tribe'' under article I, section 8 of Constitution; and the fact that more than 200 Members of this body have cosponsored H.R. 65 attests to the tribe's legitimacy.

□ 1545

Here are some of the facts about the Lumbee tribe. It is a State-recognized tribe. It has submitted huge amounts of documentation to prove that it is an autonomous Indian community that can trace links to a historic tribe. Even the Act of 1956, which terminated the tribe, helps to prove their case.

The reason for this is that, in order to be terminated by Congress, you first must be recognized. The fact that Congress had to identify the Lumbees before terminating them is a clear indication that Congress considered them to be a distinct Indian community within the meaning of the Constitution. Why else would Congress feel a need to prohibit benefits for this community if, as the opposition alleges, they were not eligible for the benefits in the first place?

Ask anyone who has traveled to Robeson County, and they will report that the county is largely governed by the Lumbee people already. In one sense, this bill merely puts a Federal endorsement on the fact that an independent, self-governing tribe exists in North Carolina.

But this is a tribe that still lacks the status of all the other federally recognized tribes. And in lacking the benefits, immunities and the responsibilities accorded to other tribes, the Lumbees are second-class citizens within the Indian world. This is not right.

H.R. 65 corrects this historic injustice, and I urge my colleagues to pass this bill as soon as possible.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I yield 8 minutes to the gentleman from North Carolina (Mr. MCINTYRE), who is responsible for this legislation.

Mr. MCINTYRE. Madam Speaker, I would like to place in the RECORD at this point three letters which Mr. RAHALL referred to from North Carolina's three governors over the last 31 years, both Democrat and Republican, including a former Member of this body, Congressman Jim Martin, who later became governor, as well as Governors Jim Hunt and Mike Easley, who support this effort for the Lumbees.

STATE OF NORTH CAROLINA,
April 18, 2007.

Hon. NICK J. RAHALL, II,
Chair, Natural Resources Committee, House of Representatives, Washington, DC.

Hon. DON YOUNG,
Ranking Member, Natural Resources Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN RAHALL AND CONGRESSMAN YOUNG: Thank you for the opportunity to submit written comments about pending legislation for federal recognition of the Lumbee Tribe of North Carolina by the Congress of the United States of America. I believe full federal recognition of the Lumbee Tribe by Congress is long overdue.

Recognition of and interaction with the Lumbee people as a unique, distinct Indian tribe began when settlers from Virginia, South Carolina and Europe first arrived in the Cape Fear and Pee Dee River Basins after the Tuscarora War (1711–1715). There, the settlers encountered a well-populated, cohesive American Indian tribal group situated mostly along and to the west of what is now known as the Lumber River in Robeson County. As early as 1890, the U.S. Department of Interior acknowledged this fact among others as evidence that the Lumbee people are American Indians.

A proclamation by colonial Governor Matthew Rowan on May 10, 1753 stated that Drowning Creek (Lumber River in Robeson County) was ''the Indian Frontier.'' Other historical records of the eighteenth and early nineteenth centuries, including Revolutionary War pensions for Lumbees who fought for American independence, attest to the Lumbees as American Indians.

In 1885, North Carolina's General Assembly passed a bill recognizing and naming the Lumbee tribe ''Croatan.'' In 1911 the General Assembly changed their name to the ''Indians of Robeson County'' and in 1913 to ''Cherokee Indians of Robeson County.'' None of these names was chosen by the tribe. In 1953, the State officially changed the tribe's name to ''Lumbee Tribe of North Carolina'' following a 1952 tribal referendum requested by the Lumbees and paid for by the State in which this name was overwhelmingly chosen. These names all apply to the same American Indian tribe.

For more than a century, North Carolina's Governors, various state legislators and Members of the North Carolina Congressional delegation have supported the effort by the Lumbee Tribe to obtain federal recognition, beginning with a petition to Congress in 1888. Enclosed are copies of letters by former Governors James G. Martin (R) and James B. Hunt, Jr. (D)—my immediate predecessors—attesting to the strong bipartisan support for federal recognition that the Lumbee Tribe has enjoyed during the last generation.

In the past, federal recognition has been denied because of opposition by the Bureau of Indian Affairs and Department of Interior on budgetary grounds. Each of several federal investigations into the Lumbees' history, genealogy and ethnicity has concluded that the Lumbees are in fact American Indians. It follows that federal recognition should be authorized for this long-standing American Indian Tribe.

Personally and on behalf of North Carolina, I offer to our fellow Lumbee citizens and to the Congress our full, unqualified support for Congressional recognition of the Lumbee Tribe. I encourage your support for the Lumbee Tribe and for the adoption of this bill.

I thank the House and the Natural Resources Committee for holding this hearing and for allowing me to offer written comments about the Lumbee Tribe recognition bill.

With warm personal regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 30, 1991.

Hon. DANIEL K. INOUYE,
Chairman, Senate Select Committee on Indian Affairs, Washington, DC.

DEAR SENATOR INOUYE: I have asked James S. Lofton, Secretary of the North Carolina Department of Administration to represent me at the Joint Hearing regarding S. 1036, the Lumbee Recognition Bill, which will be held on August 1. Secretary Lofton will be accompanied by Henry McKoy, Deputy Secretary of the Department of Administration, Patrick O. Clark, Chairman of the North Carolina Commission of Indian Affairs, and A. Bruce Jones, the commission's executive director.

I fully support the passage of S. 1036 and am requesting the support of the Senate Select Committee on Indian Affairs. The State of North Carolina has recognized the Lumbee Tribe as a separate and viable Indian entity since 1885. The passage of S. 1036 will entitle the Lumbee to enjoy the same rights, privileges and services enjoyed by other federally recognized tribes in the nation and will, further, be a major step toward rectifying the inequities suffered by the Lumbee people for centuries.

I thank you for your attention to this matter and will appreciate your favorable consideration of my request.

Sincerely,

JAMES G. MARTIN.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
October 18, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The United States House of Representatives recently passed H.R. 1426 which provides for full federal recognition of the Lumbee Tribe of Cheraw Indians of North Carolina.

I am in support of this legislation as evidenced by the enclosed testimony given on my behalf by Secretary James S. Lofton of the North Carolina Department of Administration at a joint hearing of the Senate Select Committee on Indian Affairs and the House Interior and Insular Affairs Committee held August 1, 1991. H.R. 1426 is now before the United States Senate, as is its companion bill, S. 1036.

I am requesting your support of the passage of this legislation and its subsequent signing into law following its successful passage.

Sincerely,

JAMES G. MARTIN,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
March 11, 1993.

Hon. BRUCE BABBITT,
Secretary Department of Interior,
Washington, DC.

DEAR BRUCE: I am pleased that you were able to be in our state recently and I appreciated the opportunity to meet with you.

There are approximately 40,000 Lumbee Indians living in North Carolina and they have been officially recognized by the State of North Carolina since 1885. The Lumbees have been seeking federal recognition since 1888. Seven studies have shown them to be an independent Indian community.

I would like to reiterate my strong support for the Congressional process for federal recognition of the Lumbee Indian tribe in North Carolina. As you know H.R. 334, introduced by Congressman Charlie Rose of North Carolina, would provide such recognition. We support that legislation as stated in my letter of January 28, 1993.

Federal recognition of the tribe has been endorsed by the N.C. Commission of Indian Affairs, the Governors' Interstate Indian Council, and the National Congress of American Indians, which is the oldest and largest Indian organization in the country.

In 1956 a bill was passed by the Congress to recognize the Lumbee tribe, but it denied the tribe the benefits or protections afforded to Indians by the U.S. of America.

For over 100 years the Lumbees have tried to obtain federal recognition, but to no avail. It is my opinion that the administrative recognition process that was proposed by the previous administration simply is too cumbersome, time-consuming, costly and has not worked effectively. Therefore, I would urge you to support the Congressional recognition process as proposed by Congressman Rose.

I want to work with you and the President in any way possible to help the Lumbee Tribe receive Congressional recognition. I am confident that this recognition is not only in our state's and the tribe's best interest, but in the interest of the United States as well.

Sincerely,

JAMES B. HUNT, Jr.
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
January 28, 1993.

Re Federal Recognition of the Lumbee Indians.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of Interior,
Washington, DC.

DEAR BRUCE: This letter is to ask your assistance in obtaining federal recognition for the Lumbee Indian tribe, which has many members in North Carolina. Congressman Charlie Rose (D–N.C.) has introduced a bill (H.R. 334) that would provide such recognition.

Before the House Subcommittee on Indian Affairs considers H.R. 334, I understand that the Clinton Administration will release its position on the bill. I ask that you and the President support the bill.

The Lumbee have 40,000 enrolled members in the United States and should be recognized. In fact, seven studies in this century have shown them to be an independent Indian community.

I appreciate your consideration of this letter. Please contact Congressman Rose or me if we can assist you in any way this matter.

My warmed personal regards.

Sincerely,

JAMES B. HUNT, Jr.
Governor.

Madam Speaker, 51 years ago today, Congress committed an injustice against the Lumbee tribe, and today, on this 51st anniversary, we have the opportunity to correct this injustice. And that ought to be thrilling for us here to know that, by our action, before we leave to go home this weekend, Congress can affirmatively do something right for 55,000 people who have been overlooked and who have been suffering from the indignity of only being half-recognized in name but never fully recognized as an Indian tribe, the only tribe in America put in this position by the Congress itself by a specific Act Congress passed in 1956.

Madam Speaker, I was born and reared in Robeson County, North Carolina, the primary home of the Lumbee people. I go home there virtually every weekend, and I have the high honor of representing approximately 40,000 of the 55,000 Lumbees who live in my home county. I'm a minority in my home county.

In fact, there are more Lumbees in Robeson County than any other racial or ethnic group. The Lumbee Indians are my friends, many of whom I've known all my life. They're important to the success of everyday life in southeastern North Carolina, and their contributions to our society are numerous and endless.

From medicine and law to business and banking, from the farms and factories to the schools and churches, from government, military and community service to entertainment and athletic accomplishments, the Lumbees have made tremendous contributions to our county, State and Nation.

In fact, in my home county, the former sheriff, the current clerk of court, the register of deeds, the school superintendent, several county commissioners, including the chairman, several school board members and the representative in the State legislature of the area where I live, as well as two of the district court judges and one of the superior court judges are all Lumbee Indians.

Lumbee contributions are also being recognized at home by both the public and private sector. From city councils to county commissioners, from the Chamber of Commerce to the Southeastern Regional Medical Center, all have endorsed the effort to grant the Lumbees Federal recognition.

The Lumbee Indians do not live on a reservation. They are fully integrated in society and have been successful in

all phases of society. This is not about gambling. In fact, gaming is specifically prohibited in this legislation.

This issue of Federal recognition for the Lumbee Indians is one that primarily affects two congressional districts, the one that I represent and the adjoining district represented by my friend and colleague, Congressman ROBIN HAYES.

The Lumbees have no lobbyist. They have no national organization that's been hired to come up here and help them. They themselves have set their own record that we admire and respect.

As most of my colleagues here know, I have personally visited with over 300 of you on both sides of the aisle and talked to all of you that I could in one-on-one conversations, explaining the importance of this bill and Congress correcting an injustice that occurred in 1956 under a specific act that Congress passed.

In one aspect or another, the U.S. Congress has deliberated on the issue of Federal recognition for this tribe for over 100 years, 119 years to be exact. Since the Lumbees first came to Congress for recognition, Congress has directed the Department of the Interior to examine the tribe's history. Please listen carefully: Eleven different times the Bureau of Indian Affairs has studied this tribe and has positively concluded that the tribe has strong Indian identity and community.

Some of you may ask, well, why are we even here debating this then? The answer is simple. That answer is that Congress has not rectified the wrong that it perpetrated on the Lumbees in 1956.

At the height of Federal Indian termination policy, an unfortunate time in our country's history, by an act of Congress, Congress enacted a half measure in 1956 that recognized the Lumbees in name only and made them ineligible for Federal benefits. Many years later, in 1989, after going through the process, the Solicitor General of the United States said the Lumbees were ineligible because of that 1956 Act and the Lumbees would have to come back to Congress to get this corrected.

Congress, since 1956, thankfully, has repudiated the Federal Indian termination policy it was implementing back at that time, but the Lumbee tribe still continues to labor under the vestiges of an outdated, outmoded and unfair law. There are only two other tribes in America that were put in this position, the Tiwas of Texas and the Pascua Yaquis of Arizona, where they were recognized specifically by Congress in name only, and in both cases, Congress went back and rectified the situation fully recognizing those tribes.

So what does that mean? Today, this day, the Lumbees are the only tribe in America in this situation, and there is direct legal precedent of congressional action for what we hope to correct this afternoon.

Therefore, Congress is the only legal entity available for the Lumbees to achieve Federal recognition. This House has passed legislation twice to do that for the Lumbees only to see it not move forward in the Senate.

Today, though, I'm pleased to say that both U.S. senators from North Carolina, ELIZABETH DOLE and RICHARD BURR, a former Member of this body, do support Federal recognition for the Lumbee tribe. Today, there are 215 of my colleagues who have cosponsored this bill. Today can be the first step toward rectifying this wrong of 51 years ago. On this day, June 7, 1956, Congress put the Lumbee tribe in legal limbo, and today, 51 years later, we can finally correct this injustice.

Madam Speaker, in conclusion, let me urge this House not to delay anymore on this issue. Fifty-one years has been long enough; 119 years has been far long enough. Eleven studies already done by the BIA have concluded that these folks deserve being understood as an Indian community, and now we're in the position to move to recognition.

The evidence is clear, cogent and convincing. It's time to say ''yes'' to dignity, ''yes'' to respect, ''yes'' to fundamental fairness, ''yes'' to honor, ''yes'' to Federal recognition. Indeed, it is time for the discrimination to end and recognition to begin.

May God grant us the courage and the will to do the right thing.

Mr. YOUNG of Alaska. Madam Speaker, at this time I yield 5 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Alaska for yielding.

Madam Speaker, I rise in strong opposition to my friend and colleague from North Carolina's bill, the Lumbee Recognition Act.

My position on this bill is very straightforward and fair. All groups seeking Federal acknowledgment as Indian tribes should go through the administrative process of the Department of the Interior's Office of Federal Acknowledgment.

This office is staffed with expert historians, anthropologists and genealogists. Their focus is to evaluate data provided by petitioning groups and determine the merits of a group's claim that it is an Indian tribe. This includes whether the group existed since historical times as a distinct political entity.

In this case, the Department of the Interior said the 1956 Lumbee Act prevents the Lumbee from going through this process. Congress should act and lift that restriction. Like other groups, the Lumbees should have the opportunity to attain Federal recognition as a tribe. I agree with that.

However, I cannot support this legislation which will allow the Lumbee or any other group for that matter to circumvent the process. This would be unfair to already existing tribes like the Eastern Band of Cherokee Indians in western North Carolina who have a significant historical and cultural impact on my region of the State. They don't want to see their cultural identity undermined by legislation such as this.

Prominent genealogists have also raised serious questions about the tribal identity of the Lumbee.

Paul Heinegg, award-winning genealogist and author, whose work is recognized by the American Society of Genealogists, has concluded that the Lumbee are ''an invented North Carolina Indian tribe.''

Dr. Virginia DeMarce, former chair of the National Genealogical Society, has published her research on the history of the Lumbee, with findings that contradict H.R. 65, the bill we're debating today. Her research finds that many Lumbee families migrated to Robeson County, North Carolina, from other areas prior to 1,800.

Her research has been corroborated by other notable genealogists who refer to other self-identified Lumbee families as residing in other areas prior to any colonial settlement in Robeson County.

In fact, the name Lumbee is based, as the chairman mentioned earlier, on this group's proximity to the Lumbee River and is a modern creation that the group selected as its name in 1952. In fact, this Lumbee group has petitioned Congress numerous times under the names Cherokee, Siouan, Croatan and Cheraw, among others.

I, along with members of the North Carolina delegation, in bipartisan fashion, have sponsored legislation in this Congress and sponsored legislation in the last Congress that would fix this problem. They could actually have the Lumbee go through the normal process.

In fact, my colleague, Mr. SHULER, has authored legislation this time, which I'm a cosponsor of, that his predecessor sponsored as well, that would clear the way for the Lumbee to go through the normal process. I think we should accept that. In fact, Mr. SHULER, Mr. WALTER JONES, as well as Mr. SHAYS and I offered the amendment that was ruled out of order by the Rules Committee. In fact, the Rules Committee would not let us offer that as an amendment here on the floor today. In fact, that's a responsible way to deal with the Lumbee issue.

Federal recognition matters get caught up in emotion, and let's face it, politics. So, rather than going through this legislative body, I think we should go through the regulatory process for the longstanding government-to-government relationships the United States has established with tribes.

We should take the politics out of Federal recognition and allow the experts at the Office of Federal Acknowledgment to do their jobs. I think that's

a responsible way to deal with this issue.

And I would ask my colleagues to vote ''no'' on this bill so we can deal with this in a responsible and reasonable manner, going through the longstanding process that we have established as a Congress.

Mr. RAHALL. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. SHULER), a very valued member of our Natural Resources Committee.

Mr. SHULER. I thank the chairman.

Madam Speaker, I rise in strong opposition to H.R. 65. I grew up in North Carolina near the Eastern Band Cherokee Indian reservation. I conducted youth camps on the Eastern Band Reservation for young men and women who attended the reservation schools.

The Cherokee people have a distinct, living culture that makes them different from many other people in the world. I'm embarrassed to say that efforts were made right here on this floor to take their language and their culture away from them. Congress has arbitrarily voted on the identity of Indian tribes many times and have gotten it wrong. Today, it will again get it wrong.

There is no historical tribe with the name Lumbee. That name wasn't used until 1952. Over the years, the Lumbee identified themselves as four different tribes, meanwhile they claim the Tuscarora people as part of their group, even though the Tuscarora angrily dispute this.

There is no Lumbee language. There is no reservation. There is no record of any Lumbee being forced out by Andrew Jackson's troops with the Cherokee on the Trail of Tears. Yet, the Congress is being asked to recognize them as the third largest tribe in the U.S.

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The Department of Interior testified that there are serious doubts about the identity of the Lumbee. The Congressional Budget Office says recognizing this group would cost nearly $1 billion. Shouldn't we try to get the facts straight before making such a commitment?

The Bureau of Indian Affairs process requires that any petition group meet seven mandatory criteria in order to become Federally recognized. This process involves qualified experts in the field of genealogy, anthropology and Indian history. I strongly oppose any attempts to circumvent this established process by any group.

My great friend, Mr. MIKE MCINTYRE, has pointed out that the Lumbees are not allowed to go through the process. He is right. That's why I have introduced an amendment to this bill which would have allowed the Lumbee to go through the process. That amendment was rejected.

Members of the Congress should not arbitrarily rule on the identity of a people without establishing the facts, and the best way to establish those facts is to let the system work and let the experts do their jobs. Reject this bill and protect the integrity of the process.

I urge my colleagues to vote ''no.''

Mr. YOUNG of Alaska. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for 5 minutes.

Mr. SHAYS. I want to thank the gentleman for yielding, particularly since he supports the bill. I appreciate the courtesy.

Mr. Speaker, I don't speak on this House floor often, and usually it's about things that I can be a little less passionate about. But I feel this passion because I think the House of Representatives is doing something it will deeply regret.

What it's doing is it's bypassing the Bureau of Indian Affairs process in the name of fairness when there is nothing fair about what we are doing. My colleague stood up and said, may God grant us the courage and will to do the right thing. I would like to say the same thing, may God grant us the courage and will to do the right thing.

The right thing sometimes is standing up to your constituents and saying you may be a large group of people, but there is a process. If I bypass the process, then I open up every congressional district to this same political effort.

Now, there are things that are said that are misleading, I won't say untrue, but very misleading. It's true that there were 11 reports or investigations. The problem was, they were never able to pinpoint that there was an historic Indian tribe called the Lumbee or anything else. They were never able to determine that. Now, this group of Indians, not a tribe, but a group, have basically backed off making requests to go through the process.

What they did, in 1956, was they came and requested one thing and one thing only, and we established that in the rules debate. What they requested was to have a name, because they didn't have a name. They don't have a reservation, they don't have a language, they don't have a name.

So Congress gave them a name that they wanted. That's what Congress did. They said, we don't want anything else. There was nothing unfair about what Congress did. Congress did something that they haven't done for other tribes. They gave a name to a tribe that was requesting a name. Indian tribes don't need to have a name. They have a name, they have a history.

Now, we set up the process of the Bureau of Indian Affairs for a reason, because we are creating a sovereign Nation. I just made reference to the fact that there was testimony from the Assistant Secretary of Indian Affairs, the United States Department of Interior, on April 18, and he basically said, please follow the process. You, Congress, established this process. Now, they didn't say this part. They just said, follow the process, and they pointed out that there are seven criteria.

Now, if they follow the process and they don't meet the seven criteria, then they don't become a federally recognized tribe unless Congress then says, you know what, they met six of them, and we think the one they didn't meet would have been hard for them to determine.

But the amendment that we offered, because this is not an open rule, it's not even a restricted rule, it's a closed rule, we can't have this debate. There's a reason why we don't want to have this debate, I guess, and that is that it's uncomfortable to have and deal with the facts. The facts are, no tribe, no reservation, no language, no name.

But Congress, because there are 50,000 people involved, is going to pass legislation creating a tribe. What my colleague has said in the past is, well, we just did it a few weeks ago. What's the big deal? Well, the big deal is, under the Republicans, we didn't do this, because we knew this is a corrupting process.

I would like to know why there aren't more Democrats who are speaking out against this because they oppose their tribes not going through the process. How are we going to say to the Schaghticokes, how are we going to say to the Eastern Pequots, how am I going to say to the Golden Hill Paugusetts, go through the process. But if you are fortunate and you have someone who is articulate about making an argument and has visited 300 Members, and we all like, you know, that's what it takes.

I know, I will say something I am not comfortable saying. I was asked, did the Republicans earn the right to regain Congress? I said, you know what? We didn't earn the right. I, frankly, thought that a new Congress would maybe be a cleansing process and we would get our act together. I just hope and pray that this new Congress does the right thing.

Mr. RAHALL. Mr. Speaker, I yield 6 minutes to the distinguished member of our Committee on Natural Resources, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I want to thank the distinguished chairman of our committee and also the distinguished senior member, senior ranking member of our committee, the gentleman from Alaska, for their bipartisan support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 65, the proposed legislation to federally recognize the Lumbee Indian tribe of North Carolina. I commend my good friends and colleagues from North Carolina, especially my good friend,

Mr. MCINTYRE, for his perseverance, his leadership and his determination to provide this long-overdue Federal recognition to the Lumbee Tribe. This is a bipartisanship bill. This is not a Republican or a Democratic bill.

Specifically, H.R. 65 extends Federal recognition to the Lumbee Tribe and specifies that tribal members will be eligible for Federal benefits. The bill expressly prohibits the Lumbee Tribe from conducting gaming under the Indian Gaming Regulatory Act or any Federal law. The bill also provides the State of North Carolina with jurisdiction over all civil and criminal matters on land owned by or held in trust for the Lumbee Tribe.

Mr. Speaker, this legislation is long overdue. The existence of the Lumbee Tribe as a distinct Indian community is beyond question. They are descended from the Cheraw and related tribes in North Carolina, and they have lived along the Lumber River since the first white settlers lived in the area. Even today, the tribal members live in a tightly knit community, mostly in Robeson County, North Carolina. Lumbees have been recognized by the State of North Carolina since 1885, and the tribe has been seeking Federal recognition for nearly 120 years.

This legislation is necessary to remedy the inequity created by this very institution. The Congress of the United States of America passed a law in 1956 which federally recognized the Lumbee Tribe but at the same time prohibited the application of Federal programs available like it has done for other American Indian tribes. This act has been interpreted in the courts as conveying Federal recognition and termination of the tribe at the same time but has prevented the Department of Interior from providing Federal recognition to the Lumbee Tribe through the administrative process. As a result, the only recourse available for this tribe is to seek relief from the Congress.

Mr. Speaker, I need not remind my colleagues that the authority to deal with all matters affecting the welfare and needs of the first Americans or American Indians is expressly stated under provisions of clause 3, section 8, article 1 of the Constitution of the United States.

I want to share with my colleagues some questions, perhaps, that may have been raised concerning the proposed legislation.

''Question: Is this the first time the Lumbee Tribe has sought Federal recognition?

''Answer: No. This tribe first sought Federal recognition through a petition submitted to Congress in 1899 and in 1956. Congress formally recognized the Lumbee Tribe. However, it effectively terminated its relationship with the tribe at the same time by denying them access to the benefits and privileges that accompany Federal recognition. Since that time, the tribe has had substantial interaction with the Congress. The tribe has also petitioned the Bureau of Indian Affairs for recognition through its administrative process. The Bureau denied this petition, indicating that the tribe is not eligible for the process because of Congress' prior action.

''Question: Why is the tribe not going through the administrative process,'' as it was argued earlier by some of our colleagues?

''Answer: The administrative process is for those groups where it needs to be determined whether or not the group is an Indian tribe.''

I submit to my colleagues, we have not done a very good job in dealing with the first Americans, and I sincerely hope that this proposed legislation will rectify the situation that this tribe has been seeking for over 100 years.

I want to share this proposed bill, which will provide us with an opportunity to address this long-standing injustice that has been done to the Lumbee Indians. I support the Lumbee recognition bill because I believe it is consistent with our responsibility as Members of this great institution to give the members of the Lumbee Tribe their right to be recognized as truly an American Indian tribe.

Let's correct this inequity that has existed now for over 100 years and as a tribute to the six Lumbee Indian soldiers who died recently in the war in Iraq, for which they made the ultimate sacrifice and have given their lives in defense of our Nation. After 100 years, these people have been tortured enough.

I am reminded of the words echoed by a retired Marine general and former colleague from this body, the former gentleman from Guam, Congressman Ben Blaz, a good Republican and a very dear friend of mine. He said, also, this is a statement this gentleman made, his observation also of the unfair treatment of his people in some past history, and this is about sending all the tribes that we have here in America and I know are great warriors, because that's the inherent character of the first Americans. They are warriors.

This is what Congressman Ben Blaz says. ''We are equal in war, but not in peace.''

Give the Lumbee Indians what they deserve, recognition as they should get from this great institution.

Mr. YOUNG of Alaska. Mr. Speaker, I yield whatever time he may consume to Mr. HAYES from North Carolina.

Mr. HAYES. I want to thank the distinguished chairman of the committee and distinguished ranking member. I want to particularly commend my friend and colleague, MIKE MCINTYRE, for his tireless effort in outlining in great and accurate detail the essence of the issues being presented here today.

I want to thank my friend, ENI, again, for his effort and accurate description of the situation that we find ourselves in.

Mr. Speaker, I rise in strong support of H.R. 65, the Lumbee Recognition Act. Since I have been a Member of Congress, I have worked hard to see that the Lumbee Tribe receives full Federal recognition, and I am very pleased that the House is considering this bill on the floor today.

As you know, I am a proud original cosponsor of H.R. 65, which was sponsored by my friend and colleague, Congressman MIKE MCINTYRE. MIKE has been a strong and tireless advocate of the Lumbee Tribe for years, and it has been an honor and a pleasure, as always, to work with him on this and other issues as well.

I know Senator DOLE and Senator BURR are working hard to garner support for the Lumbee Recognition Act in the Senate, and I appreciate their leadership on the issue as well. The Lumbee Indian tribe has an extensive history in North Carolina, ranging back to 1724 on Drowning Creek, which is now referred to as the Lumber River. The Lumbee Tribe has been recognized by the State of North Carolina since 1885. The Lumbee Tribe has over 55,000 members and is the largest tribe in the State of North Carolina and the largest nonrecognized tribe in America.

□ 1615

The Eighth District, which I serve, is home to many of the Lumbees who reside in North Carolina, primarily in Hoke, Scotland and Cumberland Counties. These important members of my constituency should be federally recognized so they are able to receive various Bureau of Indian Affairs and other Federal Government services and programs they rightly deserve.

The heritage of the Lumbee tribe is as strong today as when first recognized by North Carolina. The tribe has every reason to be proud of the rich and valued cultural contribution they have given to our community. Today, the House is doing what the Federal Government should have done 51 years ago. We should pass this vital piece of legislation and give the Lumbee tribe the distinction of a federally recognized tribe. It's a very important step forward in the process, and I am hopeful that we will see the other body act favorably on this bill in the near future.

I urge all of my colleagues to vote in strong support of the Lumbee Recognition Act.

Mr. RAHALL. Mr. Speaker, I am happy to yield an additional 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, just in reference to some of the comments that have been made by those who are hindering the efforts to move forward

with recognition of the tribe, let me answer those, because I think it's only in fairness that all of our colleagues who are listening to this debate understand this.

Number one, there is an accusation of bypassing the process. This is not bypassing the process. There have been 11 investigations done, ordered through the Department of Interior, Bureau of Indian Affairs. The tribe itself was ordered not to go any further with this process by the Solicitor General of the United States. The Solicitor General said to the Lumbees, because of the 1956 Lumbee Act, that specific act of Congress, you have got to specifically go back to Congress and get this situation corrected.

Secondly, there's been some comments about the name of the Lumbees. The name was chosen by the tribe prior to ever coming to Congress. The name was ratified by the State of North Carolina, after other names had been imposed upon the tribe. The tribe chose its own name, and when it came to Congress, it was the Lumbee, and that name was acknowledged by virtue of the very title, the Lumbee Act of 1956. So we're not hear today debating the name.

Third, in making any comment that the tribe is uncomfortable with going through the process and then there were comments about no reservation, no language. Well, those are not requirements, even under the BIA process. Those are not criteria. I mean, that's why the Lumbees have made such great contributions to our society. They have been fully integrated, as I outlined in my opening remarks. Medicine and law, banks and business, farms and factories, military, entertainment, athletic accomplishments, like the great Kelvin Samson, coach of the Indiana Hoosiers, who testified in a hearing about this.

And then, fourth, again, the accusation was made, as it was during the Rules debate, that this would open up problems with other tribes. Well, no, my friends, it won't. And please hear this clearly to all those who are listening.

This is dealing with a specific act, the Lumbee Act of 1956. That's why other tribes will not come in here and open the flood gates and demand that we do for them. The Lumbees are the only tribe in America in this situation created because of the 1956 act which the Solicitor General has told them to go back to Congress to correct.

There were two other tribes in this situation, the Tiwas of Texas and the Pascua Yaqui of Arizona. They were in the same situation. They came back to Congress; Congress rectified it.

So what does that mean? Quite simply, the only tribe in America in this situation are the Lumbee tribe. It is high time for us to let this discrimination and injustice end. They've waited 51 years. Today is our opportunity to correct the injustice and proceed with recognition.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I'd like to do a dialogue here.

I'm quite sure that our good friend, the senior ranking member from Alaska, as well as our chairman, previously, this House has passed recognition of the Lumbee people, the Indians, I think twice already in the time when even former Congressman Charlie Rose was a Member of this great institution. And if I recall, I would like to ask the gentleman, it did pass the House of Representatives. But what happened afterwards? Twice. And then it was referred to the Senate. Maybe my colleagues, our colleagues need to know, to find out what happened when it went to the Senate. Twice we've passed this legislation and when it was referred to the Senate, what happened?

Mr. MCINTYRE. If the gentleman would yield.

Mr. FALEOMAVAEGA. Absolutely, I yield.

Mr. MCINTYRE. Twice it passed the House, H.R. 334 on October 28, 1993; prior to that, H.R. 1426 on September 26, 1991. No action was taken in the Senate at that time. Senator Jesse Helms decided to block any passage. Senator DOLE, to her credit, when she was elected, the first bill Senator DOLE dropped as a U.S. Senator was to recognize this tribe, because she realized this bill had been held up for those 32 years over in the Senate, even though the U.S. House had passed it twice.

So that is why this is a bipartisan, bicameral effort. Senator DOLE's bill tracks the same language that we have here in the House. This is an effort we all recognize to correct an injustice that should have never happened.

Mr. FALEOMAVAEGA. I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I'd like to compliment Mr. MCINTYRE. He was very concise in his presentation about why we should act on this legislation.

And ENI, I'm glad you brought up the fact that it has passed the House twice, died in the Senate. Congressman Rose came to me, and that's when I got interested in this legislation. And it's long overdue.

Now, I know there will be a motion to recommit which I will not offer and will not support. But I want to remind people that motion is a motion to actually have them go through, the Lumbee, the process. And I heard much about the process.

Now, I've been involved in this business now 34 years, and the process of recognition is at the will and the whim of a bureau that, in fact, supported, and the Solicitor General said, no, you have to go back to Congress, and, in fact, we will not recognize you. If you go through the process, just forget it.

We've already gone through the process, in reality. In fact, we had a hearing a while back, including the assistant secretary of the BIA, and I asked him, when was the last time the process worked? When was the last tribe recognized through the process? And he stuttered and stammered, and I think he had one in the last 10 years. That's the process?

And we've been waiting 51 years for this recognition, 51 years. The Congress did act, twice. The Congress set up the original act, and now we're being asked, through a motion to recommit, to use the process? And I'm saying, nonsense.

Let's do what is right today. Let's recognize this tribe as they should. Let's make sure that, in fact, they can go forth.

And those that oppose this, let's not kid yourself. It's not about policy. It's really about cutting the pie up. We have been told by a study, this is going to cost $400 million more. And then the other side says, no, it's to come out of the pot. This is not about the money because the money is in the formula. If we don't appropriate any more dollars, then it doesn't cost any more money. But if they're recognized, they do have a right to participate in those programs as they should, as a recognized tribe.

And so I'm suggesting that this is long overdue. Again, congratulations to the chairman and to the Congressman who represents that district. And I hope he remembers that, when I have an issue on Alaska, that Members that represent the districts ought to be listened to. And I do respect that representation.

Mr. BACA. Mr. Speaker, I will vote against H.R. 65, the Lumbee Recognition Act.

This was a very difficult decision. I have only had to vote on a few issues that have caused me so much difficulty. One being my vote against the war in Iraq. The same difficulty is here today.

Today's votes will decide the future for the Lumbee tribe.

However, H.R. 65 determines the future of many more individuals, such as the entire Native American Community and our Nation as a whole.

There is too much information arguing both for and against giving Federal recognition through the legislative process to this tribe.

As a Hispanic, I understand what it is like to have to fight for equality.

As an American, I treasure and understand the importance of sovereignty, of liberty, independence, autonomy and freedom.

I believe that the best method to decide whether to develop a new sovereign relationship is to have the Lumbee directly apply to the BIA. The Lumbee tribe should apply for recognition via the administrative process and I support allowing this to occur.

My vote today will follow that decision because of the many questions regarding their

name, the criteria to be Lumbee, and their bloodline.

I want the Lumbee tribe to know that I respect the individuals whose strength, courage and determination have allowed them to fight for their people and to continue the struggle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 65, a bill which extends Federal recognition to the Lumbee tribe of North Carolina. This bipartisan legislation, which has more than 215 cosponsors, including Natural Resources Committee Chairman RAHALL and Ranking Member YOUNG, corrects a 50-year injustice and gives long overdue Federal recognition to one of the oldest Indian tribes in the United States.

Mr. Speaker, the Lumbee tribe has made repeated requests to Congress for recognition since 1888, and the voluminous record compiled by Congress shows that Federal recognition has been unfairly delayed. H.R. 65 simply provides equal treatment to the Lumbee tribe by correcting a half-measure adopted by Congress in 1956 regarding the tribe. The 1956 half-measure acknowledged the Lumbees as Indians but cut off the tribe from the Federal statutes that apply to federally recognized tribes. This injustice was done at the height of Indian Federal termination policy.

Every other tribe subjected by Congress to such a half-measure has since been fully recognized by a special act of Congress. H.R. 65 would do the same thing for the Lumbee tribe. Thus, H.R. 65 is a long overdue act of justice that treats the Lumbee tribe just like every other tribe in its position.

There is no question that the Lumbee Indians constitute an Indian tribe. The State of North Carolina has consistently recognized the tribe since 1885 under a series of State statutes using different names to refer to the tribe. In 1952, the tribe held a referendum to decide upon its own name under State law and adopted the name Lumbee, drawn from the name of river where the tribe was found at the time of first White contact in the 1730s. North Carolina amended its law to recognize the tribe under the name Lumbee in 1953, and the same bill was introduced in Congress to obtain Federal recognition under the same name. Before the Federal bill was enacted, though, Congress amended the bill to include termination language. As a result, Congress recognized and terminated the tribe at the same time in 1956. Because of the 1956 half-measure, the Solicitor General has ruled that the Lumbee tribe is not eligible for the tribal recognition process administered by the Department of the Interior.

Mr. Speaker, in any case, there is no need to study the tribe's history; the Department of the Interior has already done so 11 times in response to numerous bills to recognize the tribe and has always concluded that the Lumbees are Indian, descended principally from the aboriginal Cheraw tribe. And the Department's own records show that the modern-day Lumbees are the same Indians first recognized by the State of North Carolina in 1885.

Congress itself put the Lumbee tribe in the Indian ''No Man's Land'' with the enactment of the 1956 half-measure. In the past, Congress has done this to two other tribes: The Tiwas of Texas and the Pascua Yaqui of Arizona. In both cases, Congress rectified the injustice by enacting special statutes extending full Federal recognition to the tribes. Congress should perform a similar act of simple justice for the Lumbee tribe by enacting H.R. 65.

The recognition of an Indian tribe by the United States has always ultimately been congressional responsibility. Even though the Department of the Interior established an administrative process for recognition of tribes in 1978, over the past 30 years Congress has recognized nine tribes by special legislation where there were special circumstances. Insofar as the Lumbee tribe is concerned, the 1956 half-measure represents a special circumstance. H.R. 65 is long-overdue legislative remedy for the injustice inflicted on the Lumbee tribe 50 years ago by Congress.

For these reasons, I support H.R. 65 and urge my colleagues to join me in voting for this remedial legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 65, the Lumbee Recognition Act, and I commend my esteemed colleague from North Carolina, Mr. MCINTYRE, for his leadership on behalf of the Lumbee Tribe to gain Federal recognition which I believe is long overdue for the Lumbees.

More than a century ago, the State of North Carolina had come to terms with a tribe of Native Americans descended by the historic Cheraw and related Siouan-speaking tribe located on Drowning Creek in North Carolina. In 1885, along with State recognition of the Lumbee Tribe came the establishment of a separate school system for Lumbee children to help preserve and respect both tribal ancestry and cultural practices. Shortly after State recognition, the Lumbee Tribe sought to attain Federal Recognition.

The issue of Lumbee recognition before this Congress, which began in the late 1800's, is both voluminous and lengthy. What has been made explicitly clear, however, is that the Lumbee Tribe is a distinct self-governing Indian community. Yet for reasons that have been either fiscal in nature or contrary to Federal Indian policy Congress has failed to act. Again, however, the Congressional record is abundantly and overwhelmingly clear that the Lumbee Tribe meet a threshold for Congress to bestow it Federal recognition without prohibitions.

I strongly urge my colleagues to vote in favor of H.R. 65.

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

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

The SPEAKER pro tempore (Mr. SNYDER). All time for debate has expired.

Pursuant to House Resolution 465, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 65 to the Committee on Natural Resources with instructions to report the same back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 4. NO BAR TO ADMINISTRATIVE RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), shall not be construed to constitute a bar to the consideration by the Assistant Secretary of the Interior for Indian Affairs of a petition of any group of Indians described in sections 2(a) and 2(b) of the Act of June 17, 1956 (70 Stat. 254), as amended by this Act, for recognition as an Indian Tribe.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date that the Assistant Secretary of the Interior for Indian Affairs approves the petition for Federal recognition as an Indian tribe by the Secretary of the Interior pursuant to part 83 of title 25, Code of Federal Regulations, submitted by the Lumbee Regional Development Association on December 17, 1987, and subsequently supplemented.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina is recognized for 5 minutes in support of his motion.

Mr. MCHENRY. Mr. Speaker, this is a very fair and simple motion to recommit. This takes the emotion of politics out of the Federal recognition process and allows the experts at the Office of Federal Acknowledgment to do their jobs.

This amendment, Mr. Speaker, is something very familiar to the chairman as well as all of the members of the Interior Committee. They've seen it before. It's very familiar to the members of the Rules Committee as well because they've seen it as well. It's the very same form and shape that my colleague, Mr. SHULER, has filed, along with myself as a cosponsor, with me as a cosponsor I should say, and a number of our colleagues from North Carolina. It's a bipartisan bill as originally constructed.

And what this motion to recommit does is allow us to have a vote on this issue here on the House floor. It's the very same text as the amendment, I said that Mr. SHULER offered, as well as Mr. JONES and Mr. SHAYS, that we offered through the Rules Committee, and it was not allowed by the majority party through the Rules Committee process. In fact, there was a partisan vote on that issue, eight Democrats voting ''no,'' two Republicans voting ''yes,'' even though it was a bipartisan amendment to the bill.

In simple terms, this motion will put the Lumbees in the front of the Federal recognition process, in the front of that line, and it removes the bar on the Lumbees and other groups described in the 1956 Lumbee Act from petitioning

for recognition through the administrative process.

It extends recognition to the Lumbees under the terms and restrictions of H.R. 65, this bill, only when the Secretary makes a final positive determination on the Lumbee petition. It's a very fair and balanced way to allow the Lumbees to be recognized as a tribe.

The Lumbees oppose the motion because it does not allow them to circumvent the process. But it is fair to the other 561 federally recognized tribes, including the Eastern Band of Cherokee in western North Carolina; all of whom went through the proper rigors of the recognition process.

Now, what is important about this is that we have a vote on it. My colleague from North Carolina, Mr. TAYLOR, originally wrote this bill that my colleague, Mr. SHULER, has refiled again in this Congress.

This bill is bipartisan, as I said. And this motion to recommit is the very same language of that bipartisan bill.

Now, what was wonderful is that, over the last 10 years, Congressman TAYLOR, my friend and former colleague here in this body, was able to prevent this Lumbee recognition bill from being put forth and, in essence, made sure that the Lumbees went through the Federal process.

It's unfortunate this bill has come to the floor today. It's even more unfortunate that this motion to recommit was not allowed as an amendment to this bill. And so what this bill does is allow it to go back to committee so that the committee can actually go through the normal process of marking up this bill and to hear from outside groups as well but ensures that we go through the normal process that my colleagues from North Carolina, many of my colleagues from North Carolina, on a bipartisan basis, seek.

And I think, Mr. Speaker, I think it's important that my colleagues vote for this motion to recommit because it is fair. It will be a bipartisan vote, I believe, and I'm very hopeful that it will be. And I think it's going to be the best thing for the Lumbees and the best thing for this process of Federal recognition of Native American tribes.

And I urge my colleagues to support this motion to recommit because it's the right thing to do. And it's the right thing to do on a bipartisan basis.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, during general debate, I addressed the issue that is the subject of this motion, as did the ranking member, Mr. YOUNG; as did the gentleman from North Carolina (Mr. MCINTYRE). The administrative process is for those groups where it needs to be determined whether or not they are an Indian tribe. That is not the case here.

□ 1630

Congress passed the Lumbee Recognition Act in 1956, 51 years ago, but in recognizing the tribe, Congress also made them ineligible for Federal services that are normally accorded to recognized tribes. Indeed, the 1956 Act also barred the Lumbee Tribe from going through the Federal acknowledgment process. And let me note that this tribe first sought Federal recognition in 1899, 108 years ago. To now subject them to a process that may take 20 more years is simply an injustice.

I urge rejection of this motion.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman.

Mr. YOUNG of Alaska. Just a little history, Mr. Speaker. There are 561 total recognized tribes. We have recognized 16 of those through action of Congress, and 31 were recognized by the Department of the Interior.

And about the motion to recommit saying go back and follow the process, in the last 10 years, and the fact is longer than 10 years, I think 15 years or longer than that, 1978 was the last one, the so-called system worked and with a Bureau that, in fact, has suggested that they are not recognized. Well, what chance would the Lumbees ever have of being recognized? It wouldn't happen. So what this motion to recommit does is say, all right, we are just not recognizing them. It is really not a motion that says they have to follow the process.

And we do have the authority. The Congress has the ultimate authority. Like I said, we have already done 16 these, and it says right here that the Supreme Court ruled in the United States v. Sandoval that the Congress cannot arbitrarily recognize a group of Indians as a tribe, but its powers are very broad. All Congress has to do is determine that, one, the group has ancestors who lived in what is now the USA by the time of European discovery and, two, the group be a ''people distinct from others.'' And that is what the Lumbees are.

So this is a motion to really stop the recognition, let's not kid ourselves, because they will never be recognized through the process.

I thank the gentleman for yielding.

Mr. RAHALL. Mr. Speaker, the gentleman from Alaska is entirely correct, and I associate myself with his comments.

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

There was no objection.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 152, nays 237, not voting 43, as follows:

[Roll No. 446]

YEAS—152

Akin
Altmire
Baca
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Courtney
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeLauro
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hastert
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McNerney
Mica
Miller (FL)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (TX)
Stearns
Tanner
Terry
Tiahrt
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NAYS—237

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blumenauer
Bonner
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly

Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lowey
Lynch
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Poe
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—43

Baker
Berman
Blackburn
Calvert
Campbell (CA)
Cantor
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Doyle
Eshoo
Fossella
Gallegly
Gerlach
Gillmor
Hastings (FL)
Hastings (WA)
Holden
Hooley
Issa
Jefferson
Kagen
LaHood
Lofgren, Zoe
McMorris Rodgers
McNulty
Miller, Gary
Moran (KS)
Murphy, Patrick
Nadler
Ortiz
Pickering
Pomeroy
Porter
Rohrabacher
Shadegg
Smith (NJ)
Sullivan
Tancredo
Thompson (CA)
Tiberi
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1700

Messrs. ETHERIDGE, ROTHMAN, GRIJALVA, BISHOP of Utah, McCRERY, HELLER of Nevada, LYNCH, MARSHALL, McCOTTER, CARDOZA, POE and McDERMOTT, Ms. MOORE of Wisconsin and Mrs. MUSGRAVE changed their vote from ''yea'' to ''nay.''

Messrs. McCARTHY of California, TERRY, TIAHRT, SHUSTER, NEUGEBAUER and HASTERT changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 128, not voting 48, as follows:

[Roll No. 447]

YEAS—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blumenauer
Bonner
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Fortenberry
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murtha
Musgrave
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—128

Akin
Baca
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Blunt
Bono
Boozman
Boren
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Carter
Castle
Cole (OK)
Conaway
Courtney
Crenshaw
Culberson
Davis, David
Davis, Tom
DeLauro
Dent
Dingell
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hastert
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shuler
Sires
Smith (NE)
Stearns
Tanner
Terry
Tiahrt
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—48

Baker
Berman
Blackburn
Boehner
Calvert
Campbell (CA)
Cantor
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Doyle
Eshoo
Filner
Fossella
Gallegly
Gerlach
Gillmor
Hastings (FL)
Hastings (WA)
Holden
Hooley
Issa
Jefferson
Kagen
LaHood
Lofgren, Zoe
McMorris Rodgers
McNulty
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Patrick
Nadler
Napolitano
Ortiz
Pickering
Pomeroy
Porter
Pryce (OH)
Rohrabacher
Shadegg
Smith (NJ)
Sullivan
Tancredo
Thompson (CA)
Tiberi
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1708

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 447, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on June 7, 2007:

H.R. 65, The Lumbee Recognition Act. On the Motion to Recommit with Instructions, I would have voted "yea."

H.R. 65, The Lumbee Recognition Act. On passage, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, had I been present for votes on the evening of Thursday, June 07, 2007, I would have voted in favor of the Republican Motion to Recommit H.R. 65, and against final passage of H.R. 65, the Lumbee Recognition Act.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I take this time for the purpose of inquiring about next week's schedule.

I yield to the gentleman from Maryland for an update on next week's schedule.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman yielding and appreciate his question.

On Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules.

On Tuesday, the House will meet at 9 a.m. for morning hour business and 10 a.m. for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills will be announced by the close of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday, the House will meet at 9 a.m.

We will consider the following fiscal year 2008 appropriation bills: Homeland Security, Military Construction-Veterans' Affairs, Energy and Water Development, and Interior and Environment.

Members should be advised that the official photo of the 110th Congress will be taken on Tuesday.

In concluding my comments, the appropriation bills that I read, Homeland Security, Military Construction-Veterans' Affairs, Energy and Water Development, and Interior and Environment, will be completed next week.

Let me reiterate that. They will be completed next week. I am hopeful we can complete them by the close of business on Friday, but they will be completed next week.

Mr. BLUNT. Mr. Speaker, I thank my friend for the time and his response. Just in response to that, I do know that the Appropriations chairman today said that Members would expect to be here on Saturday if those four bills are not done prior to Saturday. Is that the leader's view as well?

Mr. HOYER. What the chairman and I have discussed is that we are going to complete these four bills next week. As the gentleman knows, as a result of the supplemental taking up a substantial amount of time of the committee and of the committee's chairman and the committee staff, we are behind in our schedule. It is our intention, as the gentleman knows from my previous statements privately and publicly to him and in the colloquy, that we will complete 11 of the 12 appropriation bills prior to June 29 when we are scheduled to take the July 4 work period break. The Defense bill has been decided to be done mid-July. Other than that, these bills will be done.

In order to accomplish that objective, our schedule will be directed not so much at time as work. And we will complete the work. So I say to my friend, Saturday is a possibility. The chairman has said Saturday is a possibility. I am hopeful that will not be necessary. I am hopeful that the subcommittee chairs and the ranking members will be able to work together, as was done last year in terms of schedule and time, so that we can complete our work by Friday at a relatively early hour. I am hopeful we can do that.

Mr. BLUNT. Is it the gentleman's view, I guess I am repeating what you are saying, I want to be sure I have this right, that you still intend to have 11 bills done by 3 weeks from tomorrow?

Mr. HOYER. Yes, sir.

Mr. BLUNT. June 29. And however many days it takes to get that done, that is your intention?

Mr. HOYER. That obviously is an average of a little less than four bills per week the 3 weeks that are available to us. We have four bills scheduled next week. We will not have the Defense bill scheduled. Labor and Health may be the biggest bill thereafter that we will consider prior to June 30.

Mr. BLUNT. I thank my friend for that. The calendar is one thing. I hope that the calendar doesn't suggest that we are rushing through these bills in any way. Of course, for the time I have been in the House, and I believe the time my good friend from Maryland has been in the House, the appropriations bills have come to the floor under an open rule. The general exception for that has been, again, under both sides of the leadership, the Legislative Branch bill, which, for its own reasons, often has a structured rule.

Does the gentleman anticipate that we will still have the open rules that have been the tradition of the House on these bills?

Mr. HOYER. I do anticipate that, and I would look forward to having discussions with the gentleman at the end of next week, Thursday or Friday. Hopefully that is feasible. We hope it will be feasible.

As you know, last year, as I reiterated, there were time agreements between the chairman and the ranking member that allowed us to effect reasonably efficient consideration under the open rules that were then in place. We anticipate that, and I hope that is the case.

□ 1715

But I want to reiterate what is self-evident. Our commitment has been to pass 11 bills by the end of this month. That gives us three full weeks to do that. We think that is doable.

Again, the defense bill is not in that mix. The defense bill arguably could have taken substantial time, and that will be done in July.

I say to my friend that I contemplate proceeding as we have done in the past and look forward to discussing that with him as we proceed.

Mr. BLUNT. The open rule we have used in the past has been truly an open rule where Members would come to the floor and, as long as they were, under the appropriations process, finding a way to pay for their proposal, would offer that proposal on the floor. There was no pre-printing requirement. I hope that continues to be the same.

I yield to the majority leader.

Mr. HOYER. I thank my friend for yielding. It gives me an opportunity to respond to two things.

First of all to his specific question, and that is what I contemplate at this point in time. I have not fully discussed it with the chairman, but that is what we contemplate. As far as I know, that is what the rules will provide for next week.

When I said it gave me an opportunity to comment on the general, I know there has been some consternation on your side of the aisle, Mr. Whip, with the pre-printing requirement.

As you know, one of the things we were concerned about was that matters would come to the floor with little notice. My view is an open rule allows somebody to present whatever amendment they choose to present. But requiring that it be preprinted so it gives notice to Members it seems to me not to be contrary to the concept of an open rule. It simply means within the concept of an open rule Members will have notice as to what amendments people intend to offer.

We think that is not undermining of anybody's right to offer any amendment they choose to, while at the same

time giving the body notice of what they can contemplate and consider what they might want to do.

Mr. BLUNT. I would say to my friend that I am sure we do think that undermines a right, and that would be a major problem as we look at this. Let me give you an example why it undermines a right.

First of all, this has been the procedure of the House for a long time. In the 12 years of the leadership by my side, we allowed this process to happen for 12 years on virtually all of the bills. One reason you want to do that is in this process where, first of all, the Member is obligated to present a way to, within the structure of that appropriation bill, shift money around, if that Member is successful, you don't know that in advance.

I am pausing here because I think it is a very important point. You don't know that in advance.

And on the floor under the rules we have used for well over a decade, probably into two decades, another Member could then stand up and say, the cut just made, the adjustment just made, I would like to propose that we restore part of that by taking money from somewhere else previously unmentioned in that debate. And you don't know that as part of a pre-printing requirement. It is a substantial limiting of the minority or the majority, and I suspect that a number of these amendments will come from both sides of the aisle. It is a substantial limiting of the Members' ability to react to what happens during the response to these amendments.

I am sure that we want to talk about this in more detail and in more length. Because I believe the Members on our side of the aisle and, frankly, I think the Members on your side of the aisle who have used this process in the past, some with the same amendment every single year, some with the same positive result every single year, will see this as a substantial change if that pre-printing requirement was a requirement.

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

Mr. BLUNT. I yield to the gentleman from Maryland.

Mr. HOYER. I would reiterate, as I told my friend, my contemplation is we will proceed in the regular order next week. We hope that will go in the regular order.

I further said to my friend that we will discuss that as we go forward during the latter part of the week. We hope, as occurred last year, there was cooperation between both sides to accomplish the work of the Appropriations Committee.

We know we have had a problem. Nine of the appropriations bills, as you know, weren't passed last year. They were passed this year, and they were passed after the fiscal year not only had started but after the Congress in which they were supposed to be passed expired and the new Congress was under way.

But I want to assure the gentleman, as I have said, we contemplate the regular order. What I was referring to in the second part of my response was the issue that has been raised not with respect to appropriations bills over the last 3 or 4 months but with respect to bills that we perceive to be open rules but with a pre-printing requirement. We do not think, and we will be glad to discuss that, that giving Members notice of amendments they may have to be prepared for and to contemplate and to have information about and find out what people might think about that undermines the open-rule concept. The open-rule concept, from my perspective, is that any Member who wants to offer an amendment that is germane can do so. And that requiring them to tell people ahead of time what that amendment is is not undermining of that right.

However, as I said, I understand the gentleman's position with respect to an appropriation bill where moneys may be cut. There may be opportunities to add back in other places or to shift from one object to another. I think you are correct. It may be a more fluid situation that the Members confront at that point in time, and they may not be able to have the ability to pre-print an amendment which they can themselves not contemplate.

I want to explain that I was referring more to the questions that you have raised, not you specifically, but that have been raised with reference to the differences that we have on the fact that we believe we have provided a number of open rules, notwithstanding the pre-printing requirement.

Mr. BLUNT. I thank the gentleman for his views on that.

We do see the pre-printing requirement as not as open as the open rule that we used to describe and use with some frequency, but I am pleased also that the gentleman appears to see my point in terms of the appropriations bill itself. It is a much more fluid process. It involves proposing that money be taken from one place to place in another place, and so if a pre-printing requirement is on a document that you have no idea, frankly, what it looks like, even by the time the amendment you had in mind might be offered, that amendment may no longer be appropriate or valid.

If, for instance, all of the money you were hoping to use for your so-called ''paid for'' is gone, your pre-printing requirement meant nothing because your source on how to pay for your better idea is gone.

I think we are hearing each other. I hope we continue to discuss this.

I would also suggest to my friend who often, and I understand how hard it is to resist this, has pointed out last year's work wasn't done and all that stuff. I will tell my friend that last year the House, under our leadership, passed 11 bills by the 4th of July.

Now if at the end of this process, if our friends on the other side of this building, you are as challenged as we were to get it all done, I hope you are prepared to hear for months and months and months how the work was not done. We met the standard that you are setting for yourself.

The previous year of that Congress, the first half of that Congress, we passed all 12 bills by the 4th of July. I assume your sensitivity on this issue will only grow if you run into a similar situation, and I am sure we will be glad to remind you of it. But the work of the House was done.

Let me tell you one other thing that we did last year that we are developing great concern about and that is on this topic of where the Member-directed projects, the so-called earmarks, go into the process.

Our process, more often than not, included that work being done in the bill with, obviously, a lack of control over the final negotiation with our friends on the other side of the building. But, last year, we had a point of order against a list that wasn't complete. Maybe there is some problem if there is no list, your list doesn't have to be complete, but a bigger problem is this idea that we are at least starting with the first four bills, if it is appropriate for them to have these projects, that the project could not possibly occur until you go to conference.

I would say to my good friend that I believe our Members and some of yours share real concern that this removes almost all of the transparency from the process, and I hope we can work together to find a better solution than to put all of these earmarks in at the last possible minute so they can't possibly be looked at to any extent.

You want a pre-printing requirement for every amendment and would expect the highly volatile topic of earmarks to be handled in a conference that the Members possibly barely have time to look at and the media has even less time to look at it. It is a huge problem, and I hope we can continue to talk about it.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding.

I appreciate what the distinguished Republican whip was raising on this whole issue of the pre-printing requirement. I heard the gentleman from Maryland talk about consternation on our side about the so-called pre-printing requirement, and I heard him just say from his perspective he believes that if an amendment is printed in the RECORD that in no way undermines the right of a Member to offer an amendment. The gentleman is correct, if

there is in fact a pre-printing requirement and a Member is entitled to offer that amendment. But the gentleman has just said in his statement that, from his perspective, this does not alter that right.

But I think the distinguished Republican whip was right on target when he pointed to the fact that the legislative process, through a long history which extends not just decades, I would say to my whip, but the 200-year history of this institution, is one that says that an open rule is one that allows any Member through that process to stand up. If an idea comes to that Member that should be addressed, that Member has the right to do that. This new definition of what an open rule is is something that to me is beyond the pale and is undermining the deliberative nature of this institution.

I would say to both of my friends, the majority leader and the distinguished Republican whip, that here we are in a position where we have tried our doggonedness to make sure that we have a more open body. That was the argument that was propounded by the Speaker on December 6, 2006, in her great statement; and we have in fact taken a retrograde step on that by preventing Members from being able to have the chance as the legislative process proceeds to do that.

And the notion that we would, as we begin the very important appropriations process, in any way impinge on the rights of Members to participate in this process is to me absolutely abhorrent.

And I will say also on this issue which the distinguished Republican whip has just raised of earmarks, we in our reform package which we passed last October made sure that every Democrat and every Republican would have a right to stand up and bring to light any earmark that has been included in a bill, and it allows either through that bill and if not through the bill through the rule to do so. We today have had two votes in this House, two votes in this House; and, unfortunately, most Members on the majority side chose to cast votes that prevented us from being able to get back to just the standard that we provided in the 109th Congress for this supposedly new and open 110th Congress.

I would like to say to my friends that I am very troubled with the discussion that I am hearing as the ranking member on the Rules Committee; and as we proceed with consideration of these appropriations bills, I will assure you, Mr. Speaker, I plan to do everything that I possibly can to ensure that we have a complete, open amendment process which, as the distinguished Republican whip has said, with the exception of one and on occasion two appropriations bills has been provided as a right to both Democrats and Republicans.

□ 1730

Mr. BLUNT. I thank the gentleman. I yield to my good friend, the gentleman from Maryland, if he wants to respond in any way.

Mr. HOYER. Well, I don't know that the response is necessary. I will say to my friend, I heard him speak a lot in 1991 and 1992 and 1993 about open rules, about openness, and I'm speaking now of Mr. DREIER, and he subsequently became the chair of the Rules Committee. And his response was, when I raised one of his quotes, was, look, we're in authority now and we've found out that we can't get done the work that we need to get done without, in effect, shutting down the rules.

It is very difficult now to hear him tell me that he's going to do everything possible to make sure that the rules are open. He had an opportunity as chairman of the Rules Committee, of course, to do that, and from our perspective, as he well knows, he didn't do that.

As I have said before, we are going to proceed with these four bills in the regular order, and my friend the distinguished whip and I will discuss, along with Mr. BOEHNER and I, will discuss trying to get our work done within the time frame allotted to us and that is available to us.

He made the observation correctly that 11 of the 12 appropriation bills last year were passed through this House, in the previous year the 12 out of 12. Or 11 out of 11. I guess 10 out of 11 the last year. We've added an appropriations committee. They were passed. However, I would remind and say once again, with the cooperation of Mr. OBEY and with time constraints so that they could be done in a timely fashion. I am hopeful that we proceed that way again, and we will look forward to discussing it.

Mr. BLUNT. I thank my friend for that response, and I would also say, as I recall how that process has always worked, it's usually negotiated between both sides at some point during that open-rule process, when both sides feel that there's been adequate time given for Members' views to be heard. I think that was the appropriate way to handle that then. I believe it's the appropriate way to handle that now. I hope we're able to continue on that unanimous-consent view of this where both sides are able to achieve a sense that their Members have been heard.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I am confident that you and I can do that.

Mr. BLUNT. I hear my friend, and we look forward to this process next week.

I would ask, also, it has occurred to me that we've only got four of these bills, I believe, through the markup process. We're going to be asking the appropriators to mark up bills on the other topics while we've got appropriations bills on the floor?

Mr. HOYER. As someone who served on the Appropriations Committee for a quarter of a century, I can tell you this has been done on a regular basis in the last Congress, the Congress before that and every Congress in which I've served. In every Congress in which I've served.

Mr. BLUNT. I would tell my friend that I believe in the last five Congresses, the only Congresses I really have that kind of sense of, it was seldom done, if ever, and both in scheduling the floor and trying to do the job of the whip for the floor, both of which I did some of, that our appropriators were almost totally unwilling to have an appropriations bill on the floor while the Appropriations Committee members were tied up dealing with difficult and complicated bills, which all of these bills are.

I don't think that's regular at all, though you were on the Appropriations Committee. I just suggest to my friend, maybe your memory of that is stronger from the previous decade than the last decade, because our appropriators were very resistant to doing that, and I'm sure our appropriators still will be resistant, though they don't call the meeting or schedule the markup.

I would yield for whatever information my friend has on that.

Mr. HOYER. It's my understanding, staff has just told me, that we have an agreement, I presume Mr. OBEY and Mr. LEWIS and other leadership have agreed, to coordinate the floor and committee work so as to not have conflicts. So that apparently has been contemplated.

I want to agree with you that, generally speaking, you are absolutely correct. The Appropriations Committee does not like to be marking up bills when appropriation bills are on the floor. I agree with that 100 percent. Mr. OBEY in particular does not like that because Mr. OBEY, either as the ranking member or now the chairman, was very engaged, as we all know, in the floor debates. So he was particularly not happy with that process, and as an appropriator, I can tell you that no appropriator likes to have that happen.

Again, we understand that there has been some work on this so that we can try to accommodate both doing the work on the floor and doing the work in the committee.

Mr. BLUNT. I am glad to have that information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the

request of the gentleman from Maryland?

There was no objection.

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, JUNE 8, 2007, TO MONDAY, JUNE 11, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and, further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, June 11, for morning-hour debate.

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

There was no objection.

SAYING GOODBYE TO THE PAGES

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

Mr. KILDEE. Mr. Speaker, today is a day of mixed emotion for all of us who work with the House Page Program. It is time to say goodbye to 70 aspiring young individuals who have served the U.S. Congress for the last several months.

On behalf of the U.S. House of Representatives, I would like to thank you all for your hard work, your commitment and dedication to the Page Program. I know you have made your families, friends and communities back home proud, and I am certain that they will be glad to receive you back home.

As difficult as it is to say goodbye, I trust that you will take with you memories, experiences and friends that will last a lifetime. Take with you also our sincere thanks for a job well done. Your hard work and your dedication have proven that you are young people with strength, courage and character. We look forward to hearing about all your many future successes.

The gentlewoman from Ohio (Ms. SUTTON) joins me in these thoughts, but we will not say goodbye but rather farewell until we meet again. And Mr. Speaker, before I yield to other Members, I would like insert the names of the pages at this point in the CONGRESSIONAL RECORD.

SPRING 2007 HOUSE PAGE LIST

Sam Balasz
Joshua Britton
Abullah Binshaeig
Geoffrey Blumenthal
Ian Cameron
Bryant Canales
Allison Clark
Elizabeth Cotton
Daija Covington
Sarah Coughlan
Ann Crawford-Roberts
Christopher Day
Richie Day
Skukua Edwards
Taylor Farquharson
Kelsey Griffee
Tarel Hairston
Portsha Franklin
Elizabeth Hartig
Kelsey Hill
Jeffrey Joh
Robert Joyce
Abebe Kebede
Keegan Kirkpatrick
Nathan Khosla
Alexa Klein
Breanna Lai
Noah Lindenfeld
Jonathan Lesser
Rachel Licata
Isabella Miller
Amanda Markovich
Blair Matthews
Victoria Milkovich
Soreya Moody
Liliana Palacios
Jake Petzold
Elon Rhodes
Taylor Riddle
Paige Romer
Arriel Rubenstein
Alexander Seiden
Corey Shears
Virginia Smith
Shaan Yadav-Ranjan
Meghan Ward
Briana Aleman
Amy Brinkerhoff
Marion Burke
Starla Burton
Joseph Cannella
Logan Craghead
Katelyn DeFrangesco
Ryan Drager
Callie Farlow
Nicholas Hall
Rachel Koroknay
Nicholas Lanoue
Nickolas Lupo
Aubrie-Marks
Colleen Mattingly
James ''Matt'' McClure
Bryan Quach
Heaven Randolph
Adam Reynolds
Katie Rieder
Christine Salomon
Ryan Till
James ''Carson'' Ure
Cassandra West

I yield now to the ranking Republican member of the Page Board, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I'd like to thank my colleague from Michigan for his leadership on the Page Board and for his deep compassion for what the Page Program has done for the youth of America historically and for this particular group today.

As he said, we're not here to say goodbye; we're here to say farewell and Godspeed and good luck.

As any ending is, the ending of this year is a new beginning for you all to return to your homes, your families and have a good summer at the same time.

I'm very proud of the 70 pages, 33 girls, 37 boys, that represent 26 States and one territory, and I would like to congratulate you on the completion of your Page Program.

I asked several pages throughout the day, have you enjoyed your time here? How has it been? And one said to me very poignantly, he said, I have enjoyed every single day. And I think that is shared across the board by the 70 bright smiling faces I see at the back of the Chamber today.

It certainly has been a historic year for this Congress under the stewardship of the first woman Speaker of the House of Representatives. So, for all the female pages, it has been a source of great pride for all of us. So I thank you for your leadership.

I think it's important to note that not only will we be seeing you again, we'll be seeing you in different iterations of your life, as many former pages are now Members of Congress, Senators, corporate leaders, Governors and future leaders of our States and our Nation.

So I say, thank you, from the Cloak Room on the Republican side. Ms. Pat and Ms. Doris say thank you very much for all of the help you gave to them in helping us, and on the other side, I'm sure that's true.

So I say, good luck, make sure you don't forget us, and I won't forget the most I think vibrant day in the House of Representatives, which is the day that the President comes to give his State of the Union address, and the first thing I notice is the excitement of the pages, getting to see that for the first time, lined in the back, hoping to catch a glimpse or a handshake or a pat on the back from their President.

So good luck to all of you and thank you very much, and I thank the gentleman from Michigan for yielding.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman from West Virginia.

I would yield to the gentleman from Maryland (Mr. HOYER) who's been very active in supporting the Page Program.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding, and I want to say to Mr. KILDEE, those of you who have been our pages and have made such an extraordinary contribution to this institution, Mr. KILDEE has been on the Page Board for almost, as a matter of fact, maybe as long as I've been a Member of Congress, which is longer than, by almost a factor of two, not quite, all of you have been alive.

You come to this institution with a great responsibility, in my opinion. You are extraordinary young people in high school, learning not only about government but learning about all the other skills that you will need to know to be successful and to help your country be successful.

This program, I think, is an extraordinarily important program because of what it does. It gives to you at a young age while you are learning the opportunity to see firsthand your democracy in action, to see those who have been selected by your parents, by your brothers and sisters and aunts and uncles and your neighbors and friends to represent them in the Congress of the United States.

You have been given this unique opportunity that a very, very small segment of your fellow cohorts, your generation, will have had, to come firsthand to see the Members, who are all human beings, who all have ideas, who all have passions and fears and visions and desires like your parents and you have and who come here on behalf of their constituents to try to do good for their country.

As president of the Maryland Senate in the 1970s, I had the opportunity to run the Page Program in the State Senate, and I was always hopeful that those young people, who were your age, 16, 17 years of age, they were seniors, for the most part, you're juniors, would leave their service in this institution and in that institution with a positive perspective, with a thought that this democracy, founded so many centuries ago, still is a viable democracy that, as Winston Churchill said, is the best of all other forms of government tried.

It is, as you have seen, not perfect, but it has created one of the greatest societies that has ever existed, not the only great society but one of the greatest, and you have helped us make it function.

And sometimes you will think to yourself, well, I didn't get on the floor and speak; you're obviously not a Member; and perhaps you didn't write a great treatise on this issue or that issue and will feel from time to time, well, all I did was run this envelope from this office to that office or from the floor of the House to someplace else or, from time to time, get information for a Member who was debating something on the floor. But your service made this institution run better.

John Kennedy was a hero of mine, and, frankly, I got into politics because of John Kennedy. He came to the campus of the University of Maryland, talked about the difference that young people could make. He spoke on this floor at least on three occasions where he gave his State of the Union.

□ 1745

In his inaugural address, he said to all of us that the energy, the faith, the devotion we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world.

Pages, I hope you leave from here with a better knowledge of how the people's House works and with a renewed conviction that your democracy works, perhaps, better than you thought or some had told you it did and that you will leave this place with an energy and a faith and a devotion to letting your colleagues know how well their democracy works and with the conviction that if they participate fully in this democracy that it will work even better.

Thank you for your service. Thank you for what you do in your communities, in your schools and in your communities, and thank you for transmitting the knowledge you have learned to literally thousands of your friends and colleagues. Godspeed.

Mr. KILDEE. From the bottoms of our hearts, we thank you, God bless you.

Mr. WICKER. I wonder if the gentleman would yield?

Mr. KILDEE. I would be happy to yield.

Mr. WICKER. I thank my friend for yielding.

Mr. Speaker, let me just say, not everyone within the sound of my voice realizes how hard these young people have worked, some of them, for the last semester, some of them for the past 9 or 10 months, but almost to a person they have been in the page school. There will be a graduation ceremony tomorrow, I understand.

They get up in the wee hours of the morning and go to school in a very rigorous academic course, and then they put in a full day. On those frequent occasions when we are in session late at night, they are here with us. So we appreciate their hard work. It has been a great learning experience for them, I know; and I just want them to know how much we appreciate it.

They have been here during momentous times. They have seen the President of the United States, as my friend from Maryland stated. They have seen heads of state come and go in the building and witnessed debates concerning the great issues of our time, issues today concerning the very question of life itself. Issues of war and peace and billions of dollars being debated, they have been able to witness.

Just as significantly as all of those issues, they have witnessed the orderly transfer of power that we have seen year in and year out, Congress in and Congress out in this great institution. The transfer of power not at the point of a gun, as a result of a battle, but as a result of Americans, one by one, going eventually in the millions and voting in the ballot at the ballot box.

Sometimes we are delighted with that orderly transfer of power, as I was in 1994 and 1995, when I first came here as a Member of a new majority. Sometimes, as occurred last November and this past January, I was not particularly overly delighted, but it is profound, nonetheless, that we make those changes in government at the ballot box and not at the point of a gun.

In 1967, I had the privilege for only 1 month to serve as a page in this great Chamber for this great body. It was a life-changing experience for a young boy from Pontotoc, Mississippi; and I daresay for the young people lining the back rail and listening to our words this afternoon it has been, in so many ways, a life-changing experience for them.

It occurred to me during that brief stay here as a page that I might someday, if given an opportunity and if luck came through, come back here as a Member of the House of Representatives. I had that great opportunity.

But to so many of them, undoubtedly, they have no desire whatever to come back here as a Member but to go on and serve their country in other respects, in their professions, perhaps in the military, or perhaps some of you also in public service.

But I would simply say that, in closing, they have had such a rare opportunity to serve their country in a way that so few young people have been able to do. We appreciate it very, very, very much. We wish each and every one of them Godspeed as they go back to their homes and families.

I thank my friend for yielding the time.

Mr. KILDEE. I thank the gentleman for his very fine words.

Mr. Speaker, I yield back the balance of my time. Godspeed to you all.

COMMUNICATION FROM CHIEF OF STAFF OF HON. LOIS CAPPS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Randolph Harrison, Chief of Staff, Office of Hon. LOIS CAPPS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Superior Court of California of Santa Barbara, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

RANDOLPH HARRISON,
Chief of Staff.

INTERNET GAMBLING REGULATION AND TAX ENFORCEMENT ACT OF 2007

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

Mr. MCDERMOTT. Mr. Speaker, I was raised in a fundamentalist Christian home that cast a dim view on gambling. I didn't care for it much then, and I don't care for it now.

While the Bible never directly uses the word ''gambling,'' there are plenty of references to it in Scripture, and none of them are very kind.

Still, from lotteries to casinos, gambling is part of the American scene today. Across the country, governments derive revenue from gambling that flows into public coffers. Whether

you call it a sin tax or self-imposed tax, it helps fund good social programs.

Today, gambling has migrated online where it is unregulated, off shore and exporting billions of U.S. dollars. Basically, we have a Wild West show with few protections for Americans against fraud, underage gambling and privacy.

My colleagues, BARNEY FRANK and PETER KING, have introduced legislation to establish some order and law online with licensing and regulation. I am introducing a companion bill today that establishes the process to collect some of the gambling revenue online just as we do in the communities.

If we decide as a Nation to enable gambling online, the billions of dollars flowing out of this country should remain here to help us fund schools and bridges and a host of social programs that need more than luck to succeed.

CONGRESSMEN CONVICTED OF FELONIES STILL COLLECT PENSION CHECKS IN JAIL

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

Mr. KIRK. Mr. Speaker, taxpayers should know that Members of Congress convicted of a felony still collect their pension checks in jail. Congress took no action to kill pensions for congressional felons in February, no action in March, April or May.

Now, Congressman JEFFERSON was indicted this week; and, if convicted, a nine-term Congressman would get $50,000 payments each year from the U.S. taxpayer. That would be on top of $125,000 payments to Representative Rostenkowski, $86,000 payments to Senator Durenberger, $64,000 payments to Representative Cunningham and $40,000 payments to Representative Traficant. In total, American taxpayers pay over $480,000 each year to Congressmen convicted of a felony.

The time for reform has come.

NO CHILD LEFT BEHIND

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

Mrs. CAPPS. Mr. Speaker, in 2002, the House passed the No Child Left Behind Act, the biggest Federal overhaul of our public school system in decades. Now, 5 years later, the Congress has an opportunity to reevaluate the law and address what doesn't seem to be working.

During last week's Memorial Day district work period, I met with teachers, parents and school administrators to listen to their thoughts on NCLB. I wanted to hear from the people who are in our classrooms every day. They have seen firsthand the success and failures of the law over the last 5 years.

The most important thing I heard is that there isn't a single teacher, parent or administrator opposed to accountability, but they sure had a lot to say about how we measure it. I learned that, regardless of a school's status, everyone had similar concerns with the accountability measures and assessment of subgroups by the law.

Hearing firsthand about the implications of NCLB through my classrooms visits and meetings with parents, teachers and school administrators was a powerful and instructive experience. As we continue the process of reauthorizing NCLB, I encourage us all to visit schools, talk to teachers, see for ourselves how this law is affecting our public schools. A little more time in the classroom is good for us all.

NATIONAL KIDNEY FOUNDATION KIDNEY WALK

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

Mr. KUHL of New York. Mr. Speaker, I rise today to call attention to the National Kidney Foundation Kidney Walk.

Throughout the year, kidney walks will be held nationwide. Specifically, in my congressional district, a kidney walk will be held on June 9, this Saturday, at Eldridge park in Elmira, New York.

Chronic kidney disease affects approximately 20 million Americans; and, tragically, 80,000 people die each year from the disease. Additionally, in 2006, 17,000 kidney transplants were performed, yet more than 70,000 people are on the national waiting list for a kidney transplant.

The purpose of the kidney walk is to encourage Americans to educate themselves about early detection and prevention of kidney disease and to promote awareness of organ donation. The walks are for a good and a very important cause, and I encourage my colleagues to join me in supporting them.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1800

WARTIME AND OUR SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, a lot of political figures, myself included, have talked about the Iraq war. Tonight I want to share the words expressed by people in this and other wars. They come from a new book called ''Voices in Wartime.'' It contains profoundly moving and often poetic thoughts from brave U.S. soldiers, loved ones and Iraqis.

This is from John Henry Parker, a Marine Corps veteran and Executive Director of Veterans and Families. ''My son is a sergeant in the 10th Mountain Division. He was a squad leader, and his job was to go into the border towns and into the different mountain areas around the Pakistan border to seek out and find the enemy, the Taliban, al Qaeda, and whoever else might be hiding in the hills resisting.

''He had been witnessing a lot of really horrific things, and his main concern was, can I come back and just get past all of this and be a dad, a husband, and just a family guy? How do you do that?''

Dr. Enas Mohamed is an Iraqi doctor now living in Seattle, my Congressional district. She lived in Baghdad during the First Gulf War and said this in the book: ''The children were really scared and kept yelling. It was winter, and so, at 5 a.m., there wasn't much sunlight. It was dark, and the bombing continued. Everybody felt a deep fear in their bones.

''You can't imagine the amount of disease that has spread since the war. One of the largest issues is polluted water. It causes dysentery, cholera, typhoid, and there's a deficiency of water, so we don't have enough water to wash our hands every time they get dirty.

''Children play together all the time, and they don't take the precautions like adults do. Plus, they have weaker immune systems and malnutrition or not enough food to fill their needs as growing kids.

''With the low level of hygiene and the high level of malnutrition, any infection will start to grow and transmit very quickly.

''One of the victims was a very, very hard case for me. He was 10 or 11 years old. I talked to his mom and learned his history. He left school to support his family, so he was on his way to sell some cigarettes near the street where a car bomb exploded. This little child got broken hands and broken legs.

''The doctor told me they might have to amputate one of his legs, and I can't imagine what it means for a 10-year-old boy to live with one limb. He didn't even get enough time to finish school or to play soccer or to do all the activities like little boys do.

''I think it's time to stop it and do something really positive for these innocent people. If we think about the new generation, starting with the boy I mentioned before, you can imagine a whole generation of disabled people. They have and been punished for doing

nothing. They're innocent civilians who are just hoping to live like any other human being on earth.''

Sheila Sebron is a disabled African American Air Force veteran. She wrote this. ''PTSD is not to be taken lightly. It's a devastating illness that robs its victims of free will and imposes a slow death sentence that kills the human spirit.

''I get caught in these loops in my mind and get stuck thinking about part of a thought without being able to finish the thought. Thanks to finally getting the treatment I needed for my PTSD, I can now break the cycle of being trapped in my mind and can communicate verbally.''

She also writes, ''War harms everyone it touches: soldiers, civilians, refugees, family members and friends. No one escapes the trauma.''

Personally, I was a medical doctor, a psychiatrist and a Navy veteran who treated combat soldiers returning from Vietnam. Sheila Sebron is right. No one escapes without trauma. But there is hope, and treatment is available for PTSD.

I've never met Sheila Sebron, but I'm very proud of her. She's a brave U.S. soldier who put her life on the line twice for her country, once in uniform, and now in print as she tries to tell others and save them by telling her story.

PTSD harmed many serving in Vietnam and in the First Gulf War. But as many as 50,000 soldiers serving in the Iraq war will come home with PTSD.

PTSD is a mental wound as real and as serious as a shrapnel wound from an IED. Soldiers need and deserve our help and support.

The book is called, Voices in Wartime. I urge every American to pick up a copy and read it.

HOMEOWNERS INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, before I begin, I'd like to wish a happy birthday to my son, Michael, who was born on June 7, 1993. He's 14 years old today. What a wonderful boy he is. I'm so proud of him; great student, all around great person, great athlete as well. He takes after my father, Congressman Mike Bilirakis, who he was named after.

Mr. Speaker, it is with great frustration and disappointment that I rise today. It has been 3 years since the devastating 2004 hurricane season that ravaged my State, which forced homeowners insurance rates to skyrocket to unmanageable levels. And this body, unfortunately, has not acted.

Along with many of our gulf coast colleagues, I have pleaded with the Democrat leadership to act on legislation which might ease this financially crippling crisis. Of course, this body has not acted.

Countless of my constituents have implored me to help relieve this crisis so they do not have to leave the areas they love. They wish to raise their children and retire in the great State of Florida, but they fear that simply it will not happen because they can't afford it. We must act, Mr. Speaker.

The front page of today's Wall Street Journal forewarns of the impending economic emergency if we have another major hurricane here in the United States. The story correctly notes, and I quote, ''If insurers of last resort face major storm losses, those costs could spread to a broad cross section of the public.'' This is just another warning given to this Congress that something must be done immediately. We must act.

Mr. Speaker, I will submit the entire article for the RECORD.

One of the areas most affected by this crisis is Pasco County in Florida, my district. Last month, the County Commissioners passed a resolution calling for Congress to take action.

Mr. Speaker, I would like to submit the entire resolution for the RECORD.

Mr. Speaker, the following are excerpts from the Pasco resolution, and I quote.

''Whereas, the National Association of Insurance Commissioners, the Southern Governors Association, the Florida Legislature, as well as other State legislatures across the country,'' this is not just a Florida problem, as you know, Mr. Speaker, they ''passed resolutions recognizing the importance of developing additional insurance capacity to ensure the viability of coverage for catastrophic natural perils by endorsing the concept of a national disaster plan; and

''Whereas, Hurricanes Katrina, Rita and Wilma caused over $200 billion in total economic losses, including insured and uninsured losses; and

''Whereas, the United States Federal Government has provided and will continue to provide billions of dollars and resources to help our Nation recover from catastrophes, and

''Whereas, multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund,

''Therefore, be it resolved by the Board of County Commissioners of Pasco County, Florida, it supports the adoption of legislation by the United States Congress to create a reasonably priced national reinsurance program that will help Americans find private insurance protection from natural catastrophes for their homes while reducing the demand on governmental resources,'' that's key, ''to assist victims after an event occurs.''

This is a bipartisan issue, Mr. Speaker. I know you agree.

Mr. Speaker, along with cosponsoring legislation to establish a national catastrophic fund, I introduced legislation to provide tax incentives for Americans to strengthen their property. Enactment of my bill, H.R. 913, will reduce homeowners insurance rates and could help save lives.

I implore this body to act on these and other insurance-related bills to help Americans who are in need. I pray that it doesn't take another Katrina-type catastrophic event before the body heeds my request. Let's go to work.

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

[From the Wall Street Journal, June 7, 2007]

AS INSURERS FLEE COAST, STATES FACE NEW THREAT

(By Liam Pleven)

As hurricane season gets under way, a dramatic shift in the way homeowners insure against disasters could pose a big financial risk in several coastal states.

Private insurers have been fleeing the shoreline, wary of costly storms and often fed up with government regulations that prevent them from pushing rates higher. In more than a dozen states—from Texas along the Gulf of Mexico and up the East Coast to Massachusetts—an odd breed of carriers known as ''insurers of last resort'' is filling the void.

These last-resort insurers, which cover people the private sector won't, issued more than two million policies to homeowners and businesses in hurricane-prone states last year, about twice as many as in 2001. Over that same five-year period, their total liability for potential claims has increased roughly threefold, topping $650 billion. Meanwhile, a separate federal flood-insurance program has seen its liability jump by two-thirds since 2001 to just over $1 trillion.

The sum effect: Much of the risk associated with hurricane coverage is shifting to the broader public and away froth private companies and coastal homeowners.

It's unusual for several reasons. At a time when financial markets are becoming increasingly adept at spreading risk, states and the federal government are concentrating it on a massive scale. The shift contrasts starkly with the federal government's effort to make individuals assume more risk and costs in other areas, such as retirement and health-care plans.

Last-resort insurers are created by state governments, although they operate much like other insurance companies. Many of them are set up as associations, which actually write policies that cover hurricane damage from wind, among other standard threats. Any insurer that sells property insurance in the state must also be a member of the association.

But these insurers also differ in significant ways. They often don't have deep financial reserves, leaving other private insurers, and sometimes taxpayers, to help foot the bill for huge claims.

In a catastrophic situation, for instance, the associations are often authorized to impose assessments on all their member insurers. That can translate to rate increases or surcharges for policyholders throughout the state—not just in places hit by a storm. And after recent hurricanes in Florida and Louisiana, lawmakers tapped state coffers—and

hence taxpayers—to help defray losses incurred by last-resort insurers.

The system ''shifts the risk literally from those who are most at risk . . . to individuals who are at less risk or even at no risk,'' says Robert Hartwig, president of the Insurance Information Institute, an industry trade group that plans to release a report detailing the growth of last-resort insurers.

States have a strong economic incentive to make coverage available, since most banks require insurance before they write a mortgage. If policies are tough to obtain, states could miss out on the revenue that comes with development—particularly on choice coastal property. Moreover, the states face political pressures from homeowners who want to be sure they have affordable insurance.

The government's role in homeowners insurance has long been a hodgepodge. Each state has its own regulator which typically sets or approves the rates insurers can charge.

Many insurers of last resort were established starting in the late 1960s, when urban riots led private insurers to shun some inner-city properties. Today, they cover a broad spectrum of homes. Generally, they aren't backed by state budgets.

While the rates charged by last-resort insurers can be high, they're generally not steep enough to invite competition from private insurers.

''There's no competition anymore,'' says Melanie Tringali, whose second home about half-a-mile from the water on Cape Cod is covered by Massachusetts' insurer of last resort, the Massachusetts Property Insurance Underwriting Association. Ms. Tringali switched in 2005, after her insurer told her agent it was no longer writing policies on the Cape. Ms. Tringali says the 1,000-square-foot house costs about $1,300 a year to insure.

Massachusetts hasn't been hit by a major hurricane since 1954. But in the wake of severe storms elsewhere, some forecasters believe that could change. Companies that build computer disaster models say the losses could be enormous, which has frightened many private insurers all along the Eastern seaboard. On the Massachusetts coast, private firms such as Hingham Group and Quincy Mutual Fire Insurance Co. are cutting back.

As a result, some 43 percent of homeowners on Cape Cod and nearby islands are now covered by the Massachusetts association. It issued more than twice as many policies last year as five years prior, and its liability more than quadrupled, to $92 billion.

Insurers of last resort in other states have seen similar growth. In Texas, liability almost tripled. In North Carolina, it quadrupled. In Rhode Island, it was up sixfold.

A severe storm in Galveston, Texas, site of a deadly 1900 hurricane, could cost the Texas Windstorm Insurance Association, the state's insurer of last resort, as much as $8 billion, officials there say. The association and its member insurers would be able to cover about $700 million in losses. Beyond that, it would need to ask all its member insurers—even those who don't write coastal coverage—to make up the huge shortfall. If insurers did have to chip in at that point, they would be permitted to recoup the funds through years of tax credits—a potentially big hit on the state budget.

''It's scary as hell,'' says James Elbert, an independent insurance agent who recently retired as chairman of the association's board.

The current situation represents a reckoning for years when states saw extensive waterfront growth, due in part to low insurance premiums. For a three-decade stretch starting in the early 1970s, private insurers were writing policies more or less freely along the water and relatively few major storms hit. Coastal development boomed.

Florida offers a glimpse into what could happen down the road. In the wake of recent storms that prompted many insurers to limit their exposure, the state's last-resort insurer is growing—and assuming more risk.

When the 2004 and 2005 hurricanes slammed its coast, the state's insurer of last resort, Citizens Property Insurance Corp., suffered heavy losses. It hit its own policyholders—and eventually even those insured by other companies in the state—with $2.7 billion in premium surcharges. Florida legislators also allocated $715 million to hold down fees.

Since last year, Citizens has continued its massive expansion, writing roughly 15,000 to 20,000 new policies a week. As a result, it could be on the hook for significant losses if major storms roll in. A direct hit on Miami could cost tens of billions of dollars, much of which would be borne by Citizens—now the largest property insurer in the state.

Some believe the federal government might be called upon in the event of severe losses. Washington is already taking on additional risk through the National Flood Insurance Program. Under that program, insurance agents sell special government-backed policies that cover water damage from floods, including from hurricanes. (Flood damage is generally excluded from policies issued by private insurers, which typically only cover wind damage from storms.)

Last year, the number of federal flood-insurance policies rose by 12 percent from 2005, when Katrina hit, mostly due to double-digit growth in hurricane-prone states such as Mississippi, New York, Louisiana and Texas.

Tom Lasater, a retired high-school principal in Galveston, has separate insurance policies to cover both flood and wind damage. He's got reason for caution. In 1900, a storm drove tides 8 to 15 feet high and inundated Galveston.

Today, Mr. Lasater pays about $1,000 a year for $225,000 worth of wind coverage from the Texas Windstorm Insurance Association on his two-story brick house, which he says is 13 feet above sea level and sits behind a 14-foot-high seawall. His former insurer said it would not renew his policy after Hurricane Rita ravaged the area in 2005. With the windstorm association, he says his premium is lower, though he'll have to pay more out of pocket through his deductible before coverage kicks in.

As for flood insurance, Mr. Lasater says he pays roughly $200 a year for his policy from the federal program. He says he only decided to buy it after Hurricane Katrina, when he saw insurers trying to deny claims by arguing that damage was caused by water, not wind. ''It was affordable, and I figured, 'Why take a chance?' '' he says.

A number of states, including Texas, are concerned about what could happen if their last-resort insurers face a significant deficit. Like officials in Florida, lawmakers in some states are also facing deep public anger about the rising cost of insurance on the coast.

''There's a catastrophe playing out with my constituents,'' says Robert O'Leary, who represents much of coastal Massachusetts in the state Senate. The private market, he says, ''is sort of shriveling.''

In South Carolina, the state's insurer of last resort has seen its liability nearly triple since 2001. The insurance commissioner, Scott Richardson, backed a plan to eventually lure more private insurers to the coast. A former insurance agent in Hilton Head, S.C., Mr. Richardson argued that premiums charged by the last-resort insurer were typically too low. Yesterday, state lawmakers approved legislation that will require the insurer to charge ''adequate'' rates.

The legislation also gives tax credits to insurers that offer wind coverage on the coast. That could cost the state budget $6 million to $10 million, and possibly more, Mr. Richardson says. ''If it makes a company go in and write 100 policies in Charleston, it's worth it,'' he says.

RESOLUTION NO. 07–214

By the Board of County Commissioners; A Resolution by the Board of County Commissioners of Pasco County, Florida, Supporting the Adoption of Legislation by the United States Congress for a National Disaster Plan to Provide a Comprehensive Legislative Solution to the Problems Presented by Natural Catastrophic Exposures for the Benefit of all Americans.

Whereas, several entities including the National Association of Insurance Commissioners, the Southern Governors Association, the Florida Legislature as well as other state legislatures have passed resolutions recognizing the importance of developing additional insurance capacity to insure the viability of coverage for catastrophic natural perils by endorsing the concept of a national disaster plan; and

Whereas, there have been significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and significant disruptions in the availability of catastrophe insurance around the country; and

Whereas, Hurricanes Katrina, Rita and Wilma, which struck the United States in 2005, caused over $200 billion in total economic losses, including insured and uninsured losses; and

Whereas, the United States Federal Government has provided and will continue to provide billions of dollars and resources to help our nation recover from catastrophes, including hurricanes, tornadoes, earthquakes, blizzards and other disasters, at huge costs to Amerian taxpayers; and

Whereas, the United States Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management and pre-planning for catastrophes through measures such as mitigation and improved building codes; and

Whereas, multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds.

Now, therefore, be it resolved by the Board of County Commissioners of Pasco County, Florida, in regular session, duly assembled, that said Board hereby supports the adoption of legislation by the United States Congress to create a reasonably priced national reinsurance program that will help Americans find private insurance protection from natural catastrophes for their homes while reducing the demand on governmental resources to assist victims after an event occurs.

Done and Resolved this 8th day of May, 2007.

UNANTICIPATED GOOD RESULTS (WHEN WE LEAVE)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I would like to discuss the irrationality of our current foreign policy and the expected concrete benefits of changing that policy.

First, we need to look at the inconsistent and counterproductive way we currently treat other nations. We reward and respect nations with nuclear weapons. Look at how we treat Russia, China, Pakistan, India and North Korea. Our policies serve as an incentive for rogue nations to achieve a nuclear capability. Saddam Hussein was so convinced of this that he pretended he was on the verge of getting a nuclear weapon. Iran is now doing the same thing, yet our CIA assures us they have quite a ways to go before they have a nuclear capability.

Without our ''remaking'' the Middle East, Iran would have less incentive to develop a weapon. And under the NPT, Iran has a right to pursue peaceful use of nuclear power.

The foolishness of our foreign policy has us spending money in Pakistan, a military dictatorship with nuclear weapons, which is harboring Osama Bin Laden. The irony that taxpayers are paying to help protect Osama Bin Laden is astounding. For all the so-called reasons we threaten Iran, the same logic could apply to Pakistan many fold and, for that matter, even to Saudi Arabia, from where 15 of the 19 hijackers came.

A changed policy in the region would greatly diffuse the boiling conflict now brewing with Iran. Just an announcement, if they believed us, of a move toward diplomacy and plans to move our troops and Navy out of this region may well lead to a sharp drop in oil prices.

But credibility is the key. If no one believes we're sincere in altering our foreign policy of militarism to that of peaceful relationships with all who desire it, it won't work.

Credibility would depend on us discontinuing building permanent bases in Iraq. We don't need a single base in the entire Middle East to protect U.S. security. Having bases there only jeopardizes our security.

The embassy we're building in Iraq, the largest in the world, a virtual fortress, nearly the size of the Vatican, should be donated to some Iraqi organization that might make good use of it. A small office with a few personnel would send a signal of our intent not to rule the Middle East for decades to come.

The economic benefits of a foreign policy of nonintervention are extraordinary. The wars that result from meddling in the internal affairs of other nations cause much greater economic harm than most people imagine. The cliche that war is a stimulus to economic growth is blatantly false.

The billions of dollars saved just in the last decade if we weren't in the Middle East could have been spent here at home improving the conditions of all Americans, or would have prevented our huge national and foreign debt from exploding to historic records.

Inflation, though denied by our government as being a serious problem, would be greatly reduced. We shouldn't forget, the big inflation of prices from our spendthrift ways for this war is yet to come.

Without a war going on in the Middle East, we can rebuild our Armed Forces, now run down from this prolonged war. This would certainly help the National Guard and our Reserves to rebuild and re-equip.

It's estimated that 90 percent of our Army and National Guard is poorly equipped. A new policy would return our National Guard to the States to be available when an emergency comes, no longer leaving the States high and dry because these troops are in Iraq.

Some of these dollars saved and personnel brought home could be redirected toward border protection here in this country. The border guards sent off to Iraq to train Iraqis in border control could return to their proper function here in the United States.

The constant and growing dissent here in the United States over the war would disappear. Though not as bad as in the 1960s, it's a growing problem that can't be ignored.

The threat of terrorism would be greatly reduced, as the evidence is overwhelming that our foreign policy of intervention, occupation, bombing and sanctions is the main incentive for radical insurgents to commit suicide terrorism.

Those who misled us into the war in Iraq continually claim that, yes, that's true. Mistakes were made. But now the reason we must stay is to clean up the mess we created, while never admitting that the mess gets worse and the costs go up the longer we stay.

The time has come for a change. A message that our diplomatic doors are open and the preemptive war option is off the table would be a powerful message of peace and hope, not only to the Middle East but to the entire world.

The nay-saying warmongers who preach inevitable and long-lasting conflicts must be marginalized. The time for change is now.

□ 1815

GLOBAL WARMING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I have come to the floor this evening with Mr. CLEAVER of Missouri, and perhaps others will join us, with a message of optimism in the face of a great challenge that our country faces. And we have faced many challenges, but one of the more pressing for ourselves and our grandchildren is the issue of global warming, this concern that our increased carbon dioxide and other gasses is going to result in significant climactic shifts. And the science, of course, has been very disturbing recently about this threat.

But we have come to talk about a message of optimism that our country ought to have in our ability to solve this problem. And it is a large problem. It is perhaps certainly more global than we have ever had outside of war. But we today want to talk about why we believe America is ready to face that challenge, why we believe America is capable of succeeding in beating global warming, and why we believe the effort to defeat global warming will ultimately benefit the United States economy by allowing us to lead the world in new clean energy technologies.

And I would like to, in preface to our comments today, just set the stage about what the challenge is and why we believe the solution is one that Americans are fully capable of obtaining.

First, the challenge. The challenge, of course, is that we have created a condition where we may double the concentration of carbon dioxide in our atmosphere by about 2050, twice as high as carbon dioxide has ever been since before pre-industrial times. And, of course, all of the scientists in the world agree that carbon dioxide is a global warming gas, and it does stand to reason that if you double the amount of this global warming gas, you could have problems in your climate. And, unfortunately, the evidence has become more and more disturbing.

Just last week, the Goddard Space Science Department at NASA came out with a new report authored by lead author James Hansen that said, ''If global emissions of carbon dioxide continue to rise at the rate of the past decade, this research shows that there will be disastrous effects, including the increasingly rapid sea level rise, increased frequency of droughts and floods, and increased stress on wildlife and plants due to rapidly shifting climate zones.''

This is not a quote from some fellow living in a tepee. This is NASA. The agency that sent an American to the moon has been looking at what is happening right here at home on Earth and has concluded that, indeed, we have trouble; and what is very disturbing is that the most recent science has been more disturbing.

We were briefed by Dr. John Schellenhuller, who is the lead scientist in Europe on this subject, last

week, who told us about the increasing melt in the Arctic that has increased in severity, about the melting tundra. The rate of the melt of the tundra is melting much more rapidly than was anticipated even a year ago; and, of course, that can release methane gas, which is even 16 times worse for global warming than even carbon dioxide. My local scientists at the University of Washington in Seattle have confirmed these findings.

So, basically, we have got an issue that we have got to deal with. And right now there really is a race going on in the world of tipping points. These scientists have told us that we are approaching tipping points where the climate can tip into regimes where we would have uncontrollable global warming and that that could happen in as short as shortly after the next decade.

But we have another tipping point which we believe we are about to cross over here in Congress, and that is a tipping point where the U.S. Congress will tip from sort of an approach of the ostrich, where we had our head in the sand, to tip over to the approach of the American eagle, where we will have a new vision about a new clean energy technological future for this country.

So we are here tonight to say that that new approach of optimism is one that will prevail starting next Wednesday when the Energy Subcommittee in the U.S. Congress will start discussions about a new clean energy future for this country.

I will be introducing a bill in about a week called the New Apollo Energy Act, which will come forth with a whole suite of ideas about how to adopt new clean energy solutions. And, of course, we call it the New Apollo Energy Act because we think what Kennedy believed about America, which was that we were the greatest innovation country in the world, is something that we have got going for us. So we should use our technological genius just like we did when we went to the moon.

So before I yield to Mr. CLEAVER, I want to talk about why I have optimism about our ability to skin this cat, why I believe we can dramatically reduce our carbon dioxide emissions and dramatically tell our grandchildren that we are going to use our know-how to solve this problem. And the reason I am confident about this is that in the last year I have been doing a rather intensive review of the technology that we hope to bring to bear on this subject and I have been getting to know the Americans really across the country who tonight are inventing new technological solutions so we can move forward on clean energy. I just want to mention a few of them.

First, there is a company in Massachusetts called the A123 Battery Company. I love the number. A123 Battery Company. And they have developed a lithium ion battery which is so powerful that basically in the size of about two or three shoe boxes you could put it in your car, which they are prepared to do this fall, and turn your hybrid car into a plug-in hybrid car. And I drove one actually, a converted plug-in hybrid that I drove around the capital a few weeks ago. This battery is so powerful that you will be able to plug in your car, drive it for 20 to 40 miles just on electricity, no gasoline. Then after 40 miles you use gasoline and you will get over 150 miles a gallon on either your ethanol, eventually, once it is a flex-fuel, plug-in hybrid, or your gasoline. Now, that is a heck of a deal for Americans for your first 40 miles to have zero carbon dioxide coming out your tailpipe. A123 Battery Company.

The second company called Nanosolar. Nanosolar is a new company in California that has developed a photovoltaic cell, a solar cell, which uses nanotechnology to dramatically decrease the manufacturing costs and the costs of solar energy. And they are going to make a solar cell that is 1/50 as thick as the current silicone-based solar cells. It is called thin cell technology.

A third company, Ausra Company, a former Australian company that has been moved to the United States that has breakthrough technology on solar thermal where you use parabolic mirrors to concentrate the sun's rays to heat gas to 1,100 degrees and turn a turbine, again, dramatically potentially reducing the cost of solar energy.

So I wanted to first start our discussion with the context of great Americans doing great things in energy, and here are three companies moving forward. And to continue this discussion, I want to yield to Mr. CLEAVER, who has been a great leader on these energy issues fresh in Congress. I would like to yield to him for his perspective on our ability to move forward in global warming and clean energy.

Mr. CLEAVER. Mr. Speaker, I would like to thank the gentleman from Washington for all the work that he has done on this very important issue.

I agree with Mr. INSLEE that this problem we face is not irreversible. However, time is not on our side. Almost exactly 7 days ago, I was in Greenland, and on the front page of today's Washington Post is a picture of a harbor at Illulissat, Greenland. This is about 170 miles north of the Arctic circle. And for those who might want to go to the Washington Post Web site or if you have a Washington Post, you will see blue waters.

Now, on the surface, pardon the pun, it would appear that this is normal. However, the Greenlanders explained to our delegation, which was led by Speaker PELOSI, that under normal circumstances at this time of the year this area is completely frozen. In fact, they say that their ancestors at this time of the year would get on the water, which was, of course, frozen solid, and go to Canada to get lumber to bring back to build houses. And they would travel on the water that is frozen with their dogs pulling their sleighs.

Now, I went out in a boat out to an iceberg which was melting. There are 53,000 people who live in Greenland. I did not have the opportunity to speak with 53,000, but I can tell you with no fear of contradiction that every person we spoke with from Greenland spoke to us about their fear of what is happening to their native land. These are not politicians. These are not scientists. These are not college professors. All they know is that never during their lifetime have they seen the kinds of things that they are witnessing now.

For example, they speak now of the fact that their animals can actually graze longer. Now, I never saw a tree in the entire country of Greenland, but at a very short period of time during the summer grass does grow. Greenery does appear on the landscape. And what the natives are telling us, the Greenlanders, is that their animals can graze much longer today than their ancestors and the ancestors before them had ever reported. So this means that something dramatic has happened to the climate.

I was told that just 15 or 20 years ago at this time of the year people who had automobiles could drive out into the harbor and drive around to other villages along the coast of Greenland. Today, it is blue water. This is blue water.

Well, maybe to people who are watching they are saying, well, so the water is blue around Greenland. Well, the danger, of course, is that the fact that we are seeing a melting down of the Greenland ice sheet means that the sea levels would inevitably, unavoidably, predictably rise; and when that happens, it means that coastal areas, including the United States, are jeopardized.

Now, to the Greenlanders, it means a lot of other things, all of them bad. For example, they are noticing fish coming into the waters around Greenland that are not native there. In fact, many of the people who have never left Greenland, they were born there, they fished there, they killed whales. They also, by the way, wanted to make sure that they told us that they never killed whales or caught fish for sport, that when they killed whales they did it in order to eat and survive.

□ 1830

But they say that now they are noticing large numbers of cod coming into the waters. What does that mean? It means that they are running away from the area, fish that are native to

that area, because of course they are also predators. So we are finding that the entire environment is now being altered because of global warming.

As I mentioned earlier, they know nothing about the debate that's going on in the United States. They know nothing about the charges that this is some kind of hoax. All they know is that it's getting warmer.

One of the most amazing things I saw in Greenland was a fly. Now, remember that the temperature where we were was in the 20s. This is Greenland. And my wife and I go to the window and look out, and there is a fly trying to get outside. Now, as I reported that to others, they certainly shrugged their shoulders and said, yeah, that's another example of what is happening. Twenty degree weather, which means it's warmer than usual, and flies are coming around.

And so, Mr. INSLEE, I am very pleased that you brought this matter to the floor because of its significance. And if we experience any kind of jolt to the Gulf Stream, it can alter weather throughout the Northern Hemisphere.

I think that all Americans should be concerned. Because it is clear from what I saw that people all over the world are concerned, perhaps much more so than we are here. People in Greenland are concerned. The 27 Nations of the EU are very concerned.

I was in Brussels, and they were having a presidential legislation. And as I was asking questions about the election, I was told, Mr. Speaker, that the person who won the election would be the one who convinced the public that he was greener because of the significance of this issue. If you are running for president, you've got to convince the voting public that you are aware of the climate change and that you are willing to do something about it. Unfortunately and tragically and embarrassingly, we can't say that here at home.

Mr. INSLEE. Will the gentleman yield for a moment?

Mr. CLEAVER. I will yield.

Mr. INSLEE. We are hopeful. I actually gave a speech in response to Prime Minister Tony Blair last week in Berlin. I was asked to present sort of an American response to the Prime Minister's ideas about global warming. One of the things he talked about is what the Europeans have learned is that we need some action, some policies to drive investment into these clean energy technologies that can produce the clean energy to avoid the kind of problems you are describing in Greenland. And of course the President is right now in Germany today at the G8 Summit.

We are hopeful, although probably not that optimistic, that the President would propound some ideas where we will guarantee our grandchildren that we are going to reduce our CO_2 emissions. Now, one way or another, Congress needs to do that, because we've got an obligation to American grandkids to do it.

I want to just note a couple of things. It's not just Greenland that is experiencing it. It's the good ole U.S. of A.

I got to know some people in Alaska in a little town called Shishmaref that sits on the Arctic Ocean. That is the first city in America that is having to be relocated due to global warming because they live right on the coastline, and the tundra that supports their houses is melting, and the seas are encroaching, and it has actually eaten some of their houses already. They are actually going to have to move their entire city. They've already voted to do it. They are going to move it 13 miles inland to a little place called Fish Camp.

It will be the first American city to have to relocate its first victim of global warming. That's a sad day when you think Americans already have to relocate their cities. So this is not something that's 50 years in the future. It's here today.

Now, we have experienced off the coast of Washington and Oregon the same issues you've talked about, about new species of fish coming in. And our ranchers down in the western United States are having unprecedented drought they are having to deal with. This is something Americans are suffering today. And that is why, starting next Wednesday, we hope to have an aggressive congressional response to help these clean air technologies move forward. So I appreciate your observations of Greenland.

I wonder if I could maybe yield to Mr. UDALL, who has joined us here this evening, who has been a leader and certainly has a long tradition in his particular family in leading environmental issues.

Mr. UDALL.

Mr. UDALL of New Mexico. Thank you very much. And I very much appreciate the gentleman yielding.

Let me say, first of all, to Congressman CLEAVER, you told a story that I think we hear over and over again about the effects around the world. You told it for Greenland. You took a trip up there that I think is going to go down in history as a turning point.

The Speaker of the House, you were with the Speaker, NANCY PELOSI. She takes this trip to Greenland, she sees this ice cap, sees what's going on and has said to the United States House of Representatives that she is going to do something about this, put it on the schedule and move it forward. So all of us, I think, Representative INSLEE, are very gratified by that because we feel that there has been a sea change here in the House. We have gone from just a few short years ago ignoring this issue to now where the Speaker says we are going to do something about this, and that is very gratifying.

I would like to point out, too, I think that ice cap is in some places two miles thick. And so people should realize when we are talking about a two-mile thick ice cap, if that thing melts, it raises the oceans, and many of our costal areas in America would be under water.

But, JAY INSLEE, I agree with you very much. We don't want to paint doom and gloom. This is about optimism. And you have been an incredible leader on energy. I hope you will a little bit later explain to everybody your new Apollo Energy Act, because that is one of the areas that you have led out in particular. I know you are writing a book on energy. You have done so many things here in the Congress in terms of leading on this issue.

The one point I wanted to jump off on, you mentioned new technology. I don't have any doubt that we are going to be able to unleash unbelievable new technological solutions to energy. I also believe that there are a lot of things that we can do right now that we could, as a Congress, and I think you are going to see this in the energy package that the Speaker puts forward in July and calls up, things that we can do right now to make a real difference on CO_2, on pollution, and on energy efficiency. And let me just tick off a list here.

Fuel efficiency of automobiles. I think easily today we could end up doubling, it is technologically feasible, doubling the fuel efficiency of the fleet, going from about 24 miles per gallon now up to close to 50, and we could do that very easily.

On wind energy. New Mexico is one of the places in the United States of America which has the benefit of having a constant wind, and we have already ramped up from zero to 10 percent in the last 5 years. So 10 percent of our last electrical base is wind. There are many other places in the Nation that can do that.

And people are now starting to purchase, as Representative INSLEE knows, people are starting to purchase, on their electric bills they can sign up and say I want clean energy, and many times that is hydro, which JAY has up in the Northwest, solar, which many of us have in the Southwest, or wind or some other form.

Conservation. There is an awful lot we can do there. We know that in the European countries they use half what we do. And so there is a lot of waste going on out there.

The one little simple thing I marvel out in European countries, and all of us who travel, is that when you go to a European country and you stay in a hotel, when you go out of the room, they have a button at the door that shuts off all the lights. You just punch one button and all the lights are shut off. As you know, in almost every American hotel or motel, you have to

go around individually and shut out every light. And they have done that technological thing, JAY, to try to look for ways to do savings and make it easier for people to do it.

Energy efficient bill. Once again, I think that we can do a lot there. This is a huge contributor in terms of CO_2, energy efficient, more efficient appliances, air conditioners, things like that, and a new energy portfolio for our power companies, where we take a mandate and say to power companies you will produce by 2020 20 percent of your power from renewable sources.

So I think those are some things we can do now, and I hope we will talk in a little bit about some of the things specifically we would do on carbon dioxide emissions.

I would like to yield back to the gentleman from Washington.

Mr. INSLEE. I really appreciate Mr. UDALL talking about efficiency, because I think we need to look at it as the first fuel. Before you start generating excess energy, if we could figure out how to use it more efficiently and not waste it, that's what I look at as like finding money in the street, it's the first fuel. And Europe has had tremendous success. England has increased their gross domestic product by 70 percent in the last 20 years, but their use of electricity has remained flat. That is a tremendous improvement of efficiency. You don't waste it.

But it is not just the English. We have something to brag about here, too. California has increased their gross economic activity by 50 percent in the last 10 years, and their per capita use of electricity has remained flat. They have done it through measures such decoupling utilities with the rate of growth of electricity so utilities now can make money by selling less energy by selling efficiency. And it has been effective.

In my city of Seattle, in my neck of the woods, the same thing has happened by doing some of the commonsense things we have talked about.

There are some amazing technologies coming in in efficiency. I went and talked to an organization called SIPs, Structural Integrated Panels, last week. They had their national convention. These are panels that are sort of a foam core with a wood fiber sandwich on both sides that are a structural panel you can build a house with so you don't need studs. You build these things, and you can get 20 to 30 percent less heating cost for your home. This is an invention of folks in America, and we can build part of the construction industry by doing that. So I really appreciate your focus on efficiency.

I want you to know, you mentioned wind. I remember talking to, in the course of writing this book Mr. UDALL referred to, I fell across a story out of Missouri, Mr. CLEAVER's State. And there was a quote by this farmer that said something to the effect like, Man, there is nothing better than sitting there watching that turbine go around, and I just count the money every time the blade goes around. Because they get paid by the utility to put the turbine in the field. That's a good way to do it.

So I would like to yield to Mr. CLEAVER for his observations.

Mr. CLEAVER. There is a great deal of movement toward wind energy in Missouri and in the State of Kansas. In fact, one of our colleagues who is serving here with distinction, Mr. CARNAHAN, has a brother, Tom Carnahan, who does this full time. He actually has a windmill farm not far outside of Kansas City, Missouri.

One of the things I think is extremely worth noting, particularly as the three of us speak about this subject, is that some people are nervous about discussions that we are having with regards to the changes that need to be made in this country. They falsely believe that we are going to reduce the quality of life, that we are going to damage industry. And what I have said is that if we will unleash this incredibly creative American creativity and ingenuity, that we will be able to transform our energy use in a way that we would create new jobs.

For example, there is a plant in China that produces most of the highly efficient light bulbs. They don't use them in China. We buy them here. And there is not a single plant in the United States that manufactures this particular light bulb. So I think we have the capacity to make alterations without damaging our economy, by not even causing a dent.

Let me just say that, in having had the opportunity to meet with some of the MPs in London, I found out that a bill was introduced March 13, 2007, to the Parliament.

□ 1845

Members from three of the parties were in the dialogue. They said, without any reservations, the bill is going to pass. There is no question. It is going to pass. Now, these are people who don't agree about much else. They agree on one thing, that we are in the midst of climate change, and, number two, they have to do something about it.

So the bill that was introduced is aimed at moving the United Kingdom to a low carbon economy. It would require a mandatory 60 percent cut in the UK's carbon emissions by 2050 compared to the base level, which was 1990, with an intermediate target of 26 to 32 percent by the year 2020.

The EU has also agreed to cut by 20 percent emissions by the year 2020 and by 30 percent if it is a part of an overall agreement that will include the United States. I will just say what we heard over and over again was, what is the United States going to do? The United States is the leader.

In Parliament, as we were talking about the need for us to work together, one of the members of Parliament became quite agitated and said to us, well, it is good you guys are coming over here talking to us about this, but we had a meeting with a Member of Congress. I am not going to call the Member's name. It is not that important. But he said, we had a meeting with a Member of the United States Congress who told us that this was a hoax. Of course, we sat there, and Speaker PELOSI, as she did throughout the trip, made sure that they understood that we were a delegation, it was a bipartisan delegation, that we were not there to cast aspersions on any of our colleagues, that we do have a deliberative body, that there are some people who have not quite caught on yet to what the rest of the world seems to have caught on to. But it is my hope, it is my prayer, that this body will realize what the rest of the world already realizes, that there is climate change and that there is no need to debate the science, only what we are going to do as a result of it.

Mr. INSLEE. That is an important point. I think the good news we can share with Americans is that there are a lot less people in this Congress than there used to be who believe it is a hoax, and that is, in part, because they have read the science. People are seeing it with their own eyes. Now they are hearing from their constituents, frankly, and they are hearing from their own scientists.

I just want to read this NASA report that just came out last week, and it talked about the urgency. Mr. CLEAVER, you said, we don't have a lot of time to deal with this; we don't have 50 years to deal with this.

This report said that basically there are two ways we can go. We can go the business as usual approach, or we can have a second approach, an alternative approach to reduce our CO_2. Basically this report said that with another decade of business as usual, it becomes impractical to achieve the alternative scenario because of the energy infrastructure that would be in place. This was a quote from Mr. Hansen of NASA, basically meaning we have about 10 years to change course here a little bit to have more essential efficiencies, to have more clean energy, to put our minds together to figure out how to have a cleaner energy future. So we don't have the luxury of a lot of time.

But again I want to come back to this idea of optimism, why I am optimistic about it. Mr. CLEAVER mentioned Mr. CARNAHAN started a wind turbine farm that is doing great. They are earning farmers a lot of money. They are earning construction crews a lot of money to build these things. They are generating revenues in Missouri. This is happening all over the

country, that tremendous growth, 15, 20 percent growth a year in this wind turbine wind energy.

I want to tell one little story that I think is typical of what we are going to see in America. A fellow in Seattle, Washington, named John Plaza who is an airline pilot. He was a good airline pilot, but he sort of got tired of reading books while he was flying back and forth. That is what they do in the cockpits, a dirty little secret we can share.

He decided he wanted to do something entrepreneurial. He started looking around for an idea that he could advance to create a new, value-added business, and he started to think about energy. He started thinking, is there a way that I could sort of develop a clean energy resource and make some money as well? He started to focus on biodiesel.

So this fellow, who was not an engineer, not a chemical engineer, not a mechanical engineer, didn't have an MBA, he literally went home and started to tinker in his home about how to make biodiesel out of various vegetable products. He hit on a way to make biodiesel that he thought was as good or better than anybody else.

He went out and raised a few dollars, rented a little tiny room in an old warehouse and bought the old beer vats from the Rainier brewery in Seattle, Washington. The Rainier brewery used to be the iconic beer in Seattle, Washington. He bought the old vats they used to brew beer in and he started to brew up biodiesel.

John Plaza is now CEO or CFO of a company in Grace Harbor, Washington, that is going to be the largest biodiesel plant probably in the world, or at least in the Western Hemisphere. They are under construction. They are going to be open for business some time next year, over a million gallons a year.

This is a product that reduces carbon dioxide, uses products we make, either canola seed or perhaps palm oilseed or perhaps soybean oilseed they are starting to bring in.

But the point is, here is an American success story of a fellow with an idea who wanted to find a way to maximize clean energy. We just need a way in Congress to help drive investment to those new clean energy sources.

I want to mention one thing about how Congress can help people like John Plaza to develop these new businesses.

One of the things we can do is next Wednesday we will be hopefully passing what is called a low carbon fuel standard. A low carbon fuel standard will basically say that the fuels we burn in America every 5 years will get 3 percent cleaner when it comes to carbon dioxide. And when we pass that low carbon fuel standard, it will create an incentive for investment to go to these businesses to develop these new higher, cleaner forms of biofuels.

You know we are using corn ethanol right now, but it is really just sort of the first generation. I liken it to the Wright brothers Flyer of aviation. It is just the first craft we can get in the air. But we need cellulosic ethanol and advanced forms of biodiesel that will produce a lot more product per acre and a lot more CO_2 savings, and we believe we can do this.

So here is one thing Congress can do, and I know there are many others.

I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Representative INSLEE, your optimism and Representative CLEAVER's optimism is what should imbue this entire debate because there are many, many things we can do.

Just to give you another example, in New Mexico, when I was back going to town hall meetings several months ago, I visited an area outside Taos, New Mexico, and this small, little operation was set up to collect all of the fast-food oils in town. They would go to the various hamburger joints and others and collect these excess oils that were basically being thrown away. They were having to pay companies for somebody to come and take them.

These individuals were taking them, and they said, we will just take them off your hands. You don't need to pay us. And they went out and they set up an operation with just a couple of tanks. They put the oils in there. They put a little bit of lye in. They mixed it up. They had a chemical process. And I rode around that day in a diesel truck where they pumped the fuel right from these tanks, and that was biodiesel.

They told me that from their testing and everything that they had understood, is that this was completely clean fuel. In fact, it took them a while to convince the City of Taos to run the city bus on this fuel, because the mechanic was very worried. He said, this is new. And this is going to cause a problem.

Well, it ended up they said, we will do it for a trial period. They did it for 6 months in the city bus. The mechanic took the engine apart to retool it, and he said it looked like the engine hadn't even been operating over that 6 months. It was so clean.

So there are wonderful things that we can do. There are great success stories out there. We need to get out that word, and we need to move in a clean energy future. I mean that is the real key to things.

I would like to talk just a minute about how do we get there? Because the people are probably asking, they are watching us and they are saying, why is it that the American people, by 70 and 80 percent say we should move to clean energy, we should do all the things we have been talking about this evening. Why aren't we doing that?

Well, the reason is because the rules of the game right now are set up to favor the established industries that are there. The laws, the regulations, the subsidies, the tax credits, for the most part, are emphasized and pushing us towards fossil fuels as we know.

All these laws and regulations and subsidies kind of shape the energy market. As many of us know, this energy bill we recently passed, I think in 2005, most of the subsidies in that bill went to major, mature industries; oil, gas, nuclear, coal.

So one of the things we have to do, and I know Representative INSLEE has been working on this, he is going to be doing this in his committee come this summer, is how do we change the rules of the game? How do we put a price on carbon dioxide emissions to change the whole marketplace? I think that is what we are going to be doing this year when we start getting into energy.

I have a bill, Congressman WAXMAN has a bill, Representative INSLEE is on a variety of bills, Senator MCCAIN over in the Senate has a bill. But the basic theme of these bills is, put a price on carbon dioxide and start moving us in a new direction.

Mr. INSLEE. The gentleman is entirely correct. Later this year the House will consider what is called a cap-and-trade system. Americans are probably going to hear that term a lot. A cap-and-trade system basically means that we will set a cap, a limit, a total ceiling on the amount of carbon dioxide that will be a pollutant going into the air a year in the United States of America. That is not too much to ask for our grandkids to say we are going to have a total amount of pollution that we put into the air.

Now we have done it for sulfur dioxide. We have done it for nitrogen oxide. We have done it for particulates. But there is this giant loophole you can drive a Sherman tank through for carbon dioxide.

So it is interesting. We have all these laws that set ceilings for the amount of pollutants that go into the air, but the granddaddy of all, the most dangerous pollutant there is in the world right now, carbon dioxide, there is no limit whatsoever. So Congress owes to ourselves and our grandkids to set some limit, a cap, on the total amount of CO_2 that is going into the air.

So then the question comes down, how do you allocate who is going to put the pollution in the air? Well, there are a couple of ways to do it. Congress can just hand permits out and we decide. But there is a better way, which is basically a trading system where these permits originally are allocated, but then businesses are allowed to trade them amongst themselves and establish a market for carbon.

Europe has done this. I have spent a week looking at how that system worked last week, and I can report that it has been successful to the extent that it has established a cap and a

price on carbon. And once you establish a price on carbon, well, what do businesses do? They start figuring out ways to not waste energy and how not to put more pollution into the air.

Importantly, this cap-and-trade system is the most economically efficient way to distribute this resource. I got brainwashed by economics when I went to school at the University of Washington. Basically what we learned is that having a trading system, you end up having the most efficient way to find out how to drive economies and efficiencies in your system.

So later this year we will be considering a cap-and-trade system. We will set a limit, and it will be the first step in this road to really a clean energy economy.

Now I want to note something about a cap-and-trade system, and this is one thing I learned in Europe last week, it is not enough. It is only one tool in the toolbox. This is really important, because next week we will have before us in the Energy Committee a host of issues of ways to drive this clean energy future forward not waiting for this cap-and-trade system, issues like this renewable portfolio standard, where we tell people 15 percent of our electricity comes from clean standards, a green building standard, so that we require new building codes to have energy efficient buildings, a low carbon fuel standard so we use low carbon fuels, a whole host of measures like that. Those are very important. A cap-and-trade system is not enough.

In fact, it is interesting, in England, we met with a minister who basically they told us they might have had 15 million tons of savings in carbon dioxide from their cap-and-trade system, but they had 100 million tons savings in carbon dioxide by this combination of measures to have more efficiency in their industries.

So next week we will be taking some first steps in the road to a clean energy future that are very, very important, that are going to help these businesses grow.

□ 1900

Mr. CLEAVER. Well, I am wondering whether or not either of you, and I don't know if you are into horror movies, and there is enough horror going on without having to watch it on television, but there is a movie starring Kurt Russell, and I imagine the movie is 15 years old, maybe older. The movie is called ''The Thing.'' It is a movie about a group of scientists and military people out in Greenland at a facility. At the end, of course, they kill this thing that has been frozen under the ice for perhaps a millennium, and the movie ends with all is well.

The movie was actually based on the Swiss camp which is a real camp that is out in the middle of Greenland where scientists stay out all year long measuring temperatures, measuring the melting snow. They have concluded that the temperature has risen 11 degrees over the last 10 years.

What happens is many of the natives who used to make money by taking tourists out on 12-day excursions on the ice can no longer do that because the ice is melting. You might go somewhere you have routinely gone, and now the ice is cracking and your dogs fall into the water, so that doesn't happen.

I always believe there is a solution, and I think there are a number of things, as Mr. INSLEE has mentioned, with regard to capping trade, which I think is, as he said, a part of the solution. There are probably going to be a potpourri of things that we change and implement in order to bring the CO_2 level down.

But it occurred to me, because I am a United Methodist pastor in my real life, that if people believe it is the government prodding them, pushing them, maybe even beating them into changing, there will be some resistance. But if, on the other hand, they understand that one of the responsibilities of the human race is to be good stewards of the world that God made for them, then it is easier for them to look at their activities, their actions, and make modifications.

In the book of Genesis, we are told that the Earth is the Lord's and the fullness thereof, and then God says to mankind, humankind, go out and subdue it. Now he did not say go out and undo it, but rather subdue it.

If you look at the word ''subdue,'' break it down, it actually means taking care of. So we have to take care of it. The good news is on this Thursday evening there is a growing phalanx of legislators in this House who believe that a change is not only necessary but that it is going to come.

One final thing on this, although it is not really all that related.

I have a mobile Fifth District office that we use in my district in and around Kansas City, Missouri. It runs on grease, and the technology is probably not as good as it will be because sometimes, if you stay in it all day, you do smell like a Big Mac. However, it is demonstrating that we can make changes and that the Congress must show the way. As opposed to having one of those big gas guzzlers, we, with great intentionality, had a van designed to use grease.

I have a bill which will require, if approved, that all Members of Congress who lease automobiles with taxpayer money must lease an energy efficient car. I think, as Ghandi said, we must be the changes we preach. I think Congress can show the way; and, in fact, I think Congress is showing the way.

Mr. INSLEE. Mr. CLEAVER, I appreciate your comments, especially sharing the idea that I think all faiths share about this idea of responsibility to the creation and to our grandkids. I appreciate you bringing us back to that fundamental truth.

I want to address the issue of Greenland. Greenland is changing dramatically. I have had some people ask me isn't it true that Greenland has changed in the past as far as their weather and why is this a problem now. It is true during Erik the Red's time, Greenland did have more green involved in it. They had some agriculture in Greenland when you had this little warm period during the time of Erik the Red.

But what the scientists tell us is there is a huge difference between that situation because now we are going to drive carbon dioxide levels by 2050 twice what they have ever been for tens and hundreds of thousands of years and that those carbon dioxide layers trap energy and heat. It is going to make the days of Erik the Red look like the Ice Age.

So even though there have been wide fluctuations in the Earth's climate before, what the scientists tell us is the rate of change is unprecedented ever in the historical record and that we will go into a period that really is unprecedented as far as we know pretty much in global history. So the things you are seeing in Greenland are very much of concern, and I hope we are going to start working to move that forward.

I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. INSLEE, one of the things that you mentioned early on, and I think we are being held back. You were in England and you talked to Tony Blair and Tony Blair's minister. The G8 countries are meeting. There is no doubt in these G8 countries, the meeting going on right now, they want to set for these industrialized countries a specific cut in CO_2 emissions. They want to commit to a specific cut. They came into the G8 meeting saying let's have a specific cut on CO_2 emissions; and our President went over and sidetracked that and derailed that and basically said, no, we don't want to commit to that.

I think the big debate here is are we going to have voluntary measures or are we going to move towards some mandates and a cap in trade system and a regulatory system so we can get ahold of this.

Mr. INSLEE. I think you have put your finger right on the nub of the issue. The President says he now, finally, and I suppose this is a small ray of happiness, he now finally recognizes there is a problem of global warming. But he expects volunteerism to solve this problem.

Well, I can tell you one thing we all know, you can run a bake sale on volunteerism, and maybe you can run a boy scout troop on volunteerism, but you cannot run a war on global warming on volunteerism. Think about this

for a second. Here is what the President proposes. He thinks that he can just send a letter, nicely handwritten, to the CEOs of the oil and gas companies, would you kindly think about not polluting anymore.

Well, that would be just about as effective, if he simply tries to run that on a volunteer basis, to just rely on the good graces, and I have nothing against the executives of these companies, they are fine people, but just relying on them to volunteer would be just as effective as relying on consumers to volunteer whether you are going to pay at the pump when you pump gas.

Now you can just see the executives with their tin cup and their tithing cup out there trying to collect money from the pump. It doesn't work that way. You have to have some requirement that we both pay for gasoline and you have some measure to require these companies to reduce their pollution. That is a fair statement. It is required. It is the only way we are going to solve this problem.

Most importantly, it is the only way we are going to drive investment to companies like A123 Battery and Finavera Renewables which is going to have the first wave-powered buoy off the coast of Oregon in this next year to produce electricity from waves bobbing up and down.

So, Mr. UDALL, you are correct. We have a responsibility in Congress to create these limits on CO_2 pollution. We are going to do that; and, when we do that, we are going to unleash the innovative power that Americans have. The same genius that got us to the moon is going to get us to a clean energy future, and our grandkids will not have to deal with global warming.

I would like to yield to the gentleman from California (Mr. BACA) on an unrelated subject.

IMMIGRATION LEGISLATION PENDING IN THE SENATE

Mr. BACA. Thank you, Mr. INSLEE, for allowing me this time to speak on the comprehensive immigration legislation that is pending on the Senate side.

I appeal to the Members of the Senate on a bipartisan basis to vote on allowing for the cloture of the legislation to move forward on behalf of the 12 million and some undocumented here in the United States. Undocumented means there are people, not only Hispanics, Irish, Italians, Asians, African American. It impacts a variety of different individuals.

Without allowing cloture, we will not be allowed an opportunity to fix the immigration legislation as it stands right now and will allow the continued abuse that exists. We need to protect American families and working families. We need to make sure that we allow this legislation to move forward.

On behalf of democracy, I appeal to all of the Members on a bipartisan basis to allow this legislation, to allow the debate to continue. It is important that all of the Senators tonight, those individuals that can, and I would like to commend Senator REID, Senator SALAZAR, Senator MENENDEZ, Senator KENNEDY, Senator FEINSTEIN, Senator GRAHAM and some of the other individuals who have taken a stand in support of a comprehensive legislation. We need you to allow this process to continue.

If this process does not continue, America will lose. The taxpayers will lose. It is our responsibility.

When we talk about national security, we need this legislation to allow the process to continue. When we talk about protecting, and I know some of us don't like the legislation. There are individuals that say I don't like provisions of the guest worker program or the border aspects or the enforcements. I think we will be able to fine-tune it and work on it to allow the process to where we can fix the legislation.

On behalf of working families and on behalf of protecting the American people, we need this process. We need this legislation on behalf of humanitarian issues. We should not have people living in fear, not knowing whether they are going to be here for the next couple of years or what is going to happen to the 12 million and some. It is important.

Senators on your side of the aisle, please allow this process to continue to happen. Vote for the cloture. Then you can vote on provisions, whether you like or dislike other portions of the bill. But allow us to continue to have the debate in order to make sure that we continue to protect the American people and we continue to protect working families and we end illegal immigration as it is right now and fix it. It is important.

REMEMBERING CONGRESSMAN WILEY MAYNE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the House of Representatives and to have the privilege to make some remarks tonight about the life of a former colleague for some of the Members here in Congress and one of the real stars in the Sioux City area that I have the privilege to represent today, and that is the life of former Congressman Wiley Mayne who passed away a little over a week ago at St. Luke's Hospital in Sioux City, Iowa.

Late Congressman Mayne represented the 6th Congressional District of Iowa for 8 years here in this Congress. That was during a time when this country experienced great turmoil. He came from Sioux City and represented much of the northwest Iowa area. He was elected to Congress in 1966 and was sworn in here on this floor in 1967 and served until the early days of 1975.

As you know, Mr. Speaker, the '60s and the '70s were tumultuous years for America. But despite the challenges before him, Congressman Mayne accepted an appointment to the Judiciary Committee. Serving on the Judiciary Committee, I appreciate what that means. Only a few years later, he participated in that panel's hearings on the impeachment of President Nixon. That was in the wake of the Watergate break-ins but actually before the Nation heard the tapes that confirmed what actually happened. For his service to America during this tense time, he will be long remembered; and to a significant extent it defined his political career.

Tonight, we are here to celebrate a man whose service and accomplishments went well beyond the work of any congressional committee.

Mr. Speaker, I have much to say about the gentleman whom I have had the great privilege to represent, former Congressman Wiley Mayne.

□ 1915

But I inherited that representation from the gentleman next to me, who also represented the Sioux City area for, I believe, 8 years prior to my privilege to represent them, and that's the gentleman to my left, Congressman LATHAM, who now represents the north central regions of Iowa, and I would at this time yield to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank very much Congressman KING for the time.

It is very difficult for me to talk about someone that I admired so much as Wiley Mayne, the idea of him having passed this earth. Wiley was born back in 1917. He passed away on May 27 of this year. He was born in a little town of Sanborn up in O'Brien County, and what a great area up there, a lot of the good Dutch men, and grew up, went to school there.

And you think about someone coming from Sanborn, Iowa, then going off to Harvard to college, and he got his bachelor of science degree, continued studying law at Harvard, came back to Iowa and finished his law degree at the Iowa Law School.

In 1941, he joined the FBI and had his career there. And then, during the Second World War, from 1941 to 1943, he served in the United States Navy and escorted destroyers through the Mediterranean, the Atlantic Ocean, the Pacific and served his Nation extraordinarily well at that time.

He came back to Sioux City, practiced law for a couple decades, then became the president of the Iowa Bar Association and obviously was so admired

and respected by his peers to have an honor bestowed on him like that.

Like the gentleman from Iowa (Mr. KING) said, Congressman Mayne was elected to this Congress in 1966 in the 90th Congress, served in that Congress and the three following Congresses and served his people extraordinarily well. He was someone who was dedicated to his constituents, someone that cared all the time about his constituents.

And you talk to people who were around him at that time, and that's the thing that you will hear over and over, was his concern, his great job of representing his constituents. In my mind, in this job, that is our highest calling is to try and represent to the best of our abilities the people that we are honored to serve in this great body.

Like Congressman KING said, Congressman Mayne had the committee assignments, both Judiciary and obviously with the Watergate investigation and his service on that panel, then also served on the Ag Committee, very, very important to the Iowa interests, and served extremely well.

The thing I will always remember about Wiley, though, is his deep love and devotion to his wife, Betty. And they were a couple. You'd have the pleasure of meeting up with them at a lot of Republican events and around, but they rarely missed anything, were always so much part of the community.

And Wiley served on the Sioux City Orchestra Board for years and years, I think was president for 20 years, but so involved in the community.

But his love for Betty, who he unfortunately lost back in 2001, was devastating to Wiley, and was such a model of a couple who cared for each other, cared for their community, and certainly, most importantly to them were their children.

Martha Smith, who is their oldest daughter, lives in Colorado now. Wiley, Jr., also I believe lives in Colorado, and their youngest, John, who's a very good, personal friend of mine, who has been such a great help to me personally and to so many people throughout the Sioux City area, but their love for their family, for their grandchildren, for their community was something that was an example for everyone to see and their dedication to their grandchildren especially.

It is very, very difficult to think about Wiley not being around. I think back when I first ran for Congress back in 1994, and to go over to Sioux City, where I wasn't really familiar with all that many people at that time, but I had the real pleasure and honor to get acquainted with Wiley and John and Betty at that time and to seek their support and which they gave me. And I would not be successful here today if it were not for the advice, counsel and support that they gave me. Wiley was just a wonderful, wonderful person.

When you think about people who always are thinking beyond themselves, who act on behalf of other people, who are truly concerned about what this country stands for, what their community is about, how they can better the world that they live in for their children and for their grandchildren, Wiley Mayne was one of those people, and he will be dearly missed by so many people throughout Siouxland for so long.

And certainly, I want to extend my personal condolences to the entire Mayne family, all the children, the grandchildren, all the friends that mourn his loss, as certainly I do, and I know Congressman KING does, also.

But he was an example to me. I went through the predicament, the situation with the impeachment process for President Clinton, and the first person that I called for counsel was Wiley Mayne because he had been through it. And I think people misrepresented what his real position was because he was betrayed by President Nixon, but to get his counsel, to get his insight, to get his thoughts, someone who was so smart and so normal, who could talk in real terms, who could relay not only the facts but the emotions, the feeling, the real sentiment about what this was all about and the long-term, historical part of what was happening.

I just want to tell Congressman KING, I appreciate the chance to visit a little bit about Wiley, but I'm going to miss him personally. And again, I just extend my most sincere condolences to his entire family.

And the best thing we can do for Wiley is to celebrate him, celebrate his life, celebrate the positive things that he did and celebrate the legacy that he has left for the folks in Sioux City, for Siouxland and the State of Iowa and for this entire country.

And I thank the gentleman for yielding to me.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Iowa (Mr. LATHAM) for contributing his time to this cause, and then for me it is a privilege, also.

I wonder, if Wiley were here today, what he would say about TOM LATHAM actually being the first Republican Congressman to represent Sioux City who had not been educated at Harvard since 1966. I would imagine he would have a couple remarks to make about that had he given it any thought. I'm going to be interested to hear what the family might have to say about that as well.

It is one of the things that is the distinction as the second Republican who isn't Harvard-educated, but there has been a certain trend that's there. And I think one of the consistent themes that you hear and one of those certainly that I reflect in my experience in time with Congressman Wiley Mayne was the fact that he was a consummate gentleman, and I can see him sitting there at those events with that smile on his face. He enjoyed sometimes just watching, listening to speakers, watching people, meeting people, being part of it, didn't have to be in the center of the action, but enjoyed being where there was activity and people. And there was a certain glow about him, and the consummate gentleman portion of that was a portion that I always recall.

And my last memories are sitting in his conference room there in the attorney's office with his son, John, and talking politics, talking current events, talking all kinds of things but never with a sense of what was high stress or high intensity. If my approach to things gets to be a little bit herky jerky, his was always smooth and well-thought out, with a course in mind.

And one of the comments that I've heard that's consistently come up has been, if you find yourself on opposite sides with Wiley Mayne, you still end up being his friend in the end, and that's an Iowa characteristic perhaps. I'd like to think it is, but it's a characteristic that certainly Congressman Wiley Mayne carried with him throughout his life and his service here.

I've had a number of Members come to me today that have served with Wiley in this Congress, and some have asked the opportunity to revise and extend their remarks, and we'll see more of this CONGRESSIONAL RECORD unfold as we commemorate the life of Congressman Wiley Mayne.

And so what I would like to do, if the gentleman is ready, is simply be in a position to wrap up my thoughts at the conclusion of this period of time. In order to do that, I'd be very happy to yield to the other gentleman from Iowa (Mr. BRALEY), who is more of a new arrival here to this Congress.

Mr. BRALEY of Iowa. Mr. Speaker, I thank the gentleman from Iowa.

It's my honor to be here to honor the life and memory of Wiley Mayne. I did not have the good fortune of meeting Wiley, but I did know his son John very well. And if children are a reflection of their parents, then he certainly was a wonderful person.

And actually, I'm here for many reasons. One of them is, Wiley and I had many things in common. Wiley was an elder in a Presbyterian church in Sioux City, and I was an elder in a Presbyterian church in Waterloo.

He was a past president of the Iowa State Bar Association from 1963 to 1964, had a distinguished service in the U.S. Naval Reserves serving on destroyer escort duty in World War II.

But I think one of the things that Congressman KING mentioned that Congressman LATHAM and I and all of the other Members of the Iowa delegation feel so strongly about is that Wiley was the type of person who really exemplified what we feel are Iowa

values. He was somebody who believed that representing his constituents did not require him to tear down someone else or their constituents.

He was an incredibly handsome man, if any of you have seen pictures of him. His dedication to his family was evident from the way that he lived his life.

When I had the opportunity to work with his son, John, on some cases up in the Sioux City area, we spent a lot of time talking about his father and the work he did in the House of Representatives and how proud he was to serve the constituents of northwest Iowa. And I know that his constituents remember him and remember that he also exemplified what it means to take tough votes based upon your conscience and your convictions and sometimes having to pay the price for that.

So I was very, very honored to be asked to come tonight and to speak on behalf of Representative Mayne. He will be missed by his family, his friends and his many constituents that he served in the northwest Iowa Sixth District with distinction during the 1960s and 1970s, and I'm very, very grateful to Congressman KING for inviting me here to share those thoughts.

Mr. KING of Iowa. Well, I thank Mr. BRALEY, and in reclaiming my time, I appreciate you coming to the floor tonight to enter your remarks into this RECORD and to voice your sentiments about Wiley Mayne. I didn't realize that you had a relationship that had connected across the State over to Sioux City and with John and with Wiley.

And I'm always pleased to find out that sometimes we think that it's a small world, but in fact, I think it's a big neighborhood.

Mr. BRALEY of Iowa. It is a big neighborhood, and Iowa is a large State geographically but small in many ways, and that's why it's so nice when these things come around full circle.

And I know that his family will miss him. I know they were very, very proud of his many accomplishments, and I just want them to know that my thoughts and prayers are with them during this difficult time.

And we certainly are proud to be here tonight to honor this great Iowan.

Mr. KING of Iowa. I thank very much Mr. BRALEY, and I'd like to reflect upon some of the things that have been written and said about Wiley Mayne, former Congressman, and most recently passed away Congressman Wiley Mayne. These are just some blogs that were posted in the paper.

And I would reflect that, when you've been out of public life since the first days of 1975, and 33 years pretty much, that's a lot of time that's passed. And it's more than just a generation, and it approaches a second generation. And many of the people that live in the Sioux City area were not there and maybe were not born yet when Wiley Mayne was our Congressman.

I remember those days, though, when he was, and I remember his image he had in our household. And we spoke reverently of Wiley Mayne for the positions of character that he took, and we watched him go through the agonizing period of time during the Watergate break-ins and the period of time that was very tumultuous.

□ 1930

We were in the middle of Vietnam War. We had the Watergate break-in. It's interesting that Marilyn and I were married on the same day of the Watergate break-ins, as was Governor Branstad on June 17, 1972. That's how we remember that.

Wiley Mayne was my Congressman then. We had great reverence for him and great respect for his integrity. But the reflection back on that, that many years, to inspire someone to go to the keyboard and type some words in to post on a blog that may not be read, but they will be, because I think it's important for me to put this into the RECORD.

Here is one from Mr. Joel Greer, and it's published May 29. ''Wiley Mayne is one of the last of the fine, older generation of gentleman lawyers that have made Iowa a good place to practice law. By the end of the case he had against me, we were friends. I loved travelling to depositions with him because he had so much worldly experience but was so humble. He gave good counsel to clients. He comported himself well as our Congressman. He was the consummate volunteer as President of the State Bar Association. I am pleased to have known him, and I thank his family for sharing him.''

I second those sentiments.

From Mr. Ronald Scott, same day. ''It was a pleasure to have met Congressman Mayne. He was a friend of my father, Harold Scott; and I met the Congressman when I had my first trip to Washington, DC, in 1968. I deeply appreciated the time Congressman Mayne spent with our family. I remember him as a true gentleman and an excellent representative.''

Think of that, from 1968 until a little over a week ago, to have made that kind of an impression on a visit here, that that would cause Ronald Scott to go to the keyboard and put those words in on the passing of Congressman Wiley Mayne.

Here is a gentleman I do know, Mr. Keith Uhl, who happens to be an attorney. ''As a member of Ben Reifel's (R-SD) staff in Washington, DC, '68–'72 we worked closely Congressman Mayne in Iowa and South Dakota. Wiley was always pleasant, cooperative and effective. His spirit continues thru his efforts for many. As growing up in Mapleton, Iowa, then the western Iowa communities appreciated his fine representation. God Bless. Keith Uhl, Des Moines & Mapleton, Iowa.''

Those are some of the sentiments that have come out about Wiley Mayne. I have a series of things that have been repeated by Members who have come here to speak about Congressman Wiley Mayne.

But as I look across his record, I can't help but reflect that his expertise went beyond being a congressman, of course. He went on to also being President of the Iowa State Bar Association, where he served with distinction; and he was also a trumpet player in college. I noticed in one with of the obituaries that I read that not only was he successful there, but he was also successful in debate, which would be a natural thing.

I would have liked to have had the opportunity to have debated with him on opposite sides to see how he actually comported himself when I get a little wound up. I expect that he would have still applied his gentle nature and his keen intellect and his insightfulness to probably calm me down a little bit, and I would not have wanted to be in a position where I hoped to prevail in that particular debate.

But his roots going back into Sanborn, Iowa, where he was born and raised and graduated from high school there in 1934. He actually won the Iowa State oratory and the trumpet competitions as a senior in high school. He went on then to Harvard, and he became chairman of the Kirkland House, and he was order of his class there in 1938. That's some pretty tough competition, I would say.

Just 3 years later, he graduated from the Iowa law school and received one of the highest bar exam scores in the 1941 Iowa bar exam test. Now we can look back on his life and see a great leap in maturity for a young man, even as well educated as Wiley Mayne.

In fact, we can look back and see his life shifted greatly to a life-long commitment to public service, especially at the tumultuous times that I mentioned earlier. But from 1941 until 1943, Congressman Mayne was a Special Agent with the FBI, assigned here in Washington, DC, also Los Angeles and San Francisco.

Then he heard the call to serve our Nation's military; and during the thick of the fighting during World War II, he entered into the U.S. Naval Reserve as a lieutenant with the Judge Advocate General in the Navy. From 1943 to 1946, he served aboard a destroyer escort, the USS *Stockdale*, in the north Atlantic, which was a difficult place, but also the Mediterranean and the Pacific, another difficult place to be.

Upon returning to the States, he began practicing law in Sioux City; and from 1946 until 1964 he practiced law in Sioux City during some of that time. And 1963 was the year that he served as President of the Iowa State Bar Association and then also as a member of

the House of Delegates of the American Bar Association from 1966 until 1968.

He was also chairman of the Grievance Commission of the Iowa Supreme Court and Commissioner of Uniform State Laws. He has a long history in working to help support our laws and our community.

But, again, at a time of turmoil, Congressman Mayne was elected to the U.S. House of Representatives in 1966 to represent northwest Iowa. There he served for 8 years as Congressman of Iowa's 6th Congressional District.

But as a member of the Judiciary, and we haven't mentioned yet the Agriculture Committee, and it's interesting that I have the privilege to serve on both the Judiciary Committee and on the House Agriculture Committee. To some degree, I have the duty and the responsibility, however heavy and difficult the load, of carrying on some of Congressman Mayne's legacy in both of those locations.

It has been inspiring to me to be able to serve on the Judiciary and on the Agriculture Committee. It's odd that a nonlawyer like myself could serve on the Judiciary Committee, but it's also not odd at all that a lawyer from Sioux City would serve western Iowa, northwest Iowa, in the United States Congress and serve on the House Agriculture Committee, because, of course, of Iowa being one of the leading agriculture States.

We grew up with agriculture all around us. It doesn't matter whether you are a lawyer or a pastor or a bulldozer operator, you are going to know something about agriculture. You cannot escape it if you grow up in the State of Iowa, especially if you are born and raised in Sanborn, Iowa. But I have the great privilege of serving on the two committees that Wiley Mayne served on.

But he also served as a delegate to the Food and Agriculture Organization in Rome in 1973, and it was during Congressman Mayne's final term in the Judiciary Committee in which he served where they investigated a break-in at the office of the Democratic National Committee at the Watergate Hotel. He was one of 10 Republicans that served on the Judiciary Committee that voted not to impeach President Nixon.

But shortly after that the Watergate tapes were revealed. Congressman Mayne stated that, as that evidence came out, he didn't have enough evidence at the time that he voted to vote for impeachment of President Nixon, but after the tapes came out, it became, the preponderance of evidence, that Mr. Mayne announced he would have voted differently if that information had been available to him at the time.

That's an intellectually honest way for one to conduct themselves in this Congress. The integrity that he held through that is part of the legacy that's here and part of our obligation to uphold. I don't believe that history has judged him as well as he deserves on that issue, and he was straight up all the time in our family and household as we discussed this issue. We judged him as a man of character, a man who called them as he saw them, a man who felt the obligations to serve his country and did so and gave us a straight answer each and every time.

But the hindsight was superior to the foresight, and that will always be the case in the real world. But sometimes history is not forgiving; and I think, though, that the legacy that Wiley Mayne has left here has overcome any of those senses, because we know he did what he believed was right at a time that what did he know and when did he know it might be the question he would pose if he were here today to ask it. I think he acted appropriately and honorably on the information he knew when he knew it. The record will show that. History should judge that, and we need to honor his effort in that fashion.

In recapping this, I want to express my sense of sympathy to the family of Congressman Wiley Mayne, to his two sons and daughter and their children, the grandchildren that are part also of his legacy. I want to express that sympathy and that appreciation for having known him and having the privilege to have been able to call him a friend and a supporter and an adviser. But I think I am more the beneficiary of having been his constituent than I was of any other component.

He served me as one of his constituents and a resident in northwest Iowa during those years, and he inspired my family and the people around me. He helped lead us through some very difficult times. He was a steady hand at the throttle when we needed a steady hand.

When the time came for him to leave this Congress, he left this Congress graciously, gracefully, with honor and dignity and integrity. He left a legacy of those adjectives, and his family remembers it well.

The Siouxland area remembers him well. We can't say enough good about a man who made this kind of contribution and had an extraordinarily good life, a long life, for the most part a healthy life with a good family and good friends.

He very much enjoyed his time here in this Congress and his time as a retired Member of Congress, but a very active member of the Siouxland community who will long remember Wiley Mayne. We will regret losing him, but celebrate his life and extend our sympathies to his family.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Ms. PELOSI) for today until 12 noon.

Mr. DEFAZIO (at the request of Mr. HOYER) for today after 4:30 p.m.

Mrs. JONES of Ohio (at the request of Mr. HOYER) for June 6, 2007, after 3:30 p.m. on account of business in the district.

Mr. MCNULTY (at the request of Mr. HOYER) for today after 3:00 p.m.

Mr. GERLACH (at the request of Mr. BOEHNER) for today after 2:30 p.m. on account of his son's high school graduation.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 3:40 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. KUHL of New York) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, June 14.

Mr. POE, for 5 minutes, June 14.

Mr. KIRK, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 5. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 8, 2007, at 4:00 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2075. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Quarantined Area [Docket No. APHIS-2007-0051] received May 18, 2007, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

2076. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreement — El Salvador, Honduras, and Nicaragua [DFARS Case 2006-D019] (RIN: 0750-AF43) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2077. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Security-Guard Services Contracts [DFARS Case 2006-D011] (RIN: 0750-AF37) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2078. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID OTS-2007-0006] (RIN: 3064-AD17) received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2079. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — COVERED SECURITIES PURSUANT TO SECTION 18 OF THE SECURITIES ACT OF 1933 [Release No. 33-8791; File No. S7-18-06] (RIN: 3235-AJ73) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2080. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — State-Administered Programs (RIN: 1890-AA13) received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2081. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Payment of Premiums; Assessment of and Relief from Penalties (RIN: 1212-AA95) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2082. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Alternative Fuel Transportation Program; Alternative Compliance (RIN: 1904-AB66) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2083. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Department of Health and Human Services' Implementation of OMB Guidance on Nonprocurement Debarment and Suspension — received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2084. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2006-0803; FRL-8278-8] received February 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2085. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2086. A letter from the Director, Office of the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's annual report for fiscal year 2006, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2087. A letter from the Chairman, Federal Election Commission, transmitting a copy of the semiannual report on activities of the Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2088. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2006, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

2089. A letter from the Acting Director, Federal Housing Finance Board, transmitting a report on the Board's category rating for calendar year 2006, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2090. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2006 through March 31, 2007 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2091. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program [Docket No. IN-157-FOR] received May 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2092. A letter from the Chief, Federal Duck Stamp Office, Department of the Interior, transmitting the Department's final rule — Revision of Migratory Bird Hunting and Conservation Stamp Contest Regulations (RIN: 1018-AU94) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2093. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Delegations of Authority-National Cemetery Administration (RIN: 2900-AM18) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2094. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Department of Veterans Affairs Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (RIN: 2900-AM44) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2095. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Dominican Republic—Central America—United States Free Trade Agreement [USCBP–2006–0012] (RIN: 1505–AB64) received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2096. A letter from the Secretary, Federal Trade Commission, transmitting the sixth annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

2097. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of proposed legislation entitled, ''Civil Judicial Procedure, Administration, and Technical Amendments Act of 2007''; jointly to the Committees on the Judiciary and Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CROWLEY:

H.R. 2604. A bill to provide financial and other support to the United Nations Population Fund to carry out activities to save women's lives, limit the incidence of abortion and maternal mortality associated with unsafe abortion, promote universal access to safe and reliable family planning, and assist women, children, and men in developing countries to live better lives; to the Committee on Foreign Affairs.

By Mr. PAUL (for himself, Mr. ABERCROMBIE, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. DELAHUNT, Mr. GILCHREST, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. MICHAUD, Ms. KAPTUR, Mr. ELLISON, and Mrs. BOYDA of Kansas):

H.R. 2605. A bill to establish a sunset for the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); to the Committee on Foreign Affairs.

By Mr. RUSH (for himself, Mrs. EMERSON, and Mr. STUPAK):

H.R. 2606. A bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT:

H.R. 2607. A bill to amend the Internal Revenue Code of 1986 to regulate internet gambling; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. WELLER, Mr. STARK, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, and Mr. BLUMENAUER):

H.R. 2608. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud; to the Committee on Ways and Means.

By Mr. YARMUTH:

H.R. 2609. A bill to require the establishment of a task force to identify and disseminate evidence-based educational strategies and promising best practices to improve the quality of learning for individuals with autism in grades K-12; to the Committee on Education and Labor.

By Mr. WEXLER:

H.R. 2610. A bill to amend subchapter IV of chapter 53 of title 31, United States Code,

and section 1084 of title 18 of such Code to clarify the applicability of such provisions to games of skill, and establish certain requirements with respect to such games, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. ROGERS of Michigan, Mr. ETHERIDGE, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. SCHIFF, and Ms. MCCOLLUM of Minnesota):

H.R. 2611. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mrs. CAPPS, Mr. LOEBSACK, Mrs. BOYDA of Kansas, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, and Ms. LORETTA SANCHEZ of California):

H.R. 2612. A bill to improve mental health care for wounded members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 2613. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of certain residential leased-fee interests to holders of the leasehold rights; to the Committee on Ways and Means.

By Mr. CALVERT (for himself and Mr. LEWIS of California):

H.R. 2614. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. CUMMINGS:

H.R. 2615. A bill to amend title 10, United States Code, to repeal the limitation on the authority of the Department of Defense to issue security clearances for certain persons; to the Committee on Armed Services.

By Ms. DELAURO (for herself and Mr. COURTNEY):

H.R. 2616. A bill to promote public-private partnerships to strengthen investment in early childhood development for children from birth to entry into kindergarten in order to ensure healthy development and school readiness for all children; to the Committee on Education and Labor.

By Mr. EMANUEL (for himself, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. ETHERIDGE, Mr. BUTTERFIELD, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. JEFFERSON):

H.R. 2617. A bill to direct the Secretary of Education to make grants to high-need local educational agencies to establish teaching residency programs; to the Committee on Education and Labor.

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

H.R. 2618. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the northern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois (for himself, Mr. SHIMKUS, and Mr. ROSKAM):

H.R. 2619. A bill to direct the Secretary of Transportation to make a grant for the establishment and operation of an ethanol anti-idling power unit research program; to the Committee on Science and Technology.

By Mr. MARSHALL:

H.R. 2620. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself and Mr. PORTER):

H.R. 2621. A bill to amend the Higher Education Act of 1965 to expand the loan forgiveness program for teachers, to provide a loan forgiveness program for nurses, and for other purposes; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H.R. 2622. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require de novo review of claims determinations made by employee benefit plans; to the Committee on Education and Labor.

By Mr. MILLER of Florida:

H.R. 2623. A bill to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 2624. A bill to amend the Public Health Service Act to provide eligibility to the District of Columbia for the State Loan Repayment Program; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself and Mr. ALLEN):

H.R. 2625. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:

H.R. 2626. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. SIRES, Mr. ROTHMAN, Mr. ANDREWS, and Mr. SMITH of New Jersey):

H.R. 2627. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; to the Committee on Natural Resources.

By Mr. PRICE of North Carolina:

H.R. 2628. A bill to amend title 3, United States Code, to extend the date provided for the meeting of electors of the President and Vice President in the States and the date provided for the joint session of Congress held for the counting of electoral votes, and for other purposes; to the Committee on House Administration.

By Mr. PUTNAM:

H.R. 2629. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. CASTLE, Mr. HOYER, Mr. PLATTS, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Mr. VAN HOLLEN, and Ms. SLAUGHTER):

H.R. 2630. A bill to amend the Federal Election Campaign Act of 1971 to prohibit authorized committees and leadership PACs of a candidate or an individual holding Federal office from making payments to the candidate's or individual's spouse, to require such committees and PACs to report on disbursements made to the immediate family members of the candidate or individual, and for other purposes; to the Committee on House Administration.

By Mr. SCHIFF (for himself, Mr. LANGEVIN, Mr. ISRAEL, Mr. SHAYS, and Mr. THORNBERRY):

H.R. 2631. A bill to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material; to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 2632. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. UDALL of New Mexico (for himself, Mr. MORAN of Virginia, and Mr. MCGOVERN):

H.R. 2633. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and self care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, House Administration, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. BACHUS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. PAYNE, Ms. LEE, and Mr. CLEAVER):

H.R. 2634. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Financial Services.

By Mr. WAXMAN:

H.R. 2635. A bill to reduce the Federal Government's contribution to global warming through measures that promote efficiency in the Federal Government's management and operations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, Armed Services, Transportation and Infrastructure, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. WELCH of Vermont):

H.R. 2636. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. CLARKE, Mr. SERRANO, Mr. FORTUÑO, and Mr. RANGEL):

H. Con. Res. 166. Concurrent resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. PRYCE of Ohio (for herself, Mr. VAN HOLLEN, Mr. MCCAUL of Texas, and Mr. SESTAK):

H. Res. 470. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Mr. ROYCE, Mr. CAMPBELL of California, and Mr. CALVERT):

H. Res. 471. A resolution congratulating the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT:

H. Res. 472. A resolution congratulating and commending the Wichita State University women's bowling team for winning the 2007 United States Bowling Congress Intercollegiate Bowling National Championship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

77. The SPEAKER presented a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution No. 363 memorializing the Congress of the United States to fulfill its commitment to forty percent federal funding in its reauthorization of the Individuals with Disabilities Education Act; to the Committee on Education and Labor.

78. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1318 memorializing the President of the United States and the Congress of the United States to enact the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2007; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 77: Mr. GARY G. MILLER of California and Mr. MCCOTTER.

H.R. 111: Mr. MELANCON, Mr. ALTMIRE, and Mr. NADLER.

H.R. 197: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 234: Mr. HONDA.

H.R. 260: Mr. WALSH of New York, Mr. WALBERG, and Mr. CAMP of Michigan.

H.R. 281: Ms. Norton, Ms. SUTTON, Mr. CLAY, Mrs. MALONEY of New York, and Mr. MCINTYRE.

H.R. 282: Mr. RUSH.

H.R. 303: Mr. ABERCROMBIE and Mr. BISHOP of Georgia.

H.R. 369: Mr. JOHNSON of Georgia.

H.R. 406: Mr. BISHOP of Georgia, Mr. FALEOMAVAEGA, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Ms. HERSETH SANDLIN, Mr. ARCURI, Mr. DONNELLY, Mr. CLAY, and Mr. SHAYS.

H.R. 436: Mr. GILLMOR.

H.R. 464: Ms. GIFFORDS.

H.R. 502: Mr. MCGOVERN.

H.R. 503: Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, and Ms. SUTTON.

H.R. 539: Mr. WALSH of New York.

H.R. 543: Mr. HOLDEN, Mr. BARROW, Mr. SALAZAR, and Ms. HERSETH SANDLIN.

H.R. 551: Mr. LEWIS of California and Mr. SMITH of Texas.

H.R. 552: Mr. LARSEN of Washington, Ms. ZOE LOFGREN of California, Mr. WALZ of Minnesota, Mr. MEEHAN, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. MCGOVERN, Ms. HOOLEY, and Mr. BARTLETT of Maryland.

H.R. 553: Mr. KAGEN and Ms. MCCOLLUM of Minnesota.

H.R. 583: Mr. BURTON of Indiana, Mr. JEFFERSON, and Mr. CARNAHAN.

H.R. 604: Mr. KIRK.

H.R. 640: Mr. BAKER.

H.R. 643: Mr. CAMP of Michigan and Mr. MORAN of Virginia.

H.R. 645: Mr. LANGEVIN.

H.R. 677: Mr. JONES of North Carolina, Mr. GORDON, and Mr. LOBIONDO.

H.R. 685: Ms. SLAUGHTER and Mr. SNYDER.

H.R. 687: Ms. SHEA-PORTER and Mr. PETERSON of Minnesota.

H.R. 728: Mr. ALEXANDER.

H.R. 741: Mr. SMITH of Washington.

H.R. 743: Mr. FOSSELLA, Mr. PALLONE, Mr. SHIMKUS, Mr. ROSKAM, Mr. BOUSTANY, Mr. MEEK of Florida, and Mr. COBLE.

H.R. 748: Mr. LUCAS, Mr. FILNER, Mr. UDALL of Colorado, and Ms. GIFFORDS.

H.R. 777: Ms. ZOE LOFGREN of California, Mr. WEXLER, and Mr. BISHOP of New York.

H.R. 791: Mr. JOHNSON of Illinois and Mr. PENCE.

H.R. 801: Mr. RUSH.

H.R. 849: Mr. SOUDER.

H.R. 850: Mr. SOUDER.

H.R. 864: Ms. SCHWARTZ.

H.R. 881: Mrs. CUBIN.

H.R. 891: Ms. SUTTON.

H.R. 900: Ms. BERKLEY and Mr. RADANOVICH.

H.R. 917: Mr. COSTELLO.

H.R. 943: Mr. REICHERT.

H.R. 969: Ms. LEE, Mr. COURTNEY, Mr. KUCINICH, Mr. PERLMUTTER, and Mr. MICHAUD.

H.R. 971: Mr. SARBANES.

H.R. 997: Mr. WALSH of New York.

H.R. 1043: Mr. ALLEN.

H.R. 1055: Mr. SMITH of Washington.

H.R. 1061: Ms. SHEA-PORTER.

H.R. 1063: Mr. CAMP of Michigan.

H.R. 1064: Mr. BUYER and Mr. LATHAM.

H.R. 1069: Mr. CUELLAR.

H.R. 1088: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1091: Mr. BONNER.

H.R. 1120: Mr. CALVERT, Mr. WELLER, Mrs. MILLER of Michigan, and Mr. TURNER.

H.R. 1125: Ms. BERKLEY and Mr. ALTMIRE.

H.R. 1147: Mr. MEEK of Florida.

H.R. 1154: Mr. OLVER and Mr. CUELLAR.

H.R. 1157: Mr. SARBANES, Ms. GIFFORDS, and Mr. JEFFERSON.

H.R. 1193: Mr. MILLER of North Carolina, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. MOORE of Kansas, Mr. POMEROY, Mr. TURNER, Mr. SIRES, Mr. JINDAL, Mr. BRALEY of Iowa, Mr. MEEK of Florida, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. NUNES, and Ms. JACKSON-LEE of Texas.

H.R. 1194: Mrs. NAPOLITANO and Mr. CAMP of Michigan.

H.R. 1222: Mr. HINCHEY.

H.R. 1223: Mr. HINCHEY.

H.R. 1230: Mr. KUCINICH.

H.R. 1240: Ms. WOOLSEY.

H.R. 1245: Mr. SHIMKUS.

H.R. 1246: Ms. SUTTON.

H.R. 1247: Mr. DAVIS of Illinois.

H.R. 1280: Mr. NADLER.

H.R. 1302: Mr. FILNER.

H.R. 1303: Mr. RUPPERSBERGER.

H.R. 1320: Mr. NADLER.

H.R. 1338: Mr. BISHOP of Georgia, Mr. CRAMER, Mr. BERRY, Mr. FATTAH, Mr. KIND, Mr. MARKEY, Ms. KAPTUR, and Mr. CHANDLER.

H.R. 1380: Mr. MANZULLO.

H.R. 1395: Mr. BARTLETT of Maryland.

H.R. 1399: Mr. MICA, Mr. STEARNS, Mr. CAMP of Michigan, and Mr. JINDAL.

H.R. 1414: Mr. DAVIS of Illinois.

H.R. 1416: Mr. MCINTYRE.

H.R. 1419: Ms. SLAUGHTER.

H.R. 1420: Mr. WEINER and Ms. SLAUGHTER.

H.R. 1422: Mr. ELLISON, Mr. HONDA, Mr. SIRES, and Ms. WOOLSEY.

H.R. 1428: Mr. ROGERS of Alabama.

H.R. 1459: Mr. KUHL of New York, Mr. MICA, Mr. ETHERIDGE, Mr. SHIMKUS, and Mr. CARNAHAN.

H.R. 1461: Mr. SCOTT of Virginia.

H.R. 1464: Mrs. DAVIS of California and Mr. PLATTS.

H.R. 1497: Mr. BERMAN.

H.R. 1498: Mr. OBERSTAR.

H.R. 1506: Mr. CLAY and Mr. PERLMUTTER.

H.R. 1507: Mr. MILLER of North Carolina and Mr. MCNULTY.

H.R. 1535: Mrs. MALONEY of New York, and Ms. ZOE LOFGREN of California.

H.R. 1537: Mr. ISSA and Mr. ROSKAM.

H.R. 1541: Ms. NORTON.

H.R. 1552: Mr. WALSH of New York, Mr. ROTHMAN, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. DUNCAN, Mr. MARIO DIAZ-BALART of Florida, Mr. FILNER, and Mr. LATOURETTE.

H.R. 1567: Mr. CARNAHAN.

H.R. 1584: Mr. SIRES, Mr. KUHL of New York, Mr. REHBERG, Mr. HAYES, Mr. COURTNEY, Mr. FORBES, Mr. COLE of Oklahoma, Mr. YARMUTH, Mr. SALI, Mr. BRADY of Texas, Mr. PETERSON of Minnesota, and Mr. RYAN of Ohio.

H.R. 1588: Mr. JEFFERSON.

H.R. 1589: Mr. STEARNS.

H.R. 1610: Mr. WALBERG.

H.R. 1649: Mr. JOHNSON of Illinois.

H.R. 1653: Mr. KUCINICH, Mr. ROTHMAN, and Mr. CARNAHAN.

H.R. 1663: Mr. JEFFERSON and Mr. PETERSON of Minnesota.

H.R. 1667: Ms. NORTON.

H.R. 1679: Mr. MEEK of Florida.

H.R. 1713: Ms. WATSON and Mr. GRIJALVA.

H.R. 1729: Mr. MCCOTTER.

H.R. 1732: Mr. JOHNSON of Georgia.

H.R. 1742: Mr. ROHRABACHER.

H.R. 1754: Mrs. BOYDA of Kansas, Ms. HIRONO, Ms. BEAN, Mr. BAIRD, Mr. STARK, Mr. MATHESON, and Mr. WILSON of Ohio.

H.R. 1761: Mr. ALEXANDER.

H.R. 1772: Mr. WYNN.

H.R. 1774: Mr. PETERSON of Minnesota, Mr. PAUL, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Mr. SHIMKUS, and Mr. GERLACH.

H.R. 1781: Ms. SOLIS, Mr. VAN HOLLEN, Mr. BOUCHER, Mr. ABERCROMBIE, and Mr. PETERSON of Minnesota.

H.R. 1797: Mr. MANZULLO and Mr. DOOLITTLE.

H.R. 1801: Mr. FILNER and Mr. SMITH of Washington.

H.R. 1813: Mr. AL GREEN of Texas.

H.R. 1814: Mr. BARTLETT of Maryland.

H.R. 1821: Mr. FORTENBERRY and Mr. DEFAZIO.

H.R. 1845: Mr. DAVID DAVIS of Tennessee, Mr. GILLMOR, Mr. PETERSON of Minnesota, Mr. WAMP, Mr. MCNULTY, Mrs. MUSGRAVE, and Mr. AKIN.

H.R. 1850: Mr. DAVIS of Illinois, Mr. PETERSON of Minnesota, and Mr. MEEKS of New York.

H.R. 1852: Mr. MARKEY.

H.R. 1872: Mr. UDALL of Colorado, Ms. SUTTON, and Ms. JACKSON-LEE of Texas.

H.R. 1875: Ms. FALLIN.

H.R. 1881: Ms. BALDWIN, Mr. TURNER, Mr. WALZ of Minnesota, and Mr. CARNEY.

H.R. 1893: Ms. SCHAKOWSKY.

H.R. 1926: Mr. GORDON, Mr. RAMSTAD, and Mr. TIERNEY.

H.R. 1938: Mr. ALLEN.

H.R. 1941: Mr. MCCOTTER.

H.R. 1943: Mr. NADLER, Mr. RANGEL, and Mr. FORTUÑO.

H.R. 1952: Mr. JOHNSON of Georgia, Mr. ALEXANDER, and Mr. BURTON of Indiana.

H.R. 1957: Mr. BLUMENAUER, Mr. HONDA, Mr. FILNER, and Ms. BALDWIN.

H.R. 1959: Mrs. CUBIN and Mr. JONES of North Carolina.

H.R. 1968: Mr. WAXMAN, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. RUSH, Mrs. CAPPS, Mr. TOWNS, Mr. ALLEN, and Mr. CLEAVER.

H.R. 1971: Mr. RANGEL.

H.R. 1983: Mr. GILLMOR.

H.R. 1985: Mr. JOHNSON of Georgia.

H.R. 1992: Mr. EDWARDS, Mr. WILSON of Ohio, and Mr. GORDON.

H.R. 2015: Mr. SERRANO, Mr. THOMPSON of California, Mr. SMITH of Washington, Ms. BEAN, and Ms. GIFFORDS.

H.R. 2017: Mr. TIERNEY.

H.R. 2038: Mr. DEAL of Georgia.

H.R. 2039: Mr. MOORE of Kansas.

H.R. 2040: Mr. COHEN, Mr. TOWNS, and Mr. HINCHEY.

H.R. 2046: Mr. FILNER, Mr. BERMAN, and Mr. MCGOVERN.

H.R. 2052: Mr. WAXMAN and Mr. ALLEN.

H.R. 2053: Mr. FRANK of Massachusetts and Mr. ROGERS of Alabama.

H.R. 2054: Mr. DOGGETT.

H.R. 2060: Mr. LYNCH and Mrs. BOYDA of Kansas.

H.R. 2063: Mr. ALLEN, Mr. HALL of New York, Mr. YARMUTH, Ms. SUTTON, and Mr. CARNAHAN.

H.R. 2064: Ms. BALDWIN, Mr. LARSEN of Washington, Mr. WEXLER, Mr. WEINER, Mr. COURTNEY, and Mr. FRANK of Massachusetts.

H.R. 2074: Mr. WALSH of New York.

H.R. 2084: Mr. CAMP of Michigan, Mr. SALI, and Mrs. MUSGRAVE.

H.R. 2091: Mr. HOLDEN.

H.R. 2095: Mr. HINOJOSA.

H.R. 2102: Mr. REYNOLDS, Ms. ZOE LOFGREN of California, Mr. GENE GREEN of Texas, Mr. GUTIERREZ and Mr. COURTNEY.

H.R. 2111: Mr. SHAYS.

H.R. 2122: Mr. ABERCROMBIE and Mr. TIERNEY.

H.R. 2125: Mr. KAGEN and Mr. HINOJOSA.

H.R. 2126: Mr. WALZ of Minnesota.

H.R. 2129: Ms. LINDA T. SÁNCHEZ of California, Mr. MILLER of North Carolina, and Mr. MARKEY.

H.R. 2138: Mr. FILNER, Mr. DOYLE, Ms. MATSUI, Mrs. MILLER of Michigan, Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. BUCHANAN, Mr. LATOURETTE, Mr. TERRY, Mr. PUTNAM, Mr. MCCOTTER, Mr. HAYES, Mr. BARTLETT of Maryland, and Mr. MANZULLO.

H.R. 2159: Mr. PETERSON of Minnesota.

H.R. 2165: Mr. SHERMAN, Ms. LEE, Mr. PASCRELL, Mr. CLEAVER, Mr. DICKS, Mr. SCOTT of Virginia, Ms. HERSETH Sandlin, Mr. WAXMAN, Mr. SALAZAR, Mr. STUPAK, Mr. YOUNG of Alaska, Mr. BACHUS, Ms. WASSERMAN SCHULTZ, Mr. KILDEE, Mr. ISRAEL, Mr. HINOJOSA, Mr. ACKERMAN, Mr. CLAY, Ms. WATERS, Mr. BACA, Mr. BARROW, Mr. DINGELL, Mr. SHIMKUS, Mr. KENNEDY, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. EDWARDS, Mr. KIND, Mrs. TAUSCHER, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. HODES, Mr. GENE GREEN of Texas, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Mr. ELLISON, and Mr. NEAL of Massachusetts.

H.R. 2183: Mr. WESTMORELAND, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, and Mr. MILLER of Florida.

H.R. 2211: Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, and Mr. WU.

H.R. 2230: Mr. FORBES.

H.R. 2231: Mr. COSTELLO, Mr. PETERSON of Minnesota, and Mr. DAVID DAVIS of Tennessee.

H.R. 2234: Ms. BERKLEY and Mr. WEXLER.

H.R. 2253: Mr. MANZULLO.

H.R. 2265: Mr. SESTAK.

H.R. 2280: Mr. MCCARTHY of California, Mr. HENSARLING, Mr. KUHL of New York, Mr. CAMP of Michigan, and Mr. HULSHOF.

H.R. 2286: Mr. CONYERS.

H.R. 2287: Mr. WEXLER and Mr. ROGERS of Kentucky.

H.R. 2289: Ms. ROS-LEHTINEN.

H.R. 2295: Mr. HOLT and Mr. CARNAHAN.

H.R. 2298: Mr. KUHL of New York and Mr. CLEAVER.

H.R. 2303: Mr. COHEN.

H.R. 2305: Mr. PASCRELL.

H.R. 2313: Ms. CASTOR.

H.R. 2315: Mr. BUYER.

H.R. 2327: Ms. WOOLSEY, Mr. RANGEL, Ms. BERKLEY, Mr. COHEN, Ms. BALDWIN, Mr. EHLERS, and Mr. BERMAN.

H.R. 2335: Mrs. EMERSON.

H.R. 2353: Mr. JOHNSON of Georgia and Mr. PERLMUTTER.

H.R. 2357: Mr. TIERNEY.

H.R. 2360: Mr. MCCOTTER.

H.R. 2363: Mr. MARSHALL, Mr. GENE GREEN of Texas, Mr. MCHUGH, Mr. WOLF, Mr. ISSA, Mr. KING of New York, and Mr. HASTINGS of Washington.

H.R. 2365: Mr. EHLERS, Mr. JINDAL, Mr. JONES of North Carolina, Mr. GILLMOR, Mr. CONAWAY, and Mr. BOYD of Florida.

H.R. 2370: Mr. WOLF, Ms. ROS-LEHTINEN, and Mr. KELLER.

H.R. 2384: Mrs. CAPPS.

H.R. 2385: Mr. MCGOVERN.

H.R. 2394: Mr. SPACE.

H.R. 2398: Mr. KAGEN.

H.R. 2421: Mr. JOHNSON of Georgia, Mr. ISRAEL, Mr. SESTAK, and Mrs. NAPOLITANO.

H.R. 2434: Mrs. EMERSON.

H.R. 2443: Mr. ROSKAM, Mr. BISHOP of New York, and Mrs. CAPITO.

H.R. 2452: Mr. PAYNE and Mr. SMITH of New Jersey.

H.R. 2459: Mr. DAVIS of Illinois.

H.R. 2488: Mr. CAMP of Michigan.

H.R. 2499: Mr. BACA, Mr. AL GREEN of Texas, Mr. FILNER, and Ms. ZOE LOFGREN of California.

H.R. 2505: Mr. WALZ of Minnesota.

H.R. 2508: Mr. GOODE.

H.R. 2512: Mr. CUMMINGS.

H.R. 2515: Mr. SHADEGG.

H.R. 2522: Ms. LEE, Mr. MCGOVERN, Mr. WOLF, Mr. CRENSHAW, Mr. SCHIFF, and Mr. GARRETT of New Jersey.

H.R. 2537: Mr. ORTIZ.

H.R. 2550: Mr. BAKER, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. EHLERS, and Mr. FILNER.

H.R. 2564: Mrs. DRAKE, Mr. FORTUÑO, Mr. MCHENRY, and Mrs. CUBIN.

H.R. 2567: Mr. MCNULTY and Mr. PAUL.

H.R. 2580: Mr. WELLER, Mr. CAMP of Michigan, Mr. FORBES, and Mr. HASTINGS of Washington.

H.R. 2583: Ms. GRANGER and Mr. SMITH of Texas.

H.R. 2584: Ms. GRANGER, Mr. SMITH of Texas, and Ms. ROS-LEHTNEN.

H.R. 2585: Ms. GRANGER and Mr. SMITH of Texas.

H.R. 2588: Mrs. MCMORRIS RODGERS.

H.R. 2596: Mr. PAYNE, Mr. ALLEN, Mr. WEXLER, and Mr. VAN HOLLEN.

H.J. Res. 6: Mr. CAMP of Michigan and Mrs. EMERSON.

H.J. Res. 12: Mr. YOUNG of Alaska.

H. Con. Res. 21: Mr. BACA.

H. Con. Res. 70: Mr. TOM DAVIS of Virginia, Mr. HOLDEN, and Mr. BAIRD.

H. Con. Res. 75: Mr. FATTAH, Mrs. TAUSCHER, Mr. HARE, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York and Ms. SUTTON.

H. Con. Res. 87: Mr. HIGGINS.

H. Con. Res. 96: Mr. SMITH of Washington.

H. Con. Res. 102: Mr. BAIRD.

H. Con. Res. 122: Mr. BAIRD, Mr. DELAHUNT, Mr. REICHERT, Mr. LANGEVIN and Mr. BLUMENAUER.

H. Con. Res. 131: Mr. TERRY and Mr. ALEXANDER.

H. Con. Res. 137: Mr. GARRETT of New Jersey and Mrs. Christensen.

H. Con. Res. 139: Mr. WICKER and Ms. SCHWARTZ.

H. Con. Res. 162: Mr. SNYDER and Mr. ALTMIRE.

H. Res. 87: Mr. CAMP of Michigan.

H. Res. 106: Mr. CAMP of Michigan, Mr. WALBERG, and Mr. PITTS.

H. Res. 111: Mr. JONES of North Carolina and Mr. FOSSELLA.

H. Res. 194: Mr. GORDON, Mr. MEEHAN, Mr. DOGGETT, Mr. ENGEL, Mr. GUTIERREZ and Ms. WASSERMAN SCHULTZ.

H. Res. 241: Mr. HIGGINS and Mr. KUCINICH.

H. Res. 284: Mr. TERRY.

H. Res. 333: Ms. LEE and Ms. WOOLSEY.

H. Res. 361: Ms. WOOLSEY.

H. Res. 372: Mr. CAMP of Michigan.

H. Res. 378: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. CONYERS, Mr. PAYNE, Mr. ROSKAM and Mr. REICHERT.

H. Res. 431: Mr. HOLT, Mr. MORAN of Virginia, Mr. HONDA and Mr. NADLER.

H. Res. 467: Mr. GENE GREEN of Texas, Mr. ISRAEL and Ms. SCHAKOWSKY.

DELETIONS OF SPONSORS

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

H.R. 1756: Mr. BOYD of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

41. The SPEAKER presented a petition of the California Federation of Teachers, relative to a resolution in opposition to military recruiters' intrusion into the privacy of students; to the Committee on Education and Labor.

42. Also, a petition of American Bar Association, relative to a resolution urging federal, state, territorial and local governments to develop, implement, and fund programs that prosecutors and other criminal justice professionals can utilize to enable an offender to be placed under community supervision in appropriate cases; to the Committee on the Judiciary.

43. Also, a petition of American Bar Association, relative to a resolution urging federal, state, territorial and local governments to develop and implement meaningful graduated sanctions for violations of parole and

probation as alternatives to incarceration; to the Committee on the Judiciary.

44. Also, a petition of American Bar Association, relative to a resolution urging federal, state, territorial and local governments to develop policies on the employment of persons with a criminal record by government agencies, and the contractors and vendors who do business with those agencies; to the Committee on the Judiciary.

45. Also, a petition of American Bar Association, relative to a resolution urging federal, state, territorial and local governments to develop policies governing access to and use of criminal records for non-law enforcement purposes that would balance the public's right to information against the government's interest in encouraging successful offender reentry and reintegration; to the Committee on the Judiciary.

46. Also, a petition of American Bar Association, relative to a resolution urging federal, state, territorial and local governments to assist defense counsel in advising clients of the collateral consequences of criminal convictions during representation; to the Committee on the Judiciary.

47. Also, a petition of the California Federation of Teachers, relative to a resolution calling for the rejection of the request for Fast Track authorization and calling for the opportunity to correct the course of globalization and implement deep reforms to U.S. trade policy; to the Committee on Ways and Means.

48. Also, a petition of the California Federation of Teachers, relative to a resolution in support of H.R. 82 and S. 206; to the Committee on Ways and Means.

SENATE—*Thursday, June 7, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, help us to be honest with ourselves and with one another. Search our hearts, know our thoughts, and purify our motives so that we will treat others with respect and honor.

Guide our Senators in their work. Help them to bear the cross of change and challenge and to refuse to be intimidated by the difficult. Give them the courage and humility to take their burdens to You and leave them. In all their striving, remind them that it is a greater blessing to give than to receive. Help them this day to know You more fully, love You more deeply, and serve You more faithfully.

We pray in Your hallowed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARACK OBAMA, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. OBAMA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform, and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of U.S. citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act by preventing the earned-income tax credit—which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government—from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Whitehouse (for Coburn/DeMint) modified amendment No. 1311 (to amendment No. 1150), to require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate prior to a vote on amendment No. 1311, as modified, and the motion to invoke cloture on the substitute amendment No. 1150, with the time equally divided and controlled between the two leaders or their designees.

If no one yields time, time will be charged equally to both sides.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand Senator COBURN will be here shortly and has some time set aside. He indicated he will yield some time to me. I will take a couple of minutes.

First, there are not any of my colleagues on the floor, but I assume the objection that was received last night to my request to dispense with the current business and make pending my amendment No. 1323 will still be in effect. I renew it, and if any change has been made with regard to it, I hope they will permit it, but I assume, based on what I know, that there is still an objection to bringing up that amendment.

I have quite a number of amendments, 10 or more amendments, that have been filed but cannot be made pending because it requires unanimous consent to move those amendments to pending status, and that means if cloture is granted later this morning, those amendments will not be on the list and cannot be given a vote.

I am not trying to run around and move something through to which I understand there is an objection, but I want to make the point that a number of Senators have a number of important amendments that are filed but cannot be made pending, and they will fall and not get a vote if we move forward with this premature cloture vote. So I strongly object to cloture. I believe it denies us the right to amend this bill which is seriously flawed.

I note that the particular amendment I want to bring up is named for Charlie Norwood, a Congressman from Georgia, who died recently. He was a tremendous patriot who shared my concern. We worked together in drafting his amendment that was introduced in the House which was designed to clarify that local law enforcement officers have an opportunity to participate in enforcement of Federal immigration laws simply as they go about their normal course of duties. If they arrest someone for speeding or some offense of that kind, then they could check their records, and if they are here illegally, they could detain them for Federal officials.

Actually, in many instances, that is still doable today, but in a couple of areas it is vague. The lawyers for the departments have objected to their police officers participating because they think there might be a problem.

This is a critically important amendment. If it is not adopted, it indicates to me that the persons pushing this legislation do not want it to work because there are 600,000 to 800,000 State and local law enforcement officers and only about 1,200 ICE agents and only a fraction of them not on the border, 2,000, something of that nature of ICE agents. They cannot cover this country. They have to rely on State and local officers, who, by the way, caught individuals during their crime sprees or plans to attack us on 9/11. They were apprehended in traffic stops. John Malvo was apprehended. Other terrorists have been apprehended for speeding but let go because the local officers were not participating effectively in the system.

One of the weaknesses of this bill is that the professionals who understand how this system works were not invited and were not in the room with the people who wrote this political bill. A bunch of politicians wrote it. They did not understand sufficiently the details that are critical to a successful report.

I note that Kent Lundgren, former chairman of the National Association of Former Border Patrol Agents, has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

said this is a bill which will not work. ''Based on my experience,'' one individual said, ''it is a disaster.'' Another said that the system will not work as proposed today, that it represents, according to Mr. Hugh Brien, former Chief of Border Patrol for the United States from 1986 to 1989—this is what he said just a couple of days ago: It is a ''sell out.'' It is ''a complete betrayal of the Nation.'' He said it is ''a slap in the face'' to the millions of Americans who come here legally.

He came here as an immigrant legally. He was former Chief of the Border Patrol, and he made these strong statements about this bill.

I see my friend, Dr. COBURN, is here. I know he has an amendment. I am glad to have made my comments beforehand and I, once again, express concern that amendments are not being accepted, and we should not invoke cloture.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

AMENDMENT NO. 1311, AS MODIFIED

Mr. COBURN. Mr. President, I understand, as agreed upon, I will have 20 minutes to discuss amendment No. 1311, as modified. I call up my amendment, and in that 20 minutes, I ask unanimous consent that the Senator from Texas be given 1½ minutes of that time to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment is pending.

Mr. COBURN. The amendment is pending?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. COBURN. Mr. President, I yield 1½ minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am happy to wait until Senator COBURN is finished, and then I would like to be recognized for 5 minutes following his remarks.

The ACTING PRESIDENT pro tempore. That would exceed the amount of time allotted.

Mrs. HUTCHISON. How much time is allotted to our side?

The ACTING PRESIDENT pro tempore. Your side has 22 minutes 45 seconds.

Mrs. HUTCHISON. Mr. President, let me make an inquiry. I wanted to speak for 1 minute on the Coburn amendment and then for 4 minutes or so on cloture. Is the time allotted only for the Coburn amendment at this time?

The ACTING PRESIDENT pro tempore. There is concurrent debate on the Coburn amendment and cloture for which 1 hour is divided equally between the two sides.

Mrs. HUTCHISON. Mr. President, I say to the Senator from Oklahoma, it is my intention to speak against his amendment and then against cloture. I don't want to take from his time. That is not fair. So I ask the Senator from Oklahoma what is the allocation that he wishes to make?

Mr. COBURN. Mr. President, I was promised 20 minutes last night. I will be happy to try to finish my remarks in less than 20 minutes and give the Senator from Texas the remaining time.

Mrs. HUTCHISON. Mr. President, I appreciate that.

Mr. COBURN. Mr. President, the Coburn-DeMint trigger amendment—that is what this amendment is—is about setting right what has been promised since 1986. It is about requiring that the existing border security and immigration laws we have on the books today be enforced and that the fact they are being enforced be approved by Congress before the amnesty in this bill can be granted.

The Federal Government has an obligation to secure the U.S. borders and enforce U.S. laws. The American people expect that their laws will be upheld. If the U.S. borders are not secure and an estimated 12 million—of which 4.5 million or 5 million have overstayed their visas and make up part of this 12 million illegal immigrants in our country today.

The United States faces a history since the 1986 amnesty bill of being overpromised and undersold on immigration enforcement by their Government. The Federal Government has failed and has rightfully lost the trust of the people. How can the people trust that this time things will be any different than 1986? This is not about having welcoming arms; this is about the security of this country and the rule of law.

This amendment is the first step to help restore some of the trust Congress has lost. It says that before this bill can go forward, the President must demonstrate to Congress, and Congress must agree, that current laws are being enforced—laws that are on the books.

This amendment is common sense. If the agencies can demonstrate that U.S. borders are secure and immigration laws are enforced, then the American people have reason to believe that this time things will be different. They will demonstrate that compassion, once again, so often seen in the past.

What will the trigger do? This trigger is the legislative mechanism for ensuring that the Federal Government meets certain legal obligations before the process for legalizing illegal immigrants can begin. It is very simple. It will add to the current trigger amendment. It takes several provisions of existing law, laws that are on the books, and requires they be fully implemented before we grant amnesty or legal status to illegal aliens.

What are they? The Department must achieve and maintain operational control over the international maritime borders of the United States, as required by a law passed last year by 80 to 19 in this body—the Secure Fence Act.

All databases maintained by the Department with information on aliens shall be fully integrated, as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002. That is not accomplished yet.

No. 3. The exit portion of the U.S. visa system is to be fully implemented, as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That is not being enforced.

That the provision of law that prohibits States and localities from adopting sanctuary policies is fully enforced by section 642 of the Illegal Immigration Reform and Responsibility Act of 1996; that the Department employ fully operational equipment at each port of entry in accordance with section 303 of the Enhanced Border and Security and Visa Entry Reform Act of 2002; aliens with border crossing cards are prevented from entering unless their biometric card is matched to them, as required by section 1101(a)6 of Title VIII of United States Code.

How this trigger works. It requires the agencies that are responsible for implementing these laws and the various portions of them to report to the President when they have been fully implemented, and that the President review the certifications and either approve or deny them. If the President denies the agency has fulfilled the requirement, according to the law, the President must instruct the agency on what to do and when to bring it up to date. Congress shall then, on an expedited basis, once the President has certified, review the report and pass a resolution affirming the laws have been enforced; that they have been implemented.

We are not ever going to gain back the trust of the American people on immigration until we do what we have already passed. It is not about not welcoming people, it is about the rule of law and understanding that only can they have a future if we maintain the rule of law.

Why is this needed? The Gregg amendment did several good things, but it didn't go far enough. It lacked two key elements. It did not require that existing laws be implemented and enforced. Why is it we are debating that existing laws should be enforced? We are ignoring existing laws. And the Gregg amendment did not require congressional approval.

A recent Rasmussen report found two-thirds of Americans believe it does not make sense to debate new immigration law until we can first enforce and control our border and enforce existing laws.

The bill is flawed because it allows those here illegally to adjust to legal

status before any of the new or old enforcement provisions are made. It requires those who are here illegally become legal before we have control of the border. This is not about not wanting and admiring and accepting the work ethic of those who come here, but it says we must secure our border.

Remember Fort Dix, NJ? One out of three of those involved in Fort Dix, NJ, were terrorists who came in through our southern border.

This amendment requires before any illegal alien is allowed to adjust their legal status that Congress certify the Department of Homeland Security has operational control of the border.

The second problem: It creates a new temporary worker problem without first having a mechanism in place to verify that temporary workers and visitors leave when their visas expire. We are going to set up a whole new program and we cannot even tell you now when they have exited under the current U.S. visa law. It has never been implemented, the visa exit system. So we have a system that controls who comes into the country but no control over who goes out. You cannot have a temporary worker program if you don't know when they come in or go out under the existing proposed statute under this bill.

The U.S. visa exit component is key to the successful new temporary program. The system created in the 1996 bill for the U.S. visa program was supposed to be in place September 30, 1998. The deadline was changed to October 15 and then to March 30, 2001, except the exit portion has never been operational. It has never been implemented.

The third problem addressed: The American public does not trust we will enforce the laws we have; namely, they do not trust the enforcement provisions in this bill, such as the employer verification system, will be implemented. Congress continues to pass laws that do not get enforced and then does nothing to ensure they are enforced. Part of the purpose of the last amnesty was to enhance our enforcement so Americans could maintain sovereignty, as President Reagan put it.

Specifically, on November 6, when President Reagan signed into law the Immigration Reform and Control Act of 1986, he stated this legislation would help meet the challenge to our sovereignty caused by illegal immigration. He highlighted three provisions of the 1986 bill, including employer sanctions—nonexistent—to increase enforcement of our immigration laws, and legalization of those here illegally more than 4 years later. The amnesty happened, yet significant portions of employment sanctions and the increased enforcement measures have been delayed or, in some instances, never implemented.

Americans have a right to question whether things will be different this time. What this amendment will do is ensure that a employer verification system, required by the current trigger, is actually implemented and working properly before we grant legal status to those who are here illegally. It is not enough to allow Presidential certification; that will not likely be reviewed. We have that problem now. Congress must review, discuss, have hearings, and then publicly vote to certify that the provisions required in this bill, and by prior laws, are functioning. That is when we will regain the trust of the American people.

This amendment will provide the transparency and accountability to the public Americans want. Not only that, if the public views the enforcement mechanism as inadequate and not in compliance with our laws, they will be able to hold elected officials accountable at the voting booth.

The May 30, 2007 Rasmussen report revealed the public does not support or trust this immigration bill. Seventy-four percent do not believe illegal immigration will decline if the Senate passes this bill. Forty-one percent believe illegal immigration will increase, as we heard the group of retired Border Patrol agents state.

Interestingly, if those polled had a chance to improve the legislation, 75 percent would make changes to increase border security measures and reduce illegal immigration. Sixty-five percent of Americans are willing to accept a compromise on illegal status if you can assure them the rest of the laws are going to be enforced. This bill does not require that, and what they are going to get is the same thing they got in 1986.

What this amendment will do is to help improve enforcement at the borders. It will reduce illegal immigration, it will give the public confidence, and it will give elected officials the opportunity to vote on the status of where we are in terms of enforcing the law.

How did we get here? We got here through well-intentioned mistakes. We got here because we gave amnesty in 1986. We said we were going to have employer verification, and we told the American people the borders would be secure. What this amendment does is, it says: Fool me the first time, shame on you. Fool me the second time, shame on me. What this amendment does is assures the American people that this time, as we grant amnesty to those who came here illegally, it is not going to happen again.

There is no assurance in this bill that this is not a repeat of 1986. It is not about not being compassionate to those who are here and are contributing. It is not about saying no. As a matter of fact, 65 percent of the American people want to say yes, if you can prove to them things are going to be different this time. However, under this bill, there is nothing that will say things will be different.

I praise the people who worked on this bill, who put together this compromise. But I think history points us in a direction that says we have to have proof this time. We have to know if we do this again, with at least 12 million people, if we grant amnesty—and I know the President says it is not amnesty, but if you come here illegally and eventually are legal, that is amnesty—if we are willing to do that, this time the American people ought to have the assurance we are not going to do that again; that we are going to have an immigration enforcement policy, an employer verification system, an entrance and exit system, and border security that is going to make sure we don't repeat the mistakes of the past. I believe this bill needs a lot more work. I believe it has a lot of complications that are unforeseen, and complications that we are aware of at this time.

I wish to take a moment to thank the majority leader for allowing me this time, and Senator KENNEDY for working with me to allow me this time to talk about this amendment. I believe we have a critical problem in our country. The President's ratings are low, but our ratings are even lower. The trust of the American people in this institution is less than a third of the people in this country.

How do we build it up? We build it up by passing this amendment. We build it up by showing them we understand their concerns, we understand they are willing to accept and allow people who came here illegally to live here as citizens and get on that pathway to citizenship provided we do the necessary things to not go back to this again. This bill is severely lacking in demonstrating that proof to the American people.

We have to build their confidence. We have to regain the trust of the American people that we will, in fact, this time do what is necessary to secure our borders and control our borders. We are at risk, as the discovery of the Fort Dix belated plan reflects, in terms of our own national security. So it is not all about immigration, it is about national security, and there is nothing in this bill that forces the President of any party who is in charge or forces the Congress to do anything different than we have done in the past.

I believe it is highly important we have this trigger mechanism for the assurance of the American people that we have a secure border; that we have a visa entrance and exit system that works; that we have employer verification that works; that those key things are intact before we grant legal status to those who are here illegally.

I say again I appreciate Senator KENNEDY working with me in allowing me the time to do this, and Senator REID for his graciousness for this time.

I yield to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 6 minutes 15 seconds.

Mrs. HUTCHISON. I thank the Chair.

Let me say first I thank the Senator from Oklahoma for allowing me to have the rest of his time, and I don't disagree with one thing he said. I agree with his purpose. However, I have to oppose the amendment for this reason:

Last year, the House put in the Secure Fence Act specificity about exactly where the fence would go. There was no requirement that the local people, private property owners, cities that are right on the Rio Grande River would have any input whatsoever. I do not think Congress can say that the priority fencing is 15 miles on either side of the port of entry of Laredo. It might be 10 miles. We might be spending billions of dollars that are unnecessary putting in 15 miles. It might not even be possible to put it in certain places because of the geography and the topography.

We have an amendment in the underlying bill that does require local input so that Congress is not mandating, but, instead, the Border Patrol chiefs, who have been designated by the Department of Homeland Security, will make these decisions.

Mr. COBURN. Will the Senator yield for a question?

Mrs. HUTCHISON. I am happy to yield.

Mr. COBURN. Would that not negate the direction of the Secure Fence Act of last year?

Mrs. HUTCHISON. It would most certainly—it doesn't negate the purpose.

Mr. COBURN. No, no. I agree. But it would relieve that problem as you saw in the Secure Fence Act of last year, of 2006.

Mrs. HUTCHISON. Would what?

Mr. COBURN. Your underlying language would alleviate that problem in the 2006 Secure Fence Act?

Mrs. HUTCHISON. It doesn't relieve the specificity of miles of fence. It does relieve the specificity of exactly where it goes.

Mr. COBURN. So that would supersede whatever we had in the Secure Fence Act in my amendment?

Mrs. HUTCHISON. That is correct.

Mr. COBURN. So therefore your argument, I believe, is moot, because if you have that in the underlying bill, then that problem is solved and you should be able to support this amendment.

Mrs. HUTCHISON. Unfortunately, I am afraid the amendment overrules that minor revision in the Border Fence Act to which, frankly, I have to say to the Senator from Oklahoma, we had agreement from the leadership on both sides of the aisle in both Houses that we would take out that particular part. But the leadership changed, and we were not able to vote against and hold up the bill because it was the Defense supplemental bill to which that Border Fence Act was attached. To have held up the bill would have been to hold up our Defense supplemental, which of course overrode everything. That is why we waited to try to fix that minor part in this bill, which we have done and which would be undercut by the Coburn amendment.

I find myself having to oppose the amendment of the Senator from Oklahoma, even though in many ways I understand his purpose and agree with his purpose. Nevertheless, I must protect the rights of my constituents—cities and private property owners. We have to have the input from those local people, and the Border Patrol should be the ones deciding exactly where those fences are needed, not the Congress, most of whom have not ever visited Laredo, TX.

I do hope we can defeat the Coburn amendment and go forward with the bill—well, not go forward with the bill as it stands today but certainly with this part of the bill.

I would like to use the remainder of my time to talk about cloture because I am most certainly strongly against cloture on the underlying bill that is before us. Not that there isn't some good in this bill, but this bill is not ready to be closed out.

The good parts of the bill are the border security parts. Border security has specific benchmarks that must be met before the trigger is pulled for the guest worker program to go forward. That is a good part of this bill.

I added an amendment at midnight last night that shores up the Social Security protection in this bill. There was a loophole in the underlying bill that would have allowed people to gain Social Security credit for hours worked illegally, for days and months and years worked illegally. That would have hurt our Social Security system. We fixed that last night. That is a good part of this bill. There are good parts that need to be worked on to make this a better bill.

However, closing this bill out now would be worse than the present law today, or the present lack of law today. We have chaos in this country with the estimated 12 million, maybe even 20 million illegal people here. We know there are security lapses. We have to fix that. I respect very much the bipartisan work that has been done on this bill, but it is not yet ready. The 5-year sunset of the guest worker program is a killer. We could not possibly say that we are going to fix the chaos that happened after the 1986 act because there were not laws for a guest worker program that worked—oh, but it is only going to last 5 years. That would add to the chaos.

Mr. President, I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. I also wish to make sure I have the opportunity to propose an amendment that would take the amnesty out of this bill. I could never vote for cloture until we have the opportunity to address the amnesty issue.

My amendment would require every person who is seeking a Z–1 or Z-A visa, the people who are going to try to work in our country legally, to return home to apply from there. I think that would make a huge difference in this bill. It would take out the amnesty because it would say, if you are going to work in our country today or tomorrow or 2 years from now or 25 years from now, you will apply from outside the country to come in legally so we have control of our system.

I hope we can avoid the cloture so we can work on this bill in a positive, productive way and do what is right for our country today, tomorrow, and in the long term.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have worked long and hard on this piece of legislation. It is a very complicated bill, as it should be, because we have a complicated problem—that is immigration. We have come a long way since we started the debate on this matter. It is fresh in my mind what went on last year when we had the debate on an immigration bill that passed the Senate. Last year we worked long and hard. We had 23 rollcall votes prior to cloture. Seven amendments in addition to that were done by voice vote last year. Postcloture, we had 3 that went by voice, there were 11 that were voted on.

This year we have had 28 rollcall votes on amendments. We have had 14 amendments by voice, a total of 42 amendments. So we are way ahead of where we were last year.

I understand that people were concerned yesterday about not having enough amendments. I think everyone had an opportunity to offer amendments. But it is interesting—we had people who were saying: This amendment that passed is a deal breaker. On the other side: We had an amendment that passed that is a deal breaker. So I guess whether a bill is improved is in the eye of the beholder because there was certainly disagreement about what improved or didn't improve the bill. I also think it is interesting people agitated for amendments and then, when the vote didn't go their way, they were upset.

This is a bill we have pushed down the road a long way. I hope we can finish it. I spoke last night—I don't know

what time it was, it was 4:30 a.m. European time. I called to see if Mr. Bolton, the President's Chief of Staff, was with the President. He was. I didn't want to disturb him at that time of day. But I did have a good long conversation with the Secretary of Homeland Security, Judge Chertoff. That was 10:30, 11 o'clock last night. I explained to him how this legislative process works. He asked me to go over it with him again because he wanted to make sure he understood it.

I told him, as much as any piece of legislation we have had here—other than the supplemental appropriations bill this past 6 months—this is the President's bill. He has worked long and hard. He has had Cabinet officers working with Democrats and Republicans to come up with a bill, the so-called compromise. Some call it a grand compromise, but it is at least a compromise. I told him the vast majority of Democrats want this legislation to move forward. I think someone should get word to the President that, if this bill goes down with the vast majority of the Democrats voting for this action to move forward—if the Republicans vote against it, he and I discussed what the headline is going to be. The headline is going to be: Democrats Vote To Continue This Bill, the Republicans Vote Against It—The President Fails Again.

I don't think that is good. I think we need to show we have the ability to work with the White House.

I know there are some people who would like us to stay on immigration for the rest of this work period. We have 3 weeks left. It would make some people as happy as larks to be able to spend the rest of this work period on immigration. Why? Because some don't want us to go to the next two matters we are going to have to deal with.

No. 1 is energy. When we went home during the Memorial Day break, there were two things people wanted to talk to me about. One of them wasn't immigration. The Iraq war and gas prices, that is what people wanted to talk about wherever I went. I spent a lot of time in Nevada, but I traveled to other places in the country. It was the same there: Iraq, end this war, and do something about these gas prices.

We are going to take up energy. That will be what we do after we do the immigration bill. So I know some people don't want us to go there. After we finish that, we have the obligation to do, for our military and our country, a Defense authorization bill. Again, there will be a debate on Iraq. I am sure some will want to talk about timelines. I am sure some will want to talk about readiness. I am sure there will be people wanting to talk about transitioning the mission. Maybe there will be some efforts to do away with the original authorization of the war. I don't know for sure. That is an issue some people would just as soon we stay away from.

I know people would like us to stay on this forever, but the question is, When is enough enough?

Mr. President, I ask unanimous consent that the cloture vote be delayed to occur today at 5 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object—there is objection on this side of the aisle to moving the cloture vote to later today. Let me repeat publicly what I have said earlier, both publicly and privately, to my good friend the majority leader.

Republicans are going to need more amendments. We have had 12 rollcall votes on our side of the aisle on this bill to date. I think, at a very minimum, we need to have the same number of Republican rollcall votes on this bill we had last year. I think we can get there. We are not going to get there by shutting off additional important and worthwhile amendments on this side of the aisle. But it is certainly not my goal to not get this bill to passage, provided we have fair treatment on this side of the aisle.

I do think we made progress last night. I think we can make a lot of progress today. But we are not there yet. So I wish to make it clear that I urge a ''no'' vote on cloture, shortly. But again, having said that, I think we have a chance to get enough amendments processed to possibly finish this bill in the near future.

Therefore, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am disappointed because, as I indicated, last year we had 14 votes postcloture. But I have learned a little bit about this place, that sometimes you have to do indirectly what you cannot do directly. It makes so much sense that, if people want more amendments, it would be wise to agree to our suggestion that we put over the cloture vote to later this evening. We could process amendments during that time and have a cloture vote tonight.

I understand there is going to be an objection, but I am going to do indirectly what I can't do directly. That is, everyone should know, if cloture is not invoked this morning—if the Republican leader says he is going to recommend to all his folks that they vote no on cloture, I am sure cloture will not be invoked. But everyone should know, we are going to have another cloture vote this early evening. We are going to process as many amendments, in the meantime, as we can. I hope there could be some more work done on what other amendments postcloture; that is, germane amendments. I know of a couple that are germane. I have told people they can have votes on those. I repeat what I have said on this floor several times, what I have told the managers of the bill and I have told individual Senators: We are not going to block, as we can do, procedurally, votes on the germane amendments that are postcloture. We are going to go ahead and process as many of those as we can reasonably do. If we have to spend the 30 hours doing it, we will. Otherwise, we will get a list of amendments that the Parliamentarian will determine are germane, and we will set up a period of time to vote on those and move on.

So I would hope that everyone understands that if cloture is not invoked, we are going to go ahead, and I will get on the right side of the issue, as we have to do here procedurally, to have the ability to bring this up early evening time. During that period of time, I hope the people who feel they have not had enough amendments are assuaged and we can go ahead and have a cloture vote and move forward. I had a member of our caucus explain it this way, Mr. President. She said: It is like running a marathon. I told her afterward that I was envious that she had thought of this and I hadn't because I have run a few marathons. She described it so well. It was Senator CANTWELL from Washington. She said: You know, about the 22nd-mile mark, you are really tired, and you think, maybe I should have quit earlier. But I can see the end up here now, and I am going to go ahead and finish the race.

That is how I feel. There are times during this debate that I feel we would all be better off having walked away from it. It was hard. All of these phone calls coming into our offices, people accosting you as you walk out of the building, lobbying groups for and against this. But we have withstood that. Now, as Senator CANTWELL said, I think we may be about at the 24-mile mark.

As with a marathon, Mr. President, there are times when you are running a marathon that you feel euphoric—I feel so strong, I am out here alone, I am able to travel those miles—and then, just like that, it can change. Well, the euphoria is gone. The determination is here. I think we need to complete this marathon. So I am disappointed we are not going to have cloture today. But everyone should know we will have cloture again later on in the day.

I ask unanimous consent, Mr. President, that the cloture vote on the bill be delayed to occur only if the substitute amendment is agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I know the manager of the bill is here. The two leaders have used a lot of time. If you would like us to extend the time—OK. We can go right to the amendments. Thank you for being so patient.

Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided before the cloture vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, what is the time? When are we going to have the Coburn vote, and when is the cloture vote? How much time are we allocated?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining to the Senator from Massachusetts. There will then be a vote on the Coburn amendment and then the vote on cloture, with 2 minutes prior to cloture.

Mr. KENNEDY. Mr. President, I am not sure we will need all of the 17 minutes. I think we had initially planned to vote close to the hour. I think that is very possible.

I thank Senator COBURN for raising these issues. These issues which are included in his amendment are not greatly dissimilar from the measures in terms of adding additional what we call ''triggers'' to the legislation.

Let me just go back a step and relate why we have real reservations about the Coburn amendment. When we examined the broken immigration system—and we have had scores of hearings in the immigration committee and the Judiciary Committee—what was offered on a number of different occasions said: We can solve our problem just by building a fence in the southwest border or just by having strong security in the southwest border. It is 1,800 miles down there, and we can fence off different areas and then use different kinds of technology, and that is going to solve the challenges we are facing with immigrants coming across the border.

As we continued on through the course of the hearings, we say that in and of itself will not work. As Governor Napolitano said, if we just put a fence down along the southwest border, you put a 40-foot fence in, there are going to be 41-foot ladders that are going to come over that.

What you need to do, as Governor Napolitano and others testified, including the Secretary of Homeland Security, who said: You need to have a comprehensive measure. You have to have a comprehensive measure if we are going to secure the borders. We need to have a comprehensive measure, which means we have to do all we possibly can to secure the borders by the latest in technology, and I will mention that in a moment. But, also, if we are going to secure those borders, we are going to have to recognize that there is going to be pressure even on those borders. So we have to organize and structure some kind of way for people to come in the front door. Otherwise, they are going to go over the back door, which means they are going to scale the various fences.

We say: No, we want to protect American workers. So we worked out an elaborate program to make sure that anyone who is going to come into the United States through the front door is not going to displace an American worker. We worked out a process and a system to make sure there are no American workers who want to take that job, there are only those who want to come in to be able to work in those areas. We have gone through that in the course of the debate.

But you need not only that—if you want to make sure you are not going to still have some leakage in there, you are going to have interior enforcement. You are going to have it in the employer situation. You have to have that. Otherwise, we are going to go back to what has been roundly criticized here, and legitimately so—1986. So you have to have important interior enforcement in the workplace. So we had to include those provisions in this legislation as well.

Then, if you are really going to have some kind of opportunity to make sure you are going to look out after the national security interests of the United States, you are going to have to know who is here, not that you are just going to have millions of people living in the shadows—we do not know their names, we do not know their addresses, we do not know where they are living—we have to bring them out. To bring them out, we cannot just do that, bring them out automatically, because they have broken the law. So we worked out a system where these individuals pay heavy fines, and effectively they will go to the back of the line. So anybody who has been trying to get in here legally will be able to do so before they will have any kind of opportunity to move ahead toward effectively normalizing their lives and moving on to the opportunity for a green card.

So it became very apparent that all of these elements work and work together, and if we accept the Coburn amendment, we are interrupting this whole kind of a process. What we have heard time and time again is that if you interrupt this process, then you have a breakdown in the whole kind of condition and you are going to be inundated with the undocumented aliens.

We want to stop the Border Patrol—highly trained, highly committed, highly dedicated individuals—from chasing after landscapers across the border. We want them to be looking after terrorists and the criminal element, right? Right. Therefore, you have to make sure you are going to have the other aspects of the security measures put in place. What does that mean? That means internal security. But the Coburn amendment suspends that program, suspends the interior security in terms of the employers hiring the undocumented aliens. With that, it is a continuation of a broken and a failed system.

I would just say finally that this proposal, in terms of our security interests, may not be perfect, but it does provide the 20,000 additional agents, it does provide 200 miles of vehicle barriers, 370 miles of fencing, 70 ground-based radars and cameras, four unmanned aerial vehicles, detention rather than catch-and-release programs, and many other kind of features.

We have followed what has been recommended by the Department of Homeland Security to get the best security we could. But the idea that we are going to suspend some of those elements which have been intertwined—and as Secretary Chertoff said very eloquently: You need them all. I appreciate the fact that the good Senator from Oklahoma says: Well, let's hold certain parts back until we get everything in place. Our answer is: You better start getting everything in place if you really want to have a secure border.

I withhold the remainder of my time and yield 5 minutes to the Senator from Mississippi.

Mr. LOTT. Mr. President, first, let me yield to the Senator from South Carolina, who has a unanimous consent request to make. I yield for that purpose.

Mr. DEMINT. Mr. President, I am speaking on behalf of Senator GRASSLEY, who I understand last night got an agreement that he could bring up 10 of his amendments this morning. I am not here to speak on them but just to give the numbers and to bring them up, as was agreed last night.

Mr. Presdient, if I can request from Senator KENNEDY that I just read off those amendment numbers.

Mr. KENNEDY. If the Senator would yield on my time, that is the intention of the leadership. What we would like to do is try to work out these groups of amendments with the Republican leadership. We intend to do that as soon as we get to the beginning of the vote. Rather than make that judgment at this particular time, we would ask if the Senator would defer. We will work those out. Obviously, we are going to work them out with the Republican leaders because we have been instructed to cooperate, to work and do as much as we possibly can during the day. I know our leader has given those assurances to the Senator.

I am just reluctant to shortchange the process now. But I will certainly work with the Senator during the course of these votes here and do the best we can, and he, obviously, can preserve his rights for later in the morning.

Mr. DEMINT. I thank the Senator. Senator GRASSLEY understood that these could be brought up before the cloture vote. I will certainly defer to our leadership to work these in, but our commitment to him is that we bring them up before cloture.

Mr. LOTT. I reclaim my time. I thank the Senator from South Carolina for doing that and assure him and Senator GRASSLEY that we are going to protect Senator GRASSLEY's interests and that he will be part of the discussion.

Let me just talk about where we are. You know, when you have the legislative process in full bloom in the Senate, it sometimes is bumpy. Of course, last night we proved once again the absolute rule that if the Senate is in voting, you know, at midnight or 1 o'clock, we are going to mess up. It happens every time, and yet leaders continue to do it. I used to do it. It is one of the dumbest things we do around here. But, look, this is a part of the process. This is a worthwhile effort.

If anybody in America likes where we are with illegal immigration, and legal immigration, if they think what we have now is good or tolerable, fair or responsible, then, fine, let's try to kill this bill—kill it with amendments, kill it with debate, vote it down. I don't think that is responsible. This is one of the biggest issues facing this country, and the question is, Do we have the courage, tenacity, and the ability to get anything done anymore? If we cannot do this, we ought to vote to dissolve the Congress and go home and wait for the next election. Can we do anything anymore?

I don't like a lot of these amendments. I don't like a lot that is in the bill. I was in and out of the meetings, but I was not one of the people who worked in the so-called ''grand bargain.'' Some people are acting now as if it was a sinister operation. I don't believe so. Everybody knew there was an effort under way. Republicans were involved, Democrats were involved, the administration was involved, conservatives, liberals, agriculture—everybody. Now we are going to pick it to death. I just don't think this is responsible.

I am getting calls. But I would say to my constituents: Do you have no faith in me after 35 years that I am just going to buy a pig in a poke here or be for something that is bad?

Last year, I voted against what we came up with because I did not think it got better; it got worse. But we have an obligation to try, and we should not get all in a twit because we made one mistake or we don't get the one we wanted. Look, I voted for amendments that passed and amendments that failed. Get over all of that. This is a big issue. This is the U.S. Senate, the great deliberative body. Are we going to belie that description or are we going to step up to this challenge and try to get it done right?

We should vote down cloture now. Cloture should not have been filed. You can't ram the Senate. You can't ram the minority around here. It just will not work. All it does is make people get madder, and it takes longer.

So we are going to have a vote on cloture, and we are going to defeat cloture because more amendments are legitimately pending. But I am serving notice that I am going to be a part of trying to help to find a way to get to a conclusion, to a vote. Vote it up. Vote it down. But to try to kill it with all of those amendments that are being thrown up here for the purpose of killing it, to me, is not an appropriate way to proceed.

Our leaders work through difficult times. They are being pulled and pushed by members on both sides. This is the time where we are going to see whether we are a Senate anymore.

Are we men or mice? Are we going to slither away from this issue and hope for some epiphany to happen? No. Let's legislate. Let's vote. I think the majority leader has a right to expect that at some point we end it, try to cover as many objections and as many amendments as we can. But at some point we have to get this done.

Unfortunately, the idea that then we are going to go to a debate on a nonbinding, irrelevant amendment by Senator SCHUMER, if we defeat this legislation, if we fall off into that kind of character debate on a nonbinding resolution—we are fixing to drop off into a basement we haven't been in in a long time.

I urge my colleagues, let's step back from the precipice. Let's legislate. Let's find a way to take up things. Do we need to take up energy? Yes. We need an energy policy. We need it now. But can we do it? I want to be a part of a process that gets results for the American people. I don't know why else you would want to serve in this institution.

I appreciate the legislative leadership Senator KENNEDY has been providing. I know it is not easy. His own colleagues and those of us over here have been beating him up. He is a nice poster child, and I thank him very much for what he does. One thing I have learned the hard way: when it comes to legislating, when you are dealing with Senator KENNEDY, you better bring your lunch because you are going to get educated. You are going to learn a lot, and you are going to get a result. Hopefully, it is going to be a good one. Good luck.

Mr. KENNEDY. And a dinner too. I thank my friend from Mississippi, and I commend him for a constructive and positive attitude. Those of us who know him and respect him know that he is a fierce fighter for his values, but he also is an institutionalist. He understands the responsibilities of this institution in dealing with the Nation's challenges.

How much time remains?

The PRESIDING OFFICER (Mr. BROWN). The Senator has 2 minutes 30 seconds.

Mr. KENNEDY. Mr. President, there are going to be few issues that come before the Senate that are more important than immigration reform. Our immigration system is broken. This is a national security issue. It is an internal kind of security issue. It is basically also a fairness and humane issue about how we are going to treat each other. It involves all of these factors. We are going to have a cloture petition that is going to be filed. There is no sense or expectation that it will be a defining moment because we have heard now that it will not be achieved. But we have every intention of continuing today, Democrats and Republicans, working all day long and into the early evening responding to some of the questions and issues that have to be raised. We will do our very best, as we did until midnight last night, all through yesterday, to give opportunities for Members to introduce amendments and get an expression by the Senate because the country expects us to take action.

I am convinced with the goodwill that has been expressed this morning, we have a real opportunity to see the beginning of a light at the end of the tunnel. Hopefully, by late afternoon we will have a clear direction about where we are going.

I thank the leadership for all it has done. I hope the Senate will reject the Coburn amendment.

We will have the cloture rollcall now, and since we can certainly assume it will not be enacted, we will announce a series of votes, and we will continue to move forward on the legislation over the course of the day.

I yield back the remainder of my time. Is the vote on the Coburn amendment first?

The PRESIDING OFFICER. It is.

Under the previous order, the question is on agreeing to Coburn amendment No. 1311, as modified.

Mr. KENNEDY. I ask for the nays and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—42

Alexander	Crapo	McConnell
Allard	DeMint	Nelson (NE)
Baucus	Dole	Pryor
Bayh	Dorgan	Roberts
Bond	Ensign	Rockefeller
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hatch	Snowe
Cochran	Inhofe	Stabenow
Coleman	Isakson	Sununu
Conrad	Landrieu	Tester
Corker	Lott	Thune
Cornyn	McCaskill	Vitter

NAYS—54

Akaka	Feingold	Menendez
Bennett	Feinstein	Mikulski
Biden	Graham	Murkowski
Bingaman	Hagel	Murray
Boxer	Harkin	Nelson (FL)
Brown	Hutchison	Obama
Brownback	Inouye	Reed
Byrd	Kennedy	Reid
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Kyl	Schumer
Casey	Lautenberg	Specter
Clinton	Leahy	Stevens
Collins	Levin	Voinovich
Craig	Lieberman	Warner
Dodd	Lincoln	Webb
Domenici	Lugar	Whitehouse
Durbin	Martinez	Wyden

NOT VOTING—3

Johnson	Kerry	McCain

The amendment (No. 1311), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture.

Who yields time?

The Republican leader is recognized for 1 minute.

Mr. MCCONNELL. Mr. President, I said earlier this week that Republicans would not allow themselves to be stuffed on this bill. The Senate isn't a factory. We don't push things down the line. But one has to wonder whether the Democratic majority has been told otherwise based on the number of times it has moved to stifle debate on important legislation over the last 5 months.

Let's look at the last Congress. On this date in the 109th Congress, Republicans had sought to limit debate only nine times. On this date in the Congress before that, Republicans had filed for cloture nine times. On this date in the Congress before that, Republicans had filed for cloture only two times.

Contrast that with the current regime. To date in this Congress, the Democratic leadership has sought to cut off debate not two times, not nine times, but 32 times.

This is what is called a power grab. But the result won't be power, it will be failure. At this rate, the Democratic leadership will have achieved at least one impressive thing—just one—in the 110th Congress: an all-time record for cloture filings because it is well on pace to shatter the existing record.

There is a saying about courtship: Shoot for two, end up with zero. So far, this would be a fitting epitaph for a Congress that has sought to do much but has accomplished little.

Republican patience was wearing thin before we took up this bill, and we said so, repeatedly. The Democratic leadership knew on a bill of this magnitude, Republicans would do more than complain about it. We would insist that minority rights be honored. They weren't. For this reason I will oppose cloture on the bill and encourage my colleagues to do the same.

Democrats and Republicans have said from the outset that this bill would only pass if it was a bipartisan effort. Once it hit the floor, that meant minority Members would have the chance to be heard through a fair and full amendment process. That is the way to fix this bill.

Mr. REID. Mr. President, I think the distinguished Republican leader has outlined the problem, the problem that exists with the Republicans in the Senate.

The reason there weren't a lot of cloture motions filed in the last Congress is, as the distinguished Republican leader has pointed out, we believed in legislating, not delaying. Most of the motions that have been filed regarding cloture have been on motions to proceed to bills—dilatory tactics by the Republicans—and it is very frustrating to them that in spite of that—in spite of that—we have been able to accomplish much, including ethics lobbying reform, minimum wage, 9/11 Commission recommendations. We did the budget. We were able to do the continuing resolution. We did stem cell research. We have done some very good work, and we are going to continue to do that.

We have spent a lot of time on the Republicans delaying what the American people want us to do, and that is legislate. In spite of that, we were able to move on and do some significant legislating, as we are going to continue to do.

As I said this morning, we want to finish this legislation in a positive vein. The minority said they wanted more amendments. They got more amendments. We don't know if there is a magic number, but we will work and make sure—I think we are in the process now of lining up four amendments on each side. We should dispose of those fairly quickly. I have indicated that we are willing to do whatever is necessary postcloture to take care of as many of the postcloture germane amendments as we can. We are happy to do that. This is very important.

I spoke last night to the Secretary of Homeland Security, one of the people who represented the President in these negotiations. This bill that is on the Senate floor is not a Democratic bill. It is a bill that has been worked on by Democrats and Republicans in cooperation with the President of the United States and his people. My message to Secretary Chertoff last night was that—it seems a little unusual to me when we have worked so hard and we have offered opportunities for all of these amendments, and we are going to offer more. My message to him is, why in the world would anyone object to delaying the cloture vote? But that is what has happened.

I think that is unfortunate because I told the Secretary of Homeland Security, Judge Chertoff, the message in the newspaper is going to be: Democrats Support Cloture to Continue Debate on Immigration; Republicans Oppose It—President Bush Fails Again.

Let's have some successes around here. We need to work with the President. He needs to work with us. Here is a way that it can be done.

I know there are people who want us to stay on this bill for the rest of this work period, but we have other things we need to do that some do not want us to work on. When we went home for our Memorial Day break, what were the issues people talked about more than anything else? Ending the war in Iraq and gas prices. So when we finish this, we are going to move on to energy—gas prices. When we finish that, we are going to move to the Defense authorization and again have a debate on ending the Iraq war. I know people don't want us to do that, but we need to do that. That is what the American people want us to do.

So I cannot accomplish directly what I think should be done, and that is have a cloture vote that is successful right now. But I can do indirectly what I can't do directly. If the cloture vote doesn't succeed, I will change my vote so I will be on the winning side, and I will bring up the cloture vote later today. We are going to continue working this bill.

As my friend, the distinguished junior Senator from Washington said this morning in a caucus we had, she said: You know, what we have done here is like a marathon. When you run a marathon, you run 22 miles, you have 4 miles more to go, and you look back and think of all the times you wanted to quit, but right now, as tired as you are from running a marathon, you can see the end.

The race is up there and we need to continue. This is a marathon. We owe it to the American people to move forward on this legislation to improve a broken system. That is what we are trying to do. I hope my Republican colleagues vote for cloture. If they don't, they will have another opportunity later today and, hopefully, we can process some amendments in the interim.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, one of the pressing items the distinguished majority leader failed to mention was

he filed cloture on the motion to proceed to a motion that would allow us to express our views about the appropriateness of the continued service of the Attorney General. There are plenty of people around here who have had something to say about that. There have been hearings about it, calls for resignation. The distinguished majority leader wants to use up floor time, precious floor time in the Senate so that we can express ourselves on the Attorney General's service, something each of us could do individually at any point we want. That is not exactly a pressing item.

If we want to finish this bill, the message is clear. There needs to be at least as many Republican rollcall votes this time as last year. The way to do that is not to invoke cloture and try to stuff the minority, as has been done 32 times already this year. The way to do that is to process amendments, make it possible for amendments to get pending, continue to discuss them, finish the bill when we get to an appropriate level with our amendments that produces a degree of comfort on this side of the aisle that we have had an adequate opportunity to express ourselves on probably the most important issue we will deal with in this entire Congress. This is no small matter. It is a big issue, a big problem, and it requires broad bipartisan cooperation to bring a bill such as this to a conclusion. Therefore, I urge a ''no'' vote on cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have a lot to say about the failed Attorney Generalship of Alberto Gonzales, but this is not the time to do that. I may not have that opportunity because the only issue that will be before the Senate is a simple vote on a motion to proceed. If the minority does not wish to proceed to have a vote of confidence on him, it will not happen. If there were ever an opportunity for a legislative body to speak about what is going on in the administrative branch of Government, it is with what is happening in that Justice Department.

All you need to do is read the newspaper today to find out what is going on in that Justice Department. Should we have confidence in Alberto Gonzales? I don't think so.

But we are on immigration. This is a day for getting along. I am going to do the best I can to get along, and I hope everyone will do that and continue to work on a bipartisan basis to move forward on immigration.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Senate amendment No. 1150, an amendment in the nature of a substitute offered by the Senator from Nevada, Mr. REID, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 33, nays 63, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—33

Akaka	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Brown	Inouye	Nelson (FL)
Cantwell	Kennedy	Nelson (NE)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Lautenberg	Salazar
Clinton	Leahy	Schumer
Dodd	Lieberman	Whitehouse
Durbin	Lincoln	Wyden

NAYS—63

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Pryor
Bennett	Dorgan	Reid
Bingaman	Ensign	Roberts
Bond	Enzi	Rockefeller
Boxer	Graham	Sanders
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Byrd	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stabenow
Cochran	Isakson	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Tester
Conrad	Levin	Thune
Corker	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCaskill	Webb

NOT VOTING—3

Johnson	Kerry	McCain

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1348, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—34

Akaka	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Brown	Kennedy	Obama
Cantwell	Klobuchar	Reed
Cardin	Kohl	Salazar
Carper	Lautenberg	Schumer
Casey	Leahy	Whitehouse
Clinton	Lieberman	Wyden
Dodd	Lincoln	
Durbin	Menendez	

NAYS—61

Alexander	Coburn	Domenici
Allard	Cochran	Dorgan
Baucus	Coleman	Ensign
Bennett	Collins	Enzi
Bond	Conrad	Graham
Boxer	Corker	Grassley
Brownback	Cornyn	Gregg
Bunning	Craig	Hagel
Burr	Crapo	Hatch
Byrd	DeMint	Hutchison
Chambliss	Dole	Inhofe

Isakson	Reid	Stevens
Kyl	Roberts	Sununu
Landrieu	Rockefeller	Tester
Lott	Sanders	Thune
Lugar	Sessions	Vitter
Martinez	Shelby	Voinovich
McCaskill	Smith	Warner
McConnell	Snowe	Webb
Murkowski	Specter	
Pryor	Stabenow	

NOT VOTING—4

Johnson	Levin
Kerry	McCain

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote on which cloture was not invoked.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that I be recognized at any time today when I return to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So it doesn't frighten people, the only reason I intend to do that is because we are working on a unanimous consent agreement now, and Senator DODD can speak or Senator SESSIONS can speak or whoever wants to talk—they can do that. At least we can get the consent done. What we are working on now is to have three Republican amendments, three Democratic amendments. I hope we can get that done very quickly.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to make a few comments on the process and the substance of the bill. I will take a few minutes, I alert my colleagues.

This is one of the most complex pieces of legislation that has come before the Senate. There have been months and months of negotiations. I was part of those negotiations, at least on the Republican side, trying to put a bill together with some good, solid principles that would help fix our immigration problem because I think most people agree that the immigration system in this country is broken.

We now find ourselves deep into this process—but certainly not all the way through the process—because of the complexity of the issues we are dealing with. Yesterday afternoon a bipartisan group of folks sat down to discuss several of the issues. The more you talk about this bill, the more you realize that when you fix one problem, it creates another problem or problems. For example, have you fixed the problems with the Z visa program and the problems with the temporary worker program? Have you fixed the problems related to when folks are going to leave the country? Especially with the temporary worker program, is there going to be a strong and reliable exit visa system in place so you know that when temporary workers' visas expire they are actually going to exit?

That is easy to do, as we found out yesterday, in airports. It is much more difficult to do when it comes to land based exits. But we do have to design a system that is strong and effective. Otherwise, this temporary worker program will result in millions of people staying here illegally in the future.

What we have been arguing for on this side is to make sure we get this right. It is too important a piece of legislation to rush it through the Senate because of other priorities. Right now, I do not think that the American people believe there is an issue with much higher priority than fixing our immigration system. The system literally is broken, and we have to design an immigration system that is good for America.

In the long run, we want to be a welcoming country, a land of immigrants, but also a nation of laws, where people respect the rule of law.

I have several amendments I would like to get offered before debate is shut down on this bill. What fixes there are in this bill, as far as whether people who are here illegally get Social Security, but these fixes do not go far enough. On this topic, I have an amendment that actually would fix the Social Security problem.

When we began negotiating this bill, at least amongst Republicans, we said to the American people that if the foreigners who are now here illegally are going to get a chance to get a green card and eventually citizenship, they must not be put at the front of the line. I have heard it argued, that such illegal immigrants are not put at the front of the line. That is because there was a little sleight of hand done. They actually got their own separate line. So you have people legally applying for a green card from outside the country over here. The folks who are here illegally today, they have their own separate line. They only compete amongst themselves. But anybody here illegally today, who can prove they have been here before the first of the year, is virtually guaranteed a green card, while those waiting outside the country literally can take years, if not decades to receive the same status.

Regarding the merit-based system that was put into the bill, I have another amendment that would say to Z visa holders: You can stay here. But if you want to get a green card and eventually citizenship, you would get in line with all of the other merit-based immigrants who seek that same goal. Not at the front of the line, not at the back of the line, the Z visa holders would get in line with everybody else who is applying for a green card. Then whether an applicant received a green card would be decided based on merit. It is a reward system. Merit is not just whether you have an advanced degree or not. Merit means you have had a steady job. Merit means health insurance. Merit means you have learned English and learned it well, taken an American civics class and learned what America is about.

We should apply the same standards to the Z visa holders that we are applying to the rest of the folks who are applying for green cards and eventually citizenship from outside of the United States.

As we are going through this afternoon, we are trying to figure out how many amendments would be fair. The bottom line is what is fair is to get a good bill that will fix the immigration system for the United States; not to just have a process where we look like we have a certain number of amendments but actually where we design a bill we can all be proud of. Right now there are still very serious flaws with this bill.

I will not take up any more of my colleagues' time, but I wished to say a few words about the process and about how important it is to get this bill right for the present and the future of the United States.

I yield the floor.

AMENDMENT NO. 1199

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, my amendment prevents this bill from dividing millions of families by making it easier for U.S. citizens and their parents to unite. I offer it with the cosponsorship of my good friends, Majority Leader Senator REID and Senator MENENDEZ.

The amendment has also been endorsed by over 25 organizations including the American Jewish Committee, the National Council of La Raza, the Episcopal Church, and the U.S. Conference of Catholic Bishops.

Under current law, parents are defined as immediate relatives and exempt from green card caps. Yet this bill arbitrarily and irresponsibly excludes parents from the nuclear family and subjects them to excessively low green card caps and a restrictive visitor visa program as well.

This amendment does three things. First it increases this newly established cap from 40,000 to 90,000. 90,000 is the average number of green cards issued to parents each year. Last year, however, 120,000 parents entered the U.S. on green cards. If this bill is really serious about eliminating backlogs, then it ought to set practical caps. It is

not the place of the Congress to tell American citizens to wait a year or two or three or more to see their parents.

Second, it extends the newly created temporary parent visitor visa from 30 to 180 days. To think that a parent can only be with his child or grandchild for 1 month out of 12 is simply unacceptable. Yet under this provision, a tourist can be in America six times longer than the parent of a citizen. That is not the America I know; nor is it an America that cherishes family values. Parents must be allowed to stay with their families for longer.

Third, this amendment prevents collective punishment for parent visitor visa overstays. Under this bill, if the overstay rate exceeds 7 percent for 2 years, either all nationals of countries with high overstay rates can be barred or the entire program can terminated. This type of collective punishment is wrong and unjust. We should not punish law abiding people because of the misdeeds of others.

My amendment does not strike at this bill's core; nor is it a partisan issue. It is one of basic fairness to our fellow citizens. I especially reject the notion that imposing such excessive restrictions are necessary to reduce ''chain migration.'' The fact is that once parents of citizens obtain visas, they usually complete the family unit and are not likely to sponsor others.

What is at stake here is whether Congress should dictate to U.S. citizens if and when they can unite with their parents; if and when their parents can come and be with their grandchildren; if and when U.S. citizens can care for their sick parents here on American soil.

It is our duty to remove as many obstacles as we can for our fellow citizens to be with their parents. None of us would stand for anyone dictating the terms of that union to us. Why should we then apply a double standard for other citizens of this country? We must craft a law that is tough yet just.

I know that the distinguished ranking member of the Judiciary Committee, Senator SPECTER, may raise a question with respect to how the Dodd-Menendez amendment is currently drafted, arguing that by upping the subceiling on parent immigrant visas from 40,000 to 90,000 annually, my amendment introduces discretion to the Department of Homeland Security in deciding what to do on issuing family immigrant visas among the subceilings as we get close to the annual cap of 567,000 contained in the bill.

I would have preferred to raise the overall 567,000 annual cap currently in the bill by the additional 50,000—the increase my amendment provides for the parent immigrant visa subceiling.

But had I done so, I would likely have faced a 60-vote threshold due to a budget point of order as my colleague Senator MENENDEZ did last night on his family unification amendment.

There is nothing scientific about the 567,000 annual immigrant visa cap currently contained in the bill. Am I to believe that this grand compromise bill will be destroyed if an additional 50,000 parents of American citizens are granted green cards annually so they can be closer to their American children and American grandchildren?

The so called discretionary authority granted to the Department of Homeland Security that Senator SPECTER may argue is created by this amendment can easily be fixed in conference by raising the current cap by 50,000.

I refuse to let the technicalities of the subceilings and overall ceilings contained in this complex legislation cloud the real issue Senators will be deciding as they cast their votes on this amendment; namely, do my colleagues believe that parents and grandparents are important members of the American nuclear family or do they believe that they are merely distant relatives—irrelevant to the daily lives of our families?

I believe the former. I would suspect most of my colleagues do as well.

And so, I urge my colleagues not to think of this amendment in terms of numbers and caps, but in terms of its human impact. I urge them to vote for it in order to remove the obstacles created by this bill which will prevent American citizens—we are talking about American citizens—from having their loving parents be with them to share the joys and challenges of the American family.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of organizations supporting this amendment at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DODD. I will cite a couple of them for my colleagues. The 25 or 30 organizations include the American Jewish Committee, the National Council of La Raza, the Episcopal Church, the U.S. Conference of Catholic Bishops, among many other organizations; Asian American organizations, Asian American Justice Center. There is a long list here. As I say, I will include that as requested in the RECORD.

But, again, Mr. President, this ought not to be a complicated proposal for my colleagues. It is one that I think all of us should endorse and support. I don't see this violating the core agreement. It is not the deal breaker that we hear about, but it is merely doing what I think most Americans and most of our colleagues would agree on: letting U.S. citizens have the opportunity, at least to a larger extent than this bill would allow, to have their parents be a part of the family unit, that nuclear family.

EXHIBIT 1

DEAR SENATORS: We, the undersigned organizations, write to share with you our support of the Dodd amendment to the proposed immigration bill. Under current law, parents of U.S. citizens are defined as immediate relatives, along with spouses and minor children, and are exempt from visa limitations.

The proposed legislation removes them from this category, subjects them to an annual cap of 40,000 green cards, and creates a new parent visitor visa category that would allow them to stay in the United States for only 30 days. Typically, 90,000 visas are issued each year to parents—the proposal reduces the number of visas available by more than half. The agreement also penalizes all parents from a particular country by barring them from entering into the United States should the rate of overstay of parents from that country be above 7 percent in two consecutive years.

The debate around this provision goes to the heart of the value we place on family. Parents are not distant relatives but absolutely vital members to most families. Often, parents enable their adult children to work by providing free and trusted care for their grandchildren. Immigrant parents also contribute their labor and talents to small, family owned businesses. The American economy also benefits from having dollars earned here, be spent here instead of having to be sent overseas to family members left behind.

Contrary to some arguments, immigrant parents coming through the family system will not burden taxpayers or the economy. In fact, as non-citizens, they are generally ineligible for a majority of federal public benefits unless they earn them through sufficient work. Moreover, their adult children must sign affidavits of support and prove that they have sufficient resources to support their parents.

The Dodd amendment recognizes these close family ties and the economic and societal benefits that accrue when they are honored by:

Increasing the green card cap to 90,000. The number 90,000 represents the average annual number of green cards issued to parents. The proposed bill slashes this number by more than half to 40,000. This amendment would ensure that sufficient numbers of green cards are available for parents to come to the United States.

Extending the parent visa to 180 days, and making it renewable and valid for three years. These are already accepted timeframes for other temporary visas, 180 days is the length of a tourist visa; H–1Bs are valid for three years. The proposed bill, however, limits parents to an annual stay of 30 days, and does not specify long-term validity. This is too short an allotment—particularly for parents who come to help their children.

Making penalties for parent visa overstays applicable only to guilty parties. The proposed bill states that if the overstay rate among visa holders exceeds 7 percent for two years, all nationals of countries with high overstay rates can be barred from this visa program or the program can be terminated. Sponsors of overstays are also barred from sponsoring other aliens on this visa. This amendment strikes language that unfairly collectively punishes those who have not violated the law, allowing law-abiding parents to continue to unite with their children.

The Dodd amendment unites parents with their families in the U.S. by increasing the annual cap on green cards for parents; extending the duration of the parent visa; and ensuring that penalties imposed on overstays are not unfairly applied to others. We are asking that you vote for this amendment.

Respectfully,

American Friends Service Committee

American Immigration Lawyers Association
American Jewish Committee
Asian American Justice Center
Asian & Pacific Islander
American Health Forum
Asian Pacific American Labor Alliance, AFL–CIO
Association of Asian Pacific Community Health Organizations
Association of Community Organizations for Reform Now
Congressional Asian Pacific American Caucus
Congressional Hispanic Caucus
Dominican American National Roundtable
Hebrew Immigrant Aid Society
Hmong National Development
League of United Latin American Citizens
Legal Momentum
Mexican American Legal Defense and Education Fund
National Asian Pacific Center on Aging
National Council of La Raza
National Federation of Filipino American Associations
NETWORK, A National Catholic Social Justice Lobby
Organization for Justice & Equality
Service Employees International Union
Southeast Asia Resource Action Center
The Episcopal Church
The Jewish Council for Public Affairs
Unitarian Universalist Association of Congregations
United Methodist Church, General Board of Church and Society
U.S. Citizens for United Families
U.S. Conference of Catholic Bishops
World Relief

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senators DURBIN and BOXER as cosponsors of amendment No. 1392.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise to offer strong support for Senator DODD's amendment. I appreciate his leadership. I am proud to be a cosponsor of this amendment in order to protect, again, the right of U.S. citizens.

Before I get to the heart of what Senator DODD seeks to do, I think it is time for a little review of where we are. I do not quite understand the process of a grand bargain in which there are alleged core elements of it that are inviolate, that cannot be touched, and then see amendment after amendment, such as confidentiality, that undermine the ability of the earned legalization process and others that ultimately seem to undermine the efforts of what I thought was that grand bargain, and yet don't seem to disrupt the apple cart. Yet when amendments such as the family reunification amendment I offered last night, the one that Senator DODD is offering now, when they are raised: Oh, this will be a deal killer. This bill has become more punitive. It has become more onerous. It has become more impossible to achieve comprehensive immigration reform with every amendment that has passed. It has moved increasingly to the right in the process—on confidentiality, on Social Security, on earned-income tax credit, on incarceration, on visa revocation. The list goes on and on.

Yet the grand bargainers don't seem to be affected by those. But when we try to keep families together, it is a calamity.

Under current law, we recognize that parents are integral to the family structure and that they remain so even after their children have grown up. That has been our bedrock principle. As such, we correctly characterize parents as part of an immediate family which exempts them from the green card caps when applying for legal permanent residency. Unfortunately, under the grand bargain, it removes these individuals from the immediate relative category and sets an arbitrary, insufficient annual cap for green cards for the parents of United States citizens at 40,000.

This is less than approximately a third of what last year was the number of visas for parents. It is less than half of the average number of visas issued in the past 5 years. By saying that parents are no longer members of the immediate family, I don't know how much more nuclear this family can continue to get under, particularly, Republican proposals. I always thought, listening to the debates on family values, that parents—the matriarch, the patriarch—were core elements of a family. They take existing law, the right of a United States citizen to claim their parents as part of an immediate family, and do away with that right and then supplant it with a limitation where we will give you a limited right to bring up to, collectively across the country, 40,000. By saying parents are no longer members of the immediate family and imposing unreasonable caps on the amount allowed to rejoin their U.S. citizen children, we are not only breaking up families, we are also effectively creating an entirely new backlog, even as we are trying to eliminate it with this legislation.

This not only changes the spirit of our immigration policy, it also, once again, deemphasizes family structure, all without a single hearing on the issue of family or the value of family in our immigration system in either the 109th or the 110th Congress.

This is not only about the rights of potential immigrants to enter the country. Rather, more importantly, this is about the rights of United States citizens who wish to live with and possibly care for their parents. As it stands under the legislation, the right of those American citizens to be reunited with their parents is virtually totally undermined. From a moral perspective, this undermines the family values I so often hear my colleagues talk about.

I have heard the words of the late Pope John Paul who, clearly, from a moral perspective, said:

> Attention must be called to the rights of migrants and their families and to respect for human dignity.

I have heard it from President Bush when he said:

> Family values don't end at the Rio Grande.

I guess when it comes to your parents, it does. But this agreement, similar to his proposal before, belies those words. Besides the moral imperative to keep families united, practically speaking, a breakdown of family structure often leads to a breakdown of social stability. People living with stable families are more likely to succeed, more likely to contribute to our Nation, more likely to strengthen our communities, less likely to be anything but an exemplary citizen. U.S. citizens want to be together with their family members. That is a natural human instinct. Yet here we are debating a provision of this legislation that undermines the very essence of family.

This may be the next-to-last shot the Senate will have on standing up for some values for families. I will be offering another amendment on the new point system that will determine future immigration that, hopefully, will give more points to families as part of an overall new system, but ultimately the Dodd amendment and my amendment are likely to be the last opportunities for the Senate to put its votes where its values are.

In this case, Senator DODD makes an important point. For those who argue the chain migration issue—and I won't take out my chain again to remind people how we dehumanize family members, and we want to make them an abstract object so we can do away with it—the bottom line is, if a U.S. citizen is already claiming their parents, they have ended the chain, if we want to even refer to it in those terms, because that parent can only come here by virtue of a U.S. citizen claiming them. So it means it has to be their son and daughter. That basically ends the chain. This is not a chain migration issue. This is the core of family reunification, to have parents with their children, with their grandchildren who, by the way, under U.S. law, that U.S. citizen is responsible for them financially without question; otherwise, they don't qualify. They don't get their petition approved. It is not just a familial relationship that gives you the ability to claim as a U.S. citizen your parents, you must also show the financial ability to sustain them when you claim them; otherwise, even that right is extinguished.

Here we have a foolproof situation—no chain migration, no public charge, and, ultimately, the opportunity to strengthen family. If the Senate cannot vote for the Dodd amendment, it simply does not believe in family values.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Vermont.

Mr. SANDERS. I thank the Chair.

In a moment, I want to talk about an amendment I will be offering with Senator GRASSLEY to the immigration reform bill. That is amendment No. 1332. I should mention this amendment has been endorsed by the AFL–CIO. It was endorsed by the Programmers Guild and by the Institute of Electrical and Electronics Engineers.

Before I speak about the amendment, it is important, as we debate the immigration bill, to talk about what is happening to the lives of Americans who live in the middle class and the working families of the country. I fear that in this long and complicated immigration bill, sometimes we lose track of the impact of this bill on the lives of American workers. This bill deals in a reasonable way in terms of dealing with the very serious problem of illegal immigration. It says we must strengthen our borders and not allow people to so easily come into the country. That is long overdue, and it is absolutely right. It says finally we must begin to hold employers accountable for the illegal immigrants they are hiring, something the Bush administration has been very reluctant to do. That is extremely important.

This bill also carves out a path to citizenship which, frankly, is the right thing to do. But also what this bill does not do is analyze effectively the impact of various aspects of this legislation—the guest worker program, H–1B program—on the lives of American workers. The basic premise under which this bill operates in those areas is a false one. What it says is there are jobs out there, large numbers of jobs, that American workers won't take. I think that is true to some degree, but this bill grossly exaggerates that problem. Because the truth is, if employers paid living wages for jobs, we would be very surprised at the number of people in this country who would be delighted to hold those jobs. But if people are going to pay starvation wages and not provide health care or other benefits, yes, it is true American workers may not gravitate to those jobs.

The truth is, over the last many years, there has been a war going on in this country, and that is not the war in Iraq. It is not the war in Afghanistan. It is the war being waged against the American middle class, the American standard of living, and, indeed, the American dream itself. This is an issue, unfortunately, we do not discuss enough on the floor of the Senate. It is not discussed enough in the corporate media.

The American public understands that since President George Bush has been in office, over 5.4 million more Americans have slipped out of the middle class and into poverty. The American people understand that nearly 7 million more Americans have lost their health insurance, and we are now almost at the level of 47 million Americans without health insurance. The American people understand that for the average American family, their income has fallen by over $1,200 and 3 million more Americans have lost their pensions.

What does all of this have to do with the immigration bill? It has everything to do with the immigration bill, because we have to take a hard look at what various aspects of this bill do in terms of bringing workers into this country and what it means to people who are struggling on $8 or $9 an hour or, in fact, what it means to young people who someday aspire to hold a professional position. That is an issue we have not focused enough attention on.

Some people say: Yes, it is true, poverty is increasing. Yes, it is true, there are millions of people working at the minimum wage or near. But if you have a college degree, you don't have to worry. There are plenty of these good professional jobs out there that pay people good wages. The truth is, even college graduates in today's economy are not getting ahead. From the years 2000 through 2004, we have seen the wages of college graduates decline by 5 percent. According to a new study by researchers at MIT, earnings of the average American worker with an undergraduate degree have not kept up with gains in productivity over the last 25 years. In other words, despite an explosion in technology and worker productivity over the past 30 years, millions of American workers, including college graduates, are working longer hours for lower wages. In America today, the personal savings rate is below zero. People are spending more than is coming in. That has not happened since the Great Depression. Home foreclosures are at their highest level in nearly four decades.

What I fear the most is if we keep going in the direction in which we are moving now economically, what we are going to see is our children are going to have a lower standard of living than we do. In fact, according to a recent joint study by the Pew Charitable Trust and Brookings Institute, men in their thirties earned on average 12 percent less in 2004 than their fathers did in 1974, after adjusting for inflation. Incredibly, men today are earning less than their fathers did despite a huge explosion in technology and worker productivity.

In addition, it is important to note that over the last 6 years, this country has lost more than 3 million good-paying manufacturing jobs.

Why do I raise that within the context of an immigration bill? I raise that because the argument of all the large corporations that are supporting this legislation is: My goodness, we have a crisis in America. It is that wages are going down. It is not that more and more Americans are losing their health care and their pensions. The crisis is, supposedly, there are all these jobs out there—jobs in teaching, psychology, nursing, hotels, restaurants—and we cannot find American workers to do those jobs.

Let me tell the business community: Raise wages, provide decent benefits, and you are going to have all kinds of people flocking to those jobs.

During the debate over NAFTA and permanent normal trade relations with China—which I participated in as a Member of the House of Representatives—we were told by all the corporate interests who pushed that legislation on the Congress not to worry about the blue-collar jobs we would lose. I remember it distinctly. They said: Well, yes, it is true. If we open up our markets, yes, it is true we are going to lose a lot of these factory jobs. They are going to go to China, Mexico, whatever. But don't worry because if your kid does well in school, becomes computer proficient, your kid is going to have a great job out there at good wages. That is the future of America. Don't worry about the blue-color jobs. You have all these white-color information technology jobs.

Well, guess what is happening. From January of 2001 to January of 2006, we have lost 644,000 information sector jobs. Alan Blinder, the former Vice Chairman of the Federal Reserve, has told us between 30 and 40 million jobs in this country are in danger of being shipped overseas.

The middle class of this country is being squeezed 24 hours a day, 7 days a week.

When Americans get up in the morning and they take their kids to daycare, they find the cost of childcare is unaffordable. That is certainly true in Vermont. It is true all over this country. Working families cannot afford quality childcare.

When they drive to work, and they stop at the gas station to fill up their gas tanks, what they are paying in Vermont now is $3.10 a gallon for gas, and in other parts of the country it is even higher. ExxonMobil earns record-breaking profits and manages to find $400 million for a retirement settlement for their former CEO.

When workers go to their jobs, they are being squeezed as often as not by their employer who is cutting back on their health care and pension benefits. Then, if workers stand up for their jobs, they want to form a union, they are told that those jobs could go to China: So take your cutbacks.

When workers come home, they open up their mailbox only to find that the interest on their mortgage payments and their credit cards in some cases is doubling or tripling. There are working

people in this country who are paying—if you can believe it—27, 28, 29 percent in interest rates, while big banks are making record-breaking profits.

When Americans go to the hospital, they are told by their insurance companies their premiums and copays will be going up or, even worse, they are not covered for the medical procedures they need.

When they want to send their kids to college, they look at the cost of tuition, and they find colleges costing $30,000, $35,000, $40,000, $45,000 a year, and people are making $30,000 a year. We are seeing kids in this country now—low-income kids—not going to college and others coming out deeply in debt.

Now, in the midst of all of that, we have this immigration bill, a bill that would allow employers to hire hundreds of thousands, if not millions, of workers from other countries in both low-skilled jobs and high-skilled jobs.

It is important to note—and this point has not been made often enough, but it is important to note many of the same corporate groups that supported NAFTA, that supported PNTR with China, and other disastrous trade agreements, that these same businesses that fought against an increase in the minimum wage, saying: Hey, $5.15 an hour, we don't have to go higher than that; these same companies that have outsourced hundreds of thousands of jobs to China, to Mexico, to Vietnam, to India, to other low-wage countries, these same companies are supporting this legislation.

Let's understand that, and let us ask why that is the case. Why are companies that opposed the minimum wage, that oppose the right of workers to form unions, that oppose anything that makes sense for the American middle class supporting this legislation?

Some of those groups are the National Restaurant Association, the Business Roundtable, the American Hotel & Lodging Association. These are all groups that opposed raising the minimum wage above $5.15 an hour, and they are sitting here saying: Well, we think this immigration bill is a good bill for us.

High-tech companies that have sent hundreds of thousands of jobs overseas, they think this legislation is good. Why? Why do they think it is good legislation? Well, if you listen to them, they will tell you two things: First, in terms of low-skilled jobs, they say they need foreign workers to do the jobs Americans will not do. In terms of high-skilled jobs, they say they cannot find enough Americans who are smart enough, who are skilled enough, who are well educated enough to be engineers, to be scientists, to be mathematicians, et cetera.

In other words, corporate America tells us they need a new guest worker program because they cannot find any Americans for construction jobs, for manufacturing jobs, hotel jobs, restaurant jobs. Then they tell us they need more foreign agricultural workers because no American is willing to break their back working in the fields, picking strawberries or lettuce for poverty-level wages and no health care.

Then—this is what gets me—they tell us they need more H–1B visas because Americans are not smart enough to be computer professionals; engineers; university professors, they cannot find anybody to be a university professor; accountants—I guess Americans do not add very well—we cannot do that work; financial analysts; nurses, I guess we do not have the capability of producing nurses; psychologists, Americans, I guess, cannot do that; lawyers—lawyers—lawyers—my God, if there is anything the United States is capable of producing it is lawyers, but I guess we need more lawyers to come into this country; and elementary school teachers, I guess the young people who graduate from college in America are not quite qualified to be school teachers.

Now, if Americans will not take low-skilled jobs that pay poverty-level wages and, presumably, if they are not smart enough to do high-skilled jobs, I think the question we have to ask is: What kind of jobs are going to be available for the American people? Can't do low-skilled jobs; can't do high-skilled jobs. Hey, what is there for us?

I happen to think the Congress should be spending a lot more time discussing this issue and making it easier for us to create decent-paying jobs for American workers instead of allowing corporate interests to drive wages down by importing more and more people to do the work Americans should be doing and, conversely, exporting and outsourcing a lot of decent jobs.

As someone who, as a young man, worked in a hotel and worked in a restaurant, I can tell you the guest worker provisions, for the most part, have nothing to do with a shortage of workers but have everything to do with a concerted effort by corporate America to drive down wages for our people.

Now, one of the largest corporations that is involved in an association in support of this legislation is Wal-Mart. I made this point yesterday, but I think it is worth repeating. Wal-Mart says, being a part of this association, that apparently there is a shortage of Americans willing to work at Wal-Marts. Well, let's take a look at that.

Two years ago, when Wal-Mart announced the opening of a new store in Oakland, CA, 11,000 people filled out applications for 400 jobs. I think most Americans know that Wal-Mart is not a great employer. Wages are low. In many instances, they do not provide 40 hours a week; health care benefits are not particularly good.

Oakland, CA: For 400 jobs, 11,000 people filled out applications. More recently, in January of 2006, when Wal-Mart announced the opening of a store in Evergreen Park outside Chicago, over 24,000 people applied for 325 jobs at that store. What does that tell us? It tells us that even in low-paying jobs, such as at Wal-Mart, when given the opportunity, Americans want those jobs. They want to make a living for their families.

So the idea Wal-Mart and other similar-type companies would say: Gee, we can't find workers to do that work, is just plain wrong. What they want to do is have a surplus of workers coming into this country so wages do not go up. So instead of having to raise wages and benefits, in order to attract workers and retain workers, what you do is simply open the door and you bring in more and more cheap labor. That enables them to keep wages low.

Then we have the situation with high-skilled jobs, with our professional jobs. Again, we have associations and organizations made up of different corporate groups that are strongly supporting this immigration bill, and they include, among others, companies such as Motorola, Dell, Hewlett-Packard, IBM, Microsoft, Intel, and Boeing, to name a few. These are corporations with a main argument that we cannot find Americans to do this work, and we need to go all over the world to bring in people.

Well, I find it interesting that many of these same companies that tell us they cannot find workers in the United States are exactly the same companies that have recently announced major layoffs of thousands of American workers: We can't find workers. Oh, by the way, you are fired. We need more workers from abroad. Five hundred workers are gone. We are laying you off. It does not make a whole lot of sense to me.

Let me give you a few examples. A few days ago, the Los Angeles Times reported Dell would be eliminating 10 percent of its workforce, slashing 8,800 jobs. But Dell, last year, applied for nearly 400 H–1B visas to bring people into this country—at the same time they lay off 8,800 workers. Maybe they might want to retrain some of those 8,800 workers for these new positions, if possible, rather than simply bringing in new employees from abroad.

Dell is not alone. The Financial Times, on May 31, reported Motorola would be cutting 4,000 jobs, on top of an earlier 3,500 job reduction, designed to generate savings of $400 million. Yet last year, Motorola received 760 H–1B visas. The list goes on and on. It is IBM. It is Citigroup—companies bringing in foreign professional workers at the same time they are laying off American workers.

So we have a situation where, on one hand, these companies say they cannot find highly skilled American workers while, on the other hand, they are eliminating thousands of American jobs.

What upsets me is how our young people feel about this situation. These are kids who go to school—sometimes they borrow a lot of money to go to college—they work hard, and what they are looking forward to, whether through a BA or a BS or an MA or a Ph.D., is a good, secure, challenging, meaningful job with a decent income. What they are seeing is companies saying: We do not want you. We want somebody from abroad who will work at lower wages than you. I think that must be very discouraging for so many of our young people.

Madam President, the amendment I am offering today, along with Senator GRASSLEY, is a pretty simple amendment. What it would do is it would prohibit companies that have announced mass layoffs from receiving new visas of any kind, unless these companies could prove that overall employment at their companies would not be reduced by these layoffs. In other words, we are calling their bluff, and we are saying: You can't lay off large numbers of American workers and then tell us you desperately need workers, professionals from abroad. Those companies which are truly experiencing labor shortages would not be impacted by this amendment and could continue to receive increases in foreign workers, but companies that are reducing their U.S. workforce by laying off thousands of Americans would be prevented from importing workers from abroad.

The bottom line is, the companies that are laying off thousands of Americans shouldn't be allowed to import workers from overseas. Let us stand up for the American people. Let us stand up for American workers. Let us support this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 1236

Mr. TESTER. Madam President, I thank the good Senator from Vermont for his comments. I appreciate them very much. I think they are on the mark.

I would like to address amendment No. 1236, the Baucus-Tester amendment. I ask unanimous consent that Senators AKAKA, SUNUNU, LEAHY, and COLLINS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I also ask unanimous consent that Senator AKAKA be recognized for 10 minutes following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I am proud to offer this amendment 1236 with my colleague, Senator BAUCUS, as well as the Senators I just listed as cosponsors. It strikes a portion of the bill that relates to the REAL ID Act. These REAL ID Act provisions are not central to the bill. We all want secure documents, but REAL ID is not needed to meet heightened security requirements. If we leave these provisions in place, the result of this legislation will be to bully the States into accepting something they do not want. If we do not pass the Baucus-Tester amendment, we will expand the REAL ID Act and we will impose significant new costs on employers, open up prospective employees' most sensitive personal information to theft, and create new administrative headaches for workers, employers, and State governments alike.

Do not misunderstand, it is right for employers to have to do their part to make sure they do not hire illegal immigrants, and if they do hire illegal immigrants, we need to penalize them. But what we do not want to do is impose a massive new tax on employers, and that is exactly what this bill would do in its current form.

This bill requires employers to use REAL ID-compliant documents to verify prospective employees' immigration status, and that means employers will have to link into the national database that REAL ID will create. If, as expected, the Department of Homeland Security mandates that employers confirm the biometrics of the employee, employers will need to purchase expensive biometric card-reader machines and train employees and staff on how to use them. This will amount to a massive new tax on businesses, and these costs will be on top of other mandates employers will pay to screen their workers and get linked into the national ID database created by the proposed employment eligibility verification system.

Our amendment would also lift a burden off potential employees. This bill mandates that every potential employee present a REAL ID driver's license by June 1, 2013, to begin every new job. State government organizations such as the National Governors Association and the National Conference of State Legislatures have said these States need at least until 2018 to implement REAL ID. This means many States will not even be able to provide their citizens with the documents they would need under the mandates of this immigration bill by 2013. What happens then? Are the people in these States not allowed to get work? That is what will happen if you leave this provision in the bill.

Sixteen States have passed legislation or resolutions opposing REAL ID or preventing the States from being a part of REAL ID. So unless the Baucus-Tester amendment is adopted, individuals who live in these States may not be able to get jobs because they will not have the REAL ID-compliant documents.

Finally, this provision threatens workers' privacy. REAL ID creates the first true national ID card system by aggregating every adult's most sensitive, personally identifiable information in one place without any protections for the data or limitations on who can access it. We are going to give to every employer in America access to this system. This invites identity theft on the part of unscrupulous employees and government workers with access to this REAL ID database.

So we know that including REAL ID in this bill is a recipe for disaster. It will be harder to hire folks, it will be more expensive to hire them, and it may even be impossible to hire many people. It opens employee personal identification information to identity theft.

We can remove this section from the bill and still have a strong employment eligibility verification system. We can lift a significant burden from employers and employees, and we can limit the adverse effects of this bill on States. The Baucus-Tester amendment will do exactly that. I urge my colleagues to support it.

Mr. LEAHY. Madam President, I rise today in support of the Baucus-Tester-Sununu-Leahy-Akaka-Collins amendment to strip the references to the problematic REAL ID program from the underlying immigration bill.

We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for primetime. In fact, the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation. With 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill.

In addition to numerous privacy and civil liberties concerns, REAL ID is an unfunded mandate that could cost the States in excess of $23 billion. Opposition spans the political spectrum, from the right to the left. A large number of States have expressed concerns with the mandates of the REAL ID Act by enacting bills and resolutions in opposition. Georgia, Washington, Oklahoma, and Montana have gone so far as to indicate that they intend to refuse compliance with it. The National Conference of State Legislatures and the National Governors Association have expressed concerns about the costs imposed on the States. The reaction to the unfunded mandates of the REAL ID Act is a good example of what happens when the Federal Government imposes itself rather than working to create cooperation and partnership.

On top of that, even though they are not even in production yet, REAL ID cards are rapidly becoming a de facto national ID card—since they will be needed to enter courthouses, airports,

Federal buildings, and now workplaces all across the country. In my opinion, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. As a result, we should not jeopardize the future success of the immigration reforms sought in this legislation by tying REAL ID too closely to it. I do not see how it is possible for all of the States to have their new license programs up and running by the 2013 deadline called for in this bill. Thus, I think that instead of mandating REAL ID in this bill, we should support the Baucus-Tester amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID.

Mr. BAUCUS. Madam President, I rise today in support of an amendment with my good friend from Montana, JON TESTER. Our amendment would repeal all references to REAL ID in the immigration bill.

Supreme Court Justice William Douglas once wrote that ''the right to be let alone is indeed the beginning of all freedom.''

If the right to be let alone is the beginning of all freedom, then Real ID is a step toward the end.

REAL ID creates the framework for a national ID card and is a big Federal unfunded mandate. In sum, REAL ID requires two things:

No. 1, Federal agencies can only accept State-issued driver's licenses in compliance with new Federal regulations. These new regulations would require all State-issued licenses to include a cardholder's personal information such as their home address and their fingerprints.

No. 2, this information would then, by law, be accessible by all other States on an electronic database.

These requirements may sound harmless to many, but REAL ID has serious flaws. Three merit special attention.

No. 1, REAL ID puts America on track for a national ID card. This raises both privacy and practicality concerns.

No. 2, REAL ID represents a large unfunded mandate on the States.

No. 3, REAL ID poses a potential national security risk by dictating to States where their precious homeland security dollars should be spent, and it creates a magnet for identity theft.

Let me take a moment to walk through these concerns individually.

The standardized national driver's licenses created by REAL ID could become a key part of a system of identity papers—similar to a national ID. These standards would require State DMVs to collect extensive personal information from all cardholders.

To issue a driver's license, the DMV will be required to collect birth certificates, utility bills, and other documents to verify an individual's residency. These documents would then be stored within the DMV database and accessible by all 50 States.

The machine-readable technology required by REAL ID will enable businesses from taverns to airlines to collect personal information about their clients. They could then sell this personal information to anyone willing to pay.

In addition, Federal agencies could use this new ID as an ''internal passport,'' tracking American's movements around the country.

Americans will need a federally approved ID card to travel on an airplane or open a bank account. Seniors will need a new ID to collect Social Security payments. Citizens will need a new driver's license to take advantage of nearly any Government service.

Finally, REAL ID requires that driver's licenses contain American's actual addresses. No post office boxes are allowed. The legislation fails to offer exceptions for judges or police. I can't imagine how such a violation of privacy could make our Nation more secure.

In addition to causing problems for individuals, REAL ID is a nightmare for the States. REAL ID requires States to remake their driver's licenses, restructure their computer databases, and create extensive new document-storage systems.

It is no wonder, therefore, why 15 States have passed legislation rejecting REAL ID. Another 11 have pushed bills rejecting REAL ID through one of their legislative chambers.

From Washington State to Maine, Nevada to Georgia, red States and blue States, coastal States and the bread basket, all agree—they will not accept the provisions of REAL ID.

In my home State of Montana, REAL ID has caused real headaches. It is estimated that it would cost $2.6 million for Montana to comply with REAL ID.

Nationwide, the Department of Homeland Security estimates that the cost of implementing REAL ID could reach as much as $11 billion—a gross unfunded mandate from the Federal Government.

My friend, Montana's Governor Brian Schweitzer, signed a law in April that bans Montana's Department of Motor Vehicles from enforcing the requirements of REAL ID. Republicans and Democrats alike in Montana's Legislature voted unanimously to reject REAL ID.

I cannot support legislation that requires States to implement costly new security procedures—including security clearances and employee training—without providing the funds to implement such changes. I cannot support an effort to hoist this kind of bureaucracy upon Montanans, or any American, for that matter.

However, some have argued that REAL ID is essential to protecting Americans from terrorism.

Opponents of this amendment argue that REAL ID is required to deal with the influx of people expected to cross the border as a result of this bill. In short, larger waves of immigrants call for tougher standards on ID cards.

While I am sympathetic to the concern that IDs should be secure, I believe that REAL ID does not achieve this goal. In fact, I believe REAL ID could harm our national security.

In response to the 9/11 Commission's recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. This act provided a number of improvements to our Nation's driver's licenses.

The Intelligence Reform and Terrorism Prevention Act of 2004 established a cooperative framework between State and Federal authorities to make our State driver's licenses more secure.

The REAL ID Act ended that cooperative spirit. Instead of listening to State authorities, the REAL ID Act dictates to them.

We should have stuck with the 9/11 Commission's recommendations. REAL ID goes a step too far. It makes it impossible for State authorities to decide for themselves where their scarce funds should go to fight against terrorism. Handcuffing our States with Federal bureaucracy is not the way to protect the American people from terrorism.

I will always continue to fight for increased law enforcement funding, but I will not support a law that ties State officials' hands with more Government bureaucracy.

I am also concerned that a centralized national database makes it possible for criminals or terrorists to perform identity theft on an unprecedented scale. We need to take a closer look at how a national database would be safeguarded from malicious hackers.

We have already witnessed identity theft scares at Federal agencies like the Department of Veterans Affairs, where a simple burglary put nearly 27 million Social Security numbers in jeopardy.

Now, imagine a terrorist having access to the name, height, weight, social security number, and biometric information for every American, all by penetrating one single firewall.

REAL ID is a large unfunded mandate that impedes on American's privacy and could hurt our Nation's security.

Our amendment joins the chorus of Montanans and Americans who say no to REAL ID.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to support the amendment offered by Senator TESTER and Senator BAUCUS to remove the provisions in the immigration bill relating to REAL ID. I am pleased to cosponsor this amendment, and I applaud Senators TESTER and BAUCUS for their efforts.

I have very strong concerns with REAL ID; namely, the burdensome mandate on State and local governments and the impact REAL ID will have on Americans' privacy and civil liberties.

I have introduced legislation, S. 717, the Identification Security Enhancement Act, with Senators SUNUNU, LEAHY, TESTER, and BAUCUS, to repeal the unworkable REAL ID and replace it with a more realistic process to secure identification cards and driver's licenses.

As such, I am deeply concerned about the provisions in the immigration bill that would mandate REAL ID given the fact that 15 States have passed legislation rejecting REAL ID. Under the immigration bill, every employee in America must present a REAL ID-compliant driver's license by 2013 to begin a new job. This, of course, is problematic as it is unfair to employees and States that have rejected REAL ID. It is also impossible for States to implement REAL ID by the year 2013.

In testimony before the Senate Oversight of Government Management Subcommittee in March, the National Governors Association and the National Conference of State Legislatures, in addition to the mayor of the city and county of Honolulu, called for a 10-year reenrollment period. The 5-year period contemplated by the REAL ID proposed regulations, as well as by the immigration bill before the Senate now, is part of what is contributing to the $23 billion unfunded mandate in the States.

Moreover, given the numerous problems with REAL ID, expanding the official uses of this card to the employment context will only make the card more attractive for counterfeiting and misuse. With the vast amount of personally identifiable information to be stored on the REAL ID card, I fear such action will only ensure that the cards provide one-stop shopping for identity thieves.

Congress must act to address the fundamental flaws with REAL ID and provide realistic and workable solutions to ensure that States have the resources to secure licenses and that such efforts protect our privacy and civil liberties. I look forward to working with my colleagues to do so in the near future. However, regardless of one's position on REAL ID, it is impracticable to tie our immigration reform efforts to a flawed program that States cannot implement.

I urge my colleagues to support this amendment to remove provisions in the immigration bill relating to REAL ID.

Mr. President, I ask unanimous consent that following my remarks, the following Senators be recognized for the times specified: Senator SESSIONS for up to 15 minutes, Senator WEBB for up to 10 minutes, and Senator MCCASKILL for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the legislation before us deals with one of the most important subjects any nation should concern itself with, which is immigration. The American people care about it. Many people are watching it extremely closely. They are cynical about Congress. In 1986, Congress passed a major bill that was supposed to fix so many problems, all of those things they are aware of, and the problem has only gotten worse. They have also discovered that our leadership in Washington, the executive branch and the Congress, really is not committed to creating a lawful system. Some people think it can't be done. Some people think Congress just doesn't want to do it. Some people think it would interrupt the flow of labor. For whatever reason, the American people have concluded this Congress is not to be trusted with this bill. We have had for decades—in the full decade I have been in the Senate and before—Members asserting they are going to fix these problems at the border, and nothing gets fixed. We arrested a million persons last year—a million who were illegally entering the United States. What kind of broken system is that?

So people are not going to go for—they are not going to bite a promise in a poke. They are not going to take a pig in a poke. They are not going to buy into a bill that is not going to work. They expect us this time to do something that works. I really believe we can. This is not impossible. The more I have studied it, the more confident I am that we can make progress and create a bill that would actually end the unlawfulness and create a flow of workers to meet our real needs, without having so many workers that the wages of Americans are reduced; that we tilt, as Canada and Australia and other nations have, to a system that focuses more on high-skilled workers.

So those are the things that are important. Well, how did we get in this fix with this bill that, I suggest, is losing steam? Like that mackerel put out in the sunshine, as the days go by, it begins to have an odor. Well, it started in an unusual way. Normally, a bill is introduced—especially a big piece of legislation—and it is assigned to a committee. The committee brings in expert witnesses and hears testimony. Depending on the complexity of the bill, it could be the subject of many weeks of testimony and hearings.

For example, on the asbestos bill in Judiciary Committee, I bet we had 25 hearings. We had all kinds of meetings outside. We brought in experts and we talked to them about how to solve this very complex and important issue of asbestos in America. I think if the American people were to rate asbestos compared to immigration, they put it on a scale of 2 or 3 and immigration on a scale of 9 out of 10.

What happened? A group of Senators met, along with special interest groups and activist groups that want everybody to come to America, and business groups who want cheap labor. They all met and talked to a bunch of politicians. They didn't have a Border Patrol professional there. Mr. Chertoff, the Homeland Security Secretary, was in and out of the room. They were not involved in the kind of public fact-finding they should have been. They skipped the committee entirely. Last year's bill—the one the House refused to even consider—that passed this Senate, a bill that was fatally flawed and would never have accomplished what it promised to accomplish, should never have become law. That bill was introduced on the floor of the Senate. For about a week, that was the bill. It sort of sat there, but everybody knew there were secret meetings going on among good Senators, good people, who were trying to figure out what kind of bill they were going to write.

So Senator REID pushed them and pushed them and made it come out before they were ready. They plopped it down in the Senate the Tuesday before Memorial Day recess week. They said it was 300 pages. But it was written in small print, and not the legislative format in which legislation is supposed to be introduced. Had it been printed in the proper form, it would have been nearly a thousand pages. It is over 300 as it is. They plopped this bill down, and nobody knew what was in it except those who had been in the room. It is obvious when they announced it, they didn't even know everything that was in it.

This is a big matter. It is very important. Now we want to rush this

through. We had Tuesday, Wednesday, and Thursday—Tuesday being the day the bill or the substitute hit the floor, the week before Memorial Day. We did nothing on Friday, except a few of us came down to the floor and talked. The next Monday—Monday of this week—all we did was talk. This week, we have been on the bill for a couple of days so far, and a few amendments have been heard.

Mr. President, I had 15 minutes. I see the majority leader here. I know he is busy and his time is short. I respect him. If he needs to make an announcement, I will be glad to yield to him for that purpose.

Mr. REID. I say to my friend, we have a unanimous consent request we want the Senator to look at. It lines up a number of Republican votes and Democratic votes. We need the Senator to sign off on it.

Mr. SESSIONS. Let me wrap up and then I will look at it. I am concerned that there is a desire to move this bill through quickly. That is the goal, just to pass something. I am worried if we pass something that is not right, it will not get any better, especially after going through conference committee, where the Democratic leader and the Speaker of the House will appoint the conference committee majority and they will decide what changes get made in conference. I am worried about the legislation.

Let me tell you one thing that is causing some of us to get our backs up a little bit about this. The group that met to decide how to write this bill and put it together—that group made a pact with one another. What they said is this represents the final, real agreement between us. When the bill hits the floor, if anybody offers an amendment that disagrees with anything significant you and I have agreed to, we will all get together and oppose it. You have heard them say it publicly on the floor repeatedly. This goes against the agreement. This goes against the grand bargain. This is a killer amendment because we all got to stick together. ''We'' who? We have to stick together and cannot accept any change.

Let me tell you, this is the Senate. The group that met was not the full Senate. I have had members of that grand bargain tell me: Jeff, that is a good amendment, but I cannot vote for it because it is not in our agreement. I agree with you, Jeff, but I cannot vote for that because it wasn't part of our agreement.

What kind of legislation is that? So we have that factor going here. I am getting tired of it. I wasn't in on the grand compromise; neither were the American people. They weren't in on that deal.

Mr. SPECTER. Will the Senator from Alabama yield for a question?

Mr. SESSIONS. I am pleased to.

Mr. SPECTER. I appreciate the Senator from Alabama yielding for a question. I had several in mind.

I have been asked by the majority leader to ask a substitute question; that is, would the Senator approve the agreement so we can proceed with the amendments?

Mr. SESSIONS. Well, I have been here since 1 o'clock and, all of a sudden, I start speaking and they want me to look at an agreement. How many minutes do I have left?

The PRESIDING OFFICER. The Senator has 12 minutes 40 seconds.

Mr. SESSIONS. I wish to finish my remarks and then I will look at the agreement, if that would be all right.

Mr. SPECTER. It would be all right. The Senator yielded for a question and I wish to ask a question. Did the Senator make any effort to join the Democrats and Republicans, including this Senator, who were working on the legislation?

Mr. SESSIONS. I think most of us knew that discussions were going on of that nature. We knew the deal. The deal is what all of you have agreed to. If you reach an accord, you are committed to vote for the deal on the floor, even if you agree with the amendment that is brought up. I was not prepared to tie my hands in that fashion. I submitted ideas because some Members were concerned about it. I don't say everything was blocked totally, but the final print analysis was not available to those not participating and who didn't agree to sign on to whatever was produced between you, Senator KENNEDY, Senator KYL, Senator MENENDEZ, and the others who participated in the agreement.

Mr. SPECTER. Will the Senator yield further?

Mr. SESSIONS. I think I probably reserved my independence as a Senator to maintain my ability to make an independent evaluation of the legislation that was produced.

Mr. SPECTER. If the Senator will yield for one more question.

Mr. SESSIONS. Yes.

Mr. SPECTER. I can understand that and appreciate why he would not want to give up his independence and would not want to be bound by an agreement. But I think the important factor is the Senator from Alabama wasn't excluded, if he wanted to join under those terms.

The followup question I have for the Senator from Alabama is this: How would the Senator structure negotiations on a matter of this kind, as complex as it is, as many views as there are, to try to have a practical bill that would be presented on the floor of the Senate—recognizing that this Senator has said on a number of occasions that I would have preferred the committee process? The Senator from Alabama is on the Judiciary Committee and was an active participant in the formulation of the bill in the 109th Congress. But given our situation, how would the Senator from Alabama have proceeded differently to try to structure a bill to present to the Senate?

Mr. SESSIONS. Well, when the Senator from Pennsylvania chaired the Judiciary Committee, the immigration bill did have hearings—a few hearings—and did have a markup, as the Senator knows. But I will tell you that last year's hearings and markup were quite insufficient, in my view, considering the intensity and enormity of the subject.

I will tell you what I believe needs to be done. It is much closer to what you did, as I mentioned before the Senator came to the floor, with asbestos. When you led the effort to reform and fix the very big problem with asbestos—and I was pleased to support you—you traveled all over the country and had hearings with judges, lawyers, and interest groups. We had hearing after hearing. We had markup days, and recess, and more markup days. It went on for months. It was brought up on the floor and knocked down—and then brought up on the floor again and it went on for months. We didn't quite get it done, but I supported the Senator's view of it.

That is what we need. Even though asbestos was exceedingly complex, this is even more complex and even more significant for the average citizen. So I think that is where we messed up. I know this was a real attempt to get something done. People said we needed to do something. But do what?

Mr. SPECTER. I have one final question for the Senator from Alabama. I know the Senator from Alabama acknowledges the existence of the problem. Would the Senator from Alabama consider drafting legislation which the Senate could consider, perhaps in the nature of a substitute, as to how we should deal with this problem, which I know the Senator from Alabama acknowledges?

Mr. SESSIONS. We do have a problem, Mr. President. I say to my esteemed colleague, one of the most able Members of this Senate, I have in my mind a framework that I believe would work for immigration reform. A number of the things I thought were critical I was told might be in this new bill this year. But the fine print convinced me it was not there. I believe we have a problem with the American people. They want to make sure this is done in the open light of day. I am not prepared to say at this point in time that I could meet and reach an accord on the overall difficulties with this bill in a matter of hours, or even days.

I think we need to start over with an open process and maybe something else can be accomplished. My inclination is to say let's get it out there and let the American people be involved. They understand the difficult choices that have

to be made. They are also principled people and want to be sure we do it right.

I thank Senator SPECTER for his efforts.

My time has expired.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I would sure like to be able to get this unanimous consent agreement. We keep changing things around and have decided we don't need to have an equal number of Democrats with Republicans. Let's get what we can. We have three Republicans lined up. They are all important amendments that the Republicans and Democrats have. I hope we can get this done.

We have a vote at about 3 o'clock. We changed the time to 10 minutes each, I say to my friend from Alabama, because people have had the opportunity to speak already, except for Senator WEBB.

Mr. WEBB addressed the Chair.

Mr. REID. If the Senator will withhold.

Mr. SESSIONS. I am sorry.

Mr. REID. Is it OK that we do this?

Mr. SESSIONS. Please give me a few moments to review this because I have some concerns.

AMENDMENT 1313

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I wish to take a few minutes to discuss amendment No. 1313 to this bill which is going to be scheduled for a vote later today. Before I do that, I wish to recognize the incredible effort that has gone into this bill. I want to be able to support the bill. I have enormous respect for our distinguished majority leader and the others who have put so much time into the bill and given us time today to discuss some of these other amendments.

As I said, I want to be able to support this bill. We have seen some real divisions in the Senate on different provisions. I feel confident, I feel strongly that the amendment I am offering, which is cosponsored by Senator DORGAN, will address what I believe are two crucially needed improvements in this legislation.

The first relates to what some people are calling amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. And the second improvement relates to what I believe is an unworkable set of procedures applicable to those who are properly offered legal status. I believe it is very important to the health and practicality of our system that we attempt to fix these two flaws in the bill.

My amendment would achieve three critically important goals. It would create a fair and workable path to legalization for those who have truly put down roots in America. It protects the legitimate interests of all working Americans, and it affords honor and dignity to the concept of true American justice.

If one accepts the premises of these three goals, then I strongly believe this amendment is the best way forward for us.

As a general matter, I agree with my colleagues the time has come for fair and balanced reform of our broken immigration system. When I say fairness, I mean a system of laws that is fair to everyone in the United States and especially to our wage earners.

I strongly support the provisions in this bill that strengthen our Nation's borders. I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers.

As a point of reference, I did not support the bill's creation of a massive new temporary worker program, and I am pleased to see at least a portion of that was adjusted by the vote last night.

With those points in mind, I wish to address my amendment which concerns the other major component of this bill, and it is an area that has not really received the kind of examination that other portions of the bill have, and that is the legalization program.

My amendment reflects a proposal that I have been discussing with Virginians ever since I began to campaign for the Senate. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in their communities. I do not, however, favor this path to citizenship for everyone who have come here as undocumented persons.

Under the provisions of this bill, virtually all undocumented persons living in the United States would be eligible to legalize their status and ultimately become citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of basic fairness, which is the very foundation of our society.

By contrast, my amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status based on the depth of a person's roots in their community.

Under my proposal, undocumented persons who have lived in the United States for at least 4 years prior to the enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills in the past few Congresses—bills that were supported by Senators from both parties and by immigrants rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

Among these criteria are work history, payment of Federal or State income taxes, property ownership, business ownership in the United States, a knowledge of English, accomplishment in schools in America, immediate family members in the United States, whether the applicant has a criminal record, and, importantly, whether the applicant wants to become a citizen.

These applicants would be given probationary status, as in the underlying bill, while the DHS considers their Z visa applications, and could lawfully work during this probationary status period.

I believe these provisions are fair to our immigrant population and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill, which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical. It strikes the bill's unrealistic touchback requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their jobs, leave their families in turmoil, and place further strain on our community services. Basic fairness and common sense dictates that these persons should be allowed to apply for a green card from here in the United States.

I believe this amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that would help us avoid the mistakes that were made in 1986.

I have heard loudly and clearly from Virginians, and I have talked with people on all sides of this issue. What I hear over and over is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so, and to do so realistically.

I ask my colleagues to support this amendment when it comes up for a vote in the Senate later today.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I rise to talk about the issue of illegal

immigration in this country in a very simple way. As a prosecutor, it is about following the law. As an auditor, it is about following the money. I state for my colleagues today that so much of this problem is about following the money.

We have crimes we can deter in this country and we have crimes we cannot deter. Let me tell my colleagues a crime we can deter. We can stop the hiring of illegal immigrants in this country if we prosecute the people who are hiring them because other business owners will stop hiring illegal immigrants if they see businesses being held accountable. This administration has not been interested in enforcing the law against employers.

What is hard to deter is families who are trying to feed their children. And the wall, yes, I support border enforcement. Of course. As a former law enforcement official, I support enforcing the law against anyone who breaks the law. But let's be realistic about this. As an auditor, I want to be efficient and effective.

Is it going to be efficient and effective to think we are going to solve this problem at the border? It is not the border that is going to stop the people coming into our country illegally. It is what is on the other side of the border. It is the promise of that job and the hungry mouths they are trying to feed.

So when I look at the raid that occurred in Springfield, MO, a few weeks ago when over 100 illegal immigrants were arrested, I kept watching the news for some word about that employer. Silence. With all the raids that have been occurring recently, I think, because of the administration's anxiousness to try to get this bill across the line, I have yet to hear one word about an employer going to jail for hiring illegal immigrants.

I know, I know, they are going to say the employer down near Springfield at the chicken processing plant—these people had fake IDs. They had fake Social Security numbers. If anyone believes that employer did not know they had illegal immigrants working there, I have a bridge I want to sell you. Of course, they knew. You give a good prosecutor a couple of investigators, you send some people in undercover, and you will gather the evidence in short order that dozens and hundreds and thousands of employers in this country are not playing by the rules.

Is that fair? No, it is not fair, and I will tell you to whom it is not fair. Many of my colleagues have said it is not fair to the American worker. I will tell you to whom it is not fair. It is unfair to the businesses that are playing by the rules. It is fundamentally unfair that many businesses in America are requiring the kind of documentation that assures them they are they are following OSHA standards, they are withholding for taxes, they are doing all the things they must do, while other employers are paying cash under the table to pad the bottom line. Follow the money, Mr. President.

Employers right now under the current law can serve up to 6 months in prison. If we would do some of those prosecutions in this country, it would do more to shut the flow of illegal immigrants, frankly, than all the legislation we could ever pass in this Chamber because it would send the message to American employers that they are not going to be rewarded with more profits by breaking the rules.

There are so many people behind this bill who have hearts that are full of compassion, and I certainly, Mr. President, think of you and your family as I make difficult decisions on this bill. But I have to tell you, there are lots of people behind this bill for whom it is all about the money. It is all about the profit.

If we want to stop illegal immigration in this country, we have to get serious about the magnet that is drawing it to our country, and that is we look the other way when people hire illegal immigrants. Until we stop looking the other way from those businesses that are not playing by the rules, we will never effectively deal with immigration in this country.

I have an amendment that would also bar for a minimum of five years any company that is found to hire illegal immigrants from participating in Federal contracts. I hope that will become part of this legislation.

Mr. President, I know there have been enforcement measures added to this bill that would increase the fines and jail time for employers who repeatedly, willfully hire illegal immigrants. But, frankly, 6 months is plenty if this Administration would only enforce current law. If you put an owner of a business in jail for 6 months in a Federal penitentiary for hiring illegal immigrants and let that word go out across America, you will do more to clean up this problem without spending another dime of the taxpayers' money than anything else we can do.

If this President is serious about illegal immigration in this country, I suggest he call his Attorney General and he say to his Attorney General—we know they have been given instructions; we have heard about it in the Judiciary Committee—tell this Attorney General that we want employers who are hiring illegal immigrants by the hundreds in this country to be prosecuted under the law and to spend some time in jail. That would get to the bottom of the problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have been told that the Republicans are interested in more amendments. We finished the vote approximately 2 hours 15 minutes ago. We have been trying for that period of time to get up some Republican amendments. We had four and four, and they would not agree to that request. We had three and three, and they would not agree with that request. Then three Republican amendments, two Democratic amendments, and they would not agree to that request.

I repeat, it is time for the President and his folks to get involved in this matter. This is the President's bill. This isn't a bill we came up with. Democrats and Republicans working in unison with the administration came up with a bill. We want to help. No one has worked harder on the President's bill than Senators KENNEDY, FEINSTEIN, and SALAZAR. I would sure hope we get some help. We can't have Republican members vote on it if they won't let us call up amendments.

The distinguished Senator from Alabama is interested in this bill. We know that. He has spoken long and hard about his opposition to this legislation. But it is just not appropriate that the minority can have it both ways. They want these amendments but don't allow us to call them up. It is a self-fulfilling prophecy. Come the end of the day, when we have a cloture vote, they will say: You didn't give us any more amendments. They didn't get more amendments because they wouldn't let us call up more amendments. And they have control over that.

So, Mr. President, I think we need to have the record reflect that this bill isn't going anyplace, but it is not our fault. I repeat: This is a bill which was negotiated in good faith by Democrats and Republicans, and it is the President's bill. He says he wants this. Why can't we get this agreement?

Here are my friends. I see on the floor my distinguished friend from Alabama. I have told him personally, and I will tell him publicly—and I have said this before—there are times I don't agree with him, but with JEFF SESSIONS, you never have to guess where he stands on an issue, and I appreciate that. We know where he stands on this issue of immigration. But having said that, can we do this agreement?

Mr. SESSIONS. Mr. President, I was looking for whoever had it. They disappeared. And also Senator GRASSLEY has to look at it.

Mr. REID. Well, he is part of the deal here.

Mr. SESSIONS. Good. I think the only disagreement we have is perhaps time, and I can make a suggestion on that. Is there someone authorized to talk to me about it? I am looking for Mr. Schiappa.

Mr. REID. If I could say, through the Chair, to my distinguished friend, we did have this set up so we could vote at 3 o'clock. Senator DODD has already

spoken; Senator WEBB has already spoken. He is part of the agreement. Senators GRASSLEY, COLEMAN, and BROWNBACK have not spoken, so we have put 15 minutes in here for those three Senators. It should be equally divided, but we can make it——

Mr. SPECTER. Mr. President, if the majority leader will yield for a question.

Mr. REID. Be happy to.

Mr. SPECTER. Mr. President, I direct a question to the Senator from Alabama.

What would you like on the timing?

Mr. SESSIONS. I think about 45 minutes per amendment. Some of these amendments are very significant. We have not heard opposition to the amendments. Maybe some have spoken in favor of them, but I don't agree with some of the amendments. The amendment of Senator DODD—I think there are some important reasons that one is not satisfactory.

Mr. SPECTER. Is the Senator from Alabama asking for 45 minutes equally divided for each of the amendments?

Mr. SESSIONS. I am saying that I am not going to be able to support a lot of amendments that are rushed up here to receive votes when Senators have very little time to review them. I think this is important. If we are going through a process just to say we have a bunch of votes, that is one thing, but I think we need an intelligent discussion about these amendments.

Mr. REID. Mr. President, it is obvious we are not going to be able to complete the President's legislation based on the request of my friend from Alabama. I took math at Searchlight, NV, Elementary School, where 1 teacher taught all 8 grades, but I can still figure out what 5 times 45 is, and it is a long time—hours. It is approximately 4 hours.

Mr. DURBIN. Will the majority leader yield for a moment?

Mr. REID. Be happy to yield for a request of my friend.

Mr. DURBIN. Mr. President, pending is the regular order of the amendment by Senator DODD, which has been pending since before the Memorial Day break. So any argument that Members haven't had a chance to take a look at this amendment—they could have taken it home over the Memorial Day recess and read it almost every day and be ready to debate it right now.

I don't want to speak for Senator DODD—no one could—but I think it might be appropriate for us to consider that amendment in a shorter time span.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. REID. Mr. President, it has been now 2½ hours. We have tried every possible way of getting an amendment up to vote on it. We have tried this. We have tried that. We have tried this. We have tried that. We have tried everything.

There are individuals who don't like this bill. The Senate being as it is, they have a right to object to what we do.

And they are objecting; that is for sure. The objections have been nonpublic to this point, but it is frustrating because the people who want to move this bill forward, Democrats and Republicans, are being thwarted in their effort to do so.

As I have said before, we need to make sure the record is clear we are not trying to impede the offering of amendments. There have been some who oppose the legislation and are concerned there hasn't been the ability to call up amendments and have them pending. But until we disposed of the 14 pending amendments yesterday, it was thought by most to be inappropriate to call up more amendments and have, instead of 14 pending amendments, 28 pending amendments. I am going to ask unanimous consent in a minute that we vote on 5 amendments. Originally, we started the day with 4 on each side. Then we had 3 Republican and 3 Democratic. There was objection to both of those. So I said: Fine, let's have 3 Republican and 2 Democratic. There was objection.

We thought we had it worked out once, and then the time for debating these was a lot of time, which is another indication there are some who, no matter what we do, we can't move forward on this legislation.

I know I am being repetitive, but this is not a Democratic bill. The Democrats have helped get this bill to where it is.

The main proponents of this legislation on the Democratic side have been Senators KENNEDY, FEINSTEIN, and SALAZAR. On the Republican side, we have had a number of people work very hard: Senator SPECTER, Senator KYL, and others. I appreciate how hard they have worked. This is a bill that is bipartisan in nature, supported by the President of the United States. I wish to help the President. I am not always in a position to do that. I think I am in a position to do that now, and I have done everything I can with this piece of legislation to do that. So I will ask consent that we have a series of votes set up. When I finish that consent, I will call up some amendments and have them set aside.

Madam President, I ask unanimous consent that the time until 4:15 p.m. today be for debate with respect to the following amendments; that the time run concurrently and there be whatever the allocated time is from now until 4:15 of debate with respect to each amendment, equally divided and controlled in the usual form, with no amendment to be in order to any of the amendments covered under this agreement prior to a vote; that at 4:15 p.m., the Senate proceed to vote in relation to each amendment in the order listed here; that once this agreement is entered, the amendments that are not pending be reported by number; and that prior to each vote there be 2 minutes of debate equally divided and controlled; and after the first vote in the sequence, the remaining votes be 10 minutes in duration.

I would also say, to show what we are trying to do in good faith, when there was a request on the other side to have a large block of time, on this side we agreed, 30 minutes, 5 minutes. We want to try to move this along. Thirty minutes for the proponents and 5 minutes for those opposed. The amendments are Dodd 1199; Brownback 1160; Webb 1313; Grassley-Baucus 1441; and Coleman 1473.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina.

Mr. DEMINT. Madam President, I believe there is enough frustration to go around. I appreciate all the managers of the bill, those on both sides who have worked to come up with a constructive solution. I feel compelled to object to this process because our side has not been able to bring up the amendments we want. They have been carefully selected by the other side, which ones we are going to vote on. It appears this whole scene has been choreographed. We had a cloture vote a few hours ago. We are going to have a few more votes.

Then we are going to have another cloture vote, with, I imagine, the statement that now they have accommodated us on our amendments. I have colleagues on the floor who have waited a week to bring up an amendment.

They have not been able to do so. I believe what we should do is to submit the amendments we want to bring up en bloc.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, is there an objection?

Mr. DEMINT. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I ask unanimous consent that the following amendments be called up and set aside: Sessions 1323, Thune 1174, Baucus-Tester 1236, Menendez 1317, and Sanders 1332.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I am sorry. I ask my friend, does he object to calling up these amendments?

Mr. DEMINT. I think it is important that we decide what amendments are going to be brought up on our side. I certainly know folks on our side have been working on this. I don't know about this particular group of amendments, if they have been selected on our side or yours. Perhaps there is no problem. But at this moment, I am going to object to those and then confer with our side to see what the big plan is. At this point, instead of doing this a little at a time, I think it is important we know before the next cloture vote that we are going to be able to bring up the amendments we have been waiting on. Until that time, I am going to object to additional action on the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I would only say to my friend, and those within the sound of my voice, I didn't come up with these amendments or the numbers. These were done by the Republicans and the floor staff of the Republicans, indicating the ones Senators had been waiting on for a while. We are happy to have a number of other pending amendments, and we will work with the two managers to see if we can get others. We thought this was a good place to start. But obviously, some do not believe it is a good place to start. I am sorry we are not able to move along. I say in the most positive way, there is good faith on both sides of the aisle to move this legislation. I, of course, was disappointed in the earlier cloture vote, but I was told before the cloture vote took place what was going to happen because there was a genuine need on the other side for more amendments. I understand that. I accept that. I am not the judge of what is to be enough. We have tried hard, and I will keep trying, but I do say everything we have tried doesn't work. There are people in years past who know more about Senate floor procedures than I, but I know a little bit. I don't know of anything I have missed to try to bring up other amendments in a bipartisan way. There is no one at this stage trying to take advantage of anyone else.

This is an effort by Democrats and Republicans who want to help the President get a bill he believes in, for which I have publicly said I appreciate the President doing this. For me to say this, after all the battles the President and I have had, is good for the President and for me. I wish to do something to move this along. The American public needs the cooperation of Democrats and Republicans, with the President joining in.

I apologize to everyone for whom we have not been able to figure out a different way to go forward. We are going to continue to try.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

STEM CELL RESEARCH

Mr. HARKIN. Madam President, a few minutes ago in the Mansfield Room, which is right off the Senate floor, we had a very moving ceremony, one that brought home to so many of us just what we ought to be about as representatives of the people. It was the enrolling ceremony for the bill, S. 5, the Stem Cell Research Enhancement Act, that passed the House of Representatives a couple of hours ago. In the Senator Mansfield Room off the Senate floor were Senator REID, our majority leader, NANCY PELOSI, Speaker of the House, along with Congresswoman DEGETTE from Colorado, who has been the prime mover of this legislation in the House, Congressman MIKE CASTLE of Delaware, also a prime mover in the House. It was Representatives CASTLE and DEGETTE who worked together to get this bill through the House both last year and this year; also, Congresswoman CAPPS from California and Congressman JIM LANGEVIN from Rhode Island.

We had this enrolling ceremony to send the bill to the President. With us in the room at the time were people who in their own personage represent so many of the illnesses and diseases that stem cell research holds so much promise for curing, everything from juvenile diabetes to Parkinson's, Rett Syndrome, spinal cord injuries, multiple sclerosis, and so many others were there. You see these little kids and you see their families, and what they have left is hope. They have hope that scientists, working collaboratively, will unlock some of these mysteries, will find the interventions and the cures to so many of these illnesses and diseases.

I saw there a little girl who had Rett Syndrome, with her mother. There was another young girl with juvenile diabetes, thinking about what her life is going to be like. We know stem cell research holds hope that scientists can unravel some of these mysteries. Those of us who have been involved in at least the legislative end of stem cell research, through all the hearings we have had going clear back to 1998 when the first embryonic stem cells were derived in Wisconsin, we know the great advances that have been made. We know how close we are to having some wonderful breakthroughs.

Yet on August 9, 2001, President Bush, in his first year in office, spoke to the Nation—I remember it very well—and limited the number of stem cell lines that could be investigated by Federal researchers or through the auspices of the National Institutes of Health. They might not be Federal employees. They could be researchers at the University of Minnesota, the University of California, or the University of Iowa, but they would be getting grants from the National Institutes of Health for biomedical research. On August 9, 2001, the President basically said we are going to limit the number of stem cell lines.

We thought at the time maybe 75 lines were enough. Then it turned out there were 20 some lines, then fewer than that. Then we found out later every single one of these stem cell lines was contaminated because they had been grown in a medium with mouse cells. So they are contaminated. None of them will ever be used for any kind of human intervention.

Since that time, we have worked to overcome this Presidential fiat, if you will, one person, the President of the United States, being able to limit the expenditures of Federal money for stem cell research. Here I give my utmost praise and thanks to Senator ARLEN SPECTER of Pennsylvania. He has been stalwart, first in his chairmanship of the Appropriations Committee that funds biomedical research. He was the first one to have congressional hearings on embryonic stem cell research. I believe we have had 20-some hearings since then. I was his ranking member and, of course, now I am Chair and he is my ranking member. But we have worked hand in glove all these years to overcome this Presidential fiat that limits, that put shackles on the scientists who want to unlock these mysteries, who want to work to help cure diseases such as juvenile diabetes, Lou Gehrig's disease, and spinal cord injuries.

I can remember once when my good friend—now he is deceased—Christopher Reeve, whom we all remember as Superman, the first Superman, had a severe spinal cord injury and he labored hard all the time for overcoming the President's order of August 9, 2001. He worked so hard to try to get a stem cell bill passed.

One time, we had seen a film of a mouse—actually a rat, sorry, a rat—whose spinal cord had been severely damaged. There were pictures of this rat that couldn't walk—only with its front feet; its back feet were totally paralyzed—treated with stem cells, and the rat then walked. That was when Christopher Reeve uttered his famous line: ''Oh, to be a rat.'' Or as I said at the time, we are actually about 99 percent rat. I don't mean politicians, I mean humans, genetically, DNA-wise. And if that could be done there, then there is so much hope that can be investigated and taken on in trying to cure severe spinal cord injuries, for example.

It was a very moving ceremony, looking at the faces of the mothers and the

fathers, the children who were there, and thinking that this is what we ought to be doing. We ought to be giving them the hope that we are going to employ our best minds, our best science to heal the sick—to heal the sick. I think and I hope that is one of the primary reasons for government, for our government—to help alleviate human suffering wherever we find it. So I am hopeful that the President will change his mind about his thoughts on vetoing this bill.

As you all know, we passed this bill last year. I might add that this bill was passed with the House and Senate under Republican control, sent to the President, and he vetoed it. Well, we did not have the votes to override the veto. But we said we would be back under a new Congress, and we did come back. The Senate passed a bill a couple of months ago, in April.

I might add, if you add up all of the votes—and there were some people missing, but if you added up all the votes with those who were for the bill and those against it, basically we had 66 votes in favor of this bill. That is one vote shy of enough to override. If I am not mistaken, I believe we had 18 Republican Senators. So this is not a partisan issue. It is not partisan. The same in the House. One of the leaders in the House is MIKE CASTLE of Delaware, a Republican, and I mentioned Senator ARLEN SPECTER, one of our great Republican leaders in the Senate on biomedical research.

I guess you have to wonder why it would be that just one person, the President of the United States, has the power to deny so much hope to so many people. I am hopeful the President will reexamine his thoughts, listen to the kinder voices of his nature, and listen to those around him who understand this legislation has strong ethical guidelines. This bill has stricter ethical guidelines on stem cell research than is existing in law today.

I might also add that the President has made it clear there was one moral line he would not cross. He said Federal tax dollars should not be used to destroy embryos. Well, we expressly crafted this bill, S. 5, to ensure that it does not lift the existing Federal ban on using Federal funding to destroy embryos. We have fully addressed the President's No. 1 concern. As I said, S. 5, the bill that was just enrolled and sent to the President, imposes stricter ethical requirements than exist today.

We tried to meet the President halfway. Isn't that what this is about—the art of compromise? Maybe he is not all right all the time, maybe we are not, so we try to meet halfway. Last year, when the bill passed the Senate floor, there was a Specter-Santorum provision that was not put in the bill. The President said he was in favor of that. So we put it in the bill. That provision promotes alternative ways of deriving stem cells. The President last year said he endorsed that. Here is his chance to sign it and make it a law, along with a bill that has stricter ethical guidelines than what exist today.

I see no reason, no ethical reason, no logical reason why the President would once again veto this bill. It is not the same bill he vetoed last year. It is a different bill. We put in the Specter-Santorum language. We put in the ethical guidelines. I want to make it clear this bill we will send to the President has requirements that are very strict.

First, the only way a stem cell line can be eligible for federally funded research is, No. 1, if it were derived from an embryo that was otherwise going to be discarded.

What do I mean by that? Well, there are about 400,000 embryos right now frozen in in vitro fertilization clinics. The moms and dads have had all the children they want, they no longer need any more of the embryos, and so those embryos are going to be discarded. It happens every day at fertility clinics all over America. All we are saying is, instead of discarding them, let's allow a couple to donate those, if they wish, to create stem cell lines that can cure diseases and save lives. Throw them away or use them to ease suffering. It is the second choice—use them to ease suffering—that I believe is the truly moral pathway and truly respectful of human life.

Think about it. Think about a couple who has used in vitro fertilization to have a family. Over 50,000 children are born every year to couples who otherwise would be infertile. Let's say the couple has had the kids they want to have but there are leftover embryos. The couple's only choice now is to continue to pay the IVF clinic to keep them frozen in nitrogen for all their lives, and perhaps when they die they will be thrown away, or to throw them away. Those are the only two choices. Why not give a couple the choice of saying to the IVF clinic, you can take the leftover embryos we have and donate them to science for embryonic stem cell research.

Some people might say, maybe then people will get into the business of paying couples—paying them to donate embryos, embryo farming and all of that, which we have heard about. We have covered that in the bill. We have strict ethical guidelines. No. 1, no money or any other consideration can be given to a couple for donating embryonic stem cells. No money or any other consideration. It must be strictly voluntary. And the donors have to give their informed written consent. The last ethical guideline is that these embryos that are donated can only be used for embryonic stem cell derivation and nothing else.

As I said, these are stricter guidelines than exist today. So why wouldn't we allow couples who have had their family, rather than saying throw them away, why not allow them to be able to donate them for the kind of research that will ease human suffering and lead to cures?

There is overwhelming support across the country for this legislation. Some 525 different groups have endorsed this bill—patient advocacy groups, religious groups, health organizations, scientific societies, and universities. They know it holds hope, hope for people with Lou Gehrig's disease, Parkinson's disease, spinal cord injuries, heart disease, people with diabetes, and people with cancer.

This is not just us saying that. Don't just take our word for it. In March of this year, in front of our committee, Dr. Elias Zerhouni, the Director of the National Institutes of Health—keep in mind he is the head person of all of the Federal biomedical research, Dr. Zerhouni, head of the NIH—appeared before our committee. I asked him whether scientists would have a better chance of finding new cures and treatments if the administration's current restrictions on embryonic stem cell research were lifted. Dr. Zerhouni said, unequivocally, yes.

Keep in mind, Dr. Zerhouni is the Federal Government's top scientist in the area of medical research. He was appointed by President Bush to his present position. So I think it took great courage on Dr. Zerhouni's part to say in public that his boss had it wrong on stem cell research. But I know Dr. Zerhouni. He is a preeminent scientist; the greatest doctor, and I know that he knows—he has so stated it—that we must move ahead on embryonic stem cell research. Here is what he said, and let me quote him:

> It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more stem cell lines. It is in the best interest of our scientists, our science, and our country that we find ways and the Nation finds a way to allow the science to go full speed across adult and embryonic stem cells equally.

Well, Madam President, we must move forward. We must move forward. I just hope the President will sign this bill. But I can assure you, on behalf of the hundreds of millions of Americans who suffer from different kinds of diseases that have the potential—the potential—to be cured through embryonic stem cell research, if the President vetoes it, we will be back, and we will back again and again and again. This issue is not going to go away. We are going to keep hope alive for people with spinal cord injuries, with Parkinson's disease, and with so many others.

We don't require astronomers to examine the skies at night with Galileo's telescope. We don't tell our geologists to study the Earth with a tape measure. Are we really serious about unlocking the mysteries of stem cells and all of the things that we have seen

happen with stem cells? We have already seen stem cells that have differentiated into motor neuron cells, nerve cells, and heart muscle cells. We have already seen this take place. Now it is just a matter of more science, getting more of our smartest scientists involved in this to take the next step and the next step and the next step so that someone suffering from Parkinson's disease will have a cure. I believe it is possible. From all the scientists I have talked to, I believe it is possible, and it could be possible in our lifetimes.

A Nobel prize winner, the discoverer of the double helix of our DNA, Dr. Jim Watson, said to me not too long ago: With all that we have done in unraveling the mystery of the human gene—we have mapped and sequenced the entire human genome—with that and with these new breakthroughs in finding that embryonic stem cells can differentiate, we can take them and differentiate them into different tissues—if our scientists are allowed to really go at this full speed, medicine 50 years from now, as it is practiced, will make it look like what we are doing today as being in the dark ages. That is the hope and the promise of embryonic stem cell research. It should not be that one person, the President of the United States, can stop this from going forward.

With this enrolling ceremony we had today and the focus of the Nation on this, all I can ask is: President Bush, listen to the better angels of your nature. Think about all those who are suffering in our society who need this hope and the scientists who can work together, collaboratively, to find the interventions and the cures for so many diseases—think about this before you put pen to paper and veto this bill. So much rides on this. But as I said, if the President does veto it, we will be back, again and again. This is not going to stop. We are going to lift this ban, and we are going to move ahead with embryonic stem cell research.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I commend the Senator from Iowa, Senator HARKIN, for his tremendous work and advocacy that has gotten us to this place today, a very important day that he talked about, where the House of Representatives voted to pass the embryonic stem cell research bill, joining the Senate. That bill is now on its way to the President's desk.

It is because of the work of Senator HARKIN over the years and his advocacy and his not giving up that we are here today. I am very proud to join him on the floor to urge the President, now, to do the right thing.

The House of Representatives today, in voting for this bill, offered hope to millions of Americans in supporting embryonic stem cell research. There is now one person who can make this decision for millions of Americans and that is the President of the United States. He has a choice. He can stand with so many people who are looking for that desperately needed cure or he will stand against them. I hope, similar to my colleague from Iowa, the President pauses, thinks about the lives he holds in his hands and makes the right choice and signs the bill for embryonic stem cell research.

This is an issue I know personally. I grew up in a family of nine. My dad was a wonderful, physically active human being. He served our Nation in World War II; raising his children. He was a strong man. In my eyes when I was growing up, he was indestructible, but when I turned 15 years old, things changed dramatically in my life and my dad's life. My dad was diagnosed with multiple sclerosis. That is a horrific disease, for anyone who is not familiar with it. It wasn't long until he could no longer walk, he was in a wheelchair and required my mother to take care of him full time.

It was a very difficult time for my family. We had to watch my dad deteriorate physically. We had to watch as my mom returned to work. She was on welfare for a while and finally was able to get some schooling and get a job. But she had to work, take care of my dad, and raise all seven kids.

We all hoped a cure one day would be found for my dad and people like him. You never lose hope when something such as this happens to you. It is essential to dealing with what you have been handed. But we were also realistic. Scientists didn't have any promising leads, doctors said there wasn't much they could do, there was no cure on the horizon, there was nothing to hinge our hope on when I was growing up. But now we have a chance finally to offer families across this country hope, opportunity, a chance for a cure.

It is time for President Bush to stop his obstruction and to stop saying no to cures and to stop saying no to hope for families such as mine.

Unfortunately, we know since being elected, President Bush has blocked robust federally funded research on embryonic stem cells. Originally, he told us there would be 78 stem cell lines available for study. In truth, there were only 21, far fewer than scientists say are needed for this research.

Even the Director of the National Institutes of Health, as Senator HARKIN talked about, who was appointed by President Bush, said: ''It is clear today that American science would be better served, and the Nation would be better served, if we let our scientists have access to more cell lines. . . .''

The President refused to heed that advice from the scientific community or his own Director of the National Institutes of Health. He did so—why? To pacify the ideological views of a few in his political base. What he did by blocking that was to force millions of Americans who suffer from many ailments to put their hope on hold and to stand idly by and watch as a family member's condition worsened.

Besides putting the hopes of millions of people on hold, the President's action actually pushed stem cell research overseas. Our country, which has been known as the world leader in medicine and in scientific research, is now falling behind other countries in this field.

Reuters recently reported that British scientists, with funding from an American who was upset with President Bush's actions, were using embryonic stem cell research to cure some forms of blindness.

Our country must remain at the forefront of innovation. Institutions such as the University of Washington, in my home State, have to have the ability to compete with organizations in other countries. This President has denied that.

The bill that has been sent to the President today is on its way to his desk. The Stem Cell Research Enhancement Act of 2007 allows the Department of Health and Human Services to finally begin robust research on embryonic stem cells from frozen embryos, embryos, it is important to note, that would otherwise be discarded.

That bill also promotes research into funding alternative ways to derive stem cells from embryos, and it does these things while it imposes strict ethical guidelines, as all of us have insisted upon. In fact, the standards in the legislation that is on its way to the President's desk today are more stringent than even the President's own policy.

Most important, though, the legislation we want this President to sign takes hope off hold for millions of Americans. We all know the President has threatened to once again veto this legislation, as he did last year. I am here today, and I hope he hears me, to say: Please don't do that.

There are millions of sick Americans and their families who are watching and waiting and praying and hoping he signs this bill. If he vetoes this bill, he will likely claim, as he did last year, the legislation is unnecessary since researching adult stem cells, which he supports, is as promising as studying embryonic stem cells.

Similar to last year, he would be wrong. Scientists say embryonic cells, which can be used to grow any type of human or cell tissue, show the most promise. They offer the most hope.

I have lived with someone with a serious illness. I have seen the suffering that happens, personally, to their families, and to everyone around them. I

know how hard it can be. We must not block the discovery of cures for these people. We must not block their hope. Today, at least 17 million Americans suffer from diabetes. At least 500,000 Americans suffer from Parkinson's, 250,000 Americans suffer from multiple sclerosis, and 250,000 have spinal cord injuries, including, I would add, many veterans of the Iraq war. All these Americans, and many others who suffer from a variety of conditions, will stand to benefit from embryonic stem cell research.

Finally, today, in sending this bill to the President, this Congress is offering a chance to families across the country to have hope, to have an opportunity, to have a chance for a cure. I hope President Bush hears their calls, picks up that pen, stops his obstruction, stops saying no to cures, and signs his name to the legislation. We are all watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, before I say a word on immigration reform, I would like to add a closing word to the comments of the Senator from Washington and the Senator from Iowa.

Just as Senator MURRAY has talked about her own family experiences with her dad and mom and all, my own mom passed away about 2 years ago. She had had Alzheimer's disease for a number of years. Her mother had Alzheimer's, her grandmother had Alzheimer's, and last year my mother's younger sister, 10 years her junior, was admitted to a residential facility in Huntington, VA, where she has Alzheimer's disease as well. This is one that strikes close to the heart for us and our family as it does for you and literally for millions of families across the country. Thank you for your great leadership and that of Senator HARKIN and MIKE CASTLE, my own Congressman, who has been a stalwart in these efforts.

I would like to return to an issue we have been focused on in the Senate in the last couple weeks and that is what we do to secure our borders, what to do to make sure employers are not knowingly hiring illegal aliens, at least not without penalty if they do, and what are we going to do about the 12 million or so people here undocumented, roughly 60 percent of whom came here illegally. What are we going to do about all of that?

For a while this afternoon, it looked like we might not do anything. For a while this afternoon, it looked like we may basically finish up without taking any kind of definitive action and having debated these issues for a couple of weeks, as we did last year for several weeks, to go home without having taken definitive steps. I am told that negotiations are going on, even as I speak, which would allow us to come back into session, for our Republican friends to offer 10 more amendments, for our side to offer 10 more on top of the 45 or so that already have been offered and voted on. That would take us to 65 amendments. That is a lot of amendments on any piece of legislation. I realize this is a contentious one, but at some point in time I think it is fair to say we have had an opportunity for people to say this is what I think we should do and for people to offer their countervailing views, but I think it is time to move on.

My view is the worst thing we can do is, frankly, do nothing. I don't believe the status quo is acceptable, the status quo, which last summer found as many as 10,000 people coming across our borders illegally every week, mostly coming for work. Some could have been criminals, who knows? Maybe there was a terrorist or two in those numbers. But for us to go home not having dealt definitively with that problem, with that challenge, is a big mistake.

A country such as ours—any country but especially a country such as ours—has to be able to secure our borders. I read some information provided by some folks in Washington, a think tank in Washington, who looked back at the number of employers who were sanctioned for knowingly hiring illegal aliens in the last several years. The comment was made—I don't know if the Presiding Officer saw this—the comment was made that a person in the last several years had a greater chance of being eaten by an alligator in this country than, if you were an employer hiring illegal aliens, being caught.

That may sound like a stretch, but it is not much of a stretch. We actually saw the number of people prosecuted under the law in the last 6 years dropping by some 30 percent below what it was in the last decade.

We were not enforcing the laws against employers. We need to do that. There are sanctions in laws and they need to be applied. Those laws need to be enforced.

Sort of a question remains: How about all those people who are here without—who are not here legally? They may have come here legally and their visas expired and they stayed on. But when you add those to the folks who came across the borders illegally, it totals some 12 million people. I can understand the views of some folks in my State, and maybe in Minnesota and other places around this country—Washington, Iowa—that we ought to simply put them all on buses and send them home. I can understand how people would feel that way.

I would say I don't know how realistic that is. But the idea of providing some way for them to stay here and work, under a condition of probation, to be able to work over a number of years toward a legal status—before we countenance doing that, before we go down that path, I believe it is critical that, No. 1, we enforce and secure our borders.

Second, that we make sure those folks who are knowingly hiring illegal aliens, that we prosecute them with every ounce of energy we have under the law.

With respect to the enforcement of our borders and the securing of our borders, let me just mention a couple of things that this legislation requires us to do and to question whether that makes sense, whether that is sufficient. We have thousands of Border Patrol personnel arrayed on the Nation's borders, from the Pacific coast, west coast, San Diego, all the way across to the gulf coast, a couple-thousand-mile border.

The legislation that is before us today basically says we are going to double the number of Border Patrol personnel. They have to be better trained and better equipped. Today we are supplementing their numbers with the National Guard. And as an old Governor who once was commander in chief of our National Guard in Delaware, I am all for continuing to deploy those assets as well to secure our borders, to supplement our Border Patrol personnel.

However, those Border Patrol personnel have to be better trained. They have to be better equipped. We have technology today that, frankly, we did not have 2, 3, 4, 5 years ago to deploy along the borders. We have unmanned aircraft that can be flown, aircraft that can see for miles, aircraft that can see in good weather like today, aircraft that can see when people are moving on the ground when it is nighttime, aircraft that can see when it is foggy, aircraft that can see through the rain. We have that capability today. We did not have it then.

We have the capability with surveillance cameras to look long distances, in all kinds of weather conditions, day and night, to detect the movement of people toward our borders. We have the equipment. This legislation says we have to deploy it and we have to use it and we have to fund it. We have the ability to provide ID, identification, for people applying for jobs in this country, identification that is largely tamper proof. Ten years ago we may not have had the capability. We have the capability today. If I were an employer, I would take great solace in knowing that the identification being presented to me was genuine, was real, had not been tampered with, and to know that I could trust the technology. This legislation seeks to make sure that employers have that confidence.

I believe one of the major problems in this country in recent years that has led to a greater influx of folks coming here illegally is, when we catch them at the border, if they happen to be from

Mexico, frequently our Border Patrol personnel take those people back to the border across into Mexico.

However, if the folks we catch at the border, if they are not from Mexico—Guatemala, Honduras, other countries to the south, if we capture those people, we take them to a detention center. We have been taking them to detention centers for several years. If we have ample space in the detention center, bed capacity, if you will, the folks are basically registered, charged, and have the opportunity to argue whether they are here as refugees, whether they are being politically persecuted, persecuted for their religious beliefs.

However, for too long when we have captured people not from Mexico and we take them to detention centers, they do not have enough beds. They cannot book these folks, hold them, retain them in custody because they just do not have the capacity. So what do we do? Well, we basically register them, find out who they are, as best we can, and then we essentially release them on their own recognizance and say: Come back in 2 months, 3 months for a hearing. Surprise, surprise. We never see them again. They just disappear. They melt into the fabric of the communities across this country.

For the most part they get jobs and go to work, stay out of trouble. But the idea that people can come in illegally like that, and once captured not be detained, for us not to find out if they are here as refugees, that is wrong. It is especially wrong if you happen to be somebody who is trying to come here legally, not for a couple of months but for years waiting in line patiently, abiding by the law.

Meanwhile other folks come into this country whom we capture and essentially release to become workers in this country. That is wrong. In terms of equity, that is basically unfair. It says to people trying to play by the rules: You're foolish. You're foolish. It sends absolutely the wrong message.

That is one of the reasons amnesty is not the answer either. It sends the same kind of message to people who have been waiting to come here for a long time. It says: You are foolish for playing by the rules. It is why amnesty is no good. And the idea of us simply releasing people on their own recognizance because we do not have bed capacity in these detention centers makes no sense as well.

With respect to employers knowingly hiring illegal aliens and our not prosecuting them under the law—unacceptable. When we have employers who know that the man or woman they are hiring is not here legally, that the documentation paperwork that is being presented to them is false, it is unacceptable that that employer is allowed to do that, to continue to do that, week after week, month after month, year after year. That think tank which told me recently that the chances of a person being eaten by an alligator were greater than a person being prosecuted under the law, whether that is true or not, we know this: Too few employers have been prosecuted.

One of the best ways to send a chilling message back home to folks who are thinking about coming here is, one, make sure if they get caught they go to a detention center. If they are not here as a refugee, they are going to go home. And the time they serve in the detention center is not going to be pleasant.

The best way to deter, to put a chilling effect on those who come across illegally is to make sure that employers know if they hire folks, they are going to pay a severe price. That sends a strong message to those who otherwise would take a chance and come here.

The last thing I would mention is what to do about all of those people here who are undocumented. If there are 12 million, if some 60 percent of them are folks who came across the border illegally, if the other 40 percent who are people who came here legally stayed beyond the time they were allowed to stay here, and now they are here illegally, although they came legally in the first place, what do we do with all of those people?

The legislation we have before us that we are debating and we have been amending for the last 2 weeks says: If you came here legally and stayed beyond your time, or if you came here illegally, we want you to step out of the shadows. You have to register with the Government. You have basically one chance to do that. If you do that, take advantage of this opportunity, and you are willing to meet the conditions—I think, tough conditions, a multiyear period of what I would call probation—those people can work their way toward legal status. It might take 8 years, it might take more. But for folks who have been here for a while, they have worked, they have been good workers, they have paid taxes, they have stayed out of trouble with the law, under this legislation if they are willing to continue to work, continue to pay taxes, pay any back taxes that are owed, pay a very significant fine, thousands of dollars in fines, learn English, learn about the history of our country, and so forth, if they are willing to do those things, they have a chance to work toward a legal status not in 8 weeks, not in 8 months, but in as long as 8 years.

If they are not willing to live by the conditions that are laid out in this legislation, they are out of luck. They will not have a chance to ever have the kind of legal status that they otherwise would have.

Let me close, if I can, by saying I do not know if the Presiding Officer remembers this, but during orientation for new Senators last November, when I was privileged to spend some time with our newly elected Senators, I mentioned one of the things we do in my Senate office back home is we try to do a good job on constituent service.

We actually keep track. I get reports every week on how we are doing on constituent services. We do a monthly survey for the people we serve through constituent services. They can evaluate our services: excellent, good, fair, poor. And I have a great staff. They get, for the most part, excellent and good marks. About 95 percent of them are excellent and good. We are very proud of the work they do.

In the weekly reports I have received for weeks now, actually for months now, each weekly report from my head of constituent services starts off with an update on a person who came to this country legally, I think from Greece, who was an older woman, I think in her midseventies, who came here to see, I think, her son, maybe a daughter-in-law, who apparently has dementia, who ended up being hospitalized, essentially abandoned by her son, and ended up in a hospital for treatment.

She needed hospitalization and treatment for less than a week for her condition. Less than a week. Unfortunately, no one was there to take care of her, to look after her, to be responsible for her. She stayed in that hospital not for a couple of days, not for a week, more than a month—actually I think for more than 2 months.

How much did it cost? It cost that hospital about a quarter of a million dollars because that hospital in Dover, DE, essentially had to eat the cost of that hospitalization.

The last week or so I understand that the daughter-in-law has stepped forward. This woman who has her documentation, apparently arrangements have been made with folks back in Greece to take her back. The hospital has bought tickets, and I am told they are going to fly this elderly woman back to Greece. Her daughter-in-law is going to take her. Hopefully the paperwork is being arranged for the woman to be received by her own family back in Greece.

I would like to say that is probably the only time that has happened in this country this year or last year or the year before. Unfortunately, it is not. And it is unfortunate that a lot of times it is a failure of us at the Federal level to enforce our borders, to secure our borders, as in this case, when people stay beyond their limited period of time, has led to a situation that has cost this hospital a ton of money. There are probably other hospital facilities that it has cost a lot of money.

It is being borne by other people in my State who paid for their health care, and oftentimes State and local governments end up picking up the tab for what really is a failure at the Federal level. It is not right. It is unfair.

This legislation would begin to address that.

Let me close with this thought. Last year, when we debated for a long time immigration reform, passed from here a pretty good bill for immigration reform, I remember when I talked about the legislation, I always used the words, ''tough,'' ''smart,'' ''comprehensive.'' That is what I believed and said again and again and again that that is what we needed to do in terms of our work on immigration reform—tough, smart, comprehensive.

I still think that applies. I would add to that maybe a couple of other terms. One of those is ''fair.'' The ''fair'' that I am thinking of is the ''fair'' to taxpayers in this country. What we pass here ought to be fair to taxpayers, not just Federal taxpayers but State and local folks, including hospitals, and people who are running hospitals and funding hospitals around this country; fair to American workers.

The idea that people are coming here and taking away jobs in some instances, too many instances, from people who are willing and able to do the work is not acceptable. The idea of having a large guest worker program like the President has envisioned, in my view, is not acceptable.

We obviously are going to have some kind of guest worker program, but not on the magnitude that this President has sought, but tough, smart, comprehensive, and fair—fair to taxpayers, fair to American workers.

The last point I would add is practical. As I said earlier in my comments, as much as I can understand the desire to round up 12 million people who are here undocumented, put them in planes, buses, whatever, and send them home, I can understand the rationale, the feeling to do that, but, my friends, it is just not practical. What we have to do is find a way for them to come out of the shadows. If they do not abide by the law, take them home. But if they are willing to work hard, pay taxes, stay out of trouble, learn English, learn our customs and our laws, they can have a chance over time, for a long period of time, multiple periods of years to work toward a documented legal status. I think that is the right approach. And, hopefully, sometime in the next hour or two we will reconvene on the Senate floor, and those Senators who have amendments on the Republican side and the Democratic side will have the opportunity to offer even more than the 45 that we already offered and disposed of.

Once we have done that, sometime maybe tonight we will have an opportunity to vote to begin to draw to an end the debate on this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. DURBIN. Mr. President, today this Congress is once again taking an important step forward toward creating a better future for America. Earlier today the House of Representatives passed the Stem Cell Research Enhancement Act, a bill the Senate passed in April. Along with the first minimum wage increase in over 10 years and a fiscally responsible budget, this is yet another accomplishment for the American people which this Congress has been able to achieve.

This bill will expand Federal funding for embryonic stem cell research, a type of stem cell research that holds great promise for millions of Americans suffering from debilitating diseases such as heart disease, diabetes, Parkinson's, and Alzheimer's. It has been over 5 years since the Senate began discussing stem cell research, 5 years of discussion, 5 years of searching for answers and, most importantly, 5 years of hope that one day our country would make a much needed change in policy for the health of all of its people.

Today we stand at the brink of an historic opportunity to reestablish our country as a global leader in biomedical science and reaffirm our dedication to curing some of the greatest sources of human suffering. We are here with the support of over 500 well-respected organizations, including the American Medical Association, the American Public Health Association, the Juvenile Diabetes Research Foundation, the March of Dimes, and Parkinson's Action Network. These organizations represent scientists, doctors, religious entities and, most importantly, American patients and their loved ones.

Unfortunately, President Bush has once again publicly stated he intends to veto this bill. This is a bill both Houses of Congress on a bipartisan basis have passed for 2 years in a row, a bill that continues to be supported by a majority of the American people. But it is also a bill President Bush has already vetoed.

For the President to reject this legislation again is to take another step backward, away from the possibility of lifesaving medical breakthroughs and dash the hopes of millions who depend on the untapped promise of medical research. Time is precious for those who suffer from debilitating disease and for their loved ones who suffer with them. The lack of Federal support for embryonic stem cell research may cost many Americans the chance for a cure, a treatment, and a better life. Our country is in a position to do the right thing. This President has done something no other President has done before him; that is, to ban Federal funding of a certain level of medical research—in this case, research involving embryonic stem cells—to close off Federal funding that could open opportunities for cures for diseases.

The argument made by the President is that these embryonic stem cells should not be used for this type of research. These stem cells are generated, of course, in the process of in vitro fertilization for couples who have difficulty conceiving a child they want to love and rear. They go to a laboratory and spend an enormous amount of money in the hopes of having that baby that is the object of their dreams. The day may finally come. But in that process, embryonic stem cells that are generated may be lost, discarded, unused. How can it make any sense for us, how can this reflect compassion for us to say it is better to throw away these stem cells and discard them rather than to use them for research which can bring life and hope and spare people of their suffering?

Congress has shown the political will, and the passage of S. 5 is the way to do the right thing. I hope President Bush will not veto this bill. If he does, listening to a vocal minority, he will be disregarding the health of our country and the hopes of so many suffering today. It is time for America to move forward in medical research, to find the cures that will give us a brighter tomorrow.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 1563 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, today a piece of legislation is being sent from this Congress to the President dealing with stem cell research called the Stem Cell Research Enhancement Act.

On the way to the White House is a piece of legislation called the Stem Cell Research Enhancement Act. Now, I know there are some who say: Well, what does this mean to our lives? Well, the research in stem cells is some of the most promising research in medicine we have seen in our lifetimes. We have a lot of people in this country

today who are suffering. They suffer from dread diseases. They suffer from Alzheimer's. They suffer from Parkinson's disease, cancer, heart disease, diabetes—so many ailments and so many difficulties.

Research occurs in this country to try to address these issues and find cures, to unlock the mystery of these diseases. One of the most promising areas of research has been stem cell research.

Now, the President has indicated he does not support Federal funding for certain kinds of research in stem cells. He says he will veto this legislation. I hope he changes his mind. He has a right to veto the legislation. We then would try to override the veto. But I think it will be a significant setback if the President vetoes the legislation.

This legislation deals only with a specific area in stem cell research. It deals only with stem cells from embryos that were created for fertility purposes by the in vitro fertilization process. Those embryos that are created in the in vitro fertilization clinics—they create more of those embryos than are needed, and then they throw them away if they are not needed.

We have had about 1 million people walking on this Earth now in the last 25 years who were conceived, in many cases, in a test tube or a petri dish in the process of in vitro fertilization—nearly a million people. It was big news when the first such conception occurred, but now it is relatively routine for those couples who are unable to conceive to go through in vitro fertilization and conceive. When doing that, there are embryos created—a sperm and an egg create an embryo; a fertilized egg creates an embryo—and there are more embryos created from the in vitro fertilization process than are used. Some are then stored frozen. After a period of time, when it is clear they are not going to be used, they are simply discarded. They are thrown away.

The piece of legislation that goes to the President, saying let us proceed with additional research, deals only with those embryos that otherwise would be thrown away. These are the embryos that could be used instead for this critical area of research. Rather than throwing the in vitro fertilization embryos in the garbage, it is much more life affirming, I think, to use them to better understand and to treat some of the devastating diseases and illnesses—diabetes, heart disease, Alzheimer's, Parkinson's.

I know there is great passion about this issue. Often, the issue is cast in terms of: When does life begin? But that is not about this debate on this bill. These are embryos that are about to be discarded and could instead be used to search for the cure for these diseases and to enhance life, to extend life.

I am sure there are desks in this Chamber—perhaps every desk—occupied by someone who knows a friend, a loved one, a neighbor, an acquaintance who is suffering today from one of these awful diseases.

A former colleague of ours asked a question. I wish to put it up on a chart because it is such an interesting way to address this issue. One of our former colleagues, former Senator Jack Danforth, from Missouri, who is also an ordained Episcopal priest—he was a Senator, yes, but is an ordained Episcopal priest as well—here is what he said about this issue. He says:

> It is not evident to many of us that cells in a petri dish are equivalent to identifiable people suffering from terrible diseases. I am and have always been pro-life. But the only explanation for legislators comparing cells in a petri dish to babies in the womb is the extension of religious doctrine into statutory law.

Senator Danforth is a Republican, an ordained Episcopal priest—interesting person and legislator. I served with him in the Senate, and I think he puts it well.

Nancy Reagan says:

> Science has presented us with a hope called stem cell research, which may provide our scientists with answers that have so long been beyond our grasp. I just don't see how we can turn our backs on this—there are just so many diseases that can be cured, or at least helped. We have lost so much time already, and I just really can't bear to lose any more.

Nancy Reagan. We know, of course, her husband, the late Ronald Reagan, suffered from Alzheimer's disease. In fact, he sent a message to America in which he announced he was suffering from Alzheimer's disease. He entered into a long period of darkness from this terrible disease that is affecting more and more people in our country.

There are about 400,000 embryos frozen in in vitro fertilization clinics. It is estimated that about 8,000 to 11,000 of these embryos are going to be discarded, thrown away. This debate is about whether we should, with the consent of those who own those embryos—or from whom those embryos were created, with their consent—whether we should use these embryos that would otherwise be discarded for research that has the potential to cure diseases and save lives.

There is a young woman in North Dakota. She has recently come to Washington, DC, with her mother. She is a young woman who suffers from diabetes—a very significant form of diabetes. She has had a pretty aggressive time dealing with it. Her name is Camille—Camille Johnson. This is a picture of Camille, with her clarinet and her two friends who play in a middle school band. Camille has nearly lost her life on more than one occasion as a result of having to battle this disease. Her mother Andi and Camille have told me it is fine to use her picture because she has worked very aggressively in the juvenile diabetes area to try to address these issues and say to the Congress: Won't you please—won't you please—give us the opportunity to proceed with stem cell research to unlock the mysteries of these terrible diseases?

So there are thousands—there are millions—of Camilles and people with different names, young and old, who rely on this Congress and rely on this President to do the right thing.

This is a quote from Dr. Elias Zerhouni, who is the Director of the National Institutes of Health for this administration. He says:

> From my standpoint, it is clear today that American science will be better served, and our nation better served, if we let our scientists have access to more stem cell lines.

That is from the President's own adviser on these issues. Yet the President says he is going to veto this legislation.

I care deeply about this issue for a lot of reasons. I lost a beautiful 23-year-old daughter to heart disease, and I decided, not just for her sake but for the sake of others in my family who are gone as a result of devastating diseases, that we must do everything—everything—possible to find a way to cure these terrible diseases that take so many lives. Some say: Well, you don't have to use these embryos. There are other things much more promising, such as adult stem cells. There are adult stem cells you can use. The fact is, we have been working on adult stem cell research for decades—for decades. Yet, while I support that, it doesn't show nearly the promise that embryonic stem cells show in the ability to respond to some of these diseases.

Let me go through just a couple of them. One day, I was on an airplane, and I was talking to a man who is called the father of the Human Genome Project, Dr. Francis Collins. He told me of some fascinating research that is going on. They induced heart attacks in mice, severe heart attacks in mice, and I believe, as I recall, there were a dozen and a half or two dozen mice in which they induced severe heart attacks. Then they extracted stem cells and invested those stem cells back into the heart muscle of those very same mice, and in a matter of weeks, a good number of those mice—in fact, I think the majority of those mice—had no evidence of a damaged heart. These were hearts which had been severely damaged, and in a matter of weeks, the investment of stem cells that could build new heart muscle, and those hearts showed no evidence of damage.

At Johns Hopkins University, paralyzed rats partially regained the use of previously immobile hind legs in studies where they injected the rodents with stem cells from mouse embryos. At the University of Wisconsin, they have turned stem cells into nerve cells

carrying the messages between body and brain offering the possibilities for repairing damage caused by ALS, by spinal cord injury, and other nerve-related disorders. At UCLA, at the AIDS Institute, they were able to coax human embryonic stem cells into becoming maturity immune T cells. This discovery might suggest new ways to fight immune disorders such as HIV and AIDS.

Until now, it is impossible to study the complete progress of Alzheimer's disease, which robs both memory and life. We don't know how or even when it exactly begins. With human embryonic stem cells, we might be able to isolate the disease and observe its progress from inception to death on human tissue—excuse me, on human tissue cells—not necessarily on the human beings themselves, and find a cure for this terrible disease.

The ability for embryonic stem cells to transform into any cell type gives them the potential that adult stem cells simply do not have. We just have not had the capability with adult stem cells that we have with embryonic stem cells.

So those patients in this country who are struggling and are suffering today with these terrible diseases, looking to the Congress, looking to science, say: Don't lock in areas that prevent research from continuing, but expand opportunities for research; yes, with ethical guidelines; yes, with a sensitive understanding that there are issues you have to resolve, but proceed. Don't stop them. Proceed ahead to conduct this research and give us hope.

There are so many patient groups and scientific organizations and foundations and others that support this Federal research. I know they, too, believe what Congress has done here is a breath of fresh air. It is the right thing to do. I know they hope the President will not keep his promise to veto this legislation. That is one promise he should not keep. It is exactly the wrong thing for the President to do. By a wide majority, the American people believe that, rather than discard those embryos, rather than simply throw them away, they ought to be used for life-affirming research, with the consent of those from whom they were created. That is what this bill does. That is why this bill is so important.

As I end, let me say again, this is about giving life, affirming life, saving life. My hope is that the action today by which we move this legislation from Congress to the White House will be seen as great hope for a different approach and a more aggressive approach on this stem cell research, and my hope is the President will take another look at this and decide what we have done is the right thing for us and especially, most especially, for those in this country who have waited so long for this kind of approach taken by the United States on stem cell research.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, for those who have been interested in this legislation, as all of us are, and for those who have been wondering about what has been going on through the course of the afternoon, I think they probably have been seeing the intermediate actions which have been taken, the requests that have been made by the majority leader, and the response. Even as the time is moving along, there are efforts to try to sort of find some common ground in consideration of additional Republican amendments, as well as some of the additional Democratic amendments. We made remarkable progress, I thought, yesterday afternoon and last evening. We were very hopeful that we could move, this afternoon, in a similar way to consider both the Republican and Democratic amendments. I know and expect we are going to have a proposal that is going to be made by the majority leader in the near future to see if we can't get back on track. I am very hopeful that will be the case.

We have had good debates, good discussions over the last couple of weeks, and I think we have made good progress. We know there are still a number of outstanding issues for our colleagues. We had hoped we would be able to address a number of those during the course of the afternoon but, as we saw when the leader made the requests, there were objections to proceeding in that way. We are not giving up, and the leader is preparing now to make some additional requests. I myself find that his plan is virtually irresistible, but we will have to find out whether our colleagues on the other side feel that way as well.

I thought I would take a moment and just review some of the essential aspects.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. KENNEDY. Sure.

Mr. GREGG. Will the Senator allow me to ask unanimous consent to be recognized at the conclusion of his remarks?

Mr. KENNEDY. Sure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thought I would just review how we got here with this legislation and basically the highlights of it. I think it is fairly familiar to the Members, but I think it is always useful to have an understanding about the nature of the challenge we are facing, the dramatic challenge we are facing in terms of our borders, in terms of our national security, and to briefly review for our colleagues what we have tried to do with this legislation.

So often during the last days, these debates are focused like a laser on a very specific aspect, and we lost the central thrust and the purpose of this legislation and perhaps even the need for urgent action.

There is a need for urgent action, and the need is now, the need is today, the need is tonight because of the kinds of conditions that threaten our national security and result in the exploitation of human beings and even deaths out in the desert and leave many millions of undocumented in fear of their future, and the conditions which threaten to undermine agreements that have been made in the AgJOBS area and the lost opportunities that would result for many of those who might be eligible for the DREAM Act. So I thought I would try to put this into some proportion and take a few moments to review again where we are.

I think one of the most dramatic statistics we see, as reflected in this chart, is deaths due to unauthorized border crossings. If you look at the period of the last 5 years, you will see these numbers continue to go up, they continue to escalate. The fact is, there are 425 men, women, and children, including infants, who die every single year on the border. That is a dramatic figure under any set of circumstances. The numbers are going to continue if we fail to take any action. Those numbers are going to continue to escalate. They reflect the number of deaths at the border. They don't reflect the several hundred thousand individuals who are able to come across the border.

What happens when these undocumented come across the border is that more often than not we find that these individuals, as the rest of the undocumented population, undergo extraordinary exploitation.

We have a picture showing a situation that took place in my own State in New Bedford fairly recently, several weeks ago. It is fairly typical. There have been these types of raids on these types of places in other parts of the country. This is replicated in scores of places all over this country. We find these undocumented, now estimated to be 12.5 million, 13 million of them, who suffer the exploitation we saw in New Bedford, MA. This photograph illustrates what is going on in this plant. These workers' rights were trampled on. These individuals were fined for going to the bathroom, denied overtime pay, docked 15 minutes' pay for every minute they were late to work, fired for talking while on the clock, forced to ration toilet paper, which typically ran out before 9 a.m.

Then we look at another industry. You can look here at the undocumented workers in the meatpacking industry who are exploited. One in ten workers is injured each year by the sharp hooks and knives. They suffer exhausting assembly-line speeds and painful damage from repetitive motions. That is the old ergonomics issue. Workers are subjected to chlorine

mists that lead to bloody noses, vomiting, and headaches. Undocumented workers don't report their injuries because they live in fear that they will lose their jobs and be deported.

The life of fear that is taking place is replicated in communities all over this country. We have these several hundred thousand individuals coming across the border. We don't know who they are. We don't know their names. They are living in different places in our country. They are subject to this kind of exploitation, and they pose a national security issue and a national security problem. We have the exploitation of these workers. We have the deaths that take place in the desert, and we also have a national security problem with hundreds of thousands of people coming across. So this issue is a national security issue. It is a national security problem.

This gives us some idea of what we have included in this legislation. We have increased the Border Patrol to 18,000 agents, and with the Gregg amendment, it is more than 20,000 now. It has the border barriers, including 200 miles of vehicle barriers and 370 miles of fencing. It includes radar and camera towers, UAVs. For detention and apprehension, it provides the resources to detain up to 27,000 noncitizens per day rather than arrest and release. This will be for detention and apprehension. We have important workplace enforcement tools and processing applications of Z status. The Department of Homeland Security will process the applications in terms of security. So we are coming to the issue of law enforcement and security—national security, protecting our borders, and law enforcement. We are going to develop a process.

This legislation is about respect for the law—law at the border, law in employment, and law for those individuals who are here and are undocumented. They are going to have to live with this law which ensures that they are going to suffer a penalty if they expect to stay here and live here.

We have a virtual lawlessness out there on the border which is a threat to our security and a lawlessness in so many areas of employment which is promoting the exploitation of the human condition.

We have this extraordinary atmosphere of fear by the 12½ million individuals who live here; they are in fear because they are illegal. We are trying to legalize the process and get respect for the law and try to ensure our national security. So we do that, as I mentioned, at the border, which is important.

As I have mentioned during the course of these discussions, the one thing we have learned following hour after hour after hour of hearings on this matter is that just doing border protection is not enough. If you were able to put 1,800 miles of fencing along the Southwest border, as has been pointed out by Governor Napolitano, who is so familiar with this, along with others who have made their views very well known, you have to not only have a border, but no matter how tall your fence is going to be, the ladder will always be a little taller. You have to have strong law enforcement, but you are going to have to have internal employment enforcement as well, work site enforcement, as well as regularizing those here at the time. So we have the work site employment; employers must verify the identity of work authorization of all employees; there are increases in civil and criminal penalties against employers who hire unauthorized aliens knowingly, or with reckless disregard; and it includes measures to prevent identity theft and fraud.

It is dramatically different from the 1986 act. We here on the floor don't want to repeat 1986. That legislation was signed into law by President Reagan and enforced by a Republican administration from 1986 to 1992. I voted against that legislation for many of the reasons I am mentioning now. You had absolutely no workforce enforcement, none at all, virtually no requirements. We see the problems we had. We had abuse of that system.

We have in this legislation, as I pointed out previously, addressed those kinds of problems that lent themselves to fraud after 1986. We have tough enforcement in the workplace. We have inspectors, close to a thousand inspectors, who are going to go in and look at these employment sites and make sure the kinds of protections that are guaranteed under this legislation are respected. We are going to insist that with any kind of employment program, they are going to get the protections of the prevailing wage and those are not going to be taken by surveys that are done by the private sector; they will be done by the Bureau of Labor Statistics.

We will have protections under OSHA, and workers compensation, and whistleblower protection is in this legislation for any individuals working in those sites. For the first time, whistleblower protections will be there for those individuals. We are going to have a thousand inspectors who will be inspecting the work sites to make sure that the rights of individuals who are going to come into this country will be preserved.

At the present time, we find out the differences. This chart shows how this process and system must work. If they are going to be in the temporary program, the employer must advertise before applying for a worker. The employer must hire any qualified American applicants before applying for a temporary worker. Temporary workers are restricted to areas with high unemployment, and employers cannot undercut American wages by paying less to temporary workers.

Now we know even for the temporary workers, they are to be treated under the labor laws, with those protections, and they are not now. The borders are broken. If we don't pass this legislation, that is going to continue. That is the alternative—the kind of exploitation that exists now in so many communities, the fear, the exploitation, the harassment, and the driving down of wages, which threatens American wages. All of that exists now.

So we are ensuring, again, respect for the law in coming into this country, the law at the border, the law at the work site, and the law in transition. This chart is a good explanation made by Secretary Chertoff:

> Enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long term if it is coupled with a more sensible approach to the 10 to 12 million illegal aliens in the country today, and the many more who will attempt to migrate into the United States for economic reasons.

That is what we have heard from the Department of Homeland Security time in and time out—that there has to be a comprehensive approach to this issue. We have to bring people out of the shadows. They are going to have to pay a penalty. We insist that they pay a penalty. Then, rather than let them go to the front of the list, they have to go to the end of the list in order to begin a process—if they are able to demonstrate the payment of the penalty, if they demonstrate they can learn and are willing to learn English, if they are able to demonstrate they have long work experience, and if they can demonstrate they are not involved in criminal activity. We know 70,000 permanent resident aliens are serving in Iraq and Afghanistan since these wars started—70,000. So we know that so many of these families who are coming here—why do they come? Basically, what are their values? What are the values we consider positive in the United States? We admire people who work hard. That is an important factor. That is essential in terms of the achievement of the American dream. We admire people who are devoted to family and their children.

We find so many of these undocumented, but why do they come here? It is because they want to have a better life for their children. How do we know that? Because there is more than $40 billion returned by these immigrants to the countries of Central and South America every single year. These are individuals who are making a total of $10,000, and $40 billion is returned to their countries. To whom? It is returned to their families and children. They work hard, they are devoted to their children and families and have an extraordinary dedication to their parents and grandparents, caring for them. Those are the positive qualities that all of us admire.

On the other hand, they have broken the law, so, therefore, they have to pay a penalty. Why did they break the law? It is because we have the magnet of the American economy drawing them here. That magnet doesn't pay any penalty. These people risk their lives to get in here. They suffer the risk of exploitation. And even through all of that, they return the resources back to their families. So it is the magnet of the American economy, but still we are making them pay—not the employer, the magnet, or the American economy, but they make an extraordinary contribution. Sure, there are some bad apples. But they make an extraordinary contribution—the immigrants—just as all of our parents and grandparents and forebears have made in terms of this country. This is what we have done. We have seen what happened at the border.

We have talked about what is happening in terms of the employment situation. We know what is going on, in terms of the kind of distinction between the past and present. Those individuals, the 12½ million people who are here—this is the explanation of what we call the Z visa eligibility: They entered the United States before January 2007. They remained employed and continuously present and not a national security threat. There has to be a review. They have to register—the 18 months—to make sure they are registered and are not any national security threat. There can be no serious criminal record in or out of the United States. We have outlined that. We have gone into detail and explanation in earlier kinds of considerations of amendments. If they have committed serious crimes, they are out; they don't come back. We have explained that and we have gone through that time and time again through the course of this debate.

They have to pay the processing fees of $1,500; State impact assistance fee, $500; and a penalty of $1,000. All of that—some $3,000—is not even getting you down the road toward a green card and citizenship. The $500 from 12 million people—$6 billion—goes to States that have the great impact to help them in terms of offsetting any of their additional burdens, in terms of health care and education. That is not an insignificant amount of resources. We went through during yesterday's discussion and debate how, by and large, these individuals are healthier, and we also went into about how they had utilized the health care system, and it shows that is effectively an incidental additional kind of expense. They must comply with the Selective Service Act, submit fingerprints and undergo a background check, and they must get in the back of the line for a green card. That means, for all of those who have been waiting in line, about 4 million people who have relatives here and have petitioned for them to come into the United States many, without this legislation, would have virtually no opportunity to do so.

They will have that opportunity to come into the United States over an 8-year period. Then, after that 8-year period, these individuals we have discussed here could begin to move, and depending on their work record and their participation and sense of community, they could get on path toward a green card. Then it takes 5 more years to become a citizen. The earliest is maybe 13 or 14 years before they would be able to have that opportunity for citizenship. It is more distant than that for the majority of the people. All the time they have to behave and follow the law and pay the kinds of penalties that will be included.

Mr. President, other colleagues wish to address the Senate, so I will be brief. I give credit to our friend and colleague from Illinois, Senator DURBIN, who reminded us about the opportunities we have in creating an educational pathway for the children of the undocumented. We know the children who come in here are coming in through the action of their parents. We understand that. It is through the actions of the parents. The DREAM Act students are eligible for Z visas and permanent residence if the student came in as a child under age 16 and has good moral character, or attends college or enlists in the military for 2 years. I know, as chairman of the Education Committee, the challenge we have in terms of having those students—Hispanic students and others from other cultures and traditions, in terms of the education experience. Having a good education opportunity for those children in this country is key to our national security, key to the success of our economy, and key to the success of the hopes and dreams of these children.

Too often, half of the children from the Hispanic tradition drop out before they are ever able to be successful. But we know that others who complete the educational system and graduate—in my home State of Massachusetts, we have seen so many in Lowell, Lawrence, New Bedford, and other places who have children from undocumented families end up being valedictorians, class presidents, and extraordinary leaders. Then the opportunity comes for continued education and it is virtually closed down because they are denied that opportunity.

Under the DREAM Act, this gives them the opportunity for in-State help and assistance. That is what this bill is about, too. It is about hope in terms of the future. It is about hope. It is relieving the kinds of anxiety those 12 million or 13 million undocumented are experiencing this afternoon and will experience tonight when they have a knock on the door and wonder if ICE is coming there to arrest and deport them, separate their families, and send them back—even after they have been here for a number of years.

We don't hear much discussion about that. Everything seems to be pretty cut and dried around here. That is a major factor. How many of us have met some of these individuals, the undocumented? I did just 3 or 4 days ago, returning here at the airport. I talked to a person who has been here 28 years, as have his two brothers. The brothers have been able to get green cards, but he had not. He talked about the fear he and his family have at this time of being arrested and deported.

In this legislation is another extremely important provision. That is what we call the AgJOBS bill. I see the Senator from California here, Senator FEINSTEIN, who has done an extraordinary job in helping to bring this part of the legislation before the Senate, with Senator CRAIG, whom I commend for his diligence. They have been the real leaders in this proposal.

For many of us, to go back to the time of the Bracero Program—I can remember being a member of our committee in the early 1960s when we had hearings in southern Texas and also in California about the Bracero Program. Few times in our history did we have the kind of exploitation of individuals—slavery certainly; slavery, yes; slavery first—but after that, the Bracero exploitation was one of the darkest sides of American history in the exploitation of individuals.

There are a number of blemishes out there. We can talk about those—American Indians and others—but this was really one of the very worst. We took time to get rid of it, and we did get rid of that. Then we went through a long period of enormous tension between the workers and the growers. We all remember the extraordinary contribution of Cesar Chavez, the dignity he gave to so many of these farm workers. That kind of tension existed for years.

Now, finally, in recent years there has been an agreement between these two very strong groups who are committed in their own ways to their own views and philosophies. They have come together and have agreed on a pathway that will ensure success and give these workers the respect and dignity they have been denied. It is called the AgJOBS bill.

A great deal of credit goes to our colleague in the House, HOWARD BERMAN, who spent years working on this legislation. That legislation has had 65, 66 cosponsors, but we have been unable to get it before the Senate for ratification of that program. It is included in this legislation.

If this legislation passes, the message it sends to about 900,000 agricultural workers, who, again, have been exploited, and to their families, is the fact that over the next 8 years, they are going to have to work and continue to work hard. They can work in agriculture. They have some opportunity

to work outside agriculture too. They have to play by the rules, demonstrate they are paying their taxes, work hard and pay the fines and penalties, but they have some opportunity to move forward after all these years, get a green card, and then 5 years later move forward. So it is an enormous period of hope for all those individuals.

This legislation is about dealing in a tough way with a tough problem at the border. We do that by taking the best advice, the best recommendations, the best suggestions from the best people who know about homeland security. We have done that and worked closely together. I don't think there are any differences on that point.

We need to have tough enforcement in the workplace, and we have achieved that. It can be improved further, but it has been achieved, and we have talked about it.

We have also provided a pathway for earned legalization after these individuals pay the fines, significant fines, in many ways, fines for an average family who makes about $10,000 to $12,000 a year, that represents years of work with their kinds of salaries. They have to go to the end of the line. They have to demonstrate good work experience. They have to earn, earn, earn, earn, earn the ability to adjust their relationship with our country.

We know these families. We have seen them in our churches. We have seen them in our shops. We have seen them in the Armed Forces of the United States of America, and they serve with great pride and dignity and they want to contribute and be a part of the American dream like everyone else. And we are giving them that opportunity.

If we vote no on this legislation, we are dampening and canceling that opportunity, and we are returning to the law of the jungle because that is what it is. It is a jungle on that border.

Every day we continue without this legislation, we have these well-trained, well-disciplined, highly motivated border guards chasing people across the desert who are landscapers. They ought to be looking for the terrorists, the smugglers, the lawbreakers. That is who they should be looking after. If we don't pass this legislation, they will continue to be looking out after the landscapers instead of the terrorists, instead of the smugglers, and instead of those who threaten the security of the people of this country.

That is it. Take your choice. Anyone can flyspeck this legislation. I am not accusing those who differ with me on particular proposals being necessarily flyspeckers, but sometimes we have to make a judgment. Sometimes we have to make a decision. Sometimes there has to be finality. We have debated this issue on the floor of the Senate for 2 weeks. We debated it last year for 2 weeks. We are not just coming at this legislation for the first time. We have debated just about every feature of this program, somewhat different from last year, but the themes are the same, the arguments are the same, the amendments are almost the same.

The only question is the will of this body and the will to make a judgment, a decision that we are going to clean up our borders, get a sense of law in terms of those borders and in the employment areas, get a respect for the law from those who have been undocumented; they are going to pay their price, give a sense of hope to the young people who can benefit, and give a sense of dignity and pride to those who work in the fields across this country in AgJOBS.

This is going to be an important vote this evening. If we are talking about a vote about America's future, this is it. This is it. This is it tonight. We can all find the excuses. We all can find the reasons to say no. We can all find different aspects of this legislation with which we differ, but underneath, this is a proposal that is deeply rooted in remedy, one of the great national challenges we have—broken borders and a broken immigration system.

This legislation is a downpayment that the American people are asking and demanding of the Senate of the United States that we move forward on. Let's not disappoint them.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from New Hampshire.

Mr. CARDIN. Mr. President, will the Senator from New Hampshire yield for a unanimous consent request as to order of speakers following him?

Mr. GREGG. Of course.

Mr. CARDIN. Mr. President, I ask unanimous consent that following the Senator from New Hampshire, I be recognized for up to 6 minutes, and then the Senator from California, Mrs. FEINSTEIN, be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I had the opportunity to listen to the presentation of the Senator from Massachusetts which, as always, was extraordinary. He is one of the people I admire around here the most because he has been such an extraordinary force. Even though I disagree with him so often, I still admire him immensely. How he has maintained the energy and commitment to his causes over such a long period of time is beyond me. I certainly could not do it. One just has to respect that ability. He is clearly one of the great legislators in the history of this body. In fact, I wish he were not quite so great on many occasions.

In any event, much of what he says makes sense on this issue. His commitment to it is obviously intense and thorough, and I admire it.

The point he makes, which is that we now have a dysfunctional system and there is basically chaos within the immigration system in this country relative to illegal immigrants being in this country and the borders remaining regrettably reasonably porous—although they have tightened up over the last few years—is very legitimate. This bill is an attempt to genuinely address those issues in a number of areas.

I have made the point throughout the discussion of this bill that from my standpoint, a good piece of immigration legislation has to accomplish essentially four things.

First, it has to make the borders secure. There is no reason we cannot secure the southern border. The northern border is a bigger problem because of its length and its topography, but the southern border can be secured.

As chairman of the Homeland Security Subcommittee on Appropriations and prior to that as chairman of the Commerce-State-Justice Subcommittee, I tried to commit major new resources in this effort. There was a consensus to do that and a bipartisan effort to do that, and we have dramatically expanded the number of agents on the border, the technology on the border, and the detention bed capability. But we still have a ways to go.

Actually, the first or second amendment adopted—it seems like an ion ago, but it was only a week ago—was an amendment I offered to this bill which would bring the commitment in numbers in this bill in the area of Border Patrol agents, in the area of detention beds, in the area of electronic fencing and regular fencing along the border up to what was the consensus position as to what was needed to secure the border. So this bill now has in it the necessary language.

The question is, do we have the capacity to put that in place. But that goes back to the trigger which is in this bill, and the trigger in the bill says, until that is in place, none of the other language can go into force which deals with guest worker and illegal immigrants and how we regularize their status in this country.

So I believe that issue has been effectively addressed in this bill, and with the amendment I offered and put in the proper position—although more can be done in the area of how one defines ''trigger,'' and certainly there are proposals going around here which will be voted on which I will support that will deal with the funding—it makes sure funding cannot dry up as a result of the annual discretionary process. That has been addressed.

The second issue is we have to have an effective guest worker program, and to have an effective guest worker program, we have to address the third issue. And the third issue is that we have enforcement at the employee-employer meeting place, so the employer

is hiring people effectively in this country legally and not able to hire illegal aliens, people who come into this country illegally.

Those two issues are intertwined, and the bill does address the issue of employment through strict enforcement and the requirement of identification cards, which is going to be very difficult to accomplish, but again it is a trigger. Nothing in this bill goes forward, as I understand it, until that trigger is met.

Second is the guest worker program. There is no way we can have an effective immigration process unless we take some of the pressure off of the fact we have an economy that demands people to work in this economy above and beyond what we have as a citizenry in our country today. There simply is a demand in our Nation for people to come here and work, and it should be done under a guest worker program so that those folks who come here, work, and go back know they are coming here to participate in the worker program, not to be here permanently. That will relieve the pressure at the border significantly if we have that. It is a big part of border security and, of course, is important not only from a standpoint of controlling who comes into the country, but it is critically important from the standpoint of dealing with the threats we face as a country from terrorism. An effective guest worker program is critical.

Fortunately, as this bill was originally drafted, it did have such a program. It had a guest worker with a significant number of guest workers, 400,000 every year. It had a guest worker program that was properly structured. Unfortunately, as a result of the amendment process around here, that guest worker program has been fundamentally undermined, and in its present structure, as was pointed out last night when the amendment of the Senator from North Dakota was adopted, that was, somebody called it a killer amendment, a fatal amendment to this bill. If it stays in place, it makes the guest worker program essentially useless.

All we are going to be able to do is bring guest workers in for agricultural activity, and they will be limited in that area; and guest workers needed in other functions of the economy, whether it is the resort industry or simply in the day-to-day activities functioning as a nation, there is going to be pressure for them to come here illegally again, and that undermines the purpose of the bill. So unfortunately that was done. The Bingaman amendment prior to that purely did a lot of damage to the guest worker program. So that didn't work out as well as it should, but hopefully it can be corrected.

The fourth element I have talked about is how you deal with this pathway, how you deal with the issue of who are here illegally. We are not going to, as a practical matter, take 12 million people, or maybe even 15 million, who are here illegally, assuming we could even find them, and deport them. That is simply not going to happen in our culture. We wouldn't tolerate it. As a practical matter, we couldn't do it. So what we need to do is figure out some way to get those people out from behind the shadows so they are publicly identified as being here, not only from the standpoint of dealing with them but from the standpoint of a national need of knowing who is here for reasons of national security. So this bill attempts to do that.

The bill has some flaws in that area, but it also has some strengths in that area, and they have been previously outlined. The discussion on that has been extensive, so I will not get into the specifics. But those four items, for me, were the test of how this bill goes forward.

As a corollary to those four items, however, is the theme behind immigration, which I think is critical, and which there is specific language in this bill which needs to be dealt with. One of the themes behind immigration, besides having a secure border and a guest worker program that works and making sure we take the pressure off having people coming into this country illegally, is the need to go around the world and take the best and the brightest who want to come to America and let them in to participate in our economy and make our economy more vibrant.

We have had hearings on this issue, and there is a certain obviousness to this issue. I mean, if somebody is in India or China—and those are the examples most often used, but it could be Czechoslovakia or Poland—if somebody has an advanced degree of some nature or is highly educated and has the capacity to contribute to our economy—and who wants to come here—why would we want to leave that person in those countries as a competitor, when we can bring them here and have them actually be a job creator?

We hear a lot about outsourcing in these debates that we have had over the last election cycle, where we are sending jobs overseas. If you bring a person who has unique talents that our Nation needs and that is an adjunct to, rather than a replacement for, people who are already here, that creates jobs. That person is a job center.

In fact, it was interesting. We had Bill Gates testify before our committee, and this is exactly what he said. Here is a guy who has probably done more to make the American economy vibrant over the last 20 or 25 years than any other person alive. I mean, he is an individual who essentially transformed our economy and made us the leader in the world in what was the leading issue in the world, which is technology. He comes before the committee and he comes before the country in general and he says: Listen, we need to bring these people here because they are being developed in these other countries; and if we don't bring them here—if they want to come here—and take advantage of their abilities, then they are going to do it somewhere else.

I don't want the next Bill Gates to be in China or in India. I want the next Bill Gates to be right here in the United States creating jobs. The point is, when you bring these folks in, they create jobs here. So one of the programs where we have to do this is the H–1B program. This is a program where we say specifically, if there are companies in this country or businesses in this country or colleges in this country or educational facilities in this country that need talented people, and they can't get them here in this country—because we don't have the pool necessary—then they can bring people in from outside the country who have the talent to do those jobs.

Most of this is in computer science. Most of the H–1B visas, 45 percent of the applications, are computer science people; with the next biggest group, about 11 percent, being teachers. So industries, businesses, entrepreneurs, colleges, and schools that need these folks to make their businesses work and to give them the opportunity to create jobs, whether it is in New Hampshire or Washington State or across this country, need to be able to attract these people into the country.

But the H–1B program, for some reason, has opposition. It doesn't make any sense to me. I look across the aisle and I say: This should be a logical thing for both sides of the aisle to be supportive of. The concept of bringing in, insourcing jobs, as opposed to outsourcing jobs, should be very attractive to the other side of the aisle. The concept of bringing intelligent people here to create opportunities should be attractive to both sides of the aisle, but there seems to be some undercurrent that they are taking away American jobs. They aren't. In fact, they are adding to American jobs.

As a matter of fact, the National Science Foundation has pointed out we need these types of people; that we are woefully short of the people in the math, science, and technology areas and are not producing the kinds of numbers we need to be out of our own university systems. So why not go overseas to see if we can find these people to come here and participate?

In fact, there is such a demand for these people that, under the present law, they are allowed 65,000 of these applications every year, plus the 20,000 add-on for highly talented people. The first day the applicant process opened, on April 2, 140,000 applications came in to fill the 65,000 available slots.

My own view is we should have taken all 140,000, if they were legitimate, and

brought them here. I mean that probably multiplies 10 times. Probably a million and a half jobs could have been created with bringing those folks in here. But under the present law, we are limited.

This bill represents that it increases that number from 65,000 to 115,000. But here is the problem. It knocks out the 20,000 specialists. So actually the increase is rather marginal compared to what we need in this country to take care of the concerns we have. Plus, unfortunately, this bill creates layer after layer of bureaucracy, in addition to the bureaucracy which already exists. It costs on top of the costs that already exist as a result of a number of amendments on this floor, which makes it more difficult to get these folks into the country.

In addition, the bill creates a new standard which makes absolutely no sense—absolutely no sense—which says that the skill of the individual relative to talent—let us say a physicist, an astrophysicist—has to match up exactly with the job that is available. We have an incredibly fungible economy, and the requirement that the applicant who has an advanced degree, that his degree match identically with the job, is a new requirement and a hurdle that is unnecessary and is counterproductive to getting talent into this country. I don't understand why it is in here, and it should be taken out before it goes much further.

Clearly, in our society, there is tremendous mobility within the disciplines. If you are trained as a physicist, an astrophysicist, you are going to be able to do a lot of things in our society and move within the job areas. Under the rules of the H–1B application, you have to be able to move in a way that you are not displacing Americans.

That is just a very difficult issue, if we keep that in here. In addition, there have been attacks on the H–1B program to claim that there is ''warehousing'' of these types of folks. I guess that is probably a pejorative, but that is the term which is used, involving Indian companies that basically collect together a large number of people with these degrees and then basically get all the applications for H–1B and use them in that manner. This bill corrects that, but we continue to hear that complaint from folks on the other side of the aisle, not necessarily because they are on the other side of the aisle but because they oppose the H–1B program, because really that is a red herring. This bill corrects that issue. That should not be raised against this.

We know for a fact we need these types of individuals in our country, and it is a huge advantage for us to draw them into this country. I hope before this bill goes much further that we correct the problems that are in this bill relative to the H–1B program and make it a much more expansive program and make it a much more flexible program and one that will allow us to bring these talented people here so they can create jobs and make this economy stronger along the lines of what Bill Gates suggested is necessary and which I strongly endorse.

I know the junior Senator from Washington, Ms. CANTWELL, has an amendment in this area. I have an amendment in this area. I have been going on the assumption that Senator CANTWELL's, which is a little broader amendment than mine, would be the one that will go forward. I understand it is being held up on the other side. If that continues, it will be a problem for me. We at least deserve a vote on it, at the minimum, and I certainly hope that will occur.

As a corollary to this discussion, I wish to highlight quickly a concern I have for the merit system. I think the merit system is exactly the approach we should take and the point system is exactly the approach we should take, but I still don't understand why somebody who has worked as an agricultural worker for 5 years gets the same number of points as somebody who has a physics degree—even more points, actually, than someone who has a physics degree. It seems to me, if you are going to weigh this properly in a merit system—we are not talking about a guest worker program here; we are talking about a merit system proposal. We are not talking about the AgJOBS proposals; we are talking about the merit system.

In a merit system, what we should be looking for is talent and people whose abilities are unique and those which we need in this country. That is why there should not be this strange allocation of points which makes no sense at all in the context of the purpose of the merit system. I hope that will also be changed.

On balance, of the things that concern me about this bill, two of them are moving in the right direction, which are border security and the issue of pathway. But the things that really concern me continue to be the guest worker program and how we are going to handle the H–1B issue.

So the jury is still out, to put it quite simply, on this bill. There needs to be a lot more time spent on the amendment process so we can find out how we are going to end up working this bill through the process. This is a complex bill. It deserves significant time on the floor, and it deserves to have proper discussion with amendments that are put forward by people who did not happen to be in negotiations for the grand compromise. Those guys did a good job negotiating, but they didn't necessarily touch all the bases that are of concern to many of us.

I yield the floor.

Mr. REID. First of all, Mr. President, let me tell everyone within the sound of my voice, no tricks. What I am doing is trying to protect those people who feel it would be to the advantage of the country and the Senate if we got a bill. This doesn't change any of the things I have said privately to Senators or publicly. Basically, what I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered. This will allow those of us who feel there should be a bill some control over the next amendment that is offered.

Again, no tricks. I have alerted everyone the best that I can what I was going to do, and I hope this works out well. I am confident we are doing the right thing.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1235

Mr. President, I call up a second-degree amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1492 to amendment No. 1235.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the use of objective criteria to determine which undocumented persons have sufficient community ties to be awarded a Z visa and remain in the United States lawfully)

At the end of the amendment add the following:

Notwithstanding any other provision of this act the following shall take effect for the Z Nonimmigration Category:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

AMENDMENT NO. 1199

Mr. REID. Mr. President, I ask for the regular order with respect to the Dodd amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1493 TO AMENDMENT NO. 1199

Mr. REID. Mr. President, I call up the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1493 to amendment No. 1199.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require employers seeking to hire aliens to certify that they have not, and do not intend to, provide a notice of a mass layoff)

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

Mr. REID. Mr. President, I will be seated in a brief period of time, but I wished to let everyone know we have people working in different rooms in this building trying to come up with some way for us to move forward. We have tried on a number of occasions this afternoon to have amendments. We started at noon—6½ hours ago. We have been thwarted at every attempt. So we are arriving at a point now where I hope there can be agreement as to how we proceed. If not, we will proceed anyway in a manner I hope will be in keeping with the intent of the Democrats and the Republicans and the White House.

I do say in this interim this afternoon that I have had some interesting calls from people who care a great deal about this bill. One of the choice experiences of my life was a year ago, in my office, right back here, on a Saturday. We were debating immigration. I had the good fortune to meet for the first time Cardinal McCarrick and Cardinal Mahony, and they were very interested in doing something that would help the immigration problems they see on a daily basis.

I had the good fortune to speak to those good men during the past hour or two. The reason I mention the meeting of that Saturday is that some people know I am not a member of the Catholic faith. I have the greatest respect in the world for Catholics. The best friend I ever had in my life was a devout Catholic. He went to church every day. He was Governor of the State of Nevada and I was Lieutenant Governor. He taught me how to fight. He was my best friend. He taught me in high school. He died in church. He went to church every day, and he went to church one morning, put his head on his shoulder, and died.

For someone who set such a great example for Christianity and goodness, there couldn't be a better way for this good man, Michael Callahan, to die. But the reason I mention that is that as the meeting was breaking up, and there was some staff there, I said, I have the good fortune of being able to meet with prominent people on occasion, but this is a special meeting for me. I would like to be able to tell my children and grandchildren about this meeting. So before we go out to the press, could we say a prayer together?

We gathered there in my conference room and Cardinal Mahony said a prayer for our country. When he finished, Cardinal McCarrick said a prayer for me. That was one of the highlights of my life. When it was over, Cardinal McCarrick said: Well, I am not going to be able to tell my children and grandchildren about this, but I can tell my nieces and grand nieces about this.

So during the 6½ hours we have been away from the floor, there have been a lot of good people working on a way to finalize this legislation, and I hope that everyone understands the efforts I have made now. It is not an effort to trick anybody or deceive anyone. It is an effort to try to move this legislation forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

STEM CELL RESEARCH

Mr. CARDIN. Mr. President, earlier today the other body passed S. 5, the embryonic stem cell research bill, by a vote of 247 to 176. This legislation offers hope to literally 100 million people in our own country.

I think of the individual names. Mr. President, I had a friend in law school, Larry Katz, who died of ALS. If you have ever seen someone who suffered from that disease, you know how cruel it can be. So today I think of Larry Katz and I think of those individuals who are suffering from diseases in which embryonic stem cell research holds out hope of a cure, of a way of dealing with these diseases. I think of Josh Basil. Josh was a young person who was on the beaches in Delaware. A wave hit him, picked him up, turned him upside down, and fractured his spine. He is a quadriplegic today. He has hope that he will walk again. He exercises and works out every day to keep his muscles in great shape. But he wants us to meet him halfway. He wants us to give the tools to the scientists so they can look at ways in which we can regenerate the damaged parts of his body.

Embryonic stem cell research holds out tremendous hope. It allows, we hope, for the regeneration of damaged cells. This is incredible work which is being done at research institutions in this country. I am proud of the work being done at Johns Hopkins University in my own State and the University of Maryland Medical Center and NIH looking at ALS, looking at spinal cord injuries, looking at Alzheimer's, heart disease, Parkinson's, diabetes, and looking at embryonic stem cell research as perhaps finding the answer to these diseases.

Dr. John Gearhart and Dr. Douglas Kerr at Johns Hopkins have helped me to understand what embryonic stem cell research could mean. They have taken paralyzed mice and have been

able to get movement by injecting embryonic stem cells into mice.

The United States has been the leader in the world on research. We have seen incredible discoveries in this country. Yet, today, we are seeing researchers leave the United States because of the restrictions on embryonic stem cell research. They are going to other countries where those restrictions do not apply, robbing this Nation and robbing the world of the collaborative research that could be taking place. The reason, frankly, dates back to August 9, 2001, when President Bush issued his Executive order.

We have a lot more information today than we did in 2001. In 2001, we thought there were 60 to 78 stem cell lines available that researchers could use. We were wrong. There were only about 22 lines available. Most are contaminated. We don't have the diversity we need in order that scientists can really look at embryonic stem cell research and get the best potential out of that type of research. We know that today. If we knew then what we know now, we would have realized those restrictions are not workable.

S. 5 is a bipartisan bill. It deals with embryos that are currently in existence. It sets up the ethical framework to do the proper research. You cannot create an embryo for the purpose of sale for research. It has to be in existence today. It has to have the consent of the donor. You can't get financial incentives for doing it. They have to be embryos which were going to be used for in vitro fertilization which now are going to be destroyed. It allows those embryos to be used for legitimate medical research. It is the right thing to do for this country. It is the right thing to do, to give hope to 100 million people in this country. Now it has passed this body, it has passed the other body. We have a bill that provides the right balance for us to move forward as the world leader in medical research.

Dr. Elias Zerhouni, the Director of NIH, said:

> From my standpoint, it is clear today that American science will be better served and the Nation will be better served if we let our scientists have access to more stem cell lines.

Dr. Zerhouni is our leader on this issue in this country.

We are now at another crossroads where we can take a choice and move forward so America can continue to lead the world in appropriate research to try to end the misery of suffering for those who have ALS or spinal cord injuries or Alzheimer's, heart disease, Parkinson's—so many different types of diseases in which embryonic stem cell research holds out such promise.

I urge the President of the United States, don't let your veto stand in the way. Don't do it. Move forward with a bill that is bipartisan, a bill that has been vetted properly among all communities.

This is a bill which, we understand, provides the right framework for research in this country. We have that opportunity if only the President will sign this bill and allow our scientists to do the appropriate work to help the people of this Nation and literally help the people of the world. I urge the President of the United States to sign S. 5, which will shortly be presented to him.

At this point, I have been informed that the Senator from California does not intend to use her time.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. I was not intending to speak at this moment, but I listened to several of my colleagues talk about the immigration bill. We apparently will cast another cloture vote this evening and perhaps votes beyond that, depending on how that cloture vote turns out. But because of a number of statements by colleagues this evening, I wanted to make a couple of comments.

There is a suggestion by a number of our colleagues who brought a plan to the floor, what is called a grand bargain or the grand compromise. This is a group of people—self-appointed, I guess—who spent a lot of time in rooms together, with the White House accompanying them, and produced a plan they brought to the floor of the Senate and said: Here is our immigration plan. And by the way, if you try to change it, you will destroy it.

Most Members of the Senate were not part of these meetings and not part of this grand compromise. A number of us have offered amendments. A number of our colleagues have tried to offer amendments. I am thinking of Senator WEBB, who has waited for 2 weeks to offer an amendment. It is problematic whether he will be given an opportunity to offer an amendment. He wasn't part of the group, wasn't part of the grand compromise, but thinks he could improve the legislation. But, because those who have brought the bill to the floor have done so with arms locked together, believing that anyone who could try to improve on their work would be destroying their compromise, we have people who are not able to offer these amendments.

There is also some implied suggestion here that those who do not support this grand compromise are not sensitive to the issue of immigration, are not willing to look and understand that there is a real, serious problem here which needs to be addressed. Nothing could be further from the truth. In fact, while I have substantial difficulty with the plan that is brought to the floor of the Senate—I think it is a flawed plan—I happen to think immigration is a very serious problem in this country.

The first and obvious answer to our immigration problem is to try to provide some real border security. We have about 12 million—perhaps more—people who have come into this country without legal authorization. Why? Most of them wanted to come to the United States of America to work. Most of them wanted to come here because they believe there is hope and opportunity here. They want a job here.

It would be wonderful if our country, having over a century lifted the middle class up with good wages and good jobs and benefits—it would be wonderful if we could say: We have created on this planet something very special here called the United States, and we would like to share it with everyone right now. We, of course, cannot do that. We would be overrun. We have immigration quotas. We allow 1.5 million people in our country every year legally. There is a legal process by which we do that.

But we are on a planet here that circles the Sun, and we have 6.4 billion neighbors. One-half of them live on less than $2 a day, one-half of them have never made a telephone call, and one-half of them do not have access on a regular basis to clean, potable water. It is a challenging planet. We have a lot of neighbors who live in great difficulty.

In this little spot on this planet which is labeled ''the United States of America,'' we have created something pretty special. I have described it at great length, how we did it and why we did it over the last century, lifting America up, providing good jobs that pay well. It is not surprising to me that on a little planet on which we all travel, where, if you are in India, the average hourly wage is 11 cents an hour—in China, it is 33 cents an hour; if you live in Honduras, the average hourly wage is 33 cents an hour; it is not surprising to me that people who are living in poverty in other countries, making a pittance for a long day's work, would like to come to the United States and find a job and improve their life and make a better life for them and their family. That is not surprising to me.

I would like it if we could say to them: You know what. Come on, join us. Just think for a moment if we decided we have a new immigration law in this country, that new immigration says: You know what, this country is wide open. You want to come join us from anywhere, anytime, anyplace? Come on. Come and live with us. Come and work with us. Come and be part of our country right now. No restrictions. Come and stay. Come and work.

We would be overrun. Millions and millions and millions of people would try to find their way to this wonderful country of ours because we have created an economy that lifted the standard and broadened the middle class.

We cannot do that. We instead have a process of legal immigration that allows about a million and a half people a year to come into this country. They apply. They are part of the quota from their country. They wait. They wait a year, they wait 5 years, they wait 10 years. If they are lucky, they reach the top of that list and they are able to come to this country through this legal system of immigration quotas.

Now, my colleagues have brought to the floor the ''grand compromise.'' And what they have said is this: Well, we do not have much border security. We have got a lot of people coming into this country illegally now, without legal authorization. So I will tell you what. They say: We will pass a piece of legislation that says anyone who came to this country by at least December 31 of last year—that includes, we think, 12 million—anyone who came here by December 31 of last year, you are going to be legal. We are going to decide that you are here legally and you get a work permit. You are no longer illegal; you are legal.

Now, we have people overseas in their home country who thought this was all on the level. They applied to come to the country as part of the quota. They have waited 6, 7, 8 years. They discover they made a mistake. They should have come here last December 20 or December 31 and snuck across the border someplace because then they would be described by this bill, by the folks who created this grand compromise, then they would be described as legal citizens, not citizens as having legal status, I should say. Well, is that fair? No. No, it is not fair. Is it right? No.

But more than the issue of dealing with those 12 million, this legislation also says we should have more people who do not live in this country come into this country to assume jobs with something called temporary workers or guest workers. Now, I happen to be sensitive to this issue of those who have come here without legal authorization. Some have come here decades ago. There are people, I am sure, who have been here 20 years without legal authorization to be here.

They have probably raised a family. They have worked. They have been model citizens. They have been neighbors. They have been good people. Should we round them all up at this point and deport them? Of course not. But should we, on the other hand, decide: If you snuck across the border on December 31, good for you. You are now declared legal? I don't think so.

My colleague, Senator WEBB, has an amendment that I think would move a long way toward addressing some of these issues in terms of the time that you have been here to try to be sensitive about those things which I support. But this legislation says: If you showed up last December 31, you are given legal status.

But the issue I raised last evening, and the amendment that I offered that prevailed by one vote was on the guest worker provision, temporary worker provision. My colleagues have said, the Senator from Arizona and the Senator from Massachusetts have said, you know, we need to have a temporary worker provision because if we don't have a temporary worker provision to bring in people who are not now here to assume jobs in this country, they are going to come anyway. They are coming across anyway.

They will come in as illegal immigrants. Well, I said: I don't understand that. You say that this bill would strengthen our border, provide border security, and stop illegal immigration. Now you are saying that in order to stop illegal immigration you have to have a guest worker provision because, if we do not have a guest worker provision, they are going to come anyway. Maybe you are misrepresenting this issue of border security, are you not?

So the Congressional Budget Office comes out with a report. Guess what they said. This bill, the grand compromise, means those who come across the border illegally, 75 percent will keep coming under this bill; 75 percent will keep coming under this bill. Yet the proponents of the bill are out here with big banners and trumpeting that this is a big border security bill. It is not. It is not that.

I have raised the question about American workers because there is no discussion of American workers. You know they have a role in this debate. We are told, in fact, my colleague from New Hampshire said there are not enough workers in this country, so we need to bring in workers. There are not enough workers to assume the jobs that are available.

Well, that is a line that I understand. I don't agree with it, I understand it. I understand where it is coming from. We have got a lot of businesses in this country that have decided that workers are like wrenches. They are like wrenches. You just use them up and throw them away. Don't worry too much about them. Make sure you hire them for as little as possible. By the way, keep downward pressure on that income because workers are disposable.

If you wonder about that, by the way, just go back and read the paper from a few weeks ago when a company called Circuit City decided they were going to layoff 3,400 of their workers. Why? Were they bad workers? No. It was not that at all.

This is a company with a chief executive officer who made $10 million a year, and his workers made an average of, I believe, $11 an hour. They wanted to have a workforce that was paid lower than that. So they said to 3,400 of them: We are going to get rid of you because we want to rehire people at a lower rate.

So if you wonder about this wrench analogy, just check the newspaper one of these days. But we have a lot of people in this country who work at the bottom of the economic scale, bottom of the ladder.

I told a story yesterday about a company from Georgia. The story was from the Wall Street Journal. This was a poultry company. I believe they had roughly 700 workers. Three-fourths of them were illegal immigrants working in that company. They were paying them a pittance. I don't remember the exact wage, but they were paying them a small amount of money. Then they were raided by the immigration folks. It was discovered they had all of those illegal immigrant workers, so they had to get rid of them.

So then they had to hire other workers. Well, guess what. They went to the newspaper and put a help wanted ad in the newspaper. They said: We are now paying higher wages. Immediately they got a lot of applicants because they were paying better wages. So they filled those jobs.

A few years later they began, that same company, to contract with one of those temporary worker groups that was able to bring together illegal workers and package them and sell them to companies. They started doing the same thing one more time. Why? So they could push down wages.

Now, my point today and yesterday was, I think this is an interesting discussion about a serious problem, immigration. But I think there is a party that is not at the table, and that is the American workers. Nobody wants to talk about that. We are talking about 12 million people. What about 140 million people? What about the people, especially that part of our workforce who, this morning, got up with great hope, got dressed, went to work, worked hard, got paid the minimum wage, and then finished after 8 hours of back-breaking work and went to the second job and did another 6 or 8 hours at the minimum wage, and then went home exhausted because they are trying to make do with two jobs at the minimum wage for their family.

Increasingly, by the way, those workers are women. What about those workers? Do they matter? Does it matter when you bring in people through the back door who are willing to work for lower wages, that you then begin pressing down and pushing down wages in this country? Does that matter?

I have spoken at great length on this floor about the larger economic interests who want to export American jobs to China, Sri Lanka, Bangladesh, and Singapore and various parts of the

world in order to search for lower wages.

I have spoken at length on the specific companies who left our country, why they left, where the jobs are. I have spoken at great length about Huffy bikes. Huffy bikes fired their workers, moved their production to China. I know where they make Huffy bikes. Yes, I know where they make them now. They don't make them in Ohio. They used to. All of those folks got fired. They make them in Shenzhen, China. They are made by people who make 30 cents an hour. They work 12 to 14 hours a day 7 days a week.

Why do I say that? Because exactly the same economic interests that are searching the globe for low wages, to move jobs to where they can find the lowest wage, are some of the same economic interests that want to bring cheap labor through the back door for the jobs that are left to put downward pressure on American wages.

Now, the American worker has been more productive. Productivity has increased substantially in the recent period. Yet their wages have not kept pace. The reason is obvious. There are all kinds of ways to put downward pressure on the wages of American workers.

Alan Blinder is no radical economist. He is a mainstream economist. He used to be Vice Chairman of the Federal Reserve Board. They all wear gray suits all the time. Alan Blinder is a guy who I am sure supports free trade—supports what is called free trade. That is kind of the mantra these days. But he wrote a piece in Foreign Affairs. Here is what he said, the former Vice Chairman of the Federal Reserve Board. He said that there are over forty million American jobs that are tradeable, which means subject to being moved offshore in search of lower wages. He said not all of them will go. They won't. But even those that remain here are going to have downward pressure on their wages because they are competing with others in other parts of the world who are willing to work for less.

My point is simple. This immigration issue and guest worker issue is the reverse side of the same coin; the outmigration of American jobs and the inmigration of cheap labor. This is about money. It is about profits for big economic interests. It is sold as something else on the floor of the Senate. We are hearing about compassion. Boy, I don't lack compassion for anybody who is mistreated in the workplace. I know they are.

But for a moment, instead of just talking about the immigrant worker who came here without legal authorization, let me talk about the worker who is here. Let me talk about a woman who lives in a used trailer house with no running water, with an outdoor toilet, trying to raise four kids and walking to work for the minimum wage.

Do you know how they heat that trailer house? A wood stove with a pipe sticking out the window of the living room of a used trailer house. A wood stove, mind you.

You want to talk about deplorable conditions. There are plenty of them in this country for people at the bottom of the ladder struggling, just trying to get ahead, trying to get a better way, to be lifted up providing for their family. There is no discussion of that at all. This entire discussion is about another group, a group of immigrations who have came here without legal authorization.

Let me tell you, my ancestry came here from somewhere else. I am a product of immigrant ancestors. We all have these stories. I am very sensitive to them. I want people to be able to do well and to participate in this American dream of ours.

Let me describe one side of my ancestry who was a woman named Caroline who came from Norway. She came with her husband to the new country. She ended up homesteading 160 acres of land. What happened was they landed in Minneapolis-St. Paul as immigrants, and her husband died of a heart attack.

This Norwegian woman got on a train with six children, they went out to the prairies of North Dakota with six children, pitched a tent and homesteaded 160 acres and raised a family and ran a farm.

One can only think what must be in the inner strength of someone to do that alone in a new country. All of us have those stories. They are wonderful stories about immigrants. This is not pro- or anti-immigrant. This country is refreshed as a result of immigration. It has always been. That is why we have a process of legal immigration. A million and a half people come here every year, plus more for agricultural work. That is what this process is about.

The dilemma is this: When I described this spot on the planet called the United States, this spot on the planet is different. It is different because we created something very different. Starting about 100 years ago, we began to lift up this country, expand the middle class, provide worth to the workers of this country, understanding they were part of the productive capability that could lift this country's economy and provide opportunity for more Americans.

We did that in a remarkable way, and it was not easy. I have spoken on the floor about James Fyler. James Fyler, I said, died of lead poisoning. Well, actually, you know, he was shot 54 times. That is probably lead poisoning. It is also being killed by 54 bullets.

You know why James Fyler was killed almost a century ago? He believed people who went underground in this country to mine for coal—hard work, dangerous work—he believed people who did that work—underground mining for coal—ought to be paid a decent wage, ought to be working in a safe coal mine. For that he gave his life, was shot 54 times.

Well, from James Fyler on forward, decade after decade after decade we made progress, demanded progress, safe workplaces, child labor laws, fair wages. We demanded progress—the right of workers to organize.

We lifted this country up because we expanded the middle class. More and more Americans had opportunity. From that opportunity came prosperity. That is a subject that has largely been ignored in the Senate in the last couple of weeks.

What is the impact of all of this? I asked the question yesterday about the American worker: Where is the American worker in this discussion? What is their interest? Who represents their interest? The answer is, the American worker is not a part of this discussion at all. The American worker is left behind. I described them the other day as those workers who understand seconds. They understand second mortgage, second shift, second job. They understand second place, all of them, struggling to make ends meet. Yet they are not a part of this discussion. But this discussion does impact this country in many ways, about working standards, standards of employment, wages, opportunities to continue to expand the middle class.

I think there are claims on the floor of the Senate that if you don't support this grand compromise, you just don't understand it, because it is a wonderful piece of work. It provides border security. It provides employment sanctions. It provides temporary workers to fill jobs for which there are no Americans available, we are told. Let's look at that.

Border security doesn't need new legislation. In 1986, the last reform bill passed on immigration said: We will have border security. They stood up and said: This is going to provide for border security. We are going to stop illegal immigration. The problem is, the mask is off the myth here as of yesterday, when the Congressional Budget Office says the bill they brought to the floor of the Senate is a bill that will allow 75 percent of the illegal immigration that now occurs to continue. What kind of security is that? Apparently not much.

How about employer sanctions? We have already done that as well. That is already the law. We don't need a new law for that. We have employer sanctions. In 2004, the Bush administration took action against four companies in the entire United States for hiring illegal workers. What does that tell you? That tells you they said: We surrender. We have no intention of administering this law. We have no intention of enforcing the law. We surrender.

We don't need a new law to do that. All we need is some determination that we are going to enforce employer sanctions.

With respect to temporary workers, that is the biggest ruse of all. The temporary worker provision in this legislation is simply a request for big business from the U.S. Chamber of Commerce saying: We will support this bill if you give us the opportunity to bring some cheap labor through the backdoor. That is what this is about. Don't take it from me. Go to some of the newspaper columns that describe this grand bargain and why the big economic interests have said: We will support this if you allow us to bring in some immigrant labor legally under the position of temporary workers. Apparently those who are part of the grand compromise said: We will do that. That is a fair thing.

How do they do it? In the worst possible way. Even if you were inclined to do it, you wouldn't do it this way. I am not inclined to believe we ought to do it. Most of the folks who are trumpeting this proposal are people who would talk about supply and demand. Let the marketplace govern. The marketplace; right? I used to teach a little economics. I know about the supply/demand curve. Except the marketplace doesn't work very well, does it, when in fact if you can't find a worker for a job, you might have to advertise that job at a little extra price, a little higher wage. People who are carrying the bedpans in the hospitals on the midnight shift, people making the beds in the motel early the next morning, people across the counter at the convenience store, maybe if you can't get them for the minimum wage, maybe you will have to pay an extra 50 cents an hour. That is the supply-and-demand relationship. But if you can bring someone else in who says, I am sorry, I will take that job, you don't have to pay anybody more, I will take that job for the very minimum, you can keep downward pressure on wages. And that is the strategy here. That is what this is about. Apparently supply/demand is a good theory, but it doesn't work in a circumstance where the big economic interests want you to keep putting downward pressure on wages.

So you say: OK, let's bring in some temporary workers. Here is the way they did it. Follow this for a moment. They wanted 400,000 a year. Senator BINGAMAN reduced that to 200,000 a year. Here is the way it would work. You can bring in 200,000 the first year. They can stay for 2 years. They can bring their family, if they choose. Then they have to go home for a year and their family has to go with them. They can come back for a third year, stay for a fourth. They have to go home for a fifth. If they never brought their family at all, they can come back for a sixth and then a seventh year. And each year below that you can get another group of 200,000 coming. If you didn't understand that, you are not alone. No one understands that. That defies any kind of logic at all. Yet that is exactly what was stuck in this legislation.

I offered an amendment last evening that passed by a vote of 49 to 48. There are people here having an apoplectic seizure about that. They have spent most of their day gnashing their teeth and wiping their brow, trying to figure out how to deal with it. It was simple enough, it was a sunset after 5 years of the temporary worker program. We say after 5 years, let's take a look. It is a new a program, a new approach. Let's take a look and see what the impact is. What if we find out it has a tremendous depressing impact on wages, which it very likely will? What if we find out that 75 percent of those who were brought in under the temporary worker program refuse to go home and have stayed here illegally? Would you maybe want to make some adjustments? Why not sunset it in 5 years so you are required to evaluate that it doesn't work?

We are told: If you do that, you will be killing this legislation. This is a poison pill. We have locked arms on this grand compromise. You are going to kill this bill.

As I said yesterday, it is like the cheap sweater. Pull a thread, the arm falls off. God forbid, it is going to destroy everything we have done.

It is unbelievable. It is as if nobody else has an idea around here except those who were in a room someplace in the Capitol called the grand bargainers.

I have been here long enough to see many of these grand bargains. Sometimes there are two of them. Usually not two, because that wouldn't be called grand. But maybe six, sometimes 10, sometimes they call them a gang. It is a gang of 12 or a gang of whatever. Every time it happens, what you find as a result is terrible legislation. I guarantee you, you get a gang or a group or a gaggle or whatever it is who go into a room someplace and close the door and start developing this sense of self-importance pumped up by a little more helium or hydrogen, and all of a sudden, they get out here and they say: Here is the answer. And you may not change it. Because if you do, you destroy this carefully balanced work of ours.

So here we are—it is 7 o'clock at night—having to work 2 weeks on a piece of legislation that, A, won't secure our borders, unfortunately. I wish it would. I think we should. In fact, that is what we should be doing. What we ought to do is have a bill that deals with border security. Once we have done that, we come back, after we have border security, and say: Now the next step, which is as important but you do it next, is to provide for the status of those who are here without legal authorization. We should do that. I wouldn't do it by saying the people who came across December 31 of last year are given legal status and a work card. That is not how I would do it, but I would be sensitive to a lot of people who have contributed to this country for a long time, even without legal authorization to come here. But that is not the way this works. It is not what was brought to the floor of the Senate.

So now we will have a second cloture vote tonight. I don't know how that will work. Whatever the Senate will decide tonight on a second cloture vote, if cloture is invoked, then we have 30 hours postcloture. We will see. There are a good many amendments that have been prevented from being offered. I mentioned Senator WEBB has one. Senator WEBB has a very important amendment. He has been prevented from offering that amendment. I know Senator TESTER has one. If we are in a postcloture period, my hope is we will relent and decide there are ideas in the Senate that exist at every desk, not just a couple of desks. If we believe that, maybe we will get the best of what each has to offer rather than the worst of what most have to offer.

I wanted to make a couple comments because I heard a substantial amount of discussion that we don't have enough Americans for the jobs here, so we need to bring people in, all these interesting, in some cases very convoluted, approaches to supporting legislation that is not just imperfect but falls far short of that which is necessary to address a very serious problem.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS) The Senator from Florida.

DARFUR

Mr. NELSON of Florida. Mr. President, I am going to take this opportunity, while we are waiting for the next proceeding that will come somewhere around 7:30 on this immigration bill, to report to the Senate, having just returned from the recess from Africa, on the very serious situation in two respects that this Senator from Florida has tried to get his arms around. The first is, of course, the crisis in Darfur.

Since the Government of Sudan would not give this Senator a visa to go into Sudan to go into Darfur, there is another way to do it, and that is to go to the backdoor by going into the neighboring country of Chad which I did. And the Sudanese Government would not even give us overflight rights leaving from Addis Ababa going to N'djamena, the capital of Chad, and having to fly completely around the country of Sudan to get to the capital of Chad which is located to the west of the Sudan, then from the capital city

of Sudan, then to take a series of flights to get close to the eastern border where all of the Sudanese refugees are, the Sudanese refugees who have fled the slaughter allowed by the Sudanese Government, the slaughter of innocent people often perpetrated by a terrorist group called the jingaweit that have been instruments aided and abetted by the Sudanese Government, even to the point of the Sudanese Government sending in Sudanese aircraft, government aircraft that they sometimes paint white so as to mask as if it is a humanitarian airplane such as the United Nations, aircraft that bombed them, helicopters that are painted the same way that come in and strafe them.

This has only been going on for 4 years. Look what the world community has done to be so slow in response to this humanitarian crisis, this genocide, this slaughter. I visited one of those refugee camps. This particular one had about 16,000 people.

Indeed, part of their life is better off because they do not have violence unless, by the way, the women go outside to collect firewood, which, interestingly, is the woman's job. As a result, the food aid relief workers there do not let the women go outside the camp to get beat up and the young ones to get raped. They are providing them firewood. And oh, by the way, they are providing them a stove for the firewood that saves 80 percent of the firewood and produces the same amount of heat. So that is progress.

It is progress in the rudimentary health care they have. That is health care they did not get back in the Sudan, in Darfur. It is progress those children whom I talked to in the school—the very rudimentary school with extraordinary teachers—do not get back in Sudan.

But what they have is a very Spartan existence. One of the mothers we were talking to said she wanted to go back. I said: Why? She said: I want my native food. I want meat. I want vegetables. Of course, what they are being provided—that the World Food Program is providing so they would not starve—is a basic diet of porridge and grains, and that is it—and an attempt to giving them some potable water, which is a huge problem all over Africa.

Well, that is one problem I tried to get my arms around because it is important those of us who care about these things get as educated as we can so we can speak out on them.

But there is another problem—and this was an intelligence mission for me; I am a member of the Senate Intelligence Committee—and that is the rise of al-Qaida in Africa. Various terrorist organizations have morphed into an organization called al-Qaida's Committee in the Islamic—and I do not know the African word, but it starts with an ''M.'' AQIM is the acronym. This is on the rise. That is of considerable concern to the free world, to the industrialized world, and especially to the United States.

After Chad, I went to Nigeria. Now, the Niger River Delta in the country of Nigeria produces about 3 million barrels of oil a day. Mr. President, 600,000 of that production is siphoned off or destroyed. Often it is siphoned off simply through graft and corruption and all kinds of banditry that is going on.

Simultaneously, while we were there, over the course of 2 days in Nigeria, a group of 11 people—I think they were Russians—were kidnapped. No, it was some other nationality. It was women and children. That was the first group kidnapped. We do not know the result. Another group of about six Russians was kidnapped. By the time I left the country, a third group of another nationality—all there because of being oil workers—was kidnapped. That is the kind of lawlessness that is going on there.

But what is even a greater threat—and it would be nice if the country of Nigeria did not allow that 600,000 barrels, so they are only, net, producing 2.4 million barrels a day, but there is a greater problem. There is virtually no protection for the production of that oil, whether it be in the Niger Delta itself or it be offshore in the waters off the West Coast of Africa. There are huge reserves for future production virtually unprotected. It is an accident waiting to happen.

And oh, by the way, the United States gets between 12 and 14 percent of its daily consumption of oil from Nigeria. So what do you think is the target? That is the bad news.

Let me tell you the good news. The good news is that despite the graft and corruption among governments throughout, despite the optimism of new governmental leaders in various countries, including the new President of Nigeria—who had been in office 5 days when I met with him—despite the inability of their infrastructure to produce what they need, let me tell you, they understand that the one partner they can rely on is the United States.

How? Their intelligence services work with us. For that, I am profoundly grateful and not only in those countries, those four—and the fourth I visited was Algeria; I met the President of Algeria and shared the same thing with him—but in other countries throughout the region we have a good cooperation in sharing intelligence.

Ultimately, it is that intelligence that is going to prevent that attempt by a terrorist group, such as AQIM, from destroying activities—such as oil production—that are so important to the United States.

Now, it is another subject for another day, that of energy independence and start weaning ourselves from that dependence on foreign oil. From just Nigeria—there is an example—12 to 14 percent of our daily consumption of oil comes from that country. That is at threat.

Another 12 to 14 percent of our daily consumption comes from Venezuela. By the way, have you heard of a fellow named Hugo Chavez, who keeps pounding his fist and says he is threatening to cut off the oil to the United States?

It is another whole discussion for another day that one of the most important agenda items of this country is weaning ourselves from that foreign oil by going to alternative sources. But it is what it is.

That is why I was in Africa last week. To encourage that cooperation with our intelligence services, to protect our mutual interests, to encourage the reform of those governments so they can provide some protection for themselves and modernize their political systems and their economies to be of a greater benefit to their people who have so often been put down and to realize that their future, with a richness of natural resources, is going to become increasingly important to the whole world.

So it is with mixed feelings that I give this report to the Senate. I will continue to give a series of reports next week on various terrorist activities and how they affect our interest in that part of the world. But I wanted to give this first installment while we are at this late hour of the day awaiting some of the first test votes we are going to have now on this immigration bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Georgia be allowed to speak for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to discuss two amendments I have filed to the pending immigration legislation.

I was at home over the Memorial Day recess and had an opportunity to talk about the pending bill with a number of constituents. For many of the folks I spoke with, their top concern was border security. There was a deep feeling of skepticism about the ability of the U.S. Government to deliver effective control of our borders. Their concerns certainly have merit, and that is

why it is so important that we prove we are serious about border security by securing our borders before any proposed immigration reforms are put into place.

The issue before us is critical to the future of our country in terms of national security, economic prosperity, and the fabric of our Nation. I hope we will proceed with a thoughtful and thorough debate in the Senate, because the proposals we are going to be asked to consider are enormous in scope and have far-reaching implications.

I have filed some amendments, and I know a number of my colleagues have filed amendments, to try to improve this legislation. It is my hope we will have an opportunity to continue to work through this process in a manner that recognizes the importance of this issue, rather than adhering to an arbitrary timeline for completion. We must ensure that not only the Senators, but also the American people, have ample opportunity to fully comprehend the consequences of any action we take.

America needs secure borders. Right now, we do not have them. As a nation of immigrants which honors the rule of law, we must secure our borders to make America safe so we can fix our country's immigration system. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The current proposal contains the first border security trigger envisioned by my fellow Senator from Georgia, JOHNNY ISAKSON. It says no temporary worker program or transition to Z visa status for those currently illegally in the country can begin until the Secretary of the Department of Homeland Security certifies to the President and to the Congress that the specific key border security measures are funded, in place, and operational. These triggers include constructing 370 miles of fencing that was previously authorized, 200 miles of vehicle barriers at the border, and finishing the goal of doubling the size of the Border Patrol since this President took office.

The trigger also includes a provision that detention facilities must have a total capacity of 27,500 beds to end the practice of catch and release on our southern border. It is absolutely vital that the Senate act to put the resources and mechanisms in place to allow the Department of Homeland Security to gain operational control of our borders and to have stronger and more meaningful enforcement of our immigration laws in the interior of the United States.

With enhanced enforcement, we have already seen a positive change at the border. The number of people apprehended for illegally crossing our southern border is down by nearly 27 percent in 2007 from this point in time in 2006. You might say, the numbers of apprehensions are down; that does not sound as though the agents are doing a very good job, and more people are getting in. The fact is the numbers are down because our Border Patrol agents are doing an outstanding job and because illegal entrants are deterred from even trying to cross as news of our increased security has made its way south. So starting with border security and ensuring we get our borders secure through certain mechanisms is my top priority, and this bill does that.

While I have been supportive of getting us to this point and supportive of the framework of this approach, there are certain issues I believe can be improved upon. Some of my colleagues have amendments to do that, and I wish to discuss briefly a couple of amendments I have filed.

My first amendment, No. 1318, deals with protecting the Social Security trust fund for the future retirees of this Nation. I ask unanimous consent that Senators INHOFE, ISAKSON, ENZI, and MURKOWSKI be made cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. In 2004, the Commissioner of Social Security signed a totalization agreement with the Director General of the Mexican Social Security Institute. While the President has not yet submitted the United States-Mexico totalization agreement to Congress, I am concerned the agreement could threaten the retirement benefits of Americans. Totalization agreements allow workers who divide their careers between two countries to combine work credits from both countries to qualify for Social Security benefits. It also prevents workers from paying Social Security taxes in both countries. While this seems like a good idea that ensures fairness, the proposed totalization agreement with Mexico leaves many questions unanswered in terms of its cost to American taxpayers. I am concerned the proposed totalization agreement with Mexico and possible future totalization agreements will impose significant costs on the already overburdened U.S. Social Security system.

The problem is current law doesn't require Congress to affirmatively review a totalization agreement and determine if it is in the best interests of American taxpayers. Under current law, a totalization agreement automatically goes into effect unless either the House of Representatives or the Senate adopts a resolution of disapproval within 60 legislative days of the President submitting it to Congress. If no action occurs during this timeframe, Congress is deemed to support the totalization agreement and it automatically goes into effect.

My first amendment will change this current practice so that Congress has its proper constitutional role in determining whether totalization agreements are in the best interests of our country by ensuring that totalization agreements only go into effect after explicit approval from both the House of Representatives and the Senate. The amendment will also require the Social Security Administration to provide regular reports to Congress that examine both the projected costs and the actual costs of all totalization agreements. In short, this amendment will ensure that proper debate and analysis take place prior to the approval of an agreement that can impact our Social Security trust fund.

The second amendment I wish to address tonight is No. 1319. This amendment deals with the fine structure for Z–A workers, which is a part of the agriculture piece of this legislation. I worked very closely with my colleagues, Senator CRAIG and Senator FEINSTEIN, to make some changes to the agriculture portion of this bill which was initially drafted, but one area that was left unresolved in our discussion was the amount of fines agricultural workers would be required to pay under the Z–A visa program. Under the substitute bill we are debating, an agricultural worker's fine to obtain a Z–A visa is $100, as compared to the $1,000 that regular Z applicants must pay. Then, for those Z–A workers who wish to depart the country and make application for a green card, the fine in the underlying substitute is $400 as compared to the $4,000 for regular Z visa holders.

This amendment is very simple. This brings into parity the fine structures for Z visa workers and Z–A visa workers. However, the amendment also recognizes that annual earnings from agricultural employment are generally lower than in other sectors of the economy due to the often seasonal nature of agricultural work.

The amendment requires agricultural workers to pay a $1,000 fine at the time they make application for a Z–A visa, just as workers in other sectors of the economy must pay a $1,000 fine when they make application for a Z visa. Further, the amendment requires Z–A visa workers to pay a $4,000 fine at the time they make application for a green card, just as Z visa workers must pay a $4,000 fine. However, Z–A workers would be allowed to discount $1,000 from the $4,000 fine for each year they worked in agriculture under the terms of the bill, with a maximum deduction of $3,000. So the total fine amount a Z–A worker will be mandated to pay is $2,000, as compared to the $5,000 the Z visa workers are mandated to pay, provided those workers stay in the field of agriculture, which is one of the ideas behind the base bill, as well as this provision. I think this fine structure is much more equitable than the current total of $500 that Z–A workers are expected to pay.

It also recognizes some of the unique aspects of agricultural work. Regardless of the sector of the economy in which the Z visa applicants work, we need to ensure that the fines, which are penalties, are meaningful and difficult to achieve.

These are two commonsense, straightforward amendments. I hope the Senate will have an opportunity to consider them soon.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. CHAMBLISS. Mr. President, on rollcall vote No. 194, I was present and voted no. The official record has me listed as absent; therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I oppose the amnesty provisions included in this bill.

Nevertheless, I voted against the Coburn amendment, because it would have codified expedited procedures in the Senate for considering the Presidential certifications required by the amendment. Exempting legislation from debate and amendment in the Senate is a dangerous practice, and contrary to the constitutional purpose of this unique institution. One need only look to the legislative line-item veto or budget reconciliation process to understand how such procedures could be abused.

Had those expedited procedures not been included in the Coburn amendment, I would have supported it.

Mr. President, I oppose amnesty for illegal aliens. Waiving our immigration laws, instead of enforcing them, is amnesty—no matter what the level of fines and penalties assessed. It encourages others to flout our laws knowing that they could be similarly rewarded.

Amnesties undermine the great American principle that the law should apply equally and fairly to everyone. This bill would create a separate set of rules—one for those who obey the law and one for those who do not. It is a special set of laws for those who chose not to follow the regular process that everybody else had to go through. It is a congressional pardon for lawbreakers—both for illegal aliens and the unscrupulous employers who exploit them.

Many employers are anxious to take advantage of the cheap labor that this bill would provide, but the responsibility would fall on the Nation as a whole to make the public investments necessary to absorb these workers into the economy. It is a false promise, to immigrants and U.S. citizens alike, when the infrastructure of our Nation—our schools, our health care system, our transportation and energy networks—are increasingly unable to absorb this untenable surge in the population.

I speak from experience when I say that this amnesty will not work. President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the very same promises we hear today—that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. The 1986 amnesty did not work. After 1986, illegal immigrant population more than quadrupled from 2.7 million aliens, to an estimated 12 million illegal aliens today. In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers.

I will not vote to make the same mistake twice.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, and in its processing of immigration applications. It only took nineteen temporary visa holders to slip through the system to unleash the horror of September 11. The pending proposal would shove tens of millions of legal and illegal aliens—many of whom have never gone through a background check—through our border security system over the next decade, in effect swamping a bureaucracy that is already struggling to keep its head above water. Terrorists and criminal aliens have exploited these kinds of amnesties before, and they will do so again.

The United States cannot guarantee the security of its borders, and simultaneously waive the law for those who circumvent that security. The Congress must choose between law enforcement and amnesty. I choose law enforcement. The Congress must choose between border security and amnesty. I choose border security.

I will oppose this measure, in the hope that the amnesty provisions are removed, and that the Senate quickly passes a clean border security bill.

Mr. DOMENICI. Mr. President, late last night we voted on amendment No. 1151 offered by the Senator from Oklahoma, Mr. INHOFE. The disposition of this amendment can be seen in the RECORD under rollcall vote No. 198. I was allowed to speak for 1 minute prior to this rollcall vote; however, I wish to extend my remarks in order to fully explain my stance on this important issue.

Let me begin by stating emphatically that I fully support English as the official language of the United States. However, I cannot vote in favor of an amendment that would eliminate rights that currently are reserved for my constituents under the New Mexico Constitution. We must be cautious before we act and it is the devil in the details of the amendment that was placed before the Senate, which would chill and infringe on the constitutional rights of our diverse citizenship and would stand in direct contradiction to the constitution of my home State of New Mexico that makes this amendment overreaching.

Most people do not know that Congress delayed New Mexico's admission to statehood until speakers of English became the majority of the State. To underline the point, the New Mexico Enabling Act required that the public schools be conducted in English and that ''ability to read, write, speak and understand English without an interpreter . . . be a necessary qualification for all state officers and members of the state legislature.'' However, in 1911 the U.S. Supreme Court found that Congress could not place such conditions on newly admitted States and removed the English language restriction from the New Mexico Enabling Act.

Thereafter, New Mexico adopted its State Constitution which contains important guarantees of the rights of Spanish speakers, including the right to vote, hold office, and sit on juries. Specifically, the New Mexico Constitution states ''[t]he right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak, read or write the English or Spanish languages except as may be otherwise provided in this constitution . . .''

Moreover, the New Mexico Constitution requires public school teachers to be trained in both English and Spanish to ensure that Spanish-speaking students are properly taught the English language. Coupled with this constitutional provision is another constitutional right that ensures children of Spanish descent are entitled to a public education.

This amendment would not amend the New Mexico Constitution. I mentioned this only to point out another New Mexico constitutional provision that requires all ballots that would amend the New Mexico Constitution be printed in both English and Spanish. The Spanish influence in my home State dates so far back that for the first 20 years of New Mexico's statehood, all laws passed by the State legislature were required to be printed in both English and Spanish.

I am always interested to hear others discuss their family histories, some of which date back at least 200 years in this country. However, I think that there is a misconception that the adoption of an official language is strictly

in response to illegal immigrants. That is not true. The declaration of an official language directly impacts the history, customs, and traditions of our American families. The family histories that can be heard throughout New Mexico date back over 400 years. These are not illegal immigrants; these are the first inhabitants of the land that is now called New Mexico.

Mr. President, while I fully support English as the official language of the United States, I will not support a proposal that would cast in doubt the laws and rights afforded to all of the citizens of New Mexico.

Mr. DOMENICI. Mr. President, I wish to discuss why I voted against cloture this morning on S. 1348, the border security and immigration reform bill currently being debated by the Senate.

As a border State Senator, I know first hand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. I support many of the provisions in S. 1348 because we must address this border crisis. However, I was forced to vote no on the motion to invoke cloture on S. 1348 because Democrats are refusing to allow votes on amendments to the legislation on the Senate floor.

More than 300 amendments have been filed to this bill. Only about 10 percent of those amendments have been dealt with. Clearly the Senate, which is known for its deliberative nature, has not had an adequate opportunity to improve upon this bill on the floor. What's more, this bill did not go through the committee process and so there was no opportunity to improve the bill there.

I was here in 1977 and 1978 when the Senate debated the Natural Gas Policy Act. That debate went on for weeks and hundreds of amendments were considered. There is no reason to avoid that process in this situation. The issues of border security and immigration are some of the most important issues facing America today, and those issues deserve full and fair debate.

The Democrats' refusal to allow votes on amendments means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided two more Federal judges in New Mexico to deal with immigration cases, ensured that small businesses have access to temporary workers they need, provided more personnel for Federal land agencies that must help secure Federal land on the international border, allowed New Mexico to reap the economic benefits of Mexican nationals coming legally to the United States for a short period of time for tourism and travel, called for Mexico's cooperation on border security and border crime, addressed the lack of law enforcement radio coverage on remote parts of the international border, strengthened and improved the Border Patrol Academy at Artesia, NM, and called for coordination between the Department of Homeland Security and the Department of Defense on aerial surveillance efforts along the border.

My amendments are based on needs that are imperative to border security, and many of them were suggested specifically by New Mexicans to help New Mexico. I would like to discuss a few of those amendments in more detail.

First, I have heard from many Federal judges from the District of New Mexico and the 10th Circuit Court of Appeals about the crisis New Mexico faces from an overloaded immigration docket. Seventy-one percent of Federal criminal cases filed in New Mexico are immigration cases. This is the highest percentage of immigration cases anywhere in the United States, and New Mexico needs more judges to handle that caseload. Unfortunately, I was not allowed to address this crisis by offering an amendment to S. 1348 that would have provided New Mexico with two new Federal judges.

Second, I have heard from New Mexico small businesses about their need for temporary workers in the food processing, construction, oil and gas, and restaurant industries. These small businesses were concerned that they would not have access to the temporary workers they need under S. 1348 as it is written, so I offered an amendment to set aside a number of temporary worker visas to only be used by small businesses. Unfortunately, I was not allowed to address New Mexico small businesses' needs.

Third, some of the land on New Mexico's international border is Federal land. The Bureau of Land Management, Forest Service, and Park Service are working with the Department of Homeland Security, DHS, to secure these lands, but these Federal land agencies need more personnel to work on these issues. I offered an amendment to provide this personnel, but that amendment has not been considered.

Fourth, remote parts of the New Mexico/Mexico border do not have radio coverage, which prevents DHS and law enforcement from communicating. I have filed an amendment that would enhance radio communications capabilities in these areas, but this amendment has not been considered.

Fifth, New Mexico is at an economic disadvantage over neighboring border states because there are no border towns in New Mexico that Mexican nationals can access when they legally enter the U.S. on a laser visa. This is because such nationals can only travel 25 miles into New Mexico. I have filed an amendment to expand the limit laser visa holders can travel into New Mexico so that laser visa holders can legally visit Las Cruces and other towns near the New Mexico/Mexico border. Unfortunately, this amendment, which would bring economic benefits to southern New Mexico, has not been considered.

The refusal of Democrats to allow consideration of these and my other amendments is nothing short of irresponsible behavior towards the security of America and the needs of New Mexico, and I cannot support cloture on S. 1348 without assurances that these measures will be considered.

Additionally, many of the provisions that I have supported in S. 1348 have been amended to the point that the bill no longer has its initial impact. For example, the temporary worker program that is critical to so many industries in my State does not meet those industries' needs. Further, the bill as amended calls into question some laws and customs of my home State.

Because of Democrats' refusal to consider important amendments to this bill, we will not see any of the comprehensive border security improvements that New Mexico and other border States desperately need, and I could not be more disappointed.

I support efforts to address border security and immigration reform legislation, and I applaud Senators KYL, KENNEDY, SPECTER, SALAZAR, MARTINEZ, GRAHAM, and others who have worked long and hard on this bill. However, I cannot support cloture on the bill at this time.

Mr. WARNER. Mr. President, our country today faces serious issues with our immigration policy. I appreciate the opportunity that we have before us to engage in this important debate and to work the will of the Senate on this complex matter.

The legislation we have before us, the compromise reached by a number of our colleagues, has provided us with a starting point for reform of a broken immigration system and to strengthen our border security.

Recognizing, however, that there are ways that we can improve upon the work of the ''grand compromise,'' as it has come to be known, I have joined with Senator CORNYN as a cosponsor of an amendment that would increase the amount of funding made available to State and local governments to mitigate the costs of public education and health care created by the inadequacy of our current immigration system.

I understand from my conversations with Virginians around the State that unauthorized immigration has caused a fiscal burden on State and local governments, one which must be addressed by this Congress. The provisions of the legislation before us include a crucial State impact assistance account that would provide reimbursement for state and local entities for the vital services that they provide.

The amendment that I am pleased to cosponsor adds additional funding to this account without adding a burden to taxpayers. By increasing, for immigrants in both the Y- and Z-visa categories, the fee that these applicants must pay at the time of their application, this amendment makes a positive step toward alleviating the burdens faced by health providers, educational agencies, and others eligible for funding through the State impact assistance account.

Under this amendment, the fee on applicants for these categories would be set at $750, and an additional fee of $100 would be set for each additional dependent. For the primary applicants in both the Y- and Z-visa categories, this represents an increase of only $250 above the legislation in its current form. I note that this amount $750 is also the same fee agreed upon under legislation passed by the Senate with a majority of support last year.

In my view, any legislative approach to provide overall immigration reform must rest on the foundation that an outright amnesty is unacceptable and that securing our borders is imperative. Then, in a sound, workable, and realistic way, this Congress must address the issue of the millions of undocumented workers who are already in our country. All of these components are absolutely essential to ensuring our security as a nation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 3 Leg.]

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Klobuchar	Smith (OR)
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lott	Voinovich
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden
Dodd	McConnell	
Dole	Menendez	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 13, not voting—14, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—72

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bingaman	Ensign	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Obama
Brown	Harkin	Pryor
Bunning	Hatch	Reed
Burr	Inouye	Reid
Byrd	Isakson	Salazar
Cantwell	Kennedy	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Clinton	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lugar	Voinovich
Craig	Martinez	Webb
Crapo	McCaskill	Whitehouse
Dodd	McConnell	Wyden

NAYS—13

Allard	Gregg	Sessions
Bennett	Hutchison	Shelby
Collins	Inhofe	Vitter
DeMint	Lott	
Grassley	Roberts	

NOT VOTING—14

Biden	Graham	McCain
Brownback	Hagel	Rockefeller
Coburn	Johnson	Specter
Cornyn	Kerry	Warner
Enzi	Lincoln	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. REID. Mr. President, I am going to move briefly to proceed to a motion to reconsider, but I wanted to tell all Members that this vote is not going to be a 20-minute vote. There are people coming from all over the country, both Democrats and Republicans. I don't think it matters. This is going to be the last vote of the night, anyway, but this vote will go a little longer.

I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote on the substitute be agreed to, the motion to reconsider be agreed to, and the Senate proceed to vote on the motion to invoke cloture on the Kennedy-Specter substitute amendment No. 1150.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. I move to reconsider the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1150, an amendment in the nature of a substitute offered by Mr. REID of Nevada, to S. 1348, to provide for comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Wyoming (Mr. ENZI).

The yeas and nays resulted—yeas 45, nays 50, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—45

Akaka	Feingold	Levin
Bayh	Feinstein	Lieberman
Biden	Graham	Lincoln
Brown	Hagel	Lugar
Cantwell	Harkin	Martinez
Cardin	Inouye	McCain
Carper	Kennedy	Menendez
Casey	Kerry	Mikulski
Clinton	Klobuchar	Murray
Conrad	Kohl	Nelson (FL)
Dodd	Lautenberg	Nelson (NE)
Durbin	Leahy	Obama

Reed	Schumer	Voinovich
Reid	Specter	Whitehouse
Salazar	Stabenow	Wyden

NAYS—50

Alexander	Crapo	Murkowski
Allard	DeMint	Pryor
Baucus	Dole	Roberts
Bennett	Domenici	Rockefeller
Bingaman	Dorgan	Sanders
Bond	Ensign	Sessions
Boxer	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hatch	Snowe
Byrd	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Isakson	Tester
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Corker	Lott	Warner
Cornyn	McCaskill	Webb
Craig	McConnell	

NOT VOTING—4

Brownback	Enzi
Coburn	Johnson

The PRESIDING OFFICER. On this vote the yeas are 45 the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. I move the Senate proceed to consideration of the Energy bill, H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. REID. Mr. President, this has been a very difficult time. I think there has been a lot of bending over backward to accommodate people who have wanted to offer amendments. Initially, as you will recall, the negotiators were given quite a bit of time, and then when that ''quite a bit of time left,'' they wanted another week and they got that.

After the debate started, the majority leader said, this is a 2-week bill, and it is. I extended debate past the recess. During the floor debate, we have disposed of 42 amendments, including 28 rollcall votes. Last night we asked for consent to move the cloture vote from this morning to tonight so we could have another full day of amendments. That didn't work out.

I understand why some of my colleagues on the other side of the aisle thought maybe that wasn't a good idea. But I thought we could, after cloture was not invoked this morning, move some other amendments. We tried hard to do that. We were unable to do that. I tried every possible way to get amendments up today; every possible way.

A real short recounting of this. I offered votes on eight amendments, four on each side. Then we tried six, three on each side. Again, my friends on the other side of aisle objected to that. Then I tried three Republican amendments, only two Democratic amendments. That was objected to by my colleagues on the other side.

Finally, I tried to get a significant number of additional amendments pending so they could receive votes after cloture. That was objected to. Republicans even objected to calling up their own amendments.

So having spent all day trying to diligently work out a way to vote on Republican and Democratic amendments and facing objections from my Republican colleagues, I found the only thing we can do is try to get cloture tonight.

I was hoping my friends on the other side of the aisle would understand that small groups shouldn't dictate what happens around here, but that is what happened.

But I, even though disappointed, look forward to passing this bill.

We are going to take the bill off the Senate floor, as I just indicated and we have done. But there are ways we can do this. There could be an agreement of a number of amendments. I am saying to everyone here, I would do my very best to have more Republican amendments than Democratic amendments. I know some of my colleagues don't want me to say that, but I would be willing to do that, with a time certain for passing this bill. Hopefully, we can do that in the next several weeks. There is a lot of support for this bill on the outside. The problem was on the inside of the Senate Chamber.

People have worked very hard on this bill. One of my colleagues in my office today, who has worked on this bill so hard, shed some tears. This is a bill about which people have a lot of emotion.

I have to acknowledge that my first reaction was, look how many votes they gave us, six or seven. All the Democrats could have voted for cloture—and we did, all but 10—and we still couldn't have gotten cloture. That was my reaction, to be upset. But there is no reason to be upset. I think we have to look toward passing this bill. It is something that needs to be done. There are some really good things in this bill. The DREAM Act—I will not belabor the point, but I will just briefly say that in Smith Valley, NV, a little mining community, a number of years ago, this beautiful child came up to me, a senior in high school. I knew she wanted to talk to me, and she did. She said: I am the smartest kid in my class. I can't go to college. My parents are illegal. What am I going to do, Senator? She couldn't do anything. I don't know what she is doing now. She is a grown woman, probably working on the onion farms in Smith Valley. Maybe she got married. I don't know what happened to her. She should have been able to go to college. We had a provision in this bill to allow people like that young lady to go to college.

A young man in Reno, NV, a small-in-stature Hispanic—he would be the master of ceremonies at events. He could sing. He could talk. It took me a number of years to realize he was in the country but he had bad papers. He couldn't drive a car. I haven't seen him for a number of years, don't know what has happened to him. He couldn't go to college. Under this legislation which is now no longer on the Senate floor, he could have had a pathway to legalization. He already knew English. He spoke better English than I do. Get a job, pay taxes, stay out of trouble—I am confident he would do that—pay some penalties and some fines to go to the back of the line, to be able to come out of the shadows, get the ability to drive a car. But we are not going to be able to do that for him now.

I have every desire to complete this legislation. We all have to work—the President included—to figure out a way to get this bill passed. I am a creature of the Senate. I understand we live by the rules that govern this body. A small number of people can disturb what goes on here. My disappointment—and I have expressed this to Senator MCCONNELL—is I wish more of my colleagues on the other side of the aisle had in effect thumbed their nose at a few of these people and voted for cloture, at least giving us more votes than what we got. It didn't happen. There are personal reasons for doing that. I accept that. But in my office, about 7 o'clock tonight, a number of we Democratic Senators met there and made a commitment to each other that we are going to do everything we can to pass this bill as soon as we can. When is that? I don't know. But we are going to work hard. We are going to try to put aside the hurt feelings we have and move on with the anticipation that this bill is something the country needs, and the Senate needs to do this. I hope we can figure out a way to do so.

The PRESIDING OFFICER (Mr. PRYOR). The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend the majority leader and I frequently are on opposite sides of issues and fighting to a draw occasionally. But on the matter we are dealing with tonight, both of us desire the same result, which is to get a bipartisan immigration bill that would be an improvement over the disastrous status quo we have on this important

issue in America today. The utility, however, of a great many cloture votes, particularly when you don't succeed, is that it doesn't produce results.

I had indicated to my good friend the majority leader at the beginning of this debate that we needed—''we'' meaning this side of the aisle—to have roughly the same number of Republican rollcall votes on this bill this year that we had the last time we brought it up. Now I think we were very close to getting there. My advice to my good friend on the other side was to not have this vote we just had tonight. I didn't believe I could support cloture at this point, although I certainly could at some point, provided we had enough votes on the amendments for which there was a demand on our side of the aisle. But we were not there yet. We could have finished this bill in a couple of more days, in my judgment.

Frankly, we have had too many cloture votes this year to get successful results. This is the 37th cloture vote we have had this year. By this point in the 109th Congress, we had had 13. By this point in the 108th Congress, we had had nine. By this point in the 107th Congress, we had had two. So my suggestion on a bill like this which does enjoy bipartisan support is to meet the threshold of acceptability, to get enough support over here to get to final passage.

I think we are giving up on this bill too soon. I like what I think I heard the majority leader say, that he doesn't want to give up on it either. I think we are within a few days of getting to the end of what many would applaud as an important bipartisan accomplishment of this Congress. I encourage the majority leader to return to this issue in the near future. I doubt if the prospects will get better with the passage of time. There are a number of Republicans who are prepared to vote for cloture as soon as they believe their colleagues on this side of the aisle have had a reasonable opportunity to have offered and voted upon amendments they think would improve the bill. I don't think that is asking for too much.

I would be happy to commit tonight to the majority leader to continue to work with him to try to finish this bill at the earliest possible time. Obviously, it is his decision to decide when we go back to it. My advice would be to do that sometime soon. In the meantime, we will still be working with people on this side of the aisle to try to winnow down the number of amendments that really seem to need a rollcall vote and be prepared to try to work on this again at whatever point the majority leader decides to return to the measure.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the distinguished Republican leader has laid out the problem: We are very close. At some point, we will be ready to vote for cloture. We need more votes on amendments, even though we have had more than on the bill last year. We are getting close to being prepared to vote for cloture. We have spent so much time on this bill trying to make people happy whom you couldn't make happy on this bill anyway. They had no intention of voting for the bill, voting for cloture. But we spent an inordinate amount of time——

Mr. MCCONNELL. Will the leader yield on that point?

Mr. REID. Mr. President, in a brief minute.

I want the right tone set here. I don't want this to be an adversarial process. This is not a battle between REID and MCCONNELL. The votes show what happened. It doesn't take Einstein to figure that one out. Republicans didn't vote for cloture. They hadn't had enough. What is enough? I don't know what is enough.

One of the elements that hasn't been mentioned here tonight—but only in passing, because I want to set the right tone—this is the President's bill. Last year, we passed the Democratic immigration bill. We passed it with help from some courageous Republicans. Here, part of those courageous Republicans met with some very strong Democratic Senators, working with Cabinet officers, to come up with a bill. They came up with a bill. The press has declared this to be the grand compromise. I accept that term. Where are the President's men? Where are the President's people helping us with these votes?

We are finished with this for the time being. As we have been for days, we are going to have a list for you right away. We should have it by 5 o'clock tonight. We will have it for you in the morning. We are very close. At some point, we are going to do this. Pretty soon, we will have enough votes so we can support cloture. We are prepared to vote for cloture but not right now.

I want to finish this bill, but I can't do it alone. We can't do it alone. We did more than our share here tonight on cloture votes. We picked up seven votes during the day from the vote this morning to the vote this evening. But we need some help. I would hope the President understands that it is only going to be about 16 months until there is an election for a new President, either a Democratic or Republican President. He has a relatively short period of time to help us with this piece of legislation.

People know I am very concerned about what comes up on the floor. I am very time-conscious with what needs to be done. I am not always right, and I acknowledge that. But no one can take away from the fact that I try to get as much as we can out of this Senate. I am going to continue to do that. Part of the time I want to make sure we are able to add into the picture is time to do an immigration bill, but we over here can't do it alone. We need some help. We have an opportunity, as I said before. We want this number of amendments, and we are not going to go for 34. I heard that one yesterday. But whatever it is—10, 6, 5, 4, 3, a time for final passage—we will find time to get this bill up. If they—meaning the other side—have another idea how to get it done, we will work with them. We want to pass this bill. We are committed to immigration reform. We believe our country needs it, not only for the people who live in this country but people outside the country who recognize we have the ability to solve our own problems. Immigration is a problem. We are committed to work on it. And we will continue to do that. I hope for the good of this country we can move forward in a positive manner and pass this legislation.

I say again, let's have President Bush work with us. I want to work with him. You do not hear that from me very often. I will do whatever I can to have this part of his legacy, his immigration bill. I want no credit for it. No one else wants any credit for it. It can be his bill because if we pass this, there is credit to go around for everybody.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, this is a complicated bill, but the key to passage is not complicated. Let me say again what I have been saying for 2 weeks. There is a demand on this side of the aisle to have roughly the same number of Republican rollcall votes that we had when we took up this bill in the last Congress.

Now, my good friend, the majority leader, keeps referring to Members on our side of the aisle who are not going to vote for the bill under any circumstances, and there are a number of those on our side of the aisle. But they are not the key to getting cloture. It is the rest of us.

Let me be perfectly clear about it. What I am saying is, the rest of us who would like to be able to vote for cloture and would like to see us pass a bill are going to insist that the others of our colleagues—whether they vote for or against the bill in the end—have a chance to have roughly the same number of rollcall votes we had before.

It is not complicated. It is a very complicated bill, but the key to getting it passed is not complicated. We are not that far away from being able to get cloture on a bill. And the people like myself, who, if this procedural hurdle of getting an adequate number of rollcall votes is met, are going to vote for cloture would probably be able to bring enough of our colleagues along to get cloture on the bill.

That is why I advise my good friend to give it a couple more days. That is

why I also advise him—right now, again, tonight—if he is going to turn back to this bill, I would not wait a whole long time to do it. It strikes me that it ought to be done sometime in the near future. If we can get this reasonable number of additional rollcall votes, I think there is an overwhelming likelihood of cloture on the measure and a bipartisan accomplishment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, keep in mind the logic of this. It has been made graphically clear to me that the Republicans wanted more votes on their amendments. One problem: They objected to bringing up their own amendments. It makes it a little tough to vote on them. It is like having a basketball tournament where you have the five players on each side, and they are going to have a tournament, and the winner is the team with the most points, but—one problem—nobody will supply a basketball. That is what we had here.

The logic of the statement of my friend from Kentucky leaves me without a lot of understanding. They want more amendments. We did everything we could to have amendments today. I will go through it again. We started out with eight. They objected to it. Six, five; they objected every time. We said: Do you want more amendments pending? Here they are. We will give you six or eight. Objection.

So we know where we are. But let's realize where we are and not make up the facts. The real true facts: We wanted to give the Republicans votes on amendments. Voice votes did not count. It had to be rollcall votes. And I accepted that. But we could not get any kind of votes because we could not get amendments up—not for our fault.

So, Mr. President, I do not want to leave this floor tonight without stating how much I admire and appreciate seven courageous Republicans who did the right thing. They know what went on here in the last few days is wrong. They voted for cloture tonight. I am confident that others will join them in the future, if we have to do cloture again. But everyone—everyone—should acknowledge that what these seven Senators did was not easy. It is an act of courage that they did this.

While my compliments for them may not be very much, when the history books are written, this will be a profile in courage for their doing this tonight. I am convinced that is true. I admire them and appreciate what they did, setting an example.

I think we have all said enough, but I want to get the last word. So if people want to say more, I will—

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, then I want to express my admiration for the 12 Democrats who voted against cloture for being profiles in courage.

Look, the point is, it is quite simple. We all know how to get cloture. It is to have enough Republican rollcall votes, as I have repeatedly told my good friend from Nevada over the last 2 weeks. At whatever point we want to turn back to the bill and meet that threshold requirement, I think there is an overwhelming likelihood of getting cloture and moving forward.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, last word—I hope. You cannot have votes on amendments that people do not let you bring up to vote on. There is no basketball, remember. We have a game going but no basketball.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this vote was obviously a disappointment. I think those of us who have worked on this issue are encouraged by what both leaders have stated, that we are not giving up or forgetting this legislation, and we have every intention of ultimately finalizing and getting a bill.

Tonight we cannot look away from what is happening on the southern borders that are open to the kind of vandalism that has taken place, the exploitation which has taken place. We cannot look out at our broken immigration system and think we can let that continue. We cannot look away from so many locations across this country where people who are undocumented are being exploited—dangerously exploited—dehumanized.

We cannot look away from those who have worked in the agribusinesses of this country and had real hope we were going to take action in the Senate, where we have worked for years and years and years in order to get legislation through, which 67 Members of this Senate have cosponsored. Their dreams are dashed this evening.

We cannot look away from the 12.5 million people out across America who tonight, after finding out what has failed to happen in the Senate, know they are going home to their children, and know tonight their fear is enhanced and increased because we have failed to take action.

Sure, they broke the law, but they broke the law because they wanted to work, work, work. They wanted to provide for their families. They wanted to provide for their children. They wanted to work. And 70,000 permanent resident aliens have served in the military in Iraq, in Afghanistan. They wanted to be part of the American dream.

Well, I think as both leaders have stated, doing nothing is not an alternative. It is not an alternative. This issue is not going away. And I leave this evening actually encouraged by what both leaders have stated. Most of all, I am encouraged by the spirit which I have seen in the Senate among Republicans as well as a number of our colleagues who believe we have a real responsibility to accept the challenge of both of our leaders and find a way we can secure a fair and just immigration bill.

It is in that spirit that I hope those who have been involved in this will continue to work so we are going to have a constructive resolution. No bill at all is not a solution.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have a sense of wonderment as to what the American people are thinking about what has just transpired in the Senate, if there are any people watching on C–SPAN 2.

This is reputed to be the world's greatest deliberative body. But to listen to the debate for the last several days, and to the speeches here this evening, I think people wonder just what is going on.

We worked through the immigration issue in the last Congress, in the Judiciary Committee, and extensively produced a committee bill. We came to the floor and passed a bipartisan bill.

This year, we chose a different course. As I have said before, I think it was probably a mistake not to go through the committee process. But we crafted a bill, bipartisan. About a dozen Senators sat through tedious, laborious hours to construct a bill. As of this moment, we have not succeeded. But I believe we will yet succeed.

We have faced a very difficult issue. We know our borders are porous. We have constructed a way to do our utmost to stop people from coming in illegally. We know the United States is a great magnet, and we have structured a way that employers can find out who is legal and who is not legal. We have crafted a way, with a guest worker program, to provide for the labor needs of the United States and have structured a way to deal with the 12 million undocumented immigrants as best we could.

Accusations have been made it is amnesty. But the fact is, if we do nothing, it is silent amnesty. The 12 million undocumented immigrants will stay here. And the alternative to amnesty—if amnesty it is; and I do not think it is because we have done everything we can to construct the factor of earned right to citizenship, with fines, payment of back taxes, learning English, holding a job, contributing to our society—but the alternative to amnesty—if it is; and I repeat it is not—is anarchy, which is what we have now.

I believe the central point ought to be understood by anyone who is watching C–SPAN 2 that this matter is on life support, but it is not dead, it is not morbid, and ultimately we will produce a list of amendments. We will satisfy those on the Republican side of the aisle who want to vote for amendments. There is no obligation on the

part of any Senator who offers an amendment to be committed to vote for the bill. The bill could be improved by those who are opposed to it. But whatever is the case, they have a right to offer amendments. Ultimately, we will satisfy that interest.

I voted for cloture tonight because I think the Democrats were wrong but the Republicans were ''wronger''—to use a word which does not exist. But we will return to this issue because it is too important for America not to improve the status quo.

We are still open for business on this bill. If anybody has a better idea on how to deal with the borders, let's hear it; to deal with the employers, let's hear it; to deal with the 12 million undocumented immigrants, let's hear it; to provide a workforce, let's hear it.

One thing I do take difference with my colleagues who have been opposed to the bill—on both sides—they have not come forward with an alternative. I had a discussion with one of the leaders of the opposition who is dead set against this bill today about what would he suggest. He did not have a suggestion. He is still thinking about it.

Well, there has been a lot of time to think about it. We tackled this bill more than 2 years ago in the Judiciary Committee, which I chaired, and it is time that the dissenters came up with something as an alternative, just not be naysayers.

But I am glad to hear what Senator REID has said and Senator MCCONNELL has said about the determination to produce a bill yet, and I think we will return to it. We will yet earn our title as the world's greatest deliberative body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I want to make a few comments about the legislation we have been working on so hard. The overall comment I want to make is, failure on this issue is simply not an option. Failure is not an option. The people of America deserve the Congress to resolve this issue because of the very important values that are at stake.

I want to say, first, before I make some other comments, that we would not be here, frankly, if it had not been for the leadership of Majority Leader REID in setting aside this time for us to debate this issue of such national significance. So I appreciate him and all the leadership he has provided in this effort.

I also appreciate the leadership of both my Democratic and Republican colleagues who have worked hard on this issue for the last 4, 5 months. Indeed, it has been more than a 4- or 5-month debate and struggle. Indeed, it has been more than a 4- or 5-month debate. We were on this floor for a month last year casting some 30, 35 rollcall votes, and we have been on this issue now for the last several weeks. We had a warning it was coming up. But there has been a lot of work that has gone into this legislation. It is my hope, with the sense of optimism expressed by my good friend, Senator KENNEDY from Massachusetts, that Senator REID and Senator MCCONNELL will lead us to some resolution of this issue.

I want to say a quick word about why I don't think failure is an option. I don't think anybody here ought to be saying the immigration reform package is dead, because it isn't. It isn't. We are very close to coming up with legislation that will address the fundamental values we have been trying to address from the very beginning. In my mind, I want to say what I believe some of those fundamental values are.

First and foremost, we have to fix our borders. We have a system of broken borders in this country where people come across the border and we don't know who is coming into this country. We don't know who is coming into this country. In a post-9/11 world, that is absolutely unacceptable.

We also have a broken immigration system within the country, because when people come into the country, we don't know where they are and we do know that many of them overstay their visas. Forty percent, fifty percent of the people come into the country legally and simply overstay their visas. How can we have a system of national security when we don't know where these people are? So national security compels us to make sure that we get to a solution, and that is why failure is not an option.

Secondly, there are significant aspects to this legislation. I look at the great work Senator DIANNE FEINSTEIN and Senator LARRY CRAIG have done with respect to AgJOBS, a piece of legislation that has been almost a decade in crafting. I know about the fruit that rots in places in California. I know about the agricultural disaster problems we have in many places across our country, including my State of Colorado. AgJOBS is an important part of the legislation. People and organizations, both Republican-leaning organizations and Democratic-leaning organizations, from the United Farm Workers to the Farm Bureau of America, and others, want us to pass this legislation because it included AgJOBS. Today, the farmers and ranchers of America ought to be saying to this Senate and to the leaders of this Senate that they want this bill and they want to get it done as soon as we possibly can.

Third, there are moral issues that frankly ought to guide us in dealing with some of these issues that are so important to our country. Sure, there are 12.5 million people who came here to America and they came here to work and to live the American dream. Tonight, many of those people live in fear not knowing what is going to happen to them, not knowing what is going to happen to their families the next day. Because they broke the law, we said in this compromise, in this piece of legislation we put together, that we were going to have them pay a fine. We were going to punish them. That is what we do in America all the time. We pass laws in this body. The Presiding Officer and I served as attorneys general for a long period of time, and what we do is when people break the law, we punish them. So we created a system here that provided punishment to people by requiring them to pay a fine.

We also in this legislation require that they pay fees, impact fees. We require them to pay other kinds of fees. So this was not what some of those people from places around the country have said is an amnesty bill. This was a bill that put people into probation and into purgatory where over a period of time, over a period of 8 years—you wait for 8 years and at the end of 8 years, if you do the time, if you pay the fine, if you stay crime free, if you learn English, you go to the back of the line, you meet all of those requirements, then—then—you become eligible for a green card. So what we crafted was a bill that was in fact a workable bill.

Having said all of that, I think the aim here still is to address those very important strategic interests of the United States of America, and I do not believe failure is an option. I believe that the Democrats, working with the Republicans, can still move forward to find legislation that will address the imperative of fixing our broken borders and our lawless immigration system which we currently have in America.

The last thing I want to say again is the best of times, frankly, for me in the Senate have been when Democrats and Republicans came together to solve the problems of our country. The issue of immigration isn't a Republican issue or a Democratic issue; it is an issue that is an American issue. If we are going to solve an issue that is as difficult as this very contentious issue for America, it is going to take Republicans coming over and working with the Democrats so we can get cloture on the bill, so we can get whatever amendments crafted that are not the poison pills some would try to offer, and we can get that done. I have confidence. I have confidence in my Democratic colleagues as well as my Republican colleagues that we can live up to the optimism—we can live up to the optimism Senator REID shared with us here tonight.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to share in the comments of my colleagues who have spoken in favor of this legislation in expressing concern that we were not able to proceed tonight to the final steps for its consideration, but also to express appreciation to the majority leader and others who have expressed a willingness to continue to ensure that legislation can move forward as quickly as possible.

We should not here this evening cast any blame for our failure to move it forward tonight. In a sense, all of us who were supporters didn't do a good enough job of ensuring all of the process could occur that Members properly insist on in order to vindicate their rights to debate and have amendments to get the job done. By the same token, those who oppose the bill need to appreciate that at a certain point, there is adequate consideration of their amendments.

The majority leader expressed this evening the view that we hadn't quite reached that point. And reluctantly, because of that, I joined those who decided to vote to keep the debate moving forward, which at this point means the majority leader has, at least temporarily, set it aside. But it shouldn't be too hard to get about a dozen amendments of Members considered. That is why I say we all share some responsibility, because that shouldn't have been that hard of a task. I hope our leadership will ensure that once we get that list available and ready for consideration, we can quickly take up the legislation again and finish it in this body so it can move forward to the other side.

I am not going to talk about the substance of the legislation tonight. I do want to thank those who worked so hard on its behalf on both sides of the aisle. The Senator from Colorado who has just spoken was an incredible inspiration in getting it done. The work Senator KENNEDY did throughout this effort to ensure that he drove us to a conclusion that was one that didn't satisfy anyone 100 percent, but which all of us at the end of the day found we were able to support—without his leadership, it wouldn't have been possible. My colleague from California, Senator FEINSTEIN, with whom I have worked on so many things, made some very difficult decisions and in that, as always, I respect the way she provided her leadership. On our side, colleagues such as Senator MEL MARTINEZ, who is on the floor now, my colleague JOHN MCCAIN from Arizona, LINDSEY GRAHAM, and Senator SPECTER who spoke, and all of the others who helped so much on this legislation, we are committed to seeing it through to the end. Another one of our colleagues on the Democratic side, Senator CANTWELL, who also was a help in moving part of this along, said this is a marathon, and she is right. We are not quite to the finish, but we are going to finish.

I know there are those out in America who think this is not a good bill. If you want to criticize the bill, there are a hundred ways to do it. I could point out all the flaws, and there are plenty. But you cannot solve big problems without trying. We have tried hard. We have produced an imperfect product, but a product that is the best to come along yet. In the amendment process we can make it better, and in the rest of the legislative process, hopefully, we can approve it. Hearing from the American people, we have put many of their suggestions into the mix here to help improve it. But if we don't try, this problem that has bedeviled us for years will continue.

As so many others have said, failure is not an option. We have a big problem in this country that needs solving, and I respect those who have put their shoulder to the wheel to solve it in the face of great opposition and misunderstanding in some respects from some of our constituents. But if you don't try, you don't reach these tough solutions. We came here to solve the tough problems.

I will conclude with comments that have always inspired me by Teddy Roosevelt, who was not afraid to get in a dusty arena and fight it out. He said the thing he most appreciated about his opportunities in life was the opportunity to work on work worth doing. This is work worth doing.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I wanted to say a few words because for me, this is a very sad day. I had hoped the outcome would be very different. I too want to thank my colleagues.

Earlier this evening, I happened to listen to the gray-haired Senator from Massachusetts speak and I think he probably spoke for an hour without a note. It was a lesson in immigration and a lesson on this bill. I think he knows more and has worked harder and worked longer—not months, but decades—on these issues. So, TED KENNEDY, I want you to know I have the deepest respect and feeling for you, and I am so sorry this day ended the way it did.

But to my other colleagues: Senator KYL, Senator MARTINEZ, who is here, Senator SALAZAR, Senator MENENDEZ, Senator SPECTER, Senator GRAHAM, all of those people who came to the hot rooms and sat around a table and put forward something they hoped could be bipartisan and could pass, I think we all know the fact is that any immigration bill has to get 60 votes. Therefore, it is not going to be a Democratic immigration bill and it is not going to be a Republican immigration bill; it is going to be a bipartisan bill.

Having said that, when you deal with one word, which is ''comprehensive,'' which means all encompassing, you have to deal with a system that is huge. A visa system by the millions, a broken border, interior enforcement, employer sanctions, all of those things you need to do to fix a system that has existed are broken.

Someone said earlier today: What we have now today in America is effectively amnesty, because people know you can't pick up and deport 12 million people. You can't hold 12 million people. Therefore, what develops is a kind of subterranean, fearful culture that never becomes healthy and part of the main culture of America, and it is so too bad, because it doesn't have to be that way. I think those of us who see that, who looked at the comprehensive picture, who struggled between a Democratic ideology and a Republican ideology and to put those things together that we could put together in virtually every area of immigration reform, found that indeed it was a difficult task. We also found another thing: that there are very strong feelings in this country; and secondly, this bill was misunderstood from the very day it was brought out on the floor. In many different ways, it was misreported. It is still being misreported to this very day.

People never have understood the complexities of the bill. For example, if you sunset the point system after 5 years, you essentially say that agricultural workers can't get green cards because they have to wait for 8 years, or Z visas can't get green cards because you have to wait for 8 years. The agreement was that in exchange for being able to bring people out of the shadows, to put them through the hoops of becoming legal—not amnesty—oh, and I must tell my colleagues, my hair goes up every time somebody calls it amnesty, because there are all kinds of hoops they must jump through, and they must show a dedication to the country, and they must work and they must pay a fine, and they must learn the language, and they have to do this over a substantial period of time. They have to work to hold their visa. There is a probationary period. They have to submit documents. Some people thought it was too strong, but the fact is, we had a workable program. The exchange for the Republicans for doing that was two things: the guest worker program, and 8 years down the pike, 8 years down, changing the family basis to a nuclear family for green cards—a nuclear family being a mother, a father, and minor children, with additional green cards to move people faster through, with hardship green cards where there was a hardship. I wish to share this with the Senator from Florida, and other Senators who are here, that with every amendment put on the floor, it drove the sides not closer together but further apart. I watched as we sat here late last night. I saw that as the discussion of amendments went

on, we lost Members. It was unfortunate because much of it was not on correct information.

I hope people will take a look at this bill. There may be some decision made that comprehensive, all inclusive is too much to tackle in one bill, that perhaps we should do parts of this bill at a time. This has been a very hard time for those of us who believe we had a product that had a chance to stand the test of time. We have a failing system out there today. Even if we got 25 percent better, it would be better than it is today. We could offer hope for people. We could see they are put in a constructive venue. We could see that enforcement is what it should be. We would put the money into the guarantee of the enforcement. We would use modern electronics to improve employer sanctions. Everybody would have an identification card. We have all these people in this country and we don't know who they are. What kind of a national security risk is that? Answer: It is a big one. We have people coming across all the time. This is a way to know who everybody is in the United States.

So there were so many things in this bill that were good. Sure, there are things I don't like and that Senator DURBIN didn't like and that MEL MARTINEZ didn't like and Senator SALAZAR didn't like and a lot JEFF SESSIONS didn't like. There were even things TED KENNEDY didn't like. But the point is we have a system that is not functional and that is serving no purpose and is using taxpayer dollars without producing the kinds of efficiencies it should. This is what we tried to solve in this bill.

I thought it was a good bill. I thought we could, in conference, work out some of the problems. I guess my observation of the evening is: Is comprehensive too much? Secondly, do people not want a bill so much that they are going to put amendments on this floor that don't bring people together, only divide them further?

In terms of deal breakers—my last point—there was one on each side. We survived that. There was one for each side. Yet there was nothing that could not be remedied in a conference. The achievements, I thought, would have been so strong and our situation so much improved. I hope people will read the bill, look at it, understand how these visa programs would work, understand how the security in this country would be improved by passing it, understand how we can—I have always believed we could control our borders. If we have the will, there will be a way. This was the will and the way to do that.

So it is a dark day for me and a dark evening because a lot of work went into this. I don't think we should give up. I think we should come back to fight another day. I know we will. To everybody, beginning with TED, KEN, MEL, DICK, and for those Republicans who had the courage in particular to vote yes on cloture, I am very grateful. I think if there were a few more of you, we may have been able to do this tonight. We will come back. I thank everybody.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I share in the disappointment of the evening with the Senator from California. I have been a part of this process, and I never thought in my first days as a Senator that immigration would be one of the signature issues I would deal with. However, it is one I will not shrink from and one I will continue to do all I can to see that we tackle this difficult problem our Nation faces and do something about it.

It would be incredibly easy to walk away from this. In fact, we have seen how easy it is to say ''amnesty'' and with that, satisfy one responsibility toward solving a problem our country faces today. It is easy to say this would not work, this is wrong, this isn't the right bill, this is the wrong bill, this is a mistake, we should not do this. What has been so ever-present to me is the lack of any constructive solutions. I know now we are going to be in a hiatus, and those who criticized this effort, I hope, will take the time and undertake the responsibility of putting forth a proposal, advancing an idea, doing something other than tearing down those who have put this together.

I don't believe we would have been hurt by one more day of debate. If the bill is going to be brought back, it would have been easier to have given it another day. I can also understand the exasperation and anxiety by one who waited all day for amendments that didn't come. In the blame game of Washington, there is plenty of blame to go around.

I remain committed to this because I believe we owe it to the American people to tackle this very important problem. As I look at what we must do and what is ahead, I am disappointed tonight not so much for me but for those Americans who believe our borders need to be safer. I am disappointed for those who have employees who may be illegal and are looking for a tamperproof ID system that will help them to know their workforce is a legal one. I am disappointed for those who see the opportunity for the economy of our country to be improved and made better by bringing in the best and the brightest under a points system that would reward opportunity for companies to bring in people we are not producing ourselves, but I hope we will produce in the future. But today it is advantageous to us in this global economy to bring people in from another part of the world to be a part of this thriving, high-tech economy.

I am more disappointed for the families out there who are wondering what is going to happen to them, how will this affect them—the people who fix the cars, mow the lawns at a golf club, make the hotel beds in central Florida, the people who clean the parks so that the next day people can go in and enjoy a summer vacation day, the people who pump the gas for them as they are leaving the park, the people who do difficult construction and hot construction work that takes place in the hot summer in Florida, the people who harvest the citrus crops, and all those people who do all those services and jobs, who also have the anxiety of wondering what is going to happen to them. Those are the people who come to me and ask: Are you doing something about immigration? What are you doing to help? Can you do something? Is it going to happen? When? The Senate, with its long and storied history today, bipartisanly, failed the American people. That is, plain and simply, the way I see it. We have a chance to recover and recoup and come back together to try again to bring this issue to a close and to do something for the American people in a way that will bring honor to this institution. I believe we need to lead because it is time to lead.

It is easy to lead on that which is easy; it is much harder to lead on that which is difficult. I wish to say to the Senator from Massachusetts how much I appreciated working with him. He has worked hard. I also thank the diligent members of our staffs who have given night and day to this effort. So I thank Senator KENNEDY for his participation in this effort. We have all learned from one another. I certainly have been on the learning side of the curve from Senator KYL, who has now gone but who has been an inspiration to me through the way in which he has handled this. I wish to simply say there was another quote from Teddy Roosevelt about the man in the arena, but I will not go through the quote. Those of us who are trial lawyers and have tasted the verdict coming back the wrong way, we understand there are days that don't go the way you want them to go. This was one of them. But there is no statute of limitations and there is no final judgment.

We have an opportunity to come back another day and try again. I hope it will not be long because I think the chances of this matter being brought to a satisfactory conclusion are enhanced if we get back at it sooner rather than later. The American people expect us to solve problems. That is why they sent us here.

I look forward to continuing to work with my colleagues on both sides of the aisle so we can, at some point, do the work the American people expect us to do on this very difficult issue.

I yield the floor.

Mr. DURBIN. Madam President, a number of us stayed on the floor this evening long after the Senate finished its business on the immigration bill. It is bittersweet to be here after all this effort and time, with so little to show for it. I think the comments made since the decision on the motion to end the debate was voted on have been constructive and positive. I join in that spirit.

First, I acknowledge we learned an important lesson about the Senate, a lesson that bears repeating so those who follow these proceedings will understand what happened. The Senate is a different institution, different than most city councils, different than the House of Representatives, where I proudly served for 14 years. It is an institution designed to protect the minority's points of view. It is an institution that guarantees to every State, large and small, the same number of Senators, and an institution which has honored and protected the rights of the minority since its conception.

It was in 1916, if I am not mistaken, when President Woodrow Wilson asked the Congress to pass a law to arm the Merchant Marine; with the great world war about to begin, German U-boats were sinking American merchant vessels. President Wilson wanted to stay out of the war, but he wanted to protect our fleet. He asked the Congress for the authority to arm the Merchant Marine, and it passed the House. It was stopped cold in the Senate by one Senator, who in those days had the power to stand and filibuster and, by that filibuster or debate, end the possibility of enacting a bill into law. The American people responded with outrage. The Senate was forced, for the first time in its history, to create a way to stop this power of one Senator; so they invented the motion known as the cloture motion, which we had tonight. They said it would take 67, two-thirds of the Senate, to stop one Senator from ending debate and stopping progress on a bill—67 votes.

It wasn't until many years later—almost 50 years—that the Senate amended that and said it would only take 60 votes. This came up during the civil rights debate. It was considered a great reform during that era, and 60 votes became the standard for cloture. In other words, three-fifths of the Senate would have to vote so any single Senator who tried to stop a bill from progressing would be foreclosed, or closed off with the cloture motion. That is the rule that applies today, some 40 years later. It is a rule we have lived under, and it is a rule we tried to apply to this debate.

It was the belief of many that we had enough votes to pass this bill. There were some who wanted to extend debate with more amendments and more amendments, and many of us felt most of these amendments had run their course and were repetitive, and the real ambition of those offering amendments was not to improve the bill, or even challenge the bill, but to stop the bill. So we tried, under the Senate rules, with the cloture motion, to close off that debate and bring this matter to a close. We fell short of that, despite our best efforts. The rollcall this evening fell short, with a vote of 45 to 50. We needed 15 more votes.

So what those who followed the debate saw this evening was an example of what the Senate is about, why it was created, why it functions, and the frustrating role it sometimes plays. The second thing those who followed the debate saw was the continuing saga of immigration in America. Almost from the first boat that landed in America, immigration has been an issue. How many more people can this great Nation absorb? What kind of people do we want to be our neighbors and future leaders in this country? What kind of people can come here and make this a better place? What kind of people would come here and perhaps make it worse?

We have been engaged in this debate from the earliest days of this country. There have been bitter chapters in this debate—chapters of discrimination and prejudice against those who arrived, glorious chapters when immigrants came and literally gave life to a country in its infancy.

I said on the floor before, and I think at this moment it bears repeating, I am one of those fortunate few. My grandmother and grandfather immigrated to this country. They brought my mother, a 2-year-old infant, from Lithuania and settled in East St. Louis, IL. They lived an immigrant life, a spartan existence. They managed to survive. They managed to prosper and raise a family. And the son of an immigrant mother now stands as the 47th Senator in the history of the State of Illinois. I am so proud of that, not for myself but for the fact that it says a lot of good things about America and about immigration.

This debate evoked a lot of emotional responses. I say to my friend Senator SALAZAR from Colorado, who is truly one of the most extraordinary Senators—he brings his heart to this debate—when he stands before us on issues such as the official language of America and tells what it was like to be raised in a family that spoke Spanish and to be faced with discrimination because of that heritage, it touches my heart.

Of course, Senator SALAZAR and his family are not newcomers to the United States. They were here centuries before my family arrived. I think 500 years ago, if I am not mistaken, the Salazar family started coming into this country, long before any settlers.

When I listen to Senator SALAZAR speak on these issues, I listen very carefully because I know his voice is so important in this debate.

I listen to Senator BOB MENENDEZ from New Jersey, a relative newcomer to the Senate as well, but the man has made a real mark as a child of immigrants to this country.

Senator MARTINEZ, who spoke a moment ago, from the Republican side of the aisle, is an immigrant to this country from Cuba.

America is a better place because of these three people and their families. We know that. Immigration is why we are such a powerful and great Nation. Our diversity is our strength. Those who cannot understand that do not understand this country. Those who think the nature of America is ''I am up, let's pull up the ladder,'' have lost sight of why we are truly unique in this world's history, why many of the things that divide other countries do not divide America, because we have said to people: You are welcome in this country as long as you are tolerant—tolerant of people of different colored skin, different ethnic background, different accents, different religions. These are what make us different. But in that difference is our strength. Immigration is the reason America is as great as it is today, and the detractors and critics have forgotten that.

I listened to Senator REID, Senator FEINSTEIN, and so many others as they talked about this bill. There is one section in this bill that is as close to my heart as any other section. It is the DREAM Act. I decided to introduce the DREAM Act over 5 years ago. At the time I did, a few members of my staff said: This is a serious mistake, Senator DURBIN. People will not like it, they will not understand it, they are going to use it against you.

I disagreed. I believe the DREAM Act tells the story of America in its proper form. The DREAM Act says if you are a child who came to America before the age of 16, brought here by parents, and you are undocumented, if you have lived in this country for 5 years, if you graduate from high school, if you are prepared to either serve our country in the military or to finish 2 years of college, we will give you a chance to be an American citizen.

Why did I introduce this bill? Because, frankly, in my office in Chicago and Springfield and all across the State of Illinois, most of our work is on immigration. I introduced it because I met a young woman, a Korean American who came here at the age of 2, whose family did not file the papers, who learned much later in life when she thought her star was going to soar that she had no country. Her mother came to my office and said: What are we going to do about this little girl? We never filed papers, Senator. Everybody in the house with her is a citizen, but she is not. What can we do?

We went to our agencies of Government and said: What can we do for this 18-year-old girl who has such a bright future, who has been offered a music scholarship because of her skills on the piano? The immigration office said: The answer is obvious: Send her back to Korea.

Send her back to Korea after 16 years of living in this country? After 16 years of American dreams she was to be sent away? That is when I wrote the DREAM Act. I said it isn't fair. It isn't fair for us to talk about bringing any new people into America until we at least give these children who should not be faulted for any shortcomings of their parents a chance.

I salute all those involved in writing the bill we considered, S. 1348, because from the beginning, I was so honored that they came to me and said this bill will not go forward unless the DREAM Act is included. They worked hard on both sides of the aisle—Democrats and Republicans—and the White House to include in this bill the DREAM Act.

I want to make a promise to those young men and women I still see almost every time I return to my home State of Illinois: I won't quit on you. I promise you I will continue this fight. We are going to pass this law. You are going to get your chance, and you are going to make this a better country. I made you that promise, and I am going to keep it. It wasn't today, but it will be tomorrow. I want to keep that promise. The DREAM Act will become the law of the land. Tens of thousands of kids who are going to school now and are wondering what the future could possibly hold, if you are undocumented and educated in America, those kids are going to get a chance. That is what this country has always been about.

I wish to say a word of praise to a handful of Senators on both sides of the aisle.

On the Republican side of the aisle, there were some true profiles in courage, as Senator REID said. ARLEN SPECTER stepped up and became a real leader on this issue. I have disagreed with him in the past, and I have agreed with him. But I have always respected this man. I watched him day to day battling cancer, never missing a bell, coming to the Senate Judiciary Committee and to the floor of the Senate, keeping up a breakneck schedule, running his staff into the ground while he was undergoing chemotherapy on the weekends. He is truly a man dedicated to public service and brings a special talent to the job.

JON KYL of Arizona. The last time we considered immigration reform, JON KYL was the harshest critic of immigration reform. When I heard he was in on the negotiations, I thought: What is this all about? I quickly learned. It was genuine. He was committed to trying to find a bill. I didn't agree with JON KYL's approach in many areas, but I respect the fact that his commitment was genuine and he tried up until the very last minute to pass this bill.

LINDSEY GRAHAM of South Carolina. I watched the rollcall votes for LINDSEY GRAHAM and thought many times how can he possibly do this? How can he go home, maybe even face a Republican primary, and have the courage to take these votes and cast them the way he has? But he did it over and over again.

MEL MARTINEZ of Florida, I mentioned earlier, from Cuba, wears two hats, not only a Senator from the great State of Florida, but is chairman of the Republican National Committee—chairman of the National Republican Committee. He has been a true leader on this issue. I have come to know MEL and respect him so much. He has told us in private meetings with Senators the story of his life. I understand why the issue means so much to him personally.

JOHN MCCAIN. JOHN MCCAIN has been kicked around for a lot of reasons. He can take it. He is tough—a POW for over 5 years, a veteran of war. He has been through a lot in his life. He stood up for this bill when people wouldn't have had the courage to do so. I respect him for doing that.

On the Democratic side, what can I say about TED KENNEDY? I am sorry he has left. Maybe his staff or somebody watching will share my feelings about him. It was 40 years ago I sat right up there as a college student. It was 1968. I had heard Senator Bobby Kennedy, a Senator from New York, was coming to the floor and was going to speak out against the war in Vietnam. I waited for a long time until early evening, and through those doors came Bobby Kennedy with his brother TEDDY KENNEDY. He walked over and gave a speech on the Vietnam war. I sat up there in awe of these two great men, Bobby Kennedy and TEDDY KENNEDY. I looked down on them and said: I can't believe I am seeing these giants in American history. I never thought I would see the day when I would serve with TEDDY KENNEDY. He and I disagree from time to time; that is expected in the Senate. But I never had but the greatest admiration for his courage and leadership. This is a man who struggles each day with a disability that might stop others but never stops him, often in pain, often in discomfort. He comes to the floor every day. He comes to the committee every day and fights with all of his heart for what he believes in, and we saw it in this immigration battle.

Senator DIANNE FEINSTEIN, who was here a few moments ago, is a terrific ally on these issues. She is truly looking for bipartisan responses every step of the way, a practical solution, and never gives up. Down in the well as we voted on the cloture motion, she didn't give up the hope we might put together 60 votes. She walked around begging Senators to vote. She is that kind of committed person.

I said a word about Senator SALAZAR, and I won't return to that chapter other than to say he has been a major part of this debate. A newcomer to the Senate, he has made his presence felt. I know he has many years of contribution to this country and the State of Colorado he represents so well.

BOB MENENDEZ I mentioned earlier, Cuban background, another newcomer to the Senate. Both he and Senator SALAZAR on the Democratic side of the aisle are important voices in this debate from the Hispanic community.

And finally, Senator SHELDON WHITEHOUSE, brand new to the Senate, who is gaining in stature every single day, has been an important part of this effort.

Those are the 10 who come to my mind who deserve special credit and praise.

Let me say in closing, for those who may stand and argue we didn't give them a chance to debate this bill, I think we did. I think we were more than fair. Last year before cloture was invoked on the last immigration bill, the Senate disposed of 30 amendments, 23 rollcall votes. This year the Senate disposed of 42 amendments, not 30, 42 amendments, 28 rollcall votes. In the entire consideration of the immigration bill last year, the Senate disposed of 44 amendments, only 2 more than we have already considered at this point in the debate.

I believe we did everything in our power to offer even more amendment opportunities. I was here with Senator REID today when he repeatedly offered on the floor a chance to bring forward amendments, let's debate them, let's vote on them, let's move forward. And every time he tried, a Senator from the other side of the aisle, the side of the aisle that was begging for amendments, stood up and objected. They objected to calling up the very same amendments they argued were the obstacle to bringing this bill to finality.

Let me say this: It is very difficult and rare to revive and resuscitate a bill that doesn't get cloture once we have moved beyond it. I hope this is an exception. To paraphrase what Senator MARTINEZ and Senator SALAZAR said, there are so many people counting on us when it comes to this vote, thousands and thousands of young people who are begging for this DREAM Act, praying it will pass and give them a chance, millions of people living in shadows, in fear, working hard every day, loving their families, going to the church of their choice, trying to be part of their community, and realizing they are just one knock on the door away from deportation and the destruction of their family and their life as they know it. I cannot imagine living with that shadow over one's life, and so many do. We owe it to them to

do something that is honorable in response to this need. And we owe it to our country to repair our broken borders, to slow this flow of illegal immigration, to make sure there is enforcement in the workplace, and to make sure America's doors are still open for those who bring their dreams to America and make it the great Nation we love so much.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to say a few words. I heard colleagues who have spoken. I have listened at length to some very eloquent remarks evoking sincere feelings and emotions. I certainly respect that. We all in this body are great advocates. We disagree sometimes.

I suggest that we had a couple of problems with the bill, and that is why the bill failed. There are a lot of problems with the legislation itself, and there are a lot of problems that the American people had with it.

The bottom line is, the American people did not have confidence that we were moving legislation that would effectively accomplish what all these great remarks we heard earlier promised it would do. I don't think there is any other person in this body who has personally prosecuted an immigration case. But this Senator has. I did that years ago. I am familiar with the process. I am familiar with the system and the difficulties, including how overwhelmed it has been and why it is not working. The American people were expecting us to fix it.

In my opinion, after studying the bill at great length, analyzing it in detail, I don't believe it would have worked any better than the bill in 1986. So I made up my mind last year and I made up my mind this year that I was not going to support legislation that is not going to work. I was not going to support the 1986 bill. I was not going to vote for a bill that promises amnesty today and law enforcement in the future, and the amnesty occurs but the law enforcement does not. That is the fundamental thing.

Today, somebody handed me some polling data that sheds a little light on this weeks events. The article, posted on the Rasmussen Reports website is titled ''Support for an immigration bill falls.'' A poll conducted Monday and Tuesday night found that 23 percent of voters now support the bill, while 50 percent are opposed. Two-to-one opposed to the bill.

We have heard people say we need to do something, even if it is the wrong something or even if it will not work. We have heard the claim that the American people just want us to do something over and over again. That sounds good, I will admit. We certainly do have serious problems with our immigration system.

The Rasmussen Report says, however, that ''in the face of public opposition, some supporters of the legislation have argued that the compromise may not be perfect, but doing something is better than nothing. Voters have a different view—a solid plurality believes it would be better for the country to pass no bill at this time rather than letting the Senate compromise become law.'' And that is why people's phones have been ringing off the hook, because we are given a responsibility to deal with an important issue.

I love my colleagues. I tease them a lot. I call the group of them that wrote this bill the masters of the universe. They all met in some secret room somewhere, and they started plotting, working, and trying to do the right thing. They met and met and worked and worked, and they decided that they were going to tell America what we needed. They were going to figure it all out, and just explain to us what the real facts were and how this thing ought to be handled.

But, they are a bunch of politicians—good people but still they are politicians. They didn't invite anybody from the Border Patrol into their meetings to give them advice as to what is actually working on the borders. They didn't invite interior agents from Immigration and Customs Enforcement to tell them how to fix the interior immigration problems. They did have, of course, direct and regular contact with big business. They had direct and regular contact with special advocacy groups, who had their list of demands. They were actively seeking out ways to gain the political support of this group and that group because that is what they think legislation is sometimes. But they forgot about the American people.

I just want to say that on this bill, the American people watched this process closely. On this bill, the American people kept up with it. On this bill, the American people were expecting this Congress to pass legislation that would significantly and dramatically improve the colossally broken system we have.

They didn't expect them to pass a bill that would double illegal immigration. They didn't expect them to be offering to pass a bill that would, according to the Congressional Budget Office just a few days ago, only reduce illegal immigration by 25 percent. After all of the things they were asking us to accept in this bill, we were only going to get a 25-percent reduction in illegal immigration? The American people didn't expect that the deal makers would offer a bill up that would say that after President Bush put the National Guard on the border, somebody who came across the border and ran past the National Guard and got into our country before January 1 of this year would be given amnesty and put on a path to citizenship in this country. That is not principled.

How can we ever assert the rule of law in America if we make a statement to the world that the border is closed, we call out the National Guard, and then anybody who runs by there and gets in, we say: OK, home free, home free, now you are on a path to citizenship. That is not good.

Last year, the bill said that anybody who got in after January 7, 2004, was not eligible for amnesty. This year, they moved the qualifying date to January 1, 2007. Why? I guess it was a political deal. I guess they didn't ask the American people what they thought was moral and just and fair and responsible and compassionate. The deal makers decided that on a political basis it made sense, I suppose. I am told that this is what it was—give here and give there and before you know it you have a bill.

I suggested last year that we have a legitimate guest worker program, and I was so happy to hear that promises were made this year that we would have one that could actually work. I was excited about that. But as I began to examine it I didn't believe it would be a practical solution the way it was written.

I emphasized last year that people in a temporary worker program should not come for 3 years, as last year's bill did, with their family, and be able to extend again and again and then be expected to leave the country sometime in the future. So this bill was better in that regard, but it still allowed families to come with the person—20 percent—and others to come and visit, creating all kinds of possibilities for overstays in that regard. That is why the Congressional Budget Office projected a very large increase in visa overstays as a result of the way this bill was written in that regard.

I was very intrigued and excited that my suggestion last year—that we model our legislation on the Canadian system—was being considered. The administration said they liked this merit-based system. They liked the point system. They thought we ought to go more in that direction. Canada admits 60 percent of its people through immigration under a competitive, skill-based system because the Canadians have learned and have proven, if you talk to them, as I have, that persons who come in with any college, with a skill, and with a good work history—and if they speak English or French, they give extra points for that—very seldom go on welfare, very seldom take benefits from the government, and become properly productive citizens who pay taxes and become good citizens for Canada.

We have, at this time, only a mere 13 percent of our people coming in on the basis of their skills. Today, the overwhelming majority come in based on chain migration and family connections. I thought we were going to make

a real move toward the Canadian system with this bill. I know Senator KYL worked his heart out to try to do that, but when the final compromise was reached, he couldn't get a better deal than this, that this merit system would really not take effect for 8 years, and during the interim period, there would be a surge of chain migration numbers for 8 years, perhaps triple the current rate. To me, that was a political compromise too great. That is something I couldn't support.

Let me just speak briefly about how we came to the final vote tonight. I think the majority leader, HARRY REID, maybe wanted to get rid of this bill from the start. He has now begun to say it is President Bush's bill, but it was the Senate's bill. He called it up without a committee hearing. It is Senator REID's bill, if you want to know the truth. He brought it up under rule XIV. It didn't even go to committee. The majority leader has that power. He called it up directly to the floor.

Yes, it had bipartisan support, but he was the one who enabled that to occur. The new bill was introduced after they called up the old bill. Then REID tried to substitute a completely new bill, and then we debated that with not a great deal of time. For example, I had 20, 30 amendments filed. I got one amendment up for a vote. I tried to bring up a number of other amendments, and every time I have tried to bring one up, it was objected to. Senator CORNYN, one of the finest, most capable lawyers in the Senate, a former attorney general of Texas and justice on the Texas Supreme Court, got one amendment up for a vote. Senator ELIZABETH DOLE, from North Carolina, had an amendment dealing with drunk drivers—an important amendment. She tried to bring hers up, and it was objected to. This afternoon, there was only one amendment pending that actually had been called up and had been introduced, filed, and made pending.

So we had this discussion about having some votes this afternoon, and then we were told that we were going to revote on cloture tonight. What I want to say to my colleagues and anybody who is listening is that if cloture had been obtained tonight, after a half dozen more votes, no other amendments would have been pending.

So we simply had a little disagreement this afternoon. We said that we wanted to have other amendments pending so that if cloture were invoked, we would have amendments that could be voted on post cloture. In fact, we were working to pare down over 200 amendments that had been filed, to bring in those amendments to under 20 amendments, maybe even lower. That is when the majority leader decided to call another cloture vote, and that is the vote that failed, I would note, on a bipartisan basis. While 7 Republicans voted for cloture, 12 Democrats voted against the majority leader and against cloture.

We had not had sufficient time to debate this bill. We had not had sufficient time to have amendments. It will be almost a thousand pages when put in bill language. That is not a bill that can be passed in a couple of weeks. It needs more debate than that, and it was never taken to committee. The committee did not hear it, and no amendments were offered there. It was brought directly to the floor.

So I would just say that I think we do have a responsibility to treat people who come to our country, even those who come illegally, compassionately, fairly, justly, and according to good principles. We have a responsibility to create a legal system that works in America. I am afraid this bill didn't do it. That is my problem with the bill. I think that the American people agreed. If we come back again, the bill needs to be a vastly improved product. I would be glad to suggest some ways to make it better. In fact, I have before, and I will again.

Madam President, I thank the Chair, and I yield the floor.

REMEMBERING SENATOR CRAIG THOMAS

Mr. SCHUMER. Madam President, it is with a heavy heart that I rise today to honor the service and memory of my friend, Senator Craig Thomas of Wyoming. His exemplary service in the Congress over the past 18 years is a shining example of the good that can be accomplished for the public benefit. A 1955 graduate of the University of Wyoming, Senator Craig demonstrated considerable leadership early in his life; he entered the Marine Corps soon after graduation and rose in rank from private to captain in just 4 years. Following his service, Senator Thomas returned to Wyoming to make a difference in his native State, serving as executive vice president of the Wyoming Farm Bureau and later as general manager of the Wyoming Rural Electric Association. In 1984, Senator Thomas first entered public service as a State representative, was elected to the House of Representatives in 1989, and finally ascended to the Senate in 1995.

It was my honor to work with Senator Thomas during his Senate career. He was a firm believer in compromise and bipartisanship. This was no more evident than when he and I introduced legislation to protect taxpayer privacy. We worked together on a broad range of issues from protecting consumers to stopping the proliferation of nuclear weapons to Iran. Senator Thomas and I shared a belief in this body and what it can achieve. I am very saddened by this tremendous loss, but the memory of Senator Thomas and his good deeds remind us all of a long, rich life that should be celebrated, and I respectfully request that this statement be entered into the RECORD.

Mr. KYL. Madam President, Senator Craig Thomas was a wonderful friend to all of us. He was an accomplished Senator, and he was a true cowboy. It is that spirit that won't be replaced in the Senate, and it is that spirit that I would like to remember today. Craig's record in the Senate will reflect his significant accomplishments, and I wish to honor the quality of the man who achieved them.

I had a special affinity for Craig. Not only did he and I come to the Senate at the same time, we had also served in the House of Representatives together. Craig came to the House in 1989, 2 years after I did, when he won a special election to replace our current Vice President, DICK CHENEY, who had been made Secretary of Defense.

We, of course, were also fellow westerners, and I admired the manner in which he embodied the values of the West: the self-reliance, grit, and quiet determination of pioneers that shape Americans still today.

These values were impressed into Craig as he grew up on a ranch near Cody, WY. Those values of the American West, instilled by the rugged landscape of Wyoming, would serve him well in the Marine Corps and in the Senate.

Craig did not talk a whole lot, but he always meant what he said. He communicated in a way that didn't require a whole lot of ''jibber-jabber,'' as he would say. Everyone appreciated this quality in him. You never had any doubt about where Craig stood, something our public officials could learn from today.

Craig understood that words and rhetoric easily vanish from our memories. He recognized that honor is not won by keeping up appearances but by working hard and accomplishing what you set out to do. He understood that the best way to accomplish difficult things was to get busy doing them. To Craig, this was common sense, but oftentimes common sense is all too uncommon.

In his commonsense manner, he served the people of Wyoming who overwhelming elected him to the Senate on three occasions. Craig let the interests of the State guide his work in the Senate. He never let his ego get in the way of doing what was best for Wyoming and the country.

My wife Caryll and I grieve with Craig's wife Susan and their family. But, in our grief, we also celebrate his life. There is much to celebrate not only in Craig's accomplishments—whether on behalf of our national parks, farmers, or rural families, to name only a few of his legislative priorities—but also in his character. He was a humble servant for Wyoming

who stood up for the people of his State. Even in his illness, he never wavered from his duties as a legislator.

The values of the American West are the commonsense values that make self-government possible. Craig Thomas, the cowboy and statesman, embodied these values that made this country what it is and are needed to sustain it in years to come.

Ms. SNOWE. Mr. President, I join with my fellow Senators and so many in Wyoming and throughout the country in expressing my profound sadness on the passing of my colleague and good friend, Senator Craig Thomas. I also want to offer my most sincere condolences to his wife Susan, their four children, and the entire Thomas family at this most difficult of times.

Today, we mourn the loss of a true patriot whose love of country and loyalty to its principles were always an inspiration and example to us all. A U.S. Marine captain, an advocate for rural concerns with the Wyoming Farm Bureau, American Farm Bureau, and the Wyoming Rural Electric Association, and an indefatigable public servant as a Member of the Wyoming House of Representatives, the U.S. House of Representatives, and the U.S. Senate—Senator Thomas always placed a premium on bettering the lives of the citizens of his state, ensuring that their concerns were not only heard—but were addressed vigorously, effectively, and with results.

I recall the distinct honor and privilege of serving with Craig for more than 17 years both in the U.S. House and U.S. Senate. Indeed, we entered the Senate in the same class of 1994, and I remember with tremendous regard our service together on the Senate Foreign Relations and Senate Finance Committees. Time and again, regardless of the issue, Craig exhibited a stalwart dedication to his country and his constituents—with a steadfast devotion that was ever mindful of the public trust placed in his hands.

Senator Thomas was unwavering in his allegiance to the tenets that guided his life. True to his core beliefs and unshakable in the values he drew from his beloved Wyoming, Senator Thomas held fast to his philosophy of fiscal conservatism. And yet when he advanced his arguments, he did so without rancor and with the utmost respect and cordiality. He possessed an unyielding decorum that contributed to his esteemed presence in the Senate, and he had at his disposal that indispensable tool of politics—humor, which he used to great effect and at times with incredibly disarming outcomes. Even when we disagreed, he was never disagreeable, rather choosing to give no more than an occasional good-natured ribbing—always with a smile on his face.

As my colleague MIKE ENZI stated in his tribute, Craig Thomas was not one who necessarily sought the limelight. He lived his life and comported himself in a manner that exemplified the words President Ronald Reagan displayed on his desk in the Oval Office: ''There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit.'' Whether on matters of rural health, safeguarding the interest and concerns of farmers, or reducing the deficit, Craig focused on making concrete strides, not amassing accolades.

In the arena of public life, regardless of trial, tribulation, or triumph, Senator Craig Thomas remained a compassionate person of immense caliber who served the best interests of the people of Wyoming with unyielding advocacy, integrity of purpose, and uncommon civility. We will miss his benevolent nature, his good will, and his great deeds. Our thoughts and prayers are with his family and staff here in Washington and in Wyoming.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER CHRIS ALLGAIER

Mr. HAGEL. Madam President, I rise to express my sympathy over the loss of U.S. Army Chief Warrant Officer Chris Allgaier of Omaha, NE. Chief Warrant Officer Allgaier, an Army helicopter pilot, was killed on May 30 while conducting combat operations in Helmand Province, Afghanistan. He was 33 years old.

Chief Warrant Officer Allgaier attended Creighton Prep High School, where he graduated with highest honors in 1991. He earned a bachelor's degree in aeronautical administration from Saint Louis University in 1995.

After graduating from college, Chief Warrant Officer Allgaier joined the Army to pursue a longtime interest in flying. He served with the Army's 82nd Airborne Division, based out of Fort Bragg, NC. This was his second tour in Afghanistan. Chief Warrant Officer Allgaier also served a year-long tour in Iraq. We are proud of Chief Warrant Officer Allgaier's service tour our country, as well as the thousands of other brave Americans serving in Iraq and Afghanistan.

He is survived by his wife Jennie and three children, Natalie, Gina, and Joanna, of Spring Lake, NC; his father Bob Allgaier of Omaha, and siblings Rob and Sharon, also of Omaha.

I ask my colleagues to join me and all Americans in honoring Chief Warrant Officer Chris Allgaier.

SPECIALIST WILLIAM BAILEY III

Madam President, I also rise to express my sympathy over the loss of U.S. Army National Guard Specialist William Bailey III of Bellevue, NE. Specialist Bailey died on May 25 when an explosive device struck his vehicle near Taji, Iraq. He was 29 years old.

Specialist Bailey had been serving in Iraq since November with the 755th Chemical Reconnaissance/Decontamination Company. Specialist Bailey was also a volunteer with the Bellevue Volunteer Fire Department for 5 years. He was buried with full military honors and traditional fire department honors. His funeral procession included 35 firetrucks from several departments across Nebraska.

Specialist Bailey is remembered as a devoted husband, father, son, and brother, as well as a committed member of the community. He was an avid hunter and outdoorsman, and he loved motorcycles.

We are proud of Specialist Bailey's service to our country, as well as the thousands of other brave Americans serving in Iraq.

He is survived by his wife Deanna and five children.

I ask my colleagues to join me and all Americans in honoring SPC William Bailey III.

TRIBUTE TO 1ST INFANTRY DIVISION

Mr. BROWNBACK. Madam President, on June 8, 1917, the U.S. Army officially organized the First Expeditionary Division. That means tomorrow is the 90th anniversary of what is now known as the 1st Infantry Division or the ''Big Red One,'' headquartered at Fort Riley, KS. The Big Red One has an unsurpassed history of answering the call to duty, and it is vital to our Nation's fight against determined enemies. We are fortunate to have these fine soldiers defending our freedom.

As the oldest, continuously serving division in the history of the U.S. Army, the Big Red One enjoys a long and proud tradition of defending America. It also has a tradition of being the first. During World War II, Big Red One was the first to reach England, the first to capture a German city, the first to fight in North Africa, and the first on the beaches of Normandy on D-day. It was the first division to deploy to Vietnam and spearheaded the armored attack into Iraq at the start of Desert Storm. The Big Red One has a long and proud heritage that we should honor and celebrate.

On August 1, 2006, I was proud to welcome the Big Red One's headquarters back to Fort Riley, KS. The division has a vital, new mission of training military transition teams for both Iraq and Afghanistan. This intense training is meant to prepare our finest military members to train their counterparts in the Iraqi and Afghani militaries. We honor those soldiers who have committed to this mission. I also want to recognize the 1st Division soldiers operating today in some of Baghdad's toughest neighborhoods. They too take their place in the Big Red One's proud history.

On this 90th anniversary, June 8, 2007, I salute the men and women of the U.S. Army 1st Infantry Division, the

Big Red One. The enormous sacrifice and dedication of these heroic men and women should make all Americans proud. As they say in the 1st Division: ''No mission too difficult, no sacrifice too great. Duty first.''

U.S.-RUSSIA RELATIONS

Mr. NELSON of Nebraska. Madam President, I rise today to acknowledge the United States' crucial relationship with Russia. The fate of U.S.-Russia relations rests on key agreements regarding security, trade, and energy policies.

The annual G8 Summit taking place this week in Germany comes at a crucial time in our relationship with Russia, a key international trade, military, and security partner to the United States.

For decades after World War II, our military and national security policies focused mostly on the Soviet Union. At that time, both nations pursued a foreign policy dubbed ''Mutually Assured Destruction.''

In the early 1990s, with the support of the United States, new Russian leaders began instituting democratic reforms. As the political landscape in the Soviet Union improved, so did our relationship with Russia. Instead of destruction, our countries have pursued cooperation, though the Russians still have work to do on human rights. Certainly, recent actions by the Russian Government to limit freedoms, crack down on journalists, and inflict economic damage on its neighbors are cause for concern for the United States. Some of these concerns can and should be addressed through engagement and diplomacy with Russia.

Recently, relations between the United States and Russia have become strained, with the rhetoric between the nations exacerbating the problem. As the G8 meetings commence, it is imperative that the U.S. Government engage Russia on the vital security, trade, and energy policies important to both nations.

Last week, as cochairman of the U.S. Senate-Russia interparliamentary working group, I held 3 days of meetings in Moscow with legislators and top Russian officials, including Russian Foreign Minister Sergey Lavrov, to discuss our mutual economic and security interests.

The Russians were united on key matters. First, they question U.S. intent with regard to deployment of missile and radar systems in Poland and the Czech Republic. Second, they would prefer an extended timetable on independence for Kosovo. They also identified vital security matters where they and we Americans can work together, specifically, halting Iran's nuclear program and the spread of global terrorism. While we may have disagreed on the appropriate manner in which to address the emerging threat of Iran's nuclear program and the amount of time in which we have to do so, Russian officials were clear that, like me, they believe Iran's ultimate goal in developing nuclear power is to produce a nuclear weapon.

Our delegation's message to the Russians was clear as well: we can work out differences over missile defense, Kosovo and other issues, but the Russians need to step up and assist the global community with Iran and terrorism in Iraq. Cooperation is critical to the success of our relationship.

In addition, Russia has tremendous economic potential. They have registered 5 percent or better economic growth in each year since 1999 and 6.7 percent in 2006. Personal income grew 10 percent in 2006. However, this growth has impacted mostly urban areas such as Moscow or St. Petersburg, and more needs to be done to improve economic conditions in rural areas.

U.S. exports to Russia for the first 11 months of 2006 totaled $7.8 billion. U.S. foreign direct investment in Russia in 2005 was $5.5 billion, up from $3.8 billion in 2004. Russians are buying American products and services—it seemed that every fifth car in Moscow was a Ford. But we can do better by helping to raise the standard of living in Russia to advance democratic reforms.

Russia is now working to join the World Trade Organization, WTO. The United States maintains an obscure trade law, known in Washington-speak as ''Jackson-Vanik,'' that would limit U.S. business trade and investment in WTO-member Russia because the law prevents normalized trade relations between the two countries. While the original intent of this trade law was admirable, it is now widely believed to be antiquated and remains only as yet another Cold War relic, this time hindering future progress in opening permanent normal trade relations between Russia and the United States. If Jackson-Vanik remains in place, Russian businesses would not suffer alone upon Russia's accession to the WTO; U.S. businesses would also suffer while businesses from around the globe prosper in Russia's increasingly valuable markets. Congress needs to ''graduate'' Russia from this trade provision so U.S. firms can compete with foreign firms on the economically fertile ground in Russia.

Finally, as with other allies, important and controversial matters between the United States and Russia will continue to arise. Energy production and supply, for example, is an important national security matter for the United States and its allies. Russia's state-controlled energy company, Gazprom, is building an intricate pipeline system which will control natural gas flow to European countries. It currently supplies about 25 percent of Europe's natural gas, with higher percentages to some former Soviet European states. About 40 percent of crude oil exports move to Europe through a pipeline system. They plan to expand to North America. Russia has already exploited the dependence of Ukraine, Moldova, Belarus, and Georgia on its energy resources. Without cooperation and understanding between our countries, this system could leave the United States vulnerable in the future to gas supplies controlled by the Russians.

Mikhail Margelov, my Russian counterpart in the working group, said that the U.S.-Russia alliance must be strong for the future of both countries. He is right. Collaboration can bring about change for the good. Negotiation can resolve conflicts. Strong relations can solidify Russia's democracy.

The administration should use the G8 Summit as an opportunity to engage Russia on these key security, trade and energy policy matters. It is in the national security interests of the United States to have a strong relationship with a democratic Russia.

TRIBUTE TO THE UNIVERSITY OF MICHIGAN SURVIVAL FLIGHT TEAM

Ms. STABENOW. Madam President, I wish today to pay tribute to the six members of the University of Michigan Survival Flight team who perished this past Monday when their plane tragically crashed into Lake Michigan during an organ transplant mission. On behalf of the people of Michigan, I would like to extend my deepest condolences to the victims' families. These brave men put their lives on the line to save the lives of those in need of urgent medical care. They touched countless families through their work and the goodness of their hearts and stand as examples to all of us as modern-day Good Samaritans.

Richard Chenault II, 44, from Ann Arbor, was hoping to get back to Michigan on time Monday to attend the Father Gabriel Richard High School sports banquet. He was being honored for coach of the year in both girls track and girls cross-country. He never made it but is remembered by the students and faculty at the school as a mentor, teacher, and friend.

Rick Lapensee, of Ypsilanti, fought fires for 18 years while serving as an emergency medical technician. He immediately jumped at the chance to work as a University of Michigan life flight medical technician 3 years ago. On Monday morning, Richard had just finished a 24-hour firefighter shift before embarking on the transplant flight.

Dr. David Ashburn, 35, of Dexter, was a cardiac surgery resident at the University of Michigan. He was looking to begin his pediatric cardiac surgery fellowship in July. Dr. Ashburn was a

dedicated family man who enjoyed turkey hunting in the wilderness of Michigan.

Dr. Martinus Spoor, 37, of Ann Arbor, was a regular when it came to the air transplant business, making roughly 10 flights a year. Dr. Spoor was known by his friends and family as a ''gentle and kind human being'' and taught heart valve repair techniques to medical students.

Dennis Hoyes, 65, of Blackman Township, was a man who loved to fly. A retired small business owner, Dennis would often spend his days at the Jackson County Airport and worked as an adjunct flight instructor for Jackson Community College's aviation program. Dennis would always give a free lesson to anyone who asked.

Bill Serra, 59, of Macomb Township, had over 12,000 hours of flight time from small planes to 747s. During the Persian Gulf war, Bill worked as a civilian pilot delivering material and ammunition to U.S. forces. The Air Force honored Bill in 1993 for his dedicated service.

Our State of Michigan lost real heroes Monday—heroes who gave back to their communities without fanfare or personal gain, heroes who did their dangerous work out of passion, dedication, and a desire to make the world a better place.

Unfortunately, we often take these heroes for granted, forgetting that their dedication to service comes at life-threatening risk.

The stories of these six men serve as a proud reminder that all of us can give back, that all of us can contribute, and that there are heroes all around us in our communities, our families, and our States. Michigan can never express how proud we are of these individuals' service, and the Michigan family joins the Chenaults, the LaPensees, the Ashburns, the Spoors, the Hoyes, and the Serras in mourning the passing of these brave men.

ADDITIONAL STATEMENTS

2007 WE THE PEOPLE NATIONAL FINALS

• Mr. DODD. Madam President, this April, more than 1,200 students from across the country visited Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a class from Trumbull High School of Trumbull, CT, received an Honorable Mention Award at this prestigious national event. Seven Honorable Mention Awards were presented to schools placing 4th through 10th on the final day of competition. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capitol and compete at the national level.

While in Washington, the students participated in a 3-day academic competition that simulates a congressional hearing in which they ''testify'' before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

I am also pleased to note that the We the People curriculum is aligned with the National Standards for Civics and Government and correlates with the social studies standards of many states.

The names of these outstanding students from Trumbull High School are: Alexa Alexander, Akanksha Bajaj, Rebecca Chadwick, Chelsea Clyde, Ashley Cohen, Shane Connolly, Victoria Costello, Mulan Cui, Megan Denstedt, Jackson Dolan, Adam Drenkard, Mike Finik, George Fitzpatrick, Casey Gardiner, Blake Ludwig, Alex Mosello, Elisa Odoardi, Alison Ornitz, Matt Pankracij, Mary Santella, Jaclyn Siegel, Matt Socha, Edward Tillistrand, and Stephen Wagner.

I also wish to commend the teacher of the class, Mike Margonis, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition are Jim Schmidt and Julie Jaquish, the State coordinators, and Lorna Gallagher, the district coordinator, who are among those responsible for implementing the We the People program in my state.

I congratulate these students on their exceptional achievement at the We the People national finals.•

TRIBUTE TO PEGGY WHITWORTH

• Mr. HARKIN. Mr. President, today I would like to express my deep appreciation to Peggy Whitworth, executive director of Iowa's only national trust property, Brucemore. Brucemore, located in Cedar Rapids, IA, is celebrating its 25th anniversary, and Peggy has been Brucemore's only executive director during that quarter century. During this time, her leadership, creativity, and ''can-do'' attitude have made Brucemore a model nonprofit organization and an eastern Iowa landmark.

This past December, Peggy was awarded the National Trust President's Award for her years of dedicated service to Brucemore, as well as for her advocacy of preservation. I would like to add my voice to those honoring Peggy and her work. She is respected not just in Iowa but across the country as a champion for preservation and the promotion of cultural attractions. Her labors on behalf of historical preservation have helped inspire people in other communities to preserve and honor the important architectural, cultural and historic contributions from our past.

Twenty five years ago, when Brucemore was bequeathed to the National Trust for Historic Preservation, the idea was to use the mansion for community meetings and activities. That limited perspective did not last long. Under Peggy's leadership, Brucemore has come to offer a full schedule of events, including Bluesmore, Classics at Brucemore, Cabaret in the Courtyard, as well as tours of the mansion which draw nearly 30,000 people annually.

Peggy has also been active in promoting culture and tourism attractions as an economic development tool. In addition to her work at Brucemore, Peggy has served five terms on the Iowa State Historical Society board, including chairing the board. She serves on the Terrace Hill Foundation. And she was recently appointed to the Board of Pharmacy Examiners by Iowa Governor Chet Culver.

Peggy Whitworth is planning to retire later this year. Her leadership and vision will be greatly missed. And we are deeply grateful for her many contributions to the cultural richness of Iowa.•

TRIBUTE TO STAFF SERGEANT HAROLD GEORGE DANLEY

• Mr. NELSON of Nebraska. Madam President, today I wish to recognize a man who died in the service of his country 64 years ago but never received the proper recognition he was due.

Harold George Danley was one of four brothers from Lincoln, NE, who joined the armed services during World War II. Three of those brothers returned home to their families; Sergeant Danley, who was 22 years old, did not.

Sergeant Danley was serving in the 18th Army/Air Force Anti-Submarine Squadron aboard a B–24D Bomber, which crashed while patrolling the east coast of the United States somewhere near the Virginia/North Carolina shoreline on April 21, 1943. Despite the efforts of search parties, his body was never recovered; therefore, no memorial service was ever performed on his behalf. It was some time later that the family was notified that Sergeant Danley was officially listed as FOD, ''Finding of Death.''

Sergeant Danley left behind his wife Thelma; his daughter Merriam, who was born several months after her father's death; his father Harrison, and stepmother Anna; three brothers, Lieutenant Colonel Earl E. Danley, Sergeant Bob E. Danley and Sergeant Lloyd K. Danley, now deceased; and

three half-siblings, Marvin, Delores and Betty. His mother Ella preceded him in death.

On May 18, 2007, a memorial service was held at Arlington National Cemetery to honor Harold G. Danley as a son, brother, husband, and father, as well as a man who made the ultimate sacrifice in the service of his country. My thoughts are with the Danley family as they honor the memory of Staff Sergeant Danley, a Nebraska hero from the second World War.●

TRIBUTE TO MARK C. SMITH

● Mr. SESSIONS. Madam President, I wish to remember the life of Mark C. Smith, who was one of the most resourceful and brilliant entrepreneurs in the history of the State of Alabama. His departing this life on March 27, 2007, leaves an irreplaceable loss for his family, his home town of Huntsville, the State of Alabama, and the Nation. Few men in the history of America's free enterprise system have attained such lofty heights in business as Mark Smith. Starting with very little and coming from humble family beginnings, Smith invented, designed, and managed companies under his ownership and tutelage to heights that draw the envy of the corporate world.

Mark was raised in Birmingham, graduating in 1958 from Woodlawn High School. He was the son of parents who were both teachers. During high school, Smith became a ham radio buff and developed an interest in science. Upon winning first place in a science fair at Woodlawn, Smith's prize was a handshake from Dr. Von Braun. The young high school graduate saw this as a grand opportunity and boldly asked Dr. Von Braun for a summer job. Smith went on to attend the Georgia Institute of Technology, and over the next three summers he worked at NASA in Huntsville and Cape Canaveral.

During the summer preceding his last year of college, he was employed with SCI Systems, Inc., and upon earning an electrical engineering degree from Georgia Tech in 1962, he began full-time employment with SCI as an engineering manager. In 1969 his entrepreneurial spirit took hold, and he left SCI to cofound Universal Data Systems, UDS—out of his home garage and with $30,000 in savings. UDS, the first data communications company in Alabama, was quite successful and in 1979, with annual revenues of about $20 million, was sold to Motorola. At that time, Smith became president of the UDS-Motorola Division. In 1985, the proven visionary was ready to take on yet another challenge; he left UDS and cofounded ADTRAN, Inc. As CEO and chairman, Smith led the startup company of seven employees to become a publicly traded company in 1994, the same year ADTRAN announced a $50 million expansion of its facility. Today, with more than 1,600 employees and annual revenues approaching $500 million, the company is a worldwide leader in providing high-speed network access products to the telecommunications equipment industry.

Mark did not live to see the ultimate heights that the electronic communication industry will attain in the future. Entrepreneurs and engineers will someday produce faster and better equipment, but when they do they will use as a pattern some of Mark Smith's ideas, inventions, and procedures.●

MESSAGE FROM THE HOUSE

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 361. An act to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes.

H.R. 632. An act to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy.

H.R. 964. An act to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes.

H.R. 1051. An act to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

H.R. 1139. An act to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes.

H.R. 1175. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

H.R. 1467. An act to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs.

H.R. 1469. An act to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

H.R. 1716. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies.

H.R. 1736. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah.

H.R. 2446. An act to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes.

H.R. 2559. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution expressing the support of Congress for the creation of a National Hurricane Museum and Science Center in Southwest Louisiana.

H. Con. Res. 94. Concurrent resolution encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in commercial fishing fleets worldwide and that lead to the overfishing of global fish stocks.

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the ''National Museum of Wildlife Art of the United States''.

H. Con. Res. 152. Concurrent resolution relating to the 40th anniversary of the reunification of the City of Jerusalem.

The message further announced that the House has agreed to the following resolution:

H. Res. 454. Resolution relative to the death of the Honorable Craig Thomas, a Senator from the State of Wyoming.

The message also announced that the House has passed the following bills, without amendment:

S. 5. An act to amend the Public Health Service Act to Provide for human embryonic stem cell research.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 5. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 361. An act to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 632. An act to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Energy and Natural Resources.

H.R. 964. An act to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1051. An act to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science,

technology, engineering, and mathematics; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1139. An act to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1175. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; to the Committee on Energy and Natural Resources.

H.R. 1467. An act to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1469. An act to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961; to the Committee on Foreign Relations.

H.R. 1716. An act to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Energy and Natural Resources.

H.R. 1736. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Energy and Natural Resources.

H.R. 2446. An act to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes; to the Committee on Foreign Relations.

H.R. 2559. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 54. Concurrent resolution expressing the support of Congress for the creation of a National Hurricane Museum and Science Center in Southwest Louisiana; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 94. Concurrent resolution encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in commercial fishing fleets worldwide and that lead to the overfishing of global fish stocks; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the ''National Museum of Wildlife Art of the United States''; to the Committee on Energy and Natural Resources.

H. Con. Res. 152. Concurrent resolution relating to the 40th anniversary of the reunification of the City of Jerusalem; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2183. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diuron; Pesticide Tolerance'' (FRL No. 8133–2) received on June 6, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2184. A communication from the Chief, Congressional Action Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multifunction standard competition of the Core Enterprise Communications Function at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

EC–2185. A communication from the Chief, Congressional Action Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multifunction standard competition of the Noncore Enterprise Communications Function at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

EC–2186. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the C–130 Avionics Modernization Program; to the Committee on Armed Services.

EC–2187. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Joint Primary Aircraft Trainer System program; to the Committee on Armed Services.

EC–2188. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Expeditionary Fighting Vehicle program; to the Committee on Armed Services.

EC–2189. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Warfighter Information Network-Tactical program; to the Committee on Armed Services.

EC–2190. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Joint Air-to-Surface Standoff Missile program; to the Committee on Armed Services.

EC–2191. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Rodney P. Rempt, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2192. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Donald C. Arthur, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2193. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the Russian Federation as declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2194. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Oversight of Credit Rating Agencies Registered as Nationally Recognized Statistical Rating Organizations'' (RIN3235–AJ78) received on June 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2195. A communication from the National ESA Listing Coordinator, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Listing Determination for Puget Sound Steelhead'' (RIN0648–AU43) received on June 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2196. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 3'' (RIN3150–AH98) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2197. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–MPC Revision 5'' (RIN3150–AI13) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2198. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2007'' (RIN3150–AI00) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2199. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Authorization Fees'' (RIN3150–AH99) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2200. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Emergency Preparedness Policies Developed for Nuclear Materials Facilities'' (RIN3150–AI17) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2201. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Youngstown, Ohio to Attainment of the 8-Hour Ozone Standard'' (FRL No. 8324–9) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2202. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Findings of Failure to Attain; State of Arizona, Phoenix Nonattainment Area; State of California, Owens Valley Nonattainment Area; Particulate Matter of 10 Microns or Less'' (FRL No. 8322–5) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2203. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL No. 8322–6) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2204. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Notice of Reconsideration'' ((RIN2060–AO00)(FRL No. 8324–9)) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2205. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration and Nonattainment New Source Review: Removal of Vacated Elements'' ((RIN2060–AN92)(FRL No. 8324–6)) received on June 6, 2007; to the Committee on Environment and Public Works.

EC–2206. A communication from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies; Inclusion of Hoover Dam'' (RIN1006–AA52) received on June 5, 2007; to the Committee on Energy and Natural Resources.

EC–2207. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rollovers to Roth IRAs'' (Announcement 2007–55) received on June 6, 2007; to the Committee on Finance.

EC–2208. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Covered Employees Under Section 162(m)(3)'' (Announcement 2007–49) received on June 6, 2007; to the Committee on Finance.

EC–2209. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of Gene Expression Profiling Test System for Breast Cancer Prognosis'' (Docket No. 2007N–0136) received on June 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2210. A communication from the Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2211. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Fees for Customs Processing at Express Consignment Carrier Facilities'' (RIN1505–AB39) received on June 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2212. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States—Singapore Free Trade Agreement'' (RIN1505–AB48) received on June 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2213. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances; Placement of Lisdexamfetamine into Schedule II'' (Docket No. DEA–301F) received on June 6, 2007; to the Committee on the Judiciary.

EC–2214. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Record Disclosure and Privacy'' (RIN3245–AF20) received on June 6, 2007; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–101. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 83

Whereas, Louisiana farmers have produced sugarcane for more than two hundred years; and

Whereas, Louisiana's sugarcane industry employs approximately twenty-seven thousand people and contributes more than 1.7 billion dollars to the state's economy; and

Whereas, the state's sugar producers were severely harmed by Hurricanes Katrina and Rita; and

Whereas, a strong domestic sugar market is a critical component to the sugar industry's recovery in Louisiana; and

Whereas, the state's sugar producers depend on the sugar policy in the Farm Security and Rural Investment Act of 2002 for survival; and

Whereas, United States sugar policy has kept sugar affordable for grocery shoppers, has operated at no cost to taxpayers, and has strengthened the country's food security: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–102. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to close the Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, the Southeast Louisiana Flood Protection Authority-East (SLFPA–E) is charged with flood protection of a large portion of south Louisiana; and

Whereas, this geographical area includes the Lake Borgne Levee District, which encompasses St. Bernard Parish; and

Whereas, the Lake Borgne Levee District has suffered catastrophic damage to its flood protection systems, including pumps, pump stations, drainage canals, and levees from the effects of Hurricanes Katrina and Rita; and

Whereas, it has been twenty months since the hurricanes passed through the area; and

Whereas, much-needed repairs to the flood protection systems include the need for temporary pumping capacity, sediment removal from all canals, storm-proofing pump stations, raising the Caernarvon to Verret levee to its authorized height, raising the Bayou Bienvenue to the Inner Harbor Navigation Canal levee and floodwall, and completion of the design and construction of permanent pump stations to replace those ruined by the hurricanes; and

Whereas, the Lake Borgne Levee District cannot provide adequate flood protection to the citizens of St. Bernard Parish until repairs to the levee system are complete; and

Whereas, delays have been caused by a lack of cooperation between several key federal agencies, including the United States Army Corps of Engineers, National Resources Conservation Service, Federal Emergency Management Agency, and the Department of Homeland Security; and

Whereas, congress must intervene on behalf of the citizens of Louisiana to finish these key hurricane flood protection projects; and

Whereas, the Mississippi River Gulf Outlet (MRGO) is a seventy-six-mile-long, man-made navigational channel which connects the Gulf of Mexico to the Port of New Orleans; and

Whereas, since MRGO was completed, the United States Army Corps of Engineers estimates that the area has lost nearly three thousand two hundred acres of fresh and intermediate marsh, more than ten thousand three hundred acres of brackish marsh, four thousand two hundred acres of saline marsh, and one thousand five hundred acres of cypress swamp and levee forest in addition to major habitat alterations due to saltwater intrusion; and

Whereas, the dramatic loss of coastal wetlands and marshes caused by MRGO exposed St. Bernard Parish to much more severe impacts from the hurricanes and tropical storms that regularly occur in the Gulf of Mexico; and

Whereas, those concerns proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina struck Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up MRGO to the point where it converges with the Intracoastal Waterway and that the confluence created a funnel that directed the storm surge into the New Orleans Industrial Canal, where it overtopped the levees along MRGO and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in more than eleven hundred deaths in the Greater New Orleans area, including one hundred twenty-eight deaths in St. Bernard Parish, destroying over twenty-four thousand homes, and rendering more than sixty-seven thousand residents of St. Bernard Parish and uncounted

numbers in New Orleans East and the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, in addition to destroying homes, the floodwaters washed away churches and other places of worship, schools, businesses, community centers, recreational facilities, and utility and transportation infrastructure; and

Whereas, as the only entity which can authorize the waterway to be closed and which can enable the reestablishment of our essential coastal wetlands, the United States Congress must come to the aid of the citizens of Louisiana, particularly those of St. Bernard Parish by authorizing the immediate closure of MRGO: Therefore, be it,

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to immediately close the Mississippi River Gulf Outlet; and Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–103. A joint resolution adopted by the Legislature of the State of Montana opposing, among other things, any effort to implement a trinational political, governmental entity among the United States, Canada, and Mexico; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION NO. 25

Whereas, the Security and Prosperity Partnership of North America was launched in March of 2005 as a trilateral effort among the United States, Canada, and Mexico to share information and streamline traffic across shared borders; and

Whereas, in meeting Security and Prosperity Partnership initiatives, the security and prosperity ministers are examining opportunities to open the borders between the United States, Canada, and Mexico; and

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States and imply an eventual end to national borders within North America; and

Whereas, according to the Department of Commerce, United States trade deficits with Mexico and, Canada have significantly widened since the implementation of the North American Free Trade Agreement (NAFTA); and

Whereas, the economic and physical security of the United States is impaired by the potential loss of control of its borders attendant to the full operation of NAFTA; and

Whereas, a NAFTA Superhighway System from the west coast of Mexico through the United States and into Canada has been suggested as part of a North American Union and the broader plan to advance the Security and Prosperity Partnership; and

Whereas, it would be particularly difficult for Americans to collect insurance from Mexican companies that employ Mexican drivers involved in accidents in the United States, which would increase the insurance rates for American drivers; and

Whereas, future unrestricted foreign trucking into the United States can pose a safety hazard due to inadequate maintenance and inspection and can act collaterally as a conduit for the entry into the United States of illegal drugs, illegal human smuggling, and terrorist activities; and

Whereas, a NAFTA Superhighway System would be funded by foreign consortiums and controlled by foreign management, which threatens the sovereignty of the United States; and

Whereas, the Security and Prosperity Partnership aims to integrate United States laws with Mexico and Canada on a broad range of issues such as e-commerce, transportation, environment, health, agriculture, financial services, and national security, which may lead to negative changes in United States administrative laws; and

Whereas, state and local governments throughout the United States would be negatively impacted by the Security and Prosperity Partnership or a North American Union process, such as an open borders vision, eminent domain takings of private property along potential superhighways, and increased law enforcement problems along such superhighways; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty and has had virtually no congressional oversight; and

Whereas, initiatives advancing the Security and Prosperity Partnership will lead to the erosion of United States sovereignty and could lead to integrated continental court systems and currency; and

Whereas, United States policy, not foreign consortiums, should be used to control our national borders and to ensure that national security is not compromised; Now, Therefore, be it:

Resolved, by the Senate and the House of Representatives of the State of Montana:

That the Montana Legislature urge the President and the Congress of the United States to withdraw the United States from any further participation in the Security and Prosperity Partnership, any efforts to implement a trinational political, governmental entity among the United States, Canada, and Mexico, or any other efforts used to accomplish any form of a North American Union System; and be it further

Resolved, that copies of this resolution be sent by the Secretary of State to the Honorable George W. Bush, President of the United States, the Vice President of the United States, the United States Secretary of Commerce, and each member of the United States Congress.

POM–104. A concurrent resolution adopted by the Legislature of the State of Hawaii urging Congress to support legislation authorizing the Secretary of Health and Human Services to negotiate lower drug prices on behalf of Medicare beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

Whereas, data provided by AARP Hawaii shows that half of all people in Hawaii, particularly those ages 50 and older and those with lower incomes, are concerned about being able to afford prescription drugs; and

Whereas, slightly over half of Hawaii's residents who are taking prescription medication on a regular basis say that paying for their drugs presents a financial burden; and

Whereas, nearly one-third of our residents who regularly take prescription drugs report taking at least one significant cost-reducing measure to pay for their medication; and

Whereas, the United States Congress has the opportunity to help reduce the cost of prescription drugs for Hawaii's 155,000 enrolled Medicare Part D beneficiaries by strengthening the Medicare Modernization Act of 2003 (MMA) through supporting legislation to give the Secretary of Health and Human Services the authority to use the bargaining power of 43 million Medicare beneficiaries to help make prescription drugs more affordable; and

Whereas, Hawaii families are counting on Congress to do everything possible to help make prescription drugs more affordable and accessible to beneficiaries under the MMA; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the Senate concurring, that the Legislature urges the United States Congress to support legislation authorizing the Secretary of Health and Human Services to negotiate lower drug prices on behalf of Medicare beneficiaries; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional Delegation.

POM–105. A concurrent resolution adopted by the Legislature of the State of Hawaii urging Congress to propose amendments to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 57

Whereas, the United States Congress must decide in 2007 whether to reauthorize the No Child Left Behind Act of 2001 or let it die and replace it with a new law; and

Whereas, the No Child Left Behind Act, unprecedented in the history of federal and state roles in public education by the mandated imposition of a federally prescribed, single accountability model for all public schools, undermines the established constitutional role of state and local public education governance; and

Whereas, the No Child Left Behind Act, while purporting to create an accountability system for public schools, has in reality, been an enormous financial and programmatic burden on schools and taxpayers; and

Whereas, even if states and schools are satisfied with their educational programs and outcomes, they are forced to participate in this top-down system in order to continue to receive federal funds for education, such as Title I funds; and

Whereas, the No Child Left Behind Act mandates consequences to schools if just one of thirty-seven possible adequate yearly progress calculation outcomes are not met, and makes no distinction in the consequences imposed on schools that did not meet one or did not meet all thirty-seven, resulting in dilution of energy, time, and money by mandating the treatment of all such schools to include identical sanctions; and

Whereas, the No Child Left Behind Act employs a view of motivation that is misguided and objectionable, using threats, punishments, and pernicious comparisons to ''motivate'' teachers, students, and schools; and

Whereas, private K–12 schools have chosen not to spend their time or money adopting key elements of the, No Child Left Behind Act's intensive testing and accountability regimen; and

Whereas, the No Child Left Behind Act's narrow focus on the ''basics'' has discouraged the implementation of best practices cutting edge educational research in order to achieve higher test scores; and

Whereas, the No Child Left Behind Act has driven many schools and school systems into a narrowing of curriculum, often focused on only tested subjects, to the detriment of subjects and rich educational experiences, such as the arts; and

Whereas, the goal of achieving percent proficiency, including special education students, is unrealistic, and the pursuit of which channels millions of dollars into tactically targeted programs that divert limited resources from other critical school programs, professional, training, as well as the educational and physical environment of schools; and

Whereas, the requirements of the No Child Left Behind Act penalize schools who enroll students who have inherent educational deficiencies and, who as a group, will continue to remain below ever increasing No Child Left Behind ''annual measurable objectives''; and

Whereas, while there has recently been some interest in the development of so-called ''growth models'' to recognize the contributions of a school to individual students over time, the lack of adequate funding and the prohibition against states developing their own growth models has rendered this initiative almost meaningless; and

Whereas, the No Child Left Behind Act does not provide additional funds for teacher education or training, if school is in ''status'' or under, restructuring, which creates a punitive environment with little commitment on the part of the federal government for improving teaching and learning, or for supporting increased school success; and

Whereas, Adequate Yearly Progress does not take into account a school's adoption of meaningful educational innovation or judicious use of research; and

Whereas, the No Child Left Behind Act has channeled countless dollars into high-stake testing, which has largely benefited national private testing companies, but at the expense of ignoring genuine student accomplishments; and

Whereas, the No Child Left Behind Act appears biased towards a one-size fits all multiple choice testing system, and tends to ignore other means of engaging and assessing students such as project-based, hands-on, or problem-solving demonstrations of competency: and

Whereas, the United States Department of Education has shown little or no interest in creating incentives among colleges and universities to incorporate innovative portfolios or project-based competencies into their admissions decisions, thus reinforcing the use of high-stake, multiple-choice private contractors; now, therefore, be it

Resolved by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the United States Congress is strongly urged to proposed specific amendments to, or recommend the repeal of, the federal No Child Left Behind Act of 2001; and be it further

Resolved, that among the issues and amendments the United States Congress should address are the following:

(1) Improving teacher quality, preparation, and training by:

(A) Building support for a comprehensive incentive program to recruit, place, and retain experienced, well-qualified teachers in high-need schools (e.g., high poverty, or geographically-isolated communities);

(B) Providing significant support for teacher education, professional development, in-service training, and career opportunities;

(C) Improving the occupational status and compensation of teaching as a career;

(D) Improving qualifications of teacher candidates at colleges of education;

(E) Providing financial incentives for institutions of higher learning to incorporate portfolios and demonstrations of competency into their admissions decisions;

(F) Strengthening teacher education preparation programs in areas such as science, mathematics, technology, measurement, data analysis, and evaluation;

(G) Recognizing teachers having achieved certification by the National Board for Professional Teaching Standards as ''highly qualified'' in their respective fields; and

(H) Providing flexibility in recognizing certified secondary level special education teachers as qualified teachers in their own right, and removing the unrealistic expectation that such teachers be additionally certified in every single core subject area;

(2) Improving assessment measures and systems by:

(A) Refining student assessment instruments designed specifically for use in improving instruction as well as school accountability;

(B) Encouraging states and school districts to utilize a wider range of useful assessments, including project-based competency and portfolios;

(C) Developing more appropriate means of assessing the academic progress of English Language Learners, special education students; and those with behavioral health issues; and

(D) Supporting the development and implementation of comprehensive statewide data collection and exchange systems that allow for more efficient support for student record keeping and informed educational policy decision making (e.g., electronic student transcript systems, and longitudinal analyses of growth in academic achievement);

(3) Improving accountability models, indicators of performance, and consequences by:

(A) Supporting states and the educational research community in research and development efforts to further the pioneering work required in refining the technology underlying growth (toward standards) analysis models;

(B) Permitting each state to adopt and pilot its own growth model to calculate adequate yearly progress under the No Child Left Behind Act to take advantage of inherent benefits that motivate students at all levels of proficiency;

(C) Supporting wholesale changes to the ''adequate yearly progress'' model for educational accountability that would provide for a fairer and more balanced appraisal of school performance and quality;

(D) Replacing punitive, conjunctive ''miss one miss all'' criteria;

(E) Expanding accountability indicators to reflect performance on standards in other important disciplines and countering unintended consequences such as a narrowing of curriculum;

(F) Allowing for current limitations in reliable and valid assessments of students within a wide range of disability classifications; and

(G) Allowing for deferrals to test new immigrant students with limited English proficiency for up to three years of entering the country;

(4) Augmenting resources to assist states in efforts to accomplish challenging educational initiatives by:

(A) Requiring schools to maintain a broad and comprehensive curriculum to support adopted content and performance standards, including the arts and physical education;

(B) Fully funding special education programs, as once promised;

(C) Providing adequate funding to research and develop multiple and more valid means of assessing student competence, skills and knowledge for use in both improvement and educational accountability; and

(D) Providing funding and training support for data and technology infrastructure requirements;

(5) Supporting innovation, capacity building, and flexibility to address state and local education needs by:

(A) Recognizing schools that demonstrate successful strategies using innovative curriculum and methodologies;

(B) Developing new initiatives for school facilities that do not push educational funding toward ever larger schools and economy-of-scale construction mentality;

(C) Avoiding simplistic ''one size fits all'' solutions for assessment, accountability, and intervention;

(D) Addressing unique needs of ''high-need'' schools (e.g:, high poverty, high immigration, extreme geographic isolation); and

(E) Allowing states to determine which and how many grade levels are best to test; and

(6) Returning to the original intent and purpose of the Elementary and Secondary Education Act (ESEA) by:

(A) Restoring the foundational precepts of ESEA and its focus on equity in educational attainment despite disadvantages stemming from socio-economic background;

(B) Allowing states to ''opt out'' of requirements that impact schools that do not receive ESEA entitlements, without loss of Federal funds;

(C) Promoting strategies that directly reduce achievement gaps through better instruction, such as incentives for experienced, well-qualified teachers to accept positions in high-need schools and for reducing class size;

(D) Resolving to build the best public education system and teacher work force in the world, rather than promoting lofty rhetoric and ploys that undermine and divert public funds to private schools; and

(E) Returning policy setting and curriculum and teaching decision making control back to states, school districts and local communities; and be it further

Resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Vice President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives and the members of Hawaii's Congressional delegation.

POM–106. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to enact legislation to provide additional funding for amyotrophic lateral sclerosis research; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 115

Whereas, Amyotrophic lateral sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, Because ALS does not affect mental capacity, persons with ALS remain alert and aware of the loss of motor function and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55; and

Whereas, ALS affects men two to three times more often than women; and

Whereas, More than 5,000 new ALS patients are diagnosed annually; and

Whereas, On average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, Research indicates that military veterans are at a 50% or greater risk of developing ALS than other persons; and

Whereas, ALS has no known cause, means of prevention or cure; and

Whereas, ''Amyotrophic Lateral Sclerosis Awareness Month'' increases public awareness of ALS patients' circumstances, acknowledges the terrible impact of ALS on patients and their families and recognizes ongoing research to eradicate ALS; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2007 as ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–107. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to fulfill the commitment of the Individuals with Disabilities Education Act to provide resources equal to 40 percent of the national average per pupil expenditure for special education students for each Pennsylvania student with special needs; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 91

Whereas, In the interest of ensuring that children with disabilities in the United States receive a free appropriate public education, the Individuals with Disabilities Education Act (Public Law 91–230, 20 U.S.C. §1400 et seq.) encroached upon the states' traditional domain over education and established certain mandates that all state and local governments must observe in the education of children with special needs; and

Whereas, In recognition of the high cost of these Federal mandates, the Individuals with Disabilities Education Act allows the Congress to provide each state with a maximum Federal grant equal to the number of children with disabilities in the state multiplied by 40% of the average per pupil expenditure for all special education students in the United States; and

Whereas, Although the Commonwealth of Pennsylvania has endeavored to serve its students with special needs by implementing the costly mandates imposed by the Individuals with Disabilities Education Act, the Federal Government has not provided sufficient funding to pay for these mandates; and

Whereas, The Federal funding the Commonwealth receives for each student with special needs is only the equivalent of 14.8% of the national average per pupil expenditure; and

Whereas, By this measure, the Federal Government contributes only 37% of the total cost of special education in this Commonwealth even though the Commonwealth and its school districts must comply with 100% of the costly mandates imposed by the Individuals with Disabilities Education Act; and

Whereas, These costs have been increasing rapidly in recent years; and

Whereas, In this Commonwealth, the population of students with special needs has increased by less than 1% since 2000; and

Whereas, In the same period, the Commonwealth's appropriations for special education have increased by 25% in order to keep pace; and

Whereas, Because the Federal Government has failed to provide the level of funding that the Individuals with Disabilities Education Act allows, it has placed a disproportionate financial burden on the Commonwealth and its school districts; and

Whereas, If the Individuals with Disabilities Education Act is to fully accomplish its mission to provide a free appropriate public education to children with disabilities, the Federal Government must provide State and local governments with the funding they need to successfully implement the act's mandates; therefore be it

Resolved, That the Senate of Pennsylvania urge Congress and the President of the United States to fulfill the commitment of the Individuals with Disabilities Education act to provide resources equal to 40% of the national average per pupil expenditure for special education students for each Pennsylvania student with special needs; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States, to the presiding officers of each house of Congress from Pennsylvania, to the National Conference of State Legislatures, to the State Board of Education and to the Secretary of Education.

POM–108. A resolution adopted by the Legislature of the State of Arizona urging Congress to continue the funding and completion of the Secure Border Initiative Network program by the target date of December 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

SENATE MEMORIAL 1004

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the safety and security of Arizona's southern border are critical to the economy and the health and welfare of all Arizona citizens; and

Whereas, the Federal government, through the United States Customs and Border Protection's Secure Border Initiative Network program (SBInet), is allocating millions of dollars and significant resources to developing and deploying personnel, infrastructure, technologies and rapid response platforms to prohibit the illegal entry of people and contraband across the entire southern border of Arizona; and

Whereas, SBinet is a program of intense national interest with a challenge to accomplish something that has never before been done and is committed to delivering a system to the United States government that will support the United States Customs and Border Protection in detecting, apprehending and processing people who cross Arizona's border illegally; facilitate legitimate cross-border travel and commerce; and most importantly, provide taxpayers with the best value solution over the life of the program; and

Whereas, SBInet will deliver the ability to detect entries into the United States when they occur, to identify what the entry is and to classify its level of threat, thereby allowing the border patrol to effectively and efficiently respond to the entry, and to resolve the situation with appropriate law enforcement; and

Whereas, Arizona, takes pride in being the first state to receive the benefits of SBInet: and

Whereas, by the end of calendar year 2008, the SBInet program will deploy fencing, vehicle barriers and proven current and next-generation technology, including radars, sensors, communications enhancements and the requisite number of United States Customs and Border Protection Border Patrol agents to secure Arizona's southern border.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the United States Congress continue the funding and completion of SBInet by the target date of December 31, 2008.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–109. A resolution adopted by the Legislature of the State of Arizona urging Congress to use its powers as delegated by the Indian Commerce Clause to acknowledge and protect the public interest of Indian country from competing public interests and regulatory jurisdictions; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL 2007

To the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, it is crucial for Native Americans to establish equitable, affordable and universal access to telecommunications services, allowing placement of infrastructure and information technology equipment to deliver broadband services and other evolving and emerging technologies on tribal lands to American Indian communities by the year 2010; and

Whereas, it is vital to ensure that the universal service concepts of the 1996 Telecommunications Act allow for telecommunications infrastructure and information technology to be developed and used in a manner that meets the social, civic, economic, educational and cultural needs of American Indian tribes and communities; and

Whereas, it is essential to protect, strengthen and assert tribal government sovereignty and regulatory jurisdiction, in the areas of telecommunications and information technology; and

Whereas, it is vital to create a framework and guidelines for tribal governments and communities, intertribal organizations and American Indian organizations to prepare, plan and make recommendations for telecommunications and information technology policy, legislation, appropriations, program development and self-determination.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress recognize the rights of tribal governments and

communities to exercise and assert regulatory jurisdiction over telecommunications activities in the boundaries of reservations and communities.

2. That the United States Congress encourage states, counties and municipalities to provide partnership opportunities that promote telecommunication services and that are mutually beneficial for the economic, social and general welfare for all state citizens.

3. That the United States Congress provide a sufficient set-aside of Homeland Security monies to ensure equitable and sufficient distribution of monies among tribal governments and American Indian communities for the development of telecommunications build-out necessary to mitigate emergencies and crisis brought about by acts of terrorism, drug trafficking, human smuggling and other deplorable acts that threaten national and local security.

4. That the United States Congress promote and support tribal government and community efforts to establish telecommunications regulatory authorities and codes.

5. That the United States Congress support and advance public safety implementation among tribes and communities through the provision of grants for the development of telecommunications and information technology capacities among law enforcement agencies, emergency medical service providers, fire departments, courts and justice departments and other emergency responder agencies.

6. That the United States Congress support and advance tribal government and ownership of spectrum above tribal lands and communities by granting, rather than auctioning, partitioned spectrum licenses to tribal entities.

7. That the United States Congress encourage and support tribal government and community efforts to establish and operate telephone companies and other telecommunication businesses, such as internet service providers, especially in unserved and underserved areas.

8. That the United States Congress support and advance the efforts of tribal governments and American Indian communities to bridge their respective digital divides through the provision of grants, loans and contracts, tax incentives and infrastructure build-out services.

9. That the United States Congress use its powers as delegated by the Indian Commerce Clause to acknowledge, and protect the public interest of Indian country from competing public interests and regulatory jurisdictions and perform the following:

(a) Amend section 214(e) of the Telecommunications Act to include the following definition of unserved areas:

An unserved area is defined as service penetration 15% below the nationwide penetration rate for any communications service; or 5% below national rural penetration rate for any communications service, whichever rate is higher.

(b) Amend section 214(e) 6 of the Telecommunications Act to include tribes and acknowledge tribal regulatory authority.

(c) Provide mechanisms, with enforcement powers, for ensuring equitable, affordable and sustainable access to communications services, including broadband, broadcast and emerging technologies, in Indian country.

(d) Support tribal access and options for ownership and management of spectrum on tribal lands for both wireless and broadcast applications.

(e) Provide mechanisms to promote cooperation among tribes, state public utility commissions and the federal communications commission and remedies for resolving unforeseen conflicts.

(f) Provide public financing to tribal communities that fall under the definition of an unserved area to close any service gap.

(g) Permit the bureau of Indian affairs to allow for telecommunication entities to colocate on existing linear rights of way, such as power and water routes, so that rapid expansion of telecom services, including categorical exclusion of clearance requirements, can proceed.

10. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–110. A resolution adopted by the California State Lands Commission expressing its support for H.R. 1187; to the Committee on Energy and Natural Resources.

POM–111. A resolution adopted by the Council of the District of Columbia expressing the Council's support of amending the Home Rule Charter to increase the pay of the Chief Financial Officer, Dr. Natwar M. Gandhi; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 82. A resolution designating August 16, 2007 as ''National Airborne Day''.

S. Res. 171. A resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. Res. 173. A resolution designating August 11, 2007, as ''National Marina Day''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 720. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 1561. A bill to amend title 11, United States Code, with respect to exceptions to discharge in bankruptcy for certain qualified educational loans; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1562. A bill to direct the Secretary of Energy to provide grants to States for the distribution of compact fluorescent lights; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. DODD, Mr. OBAMA, Mr. LIEBERMAN, Ms. KLOBUCHAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. WYDEN, and Mrs. CLINTON):

S. 1563. A bill to require the disclosure of certain activities relating to the petroleum industry of Sudan, to increase the penalties for violations of sanctions provisions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 1564. A bill to amend the Social Security Act to provide health insurance converge for children and pregnant and post-partum women throughout the United States by combining the children and pregnant women health coverage under Medicaid and SCHIP into a new All Healthy Children Program, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1565. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. CRAIG, and Mr. THUNE):

S. 1566. A bill to amend the Oil Pollution Act of 1990 to improve that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR:

S. 1567. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide a renewable portfolio standard, and other purposes; to the Committee on Energy and Natural Resources.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 1568. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1569. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEMINT (for himself and Mr. VITTER):

S. 1570. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 1571. A bill to reform the essential air service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LEAHY, Mr. DURBIN, Mr.

REED, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Mr. SANDERS):

S. 1572. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1573. A bill to promote public-private partnerships to strengthen investment in early childhood development for children from birth to entry into kindergarten in order to ensure healthy development and school readiness for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1574. A bill to establish Teaching Residency Programs for preparation and induction of teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. LEVIN, Mr. DURBIN, and Mr. MENENDEZ):

S. 1575. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. OBAMA, Mr. BINGAMAN, Mrs. CLINTON, Mr. BROWN, and Mr. DURBIN):

S. 1576. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DOMENICI, Mrs. MCCASKILL, Ms. STABENOW, Mrs. LINCOLN, Mr. LEVIN, and Mrs. CLINTON):

S. 1577. A bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1578. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. CANTWELL, and Mr. LEVIN):

S. 1579. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, and Ms. CANTWELL):

S. 1580. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Ms. CANTWELL):

S. 1581. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Ms. CANTWELL, and Ms. SNOWE):

S. 1582. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1583. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other coral conservation purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1584. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. BAUCUS, Mr. BYRD, Mr. SUNUNU, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. Res. 224. A resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. Res. 225. A resolution designating the month of August 2007 as ''National Medicine Abuse Awareness Month''; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. MURRAY, Mr. BROWN, Mr. INOUYE, Mr. OBAMA, Mr. LIEBERMAN, Mr. SALAZAR, Mr. BAYH, Mr. FEINGOLD, Mr. CASEY, Mr. NELSON of Florida, and Mr. KENNEDY):

S. Res. 226. A resolution recognizing the month of November as ''National Homeless Youth Awareness Month''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 227. A resolution congratulating the Johns Hopkins University Blue Jays for winning the 2007 NCAA Division I Men's Lacrosse Championship; considered and agreed to.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. Res. 228. A resolution congratulating the Brown University women's crew team for winning the 2007 National Collegiate Athletic Association Division I Women's Rowing Championship; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 229. A resolution honoring William Clifton France; considered and agreed to.

By Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SMITH, Mr. NELSON of Florida, and Mrs. HUTCHISON):

S. Con. Res. 37. A concurrent resolution expressing the sense of Congress on federalism in Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. COLEMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 35, a bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 508

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 508, a bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes.

S. 535

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Mr. CARDIN), the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 590

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 667, a bill to

expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 674

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 674, a bill to require accountability and enhanced congressional oversight for personnel performing private security functions under Federal contracts, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 838

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1113

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1226

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1252

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1252, a bill to amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1500

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1514

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 105

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 105, a resolution designating September 2007 as ''Campus Fire Safety Month''.

S. RES. 171

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

AMENDMENT NO. 1159

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 1179 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1236

At the request of Mr. TESTER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Vermont (Mr. LEAHY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 1236 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1259

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 1259 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1260

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 1260 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1279

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1311

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 1311 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1318

At the request of Mr. CHAMBLISS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1318 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1335

At the request of Mr. DOMENICI, the names of the Senator from Arizona (Mr. KYL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1335 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1392

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 1392 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1455

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 1455 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1561. A bill to amend title 11, United States Code, with respect to exceptions to discharge in bankruptcy for certain qualified educational loans; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I would like to tell you about Connie Martin from Sycamore, IL. Connie's son decided to go to culinary school in Chicago 5 years ago at the age of 25. To pay for tuition, he borrowed $58,000 in private loans from Sallie Mae at 18 percent interest. His first payment was $1,100 a month—his entire monthly salary at a downtown eatery where he worked after graduation. His loan balance, including government-backed loans, is now $100,000. Connie's son has been working hard, and she and her husband have been trying to help him make the payments. I worry for borrowers like Connie's son who can't start over and will have debt that will likely haunt him for the rest of his life.

The Chicago Sun-Times recently ran a story that described the devastating effect large student loan debt has on the lives of borrowers. Mr. President, I ask unanimous consent that the following article from the Chicago Sun-Times be inserted for the RECORD.

Private student loans are the fastest growing and most profitable sector of the student loan industry. As college tuition continues to rise, the private loan market flourishes. According to the College Board, tuition, fees, room and board at public 4-year schools have risen by 42 percent over the past 5 years from $9,032 to $12,796. Add books, supplies, transportation and other living expenses, and the total increases to $16,357 for those paying instate tuition and $26,304 for those paying out-of-state tuition. Students rely on private loans to pay for any unmet need that Federal loans and grants fail to cover. According to the College Board, since 2001 the market for private student loans has grown at an annual rate of 27 percent to $17.3 billion in 2006—roughly 20 percent of total student borrowing. Ten years ago, only 5 percent of total education loan volume was in private loans.

Private student loans are more profitable than Federal student loans because lenders can charge whatever interest rate students will pay, barring State usury laws. The interest rates and fees on private loans can be as onerous as credit cards. There are reports of private loans with interest rates of at least 15 percent and often much higher. Unlike Federal student loans, there is no government-imposed loan limit on private loans and no regulation over the terms and cost of these loans.

Today, I am pleased to introduce a bill that will give students, who find themselves in dire financial straits, a

chance at a new beginning. My bill takes the bankruptcy law, as it pertains to private student loans, back to where it was before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy. My bill also clarifies that existing protections are specific to loans that were issued by or are guaranteed by State and Federal Government.

Federally issued or guaranteed student loans have been protected during personal bankruptcy since 1978. This provision protects Federal investments in higher education. In 2005, a provision was added to law to protect the investments of private lenders participating in the student loan industry. This change in the law creates a couple of problems. First, extending protections to private lenders of student loans but not to other potential creditors who are at risk in a bankruptcy disposition is inherently unfair. Second, such protections are unfair to the debtor. Repayment schedules—with accumulating interest—can extend for decades.

With the 2005 protections in place, there is essentially no risk to lenders making high-cost private loans to people who may not be able to afford them. There is no risk to private lenders extending credit to students at schools with low graduation rates and even lower job placement rates.

Giving private loans such high status in bankruptcy also puts other creditors at a significant disadvantage. No one seems to know how or why private student loans gained this status in 2005. There is nothing in the CONGRESSIONAL RECORD explaining the reasons behind the change. Why should a private student loan lender be able to jump to the front of the creditor line—in front of the local furniture store or the neighborhood plumber? This bill seeks to restore treatment of privately issued student loans in bankruptcy to the same treatment as any other debt.

There is justification for making Federal loans hard to discharge: they are backed by taxpayer dollars, and they come with some borrower protections in cases of economic hardship, unemployment, death and disability. However, private loans involve only private profit and do not have the protections that government borrowers enjoy, including caps on interest rates, flexible repayment options, and limited cancellation rights. Why should student borrowers, who are trying to better themselves and our country, be treated in the same manner as people trying to escape child support payments, alimony, overdue taxes, and criminal fines?

The 1950s and 1960s saw the democratization of higher education. The GI Bill provided money for returning WWII veterans to attend college. The National Defense Education Act made college a possibility by making low-interest education loans available for countless students all across the country. Talented kids from working families began realizing the possibility of college, and enrollment at colleges swelled. But since then, college costs have gone through the roof. And students—heeding the call to obtain a good education—are also earning themselves years of debt. The average student is graduating with nearly $20,000 in debt and in many cases—much, much more—just look at Connie Martin's son. Our country has made great strides in making college a reality for countless students. Let's not reverse the positive trend we started over 50 years ago. That is why I am introducing this bill—to give students a chance at a fresh start.

Mr. President, I ask unanimous consent that the text of the bill and an article of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1561

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

SECTION 1. DISCHARGE IN BANKRUPTCY FOR CERTAIN EDUCATIONAL LOANS.

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend.''.

[From the Sun Times, May 6, 2007]

STUDENTS AND LOANS: 'TIL DEATH DO US PART

(By Dave Newbart)

They liken it to a financial death sentence.

They can't get a car loan, a home mortgage or any other type of loan. They've lost jobs and even spouses over it.

They are so humiliated they don't want any of their friends or family to know.

And for most, there is no way out.

They are former students trapped under the weight of student loans. The same vehicle that allowed them to get a college education has left many graduates buried in debt with no reasonable way to climb out.

Some students who never graduate are stuck paying off loans without the earning power of a degree—an estimated additional $1 million in lifetime earnings.

And some students who finish can't afford the monthly payments. Others lose jobs and can't catch back up. Then they get turned down by employers who increasingly check credit records before hiring.

Some say they would make small monthly payments to show good faith—only to see their balances continue to grow and to receive harassing phone calls from collectors.

To be sure, most borrowers pay on time; default rates are at an all-time low.

But for those who run into trouble, changes in federal laws—including many in the last decade—have made student loans among the hardest debts to discharge. They've also made the loans among the most lucrative for private lenders, who face little risk—because the government backs the loans—but reap the benefits when balances balloon.

Some borrowers say they accept reasonable interest, but they believe the fees and penalties—which over time can double or triple the loan balances—are unfair.

INTEREST RATE OVER 18 PERCENT

Many of the students awash in debt say that they were blinded by the promise a college degree holds and unprepared to take on high levels of debt at such a young age.

Connie Martin's son signed up for cooking school in Chicago in 2002 at age 25. To pay for it, he borrowed $73,000, mostly in private loans from Sallie Mae, the largest student lender, at 18 percent interest.

''He didn't know what the interest rate was. . . . He just wanted to go to school,'' said Martin, of Sycamore.

His first payment was $1,100 a month, his entire monthly salary at a downtown eatery where he went to work after graduation.

''I don't understand how they can lend a kid that kind of money with no credit history, who never owned anything, with no cosigners,'' said his mother, who only learned of the situation after the bills started to pile up.

Sallie Mae officials said they no longer offer such high-interest loans, and have offered students a chance to refinance at a lower rate if certain conditions are met. ''We recognize it's high,'' spokeswoman Martha Holler said.

Martin's son declined to comment. His balance has since grown to $98,000.

IT'S LIKE INDENTURED SERVITUDE

Greg Treece, of Downstate Mattoon, now wishes he never enrolled in Washington University's Occupational Therapy program. ''Choosing an expensive private school and borrowing the money to go there is the single greatest mistake I have ever made,'' he said.

Treece took out $84,000 in loans. Six months after he got out of the St. Louis school, his monthly payment was more than half his take-home pay for his first job in Chicago. He later lost his job. With compounding interest, his loan quickly skyrocketed. At times he seriously wished he could go to jail in exchange for wiping out the debt.

With a new job, he's managed to pay $60,000, but his balance remains at $111,000 because of fees, penalties and interest. ''It's like indentured servitude,'' he said.

For those who default, lenders can truly play hardball, often employing no-scruples private collection firms that call borrowers as often as 10 times a day.

Shirley, an Ivy League-educated lawyer, lost her job in Chicago in the late 1980s. She pleaded for reduced payments from a collector working for the Illinois Student Assistance Commission—but was denied.

''I said you are driving me to bankruptcy,'' she recalled. ''They wouldn't budge.''

In bankruptcy court ISAC claimed she owed $78,000, which included $13,000 for collection costs, 20 percent of the total debt. Nearly all of the debt was eventually erased, according to court records.

Because that was before the recent law changes, she should have been clear.

LOAN CHIEF ADMITS ''MISTAKES''

But several years later, the collectors began calling again—first from ISAC and then from the U.S. Education Department. They claimed the bill was now over $100,000.

''It was as though they were above the law,'' she said. She eventually went to court

again and proved she no longer owed the money, but her husband left her in the process. She asked that her real name not be used out of fear of retaliation.

ISAC and the Education Department say they have several programs that allow students to delay payments in hard times or make lower ones based on income. Officials say they try to help borrowers in default get back into good standing, a process known as rehabilitation. Last year, ISAC rehabbed $30 million in defaulted loans, up from $4.4 million in 2002.

Agency director Andy Davis says the agency has to strike a balance between helping borrowers repay and making sure taxpayers aren't left in the lurch.

But he acknowledges his workers ''make mistakes'' and said he is looking to make changes in some of the outsourcing of collections.

Then there are those with hard luck, who make bad decisions or just simply can't get a break.

Richard and Sheila Friese both have degrees from Southern Illinois University, financed in part on student loans. They were also both discharged from the Navy after suffering injuries while serving stateside. Richard is learning disabled.

They have never been able to find high-paying jobs; now they both use wheelchairs to get around and suffer from ailments including arthritis, constant abdominal pain and chronic fatigue. They're currently fighting with the Veterans Administration over benefits; they also are wrangling with the Social Security Administration.

COLLECTOR: ''WE WILL NEVER GO AWAY''

They currently have no income to pay off their combined $141,000 loan balance. ISAC has seized $3,200 in tax refunds from Sheila, 37. Richard, 49, avoids the phone after constantly being called by collectors for Sallie Mae—one of whom he claims called him a ''low-life, S.O.B.'' Holler said Sallie Mae's collectors are trained in fair debt collection practices. ''That should not happen,'' she said.

If this were virtually any other debt, experts say, the couple would be able to discharge some or all of it through bankruptcy. But the Frieses, of Mundelein, are stuck. ''Our life has hit a brick wall,'' Richard said.

Davis said it might make sense for the federal government to ''write off'' debt if borrowers—particularly vets—have no hope of paying.

Pam, 58, of Dolton, graduated from Downstate SIU-Edwardsville in 1984, but spent time on welfare. She eventually defaulted on her loan after a dispute over the amount of the balance and monthly payments. Her $12,500 in loans has grown to $28,000. Experts say borrowers should continue to make payments during a dispute so the loan doesn't get out of control.

She has gone underground, blocking collectors' calls and running her own business so her wages can't be garnisheed. But when collectors do get through, they have a harsh message. ''When they call they say, 'We will never go away until you are dead.'''

UP, UP AND AWAY

Percent of students with loans
1993: less than 50 percent
2004: 66 percent
Average debt for graduating seniors
1993: $9,250
2004: $19,200
Number of graduating seniors with debt over $40,000
1993: 7,000
2004: 78,000

By Mr. BIDEN:

S. 1562. A bill to direct the Secretary of Energy to provide grants to States for the distribution of compact fluorescent lights; to the Committee on Energy and Natural Resources.

Mr. BIDEN. Mr. President, I rise today to introduce the Fluorescent Light Implementation Program to Save Americans Value and Energy, or FLIP-to-SAVE. This bill does something very simple to save Americans money and make us more energy efficient. It distributes compact fluorescent light-bulbs. We can save green two ways by changing our light-bulbs.

Compact fluorescent light-bulbs, or CFLs, are highly efficient light-bulbs that use less than a quarter of the energy of traditional incandescent bulbs. The FLIP-to-SAVE program will spend $50 million to increase public awareness of how CFLs save money and the environment and to distribute them to households across the Nation. It is modeled after a successful program in my home State of Delaware, which distributed 140,000 CFLs through public libraries. The FLIP-to-SAVE program will give States grants, to allow each State to develop a program that suits it best, though I expect many will be modeled after Delaware's system.

Through this program, we can expect to replace 16 million inefficient incandescent bulbs with CFLs, reducing total residential energy bills by over $60 million each year. That means the program ought to pay for itself in terms of savings to families in just one year. And that's without considering the environmental benefits.

By reducing our energy consumption in the equivalent of 127,000 homes, about the size of Buffalo, NY, we can help alleviate our energy dependence and reduce our greenhouse gas emissions. In fact, one equivalent CFL replacing a 60 watt incandescent will prevent 1000 pounds of carbon dioxide through reductions in coal-powered electricity. That is 1.1 million tons of carbon dioxide each year.

Energy efficiency is a key to our efforts to address climate change. There are many simple steps we can take to use less energy, and this is one. The FLIP-to-SAVE program will not just reduce carbon emissions, but also reduce electric bills for American families by more than its price tag. I ask that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1562

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fluorescent Lightbulb Implementation Program to Save Americans Value and Energy''.

SEC. 2. DEFINITIONS.

In this Act:

(1) LOW-INCOME HOUSEHOLD.—The term ''low-income household'' means a household with a total annual household income that does not exceed the greater of—

(A) an amount equal to 150 percent of the poverty level of a State; or

(B) an amount equal to 60 percent of the State median income.

(2) MEDIUM BASE COMPACT FLUORESCENT LAMP.—The term ''medium base compact fluorescent lamp'' has the meaning given the term in section 321(30)(S) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(S)).

(3) POVERTY LEVEL.—The term ''poverty level'' has the meaning given the term in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

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

(5) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(6) STATE MEDIAN INCOME.—The term ''State median income'' has the meaning given the term in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

SEC. 3. COMPACT FLUORESCENT LIGHTING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program under which the Secretary shall provide grants to States for the distribution of medium base compact fluorescent lamps to households in the State.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section a State shall—

(1) submit to the Secretary an application, in such form and by such date as the Secretary may specify, that contains—

(A) a plan describing the means by which the State will use the grant funds; and

(B) such other information as the Secretary may require; and

(2) agree—

(A) to conduct public education activities to provide information on—

(i) the efficiency of using medium base compact fluorescent lamps; and

(ii) the cost savings associated with using medium base compact fluorescent lamps;

(B) to conduct outreach activities to ensure, to the maximum extent practicable, that households in the State are informed of the distribution of the medium base compact fluorescent lamps in the State;

(C) to coordinate activities under this section with similar and related Federal and State programs; and

(D) to comply with such other requirements as the Secretary may establish.

(c) PRIORITY.—A State that receives a grant under this section shall give priority to distributing medium base compact fluorescent lamps to low-income households in the State.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $50,000,000 to carry out this Act.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts made available under this section shall supplement, not supplant, amounts provided under sections 361 through 364 of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6324).

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. DODD, Mr. OBAMA, Mr. LIEBERMAN, Ms. KLOBUCHAR, Ms. MIKULSKI, Mrs.

MURRAY, Mr. NELSON of Florida, Mr. WYDEN, and Mrs. CLINTON):

S. 1563. A bill to require the disclosure of certain activities relating to the petroleum industry of Sudan, to increase the penalties for violations of sanctions provisions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, the suffering in Darfur and Sudan on the continent of Africa continues today as it has every day for too many years. I rise again to urge my colleagues that we must do more to end this crisis in Sudan. Two weeks ago, before the Memorial Day recess, I came to the floor to highlight some of the positive steps taken thus far by Congress, the Bush administration, the business community, and nonprofits to pressure the Sudanese regime to end this genocide. I said then and I will repeat today: We must do more.

In that speech I urged the President to follow through on what he promised to do in April at the Holocaust museum just down the street in Washington. To the President's credit, last week he took steps forward. He tightened United States economic sanctions on Sudan. He targeted sanctions against more individuals responsible for the violence, and he vowed to push for a strong new United Nations Security Council resolution that would further pressure the Sudanese regime. I applaud the President for his leadership. But I repeat, we must do more.

On March 28, as Treasury Secretary Paulson testified in front of the Appropriations subcommittee I chair, I asked the Secretary: What resources does the Treasury Department need to put more pressure on the Sudanese Government to end the genocide? His answer:

> . . . We'd like the flexibility to charge a larger fine, because $50,000 may not be enough.

He was talking about civil and criminal penalties that violators of American sanctions on Sudan should face and the fact that the current penalties are not much of a deterrent. It was a concrete suggestion from the administration, and I agreed to accept his challenge. Based on that testimony, more discussions with the Treasury Department, the Securities and Exchange Commission, the State Department, and other agencies, we created the Sudan Disclosure and Enforcement Act which I introduce today. This act provides the administration and all Americans with more resources and tools and information so we can each do our part to end the genocide and bring peace to Darfur. It creates real consequences for those who support the Sudanese regime and, perhaps most importantly, it requires the administration and Congress to meet in 90 days to reassess the steps that need to be taken to help to end the crisis.

For my colleagues who are considering supporting this legislation, here is what the bill will do in specifics: first, express the sense of Congress that the international community should continue to bring pressure against the Government of Sudan to convince that regime that the world would not allow this crisis to continue; second, authorize greater resources for the Office of Foreign Assets Control within the Department of the Treasury to strengthen its capabilities in tracking Sudanese economic activity and pursuing sanctions violators; third, require more detailed SEC disclosures by United States listed companies that operate in the Sudanese petroleum sector so investors can make informed decisions regarding divestment from these companies; fourth, dramatically increase civil and criminal penalties for violating American economic sanctions to create a true deterrent against transacting with barred Sudanese companies; fifth, require the administration to report on the effectiveness of the current sanctions regime and recommend other steps Congress could take to help end the crisis.

I am proud to introduce this legislation with bipartisan support. I particularly thank the ranking member of the Financial Services and General Government Appropriations Subcommittee, my friend and colleague Senator SAM BROWNBACK of Kansas, for all of his great work on this issue. I am pleased to be joined by all of the other original cosponsors as well: Senators DODD, who also chairs the Banking Committee and is a great ally; Senators KLOBUCHAR, MIKULSKI, BILL NELSON, OBAMA, and WYDEN.

I urge all my colleagues on both sides of the aisle to join this effort. As we move around our States and visit parts of the country, occasionally a person will come up after a meeting and say to me: Senator, what are you doing about Darfur? Didn't your country, America, declare a genocide? What are you doing?

Frankly, aside from speeches on the floor and an occasional resolution, bills of very little consequence, there hasn't been much to point to. I hope my colleagues who face that same question and worry that the response is so inadequate will take a good look at this legislation. I hope they will join me in cosponsoring this effort. We should pass this measure, work with our House colleagues and do the same, send this bill to the President. The President said in April:

> You who have survived evil know that the only way to defeat it is to look it in the face and not back down. It is evil that we are now seeing in Sudan, and we're not going to back down.

The President went on to say:

> No one who sees these pictures can doubt that genocide is the only word for what is happening in Darfur and that we have a moral obligation to stop it.

I completely agree with the President. It has been more than 2½ years since the President called what is taking place in Darfur, Sudan by its rightful name—genocide. Yet even as an estimated 200,000 to 400,000 people have been killed, even as over 2 million men, women, and tiny children have been forced from their homes by violence and killing, even as the violence continues as we meet in the safety and comfort of this great Nation, America and the entire international community have not done enough to help. We must do more. This bill moves in the right direction. It gives our Government the tools and the encouragement to act and act quickly.

I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1563

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sudan Disclosure and Enforcement Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On July 22, 2004, the Senate passed Senate Concurrent Resolution 133, 108th Congress, and the House of Representatives passed House Concurrent Resolution 467, 108th Congress, both resolutions declaring that ''the atrocities unfolding in Darfur, Sudan, are genocide''.

(2) On September 9, 2004, President Bush declared that ''we have concluded that genocide has taken place in Darfur''.

(3) On June 30, 2005, President Bush affirmed that ''the violence in Darfur region is clearly genocide [and t]he human cost is beyond calculation''.

(4) On May 8, 2006, President Bush reaffirmed, ''We will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured.''.

(5) On November 20, 2006, the Presidential Special Envoy to Sudan, Andrew S. Natsios, stated in a briefing to members of the press, ''And there's a point—January 1st is either we see a change or we go to Plan B.''.

(6) On February 20, 2007, Special Envoy Natsios stated in an interview with the Council on Foreign Relations, ''We needed to send a message to the Sudanese government that we were no longer simply going to continue with the situation the way it's been the last four years, that there was a change. We are considering more aggressive measures should we make no progress in the humanitarian area, in the political negotiations, and in the implementation of Kofi Annan and Ban Ki-moon's plan to introduce . . . additional forces.''.

(7) On April 18, 2007, President Bush stated, ''It is evil we are now seeing in Sudan—and we're not going to back down.''.

(8) The Government of Sudan, as of the date of the introduction of this Act, has announced its willingness to accept 3,000 United Nations peacekeepers and their equipment, but has continued to obstruct the full-scale joint United Nations–African Union peacekeeping mission authorized

under United Nations Security Council Resolution 1706 (2006) and to prevent sufficient humanitarian access to meet the urgent needs of the people of Darfur.

(9) Congress supports the objectives of a ''Plan B'' as outlined in the press and elsewhere to increase pressure on the Government of Sudan to accept a greatly expanded peacekeeping mission with a mandate to protect the people of Darfur.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the President should—

(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force as called for by United Nations Security Council Resolution 1706 (2006); and

(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force as called for by Resolution 1706.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

(2) PERSON.—The term ''person'' means an individual, partnership, corporation, or other entity, including a government or an agency of a government.

(3) SUDAN.—

(A) SUDAN.—The term ''Sudan'' means the Republic of Sudan and any territory under the administration or control of the Government of Sudan.

(B) SOUTHERN SUDAN AND DESIGNATED AREAS.—The term ''Southern Sudan and designated areas'' means Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, or Darfur.

SEC. 5. DISCLOSURE TO THE SEC OF ACTIVITIES RELATING TO THE PETROLEUM INDUSTRY IN SUDAN.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(m) DISCLOSURE OF ACTIVITIES RELATING TO THE PETROLEUM INDUSTRY IN SUDAN.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection, the Securities and Exchange Commission shall promulgate rules requiring any person described in paragraph (2) to disclose to the Securities and Exchange Commission—

''(A) activities described in paragraph (3) if such activities result in gross receipts to or total investments from such person of $1,000,000 or more a year; and

''(B) the geographic area within Sudan where such activities occurred, and specifically if such activities took place solely within Southern Sudan and designated areas.

''(2) PERSON DESCRIBED.—A person, as defined in paragraph (6)(C), is described in this paragraph if the person—

''(A) is an issuer of securities registered under section 12; and

''(B) either—

''(i) engages in or facilitates activities described in paragraph (3); or

''(ii) controls or is controlled by a person that engages in or facilitates activities described in paragraph (3).

''(3) ACTIVITIES DESCRIBED.—An activity described in this paragraph is the exploration, development, extraction, processing, exportation, or sale of petroleum products produced in Sudan.

''(4) WAIVER.—The President may waive the disclosure requirements described in paragraph (1) for periods not to exceed 1 year if the President—

''(A) determines that such a waiver is in the national interest of the United States; and

''(B) not later than 7 days before granting the waiver, reports to the appropriate congressional committees regarding the intention of the President to waive the disclosure requirements described in paragraph (1) and the reasons the waiver is in the national interest of the United States.

''(5) TERMINATION OF DISCLOSURE REQUIREMENTS.—The disclosure requirements described in paragraph (1) shall terminate if the Secretary of State—

''(A) determines that the Government of Sudan no longer provides support for acts of international terrorism for purposes of—

''(i) section 40 of the Arms Export Control Act (22 U.S.C. 2780);

''(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); and

''(iii) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

''(B) certifies to the appropriate congressional committees that the Government of Sudan has demonstrated significant improvement in protecting the civilian population of Darfur, such as by allowing a substantial United Nations–African Union peacekeeping mission with the mandate and means to protect civilians and allow for the safe return of persons displaced by the violence in Darfur.

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

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(i) the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(ii) the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

''(B) CONTROL.—The term 'control' means—

''(i) in the case of a corporation, to hold at least 50 percent (by vote or value) of the capital structure of the corporation; and

''(ii) in the case of any other entity, to hold interests representing at least 50 percent of the capital structure of the entity.

''(C) IS CONTROLLED BY.—The term 'is controlled by' means—

''(i) in the case of a corporation, to have at least 50 percent (by vote or value) of the capital structure of the corporation held by another person; and

''(ii) in the case of any other entity, to have interests representing at least 50 percent of the capital structure of the entity held by another person.

''(D) FOREIGN PERSON.—The term 'foreign person' means a person—

''(i) in the case of an individual, who is an alien; or

''(ii) in the case of a partnership, corporation, or other entity, that is organized under the laws of a foreign country or that has its principal place of business in a foreign country.

''(E) PERSON.—

''(i) IN GENERAL.—The term 'person' means an individual, partnership, corporation, or other entity, including a government or an agency of a government.

''(ii) EXCEPTION.—The term 'person' does not include—

''(I) any person engaging solely in transactions or activities in Sudan that are authorized or exempted pursuant to the Sudanese Sanctions Regulations (part 538 of title 31, Code of Federal Regulations);

''(II) foreign nongovernmental organizations (except agencies of the Government of Sudan) that—

''(aa) have consultative status with the United Nations Economic and Social Council; or

''(bb) have been accredited by a department or specialized agency of the United Nations; or

''(III) a foreign person whose business activities in Sudan are strictly limited to providing goods and services that are—

''(aa) intended to relieve human suffering;

''(bb) intended to promote welfare, health, religious, or spiritual activities;

''(cc) used for educational or humanitarian purposes;

''(dd) used for journalistic activities; or

''(ee) used for such other purposes as the Secretary of State may determine serve the foreign policy interests of the United States.

''(F) SUDAN.—

''(i) SUDAN.—The term 'Sudan' means the Republic of Sudan and any territory under the administration or control of the Government of Sudan.

''(ii) SOUTHERN SUDAN AND DESIGNATED AREAS.—The term 'Southern Sudan and designated areas' means Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, or Darfur.''.

SEC. 6. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''SEC. 206. PENALTIES.

''(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

''(b) CIVIL PENALTY.—A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

''(1) $250,000; or

''(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

''(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

SEC. 7. REPORT ON AND PUBLIC DISCLOSURE OF ACTIVITIES IN THE PETROLEUM INDUSTRY OF SUDAN.

(a) REPORT ON ACTIVITIES RELATING TO THE PETROLEUM INDUSTRY OF SUDAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall prepare and submit to the appropriate congressional committees a written report on the overall impact of economic sanctions on the Government of Sudan and the crisis in Darfur.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall include—

(A) the name of persons identified by the Office of Foreign Assets Control as specially designated nationals; and

(B) the economic and political impact of sanctions on the Government of Sudan.

(3) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified annex relating to the assessment under paragraph (2)(B).

(b) BRIEFING ON REPORT.—Not later than 14 days after submitting the report required by subsection (a), the Secretary of the Treasury, the Secretary of State, the Secretary of Energy, the Director of National Intelligence, and representatives of the Securities and Exchange Commission shall brief the appropriate congressional committees on the contents of the report.

(c) DISCLOSURE ON SEC WEBSITE.—

(1) IN GENERAL.—Not later than 14 days after promulgating the rules required by section 13(m) of the Securities Exchange Act of 1934, as added by section 5, the Securities and Exchange Commission shall make available on its website, in an easily accessible and searchable format, the information collected pursuant to the disclosure requirements of such section 13(m), including—

(A) the names of persons that made disclosures under such section 13(m);

(B) the specific activities related to the petroleum industry of Sudan in which such persons engaged; and

(C) the geographic area within Sudan where such activities occurred, and specifically if such activities took place solely within Southern Sudan and designated areas.

(2) MAINTENANCE.—The Securities and Exchange Commission shall maintain and update regularly the information on the website of the Commission under paragraph (1).

(d) GOVERNMENT PROCUREMENT CONTRACTS.—

(1) IN GENERAL.—Not later than 45 days after the submission of the report required by subsection (a), the Administrator of General Services shall determine whether the United States Government has in effect a contract for the procurement of goods or services with any person identified in the report required by subsection (a).

(2) REPORT.—If the Administrator determines that the United States Government has in effect a contract for the procurement of goods or services with a person identified in the report required by subsection (a), the Administrator shall submit to the appropriate congressional committees a report—

(A) naming each person identified in the report required by subsection (a);

(B) the nature of the contract; and

(C) the dollar amount of the contract.

SEC. 8. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OFAC.

(a) IN GENERAL.—There are authorized to be appropriated $2,000,000 to the Office of Foreign Assets Control for fiscal year 2008, to support intelligence gathering, licensing, compliance, and administrative activities associated with the enforcement of sanctions against Sudan and persons operating in Sudan.

(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to the authority of subsection (a) shall be used to supplement and not supplant other amounts authorized to be appropriated for the Office of Foreign Assets Control.

SEC. 9. NOTIFICATION OF TERMINATION OF SANCTIONS.

(a) IN GENERAL.—Not later than 15 days after the date on which any sanction described in subsection (b) is terminated, the President shall publish in the Federal Register notice that such sanction has been terminated.

(b) SANCTIONS DESCRIBED.—A sanction described in this subsection is a sanction imposed pursuant to—

(1) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note);

(3) the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note);

(4) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(5) chapter 5 of title 31, Code of Federal Regulations; or

(6) any other provision of law, regulation, or executive order relating to Sudan.

SEC. 10. REPEAL.

Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is repealed.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1565. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, Senator LUGAR and I are introducing the Naval Vessel Transfer Act of 2007, a bill to permit the transfer of certain U.S. Navy vessels to particular foreign countries. All of the proposed ship transfer authorizations have been requested by the U.S. Navy, with the approval of the Office of Management and Budget.

Pursuant to section 824(b) of the National Defense Authorization Act for Fiscal Year 1994, as amended, 10 U.S.C. 7307(a), a naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation unless the disposition of that vessel is approved by law enacted after August 5, 1974. The bill we are introducing today would provide that required approval for eight transfers: two guided missile frigates and two minehunter coastal ships for Turkey; two minehunter coastal ships for Lithuania; and two minehunter coastal ships for Taiwan.

The bill also contains provisions that are traditionally included in ship transfer bills, relating to transfer costs and repair and refurbishment of the ships, and exempting the value of a vessel transferred on a grant basis from the aggregate value of excess defense articles in a given fiscal year.

The authority provided by this bill would expire 2 years after the date of enactment of the bill.

Similar legislation was passed by the Senate last year, but was objected to in the House of Representatives because of concern regarding the proposal to transfer minehunter coastal ships. That issue was also raised by Members of the Senate Armed Services Committee, but members of that committee were persuaded by the Executive branch that the transfers would not degrade U.S. Navy capabilities. We invite interested colleagues to let us know if there is any residual concern among Members of the Senate, so that we can arrange for the Executive branch to brief members and determine if there is any objection to expeditious passage of this bill.

Finally, the Department of Defense has provided the following information on this bill:

This bill would authorize the President to grant transfer five excess naval vessels to Turkey and Lithuania and to sell three excess naval vessels to Taiwan and Turkey.

These proposed transfers would improve the United States' political and military relationships with close allies. They would support strategic engagement goals and regional security cooperation objectives. Active use of former naval vessels by coalition forces in support of regional priorities is more advantageous than retaining vessels in the Navy's inactive fleet and disposing of them by scrapping or another method.

The United States would incur no costs in transferring these naval vessels. The recipients would be responsible for all costs associated with the transfers, including maintenance, repairs, training, and fleet turnover costs.

This bill does not alter the effect of the Toxic Substances Control Act, or any other law, with regard to their applicability to the transfer of ships by the United States to foreign countries for military or humanitarian use. The laws and regulations that apply today would apply in the same manner if this bill were enacted.

The Department of Defense estimates that the sale of these vessels may net the United States $52.7 million in fiscal year 2008.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1565

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Naval Vessel Transfer Act of 2007''.

SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

By Mr. FEINGOLD:

S. 1569. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing the Veterans Advocacy Act of 2007. This bill would create a grant program for organizations providing pro bono legal representation to servicemembers and veterans to ensure that they receive the health care and benefits to which they are entitled.

The men and women of the Armed Services have served this Nation honorably and deserve the best health care and benefits available. However, as recent revelations about the extent of bureaucratic delays at the Walter Reed Army Medical Center demonstrate, these brave individuals face a series of hurdles as they navigate the health care and disability compensation processes. Many of them are forced to turn to their representatives in Congress for help cutting through the red tape. I have heard from many military personnel and veterans who are frustrated with the system or unaware of Federal health care and other benefits for which they may be eligible. I regret that the system too often makes the burden of proving that a condition is related to military service nearly insurmountable. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the Department of Veterans Affairs for benefits that they have earned through their service to our Nation.

Numerous reports have detailed the range of administrative and legal hurdles injured servicemembers will face when they return home. Service members returning with unprecedented rates of post traumatic stress disorder, PTSD, and traumatic brain injury, TBI, will struggle to get the medical records they need to file benefits claims. Those with severe TBI that does not show up on brain scans will have an even harder time establishing that they need compensation. Those with profound TBI may be prematurely relegated to care in a nursing home when, with proper assistance, they may be fully capable of living independent lives in the community. The Government Accountability Office reported that over 75 percent of servicemembers who screen positive for PTSD will not be referred to a mental health professional. Members of the Guard and Reserves face additional hurdles to gain access to military doctors. This is unacceptable.

I commend my colleagues for their support of increased funding for the military and veterans' health care systems in the 2007 emergency supplemental. However, I am concerned that unless veterans have independent advocates to ensure that they are receiving top notch care and that they are aware of the benefits to which they are entitled, these additional funds may be mismanaged. Last November, the Government Accountability Office reported that for the last two years the Department of Veterans Affairs has not expended all the funds allocated for mental health initiatives. My bill would ensure that service members and veterans who have trouble accessing the care to which they are entitled will have an advocate outside the chain of command who can negotiate with the Departments to ensure proper care.

In addition to helping ensure that service members and veterans receive top notch care, my bill would help service members and veterans overcome legal barriers to obtaining benefits. During the Veterans' Affairs Committee's hearing on benefits legislation, Meredith Beck of the Wounded Warrior Project summarized the problem as follows: ''In many of the cases we have seen, the creation of new benefits wasn't needed to aid the service member, rather, the wounded warrior just needed to have the existing benefits systems better explained and untangled in order to understand what was available to them.''

Fortunately, service members and veterans benefit from the services of a nationwide system of veterans and military service organizations. However, the system is simply overwhelmed. It will be further inundated when the over 170,000 servicemembers deployed in Iraq and Afghanistan return home. I want to be clear that the purpose of this legislation is to supplement the existing network of advocates to ease the caseload of overburdened service officers and allow them to spend more time per case helping veterans and service members.

Congress has a responsibility to simplify the system and ensure that it gives service members and veterans the benefit of the doubt when they seek assistance for service-connected disabilities. It is my hope that the majority of veterans will not need legal representation. But the reality is that many veterans face unnecessary delays and appeals of legitimate compensation claims that could be avoided if there were enough advocates to ensure that every veteran's case is carefully developed from the beginning. Several judges of the Court of Appeals for Veterans Claims have described the importance of ensuring that veterans have legal representation throughout the claim process. Judge Holdaway summarized the need as follows:

> If you get lawyers involved at the beginning, you can focus in on what is this case about. I think you would get better records, you would narrow the issue, there would be screening . . . I think if we had lawyers involved at the beginning of these cases, it would be the single most fundamental change for the better that this system could have.

While the need for legal representation in complicated cases is clear, I do not believe that veterans should have to pay for legal representation just to get the benefits they earned through their service. I have been troubled when I have heard that service members are seeking expensive legal assistance to help them overcome daunting administrative and legal hurdles. Fortunately, there are legal service organizations and attorneys who are willing to provide assistance to these service members and veterans free of charge. The purpose of this bill is to help these organizations get the training they need to help veterans and service members.

The bill would establish a pilot program of one-year grants to organizations that have experience serving veterans or persons with disabilities. The Veterans Administration will be charged with appointing a committee to disburse the grants. The committee

shall be composed of veterans and military service officers, veterans and disability legal service attorneys, and representatives of the Department of Veterans Affairs employees and the Department of Defense. The Secretary of Veterans Affairs will be required to submit a report to Congress on the number of individuals served and the kinds of assistance they received as a result of the pilot program.

In order to avoid adding to our country's sizable debt, the $1 million cost of this program is taken from the $3 billion appropriated to the defense health program by the 2008 supplemental spending bill. The grant program will help ensure that these funds are spent wisely.

Veterans and military service organizations that currently employ attorneys will be eligible to receive the grants either to provide legal services at no charge or to provide training to other pro bono attorneys. The bill will also help servicemembers and veterans access the services of the federally funded and mandated protection and advocacy system for persons with disabilities. This system has lawyers in every state who are trained to help people with disabilities obtain the benefits, health care and services they need to live independent lives. These attorneys are uniquely qualified to, for example, ensure that veterans with PTSD are properly diagnosed and treated and to prevent those with TBI from being placed in nursing homes when they are capable of living in the community. Many veterans have been seeking out their assistance but the system is currently overwhelmed. I have included a description of the assistance that the protection and advocacy systems have been providing veterans. This bill would help foster collaboration between lawyers with expertise in veterans' law and those with expertise in disability law.

I commend my colleagues who have offered bills to increase funding for the care of service members and veterans, to expand necessary benefits and to ensure that our military and veterans health care systems offer the best care available. In order to ensure that service members and veterans are able to capitalize on these important reforms, they need independent advocates who can help them cut through the red tape. My bill would help expand the cadre of experienced advocates who will do just that. The bill has been endorsed by the National Organization of Veterans Advocates, the Vietnam Veterans of America and the Protection and Advocacy System's National Disability Rights Network.

I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

There being no objection, material was ordered to be printed in the RECORD, as follows:

S. 1569

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Advocacy Act of 2007''.

SEC. 2. PILOT PROGRAM ON PROVISION OF LEGAL ASSISTANCE TO ASSIST VETERANS AND MEMBERS OF THE ARMED FORCES RECEIVE HEALTH CARE, BENEFITS, AND SERVICES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of utilizing eligible entities to provide legal services to assist veterans and members of the Armed Forces in applying for and receiving health care, benefits, and services.

(2) CONSULTATION.—The Secretary of Veterans Affairs shall carry out the pilot program in consultation with the Secretary of Defense.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out the pilot program through the award of grants to eligible entities selected by the panel established in accordance with subsection (d)(1) for—

(A) the provision of legal services at no cost to members of the Armed Forces and veterans as described in subsection (a)(1); or

(B) the provision of legal training to attorneys of eligible entities on the health and benefits programs of the Department of Defense and the Department of Veterans Affairs to facilitate the provision of legal services described in subsection (a)(1).

(2) AWARDING GRANTS.—Grants under this subsection shall be awarded to eligible entities selected pursuant to subsection (d) not later than 180 days after the date of the enactment of this Act.

(3) NUMBER OF GRANTS.—

(A) IN GENERAL.—The Secretary shall award 10 grants under the pilot program.

(B) STATE-DESIGNATED PROTECTION AND ADVOCACY SYSTEMS.—Not less than five of the grants awarded under the pilot program shall be awarded to State-designated protection and advocacy systems.

(4) GRANT AMOUNT.—The amount of each grant awarded under the pilot program shall be determined by the selection panel described in subsection (d)(1), except that each such grant may not be awarded in an amount that—

(A) exceeds $100,000; or

(B) is less than $25,000.

(5) DURATION.—The duration of any grant awarded under the pilot program may not exceed one year.

(6) AVOIDANCE OF FRIVOLOUS BENEFIT CLAIMS.—An eligible entity that receives a grant under this subsection shall make reasonable efforts to avoid representing veterans and members of the Armed Forces with respect to frivolous benefits claims.

(c) ELIGIBLE ENTITIES.—For purposes of this subsection, an eligible entity is any entity or organization, including a State-designated protection and advocacy systems, that—

(1) is not part of the Department of Veterans Affairs or the Department of Defense; and

(2) provides legal services by licensed attorneys with experience assisting veterans, members of the Armed Forces, or persons with disabilities.

(d) SELECTION OF GRANT RECIPIENTS.—

(1) SELECTION BY PANEL.—

(A) IN GENERAL.—Each application submitted under paragraph (2) shall be evaluated by a panel appointed by the Secretary for purposes of the pilot program. The panel shall select eligible entities for receipt of grants under subsection (b) from among the applications so evaluated.

(B) MEMBERSHIP OF PANEL.—Members of the panel shall be appointed in equal numbers from among individuals as follows:

(i) Officers and employees of the Department of Veterans Affairs.

(ii) With the approval of the Secretary of Defense, officers and employees of the Department of Defense.

(iii) Representatives of veterans service organizations.

(iv) Representatives of organizations that provide services to members of the Armed Forces.

(v) Attorneys that represent veterans.

(vi) Attorneys employed by a State-designated protection and advocacy system.

(2) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(3) ELEMENTS.—Each application submitted under paragraph (2) shall include the following:

(A) In the case of an eligible entity applying for a grant under subsection (b)(1)(A), the following:

(i) A description of the population of members of the Armed Forces and veterans to be provided assistance.

(ii) A description of the outreach to be conducted by the eligible entity concerned to notify members of the Armed Forces and veterans of the availability of such assistance.

(B) In the case of an eligible entity applying for a grant under subsection (b)(1)(B), the following:

(i) A description of the population of attorneys to be provided training.

(ii) A description of the outreach to be conducted by the eligible entity concerned to notify attorneys of the availability of such training.

(C) In the case of an eligible entity applying for a grant under subparagraphs (A) and (B) of subsection (b)(1), the elements described in subparagraphs (A) and (B) of this paragraph.

(e) REPORT.—Not later than one year after the date described in subsection (b)(2), the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program required by subsection (a), including the following:

(1) The number of veterans and members of the Armed Forces that received assistance or services from such pilot program.

(2) A description of the assistance and services provided as part of such pilot program.

(f) DEFINITIONS.—In this section:

(1) STATE-DESIGNATED PROTECTION AND ADVOCACY SYSTEM.—The term ''State-designated protection and advocacy system'' means a system established in a State to protect the legal and human rights of individuals with developmental disabilities in accordance with subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization organized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(g) FUNDING.—Of amounts appropriated for ''Defense Health Program'' in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $1,000,000 shall be available for fiscal year 2008 to carry out the provisions of this section and not for the purposes for which appropriated by such Act. Any amount made available by this subsection shall remain available without fiscal year limitation.

EXAMPLES OF THE PROTECTION AND ADVOCACY (P&A) SYSTEM'S INTERACTION WITH VETERANS

ALASKA

The Alaska P&A has been visiting the VA Domiciliary, a 50-bed domiciliary residential rehabilitation treatment program for homeless veterans, to provide information on their services and has begun to provide advocacy and services to a number of veterans with disabilities. They have been averaging 15–20 appointments at the facility a month. The advocacy assistance the Alaska P&A provided has encompassed activities directed at obtaining and/or maintaining housing, securing government benefits, SSI, Medicaid, and working with individuals seeking employment accommodations.

The Alaska P&A has also developed and disseminated a resource guide about educational supports for people with Traumatic Brain Injury, TBI.

ARIZONA

The Arizona P&A has partnered with a case manager in a veterans group to work with returning veterans with disabilities and help them obtain the services and benefits they deserve. The Arizona P&A has worked to ensure voting access for veterans with disabilities in Arizona.

The Arizona P&A also cosponsored a daylong conference in collaboration with the Governor's Council on Spinal Cord and Head Injuries on TBI to provide information on benefits and services individuals, including veterans, who have suffered a TBI are eligible to receive.

CALIFORNIA

A peer/self advocacy coordinator in the San Diego P&A office holds weekly training and information sessions with veterans. One of the sessions occurs at the P&A's office while the other takes place at the VA facility.

The California P&A represented residents of a veteran's hospital who had been denied access to voter registration services. The issue arose after it was learned that a VA Medical Center was refusing to allow advocates for people with disabilities to conduct voter registration on the campus. In addition, some residents were not being permitted to register, regardless of their competence. Ultimately, the VA reversed its position and allowed voter registration on the medical campus.

COLORADO

The Colorado P&A is coordinating with an Army caseworker to help veterans with disabilities make the transition back into the community. They also offered voter registration at the Denver Veterans Affairs Medical Center to help ensure returning veterans maintain their right to vote.

GEORGIA

The Georgia P&A has been working with veterans with disabilities who are encountering problems returning to work. They have also reached out to the people running a program demonstrating how veterans with poly-trauma, TBI, Post Traumatic Stress Disorder, PTSD, and other mental health issues can return to work and how the P&A system could be a great resource for these veterans.

HAWAII

The Hawaii P&A has been a featured speaker at the military families Children's Community Council on Oahu and continues to assist an ever growing number of military families who have children with special education needs. The Hawaii P&A has also done outreach to a wide group of military service programs on the island regarding benefits and services they can provide to veterans who have suffered a TBI. They have also formed a collaboration with the Christopher Reeves Foundation to help with the Foundation's work with returning veterans from Iraq that have been diagnosed with a TBI.

ILLINOIS

The Illinois P&A has provided training and information to VA staff and also met with VA hospital social workers and administrative staff to provide training and information to help veterans with disabilities make the transition from VA care to the community.

The Illinois P&A has also helped a veteran who was in a Veteran's Home integrate into the community following a stroke. The Illinois P&A worked in conjunction with the local center for independent living to assist the client in finding his own apartment and getting a personal care attendant to address his support needs.

IOWA

The Iowa P&A has received a number of individual contacts from veterans in Iowa's VA Hospitals seeking help accessing veterans' benefits and services as well as community programs. Their staff has encountered a variety of challenges while attempting to meet directly with a client in a VA hospital.

The Iowa P&A also worked with an individual who had concerns that if he returned to work that he would lose his Social Security benefits. The Protection and Advocacy for Beneficiaries of Social Security, PABSS, advocate explained that he had options available without immeadiately losing his benefits and he was eventually able to reenter the workforce in a situation he was comfortable with.

KANSAS

The Kansas P&A has been providing information and training to the staff and veterans at the Kansas VA facilities and is working on outreach to the Kansas veterans groups to provide information and assistance to help veterans with disabilities make the transition back to the community.

The Kansas P&A also worked to help a veteran successfully move from a VA nursing facility back into the community. Additionally, they are helping a veteran who was authorized by the VA to have a surgery at a university medical center. He suffered complications from the surgery which required additional hospitalization and the P&A is working to get the VA to pay for the follow†up treatments related to the complications.

KENTUCKY

The Kentucky P&A has done outreach to the Kentucky Veterans Affairs Office, the Joint Executive Council of Veterans, as well as to all the state's Veterans Centers, and all the state chapters of the Disabled American Veterans.

LOUISIANA

The Louisiana P&A helped a client successfully appeal a denial from the VA to pay a private hospital for in-patient mental health treatment. They then had to represent the same client when the hospital tried to collect the remaining balance. The Louisiana P&A was able to show that the hospital is barred from collecting additional funds from a patient whose care was paid for under a VA contract. With the help of the Louisiana P&A, the veteran was able to receive appropriate mental health services and afforded protection from the hospital's illegal collection efforts.

MAINE

The Maine P&A has had meetings with the Director of the State VA Services in order to identify benefits and services available to veterans with disabilities and their families after the veteran is discharged from the VA. They have also provided trainings and information to National Guard units in the State about the resources that are available for veterans with disabilities.

MASSACHUSETTS

The Massachusetts P&A had a case of a former marine sergeant who had suffered partial hemiparesis and a TBI. This affected his ability to speak and forced him to communicate with gestures and a special set of picture cards. This type of communication created problems and misunderstanding at his job, and his eventual termination. The Massachusetts P&A was able to work with his employer to find him another job within the company.

MICHIGAN

The Michigan P&A has been working on a variety of issues involving veterans, including access to polling facilities and voting booths, public transportation systems, and community projects. They also worked to address community reintegration issues faced by a veteran in a VA facility far from his home when he became eligible for discharge. The P&A's work allowed the veteran to return to his home community.

MINNESOTA

The Minnesota P&A has held trainings with the National Alliance on Mental Illness, NAMI, at VA hospitals in the State concerning benefits and services for veterans with disabilities. They have also been contacted by some veterans with disabilities to help get the benefits and services they require. For example, the Minnesota P&A assisted a veteran with a TBI move from a State hospital back to her home with needed community supports.

MISSOURI

The Missouri P&A worked with a man who had spent much of his adult life in the military, but was discharged after suffering a TBI. This veteran needed help obtaining services in order to build a new career. The Missouri P&A helped him identify affordable, accessible housing and arranged accommodations from the school, VA and vocational rehabilitation as he embarks on training for his new career.

MONTANA

The Montana P&A had a veteran with a TBI who needed assistance getting the schools he was attending for his degree to better coordinate the Montana Vocational Rehabilitation and VA benefits he was receiving in order to afford his education. The Montana P&A was able to work out an agreement so that the institutions accepted payments from both sources so the veteran did not have any out-of-pocket cost for his tuition.

NEBRASKA

The Nebraska P&A has initiated contact with the County Veteran Service Officers

group in Nebraska and the local VFW and American Legion representatives. They recently made a presentation at the County Veteran Service Officers group's annual meeting about the P&A system. Their goal is to not supplant their work assisting veterans within the VA system but to be a resource for veterans with disabilities who are returning to their communities and their families.

NEVADA

The Nevada P&A has been providing information and training to veterans family support groups and an organization working with homeless veterans on the services and benefits available for veterans with disabilities.

NEW HAMPSHIRE

The New Hampshire P&A has attempted to carry out the external advocacy activities as set forth in the VA handbook, but so far has been unable to do so because of resistance of the VA staff.

NEW JERSEY

The New Jersey P&A has been working with two veterans on employment related issues. One is an employment discrimination complaint, and the other one is a complaint against the Division of Vocational Rehabilitative Services within the New Jersey Department of Labor for services needed. The New Jersey P&A has also been holding trainings and providing information to VA hospitals in the State as well as family support groups and the National Guard.

NEW YORK

The New York P&A has been working with the New York State Department of Health to identify and address the needs of veterans returning from Iraq and Afghanistan who have brain injuries and their families. They have also been working to create a primary advisory board comprised of veterans groups and health groups to help address the needs of veterans with disabilities. Finally, the New York P&A has taken calls and emails from veterans and their families to provide them assistance through every P&A program.

For example, the New York P&A represented a veteran in a disability claim on referral from the Clinton County Veteran Services office. Among other things, this veteran had cognitive problems caused by a buildup of fluid on his brain. Through the New York P&A's work, his claim was allowed after a hearing.

NORTH DAKOTA

The North Dakota P&A has worked with the North Dakota Legislature on state legislation to help veterans with disabilities, and has held a Statewide training session to learn more about the VA system as well as provide information on community services available to returning veterans with disabilities.

NORTHERN MARIANAS

The Northern Marianas P&A has been working closely with the Office of Military Liaison on training and technical assistance to help address the needs of returning veterans with disabilities.

OHIO

The Ohio P&A represented a 44-year-old veteran who, while in treatment for mental illness, was threatened with eviction by his HUD-subsidized landlord. Compounding the problem, the VA withdrew the client's community services funding for a home health aide, which the client required. The Ohio P&A worked with the client's HUD landlord, multiple provider agencies, the VA community services nurse, VA case workers, the VA ombudsman, the VA psychologist, and the VA attorney regarding client's service needs and his legal rights related to his disability. Ultimately, the client's landlord agreed to withdraw eviction threat and the VA restored funding for a home health aide.

PENNSYLVANIA

The Pennsylvania Protection and Advocacy system organized a Brain Injury Awareness Day at the Lebanon and Coatesville Veterans Administration Medical Centers for staff and veterans. Following the success of this event, the Pennsylvania P&A was invited back for a day of in-service staff training and technical assistance at the Lebanon facility.

At that time, the Pennsylvania P&A hopes to meet the veterans and see who would like advocacy assistance. They feel this is especially needed because VA staff and the veterans need to be connected with and aware of the community-based services they can access and use.

The Pennsylvania P&A has also successfully worked for a veteran who had suffered a service-connected brain injury which left him unable to walk or perform activities of daily living on his own. The VA ratings board contested that he is 100 percent disabled, and refused to offer special compensation. The Pennsylvania P&A helped the veteran obtain the necessary documentation to connect the brain injury to his physical disabilities so that special compensation could be provided.

RHODE ISLAND

The Rhode Island P&A has formed an internal veterans' outreach work group which has met with individual veterans organizations in the State and has participated in the State's ''Veterans Task Force of Rhode Island'', providing information and training on the benefits and services available to veterans with disabilities.

SOUTH CAROLINA

The South Carolina P&A has provided training and technical assistance to administrative staff at the Richard M. Campbell Veterans Nursing Home in Anderson, SC. The training focused on the legal rights of people with disabilities, including veterans.

SOUTH DAKOTA

The South Dakota P&A has been establishing contact with VA medical centers, outpatient clinics, and a VA sponsored support group for veterans to provide information about available resources. They also participate in the Veterans' Services Officers' Congressional Forum. The South Dakota P&A shares the same concern that the Pennsylvania P&A has that beyond its health care services the VA does not provide a lot of community-based services other than vocational. As a result, they have been working with the patient advocate at the VA hospital to help veterans with disabilities make the transition into long-term care and housing following discharge from the VA hospital.

TEXAS

The Texas P&A has been working on several cases for veterans with disabilities to access VA services. One of the cases was a veteran living in a State hospital that had her lump-sum VA benefits unlawfully taken by the hospital without her knowledge or consent and applied retroactively to pay for her support, maintenance, and treatment while she was at the state hospital. The Texas P&A was able to recover these funds and arrange for a new representative payee for the client.

UTAH

The Utah P&A has been providing training and information at the VA facilities in Utah on the resources, services, and benefits that exist for veterans that have suffered a TBI.

VERMONT

The Vermont P&A has held trainings at the White River Junction VA facility for staff and veterans. They are also in the midst of presenting veterans, National Guard, and family groups information about TBI resources at four sites around the State. They have also collaborated with personnel at the VA to support a project to identify veterans who are inmates who might qualify for benefits upon release.

They have also recently been contacted about three issues they are pursuing on behalf of veterans with disabilities. One is a veteran in the psychiatric unit at Rutland Regional Medical Center who had been turned down for VA care. Another case is a veteran at the VA who had concerns about his medications. The third case is a woman veteran from the Northeast Kingdom who has a mental health issue, referred from the Mental Health unit at the VA.

VIRGINIA

The Virginia P&A, to the extent they are being allowed to, are providing education and advocacy services at Virginia's VA facilities.

WASHINGTON

The Washington Protection & Advocacy System has investigated allegations of abuse and neglect at a veterans' inpatient mental health facility, advocated for veterans with Post-Traumatic Stress Disorder to maintain vital mental health services, and assisted veterans seeking access to outpatient VA mental health services. They have also advocated for veterans regarding assistive technology and Tricare coverage. In addition, they have provided information and referrals to veterans on issues of housing, access to medical care, employment, guardianship, and the VA appeal and grievance procedures.

One of those cases was a veteran who received physical and mental health services from the VA but wanted to be able to choose who his mental health provider would be. He was initially told that if he changed mental health providers, he would lose his other healthcare services. The Washington P&A provided the veteran with self-advocacy strategies about how to request his preferred service, how to go through the chain of command, and how to utilize his supporters. Ultimately, the veteran was allowed to change his mental health provider without threatening his other healthcare services.

In 2005, the Washington P&A system created a project to conduct outreach to underserved veterans with disabilities. This project focused on issues of access to benefits and assistance, housing, employment, and assistive technology issues. They have also attended a variety of assistance fairs conducted by the Washington State Department of Veterans Affairs and worked with a number of veterans' service organizations and the VA on staff training sessions and outreach to veterans with disabilities.

WISCONSIN

The Wisconsin P&A has provided training and information to the State Veterans Administration, as well as veterans with disabilities. These trainings address the barriers veterans with disabilities, who also receive Social Security benefits, face, as well as suggest possible solutions.

WYOMING

The Wyoming P&A has been working with the National Guard State Family Assistance

Center to address the needs of returning National Guard members with disabilities. They also attend the Inter-Service Family Assistance Committee meeting where they gave presentation on P&A services and distributed information packets. The Wyoming P&A has also been helping military families at bases located in Wyoming with matters related to special education.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 1571. A bill to reform the essential air service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to join my colleagues, Senators BINGAMAN, HAGEL, and NELSON of Nebraska to introduce the bipartisan Rural Aviation Improvement Act. I am proud to join my colleagues, each one a steadfast and resolute guardian of commercial aviation service to all communities, particularly rural areas that would otherwise be deprived of any air service.

I have always believed that reliable air service in our Nation's rural areas is not simply a luxury or a convenience. It is an imperative. All of us who come from rural States know how critical aviation is to economic development, vital to move people and goods to and from areas that may otherwise have dramatically limited transportation options. Quite frankly, I have long held serious concerns about the impact deregulation of the airline industry has had on small and medium size cities in rural areas, like Maine. That fact is, since deregulation, many small and medium-size communities, in Maine and elsewhere, have experienced a decrease in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether.

This legislation will serve to improve the Essential Air Service program. Additional resources will augment the resources available to the program, reducing the impact on the general fund while providing small communities with a greater degree of certainty when planning future improvements to their airports. The bill also gives those same communities a greater role in retaining and determining the sort of air service which they receive.

Increasingly, the Essential Air Service program has been plagued with a decline in the number of airlines willing to provide this critical link to the national transportation network. A few ''bad actors'' have jeopardized commercial aviation for entire regions by submitting low-ball contracts to the Department of Transportation and then reneging on their commitment to the extent and quality of their service. Our bill will not only establish a system of minimum requirements for contracts to protect these small cities that rely on EAS, but it will also extend those contracts to 4 years from the current 2. This gives a heightened degree of stability in terms of air service, rather than having communities negotiating new contracts or receiving service from entirely new carriers every 18 months.

In closing, the truth is, everyone benefits when our Nation is at its strongest economically. Most importantly in this case, greater prosperity everywhere, including in rural America, will, in the long run, mean more passengers for the airlines. Therefore, it is very much in our national interests to ensure that every region has reasonable access to air service. That is why I strongly believe the Federal Government has an obligation to fulfill the commitment it made to these communities in 1978; to safeguard their ability to continue commercial air service.

Mr. BINGAMAN. Mr. President, I wish today to join with my colleague, Senator SNOWE to introduce the bipartisan Rural Aviation Improvement Act. Senator SNOWE has been a longtime champion of commercial air service in rural areas, and I applaud her continued leadership on this important legislation.

One of the goals of our bill is to preserve and improve the Essential Air Service Program. Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation would continue to receive scheduled service. The Essential Air Service Program currently ensures commercial air service to over 100 communities in 35 States. EAS supports an additional 39 communities in Alaska. Without EAS, many rural communities would have no commercial air service at all. I believe our bill makes a number of important improvements to EAS to ensure rural communities continue to have the commercial air service that is so vital to their futures.

Our bill also extends through 2011 the Department of Transportation's authority to provide grants to cities under the Small Community Air Service Development Program, which was first established in 2000. The program helps rural communities establish new air service or to promote and improve their existing air service. Since it was first enacted, a number of New Mexico communities have won grants, including most recently Gallup in 2006.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads, or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system. I do believe Congress must help ensure that affordable, reliable, and safe air service remains available in rural America.

The Senate Commerce Committee and its Aviation Subcommittee are well along in developing a reauthorization of aviation programs this year. I look forward to working with my colleagues Chairmen INOUYE and ROCKEFELLER and Ranking Members STEVENS and LOTT to improve commercial air service programs for rural areas. I believe our bill is one important step in that process.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. LEAHY, Mr. DURBIN, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. DODD, and Mr. SANDERS):

S. 1572. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the landmark 1999 Surgeon General's report on mental health brought a hidden mental health crisis to the attention of the U.S. public. According to that report, 13.7 million children in our country—about one in five—suffer from a diagnosable emotional or behavioral disorder. Such disorders as Anxiety Disorders, Attention-Deficit/Hyperactivity Disorder, and Depression are among the most common in this age group. Yet more than two-thirds of these children do not receive any treatment. Long waiting lists for children seeking services, including those in crisis, are not uncommon. The primary reason is that severe shortages exist in qualified mental health professionals, including child psychiatrists, psychologists, social workers, and counselors. The President's New Freedom Commission on Mental Health also found that ''the supply of well-trained mental health professionals is inadequate in most areas of the country . . . particular shortages exist for mental health providers who serve children, adolescents, and older Americans.'' The situation is no better in our public schools, where children's mental health needs are often first identified. According to the National Center for Education Statistics within the Department of Education, there are approximately 479 students for each school counselor in U.S. schools, nearly twice the recommended ratio of 250 students for each counselor.

The situation in my home State of New Mexico is a case in point. Estimates suggest that 56,000 children and adolescents in New Mexico have an emotional or behavioral disorder. Of these, roughly 20,000 have serious disturbances that impair their ability to fulfill the demands of everyday life. In 2001, there were a total of 44 child and

adolescent psychiatrists in the entire State of New Mexico. The impact of this shortage on the affected children and their communities is disconcerting. Research shows that children with untreated emotional and behavioral disorders are at higher risk for school failure and dropping out of school, violence, drug abuse, suicide, and criminal activity. For New Mexico youth, the suicide rate is twice the national average, the fourth highest in the nation, and the third leading cause of death. By one estimate, roughly one in seven youth in New Mexico detention centers are in need of mental health treatment that is just not available.

New Mexico is not alone in its struggle to address the needs of these children. Nationwide, over 1600 urban, suburban, and rural communities have been designated Mental Health Professional Shortage Areas by the Federal Government due to their severe lack of psychiatrists, psychologists, social workers, and other professionals to serve children and adults. Rural areas are especially hard hit. For example, in New Mexico there is one psychiatrist per 20,000 residents in rural areas, whereas in urban areas there is one per 3000 residents. In rural and frontier counties, it is not unusual for the parents of a child in need of services to travel 60 to 90 miles to reach the nearest psychiatrist, psychologist, or other mental health provider. In States like Alaska and Wyoming, the distance may be even farther.

Finally, graduate programs providing the vital pipeline for the child mental health workforce have not sufficiently increased their funding, class sizes, and training programs to meet the ever growing need for these specialists. In the U.S., only 300 new child and adolescent psychiatrists are trained each year, despite projections by the Bureau of Health Professions that the shortage of child and adolescent psychiatrist will grow to 4,000 by the year 2020. Federal grant funding for graduate psychology education has also been significantly reduced in the past two years, which could reduce the numbers of child and adolescent psychologists entering the profession.

Clearly something needs to be done to address this serious shortage in mental health professionals to meet the growing needs of our Nation's youth. It is for this reason that I rise today with my colleagues Senator COLLINS of Maine, Senator LEAHY of Vermont, Senator DURBIN of Illinois, Senator REED of Rhode Island, Senator HARKIN of Iowa, Senator STABENOW of Michigan, Senator DODD of Connecticut, and Senator SANDERS of Vermont to offer The Child Health Care Crisis Relief Act of 2007. This bill creates incentives to help recruit and retain mental health professionals providing direct clinical care, and to help create, expand, and improve programs to train child mental health professionals. It provides loan repayments and scholarships for child mental health and school-based service professionals as well as internships and field placements in child mental health services and training for paraprofessionals who work in children's mental health clinical settings. The bill also provides grants to graduate schools to help develop and expand child and adolescent mental health programs. It restores the Medicare Graduate Medical Education Program for child and adolescent psychiatrists and extends the board eligibility period for residents and fellows from 4 years to 6 years. Across all mental health professions, priority for loan repayments, scholarships, and grants is given to individuals and programs serving children and adolescents in high-need areas.

Finally, The Child Health Care Crisis Relief Act of 2007 requires the Secretary to prepare a report on the distribution and need for child mental health and school-based professionals, including disparities in the availability of services, on a State-by-State basis. This report will help Congress more clearly ascertain the mental health workforce needs that are facing our Nation.

I ask unanimous consent that the text of the bill and my statement be printed in the RECORD. I also ask unanimous consent that the appended letter from the Mental Health Liaison Group, representing 40 national professional and mental health advocacy organizations in support of The Child Health Care Crisis Relief Act of 2007, be printed in the RECORD.

There being no objection, material was ordered to be printed in the RECORD, as follows:

S. 1572

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Health Care Crisis Relief Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Center for Mental Health Services estimates that 20 percent or 13,700,000 of the Nation's children and adolescents have a diagnosable mental disorder, and about ⅔ of these children and adolescents do not receive mental health care.

(2) According to ''Mental Health: A Report of the Surgeon General'' in 1999, there are approximately 6,000,000 to 9,000,000 children and adolescents in the United States (accounting for 9 to 13 percent of all children and adolescents in the United States) who meet the definition for having a serious emotional disturbance.

(3) According to the Center for Mental Health Services, approximately 5 to 9 percent of United States children and adolescents meet the definition for extreme functional impairment.

(4) According to the Surgeon General's Report, there are particularly acute shortages in the numbers of mental health service professionals serving children and adolescents with serious emotional disorders.

(5) According to the National Center for Education Statistics in the Department of Education, there are approximately 479 students for each school counselor in United States schools, which ratio is almost double the recommended ratio of 250 students for each school counselor.

(6) According to the Bureau of Health Professions in 2000, the demand for the services of child and adolescent psychiatry is projected to increase by 100 percent by 2020.

(7) The development and application of knowledge about the impact of disasters on children, adolescents, and their families has been impeded by critical shortages of qualified researchers and practitioners specializing in this work.

(8) According to the Bureau of the Census, the population of children and adolescents in the United States under the age of 18 is projected to grow by more than 40 percent in the next 50 years from 70 million to more than 100 million by 2050.

(9) There are approximately 7,000 child and adolescent psychiatrists in the United States. Only 300 child and adolescent psychiatrists complete training each year.

(10) According to the Department of Health and Human Services, minority representation is lacking in the mental health workforce. Although 12 percent of the United States population is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American providers. Moreover, there are only 29 Hispanic mental health professionals for every 100,000 Hispanics in the United States, compared with 173 non-Hispanic white providers per 100,000.

(11) According to a 2006 study in the Journal of the American Academy of Child and Adolescent Psychiatry, the national shortage of child and adolescent psychiatrists affects poor children and adolescents living in rural areas the hardest.

(12) According to the National Center for Mental Health and Juvenile Justice, 70 percent of youth involved in State and local juvenile justice systems throughout the country suffer from mental disorders, with at least 20 percent experiencing symptoms so severe that their ability to function is significantly impaired.

SEC. 3. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"Subpart 3—Child and Adolescent Mental Health Care

"SEC. 771. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

''(a) LOAN REPAYMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program of entering into contracts on a competitive basis with eligible individuals under which—

''(A) the eligible individual agrees to be employed full-time for a specified period (which shall be at least 2 years) in providing mental health services to children and adolescents; and

''(B) the Secretary agrees to make, during not more than 3 years of the period of employment described in subparagraph (A), partial or total payments on behalf of the individual on the principal and interest due on the undergraduate and graduate educational loans of the eligible individual.

''(2) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(A) is receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling and has less than 1 year remaining before completion of such training or clinical experience; or

''(B)(i) has a license or certification in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; and

''(ii)(I) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health described in subparagraph (A); or

''(II) is a physician who graduated from (but not before the end of the calendar year in which this section is enacted) an accredited child and adolescent psychiatry residency or fellowship program in the United States.

''(3) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless—

''(A) the individual is a United States citizen or a permanent legal United States resident; and

''(B) if the individual is enrolled in a graduate program (including a medical residency or fellowship), the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary).

''(4) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

''(A) are or will be working with high-priority populations;

''(B) have familiarity with evidence-based methods and cultural competence in child and adolescent mental health services;

''(C) demonstrate financial need; and

''(D) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(5) MEANINGFUL LOAN REPAYMENT.—If the Secretary determines that funds appropriated for a fiscal year to carry out this subsection are not sufficient to allow a meaningful loan repayment to all expected applicants, the Secretary shall limit the number of contracts entered into under paragraph (1) to ensure that each such contract provides for a meaningful loan repayment.

''(6) AMOUNT.—

''(A) MAXIMUM.—For each year that the Secretary agrees to make payments on behalf of an individual under a contract entered into under paragraph (1), the Secretary may agree to pay not more than $35,000 on behalf of the individual.

''(B) CONSIDERATION.—In determining the amount of payments to be made on behalf of an eligible individual under a contract to be entered into under paragraph (1), the Secretary shall consider the eligible individual's income and debt load.

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2012.

''(b) SCHOLARSHIPS FOR STUDENTS STUDYING TO BECOME CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to award scholarships on a competitive basis to eligible students who agree to enter into full-time employment (as described in paragraph (4)(C)) as a child and adolescent mental health service professional after graduation or completion of a residency or fellowship.

''(2) ELIGIBLE STUDENT.—For purposes of this subsection, the term 'eligible student' means a United States citizen or a permanent legal United States resident who—

''(A) is enrolled or accepted to be enrolled in an accredited graduate program that includes specialized training or clinical experience in child and adolescent mental health in psychology, school psychology, psychiatric nursing, behavioral pediatrics, social work, school social work, marriage and family therapy, school counseling, or professional counseling and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); or

''(B)(i) is enrolled or accepted to be enrolled in an accredited graduate training program of allopathic or osteopathic medicine in the United States and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); and

''(ii) intends to complete an accredited residency or fellowship in child and adolescent psychiatry or behavioral pediatrics.

''(3) PRIORITY.—In awarding scholarships under this subsection, the Secretary shall give—

''(A) highest priority to applicants who previously received a scholarship under this subsection and satisfy the criteria described in subparagraph (B); and

''(B) second highest priority to applicants who—

''(i) demonstrate a commitment to working with high-priority populations;

''(ii) have familiarity with evidence-based methods in child and adolescent mental health services;

''(iii) demonstrate financial need; and

''(iv) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a scholarship to an eligible student under this subsection only if the eligible student agrees—

''(A) to complete any graduate training program, internship, residency, or fellowship applicable to that eligible student under paragraph (2);

''(B) to maintain an acceptable level of academic standing (as determined by the Secretary) during the completion of such graduate training program, internship, residency, or fellowship; and

''(C) to be employed full-time after graduation or completion of a residency or fellowship, for at least the number of years for which a scholarship is received by the eligible student under this subsection, in providing mental health services to children and adolescents.

''(5) USE OF SCHOLARSHIP FUNDS.—A scholarship awarded to an eligible student for a school year under this subsection may be used only to pay for tuition expenses of the school year, other reasonable educational expenses (including fees, books, and laboratory expenses incurred by the eligible student in the school year), and reasonable living expenses, as such tuition expenses, reasonable educational expenses, and reasonable living expenses are determined by the Secretary.

''(6) AMOUNT.—The amount of a scholarship under this subsection shall not exceed the total amount of the tuition expenses, reasonable educational expenses, and reasonable living expenses described in paragraph (5).

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Scholarship Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.

''(c) CLINICAL TRAINING GRANTS FOR PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to accredited institutions of higher education to establish or expand internships or other field placement programs for students receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation;

''(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services; and

''(C) have programs designed to increase the number of professionals serving high-priority populations.

''(3) REQUIREMENTS.—The Secretary may award a grant to an applicant under this subsection only if the applicant agrees that—

''(A) any internship or other field placement program assisted under the grant will prioritize cultural competency;

''(B) students benefitting from any assistance under this subsection will be United States citizens or permanent legal United States residents;

''(C) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(D) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(4) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with child and adolescent mental health issues.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2012.

''(d) PROGRESSIVE EDUCATION GRANTS FOR PARAPROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to State-licensed mental health nonprofit and for-profit organizations (including accredited institutions of higher education) to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

''(2) DEFINITION.—For purposes of this subsection, the term 'paraprofessional child and adolescent mental health worker' means an individual who is not a mental health service professional, but who works at the first stage of contact with children and families who are seeking mental health services.

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of paraprofessional child and adolescent mental health workers trained by the applicant and the populations served by these workers after the completion of the training;

''(B) have familiarity with evidence-based methods in child and adolescent mental health services;

''(C) have programs designed to increase the number of paraprofessional child and adolescent mental health workers serving high-priority populations; and

''(D) provide services through a community mental health program described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a grant to an organization under this subsection only if the organization agrees that—

''(A) any training program assisted under the grant will prioritize cultural competency;

''(B) the organization will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the organization, the organization will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with paraprofessional child and adolescent mental health workers.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.

''(e) CHILD AND ADOLESCENT MENTAL HEALTH PROGRAM DEVELOPMENT GRANTS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to increase the number of well-trained child and adolescent mental health service professionals in the United States by awarding grants on a competitive basis to accredited institutions of higher education to enable the institutions to establish or expand accredited graduate child and adolescent mental health programs.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) demonstrate familiarity with the use of evidence-based methods in child and adolescent mental health services;

''(B) provide experience in and collaboration with community-based child and adolescent mental health services;

''(C) have included normal child development curricula; and

''(D) demonstrate commitment to working with high-priority populations.

''(3) USE OF FUNDS.—Funds received as a grant under this subsection may be used to establish or expand any accredited graduate child and adolescent mental health program in any manner deemed appropriate by the Secretary, including by improving the course work, related field placements, or faculty of such program.

''(4) REQUIREMENTS.—The Secretary may award a grant to an accredited institution of higher education under this subsection only if the institution agrees that—

''(A) any child and adolescent mental health program assisted under the grant will prioritize cultural competency;

''(B) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.

''(f) DEFINITIONS.—In this section:

''(1) SPECIALIZED TRAINING OR CLINICAL EXPERIENCE IN CHILD AND ADOLESCENT MENTAL HEALTH.—The term 'specialized training or clinical experience in child and adolescent mental health' means training and clinical experience that—

''(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

''(B) consists of at least 500 hours of training or clinical experience in treating children and adolescents; and

''(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

''(2) HIGH-PRIORITY POPULATION.—The term 'high-priority population' means—

''(A) a population in which there is a significantly greater incidence than the national average of—

''(i) children who have serious emotional disturbances; or

''(ii) children who are racial, ethnic, or linguistic minorities; or

''(B) a population consisting of individuals living in a high-poverty urban or rural area.

''(3) MENTAL HEALTH SERVICE PROFESSIONAL.—The term 'mental health service professional' means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family counseling, school counseling, or professional counseling.''.

SEC. 4. AMENDMENTS TO SOCIAL SECURITY ACT TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

(a) INCREASING NUMBER OF CHILD AND ADOLESCENT PSYCHIATRY RESIDENTS PERMITTED TO BE PAID UNDER THE MEDICARE GRADUATE MEDICAL EDUCATION PROGRAM.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

''(iii) INCREASE ALLOWED FOR TRAINING IN CHILD AND ADOLESCENT PSYCHIATRY.—In applying clause (i), there shall not be taken into account such additional number of full-time equivalent residents in the field of allopathic or osteopathic medicine who are residents or fellows in child and adolescent psychiatry as the Secretary determines reasonable to meet the need for such physicians as demonstrated by the 1999 report of the Department of Health and Human Services entitled 'Mental Health: A Report of the Surgeon General'.''.

(b) EXTENSION OF MEDICARE BOARD ELIGIBILITY PERIOD FOR RESIDENTS AND FELLOWS IN CHILD AND ADOLESCENT PSYCHIATRY.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(1) in clause (i), by striking ''and (v)'' and inserting ''(v), and (vi)''; and

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

''(vi) CHILD AND ADOLESCENT PSYCHIATRY TRAINING PROGRAMS.—In the case of an individual enrolled in a child and adolescent psychiatry residency or fellowship program approved by the Secretary, the period of board eligibility and the initial residency period shall be the period of board eligibility for the specialty of general psychiatry, plus 2 years for the subspecialty of child and adolescent psychiatry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residency training years beginning on or after July 1, 2008.

SEC. 5. CHILD MENTAL HEALTH PROFESSIONAL REPORT.

(a) STUDY.—The Administrator of the Health Resources and Services Administration (in this section referred to as the ''Administrator'') shall study and make findings and recommendations on—

(1) the distribution and need for child mental health service professionals, including with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, and training; and

(2) a comparison of such distribution and need, including identification of disparities, on a State-by-State basis.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the Congress and make publicly available a report on the results of the study required by subsection (a), including with respect to findings and recommendations on disparities among the States.

SEC. 6. REPORTS.

(a) TRANSMISSION.—The Secretary of Health and Human Services shall transmit a report described in subsection (b) to the Congress—

(1) not later than 3 years after the date of the enactment of this Act; and

(2) not later than 5 years after the date of the enactment of this Act.

(b) CONTENTS.—The reports transmitted to the Congress under subsection (a) shall address each of the following:

(1) The effectiveness of the amendments made by, and the programs carried out under, this Act in increasing the number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

(2) The demographics of the individuals served by such increased number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

MENTAL HEALTH LIAISON GROUP,
June 7, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.
Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.

DEAR SENATOR BINGAMAN AND REPRESENTATIVE KENNEDY: The undersigned national organizations are writing to express our support for legislation you are sponsoring, the Child Health Care Crisis Relief Act. This important legislation will address the national shortage of children's mental health professionals, including school-based professionals, by encouraging more individuals to enter these critical fields.

The Surgeon General estimates that over 13.7 million children and adolescents are in need of treatment for emotional and behavioral disorders but less than 20% ever receive it. After the option of early intervention is lost, the possibilities for a lifetime cycle of difficulties from unresolved mental health issues looms ahead: school failure, substance abuse, job and relationship instability, and even the possibility of entering the criminal justice system.

One of the key barriers to treatment is the shortage of available specialists trained in the identification, diagnosis and treatment of children and adolescents with emotional and behavioral disorders. Primary care providers report seeing a large number of children and youth with mental health problems, but have difficulty finding available clinicians to take referrals. The Surgeon General reported in 1999 that ''there is a dearth of child psychiatrists, appropriately trained clinical child psychologists, or social workers.'' The shortage of children's mental health professionals has also been recognized by the President's New Freedom Commission on Mental Health, the Council on Graduate Medical Education and the state mental health commissioners.

Enactment of the Child Health Care Crisis Relief Act will spur the creation of educational incentives and federal support for children's mental health training programs. It will authorize scholarships, loan repayment programs, training grants, and specialty training program support. Children's mental health professionals covered under the bill include child and adolescent psychiatrists, behavioral pediatricians, psychologists, school psychologists, school social workers, school counselors, psychiatric nurses, social workers, marriage and family therapists and professional counselors.

National organizations representing consumers, family members, advocates, professionals and providers thank you for your continued leadership on mental health issues. We look forward to working with you on this important bill.

Sincerely,

Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Counseling Association, American Group Psychotherapy Association, American Mental Health Counselors Association, American Nurses Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association, American Psychotherapy Association, Anxiety Disorders Association of America, Association for the Advancement of Psychology, Bazelon Center for Mental Health Law, Center for Clinical Social Work,

Child & Adolescent Bipolar Foundation, Child Welfare League of America, Children and Adults with Attention-Deficit/Hyperactivity Disorder, Children's Healthcare Is a Legal Duty, Clinical Social Work Guild, Coalition for the Health and Advocacy of Rural Minorities, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research, Policy & Action, Federation of Families Children's Mental Health, Mental Health America, National Alliance on Mental Illness, National Association for Children's Behavioral Health, National Association for Rural Mental Health,

National Association of Anorexia Nervosa and Associated Disorders, National Association of County Behavioral Health and Developmental Disability Directors, National Association of Mental Health Planning & Advisory Councils, National Association of School Psychologists, National Association of Social Workers, National Association of State Mental Health Program Directors, National Coalition of Mental Health Professionals and Consumers, National Council for Community Behavioral Healthcare, Suicide Prevention Action Network USA, Therapeutic Communities of America.

By Mr. DODD:

S. 1573. A bill to promote public-private partnerships to strengthen investment in early childhood development for children from birth to entry into kindergarten in order to ensure healthy development and school readiness for all children; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, to introduce The Early Childhood Investment Act of 2007 to create and enhance public-private partnerships to strengthen investment in early childhood development programs, considering the needs of all children from birth to their entry in kindergarten. Investing in our youngest children is essential to promote their healthy development and school readiness. I pleased that two of my colleagues from Connecticut in the House of Representatives—Congresswoman ROSA DELAURO and Congressman JOE COURTNEY—will introduce companion legislation today.

We have a body of knowledge on early childhood development that must be put into practice through policies that aid the crucial emotional, social and intellectual development that occurs in the first 3 years of life. Research indicates that investments in the early years of a child's life pay dividends later through improved health, readiness for school, and economic well-being. The return on investment also includes more successful transition to kindergarten; reduced special education and remedial education placements; better employment opportunities and higher earnings; and lower incidence of crime and dependence on public welfare. Our Nation's economy benefits from early childhood investments through a better prepared workforce, stronger growth, and a rising standard of living. Additionally, society will benefit from less crime, enhanced schools, and children who are better prepared to participate as citizens in a democratic society, as a result of increased investments in early childhood development.

Many States have an Early Learning Council or an advisory council that coordinates and aligns various programs serving children from birth to kindergarten entry. These entities facilitate collaboration among early childhood development activities in each State, but do not necessarily provide additional funding. Resources from Federal and State governments alone are not adequate to provide access to quality early childhood development programs for all children.

Currently the Federal Government provides funding for a variety of early childhood development programs including the Child Care and Development Block Grant, and Head Start, which have been essentially flat funded in recent years. States supplement this funding and also provide funding for State and local prekindergarten programs and parent development and support programs, such as home visiting. However, the Federal and State resources alone are not enough to reach all of our Nation's young children. In order to get closer to the goal of providing access to quality programs for all children before they enter kindergarten, the private sector also plays an important role. In addition, the Federal Government should provide resources to reward innovation at the state and community level and to leverage additional resources for continued innovation.

In States such as Washington, Georgia, Michigan, Minnesota, Oklahoma, North Carolina, Arizona, Nebraska, Illinois, Vermont, and Virginia, public-private partnerships leverage resources to provide for the varied health and learning needs of children from birth to kindergarten entry and their families. Public-private partnerships have the ability to leverage the assets of public and private entities in terms of financial resources, expertise, and infrastructure in order to maximize and align investments in early childhood

development. Federal funding authorized by this legislation will create incentives for more States to develop such partnerships and leverage further investment in young children and enhance existing partnerships in states.

The purpose of the Early Childhood Investment Act of 2007 is to establish or enhance existing public-private partnerships that will strengthen investment in early childhood development by awarding grants to local community initiatives and programs that serve young children and their families.

The bill is fairly straightforward. It requires the Secretary of Health and Human Services to establish a competitive grant program to award grants to a public-private partnership, in each State that applies, which will leverage resources to supplement existing State and Federal funds. The partnership will then award subgrants to State and local community initiatives to improve access to and quality of early childhood development for children from birth through age five and their families. The partnerships will leverage funding from nonprofit or for-profit organizations, private entities and State government to invest in high quality early childhood development programs.

The Early Childhood Investment Act of 2007 authorizes $8 billion for fiscal year 2008, $10 billion for fiscal year 2009 and such sums as necessary in the following years. The Federal share represents 50 percent of total expenditures by a partnership in the first year, 40 percent in the second year and 30 percent in the outyears. I know I will hear that this cost is too large for the government to bear, but I would argue that the cost of not investing would be even greater. Children represent only a quarter of our population, but they are 100 percent of our future and each of our children deserves an opportunity to reach his or her potential.

The bill has been endorsed by America's Promise Alliance, First Focus, National Association for the Education of Young Children, National Association of Child Care Resource and Referral Agencies, and the National Women's Law Center. I hope that my colleagues will join me in supporting this important legislation.

By Mr. OBAMA:

S. 1574. A bill to establish Teaching Residency Programs for preparation and induction of teachers; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, we will soon begin consideration of legislation to educate America's students, with Head Start, the Elementary and Secondary Education Act, and the Higher Education Act all slated for reauthorization. One of the most important aspects of No Child Left Behind is its provision for a highly qualified teacher for every child, in every classroom in America.

Expert teachers are the most important educational resource in our schools, and also the most inequitably distributed. In the United States, too many students in high-need schools are taught by inadequately prepared teachers, who are often not ready for the challenges they face, and thus leave the classroom too soon. High-poverty schools lose one-fifth of their teaching staff each year. This constant turnover of inexperienced, inadequately prepared teachers undermines efforts to create stable learning cultures and to sustain school improvement, especially in schools with greatest need.

Many schools are being identified as in need of improvement, and many students are asked to be successful in schools where success is a rare commodity. Rather than being a leader in a competitive world where educational attainment is precious, America has one of the lowest high school graduation rates in the industrialized world. Three out of every 10 ninth-grade students will not graduate on time, and about half of all African American and Hispanic ninth graders will not earn a diploma in four years. Less than 2 out of every 10 students who begin high school will receive a postsecondary degree within a reasonable time. Students of color, new immigrants, and children living in poverty are all being left behind. A good education is granted to some, but denied to others, denied not only to children of color in our cities, but also to children living in poverty in our rural areas. We must end this.

We must recruit the best and the brightest Americans to become teachers and we must transform teaching, restoring its luster as a profession, so that when new teachers join it, they are successful, and want to stay. As teachers and principals are increasingly being held individually responsible for student success, it is increasingly important that we adequately prepare teachers to become successful.

Research shows that inexperienced teachers are less effective than teachers with several years of experience, but good preparation programs can make novice teachers effective more rapidly. We must help novice teachers get the training and coaching they need. Teacher preparation seldom provides the opportunity to learn under the supervision of expert teachers working in schools that effectively serve high-need students. Most new teachers lack such support, and so leave the profession before achieving success.

Today I am proud to introduce the Teaching Residency Act, which builds on a successful model of teacher preparation similar to medical residencies. Teaching Residency Programs are school-based teacher preparation programs in which prospective teachers teach alongside a mentor teacher for one academic year, receive master's level coursework in teaching the content area in which they will become certified, and attain certification prior to completion of the program. Once certified, graduates of the program are placed in high-needs schools, and continue to receive strong mentoring and coaching for their first years of teaching. This bill proposes establishing Teaching Residency Programs as a provision of Title II of the Higher Education Act.

I am particularly proud to introduce this legislation today, because it is a model of effective teacher preparation that I have supported since before I was elected to the Senate in 2004. I have seen the power of teacher residencies through the very successful Academy for Urban School Leadership in my home State of Illinois. And I am pleased to be supported in this effort by the introduction of legislation in the House by my good friend, Congressman RAHM EMANUEL.

It is critical to develop programs that increase the probability that recruits will succeed and stay in those classrooms where they are most needed. Teaching Residency Programs are based on what we know works best to improve teacher preparation. We know that mentoring is critical to help young teachers develop in the early years of their career and to retain many of new teachers who would otherwise leave the profession in their first years. We cannot afford to lose any more high quality teachers because they do not feel supported or do not feel that they are progressing professionally.

I hope my colleagues will support this important legislation.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. OBAMA, Mr. BINGAMAN, Mrs. CLINTON, Mr. BROWN, and Mr. DURBIN):

S. 1576. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, serious and unjustified health disparities continue to exist in our Nation today. Forty-five million Americans have no health insurance and often don't get the health care they need or get it too late. We know that the uninsured are more likely to delay doctor visits and needed screenings like mammograms and other early detection tests which can help prevent serious illness and death. The Institute of Medicine estimates that at least 18,000 Americans die prematurely each year because they lack health coverage.

Some of the most shameful health disparities involve racial and ethnic

minorities. African Americans have a lower life expectancy than Whites. They are much more likely to die from stroke, and their uninsurance rates are much higher than those of their White counterparts.

Many Americans want to believe such disparities don't exist, but ignoring them only contributes more to the widening gap between the haves and have-nots.

It is a scandal that people of color have greater difficulty obtaining good health care than other Americans. Your health should not depend on the color of your skin, the size of your bank account, or where you live. In a nation as advanced as ours, with its state-of-the-art medical technology for preventing illness and caring for the sick, it is appalling that so many health disparities continue to exist.

That is the reason why I am introducing the Minority Health and Health Disparity Elimination Act, as part of our effort to reduce or eliminate these unacceptable differences in the health and health care of racial and ethnic minorities.

The bill includes grants and demonstration projects that will help communities promote positive health behaviors and improve outreach, participation, and enrollment of racial and ethnic minorities in available health care programs. The bill will also establish collaborative partnerships led by community health centers. In particular it will support the Delta Health Initiative Rural Health, Education, and Workforce Infrastructure Demonstration Program to address longstanding, unmet health and health care needs in the Mississippi Delta

In addition, the bill codifies the Centers for Disease Control and Prevention's Racial and Ethnic Approaches to Community Health Program, so that this successful program can continue to assist communities to mobilize and organize resources to support effective and sustainable programs to help close the health and health care gap. It also establishes Health Action Zones to support State, tribal or local initiatives to improve minority health in communities that have been historically burdened by health disparities.

Greater diversity in the health care workforce is essential to creating a healthy America. Studies demonstrate that minority health professionals are more likely to care for minority patients, including those who are low-income and uninsured. African Americans, Hispanic Americans, and Native Americans account for only 6 percent of the Nation's doctors and 5 percent of nurses and dentists, even though they are almost one-quarter of the U.S. population. The disparity in the health workforce must be closed, not just to fulfill our commitment to equality and opportunity, but also because of the impact it has on the health of America.

The act reauthorizes the title VII health care workforce diversity programs, including the Centers of Excellence at Historically Black Colleges and Universities and institutions that educate Hispanic and Native American students.

A diverse health care workforce is essential for a healthy country. Emphasizing workforce diversity does not mean that health care workers should not be prepared to work with diverse patients. We must also make a more serious effort to train culturally competent health care professionals, and to create a health care system that is accessible for the more than 48 million Americans who speak a language other than English at home. The bill creates an Internet clearinghouse to increase cultural competency and improve communication between health care providers and patients. It also supports the development of curricula on cultural competence in health professions schools.

Language barriers in health care obviously contribute to reduced access and poorer care for those who have limited English proficiency or low health literacy. The legislation recognizes the importance of this issue for the quality of our health care system and provides funds for activities to improve and encourage services for such patients.

The bill reauthorizes the National Center for Minority Health and Health Disparities that was created as part of the Minority Health and Health Disparities Research and Education Act of 2000. It strengthens the center's role in coordinating and planning research that focuses on minority health and health disparities at the National Institutes of Health. The bill also requires the Agency for Health care Research and Quality to establish a grant program to support private research initiatives and a public-private partnership to evaluate and identify the best practices in disease management strategies and interventions.

In addition, the bill ensures that research on genetic variation within and between populations includes a focus on racial and ethnic minorities. It also promotes the participation of racial and ethnic minorities in clinical trials and intensifies efforts throughout the Department of Health and Human Services to increase and apply knowledge about the interaction of racial, genetic, and environmental factors that affect people's health.

Finally, the bill reinforces and clarifies the duties of the Office of Minority Health and instructs the office to develop and implement a comprehensive department-wide plan to improve minority health and eliminate health disparities. It also encourages greater cooperation among federal agencies and departments in meeting these serious challenges.

We have worked diligently with a wide variety of organizations on this bill that are eager for strong legislation to eliminate health disparities. The following groups have expressed their support: Aetna, American Association of Colleges of Pharmacy, American Heart Association/American Stroke Association, American Public Health Association, Asian American and Pacific Islander Health Forum, Association for Community Affiliated Plans, Association of Minority Health Professions Schools, California Pan-Ethnic Network, Charles R. Drew University of Medicine and Science, Families USA, Harvard Medical School, Massachusetts General Hospital, Meharry Medical College, Morehouse School of Medicine, National Association of Community Health Centers, National Association of Public Hospitals and Health Systems, National Coalition for Hispanic Health—Campaign for Tobacco Free Kids, Hispanic Association of Colleges and Universities, League of United Latin American Citizens, National Council of La Raza, National Hispanic Caucus of State Legislators, National Hispanic Medical Association, National Puerto Rican Coalition—National Council of La Raza, National Health Law Program, National Hispanic Medical Association, National Medical Association, Network Health, Racial and Ethnic Health Disparities, REHDC, and Summit Health Institute for Research and Education.

I look forward to working with these dedicated groups as we work towards final passage of this bill.

I greatly appreciate the cooperation of Senator COCHRAN, Senator OBAMA, Senator BINGAMAN, Senator CLINTON, Senator BROWN, and Senator DURBIN on this legislation, and I look forward to working with my colleagues to enact this much needed legislation.

Mr. OBAMA. Mr. President, this Nation has witnessed dramatic improvements in public health and health care technology and practice over the last century. Diseases that were once life-threatening are now curable; conditions that once devastated are now treatable. Our Federal investment in medical research has paid off handsomely, with new and more effective tests and treatments and near daily reports of new scientific breakthroughs. Yet still today too many Americans have not and will not derive full benefit from these advances.

We know that minority Americans and other vulnerable populations needlessly continue to experience higher rates of disease and lower rates of survival, and this is simply unacceptable. As we in the Congress work to combat the serious health issues that threaten the well-being of all Americans, we must also remain vigilant and committed in our fight to address the persistent and pervasive health disparities that affect millions of minorities, low-income individuals and other at-risk populations.

Congress has passed legislation before to address the health of minority populations and eliminate health disparities—the Minority Health and Health Disparities Research and Education Act of 2000. That bill created the National Center for Minority Health and Health Disparities, supported the landmark IOM report Unequal Treatment, required annual reporting on health care disparities by AHRQ, and strengthened the research base for many HBCU's, among many other provisions.

Since that bill passed, our knowledge and understanding about the root causes of these disparities has dramatically increased. Efforts to strengthen the research infrastructure needed to investigate health concerns among people of color have been quite effective. Momentum has also accelerated in the medical and public health communities as advocates' voices are heard more and more, with new interventions being implemented and evaluated. All of these positive steps and advances have helped to raise minority health as a national priority. However, despite this activity, much work remains to be done in order to close the gap and eliminate health and health care disparities.

Study after study reveals the stark line of health disparity drawn between minorities and whites. In cancer alone, the numbers are hard to overlook. In 2004, African American men were 2.4 times as likely to die from prostate cancer, as compared to white men. For heart disease, the statistics are equally compelling: 2004 data show that when compared to white men, African American men were 30 percent more likely to die from heart disease, and American Indian adults were 30 percent more likely to have high blood pressure.

The underlying factors for health disparities are multi-factorial. Our individual genetic makeup certainly contributes to differences in rates of disease and mortality in diverse populations. However, other factors play an equal if not greater role. We know that minority and low-income Americans are disproportionately less likely to live in communities that promote healthy behaviors and choices through access to wholesome foods and opportunities for physical activity, and that protect from exposure to environmental toxins and violence. In addition, minority Americans are less likely to have health coverage and thus more likely to experience difficulties accessing the health care system, which leads to delayed diagnoses and foregone care. And last but not least, we know that minority Americans are less likely to receive medical care that meets recommended or accepted standards of practice, when compared to White Americans. As an example, the American Journal of Public Health has reported that more than 886,000 deaths could have been prevented from 1991 to 2000 if African Americans had received the same level of health care as Whites.

For all of these reasons, I am joining my colleagues Senator KENNEDY and Senator COCHRAN in introducing the Minority Health Improvement and Health Disparity Elimination Act of 2007. This critical legislation has a number of important provisions to help us achieve our goal to improve the health status of minority and other underserved populations. First, this bill strengthens education and training in cultural competence and communication, which is the cornerstone of quality health care for all patients. It also reauthorizes the pipeline programs in title VII of the Public Health Service Act, which seek to increase diversity in the health professions. We all know that the door to opportunity is only half open for minority students in the health professions. The percentage of minority health professionals is shockingly low—African Americans, Hispanics and American Indians account for one-third of the Nation's population but less than 10 percent of the Nation's doctors, less than 5 percent of dentists and only 12 percent of nurses. We can—and must—do better.

Lack of workforce diversity has serious implications for both access and quality of health care. Minority physicians are significantly more likely to treat low-income patients, and their patients are disproportionately minority. Studies have also shown that minority physicians provide higher quality of care to minority patients, who are more satisfied with their care and more likely to follow the doctor's recommendations.

Second, this bill expands and supports a number of initiatives to increase access to quality care. Specifically, the legislation authorizes demonstration grants to improve access to healthcare, patient navigators, and health literacy education services. Additionally, partnerships modeled after the Health Disparity Collaboratives at the Bureau of Primary Health Care are supported through established grants. The REACH program at Centers for Disease Control and Prevention—designed to assist communities in mobilizing and organizing resources to support effective and sustainable programs to reduce health disparities—is established under this bill. And I am pleased that the Health Action Zone Initiative has also been authorized. This new environmental public health program was introduced as part of the Healthy Communities Act of 2007 that I introduced earlier this year, and guides and strengthens community efforts to improve health in comprehensive and sustained fashion.

A third area of focus is expansion and acceleration of data collection and research across the agencies, including the Agency for Healthcare Research and Quality and the National Institute of Health, with special emphasis on translational research. The tremendous advances in medical science and health technology, which have benefited millions of Americans, have remained out of reach for too many minorities, and translational research will help to remedy this problem. The National Center on Minority Health and Health Disparities, which has a leadership role in establishing the disparities research strategic plan at the National Institutes of Health, is reauthorized. And a new advisory committee has been established at the Food and Drug Administration to focus on pharmacogenomics and its safe and appropriate use in minority populations, another issue area that I championed as part of my Genomics and Personalized Medicine Act of 2006.

Last but not least, I want to highlight that the bill strengthens and clarifies the duties of the Office of Minority Health. This office has been critical in providing the leadership, expertise and guidance for health improvement activities across the agencies of the Department of Health and Human Services, and has helped to ensure coordination, collaboration and integration of such efforts as well.

In conclusion, I want emphasize that it is past time to expand and accelerate our work in a of minority health beyond the initial bipartisan effort Congress achieved in 2000. We have got to translate the knowledge we have gained into practical and effective interventions that will improve minority health and eliminate disparities, and this bill will help us do just that.

I urge my colleagues to join me in cosponsoring and passing this critical legislation. Regardless of how you measure it, whether by needless suffering, lost productivity, financial costs, or lives lost, disparities in health and health care are a tremendous problem and a moral imperative for our Nation, and one that is within our power to address right now.

Mrs. CLINTON. Mr. President, I am pleased to join Senators KENNEDY, COCHRAN, BINGAMAN, OBAMA, DURBIN and BROWN in introducing the Minority Health Improvement and Health Disparity Elimination Act 2007.

As we debate health care issues, we often discuss what is wrong with our health care system: Costs are spiraling upward, the ranks of uninsured have increased, and the strains on our system and its ability to provide quality care have worsened. And while the impact of these situations are felt by all Americans, the problems with our health care system often disproportionately impact our racial and ethnic minority populations.

We continue to have disparities in health care for our minority populations—disparities in access, disparities in quality, and disparities in outcomes. The Agency for Healthcare Research and Quality (AHRQ) tracks these in its annual National Healthcare Disparities Report, aggregating data from a variety of Federal health surveys and databases. And the findings from the report are staggering, including the following: Minorities had worse access to care than whites; Blacks and Hispanics received poorer quality care than Whites on more than 70 percent of the measures used by AHRQ; and While gains were made on approximately one-quarter of the quality indicators, disparities actually got worse for all minority populations on one-third of the quality indicators.

These system wide disparities have translated into increased burden of disease for our racial and ethnic minority populations.

HIV/AIDS is devastating our African-American communities. Blacks account for about half of all new HIV/AIDS diagnoses. In New York City, the rate of new HIV diagnoses is six times higher among Blacks than Whites. In addition, the AIDS case rate among Hispanic populations is about 3.5 times higher than that of Whites.

The incidence of asthma is highest among Puerto Rican populations, with 22 percent of these individuals receiving a diagnosis of asthma, a rate roughly double that of White populations. Although African-Americans have slightly higher rates of asthma than White populations, they experience disparities in asthma management and access to care. The emergency department visit rate for Blacks seeking asthma treatment was 350 percent higher than that of the rates for Whites, while the hospitalization rate for Blacks with asthma was 240 percent higher than that for Whites with asthma.

One out of every 10 Asian Americans will be diagnosed with diabetes. Among all Americans with diabetes, Blacks are about two times more likely to require amputations, two to five times more likely to have kidney disease, and twice as likely to suffer from diabetes-related blindness.

The impact of health disparities are experienced not only by racial and ethnic minority communities but by all of us. They are symptomatic of the underuse and misuse of health care. And the costs associated with these disparities—such as delayed diagnoses and complications that result from lack of access to primary care—add unnecessary costs to our health care system.

The Minority Health Improvement and Health Disparity Elimination Act of 2007 would allow us to address healthcare disparities through a variety of mechanisms.

The bill will create a cultural competency clearinghouse, helping providers to understand, first of all, the concept of cultural competence, and second, how to better tailor care to their patients of diverse backgrounds. We cannot, for example, ask a person with diabetes to make changes to their diet if we do not understand what foods are part of their diet. Having a culturally competent health care system is especially important in my home State of New York, where our residents come from all over the world. With the information that will be available in this clearinghouse, we will make it easier for both patients and providers to communicate and understand essential concepts of care.

The Minority Health Improvement and Health Disparity Elimination Act will improve health professions programs that increase recruitment and retention of underrepresented minorities in the health professions. New York's population is 15 percent Black and 15.6 percent Hispanic, yet the percentage of Black physicians practicing in our State is 3.2 percent, and the percentage of Hispanic physicians practicing in our State is 2.3 percent. This bill will reauthorize the Centers of Excellence established by the Health Resources and Services Administration, HRSA—a program that has benefited the Mt. Sinai School of Medicine—and establish new programs to train mid-career individuals in the health professions.

It will codify currently existing health promotion and disease prevention activities targeted toward racial and ethnic minorities, including the Centers for Disease Control and Prevention's Racial and Ethnic Approaches to Community Health, REACH. REACH grantees working in northern Manhattan have managed to increase childhood immunization rates by 10 to 15 percent. It will also codify the Health Disparities Collaboratives program operated by HRSA, through which health centers across the country focus on improving their treatments for specific diseases, or implementing models to improve patient care. These centers include Whitney Young Health Center in Albany, NY, which, through this collaborative, successfully helped more than 200 patients learn how to manage their asthma.

The legislation will establish new programs to increase community health workers, address environmental health concerns, and improve outreach and enrollment, thus reducing barriers to accessing care. It will increase support for the Agency for Healthcare Research and Quality's research into healthcare disparities and help to improve overall data collection.

The Minority Health Improvement and Health Disparity Elimination Act will reauthorize the National Center for Minority Health and Health Disparities at the National Institutes of Health, which is designed to conduct and support health disparities research; disseminate information about disparities, and reach out to racial and ethnic minority disparity communities. Through the Center, New York University received support for its Center for the Study of Asian American Health, a collaboration between researchers, health providers, and community organizations that is designed to reduce the disparities faced by Asian Americans in New York City.

Finally, the legislation would reauthorize and strengthen the Office of Minority Health, OMH, at HHS, requiring it to develop a National Action Plan to address disparities in collaboration with other Federal health agencies. The OMH has provided support to New York's Office of Minority Health, as well as community-based organizations in Syracuse, Buffalo, and Lower Manhattan, and this reauthorization of the office will allow them to support and sustain more programs at the State and local level.

I am excited about this legislation because I have seen what happens in communities when we come together—providers, researchers, and neighborhood leaders—to address these concerns. Last month, the University of Rochester and the Monroe County Health Department announced that an initiative to increase pneumococcal immunization rates in African-American seniors resulted in a more than 30-percent gain in immunization rates—protecting more New Yorkers against pneumonia and reducing the vaccination disparity between Blacks and Whites.

I believe that the Minority Health Improvement and Health Disparity Elimination Act will allow us to create, maintain, and support this type of collaboration across the Nation. It will make a real change in the health care for our minority communities and improve the quality of care received by all Americans. I look forward to working with my colleagues in Congress to pass this legislation as quickly as possible.

Mr. DURBIN. Mr. President, Abraham Lincoln once said, ''The declaration that 'all men are created equal' is the great fundamental principle upon which our free institutions rest.''

As a Senator representing the distinguished land of Lincoln, I take seriously our Nation's promise for equality, particularly when it comes to health care.

I rise today as a strong and proud cosponsor of the Minority Health Improvement and Health Disparity Elimination Act of 2007—an important piece of legislation, long in the making, and long overdue.

Not since 2000 has our Congress made a concerted effort to address the health of some of our most at-risk populations—people of color.

In these 7 years, we have not seen a substantial improvement in the health status of people of color.

Cervical cancer, a disease that can be greatly reduced by effective health care, is five times more common among Vietnamese women in the United States than it is among Caucasian women.

African Americans with diabetes are seven times more likely to have amputations and develop kidney failure than are Caucasians with diabetes.

In Chicago's Latino community, you will likely find one in two Latino children who are obese, a condition that often leads to the onset of diabetes.

In the hospitals of East St. Louis, it's likely that African-American babies die at more than double the rate of White infants.

In the small town of Cairo, families have to travel hours to other parts of the State and sometimes even to other States to obtain the right care.

In general, we are making progress in prolonging life. Death rates for Whites, African Americans, and Latinos from many of our most debilitating diseases have declined during the last decade. But what progress are we making on quality of life during those extra years? Is the answer different depending on the racial or ethnic minority groups? Simply speaking, yes.

Even when controlling for insurance coverage and economic status, racial and ethnic minorities tend to have less access to health care and a lower quality of health care than their Caucasian counterparts.

The Centers for Disease Control and Prevention has reported that, among a wide range of health indicators, ''relatively little progress has been made toward the goal of eliminating racial/ethnic disparities.''

In general, yes, Americans are healthier, but the shameful gaps between minority groups and Caucasians remain nearly the same as a decade ago.

When will we as a nation demand more and work harder to reach that ideal of equality that is a pillar of our Nation's moral strength?

This legislation is a critical step toward achieving that notion of equality: the belief that we are all created equal and as such should have equal access to quality care.

Why is it that this country spends so much more than any other industrialized country on its health care, but has consistently lagged behind other countries in delivering better health outcomes? Why is it that one in six Americans, almost one in three African Americans, almost one in two Latino Americans, are uninsured? Why do our health outcomes not reflect the $2 trillion investment we make in health care each year? There is a disconnect between the rhetoric around our Nation's health crisis and where our resources are placed. It is a shame, and we can do better.

Our health workforce should reflect, understand, and respect the backgrounds, experiences, and perspectives of the people it serves. We need to recruit, train and retain health care professionals from underrepresented groups and underserved areas.

In areas like downstate Illinois, small communities rely heavily on Federal incentives, such as loan repayment, the Health Careers Opportunity Program, and Centers of Excellence to create a critical pipeline of professionals.

Graduates of title VII programs are more likely to serve in underserved areas. That is the outcome we want, so we need to support successful programs like these.

In addition to improving the diversity of our workforce, we need to redouble efforts to fight diseases that disproportionately affect racial and ethnic minorities—diseases like diabetes, heart disease, breast cancer and so many others.

To accurately respond to the presence of health care disparities and try to address them, we need better data on health care access and utilization that includes race, ethnicity, primary language, and socio-economic status. To develop accurate solutions, we need accurate information on prevalence, contributing factors, and effects of health care disparities.

The Minority Health Improvement and Health Disparity Elimination Act of 2007 is a critically important step toward improving the access, workforce, research and information that will close the color gap that exists in health care today. I look forward to working with my colleagues to improve the health of all Americans and, specifically, to eliminate health disparities that hurt our communities of color, and all of us.

I did not always agree with the former majority leader, Senator William H. Frist, but I couldn't agree more with his statement that, ''Inequity is a cancer that can no longer be allowed to fester in health care.''

I urge my colleagues to support the health disparity legislation introduced today.

By Mr. KOHL (for himself, Mr. DOMENICI, Mrs. MCCASKILL, Ms. STABENOW, Mrs. LINCOLN, Mr. LEVIN, and Mrs. CLINTON):

S. 1577. A bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Patient Safety and Abuse Prevention Act with Senators DOMENICI, MCCASKILL, STABENOW, LINCOLN, LEVIN and CLINTON.

This bill is supported by the Elder Justice Coalition, the National Citizens' Coalition for Nursing Home Reform, the American Association of Homes and Services for the Aging, AARP and many other organizations dedicated to protecting our Nation's vulnerable citizens. If enacted, this legislation could help to prevent many of the tragic tales of physical and financial elder abuse that we hear about from our constituents and read about in our local newspapers. I strongly urge this Congress to do what the States cannot: create a nationwide system of background checks for workers who care for our Nation's frail elders and those who are living with disabilities.

The vast majority of long-term care workers are selfless and dedicated. Yet there are a few with violent criminal histories who pose a clear threat to the defenseless individuals needing long-term care services. Under the disorganized, patchwork system of background checks that exists today, employers trying to hire caregivers do not always know which applicants have records of abuse or a history of committing violent crimes. As a result, predators are sometimes hired to take care of our most vulnerable citizens, allowing them to work in situations where they can cause enormous harm. For example, in just the last 6 weeks, three stories of such elder abuse created headlines across the country:

Last year, Pat Torano, at the age of 89, was partially paralyzed by a stroke. He realized he no longer could care for his 95-year-old wife, who by then was blind and suffering from dementia. Intent on staying at home, the Toranos contracted with Visiting Angels, a network of private home-care agencies that matches clients with caretakers. They expected to find an honest professional to help them with household chores and other non-medical needs. Instead they got convicted felon Gina Treveno, who stole their house just five months later by tricking the couple into placing the deed in her name.

Attorney General Andrew M. Cuomo today announced the sentencing of William Morrison, a former aide at the Rome Memorial Hospital Residential Health Care Facility, who was convicted last month of raping and sexually assaulting a 90-year-old resident of the nursing home. . . . The background check would have revealed that Morrison was previously convicted for one felony drug offense in 1992 and several misdemeanors in the 1990s.

An 84-year-old man allegedly assaulted at a nursing home last month is suing the facility, claiming it failed to protect him from the employee accused of punching him in his bed. Earl Gates of Bozeman claims Evergreen Bozeman Health and Rehabilitation center didn't do a background check on his accused attacker, Joshua Fowler, 23, who has a prior assault conviction.

The bill that I am introducing today with Senators DOMENICI, STABENOW, MCCASKILL, LINCOLN, LEVIN, and CLINTON proposes to take action to stop predators from working in all long-term care settings. It would close gaping loopholes in our current system of background checks through a nationwide expansion of a pilot program that Congress enacted as part of the Medicare Modernization Act of 2003.

Under the MMA, the Centers for Medicare and Medicaid Services has been conducting a pilot program in seven states to implement efficient, equitable systems that cost-effectively screen out certain applicants for employment in long-term care facilities. Applicants excluded are those whose backgrounds include findings of substantiated abuse and/or a serious criminal history.

The seven pilot States are Alaska, Idaho, Illinois, Michigan, Nevada, New Mexico and Wisconsin. These States have significant flexibility in several key areas under the grant. For example, each State establishes parameters for the definition of a ''direct patient access employee'' for workers who must be checked, and defines specific criteria for ''disqualifying'' crimes that prohibit a long-term care employer from hiring workers with such histories.

In other areas, the pilot States must meet Federal standards. They must cover a broad range of long-term care providers, including nursing homes, home health agencies and intermediate care facilities for the mentally retarded. States must require each applicant to submit a written statement disclosing any disqualifying information, and to authorize a State and national criminal record check.

As is currently required under Federal law, providers must search any available registry that is likely to contain disqualifying information about an applicant. Forty-one States already require a criminal background check of some variety, mostly at the State level. The pilot States have integrated their systems to coordinate these checks in a single streamlined process and added a Federal background check through the FBI's Integrated Automated Fingerprint Identification System. Applicants who are subsequently found to have a record of substantiated abuse or a serious criminal history cannot be hired. But individuals who are denied employment can appeal the background check results. Finally, facilities can use the results of the background checks only for the purpose of determining suitability of employment.

That is the basic structure of the pilot program that Congress enacted 4 years ago. Since then, we have learned important lessons from the pilot States' experiences. For example, federal funds have been used for a variety of purposes. States have used pilot funds to hire new staff to administer background checks; to purchase mobile digital scanners; to pay for the cost of fingerprint checks; to provide technical assistance to facilities; and to build online systems that applicants and providers can readily access, and which serve to integrate information from various registries and entities, and as storage and retrieval systems.

States have passed legislation under the pilot program that treat disqualifying crimes somewhat differently. For example, Michigan has created a tiered system, under which certain disqualifying crimes carry time-limited prohibitions on working in long-term care facilities. By comparison, Wisconsin has chosen to enact legislation defining disqualifying crimes as those that carry a lifetime ban only. Alaska has established a ''variance'' process to permit certain individuals to work who have committed crimes but who have subsequently shown evidence of recovery. Similarly, in Idaho, some disqualifying crimes result in an ''unconditional'' denial that carries a lifetime ban on working in long-term care settings, while others result in ''conditional'' denials that apply to less serious crimes that may be waived under certain circumstances, following an ''exemption review'' by the Department of Health and Welfare.

The data on results from the pilot programs are impressive. Among the seven States, Michigan's information is the most complete. In the first year of operation, Michigan excluded more than 3,000 people with records of abuse or a disqualifying criminal history. As of April 30, 2007, 625 of these were excluded through a fingerprint check. Twenty-five percent of these exclusions were identified through an FBI check only, a fact that State officials believe indicates that these individuals committed crimes in other States, or have been avoiding prosecution within the State. Information for Nevada, while less complete, suggests similar results. As of last December, Nevada was identifying an even higher percentage of individuals with criminal histories on the basis of an FBI check only.

The director of Michigan's workforce background check program, Orlene Christie, recently testified before the Special Committee on Aging about the State's program. ''The applicants that have been excluded from employment are not the types of people Michigan could ever allow to work with our most vulnerable citizens,'' she said. ''We have prevented hardened criminals that otherwise would have access to our vulnerable population from employment.''

Ms. Christie also noted that ''of the criminal history reports examined, fraudulent activity and controlled substance violations account for 25 percent of all disqualifying crimes. Fraudulent activity includes such things as embezzlement, identity theft, and credit card fraud. This is particularly alarming giving the projected increase in financial abuse of the elderly.''

Importantly, Michigan has implemented a ''rap back'' system where the Michigan State Police notifies the health agency of any subsequent arrest, which in turn notifies the employer. This is a key component of the bill we are introducing today. It will allow the States, as well as the FBI, to ensure that an employer will be automatically notified as soon as a worker's criminal history record is updated.

To find out what providers think of the pilot program, Idaho conducted a survey of participating facilities, which found 87 percent believed the background checks were successfully screening out workers who shouldn't be hired. Additionally, 63 percent said that the quality of employees hired has improved since the pilot began.

The pilot program demonstrates that participating States are successfully excluding individuals who have a history of abuse or a disqualifying criminal background. If this model is expanded, the resulting nationwide system would greatly enhance the probability of identifying individuals with criminal backgrounds who can now easily escape detection. If all States had parallel, multi-level, comprehensive systems in place, very few potentially abusive workers would be hired into positions of caring for the extremely vulnerable residents of our Nation's long-term care facilities.

The MMA pilot program is scheduled to end this September. I urge the Senate not to let this initiative simply expire. Rather, I hope that we will take the logical step of expanding on the success of this program, and provide limited federal funding for all other States to create similar programs. The Patient Safety and Abuse Prevention Act also lays out sensible standards for creating a nationwide system that will prevent predators, who now go undetected, from being hired into positions where they can harm society's most vulnerable people. I sincerely hope that all of my colleagues will join me in this effort.

I ask unanimous consent that the bill and supporting material be printed in the RECORD.

There being no objection, material was ordered to be printed in the RECORD, as follows:

S. 1577

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Safety and Abuse Prevention Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Frail elders are a highly vulnerable population who often lack the ability to give

consent or defend themselves. Since the best predictor of future behavior is past behavior, individuals with histories of abuse pose a definite risk to patients and residents of long-term care facilities.

(2) Every month, there are stories in the media of health care employees who commit criminal misconduct on the job and are later found, through a background check conducted after the fact, to have a history of convictions for similar crimes.

(3) A 2006 study conducted by the Department of Health and Human Services determined that—

(A) criminal background checks are a valuable tool for employers during the hiring process;

(B) the use of criminal background checks during the hiring process does not limit the pool of potential job applicants;

(C) ''a correlation exists between criminal history and incidences of abuse''; and

(D) the long-term care industry supports the practice of conducting background checks on potential employees in order to reduce the likelihood of hiring someone who has potential to harm residents.

(4) In 2005, the Michigan Attorney General found that 10 percent of employees who were then providing services to frail elders had criminal backgrounds.

(5) In 2004, the staffs of State Adult Protective Services agencies received more than 500,000 reports of elder and vulnerable adult abuse, and an ombudsman report concluded that more than 15,000 nursing home complaints involved abuse, including nearly 4,000 complaints of physical abuse, more than 800 complaints of sexual abuse, and nearly 1,000 complaints of financial exploitation;

(6) The Department of Health and Human Services has determined that while 41 States now require criminal background checks on certified nurse aides prior to employment, only half of those (22) require criminal background checks at the Federal level.

(b) PURPOSES.—The purposes of this Act are to—

(1) create a coordinated, nationwide system of State criminal background checks that would greatly enhance the chances of identifying individuals with problematic backgrounds who move across State lines;

(2) stop individuals who have a record of substantiated abuse, or a serious criminal record, from preying on helpless elders and individuals with disabilities; and

(3) provide assurance to long-term care employers and the residents they care for that potentially abusive workers will not be hired into positions of providing services to the extremely vulnerable residents of our Nation's long-term care facilities.

SEC. 3. NATIONWIDE EXPANSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

Section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) is amended by adding at the end the following new subsection:

''(h) NATIONWIDE EXPANSION PROGRAM.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Patient Safety and Abuse Prevention Act of 2007, the Secretary shall expand the pilot program under this section to be conducted on a nationwide basis (in this subsection, such expanded pilot program shall be referred to as the 'nationwide expansion program'). Except for the following modifications, the provisions of this section shall apply to the nationwide expansion program:

''(A) AGREEMENTS.—

''(i) NEWLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

''(I) that the Secretary has not entered into an agreement with under subsection (c)(1);

''(II) that agrees to conduct background checks under the nationwide expansion program on a Statewide basis; and

''(III) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

''(ii) CERTAIN PREVIOUSLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

''(I) that the Secretary has entered into an agreement with under subsection (c)(1) in the case where such agreement did not require the State to conduct background checks under the pilot program established under subsection (a) on a Statewide basis;

''(II) that agrees to conduct background checks under the nationwide expansion program on a Statewide basis; and

''(III) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

''(B) NONAPPLICATION OF SELECTION CRITERIA.—The selection criteria required under subsection (c)(3)(B) shall not apply.

''(C) REQUIRED FINGERPRINT CHECK AS PART OF CRIMINAL HISTORY BACKGROUND CHECK.—The procedures established under subsection (b)(1) shall require that the facility or provider obtain State and national criminal history background checks on the prospective employee utilizing a search of State and Federal criminal history records and including a fingerprint check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

''(D) PAYMENTS.—

''(i) NEWLY PARTICIPATING STATES.—

''(I) IN GENERAL.—As part of the application submitted by a State under subparagraph (A)(i)(III), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide expansion program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions.

''(II) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under subparagraph (A)(i) shall be 3 times the amount that the State guarantees to make available under subclause (I), except that in no case may the payment amount exceed $3,000,000.

''(ii) PREVIOUSLY PARTICIPATING STATES.—

''(I) IN GENERAL.—As part of the application submitted by a State under subparagraph (A)(ii)(III), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide expansion program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions.

''(II) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under subparagraph (A)(ii) shall be 3 times the amount that the State guarantees to make available under subclause (I), except that in no case may the payment amount exceed $1,500,000.

''(iii) NO RESERVATION FOR EVALUATION.—There shall be no reservation of any portion of the payment amount provided under clauses (i) or (ii) for conducting an evaluation.

''(E) EVALUATIONS AND REPORT.—

''(i) EVALUATIONS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the nationwide expansion program in each of calendar years 2008 and 2009.

''(ii) REPORTS.—Not later than 6 months after completion of the second year of the nationwide expansion program, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the results of the annual evaluations conducted under clause (i), together with recommendations for the implementation of the requirements of sections 1819(b)(9) and 1919(b)(9) of the Social Security Act, as added by section (3)(a) of the Patient Safety and Abuse Prevention Act of 2007.

''(2) FUNDING.—

''(A) NOTIFICATION.—The Secretary shall notify the Secretary of the Treasury of the amount necessary to carry out the nationwide expansion program under this subsection for the period of fiscal years 2008 through 2010, except that in no case shall such amount exceed $156,000,000.

''(B) TRANSFER OF FUNDS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide for the transfer to the Secretary of the amount specified as necessary to carry out the nationwide expansion program under subparagraph (A).''.

SEC. 4. BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES AND PROVIDERS.

(a) SCREENING OF SKILLED NURSING FACILITY AND NURSING FACILITY EMPLOYEE APPLICANTS.—

(1) MEDICARE PROGRAM.—

(A) IN GENERAL.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following new paragraph:

''(9) SCREENING OF DIRECT PATIENT ACCESS EMPLOYEES.—

''(A) SCREENING AND CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS.—

''(i) SCREENING.—Beginning on January 1, 2011, before hiring a direct patient access employee, a skilled nursing facility shall screen the employee for any disqualifying information in accordance with such procedures as the State shall establish through a search of—

''(I) State-based abuse and neglect registries and databases, including the abuse and neglect registries and databases of another State in the case where a prospective employee previously resided in that State; and

''(II) criminal records and the records of any proceedings that may contain disqualifying information about applicants, such as proceedings conducted by State professional licensing and disciplinary boards and State medicaid fraud control units.

''(ii) CRIMINAL HISTORY BACKGROUND CHECKS.—As part of such screening, the skilled nursing facility shall request that the State agency designated under subsection (e)(6)(E) oversee the coordination of a State and national criminal history background check that utilizes a search of State and Federal criminal history records and includes a fingerprint check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

''(iii) USE OF PROCEDURES PREVIOUSLY ESTABLISHED.—Nothing in this paragraph shall be construed as preventing a State from using procedures established for purposes of the pilot program for National and State

background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, or the nationwide expansion program under subsection (h) of such section, to satisfy the requirements of paragraph (6).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—Subject to clause (ii), a skilled nursing facility may not knowingly employ any direct patient access employee who has any disqualifying information (as defined in subparagraph (F)(ii)).

''(ii) PROVISIONAL EMPLOYMENT.—Subject to clause (iii), the State may permit a skilled nursing facility to provide for a provisional period of employment (not to exceed 30 days) for a direct patient access employee—

''(I) pending completion of the screening and background check required under subparagraph (A); and

''(II) in the case where the employee has appealed the results of such screening and background check, pending completion of the appeals process.

''(iii) SUPERVISION.—The facility shall maintain direct on-site supervision of the employee during such provisional period of employment.

''(C) PROCEDURES.—

''(i) IN GENERAL.—The procedures established by the State under subparagraph (A) shall be designed to accomplish the following:

''(I) Give a prospective direct patient access employee notice that the skilled nursing facility is required to perform background checks with respect to new employees, including a fingerprint check as part of the national criminal history background check conducted under subparagraph (A)(ii) in the case of any new employee who does not have a certificate indicating that a fingerprint check has been completed and has not found any disqualifying information (as described in subclause (V)).

''(II) Require, as a condition of employment, that the employee—

''(aa) provide a written statement disclosing any disqualifying information;

''(bb) provide a statement signed by the employee authorizing the facility to request a background check that includes a search of the registries and databases described in clause (i)(I) of subparagraph (A) and the records described in clause (i)(II) of such subparagraph and a criminal history background check conducted in accordance with clause (ii) of such subparagraph that includes a fingerprint check using the Integrated Automated Fingerprint System of the Federal Bureau of Investigation;

''(cc) provide the facility with a rolled set of the employee's fingerprints or submit to being fingerprinted; and

''(dd) provide any other identification information the State may require.

''(III) Require the skilled nursing facility to check any available registries that would be likely to contain disqualifying information about a prospective employee, including the registries and databases described in subclause (I) of subparagraph (A)(i) and the records described in clause (II) of such subparagraph.

''(IV) Provide a prospective direct patient access employee the opportunity to request a copy of the results of the background check conducted with respect to such employee and to correct any errors by providing appropriate documentation to the State and the facility.

''(V) Upon completion of a fingerprint check as part of the national criminal history background check conducted with respect to a direct patient access employee under subparagraph (A)(ii), provide the skilled nursing facility and the direct patient access employee with a certificate indicating that such fingerprint check has been completed and no disqualifying information was found. Such certificate shall—

''(aa) be valid for 2 years; and

''(bb) in the case where such direct patient access employee is hired by any other skilled nursing facility located in the State during such 2-year period, satisfy the requirement that such facility have a fingerprint check conducted as part of such national criminal history background check.

''(ii) ELIMINATION OF UNNECESSARY CHECKS.—The procedures established by the State under subparagraph (A) shall permit a skilled nursing facility to terminate the background check at any stage at which the facility obtains disqualifying information regarding a prospective direct patient access employee.

''(iii) DEVELOPMENT OF MODEL FORM OF CERTIFICATE.—The Secretary shall develop a model form of the certificate described in clause (i)(V) that States may use to satisfy the requirements of such clause.

''(D) USE OF INFORMATION; IMMUNITY FROM LIABILITY.—

''(i) USE OF INFORMATION.—A skilled nursing facility that obtains information about a direct patient access employee pursuant to screening or a criminal history background check shall use such information only for the purpose of determining the suitability of the employee for employment.

''(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant, reasonably and in good faith relies upon credible information about such applicant provided by a criminal history background check shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) PROHIBITION ON CHARGING EMPLOYEES FEES FOR CONDUCTING BACKGROUND CHECKS.—A skilled nursing facility shall not charge a prospective direct patient access employee a fee for the screening or criminal history background check conducted under this paragraph.

''(E) PENALTIES.—

''(i) IN GENERAL.—

''(I) STATE PENALTIES.—Subject to subclause (II), a skilled nursing facility that violates the provisions of this paragraph shall be subject to such penalties as the State determines appropriate to enforce the requirements of this paragraph. A skilled nursing facility shall report to the Secretary on a quarterly basis any penalties imposed by the State under the preceding sentence.

''(II) EXCLUSION FROM PARTICIPATION.—In any case where the Secretary determines that a State is not sufficiently enforcing the requirements of this paragraph, the Secretary may exclude a skilled nursing facility located within the State that violates the provisions of this paragraph from participating in the programs under this title and title XIX (in accordance with the procedures of section 1128).

''(ii) KNOWING RETENTION OF WORKER.—In addition to any penalty under clause (i), a skilled nursing facility that knowingly continues to employ a direct patient access employee in violation of subparagraph (A) or (B) shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in section 1128(a); and

''(II) such other types of offenses, including violent crimes, as the State may specify.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of substantiated patient or resident abuse.

''(iii) DIRECT PATIENT ACCESS EMPLOYEE.—The term 'direct patient access employee' means any individual who has access to a patient or resident of a skilled nursing facility through employment or through a contract with such facility and has duties that involve (or may involve) one-on-one contact with a patient or resident of the facility, as determined by the State for purposes of this paragraph. Such term does not include a volunteer unless the volunteer has duties that are equivalent to the duties of a direct patient access employee and those duties involve (or may involve) one-on-one contact with a patient or resident of the facility.''.

(B) CONFORMING AMENDMENT.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following new paragraph:

''(6) SCREENING OF DIRECT PATIENT ACCESS EMPLOYEES.—Beginning on January 1, 2011, the State must—

''(A) have procedures in place for the conduct of screening and criminal history background checks under subparagraph (A) of subsection (b)(9), in accordance with the requirements of subparagraph (C) of such subsection;

''(B) be responsible for monitoring compliance with the procedures and requirements of such subsection;

''(C) as appropriate, provide for a provisional period of employment of a direct patient access employee under clause (ii) of subparagraph (B) of such subsection, including procedures to ensure that a skilled nursing facility provides direct on-site supervision of the employee in accordance with clause (iii) of such subparagraph;

''(D) provide an independent process by which a provisional employee or an employee may appeal or dispute the accuracy of the information obtained in a background check performed under such subsection; and

''(E) designate a single State agency as responsible for—

''(i) overseeing the coordination of any State and national criminal history background checks requested by a skilled nursing facility utilizing a search of State and Federal criminal history records, including a fingerprint check of such records;

''(ii) reviewing, using appropriate privacy and security safeguards, the results of any State or national criminal history background checks conducted regarding a prospective direct patient access employee to determine whether the employee has any conviction for a relevant crime;

''(iii) immediately reporting to the skilled nursing facility that requested the criminal history background checks the results of such review; and

''(iv) in the case of an employee with a conviction for a relevant crime that is subject

to reporting under section 1128E of the Social Security Act (42 U.S.C. 1320a–7e), reporting the existence of such conviction to the database established under that section;

''(F) have a system in place for determining and levying appropriate penalties for violations of the provisions of such subsection;

''(G) have a system in place for determining which individuals are direct patient access employees for purposes of subparagraph (F)(iii) of such subsection;

''(H) as appropriate, specify offenses, including violent crimes, for purposes of subparagraph (F)(i)(II) of such subsection; and

''(I) develop 'rap back' capability such that, if a direct patient access employee of a skilled nursing facility is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department, the department will immediately inform the State agency designated under subparagraph (E).''.

(2) MEDICAID PROGRAM.—

(A) IN GENERAL.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

''(9) SCREENING OF DIRECT PATIENT ACCESS EMPLOYEES.—

''(A) SCREENING AND CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS.—

''(i) SCREENING.—Beginning on January 1, 2011, before hiring a direct patient access employee, a nursing facility shall screen the employee for any disqualifying information in accordance with such procedures as the State shall establish through a search of—

''(I) State-based abuse and neglect registries and databases, including the abuse and neglect registries and databases of another State in the case where a prospective employee previously resided in that State; and

''(II) criminal records and the records of any proceedings that may contain disqualifying information about applicants, such as proceedings conducted by State professional licensing and disciplinary boards and State medicaid fraud control units.

''(ii) CRIMINAL HISTORY BACKGROUND CHECKS.—As part of such screening, the nursing facility shall request that the State agency designated under subsection (e)(6)(E) oversee the coordination of a State and national criminal history background check that utilizes a search of State and Federal criminal history records and includes a fingerprint check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

''(iii) USE OF PROCEDURES PREVIOUSLY ESTABLISHED.—Nothing in this paragraph shall be construed as preventing a State from using procedures established for purposes of the pilot program for National and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, or the nationwide expansion program under subsection (h) of such section, to satisfy the requirements of paragraph (6).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—Subject to clause (ii), a nursing facility may not knowingly employ any direct patient access employee who has any disqualifying information (as defined in subparagraph (F)(ii)).

''(ii) PROVISIONAL EMPLOYMENT.—Subject to clause (iii), the State may permit a nursing facility to provide for a provisional period of employment (not to exceed 30 days) for a direct patient access employee—

''(I) pending completion of the screening and background check required under subparagraph (A); and

''(II) in the case where the employee has appealed the results of such screening and background check, pending completion of the appeals process.

''(iii) SUPERVISION.—The facility shall maintain direct on-site supervision of the employee during such provisional period of employment.

''(C) PROCEDURES.—

''(i) IN GENERAL.—The procedures established by the State under subparagraph (A) shall be designed to accomplish the following:

''(I) Give a prospective direct patient access employee notice that the nursing facility is required to perform background checks with respect to new employees, including a fingerprint check as part of the national criminal history background check conducted under subparagraph (A)(ii) in the case of any new employee who does not have a certificate indicating that a fingerprint check has been completed and has not found any disqualifying information (as described in subclause (V))

''(II) Require, as a condition of employment, that the employee—

''(aa) provide a written statement disclosing any disqualifying information;

''(bb) provide a statement signed by the employee authorizing the facility to request a background check that includes a search of the registries and databases described in clause (i)(I) of subparagraph (A) and the records described in clause (i)(II) of such subparagraph and a criminal history background check conducted in accordance with clause (ii) of such subparagraph that includes a fingerprint check using the Integrated Automated Fingerprint System of the Federal Bureau of Investigation;

''(cc) provide the facility with a rolled set of the employee's fingerprints or submit to being fingerprinted; and

''(dd) provide any other identification information the State may require.

''(III) Require the nursing facility to check any available registries that would be likely to contain disqualifying information about a prospective employee, including the registries and databases described in subclause (I) of subparagraph (A)(i) and the records described in clause (II) of such subparagraph.

''(IV) Provide a prospective direct patient access employee the opportunity to request a copy of the results of the background check conducted with respect to such employee and to correct any errors by providing appropriate documentation to the State and the nursing facility.

''(V) Upon completion of a fingerprint check as part of the national criminal history background check conducted with respect to a direct patient access employee under subparagraph (A)(ii), provide the nursing facility and the direct patient access employee with a certificate indicating that such fingerprint check has been completed and no disqualifying information was found. Such certificate shall—

''(aa) be valid for 2 years; and

''(bb) in the case where such direct patient access employee is hired by any other nursing facility located in the State during such 2-year period, satisfy the requirement that such facility have a fingerprint check conducted as part of such national criminal history background check.

''(ii) ELIMINATION OF UNNECESSARY CHECKS.—The procedures established by the State under subparagraph (A) shall permit a nursing facility to terminate the background check at any stage at which the facility obtains disqualifying information regarding a prospective direct patient access employee.

''(iii) DEVELOPMENT OF MODEL FORM OF CERTIFICATE.—The Secretary shall develop a model form of the certificate described in clause (i)(V) that States may use to satisfy the requirements of such clause.

''(D) USE OF INFORMATION; IMMUNITY FROM LIABILITY.—

''(i) USE OF INFORMATION.—A nursing facility that obtains information about a direct patient access employee pursuant to screening or a criminal history background check shall use such information only for the purpose of determining the suitability of the employee for employment.

''(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant, reasonably and in good faith relies upon credible information about such applicant provided by a criminal history background check shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) PROHIBITION ON CHARGING EMPLOYEES FEES FOR CONDUCTING BACKGROUND CHECKS.—A nursing facility shall not charge a prospective direct patient access employee a fee for the screening or criminal history background check conducted under this paragraph.

''(E) PENALTIES.—

''(i) IN GENERAL.—

''(I) STATE PENALTIES.—Subject to subclause (II), a nursing facility that violates the provisions of this paragraph shall be subject to such penalties as the State determines appropriate to enforce the requirements of this paragraph. A nursing facility shall report to the Secretary on a quarterly basis any penalties imposed by the State under the preceding sentence.

''(II) EXCLUSION FROM PARTICIPATION.—In any case where the Secretary determines that a State is not sufficiently enforcing the requirements of this paragraph, the Secretary may exclude a nursing facility located within the State that violates the provisions of this paragraph from participating in the programs under this title and title XVIII (in accordance with the procedures of section 1128).

''(ii) KNOWING RETENTION OF WORKER.—In addition to any penalty under clause (i), a nursing facility that knowingly continues to employ a direct patient access employee in violation of subparagraph (A) or (B) shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in section 1128(a); and

''(II) such other types of offenses, including violent crimes, as the State may specify.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of substantiated patient or resident abuse.

''(iii) DIRECT PATIENT ACCESS EMPLOYEE.—The term 'direct patient access employee' means any individual who has access to a patient or resident of a nursing facility

through employment or through a contract with such facility and has duties that involve (or may involve) one-on-one contact with a patient or resident of the facility, as determined by the State for purposes of this paragraph. Such term does not include a volunteer unless the volunteer has duties that are equivalent to the duties of a direct patient access employee and those duties involve (or may involve) one-on-one contact with a patient or resident of the facility.''.

(B) CONFORMING AMENDMENT.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following new paragraph:

''(8) SCREENING OF DIRECT PATIENT ACCESS EMPLOYEES.—Beginning on January 1, 2011, the State must—

''(A) have procedures in place for the conduct of screening and criminal history background checks under subparagraph (A) of subsection (b)(9), in accordance with the requirements of subparagraph (C) of such subsection;

''(B) be responsible for monitoring compliance with the procedures and requirements of such subsection;

''(C) as appropriate, provide for a provisional period of employment of a direct patient access employee under clause (ii) of subparagraph (B) of such subsection, including procedures to ensure that a nursing facility provides direct on-site supervision of the employee in accordance with clause (iii) of such subparagraph;

''(D) provide an independent process by which a provisional employee or an employee may appeal or dispute the accuracy of the information obtained in a background check performed under such subsection; and

''(E) designate a single State agency as responsible for—

''(i) overseeing the coordination of any State and national criminal history background checks requested by a nursing facility utilizing a search of State and Federal criminal history records, including a fingerprint check of such records;

''(ii) reviewing, using appropriate privacy and security safeguards, the results of any State or national criminal history background checks conducted regarding a prospective direct patient access employee to determine whether the employee has any conviction for a relevant crime;

''(iii) immediately reporting to the nursing facility that requested the criminal history background checks the results of such review; and

''(iv) in the case of an employee with a conviction for a relevant crime that is subject to reporting under section 1128E of the Social Security Act (42 U.S.C. 1320a–7e), reporting the existence of such conviction to the database established under that section;

''(F) have a system in place for determining and levying appropriate penalties for violations of the provisions of such subsection;

''(G) have a system in place for determining which individuals are direct patient access employees for purposes of subparagraph (F)(iii) of such subsection;

''(H) as appropriate, specify offenses, including violent crimes, for purposes of subparagraph (F)(i)(II) of such subsection; and

''(I) develop 'rap back' capability such that, if a direct patient access employee of a nursing facility is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department, the department will immediately inform the State agency designated under subparagraph (E).''.

(b) APPLICATION TO OTHER LONG-TERM CARE FACILITIES OR PROVIDERS.—

(1) MEDICARE.—Part E of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

''APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO LONG-TERM CARE FACILITIES AND PROVIDERS

''SEC. 1898. (a) The provisions of section 1819(b)(9) shall apply to a long-term care facility or provider (as defined in subsection (b)) in the same manner as such provisions apply to a skilled nursing facility.

''(b) LONG-TERM CARE FACILITY OR PROVIDER.—In this section, the term 'long-term care facility or provider' means the following facilities or providers which receive payment for services under this title or title XIX:

''(1) A home health agency.

''(2) A provider of hospice care.

''(3) A long-term care hospital.

''(4) A provider of personal care services.

''(5) A provider of adult day care.

''(6) A residential care provider that arranges for, or directly provides, long-term care services, including an assisted living facility that provides a level of care established by the Secretary.

''(7) An intermediate care facility for the mentally retarded (as defined in section 1905(d)).''.

(2) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (69), by striking ''and'' at the end;

(B) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70)(B)(iv) the following:

''(71) provide that the provisions of section 1919(b)(9) apply to a long-term care facility or provider (as defined in section 1898(b)) in the same manner as such provisions apply to a nursing facility.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

(c) PAYMENTS.—

(1) PROCEDURES TO REIMBURSE COSTS OF NATIONAL BACKGROUND CHECK.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall establish procedures to reimburse the costs of conducting national criminal history background checks under sections 1819(b)(9), 1919(b)(9), 1898, and 1902(a)(71) of the Social Security Act, as added by subsections (a)(1), (a)(2), (b)(1), and (b)(2), respectively, through the following mechanisms, in such proportion as the Secretary determines appropriate:

(i) By providing payments to skilled nursing facilities and long-term care facilities or providers for costs incurred as are attributable to the conduct of such national criminal history background checks under such section 1819(b)(9).

(ii) By making a payment, from sums appropriated therefore, under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) to each State which has a plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), for each quarter, beginning with the quarter commencing on January 1, 2011, in an amount equal to 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the conduct of such national criminal history background checks under such section 1919(b)(9).

(B) FUNDING FOR PAYMENTS FOR COSTS INCURRED UNDER MEDICARE PROGRAM.—The Secretary of Health and Human Services shall provide for the transfer, in appropriate part from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), of such funds as are necessary to make payments under subparagraph (A)(i) for fiscal year 2011 and each fiscal year thereafter.

(C) DETERMINATION OF APPROPRIATE PROPORTION.—In establishing the procedures under subparagraph (A), the Secretary of Health and Human Services shall determine what proportion of payments using the mechanisms described in such subparagraph would result in an equitable allocation of the costs of such reimbursement between the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act.

(2) ENSURING NO DUPLICATIVE PAYMENTS.—The procedures established under paragraph (1)(A) shall ensure that no duplicative payments are made for the costs of conducting such national criminal history background checks, including any duplication of payments made under the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2007, including the nationwide expansion program under subsection (h) of such section, as added by section 3.

(3) SUBMISSION OF COSTS INCURRED BY FACILITIES IN PERFORMING CHECKS.—

(A) IN GENERAL.—The procedures established under paragraph (1)(A) shall provide a process, such as through submission of a bill, by which a skilled nursing facility, a nursing facility, and a long-term care facility or provider may submit information regarding the costs incurred by such facility in conducting national criminal history background checks under sections 1819(b)(9), 1919(b)(9), 1898, and 1902(a)(71) of the Social Security Act, as added by subsections (a)(1), (a)(2), (b)(1), and (b)(2), respectively.

(B) MODEL FORMS.—The Secretary of Health and Human Services shall develop model forms that may be used by a skilled nursing facility, a nursing facility, and a long-term care facility or provider to submit a claim for reimbursement of the costs described in paragraph (1)(A) that contains the information described in subparagraph (A).

(4) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to carry out this subsection.

SEC. 5. BACKGROUND CHECKS PROVIDED BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) DEVELOPMENT OF RAP BACK CAPABILITIES.—

(1) IN GENERAL.—Not later than January 1, 2011, the Director of the Federal Bureau of Investigation (in this section referred to as the ''Director'') shall ensure that the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation has the capacity to store and retrieve fingerprints from its database.

(2) NOTIFICATION OF CONVICTION OF DIRECT PATIENT ACCESS EMPLOYEE.—In the case where a direct patient access employee (as defined in subparagraph (F)(iii) of sections 1819(b)(9) and 1919(b)(9) of the Social Security Act, as added by section 4(a)) is convicted of a crime following the initial national criminal history background check conducted

with respect to such employee under such sections 1819(b)(9) and 1919(b)(9), and the employee's fingerprint matches the prints on file with the Federal Bureau of Investigation, the Bureau shall inform the State law enforcement department, in order for the State to inform the skilled nursing facility, nursing facility, or long-term care facility or provider of such conviction in accordance with the requirements of sections 1819(e)(6)(I) and 1919(e)(8)(I) of the Social Security Act, as added by section 4(a).

(b) REASONABLE FEE FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS CONDUCTED ON EMPLOYEES OF LONG-TERM CARE FACILITIES.—The Director may charge a reasonable fee, in consultation with the Secretary of Health and Human Services, for a national criminal history background check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation that is conducted under section 1819(b)(9), 1919(b)(9), 1898, or 1902(a)(71) of the Social Security Act, as added by subsections (a)(1), (a)(2), (b)(1), and (b)(2) of section 4, respectively, that represents the actual cost of conducting such national criminal history background check.

THE NURSING HOME REFORM ACT TURNS TWENTY: WHAT HAS BEEN ACCOMPLISHED, AND WHAT CHALLENGES REMAIN?

(By Orlene Christie)

Thank you, Senators Kohl and Smith and the Senate Special Committee on Aging for this opportunity to testify before you today on Michigan's Workforce Background Check Program.

My name is Orlene Christie, and I am the Director of the Legislative and Statutory Compliance Office in the Michigan Department of Community Health. I oversee the Workforce Background Check Program.

In 2004, Governor Jennifer Granholm and the Michigan Department of Community Health (MDCH) Director Janet Olszewski proposed strong requirements to assure the health and safety of Michigan citizens in long-term care facilities. This project is a priority for the Governor and the Department Director. Working cooperatively with the Michigan Legislature, the Office of Attorney General, and the Centers for Medicaid and Medicare Services (CMS), Michigan successfully implemented the Workforce Background Check Program. Through a competitive process, Michigan secured from CMS a $3.5 million grant to create an effective statewide background check system.

Through the passage of Public Acts 27 and 28 of 2006, Michigan laws were enhanced and improved to require all applicants for employment that would have direct access to our most vulnerable populations—the elderly and disabled—to undergo a background check. Additionally, all employees who were hired before the effective date of April 1, 2006, would need to be fingerprinted within 24 months of the enactment of the laws.

Before the new laws were passed, only some employees in nursing homes, county medical care facilities, homes for the aged, and adult foster care facilities required some type of background check. Prior to 2006, the background checks were less comprehensive and primarily included a ''name-based'' check of the Internet Criminal History Tool (ICHAT). The FBI fingerprint check was only required for employees residing in Michigan for less than three (3) years. The previous law also did not require all employees with direct access to residents in long-term care facilities to undergo a background check. Further, for those persons who were subject to a background check, there was no systematic process across the multiple health and human service agencies to conduct the checks, to disseminate findings, or to follow through on results.

With Michigan's expansion of the laws, all individuals with direct access to residents' personal information, financial information, medical records, treatment information or any other identifying information are now also required to be part of Michigan's Workforce Background Check Program in addition to individuals providing direct services to patients. The scope of the checks was also enhanced to include hospice, psychiatric hospitals, and hospitals with swing beds, home health, and intermediate care facility/mental retardation (ICFs/MR).

HOW OUR PROGRAM/SYSTEM WORKS

Michigan created a Web based application that integrates the databases for the available registries and provides a convenient and effective mechanism for conducting criminal history checks on prospective employees, current employees, independent contractors and those granted clinical privileges in facilities and agencies covered under the new laws.

Further, the online workforce background check system is designed to eliminate unnecessary fingerprinting through a screening process.

As of April 1, 2006, 98,625 applicants had been screened through Michigan's Workforce Background Check Program. Of the 61,474 applicants that prompted the full background check, 3,262 were deemed unemployable and excluded from potential hiring pools due to information found on state lists such as ICHAT, (U.S. HHS Exclusion List) OIG exclusion list, the nurse aid registry, the sex offender registry, the offender tracking information system, and the FBI list.

The applicants that have been excluded from employment are not the types of people Michigan could ever allow to work with our most vulnerable citizens. We have prevented hardened criminals that otherwise would have access to our vulnerable population from employment.

As Michigan's demographic profile mirrors that of the nation, the offenses that disqualify individuals from employment in long-term care under the new laws are expected to also be similar across the United States.

Of the criminal history reports examined, fraudulent activity and controlled substance violations account for 25 percent of all disqualifying crimes. Fraudulent activity includes such things as embezzlement, identity theft, and credit card fraud. This is particularly alarming giving the projected increase in financial abuse of the elderly.

Accessible to long-term care providers through a secure ID and password, a provider is easily able to log onto the workforce background check online system to conduct a check of a potential employee. If no matches are found on the registries, the applicant goes to an independent vendor for a digital live scan of their fingerprints. The prints are then submitted to the Michigan State Police and then to the FBI. If there is a ''hit'' on the state or national database search, a notice is sent to either the Michigan Department of Community Health or the Michigan Department of Human Services for staff analysts to examine the applicant's criminal history.

Michigan has also implemented a ''rap back'' system where the Michigan State Police notifies one of the two state agencies of a subsequent arrest and in turn the agency notifies the employer. This way we can ensure that in real time, as soon as the criminal history record is updated (arrest, charge or conviction), the department and employer are also notified.

CONCLUSION

As a result of Michigan's Workforce Background Check Program, the health and safety of Michigan's vulnerable population is protected by ensuring that adequate safeguards are in place for background screenings of direct care service workers.

While the vast majority of health care workers are outstanding individuals who do a wonderful job caring for people in need, we are extremely pleased that Michigan's Workforce Background Check Program has stopped more than 3,000 people with criminal histories from possibly preying on our most vulnerable citizens. By building an appeals process, we have also developed a fair system for reviewing inaccurate criminal records or convictions.

As you can see, Michigan has been leading the way in the area of employee background checks. As I indicated, this project has been a priority of Governor Jennifer Granholm and Michigan Department of Community Health Director Janet Olszewski. We appreciate this opportunity to share this information with you today and look forward to our continued cooperation on this vital topic.

Thank you.

NCCNHR,
Washington, DC, May 16, 2007.

Hon. HERB KOHL,
Chairman, Special Committee on Aging,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: NCCNHR, The National Consumer Voice for Quality Long-Term Care, strongly endorses and supports the Patient Safety and Abuse Prevention Act of 2007.

The Patient Safety and Abuse Prevention Act would close critical loopholes in the protection of nursing home residents and other long-term care recipients by requiring national criminal background checks on all workers who have direct access to residents. Today, in most states, long-term care providers are not required to conduct interstate criminal background checks on any workers, and where background checks are carried out, they are usually confined to nursing assistants. Enactment of your legislation will ensure that both licensed and unlicensed workers with histories of criminal abuse do not move from job to job and state to state while continuing to injure and exploit their vulnerable charges.

NCCNHR and its members across the United States wish to thank you for pursuing this important legislation, and we look forward to working with you to ensure its passage.

Sincerely,

ALICE H. HEDT,
Executive Director.
JANET C. WELLS,
Director of Public Policy.

AARP,
Washington, DC, June 6, 2007.

Hon. HERBERT H. KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: AARP is very pleased to support the bipartisan Patient Safety and Abuse Prevention Act of 2007 that you are sponsoring with Senator Domenici. We truly appreciate your leadership and applaud your advocacy for national criminal background checks for long-term care employees.

Individuals with criminal convictions or histories of abuse can pose a significant risk to persons receiving long-term care. A system of national criminal background checks is especially critical, given the mobility of today's workers, the turnover in the long-term care workforce, and the fact that it is not unusual for individuals to work in multiple states.

Your bill takes important steps to protect individuals in both home-and community-based and institutional settings by establishing a system of screening and national criminal history background checks, including an FBI fingerprint check. These background checks would apply to employees of long-term care providers receiving Medicare or Medicaid funds whose duties involve or may involve one-on-one contact with individuals receiving long-term care. Penalties would apply if providers knowingly hire or continue to employ an individual with a conviction for a relevant crime or a finding of substantiated abuse of an individual receiving long-term care.

This legislation builds on the framework of the criminal background check pilot program included in the Medicare Modernization Act and gives states resources to put in place the infrastructure for criminal background checks. This bill includes many important provisions, and we want to continue working with you to ensure that long-term care employers provide adequate direct supervision of employees during provisional employment or an appeal. In addition, we want to improve the balance in accountability between states and providers in the legislation. We appreciate your willingness to work with AARP on this bill.

This bill would make significant strides in protecting individuals across the country receiving long-term care services and we look forward to working with you and your colleagues on both sides of the aisle to advance this important initiative. If there are any further questions, please feel free to call me or have your staff contact Rhonda Richards of our Federal Affairs staff.

Sincerely,

DAVID P. SLOANE,
Senior Managing Director, Government Relations and Advocacy.

STATE OF WISCONSIN,
BOARD ON AGING AND LONG TERM CARE,
Madison, WI, May 16, 2007.

Hon. HERB KOHL,
Chairman, Special Committee on Aging, Washington, DC.

DEAR SENATOR KOHL: On behalf of the Wisconsin Board on Aging and Long Term Care, I am pleased to express our support for the Patient Safety and Abuse Prevention Act of 2007.

The Patient Safety and Abuse Prevention Act would offer substantially increased protection for consumers of long-term care by requiring a national criminal background check on all caregivers who come into direct contact with residents. Today, long-term care providers often are not required to do interstate criminal background checks on workers. Where background checks are done, they are often limited to nursing assistants. This overlooks the possibility that licensed professional staff and ancillary workers such as dietary or housekeeping staff who may have criminal histories could be employed to deliver resident care. It is imperative that Congress ensure that workers with histories of criminal abuse cannot move from state to state with impunity while continuing to work in a ''target-rich environment.''

As well, the bill's provisions addressing the need for assistance by CMS in funding the costs of obtaining the interstate background checks and the requirement that states notify employers of subsequent offenses by previously cleared workers are welcome additions to the system. These provisions will tighten the net and make it even more difficult for workers with backgrounds of criminal misappropriation of property, abuse, and neglect to find a place providing care to our vulnerable elders.

As the Executive Director of the Wisconsin Board on Aging and Long Term Care, I thank you for pursuing this important legislation, and I look forward to working with you to ensure its passage.

Sincerely,

GEORGE F. POTARACKE,
Executive Director.

THE ELDER JUSTICE COALITION,
Washington, DC, June 7, 2007.

Hon. HERBERT H. KOHL,
Chairman, Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KOHL: On behalf of the 542-member Elder Justice Coalition (EJC), I applaud you on the planned introduction of the Patient Safety and Abuse Prevention Act of 2007. The Elder Justice Coalition has long supported your efforts to secure passage of legislation to ensure that employees of long-term care facilities or providers do not have criminal records or other histories of abusive conduct that could lead to endangering facility residents and others receiving long-term care.

Since the Elder Justice Act, as introduced in the 110th Congress (S. 1070), does not include background check provisions, we are pleased that you will be introducing this important bill. We commend your leadership and steadfast commitment to protecting individuals who need long-term care from abuse, neglect, and exploitation, and for your leadership on other issues concerning the nation's older population.

Thank you also for being an original cosponsor of the Elder Justice Act. Please let us know how we can be supportive of your continued work for elder justice.

Sincerely,

ROBERT B. BLANCATO,
National Coordinator.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1578. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and or other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the United States has more than 95,000 miles of coastline, and its ocean territory is larger than the combined land area of all 50 States. We rely on our oceans for such diverse benefits as recreation, food, transportation, and energy. All Americans, regardless of whether they reside in the Nation's heartland or along the coast, are impacted by the ocean.

That is why I rise today, joined by Vice Chairman TED STEVENS and several other Commerce Committee colleagues, in introducing a group of bills to provide for sustainable use and protection of our ocean and coastal areas.

Our oceans and coasts provide us with tremendous economic and recreational opportunities. It is critical that use of ocean resources and coasts is sustainable and that we address the many existing and emerging risks to their well-being. As the U.S. Commission on Ocean Policy has thoroughly documented, our oceans and coasts are faced with many threats, including those posed by pollution, increasing population growth and coastal development, overfishing, climate change, and ocean acidification. All of the bills my colleagues and I are introducing today implement recommendations of the Ocean Commission.

First, the Coral Reef Conservation Amendments Act of 2007 would reauthorize the Coral Reef Conservation Act of 2000 and provide critical authorities for preserving, restoring, and managing in a sustainable manner our coral reef ecosystems. Coral reefs are one of the oldest and most diverse ecosystems on the planet, and they provide environmental and economic benefits such as shoreline protection as well as critical habitat for approximately half of all federally-managed fisheries.

Second, the Hydrographic Services Improvement Act Amendments of 2007 would reauthorize and strengthen authorities to survey and analyze the physical condition of our Nation's coasts and waterways, along with elements that impact safe navigation. Conducting surveys of our Nation's coasts and waterways is a core mission for the National Oceanic and Atmospheric Administration and provides valuable services to the maritime industry and to Federal agencies responsible for maritime transportation, homeland security, and emergency response.

Third, the Ballast Water Management Act of 2007 would amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and establish ballast water management requirements to mitigate the introduction and spread of invasive species from ships. The bill would also seek to prevent the introduction of invasive species from ship equipment or hulls. Invasive species brought into the United States from other countries have caused billions of dollars in damage to the U.S. economy.

In addition to the initiatives I have highlighted, a number of other ocean-related bills are being introduced today by colleagues on the Commerce Committee. These include a bill by Senator LAUTENBERG to establish a much-needed Federal program to conduct research, monitoring, and education to examine the processes and consequences of ocean acidification, and a bill by Senator SNOWE to reauthorize the Coastal Zone Management Act.

This week we celebrate Capitol Hill Ocean Week. Many organizations and agencies are using this opportunity to

educate and raise public awareness about the impact of our oceans on our society and economy. The bills that my colleagues and I are introducing today address many of those needs being highlighted. I urge my Senate colleagues to support the Commerce Committee's bipartisan efforts to improve the health and management of our oceans and coasts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1578

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ballast Water Management Act of 2007''.

SEC. 2. FINDINGS.

Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(1) by redesignating paragraphs (14) and (15) as paragraphs (15) and (16);

(2) by inserting after paragraph (13) the following:

''(14) aquatic nuisance species may be introduced by other vessel conduits, including the hulls of ships;

(3) by striking ''inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and'' in paragraph (15), as redesignated, and inserting ''other areas of the United States, including coastal areas, inland lakes, and rivers by recreational boaters, commercial traffic, and a variety of other pathways;'';

(4) by inserting ''nongovernmental entities, institutions of higher education, and the private sector,'' after ''governments,'' in paragraph (16), as redesignated;

(5) by striking ''technologies.'' in paragraph (16), as redesignated, and inserting ''technologies;''; and

(6) adding at the end the following:

''(17) in 2004, the International Maritime Organization agreed to a Convention, which the United States played an active role in negotiating, to prevent, minimize, and ultimately eliminate the transfer of aquatic nuisance species through the control and management of ballast water and sediments;

''(18) the International Maritime Organization agreement specifically recognizes that countries can take more stringent measures than those of the Convention with respect to the control and management of ships' ballast water and sediment; and

''(19) due to the interstate nature of maritime transportation and the ways by which aquatic nuisance species may be transferred by vessels, a comprehensive and uniform national approach for addressing vessel-borne aquatic nuisance species is needed to address this issue effectively.''.

SEC. 3. MANAGEMENT OF VESSEL-BORNE AQUATIC NUISANCE SPECIES.

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

''SEC. 1101. MANAGEMENT OF VESSEL-BORNE AQUATIC NUISANCE SPECIES.

''(a) STATEMENT OF PURPOSE; VESSELS TO WHICH THIS SECTION APPLIES.—

''(1) PURPOSES.—The purposes of this section are—

''(A) to provide an effective, comprehensive, and uniform national approach for addressing the introduction and spread of aquatic nuisance species from ballast water and other ship-borne vectors;

''(B) to require, as part of that approach, mandatory treatment technology, with the ultimate goal of achieving zero discharge of aquatic nuisance species;

''(C) to create incentives for the development of ballast water treatment technologies;

''(D) to implement the International Convention for the Control and Management of Ships' Ballast Water and Sediments, adopted by the International Maritime Organization in 2004; and

''(E) to establish a management approach for other ship-borne vectors of aquatic nuisance species.

''(2) IN GENERAL.—Except as provided in paragraphs (3), (4), (5), and (6) this section applies to a vessel that is designed, constructed, or adapted to carry ballast water; and

''(A) is a vessel of United States registry or nationality, or operated under the authority of the United States, wherever located; or

''(B) is a foreign vessel that—

''(i) is en route to a United States port or place; or

''(ii) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.

''(3) PERMANENT BALLAST WATER VESSELS.—Except as provided in paragraph (6), this section does not apply to a vessel that carries all of its permanent ballast water in sealed tanks and is not subject to discharge.

''(4) ARMED FORCES VESSELS.—

''(A) EXEMPTION.—Except as provided in subparagraph (B) and paragraph (6), this section does not apply to a vessel of the Armed Forces.

''(B) BALLAST WATER MANAGEMENT PROGRAM.—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator of the Environmental Protection Agency, and other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the promulgation of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that is—

''(i) consistent with the requirements of this section, including the deadlines; and

''(ii) at least as stringent as the requirements promulgated for such vessels under section 312 of the Clean Water Act (33 U.S.C. 1322).

''(5) SPECIAL RULE FOR SMALL VESSELS.—In applying this section to vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may promulgate alternative measures for managing ballast water in a manner that is consistent with the purposes of this Act.

''(6) OTHER SOURCES OF VESSEL-BORNE AQUATIC NUISANCE SPECIES.—Measures undertaken by the Secretary under subsection (s) shall apply to all vessels (as defined in section 3 of title 1, United States Code).

''(b) UPTAKE AND DISCHARGE OF BALLAST WATER OR SEDIMENT.—

''(1) PROHIBITION.—The operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water or sediment except as provided in this section.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water or sediment in the following circumstances:

''(A) The uptake or discharge is solely for the purpose of—

''(i) ensuring the safety of the vessel in an emergency situation; or

''(ii) saving a life at sea.

''(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

''(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

''(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

''(D) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of that ballast water and that sediment originated and there is no mixing with ballast water and sediment from another area that has not been managed in accordance with the requirements of this section.

''(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

''(A) meets the requirements prescribed by the Secretary by regulation; and

''(B) is approved by the Secretary.

''(2) APPROVAL CRITERIA.—

''(A) IN GENERAL.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

''(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

''(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

''(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

''(iv) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

''(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements;

''(vi) incorporates regulatory requirements, guidance, and best practices developed under subsection (s) for other vessel pathways by which aquatic nuisance species are transported; and

''(vii) meets all other requirements prescribed by the Secretary.

''(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel (as defined in section 2101(12) of title 46, United States Code) on the basis of a certificate of compliance with the criteria described in subparagraph (A) issued by the vessel's country of registration in accordance with regulations promulgated by the Secretary.

''(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

''(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

''(B) keep the plan readily available for examination by the Secretary at all reasonable times.

''(d) VESSEL BALLAST WATER RECORD BOOK.—

''(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain a ballast water record book in English on board the vessel in which—

''(A) each operation involving ballast water or sediment discharge is fully recorded without delay, in accordance with regulations promulgated by the Secretary;

''(B) each such operation is described in detail, including the location and circumstances of, and the reason for, the operation; and

''(C) the exact nature and circumstances of any situation under which any operation was conducted under an exception set forth in subsection (b)(2) or (e)(3) is described.

''(2) AVAILABILITY.—The ballast water record book—

''(A) shall be kept readily available for examination by the Secretary at all reasonable times; and

''(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

''(3) RETENTION PERIOD.—The ballast water record book shall be retained—

''(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

''(B) under the control of the vessel's owner for an additional period of 3 years.

''(4) REGULATIONS.—In the regulations prescribed under this section, the Secretary shall require, at a minimum, that—

''(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

''(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

''(C) the owner or operator of the vessel transmit such information to the Secretary regarding the ballast operations of the vessel as the Secretary may require.

''(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary shall provide by regulation for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

''(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f) of this section, the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States except after—

''(i) conducting ballast water exchange as required by this subsection, in accordance with regulations prescribed by the Secretary, in a manner that results in an efficiency of at least 95 percent volumetric exchange of the ballast water for each ballast water tank;

''(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

''(iii) using environmentally-sound alternative ballast water treatment technology, if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species.

''(B) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology removed at least 98 percent of organisms larger than 50 microns.

''(2) GUIDANCE; 5-YEAR USAGE.—

''(A) GUIDANCE.—Within 1 year after the date of enactment of the Ballast Water Management Act of 2007, after public notice and opportunity for comment, the Secretary shall develop guidance on technology that may be used under paragraph (1)(A)(iii).

''(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast water treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel, or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

''(3) EXCHANGE AREAS.—

''(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the United States exclusive economic zone shall conduct ballast water exchange—

''(i) before arriving at a United States port or place;

''(ii) at least 200 nautical miles from the nearest point of land; and

''(iii) in water at least 200 meters in depth.

''(B) COASTAL VOYAGES.—In lieu of using an exchange zone described in subparagraph (A)(ii) or (iii), the operator of a vessel originating from a port or place within waters subject to the jurisdiction of the United States, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, and which does not voyage into waters described in subparagraph (A)(ii) or (iii), shall conduct ballast water exchange—

''(i) at least 50 nautical miles from the nearest point of land; and

''(ii) in water at least 200 meters in depth.

''(4) SAFETY OR STABILITY EXCEPTION.—

''(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of the design or operating characteristics of the vessel.

''(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

''(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

''(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

''(ii) undertake ballast water exchange—

''(I) in an alternative area that may be designated by the Secretary, after consultation with the Undersecretary, and other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which may be affected by the discharge of ballast water; or

''(II) undertake discharge of ballast water in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

''(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

''(5) DISCHARGE UNDER WAIVER.—

''(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations prescribed by the Secretary, the operator shall request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

''(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

''(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

''(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

''(6) PERMISSABLE DISCHARGE.—

''(A) IN GENERAL.—The discharge of unexchanged ballast water shall be considered to be carried out in accordance with this paragraph if it is—

''(i) in an area designated for that purpose by the Secretary, after consultation with the Undersecretary and other appropriate Federal agencies as determined by the Secretary and representatives of any State that may be affected by discharge of ballast water in that area; or

''(ii) into a reception facility described in subsection (f)(2).

''(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under the provisions of this paragraph may not exceed

the volume necessary to ensure the safe operation of the vessel.

''(7) PARTIAL COMPLIANCE.—The operator of a vessel that is unable to comply fully with the requirements of paragraph (3)—

''(A) shall nonetheless conduct ballast water exchange to the maximum extent feasible in compliance with those paragraphs; and

''(B) may conduct a partial ballast water exchange under this paragraph only to the extent that the ballast water in an individual ballast tank can be completely exchanged in accordance with the provisions of paragraph (1)(A).

''(8) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (3)(B) of this subsection, the operator of a vessel is not required to comply with the requirements of this subsection—

''(A) if the vessel operates exclusively—

''(i) within Lake Superior, Lake Michigan, Lake Huron, and Lake Erie and the connecting channels; or

''(ii) between or among the main group of the Hawaiian Islands; or

''(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Undersecretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

''(9) MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—A vessel may not conduct ballast water exchange or discharge unexchanged ballast water under this subsection within a marine sanctuary designated under title III of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) or in any other waters designated by the Secretary after consultation with the Undersecretary and the Administrator.

''(10) REGULATIONS DEADLINE.—The Secretary shall issue a final rule for regulations required by this subsection within 1 year after the date of enactment of the Ballast Water Management Act of 2007.

''(11) VESSELS OPERATING IN THE GREAT LAKES.—

''(A) REGULATIONS.—Until such time as regulations are promulgated to implement the amendments made by the Ballast Water Management Act of 2007, regulations promulgated to carry out this Act shall remain in effect until revised or replaced pursuant to the Ballast Water Management Act of 2007.

''(B) RELATIONSHIP TO OTHER PROGRAMS.—On promulgation of regulations required under this Act to implement a national mandatory ballast management program that is at least as comprehensive as the Great Lakes program (as determined by the Secretary, in consultation with the Governors of Great Lakes States)—

''(i) the program regulating vessels and ballast water in Great Lakes under this section shall terminate; and

''(ii) the national program shall apply to such vessels and ballast water.

''(12) VESSELS WITH NO BALLAST ON BOARD.—Not later than 180 days after the date of enactment of the Ballast Water Management Act of 2007, the Secretary shall promulgate regulations to minimize the discharge of invasive species from ships entering a United States port or place from outside the United States exclusive economic zone that claim no ballast on board, or that claim to be carrying only unpumpable quantities of ballast, including, at a minimum, a requirement that—

''(i) such a ship shall conduct saltwater flushing of ballast water tanks—

''(I) outside the exclusive economic zone; or

''(II) at a designated alternative exchange site; and

''(ii) before being allowed entry into the Great Lakes beyond the St. Lawrence Seaway, the master of such a ship shall certify that the ship has complied with each applicable requirement under this subsection.

''(f) BALLAST WATER TREATMENT REQUIREMENTS.—

''(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before discharging ballast water so that the ballast water discharged will contain—

''(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

''(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

''(C) concentrations of indicator microbes that are less than—

''(i) 1 colony-forming unit of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters, or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

''(ii) 126 colony-forming units of *escherichia coli* per 100 milliliters; and

''(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

''(D) concentrations of such additional indicator microbes as may be specified in regulations promulgated by the Administrator, after consultation with the Secretary and other appropriate Federal agencies as determined by the Secretary, that are less than the amount specified in those regulations.

''(2) RECEPTION FACILITY EXCEPTION.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into a facility for the reception of ballast water that meets standards prescribed by the Administrator.

''(B) PROMULGATION OF STANDARDS.—Within 1 year after the date of enactment of the Ballast Water Management Act of 2007, the Administrator, in consultation with the Secretary other appropriate Federal agencies as determined by the Administrator, shall promulgate standards for—

''(i) the reception of ballast water from vessels into reception facilities; and

''(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

''(3) IMPLEMENTATION SCHEDULE.—Paragraph (1) applies to vessels in accordance with the following schedule:

''(A) FIRST PHASE.—Beginning January 1, 2011, for vessels constructed on or after that date with a ballast water capacity of less than 5,000 cubic meters.

''(B) SECOND PHASE.—Beginning January 1, 2013, for vessels constructed on or after that date with a ballast water capacity of 5,000 cubic meters or more.

''(C) THIRD PHASE.—Beginning January 1, 2013, for vessels constructed before January 1, 2011, with a ballast water capacity of 1,500 cubic meters or more but not more than 5,000 cubic meters.

''(D) FOURTH PHASE.—Beginning January 1, 2015, for vessels constructed—

''(i) before January 1, 2011, with a ballast water capacity of less than 1,500 cubic meters or 5,000 cubic meters or more; or

''(ii) on or after January 1, 2011, and before January 1, 2013, with a ballast water capacity of 5,000 cubic meters or more.

''(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary, in consultation with the Administrator. The Secretary shall promulgate regulations establishing a process for such approval, after consultation with the Administrator and other appropriate Federal agencies as determined by the Secretary, within 1 year after the date of enactment of the Ballast Water Management Act of 2007.

''(5) FEASIBILITY REVIEW.—

''(A) IN GENERAL.—Not less than 2 years before the date on which paragraph (1) applies to vessels under each subparagraph of paragraph (3), or as that date may be extended under this paragraph, the Secretary, in consultation with the Administrator, shall complete a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1) for the vessels to which they apply under the schedule set forth in paragraph (3). In reviewing the technologies the Secretary, after consultation with the Administrator and other appropriate Federal agencies as determined by the Secretary, shall consider—

''(i) the effectiveness of a technology in achieving the standards;

''(ii) feasibility in terms of compatibility with ship design and operations;

''(iii) safety considerations;

''(iv) whether a technology has an adverse impact on the environment; and

''(v) cost effectiveness.

''(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the review conducted under subparagraph (A), that compliance with the standards set forth in paragraph (1) in accordance with the schedule set forth in any subparagraph of paragraph (3) is not feasible for any class of vessels, the Secretary shall require use of the best performing technology available that meets, at a minimum, the applicable ballast water discharge standard of the International Maritime Organization. If the Secretary finds that no technology exists that will achieve either the standards set forth in paragraph (1) or the standards of the International Maritime Organization, then, the Secretary shall—

''(i) extend the date on which that subparagraph first applies to vessels for a period of not more than 24 months; and

''(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

''(C) HIGHER STANDARDS; EARLIER IMPLEMENTATION.—

''(i) STANDARDS.—If the Secretary determines that ballast water treatment technology exists that exceeds the performance standards required under this subsection, the Secretary shall, for any class of vessels, revise the performance standards to incorporate the higher performance standards.

''(ii) IMPLEMENTATION.—If the Secretary determines that technology that achieves the applicable performance standards required under this subsection can be implemented earlier than required by this subsection, the Secretary shall, for any class of vessels, accelerate the implementation schedule under paragraph (3). If the Secretary accelerates the implementation schedule pursuant to this clause, the Secretary shall provide at least 24 months notice before such accelerated implementation goes into effect.

''(iii) DETERMINATIONS NOT MUTUALLY EXCLUSIVE.—The Secretary shall take action under both clause (i) and clause (ii) if the Secretary makes determinations under both clauses.

''(6) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

''(A) IN GENERAL.—If a vessel participates in a program approved by the Secretary to test and evaluate promising ballast water treatment technologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10 year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

''(B) VESSEL DIVERSITY.—The Secretary—

''(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

''(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which subparagraph (A), (B), (C), or (D) of paragraph (3) applies.

''(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if participation of the vessel in the program is terminated without the consent of the Secretary.

''(D) ANNUAL RE-EVALUATION; TERMINATION.—The Secretary shall establish an annual evaluation process to determine whether the performance of an approved technology is sufficiently effective and whether it is causing harm to the environment. If the Secretary determines that an approved technology is insufficiently effective or is causing harm to the environment, the Secretary shall revoke the approval granted under subparagraph (A).

''(7) REVIEW OF STANDARDS.—

''(A) IN GENERAL.—In December, 2014, and in every third year thereafter, the Administrator, in consultation with the Secretary, shall review ballast water treatment standards to determine, after consultation with the Undersecretary and other appropriate Federal agencies as determined by the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Administrator shall revise by regulation the performance standard required under this subsection as necessary.

''(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards prescribed under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

''(8) INSTALLED EQUIPMENT.—If ballast water treatment technology used for purposes of complying with the regulations under this subsection is installed on a vessel, maintained in good working order, and used by the vessel, the vessel may use that technology for the shorter of—

''(A) the 10-year period beginning on the date of initial use of the technology; or

''(B) the life of the ship on which the technology is used.

''(9) HIGH-RISK VESSELS.—

''(A) VESSEL LIST.—Within 1 year after the date of enactment of the Ballast Water Management Act of 2007, the Secretary shall publish and regularly update a list of vessels identified by States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge unexchanged ballast water pursuant to an exception under subsection (e), pose a relatively high risk of introducing aquatic nuisance species into the waters of those States.

''(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in pilot programs described in paragraph (6). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on the list pursuant to subparagraph (A), may develop technology development programs or other incentives (whether positive or negative) to such vessels in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

''(9) EXCEPTION FOR VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that operates exclusively within an area if the Secretary has determined through a rulemaking proceeding, after consultation with the Undersecretary and other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which could be affected by the discharge of ballast water, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

''(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within Lake Superior, Lake Michigan, Lake Huron, and Lake Erie and the connecting channels shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary finds otherwise in a rulemaking proceeding under subparagraph (A).

''(C) BEST PRACTICES.—The Secretary shall develop, and require vessels exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices, developed in consultation with the Governors or States that may be affected, to minimize the spreading of aquatic nuisance species in its operating area.

''(10) LABORATORIES.—The Secretary may use any Federal or non-Federal laboratory that meets standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies and equipment under this subsection.

''(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

''(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

''(2) CONTENTS.—The notice shall include—

''(A) the coordinates of the area; and

''(B) if possible, the location of alternative areas for the uptake of ballast water.

''(h) SEDIMENT MANAGEMENT.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water except—

''(A) in accordance with this subsection and the ballast water management plan required under subsection (c); and

''(B) more than 200 nautical miles from the nearest point of land or into a reception facility that meets the requirements of paragraph (3).

''(2) DESIGN REQUIREMENTS.—

''(A) NEW VESSELS.—After December 31, 2008, it shall be unlawful to construct a vessel in the United States to which this section applies unless that vessel is designed and constructed, in accordance with regulations prescribed under subparagraph (C), in a manner that—

''(i) minimizes the uptake and entrapment of sediment;

''(ii) facilitates removal of sediment; and

''(iii) provides for safe access for sediment removal and sampling.

''(B) EXISTING VESSELS.—Every vessel to which this section applies that was constructed before January 1, 2009, shall be modified before January 1, 2009, to the extent practicable, to achieve the objectives described in clauses (i), (ii), and (iii) of subparagraph (A).

''(C) REGULATIONS.—The Secretary shall promulgate regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan.

''(3) SEDIMENT RECEPTION FACILITIES.—

''(A) STANDARDS.—The Secretary, in consultation with other appropriate Federal agencies as determined by the Secretary, shall promulgate regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

''(B) DESIGNATION.—The Administrator, in consultation with the Secretary and other appropriate Federal agencies as determined by the Administrator, shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations promulgated under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

''(i) EXAMINATIONS AND CERTIFICATIONS.—

''(1) INITIAL EXAMINATION.—

''(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

''(i) there is a ballast water management plan for the vessel that meets the requirements of this section; and

''(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations promulgated hereunder is installed and functioning properly.

''(B) NEW VESSELS.—For vessels constructed in the United States on or after January 1, 2011, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

''(C) EXISTING VESSELS.—For vessels constructed before January 1, 2011, the Secretary shall—

''(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

''(ii) inspect the vessel's ballast water record book required by subsection (d).

''(D) FOREIGN VESSELS.—In the case of a foreign vessel (as defined in section 2101(12)

of title 46, United States Code), the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

''(2) SUBSEQUENT EXAMINATIONS.—The Secretary shall examine vessels no less frequently than once each year to ensure vessel compliance with the requirements of this section.

''(3) INSPECTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure the vessel's compliance with this Act. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring, and shall establish adequate procedures for reporting violations and accumulating evidence.

''(B) INVESTIGATIONS.—Upon receipt of evidence that a violation has occurred, the Secretary shall cause the matter to be investigated. In any investigation under this section the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

''(4) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1) the Secretary finds that a vessel complies with the requirements of this section and the regulations promulgated hereunder, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

''(5) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), sampling under paragraph (3), or any other information, that a vessel is being operated in violation of the requirements of this section or the regulations promulgated hereunder, the Secretary shall—

''(A) notify in writing—

''(i) the master of the vessel; and

''(ii) the captain of the port at the vessel's next port of call; and

''(B) take such other action as may be appropriate.

''(6) COMPLIANCE AND MONITORING.—

''(A) IN GENERAL.—The Secretary shall by regulation establish sampling and other procedures to monitor compliance with the requirements of this section and any regulations promulgated under this section.

''(B) USE OF MARKERS.—The Secretary may verify compliance with treatment standards under this section and the regulations through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

''(7) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements issued under this section.

''(j) DETENTION OF VESSELS.—

''(1) IN GENERAL.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

''(A) the vessel is a vessel to which this section applies; and

''(B) the vessel does not comply with the requirements of this section or of the regulations issued hereunder or is being operated in violation of such requirements.

''(2) CLEARANCE.—

''(A) IN GENERAL.—A vessel detained under paragraph (1) may obtain clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) only if the violation for which it was detained has been corrected.

''(B) WITHDRAWAL.—If the Secretary finds that a vessel detained under paragraph (1) has received a clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) before it was detained under paragraph (1), the Secretary shall withdraw, withhold, or revoke the clearance.

''(k) SANCTIONS.—

''(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under this section shall be liable for a civil penalty in an amount not to exceed $32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section or the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

''(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under this section is guilty of a class C felony.

''(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of this section or the regulations issued under this section.

''(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a discharge pursuant to subsection (b)(3), (e)(5), or (e)(7).

''(l) ENFORCEMENT.—

''(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated any provision of this section or any regulation promulgated hereunder, the Secretary may assess a civil penalty for that violation. In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

''(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

''(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Undersecretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) under this section.

''(o) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

''(p) SUPPORT FOR FEDERAL BALLAST WATER DEMONSTRATION PROJECT.—In addition to amounts otherwise available to the Maritime Administration, the National Oceanographic and Atmospheric Administration, and the United States Fish and Wildlife Service for the Federal Ballast Water Demonstration Project, the Secretary shall provide support for the conduct and expansion of the project, including grants for research and development of innovative technologies for the management, treatment, and disposal of ballast water and sediment, for ballast water exchange, and for other vessel vectors of aquatic nuisance species such as hull-fouling. There are authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2007 through 2011 to carry out this subsection.

''(q) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

''(r) RISK ASSESSMENT.—

''(1) IN GENERAL.—Within 2 years after the date of enactment of the Ballast Water Management Act of 2007, the Administrator, in consultation with the Secretary and other appropriate Federal agencies, shall conduct a risk assessment of vessel discharges other than aquatic nuisance species that are not required by the Clean Water Act (33 U.S.C. 1251 et seq.) to have National Pollution Effluent Discharge Standards permits under section 122.3(a) of title 40, Code of Federal Regulations. The risk assessment shall include—

''(A) a characterization of the various types of discharges by different classes of vessels;

''(B) the average volume of such discharges for individual vessels and by class of vessel in the aggregate;

''(C) conclusions as to whether such discharges pose a risk to human health or the environment; and

''(D) recommendations as to steps, including regulations, that are necessary to address such risks.

''(2) PUBLIC COMMENT.—The Administrator shall cause a draft of the risk assessment to be published in the Federal Register for public comment, and shall develop a final risk assessment report after taking into accounts any comments received during the public comment period.

''(3) FINAL REPORT.—The Administrator shall transmit a copy of the final report to

the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

''(s) OTHER SOURCES OF VESSEL-BORNE NUISANCE SPECIES.—

''(1) HULL-FOULING AND OTHER VESSEL SOURCES.—

''(A) REPORT.—Within 180 days after the date of enactment of the Ballast Water Management Act of 2007, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on vessel-borne vectors of aquatic nuisance species and pathogens other than ballast water and sediment, including vessel hulls, anchors, and equipment.

''(B) MANAGEMENT.—Within 1 year after the date of enactment of the Ballast Water Management Act of 2007, the Secretary shall develop a strategy to address such other vessel sources of aquatic nuisance species and to reduce the introduction of invasive species into and within the United States from vessels. The strategy shall include—

''(i) designation of geographical locations for update and discharge of untreated ballast water, as well as measures to address non-ballast vessel vectors of aquatic invasive species;

''(ii) necessary modifications of existing regulations;

''(iii) best practices standards and procedures; and

''(iv) a timeframe for implementation of those standards and procedures by vessels, in addition to the mandatory requirements set forth in this section for ballast water.

''(C) REPORT.—The Secretary shall transmit a report to the Committees describing the strategy, proposed regulations, best practices, and the implementation timeframe, together with any recommendations, including legislative recommendations if appropriate, the Secretary deems appropriate.

''(D) STANDARDS FOR VESSELS OF THE UNITED STATES.—The strategy shall include requirements to ensure the consistent application of best practices to all vessels owned or operated by a Federal agency.

''(2) TRANSITING VESSELS.—Within 180 days after the date of enactment of the Ballast Water Management Act of 2007, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

''(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

''(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.

''(t) REGULATIONS.—

''(1) IN GENERAL.—The Secretary, after consultation with other appropriate Federal agencies, shall issue such regulations as may be necessary initially to carry out this section within 1 year after the date of enactment of the Ballast Water Management Act of 2007.

''(2) JUDICIAL REVIEW.—

''(A) 120-DAY RULE.—An interested person may bring an action for review of a final regulation promulgated under this section by the Secretary of the department in which the Coast Guard is operating in the United States Court of Appeals for the District of Columbia Circuit. Any such petition shall be filed within 120 days after the date on which notice of the promulgation appears in the Federal Register, except that if the petition is based solely on grounds arising after the 120th day, then any petition for review under this subsection shall be filed within 120 days after those grounds arise.

''(B) REVIEW IN ENFORCEMENT PROCEEDINGS.—A regulation for which review could have been obtained under subparagraph (A) of this paragraph is not subject to judicial review in any civil or criminal proceeding for enforcement.

''(u) SAVINGS CLAUSE.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt the authority of any State or local government to impose penalties or fees for acts or omissions that are violations of this Act, or to provide incentives under subsection (f)(9)(B).

''(2) RECEPTION FACILITIES.—The standards prescribed by the Secretary or other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

''(3) APPLICATION WITH OTHER STATUTES.—This section provides the sole Federal authority for preventing the introduction of species through the control and management of vessel ballast water or sediment or other vessel-related vectors.''.

(b) DEFINITIONS.—

(1) IN GENERAL.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(A) by redesignating paragraph (1) as paragraph (1A);

(B) by inserting before paragraph (1A), as redesignated, the following:

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

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

''(3) BALLAST WATER.—The term 'ballast water'—

''(A) means water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; and

''(B) any water placed into a ballast tank during cleaning, maintenance, or other operations; but

''(C) does not include water taken on board a vessel and used for a purpose described in subparagraph (A) that, at the time of discharge, does not contain aquatic nuisance species;'';

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

''(3A) BALLAST WATER CAPACITY.—The term 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

''(3B) BALLAST WATER MANAGEMENT.—The term 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of aquatic nuisance species and pathogens within ballast water and sediment;

''(3C) CONSTRUCTED.—The term 'constructed' means a state of construction of a vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel undergoes a major conversion;'';

(E) by inserting after paragraph (10) the following:

''(10A) MAJOR CONVERSION.—The term 'major conversion' means a conversion of a vessel, that—

''(A) changes its ballast water carrying capacity by at least 15 percent;

''(B) changes the vessel class;

''(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

''(D) results in modifications to the vessel's ballast water system, except—

''(i) component replacement-in-kind; or

''(ii) conversion of a vessel to meet the requirements of section 1101(e);'';

(F) by inserting after paragraph (12), as redesignated, the following:

''(12A) SALTWATER FLUSHING.—The term 'saltwater flushing' means the process of—

''(A) adding midocean water to a ballast water tank that contains residual quantities of ballast waters;

''(B) mixing the midocean water with the residual ballast water and sediment in the tank through the motion of a vessel; and

''(C) discharging the mixed water so that the salinity of the resulting residual ballast water in the tank exceeds 30 parts per thousand;

''(12B) SEDIMENT.—The term 'sediment' means matter that has settled out of ballast water within a vessel;'';

(G) by redesignating paragraph (15) as paragraph (16A) and moving it to follow paragraph (16);

(H) by inserting after paragraph (17) the following:

''(17A) UNITED STATES PORT.—The term 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, the Northern Marianas, and the United States Virgin Islands;

''(17B) VESSEL OF THE ARMED FORCES.—The term 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A); and

''(17C) WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'waters subject to the jurisdiction of the United States' means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.''.

(2) STYLISTIC CONSISTENCY.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702), as amended by paragraph (1), is further amended—

(A) by striking ''As used in this Act, the term—'' and inserting ''In this Act:'';

(B) by redesignating paragraphs (1) through (17C) as paragraphs (1) through (27), respectively; and

(C) by inserting a heading after the designation of each existing paragraph, in a

form consistent with the form of the paragraphs added by paragraph (1) of this subsection, consisting of the term defined in such paragraph and ''The term''.

(c) REPEAL OF SECTION 1103.—Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4713) is repealed.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 1301(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (4)(B);

(2) by striking ''1102(f).'' in paragraph (5)(B) and inserting ''1102(f); and''; and

(3) by adding at the end the following:

''(6) $20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101.''.

By Ms. SNOWE (for herself, Ms. CANTWELL, and Mr. LEVIN):

S. 1579. A bill to amend the Coastal Zone Management Act; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Zone Enhancement Reauthorization Act of 2007. I am pleased to have my colleague, Senator CANTWELL, join me in cosponsoring this bill, which will enable our Nation to improve the management of our valuable, yet vulnerable, coastal resources.

More than half of all Americans reside in coastal zones, and each year their number grows by more than 3,600. Yet, coastal regions comprise just 17 percent of the land area in the contiguous United States. People are drawn to our oceans and Great Lakes to experience the economic opportunities, natural beauty, and recreational bounty that these regions have to offer. Part of that value, both the tangible and intangible, comes from the habitat these ecosystems provide for a variety of plants and animals, ranging from rare microscopic organisms to commercially valuable fish stocks. As population pressures increase, we must work diligently to maintain a balance between human use of these delicate regions and their natural, ecological functions.

When Congress passed the CZMA in 1972, it established a unique State-Federal framework for facilitating sound coastal planning. The law gives States the opportunity to create a coastal zone management plan which, once approved, makes States eligible for matching Federal funds to carry out the goals of its plan. This system allows States to tailor plans to their individual needs, but permits the Federal Government to ensure that marine resources, which often overlap political boundaries, are managed responsibly nationwide. As a result of this program's success, more than 99.9 percent of the United States' 95,376 shoreline miles are managed under this system, including, 34 of the 35 coastal and Great Lakes states and territories. The 35th, Illinois, has submitted a plan for Federal approval.

The CZMA has not been reauthorized in over a decade, and the program has been operating with authorization levels and mandates that expired in 1999. Much has changed in the interim, and persistent threats to coastal areas, such as increasing rates of nonpoint source water pollution and constriction of working waterfront areas, have outpaced states' abilities to maintain an appropriate balance between development and conservation. The Coastal Zone Enhancement Reauthorization Act of 2007 would encourage states to take additional voluntary steps to combat these problems through the Coastal Community Program.

Each year, we also learn more about threats to our coasts from impacts of global climate change, yet the CZMA currently provides no foundation to manage these problems. Mounting evidence indicates that increasing concentrations of atmospheric carbon dioxide, approximately a third of which is absorbed in our oceans, is affecting marine chemistry and acidifying sea water. As global temperatures rise, we are also experiencing an increase in ocean temperatures which can affect the migratory patterns and range of marine species distribution. The problems of potential sea level rise have also been well-documented in academic journals and the mainstream media. The bill I introduce today contains a provision giving states the authority to adapt their coastal zone management plans to address these potential impacts and develop potential mitigation and adaptation measures.

The Coastal Zone Enhancement Reauthorization of 2007 also significantly increases the authorization levels for the Coastal Zone Management Program, enabling States to better achieve their coastal management goals. The bill authorizes $170 million for fiscal year 2008 and increases the authorization levels to $193.5 million for fiscal year 2012. This adjustment in funding would enable the States' coastal programs to achieve their full potential.

The Coastal Zone Management Program has a long record of helping states achieve their coastal area management goals by enhancing their ability to maintain clean, safe, and productive coastlines that ultimately serve the best interest of our Nation. This program enjoys widespread support among coastal States, as demonstrated by the near unanimous participation by eligible States, and the many Commerce Committee members who have worked with me to strengthen this program over the past several years.

I am pleased to introduce this legislation that would provide our coastal states with the funding and management frameworks necessary to meet the ever-increasing conservation and development challenges facing our coastal communities, and I urge my colleagues to support it.

Additionally, as Ranking Member of the Committee on Commerce, Science, and Transportation's subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, I would like to commend my colleagues for their hard work that has resulted in today's introduction of six ocean-related bills. As you are aware, we are in the midst of Capitol Hill Oceans Week, and I am pleased that we can commemorate that occasion by bringing these critical marine issues to the fore. I look forward to working with my fellow Committee members and the rest of the Senate as we improve management of our Nation's invaluable coastal and ocean resources for the benefit of all Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1579

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Coastal Zone Enhancement Reauthorization Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Coastal Zone Management Act of 1972.
Sec. 3. Findings.
Sec. 4. Policy.
Sec. 5. Changes in definitions.
Sec. 6. Reauthorization of management program development grants.
Sec. 7. Administrative grants.
Sec. 8. Coastal resource improvement program.
Sec. 9. Certain Federal agency activities.
Sec. 10. Coastal zone management fund.
Sec. 11. Coastal zone enhancement grants.
Sec. 12. Coastal community program.
Sec. 13. Technical assistance; resources assessments; information systems.
Sec. 14. Performance review.
Sec. 15. Walter B. Jones awards.
Sec. 16. National Estuarine Research Reserve System.
Sec. 17. Coastal zone management reports.
Sec. 18. Authorization of appropriations.
Sec. 19. Deadline for decision on appeals of consistency determination.
Sec. 20. Effects of climate change on coastal zone management.
Sec. 21. Coordination with Federal Energy Regulatory Commission.

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT OF 1972.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting ''ports,'' in paragraph (3) (as so redesignated) after ''fossil fuels,'';

(3) by inserting ''including coastal waters and wetlands,'' in paragraph (4) (as so redesignated) after ''zone,'';

(4) by striking ''therein,'' in paragraph (4) (as so redesignated) and inserting ''dependent on that habitat,'';

(5) by striking ''well-being'' in paragraph (5) (as so redesignated) and inserting ''quality of life'';

(6) by inserting ''integrated plans and strategies,'' after ''including'' in paragraph (9) (as so redesignated);

(7) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.''; and

(8) by adding at the end thereof the following:

''(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.

''(15) The establishment of a national system of estuarine research reserves will provide for protection of essential estuarine resources, as well as for a network of State-based reserves that will serve as sites for coastal stewardship best-practices, monitoring, research, education, and training to improve coastal management and to help translate science and inform coastal decisionmakers and the public.''.

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking ''the states'' in paragraph (2) and inserting ''state and local governments'';

(2) by striking ''programs'' the first place it appears in paragraph (2) and inserting ''programs, plans, and strategies'';

(3) by striking ''waters,'' each place it appears in paragraph (2)(C) and inserting ''waters and habitats,'';

(4) by striking ''agencies and state and wildlife agencies; and'' in paragraph (2)(J) and inserting ''and wildlife management, and'';

(5) by striking ''specificity'' in paragraph (3) and inserting ''specificity, cooperation, coordination, and effectiveness'';

(6) by inserting ''other countries,'' after ''agencies,'' in paragraph (5);

(7) by striking ''and'' at the end of paragraph (5);

(8) by striking ''zone.'' in paragraph (6) and inserting ''zone;''; and

(9) by adding at the end thereof the following:

''(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship through State-based conservation, monitoring, research, education, outreach, and training; and

''(8) to encourage the development, application, training, technical assistance, and transfer of innovative coastal management practices and coastal and estuarine environmental technologies and techniques to improve understanding and management decisionmaking for the long-term conservation of coastal ecosystems.''.

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking ''and the Trust Territories of the Pacific Islands,'' in paragraph (4);

(2) in paragraph (6)(B)—

(A) by inserting ''(ix) use or reuse of facilities authorized under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for energy-related purposes or other authorized marine related purposes;'' after ''transmission facilities;''; and

(B) by striking ''and (ix)'' and inserting ''and (x);

(3) by striking paragraph (8) and inserting the following:

''(8) The terms 'estuarine reserve' and 'estuarine research reserve' mean a coastal protected area that—

''(A) may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary;

''(B) constitutes to the extent feasible a natural unit; and

''(C) is established to provide long-term opportunities for conducting scientific studies and monitoring and educational and training programs that improve the understanding, stewardship, and management of estuaries and improve coastal decisionmaking.'';

(4) by inserting ''plans, strategies,'' after ''policies,'' in paragraph (12);

(5) in paragraph (13)—

(A) by inserting ''or alternative energy sources on or'' after ''natural gas'';

(B) by striking ''new or expanded'' and inserting ''new, reused, or expanded''; and

(C) by striking ''or production.'' and inserting ''production, or other energy related purposes.'';

(6) by striking ''policies; standards'' in paragraph (17) and inserting ''policies, standards, incentives, guidelines,''; and

(7) by adding at the end the following:

''(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

''(20) The term 'qualified local entity' means—

''(A) any local government;

''(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

''(C) any regional agency;

''(D) any interstate agency;

''(E) any nonprofit organization; or

''(F) any reserve established under section 315.''.

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

''SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

''(a) STATES WITHOUT PROGRAMS.—In fiscal years 2008 and 2009, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

''(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.''.

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by striking ''administering that State's management program,'' and inserting ''administering and implementing that State's management program and any plans, projects, or activities developed pursuant to such program, including developing and implementing applicable coastal nonpoint pollution control program components,''.

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof ''In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. To the extent practicable, the Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking ''less than fee simple'' and inserting ''other''.

(d) CONFORMING AMENDMENT.—Section 306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by inserting ''policies, plans, strategies,'' after ''specific''.

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting ''or other important coastal habitats'' in subsection (b)(1)(A) after ''306(d)(9)'';

(2) by inserting ''or historic'' in subsection (b)(2) after ''urban'';

(3) by adding at the end of subsection (b) the following:

''(5) The coordination and implementation of approved coastal nonpoint pollution control plans, strategies, and measures.

''(6) The preservation, restoration, enhancement or creation of coastal habitats.'';

(4) by inserting ''planning,'' before ''engineering'' in subsection (c)(2)(D);

(5) by striking ''and'' after the semicolon in subsection (c)(2)(D);

(6) by striking ''section.'' in subsection (c)(2)(E) and inserting ''section;'';

(7) by adding at the end of subsection (c)(2) the following:

''(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

''(G) the coordination and implementation of approved coastal nonpoint pollution control plans, strategies, measures.''; and

(8) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

''(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

''(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

''(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

''(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

''(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program and consistent with the policies of this Act.

''(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).''.

SEC. 9. CERTAIN FEDERAL AGENCY ACTIVITIES.

Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended by adding at the end the following:

''(D) The provisions of paragraph (1)(A), and implementing regulations thereunder, with respect to a Federal agency activity inland of the coastal zone of the State of Alaska, apply only if the activity directly and significantly affects a land or water use or a natural resource of the Alaskan coastal zone.''.

SEC. 10. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

''(2) Loan repayments made under this subsection shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b) and shall be made available to the States for grants as under subsection (b)(2).''.

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) Subject to appropriation Acts, amounts in the Fund shall be available to the Secretary to make grants to the States for—

''(A) projects to address coastal and ocean management issues which are regional in scope, including intrastate and interstate projects; and

''(B) projects that have high potential for improving coastal zone and watershed management.

''(3) Projects funded under this subsection shall apply an integrated, watershed-based management approach and advance the purpose of this Act to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations.''.

SEC. 11. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.'';

(2) by inserting ''and removal'' after ''entry'' in subsection (a)(4);

(3) by striking ''on various individual uses or activities on resources, such as coastal wetlands and fishery resources.'' in subsection (a)(5) and inserting ''of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.'';

(4) by adding at the end of subsection (a) the following:

''(10) Development and enhancement of coastal nonpoint pollution control program components, strategies, and measures, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

''(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.'';

(5) by striking ''changes'' in subsection (b)(2)(A) and inserting ''changes, or for projects that demonstrate significant potential for improving ocean resource management or integrated coastal and watershed management at the local, state, or regional level,'';

(6) by striking ''proposals, taking into account the criteria established by the Secretary under subsection (d).'' in subsection (c) and inserting ''proposals.'';

(7) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively; and

(8) by striking ''in implementing this section, up to a maximum of $10,000,000 annually.'' in subsection (e), as redesignated, and inserting ''for grants to the States.''.

SEC. 12. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

''SEC. 309A. COASTAL COMMUNITY PROGRAM.

''(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

''(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

''(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities as long as such strategies are consistent with the policies of this Act;

''(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

''(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

''(A) revitalize previously developed areas;

''(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

''(C) emphasize water-dependent uses; and

''(D) protect coastal waters and habitats; and

''(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.''.

''(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

''(1) have a management program approved under section 306; and

''(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in subparagraphs (A) through (K) of section 303(2).

''(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

''(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

''(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

''(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

''(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

''(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

''(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

''(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2) and the policies of this Act.

''(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).''.

SEC. 13. TECHNICAL ASSISTANCE; RESOURCES ASSESSMENTS; INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 310 (16 U.S.C. 1456c) is amended—

(1) by inserting ''(1)'' before ''The Secretary'' in subsection (a);

(2) by striking ''assistance'' in the first sentence in subsection (a) and inserting ''assistance, technology and methodology development, training and information transfer, resources assessment,'';

(3) by resetting the second and third sentences in subsection (a) as a new paragraph and inserting ''(2)'' before ''Each'';

(4) by striking ''and research activities'' in subsection (b)(1) and inserting ''research activities, and other support services and activities'';

(5) by adding at the end of subsection (b)(1) the following: ''The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program, and to support the development, application, training and technical assistance, and transfer of effective coastal management practices. The Secretary may make extramural grants in carrying out the purpose of this subsection.'';

(6) by adding at the end of subsection (b)(3) the following: ''The Secretary shall establish regional advisory committees including representatives of the Governors of each state within the region, universities, colleges, coastal and marine laboratories, Sea Grant College programs within the region and representatives from the private and public sector with relevant expertise. The Secretary will report to the regional advisory committees on activities undertaken by the Secretary and other agencies pursuant to this section, and the regional advisory committees shall identify research, technical assistance and information needs and priorities.

The regional advisory committees are not subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).''; and

(7) by adding at the end the following:

''(c)(1) The Secretary shall consult with the regional advisory committees concerning the development of a coastal resources assessment and information program to support development and maintenance of integrated coastal resource assessments of state natural, cultural and economic attributes, and coastal information programs for the collection and dissemination of data and information, product development, and outreach based on the needs and priorities of coastal and ocean managers and user groups.

''(2) The Secretary shall assist coastal states in identifying and obtaining financial and technical assistance from other Federal agencies and may make grants to states in carrying out the purpose of this section and to provide ongoing support for state resource assessment and information programs.''.

(b) CONFORMING AMENDMENT.—The section heading for section 310 (16 U.S.C. 1456c) is amended to read as follows:

''SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESSMENTS, AND INFORMATION SYSTEMS.

SEC. 14. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended—

(1) by striking ''continuing review of the performance'' and inserting ''periodic review, no less frequently than every 5 years, of the administration, implementation, and performance'';

(2) by striking ''management.'' and inserting ''management programs.'';

(3) by striking ''has implemented and enforced'' and inserting ''has effectively administered, implemented, and enforced'';

(4) by striking ''addressed the coastal management needs identified'' and inserting ''furthered the national coastal policies and objectives set forth''; and

(5) by inserting ''coordinated with National Estuarine Research Reserves in the state,'' after ''303(2)(A) through (K),''.

SEC. 15. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking ''shall, using sums in the Coastal Zone Management Fund established under section 308'' in subsection (a) and inserting ''may, using sums available under this Act'';

(2) by striking ''field.'' in subsection (a) and inserting the following: ''field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

''(1) cash awards in an amount not to exceed $5,000 each;

''(2) research grants; and

''(3) public ceremonies to acknowledge such awards.'';

(3) by striking ''shall elect annually—'' in subsection (b) and inserting ''may select annually if funds are available under subsection (a)—''; and

(4) by striking subsection (e).

SEC. 16. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking ''consists of—'' and inserting ''is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, monitoring, research, and scientific understanding consisting of—''.

(b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is amended—

(1) by inserting ''for each coastal state or territory'' after ''research'' in subparagraph (A);

(2) by striking ''public awareness and'' in subparagraph (C) and inserting ''state coastal management, public awareness, and''; and

(3) by striking ''public education and interpretation; and''; in subparagraph (C) and inserting ''education, interpretation, training, and demonstration projects; and''.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking ''RESEARCH'' in the subsection caption and inserting ''RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP'';

(2) by striking ''conduct of research'' and inserting ''conduct of research, education, and resource stewardship'';

(3) by striking ''coordinated research'' in paragraph (1)) and inserting ''coordinated research, education, and resource stewardship'';

(4) by striking ''research'' after ''common'' in paragraph (2);

(5) by striking ''research programs'' in paragraph (2) and inserting ''research, education, and resource stewardship programs'';

(6) by striking ''research'' after ''uniform'' in paragraph (3);

(7) by striking ''data,'' in paragraph (3) and inserting ''information,'';

(8) by striking ''research'' after ''application of'' in paragraph (3);

(9) by striking ''research purposes;'' in paragraph (3) and inserting ''research, education, and resource stewardship purposes;'';

(10) by striking ''research efforts'' in paragraph (4) and inserting ''research, education, and resource stewardship efforts'';

(11) by striking ''research'' in paragraph (5) and inserting ''research, education, and resource stewardship''; and

(12) by striking ''research'' in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking ''ESTUARINE RESEARCH.—'' in the subsection caption and inserting ''ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—'';

(2) by striking ''research purposes'' and inserting ''research, education, and resource stewardship purposes'';

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

''(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries;'';

(4) by striking ''research.'' in paragraph (2) and inserting ''research, education, and resource stewardship activities; and''; and

(5) by adding at the end thereof the following:

''(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.''.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking ''reserve,'' in paragraph (1)(A)(i) and inserting ''reserve; and'';

(2) by striking ''and constructing appropriate reserve facilities, or'' in paragraph (1)(A)(ii) and inserting ''including resource stewardship activities and constructing reserve facilities; and'';

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

''(B) to any coastal state or public or private person for purposes of—

''(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

''(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).'';

(5) by striking ''therein or $5,000,000, whichever amount is less.'' in paragraph (3)(A) and inserting ''therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.'';

(6) by striking ''and (iii)'' in paragraph (3)(B);

(7) by striking ''paragraph (1)(A)(iii)'' in paragraph (3)(B) and inserting ''paragraph (1)(B)'';

(8) by striking ''entire System.'' in paragraph (3)(B) and inserting ''System as a whole.''; and

(9) by adding at the end thereof the following:

''(4) The Secretary may—

''(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

''(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.''.

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting ''coordination with other state programs established under sections 306 and 309A,'' after ''including''.

SEC. 17. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking ''to the President for transmittal'' in subsection (a);

(2) by striking ''zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;'' and inserting ''zone;'' in subsection (a)(10);

(3) by inserting ''education,'' after ''studies,'' in subsection (a)(12);

(4) by striking ''Secretary'' in the first sentence of subsection (c)(1) and inserting ''Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,'';

(5) by striking the second sentence of subsection (c)(1) and inserting the following: ''The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.'';

(6) by striking ''shall promptly'' in subsection (c)(2) and inserting ''shall, within 4 years after the date of enactment of the Coastal Zone Enhancement Reauthorization Act of 2007,''; and

(7) by adding at the end of subsection (c)(2) the following: ''If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.''.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) for grants under sections 306, 306A, and 309—

''(A) $90,500,000 for fiscal year 2008,

''(B) $94,000,000 for fiscal year 2009,

''(C) $98,000,000 for fiscal year 2010,

''(D) $102,000,000 for fiscal year 2011, and

''(E) $106,000,000 for fiscal year 2012;

''(2) for grants under section 309A—

''(A) $29,000,000 for fiscal year 2008,

''(B) $30,000,000 for fiscal year 2009,

''(C) $31,000,000 for fiscal year 2010,

''(D) $32,000,000 for fiscal year 2011, and

''(E) $32,000,000 for fiscal year 2012,

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

''(3) for grants under section 315—

''(A) $37,000,000 for fiscal year 2008,

''(B) $38,000,000 for fiscal year 2009,

''(C) $39,000,000 for fiscal year 2010,

''(D) $40,000,000 for fiscal year 2011, and

''(E) $41,000,000 for fiscal year 2012,

of which up to $15,000,000 may be used by the Secretary in each of fiscal years 2008 through 2012 for grants to fund construction and acquisition projects at estuarine reserves designated under section 315;

''(4) for costs associated with administering this title, $7,500,000 for fiscal year 2008, $7,750,000 for fiscal year 2009, $8,000,000 for fiscal year 2010, $8,250,000, for fiscal year 2011, and $8,500,000 for fiscal year 2012; and

''(5) for grants under section 310 to support State pilot projects to implement resource assessment and information programs, $6,000,000 for each of fiscal years 2008 and 20010.'';

(2) by striking ''306 or 309.'' in subsection (b) and inserting ''306.'';

(3) by striking ''during the fiscal year, or during the second fiscal year after the fiscal year, for which'' in subsection (c) and inserting ''within 3 years from when'';

(4) by striking ''under the section for such reverted amount was originally made available.'' in subsection (c) and inserting ''to states under this Act.''; and

(5) by adding at the end thereof the following:

''(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

''(e) RESTRICTIONS ON USE OF AMOUNTS.—Except for funds appropriated under subsection (a)(4), amounts appropriated under this section shall not be available for administrative or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce. Amounts appropriated under subsection (a)(1) or (2) shall be available only for grants to States.''.

SEC. 19. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATION.

(a) IN GENERAL.—Section 319 (16 U.S.C. 1465) is amended to read as follows:

''SEC. 319. APPEALS TO THE SECRETARY.

''(a) NOTICE.—Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 307, the Secretary shall publish an initial notice in the Federal Register.

''(b) CLOSURE OF RECORD.—

''(1) IN GENERAL.—Not later than the end of the 270-day period beginning on the date of publication of an initial notice under subsection (a), except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

''(2) NOTICE.—After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), during the 270-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

''(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

''(ii) as the Secretary determines necessary to receive, on an expedited basis—

''(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this Act; or

''(II) any clarifying information submitted by a party to the proceeding related to information already existing in the sole record.

''(B) APPLICABILITY.—The Secretary may only stay the 270-day period described in paragraph (1) once and for a period not to exceed 60 days.

''(c) DEADLINE FOR DECISION.—

''(1) IN GENERAL.—Not later than 90 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

''(2) SUBSEQUENT DECISION.—Not later than 45 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 90-day period, the Secretary shall issue a decision.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to appeals under subsection (c) or (d) of section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456) filed after the date of enactment of this Act.

(c) SPECIAL RULE FOR APPEALS FILED ON OR BEFORE DATE OF ENACTMENT.—The Secretary of Commerce—

(1) shall close the administrative record for any appeal under subsection (c) or (d) of section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456) that was filed on or before the date of enactment of this Act within 180 days after such date of enactment but not earlier than December 31, 2008;

(2) may not receive any additional filing with respect to such an appeal; and

(3) shall issue a decision on the appeal within 90 days after closing the administrative record.

SEC. 20. EFFECTS OF CLIMATE CHANGE ON COASTAL ZONE MANAGEMENT.

The Act (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

''SEC. 320. EFFECTS OF CLIMATE CHANGE ON COASTAL ZONE MANAGEMENT.

''In preparing and carrying out its management program, a coastal state may—

''(1) conduct assessments, mapping, modeling, and forecasting to understand the physical, environmental, and socio-economic impacts of sea level rise, changes in freshwater quality and quantity, ocean acidification, ocean warming, or other effects of global climate change on the coastal zone;

''(2) develop prevention, adaptation or response strategies to reduce vulnerability of coastal communities and resources to such impacts, changes, and effects; and

''(3) establish mechanisms to increase local awareness of such impacts, changes, and effects.''.

SEC. 21. COORDINATION WITH FEDERAL ENERGY REGULATORY COMMISSION.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Congress on the development of a memorandum of understanding with the Commissioner of the Federal Energy Regulatory Commission for a coordinated process for review of coastal energy activities that provides for—

(1) improved coordination among Federal, regional, State, and local agencies concerned with conducting reviews under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(2) coordinated schedules for such reviews that ensures that, where appropriate, the reviews are performed concurrently.

By Mr. INOUYE (for himself, Mr. STEVENS, and Ms. CANTWELL):

S. 1580. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1580

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Coral Reef Conservation Amendments Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Coral Reef Conservation Act of 2000.
Sec. 3. Findings and purposes.
Sec. 4. National coral reef action strategy.
Sec. 5. Coral reef conservation program.
Sec. 6. Coral reef conservation fund.
Sec. 7. Agreements.
Sec. 8. Emergency assistance.
Sec. 9. National program.
Sec. 10. Community-based planning grants.
Sec. 11. Vessel grounding inventory.
Sec. 12. Prohibited activities.
Sec. 13. Destruction of coral reefs.
Sec. 14. Enforcement.
Sec. 15. Permits.
Sec. 16. Regional, State, and Territorial coordination..
Sec. 17. Regulations.
Sec. 18. Effectiveness report.
Sec. 19. Authorization of appropriations.
Sec. 20. Judicial review.
Sec. 21. Definitions.

SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 3. FINDINGS AND PURPOSES.

Section 202 (16 U.S.C. 6401) is amended to read as follows:

''SEC. 202. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds that—

''(1) coral reefs contain high biological diversity and serve important ecosystem functions;

''(2) coral reef ecosystems provide economic and environmental benefits in the form of food, jobs, natural products, and pharmaceuticals;

''(3) coral reef ecosystems are the basis of thriving commercial and recreational fishing and tourism industries;

''(4) a combination of stressors, including climate change, has caused a rapid decline in the health of many coral reef ecosystems globally;

''(5) natural stressors on coral reef ecosystems are compounded by human impacts including pollution, overfishing, and physical damage; and

''(6) healthy coral reefs provide shoreline protection for coastal communities and resources.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

''(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities, the Nation, and the world;

''(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

''(4) to assist in the preservation of coral reef ecosystems by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

''(5) to provide financial resources for those programs and projects;

''(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects; and

''(7) to provide mechanisms to prevent and minimize damage to coral reefs.''.

SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.

Section 203(a) (16 U.S.C. 6402(a)) is amended to read as follows:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Coral Reef Conservation Amendments Act of 2007, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Natural Resources and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Secretary shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).''.

SEC. 5. CORAL REEF CONSERVATION PROGRAM.

Section 204 (16 U.S.C. 6403) is amended—

(1) by striking ''Administrator'' each place it appears and inserting ''Secretary'';

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

''(a) GRANTS.—The Secretary, subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reef ecosystems (hereafter in this title referred to as 'coral conservation projects'), for proposals approved by the Secretary in accordance with this section.'';

(3) by striking subsection (c) and inserting the following:

''(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reef ecosystems, or whose activities directly or indirectly affect coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reef ecosystems, may submit a coral conservation proposal to the Secretary under subsection (e).'';

(4) by striking ''GEOGRAPHIC AND BIOLOGICAL'' in the heading for subsection (d) and inserting ''PROJECT'';

(5) by striking paragraph (3) of subsection (d) and inserting the following:

''(3) Remaining funds shall be awarded for—

''(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Secretary; and

''(B) other appropriate projects, as determined by the Secretary, including monitoring and assessment, research, pollution reduction, education, and technical support.'';

(6) by striking subsection (g) and inserting the following:

''(g) CRITERIA FOR APPROVAL.—The Secretary may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reef ecosystems nationally or internationally by—

''(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef ecosystems and biodiversity;

''(2) addressing the conflicts arising from the use of environments near coral reef ecosystems or from the use of corals, species associated with coral reef ecosystems, and coral products;

''(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reef ecosystems or regulate the use and management of coral reef ecosystems;

''(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems and their biodiversity, including factors that cause coral disease and bleaching;

''(5) promoting and assisting the implementation of cooperative coral reef ecosystem conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

''(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation, including how they function to protect coastal communities;

''(7) mapping the location, distribution, and biodiversity of coral reef ecosystems;

''(8) developing and implementing techniques to monitor and assess the status and condition of coral reef ecosystems and biodiversity;

''(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems and biodiversity;

''(10) responding to coral disease and bleaching events;

''(11) promoting activities designed to prevent or minimize damage to coral reef ecosystems, including the promotion of ecologically sound navigation and anchorages; or

''(12) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems.''; and

(7) by striking ''coral reefs'' in subsection (j) and inserting ''coral reef ecosystems''.

SEC. 6. CORAL REEF CONSERVATION FUND.

Section 205 (16 U.S.C. 6404) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FUND.—The Secretary may enter into agreements with nonprofit organizations promoting coral reef ecosystem conservation by authorizing such organizations to receive, hold, and administer funds received pursuant to this section. Such organizations shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest-bearing account (referred to in section 218(a) as the 'Fund') established by such organizations solely to support partnerships between the public and private sectors that further the purposes of this title and are consistent with the national coral reef action strategy under section 203.'';

(2) by striking ''Administrator'' in subsection (c) and inserting ''Secretary'';

(3) by striking ''the grant program'' in subsection (c) and inserting ''any grant program''; and

(4) by striking ''Administrator'' in subsection (d) and inserting ''Secretary''.

SEC. 7. AGREEMENTS.

The Act (16 U.S.C. 6401 et seq.) is amended by redesignating sections 206 through 210 as sections 207 through 211, respectively, and inserting after section 205 the following:

''SEC. 206. AGREEMENTS.

''(a) IN GENERAL.—The Secretary may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title.

''(b) USE OF OTHER AGENCIES' RESOURCES.—For purposes related to the conservation, preservation, protection, restoration, or replacement of coral reefs or coral reef ecosystems and the enforcement of this title, the Secretary is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

''(c) AUTHORITY TO UTILIZE GRANT FUNDS.—

''(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this title.

''(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

''(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

''(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account for the purpose for which the grant was awarded.''.

SEC. 8. EMERGENCY ASSISTANCE.

Section 207 (formerly 16 U.S.C. 6405), as redesignated, is amended to read as follows:

''SEC. 207. EMERGENCY ASSISTANCE.

''The Secretary, in cooperation with the Federal Emergency Management Agency, as appropriate, may provide assistance to any

State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.''.

SEC. 9. NATIONAL PROGRAM.

Section 208 (formerly 16 U.S.C. 6406), as redesignated, is amended to read as follows:

''SEC. 208. NATIONAL PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities, including with local, regional, or international programs and partners, as appropriate, to conserve coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

''(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

''(1) mapping, monitoring, assessment, restoration, socioeconomic and scientific research that benefit the understanding, sustainable use, biodiversity, and long-term conservation of coral reef ecosystems;

''(2) enhancing public awareness, education, understanding, and appreciation of coral reef ecosystems;

''(3) removing, and providing assistance to States in removing, abandoned fishing gear, marine debris, and abandoned vessels from coral reef ecosystems to conserve living marine resources;

''(4) responding to incidents and events that threaten and damage coral reef ecosystems, including disease and bleaching;

''(5) conservation and management of coral reef ecosystems;

''(6) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public. with local, regional, or international programs and partners; and

''(7) activities designed to prevent or minimize damage to coral reef ecosystems, including those activities described in section 211 of this title.

''(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—The Secretary, in coordination with similar efforts at other Departments and agencies shall provide for the long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities pursuant to this title. The Secretary may—

''(1) archive environmental data collected by Federal, State, local agencies and tribal organizations and federally funded research;

''(2) promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

''(3) develop standards, protocols and procedures for sharing Federal data with State and local government programs and the private sector or academia; and

''(4) develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.

''(d) EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.—The Secretary shall establish an account (to be called the Emergency Response, Stabilization, and Restoration Account) in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), for implementation of this subsection for emergency actions. Amounts appropriated for the Account under section 218, and funds authorized by sections 212(d)(3)(B) and 213(f)(3)(B), shall be deposited into the Account and made available for use by the Secretary as specified in sections 212 and 213.''.

SEC. 10. COMMUNITY-BASED PLANNING GRANTS.

The Act (16 U.S.C. 6401 et seq.) is amended by further redesignating sections 209 through 211, as redesignated, as sections 210 through 212, respectively, and inserting after section 208 the following:

''SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to entities who have received grants under section 204 to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

''(1) support attainment of 1 or more of the criteria described in section 204(g);

''(2) be developed at the community level;

''(3) utilize watershed-based approaches;

''(4) provide for coordination with Federal and State experts and managers; and

''(5) build upon local approaches or models, including traditional or island-based resource management concepts.

''(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.''.

SEC. 11. VESSEL GROUNDING INVENTORY.

The Act (16 U.S.C. 6401 et seq.) is further amended by redesignating sections 210 through 212, as redesignated, as sections 211 through 213, and inserting after section 209, as added by section 10, the following:

''SEC. 210. VESSEL GROUNDING INVENTORY.

''(a) IN GENERAL.—The Secretary may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

''(1) the impacts to affected coral reef ecosystems;

''(2) vessel and ownership information, if available;

''(3) the estimated cost of removal, mitigation, or restoration;

''(4) the response action taken by the owner, the Secretary, the Commandant of the Coast Guard, or other Federal or State agency representatives;

''(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

''(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''(b) IDENTIFICATION OF AT-RISK REEFS.—The Secretary may—

''(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef ecosystems that have a high incidence of vessel impacts, including groundings and anchor damage;

''(2) identify appropriate measures, including the acquisition and placement of aids to navigation, moorings, fixed anchors and other devices, to reduce the likelihood of such impacts; and

''(3) develop a strategy and timetable to implement such measures, including cooperative actions with other government agencies and non-governmental partners.''.

SEC. 12. PROHIBITED ACTIVITIES.

The Act (16 U.S.C. 6401 et seq.) is amended by further redesignating sections 211 through 213, as redesignated, as sections 217 through 220, and inserting after section 210 the following:

''SEC. 211. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

''(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

''(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

''(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

''(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

''(B) was caused by an activity that is authorized by Federal or State law (including lawful discharges from vessels of graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

''(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

''(D) was caused by a Federal Government agency—

''(i) during—

''(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

''(II) an emergency that posed a threat to national security; or

''(III) an activity necessary for law enforcement or search and rescue; and

could not reasonably be avoided; or

''(E) was caused by an action taken to ensure the safety of the vessel or the lives of passengers or crew.

''(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

''(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

''(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

''(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

''(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to

violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

''(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.''.

SEC. 13. DESTRUCTION OF CORAL REEFS.

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 211, as added by section 12, the following:

''SEC. 212. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

''(a) LIABILITY.—

''(1) LIABILITY TO THE UNITED STATES.—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsections (a) or (c) of section 211, or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

''(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(2) LIABILITY IN REM.—

''(A) Any vessel used in an activity that is prohibited under subsection (a) or (c) of section 211, or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

''(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(B) The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

''(3) DEFENSES.—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

''(4) NO LIMIT TO LIABILITY.—Nothing in sections 30501 through 30512 or section 30706 of title 46, United States Code, shall limit liability to any person under this title.

''(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

''(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

''(2) DAMAGE ASSESSMENT.—

''(A) The Secretary shall assess damages (as defined in section 220(8)) to coral reefs and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

''(B) There shall be no double recovery under this chapter for coral reef damages, including the cost of damage assessment, for the same incident.

''(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

''(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

''(2) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel;

''(C) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(D) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(d) USE OF RECOVERED AMOUNTS.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

''(1) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

''(2) be available for use by the Secretary without further appropriation and remain available until expended; and

''(3) be for use, as the Secretary considers appropriate—

''(A) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) of this section for costs incurred in conducting the activity;

''(B) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and

''(C) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates. If the Secretary fails to complete such damage assessment and restoration plan within one year after discovery of the damage, then for the purposes of this subsection such assessment and plan shall be deemed to have been completed by the Secretary on the 366th day following discovery of the damage.

''(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.''.

SEC. 14. ENFORCEMENT.

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 212, as added by section 13, the following:

''SEC. 213. ENFORCEMENT.

''(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this title.

''(b) POWERS OF AUTHORIZED OFFICERS.—Any person who is authorized to enforce this title may—

''(1) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any permit issued under this title, and any equipment, stores, and cargo of such vessel;

''(2) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(3) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

''(4) execute any warrant or other process issued by any court of competent jurisdiction;

''(5) exercise any other lawful authority; and

''(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 211.

''(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

''(1) CIVIL ADMINISTRATIVE PENALTY.—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued hereunder, shall be liable to the United States for a civil administrative penalty of not more than $200,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation. In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require. In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

''(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this title, and who violates this title or any regulation or permit issued under this title, the Secretary may deny,

suspend, amend, or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this title.

''(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this title, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

''(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

''(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

''(6) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

''(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

''(8) JURISIDICTION.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

''(d) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

''(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(B) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

''(2) CIVIL FORFEITURE.—The property set forth below shall be forfeited to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, and no property right shall exist in it:

''(A) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof).

''(B) Any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this title, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(3) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof. For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

''(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

''(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

''(f) EXPENDITURES.—

''(1) Notwithstanding section 3302 of title 31, United States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

''(A) be placed into an account;

''(B) be available for use by the Secretary without further appropriation; and

''(C) remain available until expended.

''(2) Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

''(3) Amounts received under this section as civil penalties under subsection (c) of this section and any amounts remaining after the operation of paragraph (2) of this subsection shall—

''(A) be used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

''(B) be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) or an account described in section 212(d)(1) of this title, to reimburse such account for amounts used for authorized emergency actions;

''(C) be used to conduct monitoring and enforcement activities;

''(D) be used to conduct research on techniques to stabilize and restore coral reefs;

''(E) be used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

''(F) be used to stabilize, restore or otherwise manage any other coral reef; or

''(G) be used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

''(g) CRIMINAL ENFORCEMENT.—

''(1) Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 211(b) of this title shall be imprisoned for not more than 5 years and shall be fined not more than $500,000 for individuals or $1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

''(2) Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (a) or (c) of section 211 shall be fined under title 18, United States Code, or imprisoned not more than 5 years or both.

''(3) The several district courts of the United States shall have jurisdiction over

any actions brought by the United States arising under this subsection. For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

''(h) SUBPENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

''(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

''(j) INJUNCTIVE RELIEF.—

''(1) If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 212 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both. The district courts of the Unites States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

''(2) Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

''(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

''(m) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

''(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(2) the vessel is located, in the case of an action against a vessel;

''(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(4) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.''.

SEC. 15. PERMITS.

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 213, as added by section 14, the following:

''SEC. 214. PERMITS.

''(a) IN GENERAL.—The Secretary may allow for the conduct of—

''(1) bona fide research, and

''(2) activities that would otherwise be prohibited by this title or regulations issued thereunder,

through issuance of coral reef conservation permits in accordance with regulations issued under this title.

''(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—The Secretary may not issue a permit for activities other than for bona fide research unless the Secretary finds—

''(1) the activity proposed to be conducted is compatible with one or more of the purposes in section 202(b) of this title;

''(2) the activity conforms to the provisions of all other laws and regulations applicable to the area for which such permit is to be issued; and

''(3) there is no practicable alternative to conducting the activity in a manner that destroys, causes the loss of, or injures any coral reef or any component thereof.

''(c) TERMS AND CONDITIONS.—The Secretary may place any terms and conditions on a permit issued under this section that the Secretary deems reasonable.

''(d) FEES.—

''(1) ASSESSMENT AND COLLECTION.—Subject to regulations issued under this title, the Secretary may assess and collect fees as specified in this subsection.

''(2) AMOUNT.—Any fee assessed shall be equal to the sum of—

''(A) all costs incurred, or expected to be incurred, by the Secretary in processing the permit application, including indirect costs; and

''(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity and educating the public about the activity and coral reef resources related to the activity.

''(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Secretary for issuing and administering permits under this section.

''(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Secretary may—

''(A) accept in-kind contributions in lieu of a fee; or

''(B) waive or reduce the fee.

''(e) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities not prohibited by this title or regulations issued thereunder.''.

SEC. 16. REGIONAL, STATE, AND TERRITORIAL COORDINATION..

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 214, as added by section 15, the following:

''SEC. 215. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

''(a) REGIONAL COORDINATION.—The Secretary shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.

''(b) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall, when appropriate, enter into a written agreement with any affected State regarding the manner in which response and restoration activities will be conducted within the affected State's waters.

''(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement agreements in place between the Secretary and States affected by this title shall be updated to include enforcement of this title where appropriate.''.

SEC. 17. REGULATIONS.

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 215, as added by section 16, the following:

''SEC. 216. REGULATIONS.

''The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title. This title and any regulations promulgated under this title shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 18. EFFECTIVENESS REPORT.

Section 217 (formerly 16 U.S.C. 6407), as redesignated, is amended to read as follows:

''SEC. 217. EFFECTIVENESS REPORT.

''Not later than March 1, 2009, and every 3 years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

''(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

''(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

''(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;''

''(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

''(5) an assessment of the condition of United States coral reefs, accomplishments

under this Act, and the effectiveness of management actions to address threats to coral reefs.''.

SEC. 19. AUTHORIZATION OF APPROPRIATIONS.

Section 218 (formerly 16 U.S.C. 6408), as redesignated, is amended—

(1) by striking ''$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004,'' in subsection (a) and inserting ''$34,000,000 for fiscal year 2008, $36,000,000 for fiscal year 2009, $38,000,000 for fiscal year 2010, and $40,000,000 for each of fiscal years 2011 through 2014, of which no less than 30 percent per year (for each of fiscal years 2008 through 2014) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205(a),'';

(2) by striking ''$1,000,000'' in subsection (b) and inserting ''$2,000,000'';

(3) by striking subsection (c) and inserting the following:

''(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Secretary to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended.''; and

(4) by striking subsection (d).

SEC. 20. JUDICIAL REVIEW.

The Act (16 U.S.C. 6401 et seq.) is further amended by inserting after section 218, as amended by section 19, the following:

''SEC. 219. JUDICIAL REVIEW.

''(a) IN GENERAL.—Judicial review of any action taken by the Secretary under this title shall be in accordance with sections 701 through 706 of title 5, United States Code, except that—

''(1) review of any final agency action of the Secretary taken pursuant to sections 211(c)(1) and 211(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district within 30 days after the date such final agency action is taken; and

''(2) review of all other final agency actions of the Secretary under this title may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business which is directly affected by the action taken within 120 days after the date such final agency action is taken.

''(b) NO REVIEW IN ENFORCEMENT PROCEEDINGS.—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

''(c) COST OF LITIGATION.—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.''.

SEC. 21. DEFINITIONS.

Section 220 (formerly 16 U.S.C. 6409), as redesignated, is amended to read as follows:

''SEC. 220. DEFINITIONS.

''In this title:

''(1) BIODIVERSITY.—The term 'biodiversity' means the variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species, and of ecosystems.

''(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures necessary to preserve or sustain corals and associated species and habitat as resilient, diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management (such as assessment, conservation, protection, restoration, sustainable use, and management of habitat, mapping, habitat monitoring, assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), law enforcement, conflict resolution initiatives, and community outreach and education) that promote safe and ecologically sound navigation.

''(3) CORAL.—The term 'coral' means species of the phylum *Cnidaria,* including—

''(A) all species of the orders *Antipatharia* (black corals), *Scleractinia* (stony corals), *Gorgonacea* (horny corals), *Stolonifera* (organpipe corals and others), *Alcyonacea* (soft corals), and *Helioporacea* (blue coral) of the class *Anthozoa;* and

''(B) all species of the families *Milleporidea* (fire corals) and *Stylasteridae* (stylasterid hydrocorals) of the class *Hydrozoa*.

''(4) CORAL REEF.—The term 'coral reef' means limestone structures composed in whole or in part of living corals, as described in paragraph (3), their skeletal remains, or both, and including other corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

''(5) CORAL REEF COMPONENT.—The term 'coral reef component' means any part of a coral reef, including individual living or dead corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

''(6) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means the system of coral reefs and geographically associated species, habitats, and environment, including mangroves and seagrass habitats, and the processes that control its dynamics.

''(7) CORAL PRODUCTS.—The term 'coral products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

''(8) DAMAGES.—The term 'damages' includes—

''(A) compensation for—

''(i) the cost of replacing, restoring, or acquiring the equivalent of the coral reef, or component thereof; and

''(ii) the lost services of, or the value of the lost use of, the coral reef or component thereof, or the cost of activities to minimize or prevent threats of, equivalent injury to, or destruction of coral reefs or components thereof, pending restoration or replacement or the acquisition of an equivalent coral reef or component thereof;

''(B) the reasonable cost of damage assessments under section 212;

''(C) the reasonable costs incurred by the Secretary in implementing section 208(d);

''(D) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

''(E) the reasonable cost of curation, conservation and loss of contextual information of any coral encrusted archaeological, historical, and cultural resource;

''(F) the cost of legal actions under section 212, undertaken by the United States, associated with the destruction or loss of, or injury to, a coral reef or component thereof, including the costs of attorney time and expert witness fees; and

''(G) the indirect costs associated with the costs listed in subparagraphs (A) through (F) of this paragraph.

''(9) EMERGENCY ACTIONS.—The term 'emergency actions' means all necessary actions to prevent or minimize the additional destruction or loss of, or injury to, coral reefs or components thereof, or to minimize the risk of such additional destruction, loss, or injury.

''(10) EXCLUSIVE ECONOMIC ZONE.—The term 'Exclusive Economic Zone' means the waters of the Exclusive Economic Zone of the United States under Presidential Proclamation 5030, dated March 10, 1983.

''(11) PERSON.—The term 'person' means any individual, private or public corporation, partnership, trust, institution, association, or any other public or private entity, whether foreign or domestic, private person or entity, or any officer, employee, agent, Department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

''(12) RESPONSE COSTS.—The term 'response costs' means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, a coral reef, or component thereof, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 212.

''(13) SECRETARY.—The term 'Secretary' means—

''(A) for purposes of sections 201 through 210, sections 217 through 219, and the other paragraphs of this section, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

''(B) for purposes of sections 211 through 219—

''(i) the Secretary of the Interior for any coral reef or component thereof located in (I) the National Wildlife Refuge System, (II) the National Park System, and (III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851 (September 4, 1962)); or

''(ii) the Secretary of Commerce for any coral reef or component thereof located in any area not described in clause (i).

''(14) SERVICE.—The term 'service' means functions, ecological or otherwise, performed by a coral reef or component thereof.

''(15) STATE.—The term 'State' means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

''(16) TERRITORIAL SEA.—The term 'Territorial Sea' means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988.''.

By Mr. LAUTENBERG (for himself and Ms. CANTWELL):

S. 1581. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would establish a comprehensive Federal research plan and program to address ocean acidification, which poses a growing threat to the health of our oceans.

Our oceans help reduce global warming by absorbing carbon dioxide from the atmosphere. To date, about one-third of all human-generated carbon emissions have dissolved into the ocean. However, the increase in carbon dioxide lowers ocean pH, and causes the oceans to become more acidic. This increase in acidity is corrosive to marine shells and organisms that form the base of the food chain for many fish and marine mammals. These changes in ocean chemistry also threaten coral reef ecosystems, habitats so rich in biodiversity they are called he rain forests of the sea. Even a mild increase in ocean acidity could make these organisms more vulnerable to disease, pollution and other environmental stresses. If the acidic conditions increase significantly, marine shells could actually begin to dissolve.

Ocean acidification demands our immediate attention. Current projections of carbon dioxide emissions suggest that the acidity of our oceans is likely to accelerate significantly in the coming years. NOAA scientists have said that ocean acidity has increased 30 percent since the industrial revolution and they estimate by the end of this century the acidity of the oceans may increase 150 percent. They also project that current trends could result in a decrease in ocean pH to the lowest levels in 20 million years.

Ocean acidification threatens our marine ecosystems and could result in significant social and economic costs. The rich biodiversity of marine organisms is an important contribution to the national economy providing food, tourism, and aesthetic benefits, but they are vulnerable to human activity. Ocean acidification threatens fish and all calcifying organisms including corals, scallops, clams, crabs, lobsters, and plankton.

It is important to note the potential economic impacts of ocean acidification. Coastal and marine commercial fishing generates upwards of $30 billion per year and employs nearly 70,000 people. Many of these fisheries also rely upon healthy coral habitats. Increased ocean acidification reduces the ability of corals and shellfish to produce their skeletons. Globally, coral reefs are home to more than 4,000 kinds of fish, and generate $30 billion per year in fishing, tourism, and protection to coasts from storms. Scientists have estimated that, due to excess carbon dioxide in the oceans, corals may be unable to form their skeletons by mid-century, and could begin to dissolve by the end of this century. Destroying these ecosystems will have staggering environmental, social and economic consequences.

In addition, ocean acidification directly threatens numerous commercially and recreationally important fish and shellfish species from coast to coast. Carbon dioxide-rich waters have been shown to decrease the body weight of Pacific salmon and increase the mortality rate of Alaskan blue king crab. Over 50 percent of our commercial catch in the United States is shellfish. In New Jersey, sea scallops and clams are some of the State's most valuable fisheries, valued at $121 million. These and other important shellfish species are threatened by growing acidification.

Research on the processes and consequences of ocean acidification is still in its infancy. The urgency of developing interagency collaboration to address this far-reaching environmental problem is widely recognized in the scientific community. In January, the Administration Ocean Research Priorities Plan, ORPP, identified ocean acidification as a research priority. Consistent with the ORPP, my legislation will establish a comprehensive research and monitoring program within the National Oceanic and Atmospheric Administration, NOAA. This is critical for ocean management in the long-term because many questions on the effect of increasing atmospheric carbon dioxide on ocean chemistry and marine life remain unanswered.

My legislation also establishes an interagency committee to develop a comprehensive ocean acidification research and monitoring plan designed to improve the understanding of the environmental and economic impacts of increased ocean acidification. The plan will identify priority research areas and strengthen relevant programs within our federal agencies. The plan will also address commercially and recreationally important species, as well as vulnerable ecosystems including coral reefs and coastal and polar oceans threatened by acidification.

The rise of carbon dioxide in our atmosphere has been measured continuously since 1958. Known as the ''Keeling Curve'', these measurements are a cornerstone of our understanding of man-made increases in carbon dioxide causing global warming and ocean acidification. It is vital that we establish a program for long-term global measurements of ocean pH to understand the processes and consequences of ocean acidification. A key component in our bill directs federal agencies to establish a long-term monitoring program of pH levels in the ocean utilizing existing global ocean observing assets.

Congress has been hearing from our Nation experts on ocean acidification since 2004. Now is the time for national investment in a coordinated program of research and monitoring to improve understanding of ocean acidification, and strengthen the ability of marine resource managers to assess and prepare for the harmful impacts of ocean acidification on our marine resources.

I would like to thank Senator CANTWELL for her cosponsorship and support on this important issue. I look forward to working with my colleagues in the Senate to ensure passage of this legislation so that we can fill this vital research need and protect our valuable marine resources.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1581

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2007'' or the ''FOARAM Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Interagency committee on ocean acidification.
Sec. 4. Strategic research and implementation plan.
Sec. 5. NOAA ocean acidification program.
Sec. 6. Definitions.
Sec. 7. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The oceans help mitigate the effects of global warming by absorbing atmospheric carbon dioxide. About a third of anthropogenic carbon dioxide is currently absorbed by the ocean.

(2) The rapid increase in atmospheric carbon dioxide is overwhelming the natural ability of the oceans to cope with human-induced carbon dioxide emissions.

(3) The emission of carbon dioxide into the atmosphere is causing the oceans to become more acidic. The increase in acidity and changes in ocean chemistry are corrosive to marine shells and organisms that form the base of the food chain for many fish and marine mammals including the skeletons of corals which provide one of the richest habitats on earth.

(4) The rich biodiversity of marine organisms is an important contribution to the national economy and the change in ocean chemistry threatens our fisheries and marine environmental quality, and could result in significant social and economic costs.

(5) Existing Federal programs support research in related ocean chemistry, but gaps in funding, coordination, and outreach have impeded national progress in addressing ocean acidification.

(6) National investment in a coordinated program of research and monitoring would improve the understanding of ocean acidification effects on whole ecosystems, advance our knowledge of the socio-economic impacts of increased ocean acidification, and strengthen the ability of marine resource managers to assess and prepare for the harmful impacts of ocean acidification on our marine resources.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) development and coordination of a comprehensive interagency plan to monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; and

(2) assessment and consideration of regional and national ecosystem and socio-economic impacts of increased ocean acidification, and integration into marine resource decisions.

SEC. 3. INTERAGENCY COMMITTEE ON OCEAN ACIDIFICATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established an Interagency Committee on Ocean Acidification.

(2) MEMBERSHIP.—The Committee shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, the Environmental Protection Agency, the Department of Energy, and such other Federal agencies as the Secretary considers appropriate.

(3) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues that may require more specialized expertise than is provided by existing subcommittees.

(b) PURPOSE.—The Committee shall oversee the planning, establishment, and coordination of a plan designed to improve the understanding of the role of increased ocean acidification on marine ecosystems.

(c) REPORTS TO CONGRESS.—

(1) STRATEGIC RESEARCH AND IMPLEMENTATION PLAN.—The Committee shall submit the strategic research and implementation plan established under section 4 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources.

(2) TRIENNIAL REPORT.—Not later than 2 years after the date of the enactment of this Act and every 3 years thereafter, the Committee shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Committee under section 4 and recommendations for future activities.

SEC. 4. STRATEGIC RESEARCH AND IMPLEMENTATION PLAN.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Committee shall develop a strategic research and implementation plan for coordinated Federal activities. In developing the plan, the Committee shall consider and use reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research and Resources Advisory Panel, the Joint Subcommittee on Ocean, Science, and Technology of the National Science and Technology Council, the Joint Ocean Commission Initiative, and other expert scientific bodies.

(b) SCOPE.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification that will affect marine ecosystems and to assess the potential and realized socio-economic impact of ocean acidification, including—

(A) effects of atmospheric carbon dioxide on ocean chemistry;

(B) biological impacts of ocean acidification, including research on—

(i) commercially and recreationally important species and ecologically important calcifiers that lie at the base of the food chain; and

(ii) physiological changes in response to ocean acidification;

(C) identification and assessment of ecosystems most at risk from projected changes in ocean chemistry including—

(i) coral reef ecosystems;

(ii) polar ecosystems; and

(iii) coastal ocean ecosystems;

(D) modeling the effects of pH including ecosystem forecasting;

(E) identifying feedback mechanisms resulting from the ocean chemistry changes and the subsequent decrease in calcification rates in organisms;

(F) socio-economic impacts of ocean acidification, including commercially and recreationally important fisheries;

(2) establish, for the 10-year period beginning in the year it is submitted, goals, priorities, and guidelines for coordinated activities that will—

(A) most effectively advance scientific understanding of the characteristics and impacts of ocean acidification;

(B) provide forecasts of changes in ocean acidification and the consequent impacts on marine ecosystems; and

(C) provide a basis for policy decisions to reduce and manage ocean acidification and its environmental impacts;

(3) provide an estimate of Federal funding requirements for research and monitoring activities; and

(4) identify and strengthen relevant programs and activities of the Federal agencies and departments that would contribute to accomplishing the goals of the plan and prevent unnecessary duplication of efforts, including making recommendations for the use of observing systems and technological research and development.

SEC. 5. NOAA OCEAN ACIDIFICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to implement activities consistent with the strategic research and implementation plan developed by the Committee under section 4 that—

(1) includes—

(A) interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of pH levels in the ocean utilizing existing global ocean observing assets and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(D) national public outreach activities to improve the understanding of ocean acidification and its impacts on marine resources; and

(E) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socio-economic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based grant process that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act on such terms as the Secretary deems appropriate.

SEC. 6. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term ''Committee'' means the Interagency Committee on Ocean Acidification established by section 3(a).

(2) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the decrease in the pH of the Earth's oceans caused by the uptake of anthropogenic carbon dioxide from the atmosphere.

(3) PROGRAM.—The term ''Program'' means the National Oceanic and Atmospheric Administration Ocean Acidification Program established under section 5.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration $30,000,000 to carry out the purposes of this Act for each of fiscal years 2008 through 2012, and such sums as may be necessary for fiscal years after fiscal year 2012.

(b) ALLOCATION.—

(1) Of the amounts made available to carry out this Act for a fiscal year, the Secretary shall allocate at least 60 percent to other departments and agencies to carry out the priorities of the plan developed by the Committee.

(2) Of the amounts made available to carry out this Act for any fiscal year, the Secretary, and other departments and agencies to which amounts are allocated under paragraph (1), shall allocate at least 50 percent for competitive grants.

By Mr. INOUYE (for himself, Mr. STEVENS, Ms. CANTWELL, and Ms. SNOWE):

S. 1582. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1582

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydrographic Services Improvement Act Amendments of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amended—

(1) by redesignating sections 302 through 306 as sections 303 through 307, respectively; and

(2) by inserting after section 301 the following:

''SEC. 302. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds the following:

''(1) In 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation's ports and along its extensive coastline.

''(2) These mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved over time to include—

''(A) research, development, operations, products, and services associated with hydrographic, geodetic, shoreline, and baseline surveying;

''(B) cartography, mapping, and charting;

''(C) tides, currents, and water level observations;

''(D) maintenance of a national spatial reference system; and

''(E) associated products and services.

''(3) There is a need to maintain Federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation's economic prosperity and for myriad other commercial and recreational activities.

''(4) The Nation's marine transportation system is becoming increasingly congested, the volume of international maritime commerce is expected to double within the next 20 years, and nearly half of the cargo transiting United States waters is oil, refined petroleum products, or other hazardous substances.

''(5) In addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including—

''(A) emergency response;

''(B) homeland security;

''(C) marine resource conservation;

''(D) coastal resiliency to sea-level rise, coastal inundation, and other hazards;

''(E) ocean and coastal science advancement; and

''(F) improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system.

''(6) The National Oceanic and Atmospheric Administration, in cooperation with other agencies and the States, serves as the Nation's leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services.

''(7) The Director of the National Oceanic and Atmospheric Administration's Office of Coast Survey serves as the National Hydrographer and the primary United States representative to the international hydrographic community, including the International Hydrographic Organization.

''(8) The hydrographic expertise, data, and services of the National Oceanic and Atmospheric Administration provide the underlying and authoritative basis for baseline and boundary demarcation, including the establishment of marine and coastal territorial limits and jurisdiction, such as the Exclusive Economic Zone.

''(9) Research, development and application of new technologies will further increase efficiency, promote the Nation's competitiveness, provide social and economic benefits, enhance safety and environmental protection, and reduce risks.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to augment the ability of the National Oceanic and Atmospheric Administration to fulfill its responsibilities under this and other authorities;

''(2) to provide more accurate and up-to-date hydrographic data and services in support of safe and efficient international trade and interstate commerce, including—

''(A) hydrographic surveys;

''(B) electronic navigational charts;

''(C) real-time tide, water level, and current information and forecasting;

''(D) shoreline surveys; and

''(E) geodesy and 3-dimensional positioning data;

''(3) to support homeland security, emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services with many other useful operational, scientific, engineering, and management applications, including—

''(A) storm surge, tsunami, coastal flooding, erosion, and pollution trajectory monitoring, predictions, and warnings;

''(B) marine and coastal geographic information systems;

''(C) habitat restoration;

''(D) long-term sea-level trends; and

''(E) more accurate environmental assessments and monitoring;

''(4) to promote improved integrated ocean and coastal mapping and observations through increased coordination and cooperation;

''(5) to provide for and support research and development in hydrographic data, services and related technologies to enhance the efficiency, accuracy and availability of hydrographic data and services and thereby promote the Nation's scientific and technological competitiveness; and

''(6) to provide national and international leadership for hydrographic and related services, sciences, and technologies.''.

SEC. 3. DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892), as redesignated by section 2, is amended—

(1) by amending paragraph (3) to read as follows:

''(3) HYDROGRAPHIC DATA.—The term ''hydrographic data'' means information acquired through hydrographic, bathymetric, or shoreline surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations, or other methods, that is used in providing hydrographic services.'';

(2) by striking paragraph (4)(A) and inserting the following:

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;''; and

(3) by striking paragraph (5) and inserting the following:

''(5) COAST AND GEODETIC SURVEY ACT.—The term 'Coast and Geodetic Survey Act' means the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

SEC. 4. FUNCTIONS OF THE ADMINISTRATOR.

Section 304 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a), as redesignated by section 2, is amended—

(1) by striking ''the Act of 1947,'' in subsection (a) and inserting ''the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,'';

(2) by striking ''data;'' in subsection (a)1) and inserting ''data and provide hydrographic services;''; and

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

''(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations—

''(1) the Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

''(2) the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;

''(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

''(4) where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741);

''(5) the Administrator may create, support, and maintain such joint centers, and enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act; and

''(6) notwithstanding paragraph (5), the Administrator shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).''.

SEC. 5. QUALITY ASSURANCE PROGRAM.

Subsection (b) of section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892b), as redesignated by section 2, is amended by striking ''303(a)(3)'' each place it appears and inserting ''304(a)(3)''.

SEC. 6. HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c), as redesignated by section 2, is amended—

(1) by striking ''303'' in subsection (b)(1) and inserting ''304'';

(2) by striking subsection (c)(1)(A) and inserting ''(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Joint Hydrographic Institute and no more than 2 employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in 1 or more of the disciplines and fields relating to hydrographic data and hydrographic services, and other disciplines as determined appropriate by the Administrator.'';

(3) by striking ''Secretary'' in subsections (c)(1)(C), (c)(3), and (e) and inserting ''Administrator''; and

(4) by striking subsection (d) and inserting the following:

''(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

''SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Administrator sums as may be necessary for each of fiscal years 2008 through 2012 for the purposes of carrying out this Act.''.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1583. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other coral conservation purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous conset that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1583

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

SECTION 1. SHORT TITLE AND REFERENCES.

(a) This Act may be cited as the ''Coral Reef Ecosystem Conservation Amendments Act of 2007''.

(b) Except as otherwise expressly provided, whenever in this bill an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 2. REDESIGNATIONS.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by redesignating—

(1) section 206 (16 U.S.C. 6405) as section 207;

(2) section 207 (16 U.S.C. 6406) as section 208;

(3) section 208 (16 U.S.C. 6407) as section 215;

(4) section 209 (16 U.S.C. 6408) as section 216; and

(5) section 210 (16 U.S.C. 6409) as section 217.

SEC. 3. FINDINGS AND PURPOSES.

Section 202 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401) is amended to read as follows:

''SEC. 202. FINDINGS AND PURPOSES.

''(a) The Congress finds that—

''(1) coral reefs contain high biological diversity and serve important ecosystem functions;

''(2) coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, and pharmaceuticals;

''(3) coral reefs are the basis of thriving commercial and recreational fishing and tourism industries;

''(4) a combination of stressors, including climate change, has caused a rapid decline in the health of many coral reef ecosystems globally;

''(5) natural stressors on coral reefs are compounded by human impacts including pollution, overfishing, and physical damage; and

''(6) healthy coral reefs provide shoreline protection for coastal communities and resources.

''(b) The purposes of this title are—

''(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

''(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities, the Nation, and the world;

''(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

''(4) to assist in the preservation of coral reef ecosystems by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

''(5) to provide financial resources for those programs and projects;

''(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects; and

''(7) to provide mechanisms to address injuries to coral reefs.''.

SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.

Section 203(a) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6402(a)) is amended to read as follows:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Natural Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Secretary shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary shall consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).''.

SEC. 5. CORAL REEF CONSERVATION PROGRAM.

Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended—

(1) throughout by striking ''Administrator'' and inserting ''Secretary'';

(2) by amending subsection (a) to read as follows:

''(a) GRANTS.—The Secretary, subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reef ecosystems (hereafter in this title referred to as 'coral conservation projects'), for proposals approved by the Secretary in accordance with this section.'';

(3) by amending subsection (c) to read as follows:

''(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reef ecosystems, or whose activities directly or indirectly affect coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reef ecosystems, may submit to the Secretary a coral conservation proposal under subsection (e).'';

(4) by striking subsection (d) and renumbering the subsequent sections as (d) through (i);

(5) in subparagraph (e)(2)(A), as redesignated, by striking ''Magnuson- Stevens'' and inserting ''Magnuson-Stevens'';

(6) by amending subsection (f), as redesignated, to read as follows:

''(f) CRITERIA FOR APPROVAL.—The Secretary may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reef ecosystems nationally or internationally by—

''(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef ecosystems and biodiversity;

''(2) addressing the conflicts arising from the use of environments near coral reef ecosystems or from the use of corals, species associated with coral reef ecosystems, and coral products;

''(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reef ecosystems or regulate the use and management of coral reef ecosystems;

''(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems and their biodiversity, including factors that cause coral disease and bleaching;

''(5) promoting and assisting to implement cooperative coral reef ecosystem conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

''(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation, including how they function to protect coastal communities;

''(7) mapping the location, distribution and biodiversity of coral reef ecosystems;

''(8) developing and implementing techniques to monitor and assess the status and condition of coral reef ecosystems and biodiversity;

''(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems and biodiversity;

''(10) responding to coral disease and bleaching events; or

''(11) promoting ecologically sound navigation and anchorages near coral reef ecosystems.''; and

(7) in subsection (i), as redesignated, by striking ''coral reefs'' and inserting ''coral reef ecosystems''.

SEC. 6. CORAL REEF CONSERVATION FUND.

Section 205 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended—

(1) by amending subsection (a) to read as follows:

''(a) FUND.—The Secretary may enter into agreements with nonprofit organizations promoting coral reef ecosystem conservation by authorizing such organizations to receive, hold, and administer funds received pursuant to this section. Such organizations shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest-bearing account, hereafter referred to as the Fund, established by such organizations solely to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.'';

(2) in subsection (c) by striking ''Administrator'' and inserting ''Secretary'';

(3) in subsection (c) by striking ''the grant program'' and inserting ''any grant program''; and

(4) in subsection (d) by striking ''Administrator'' and inserting ''Secretary''.

SEC. 7. AGREEMENTS.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 206 as follows:

''SEC. 206. AGREEMENTS.

''(a) The Secretary shall have the authority to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act.

''(b) For purposes related to the conservation, preservation, protection, restoration or replacement of coral reefs or coral reef ecosystems and the enforcement of this Act, the Secretary is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency or instrumentality of the United States, or of any state, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

''(c) AUTHORITY TO UTILIZE GRANT FUNDS.—

''(1) Except as provided in paragraph (2), the Secretary is authorized to apply for, accept, and obligate research grant funding from any federal source operating competitive grant programs where such funding furthers the purpose of this Act.

''(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

''(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

''(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.''.

SEC. 8. EMERGENCY ASSISTANCE.

Section 207 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6405), as redesignated by section 2, is amended to read as follows:

''SEC. 207. EMERGENCY ASSISTANCE.

The Secretary, in cooperation with the Federal Emergency Management Agency, as appropriate, may provide assistance to any State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.''.

SEC. 9. NATIONAL PROGRAM.

Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406), as redesignated by section 2, is amended to read as follows:

''SEC. 208. NATIONAL PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities, including with local, regional, or international programs and partners, as appropriate, to conserve coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

''(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

''(1) mapping, monitoring, assessment, restoration, socioeconomic and scientific research that benefit the understanding, sustainable use, biodiversity, and long-term conservation of coral reef ecosystems;

''(2) enhancing public awareness, education, understanding, and appreciation of coral reef ecosystems;

''(3) removing, and providing assistance to States in removing, abandoned fishing gear, marine debris, and abandoned vessels from coral reefs ecosystems to conserve living marine resources;

''(4) responding to incidents and events that threaten and damage coral reef ecosystems, including disease and bleaching;

''(5) cooperative conservation and management of coral reef ecosystems; and

''(6) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public. with local, regional, or international programs and partners.

''(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—The Secretary, in coordination with similar efforts at other Departments and agencies, as appropriate, shall provide for long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities, pursuant to this Act. To implement this provision, the Secretary may—

(1) Archive environmental data collected by federal, State, local agencies and tribal organizations and federally funded research;

(2) Promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

(3) Develop standards, protocols and procedures for sharing federal data with State and local government programs and the private sector or academia; and

(4) Develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.

''(d) EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.—The Secretary shall establish an account (to be called the Emergency Response, Stabilization and Restoration Account) in the Damage Assessment Restoration Revolving Fund established by Public Law 101-515, 104 Stat. 2101 (1990) (33 U.S.C. 2706 note), for implementation of this subsection for emergency actions. There are authorized to be deposited into the Emergency Response, Stabilization and Restoration Account amounts which are authorized to be appropriated for such Account pursuant to section 216, and funds which are authorized by sections 210(d)(3)(B) and 211(f)(3)(B). Amounts in the Emergency Response, Stabilization and Restoration Account shall be available for use by the Secretary as specified in sections 210 and 211.''.

SEC. 10. PROHIBITED ACTIVITIES.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 209 as follows:

''SEC. 209. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

''The provisions in this section are in addition to, and shall not affect the operation of, other Federal, State or local laws or regulations providing protection to coral reefs. It is unlawful for any person to—

'(1) destroy, cause the loss of, or injure any coral reef or any component thereof, except—

''(A) if the destruction, loss, or injury was caused by the use of fishing gear; provided, however, that such gear is used in a manner not prohibited under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., or other Federal or State law;

''(B) if the destruction, loss, or injury was caused by an activity that is authorized by Federal or State law including, but not limited to, lawful discharges from vessels of graywater, cooling water, engine exhaust, ballast water and sewage from marine sanitation devices; provided, however, that such activity shall not be construed to include actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

''(C) if the destruction, loss, or injury was the necessary result of bona fide marine scientific research; provided, however, that conduct of such research shall not be construed to include excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities; provided further, however, that marine scientific research activities approved by State or local permits qualify as bona fide marine scientific research;

''(D) if the destruction, loss, or injury—

''(i) was caused by a Federal Government agency during—

''(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment,

''(II) an emergency that posed a threat to national security, or

''(III) an activity necessary for law enforcement or search and rescue, and

''(ii) could not reasonably be avoided;

''(2) interfere with the enforcement of this Act by—

''(A) refusing to permit any officer authorized to enforce this Act to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this Act;

''(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this Act or any such authorized officer in the conduct of any search or inspection performed under this Act; or

''(C) submitting false information to the Secretary or any officer authorized to enforce this Act in connection with any search or inspection conducted under this Act.

''(3) violate any provision of this Act, any permit issued pursuant to this Act, or any regulation promulgated pursuant to this Act.''.

SEC. 11. DESTRUCTION OF CORAL REEFS.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 210 as follows:

"SEC. 210. DESTRUCTION OR LOSS OF, OR INJURY TO, CORAL REEFS.

''(a) LIABILITY.—

''(1) LIABILITY TO THE UNITED STATES.—Except as provided insubsection (f), all persons who engage in an activity that is prohibited under sections 209(a) or 209(c), or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

''(A) response costs and damages resulting from the destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(C) interest on that amount calculated in the manner described under section 2705 of Title 33.

''(2) LIABILITY IN REM.—

''(A) Any vessel used in an activity that is prohibited under sections 209(a) or 209(c), or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

''(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

''(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

''(iii) interest on that amount calculated in the manner described under section 2705 of Title 33.

''(B) The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

''(3) DEFENSES.—A person is not liable under this subsection if that person establishes that the destruction, loss, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person acted with due care.

''(4) LIMITS TO LIABILITY.—Nothing in sections 30501 to 30512 or 30706 of Title 46 shall limit liability to any person under this Act.

''(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

''(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

''(2) DAMAGE ASSESSMENT.—

''(A) The Secretary shall assess damages to coral reefs in accordance with the damages definition in section 217 and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

''(B) There shall be no double recovery under this chapter for coral reef damages, including the cost of damage assessment, for the same incident.

''(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described under section 2705 of Title 33. The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

''(2) VENUE IN CIVIL ACTIONS.—A civil action under this Act may be brought in the United States district court for any district in which—

''(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(B) the vessel is located, in the case of an action against a vessel;

''(C) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(D) where some or all of the coral reef(s) or componentsthereof that are the subject of the action are not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

''(d) USE OF RECOVERED AMOUNTS.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

''(1) as appropriate be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by Public Law 101–515, 104 Stat. 2101 (1990) (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment Fund created pursuant to Title I of Public Law 102–154, 105 Stat. 990 (1991);

''(2) be available for use by the Secretary without further appropriation and remain available until expended;

''(3) and shall be for use, as the Secretary considers appropriate, as follows:

''(A) to reimburse the Secretary or any other Federal or State agency that conducted activities under sections 210(a) and (b);

''(B) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and ''(C) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

''(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

''(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.''.

SEC. 12. ENFORCEMENT.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 211 as follows:

"SEC. 211. ENFORCEMENT.

''(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this Act.

''(b) POWERS OF AUTHORIZED OFFICERS.—Any person who is authorized to enforce this Act may—

''(1) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this Act, any regulation promulgated under this Act, or any permit issued under this Act, and any equipment, stores, and cargo of such vessel;

''(2) seize wherever found any component of coral reef taken or retained in violation of this Act, any regulation promulgated under this Act, or any permit issued under this Act;

''(3) seize any evidence of a violation of this Act, any regulation promulgated under this Act, or any permit issued under this Act;

''(4) execute any warrant or other process issued by any court of competent jurisdiction;

''(5) exercise any other lawful authority; and

''(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 209.

''(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

''(1) CIVIL ADMINISTRATIVE PENALTY.—Any person subject to the jurisdiction of the United States who violates this Act or any regulation promulgated or permit issued thereunder, shall be liable to the United States for a civil administrative penalty of not more than $200,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

''(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this Act, and who violates this Act or any regulation or permit issued under this Act, the Secretary may deny, suspend, amend or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this Act.

(3) ''IMPOSITION OF CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

''(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

(5) IN REM JURISDICTION.—A vessel used in violating this Act, any regulation promulgated under this Act, or any permit issued under this Act, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

''(6) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

''(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

''(8) JURISIDICATION OF COURTS.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

(d) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—A person who is convicted of an offense in violation of this Act shall forfeit to the United States—

''(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(B) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation. Pursuant to Title 28, Section 2461(c), the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d) of that section shall apply to criminal forfeitures under this section.

''(2) CIVIL FORFEITURE.—The property set forth below shall be forfeited to the United States in accordance with the provisions of Chapter 46 of Title 18, and no property right shall exist in it—

''(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this Act, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

''(B) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this Act, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

''(3) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as applicable and not inconsistent with the provisions hereof. However, with respect to seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

''(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this Act or of any regulation promulgated under this Act were taken, obtained, or retained in violation of this Act or of a regulation promulgated under this Act.

''(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this Act or of any regulation promulgated under this Act and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

''(f) EXPENDITURES.—

''(1) Notwithstanding section 3302 of Title 31 or section 1861 of Title 16, United States Code, amounts received by the United States as civil penalties under section 211(c) of this bill, forfeitures of property under section 211(d), and costs imposed under section 211(e), shall—

''(A) be placed into an account;

''(B) be available for use by the Secretary without further appropriation; and

''(C) remain available until expended.

''(2) Amounts received under this section for forfeitures under section 211(d) and costs imposed under section 211(e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this Act or any regulation promulgated under this Act.

''(3) Amounts received under this section as civil penalties under section 211(c) of this bill and any amounts remaining after the operation of paragraph (2) shall be used as follows—

''(A) to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

''(B) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) or an account referenced in section 210(d)(1) of this Act, to reimburse such account for amounts used for authorized emergency actions;

''(C) to conduct monitoring and enforcement activities;

''(D) to conduct research on techniques to stabilize and restore coral reefs;

''(E) to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

''(F) to stabilize, restore or otherwise manage any other coral reef; or

''(G) to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this Act or any regulation promulgated under this Act.

''(g) CRIMINAL ENFORCEMENT.—

''(1) Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 209(b) of this Act shall be imprisoned for not more than five years and shall be fined not more than $500,000 for individuals or $1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than ten years.

''(2) Any person (other than a foreign government or any entity of such government) who knowingly violates sections 209(a) or 209(c) shall be fined under Title 18 or imprisoned not more than five years or both.

''(3) The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection. For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of Title 18, Section 3238.

''(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of Title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

''(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of Title 14, United States Code.

''(j) INJUNCTIVE RELIEF.—

''(1) If the Secretary determines that there is an imminent risk of destruction or loss of

or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 210 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both. The district courts of the Unites States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

''(2) Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this Act, or any regulation or permit issued under this Act, and the district courts shall have jurisdiction to grant such relief.

''(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this Act includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

''(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

''(m) VENUE IN CIVIL ACTIONS.—A civil action under this Act may be brought in the United States district court for any district in which—

''(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(2) the vessel is located, in the case of an action against a vessel;

''(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

''(4) where some or all of the coral reef(s) or components thereof that are the subject of the action are not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.''.

SEC. 13. PERMITS.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 212 as follows:

''SEC. 212. PERMITS.

''(a) IN GENERAL.—The Secretary may allow for the conduct of activities that would otherwise be prohibited by this Act or regulations issued thereunder through, in accordance with such regulations, issuance of coral reef conservation permits.

''(b) FINDINGS.—No permit may be issued unless the Secretary finds—

''(1) the activity proposed to be conducted is compatible with one or more of the purposes in section 202(b) of this Act;

''(2) the activity conforms to the provisions of all other laws and regulations applicable to the area for which such permit is to be issued; and

''(3) there is no practicable alternative to conducting the activity in a manner that destroys, causes the loss of, or injures any coral reef or any component thereof.

''(c) TERMS AND CONDITIONS.—The Secretary may place any terms and conditions on a permit issued under this section that the Secretary deems reasonable.

''(d) FEES.—

''(1) ASSESSMENT AND COLLECTION.—Subject to any regulations issued under this Act, the Secretary may assess and collect fees as specified in this subsection.

''(2) AMOUNT.—Any fee assessed shall be equal to the sum of—

''(A) all costs incurred, or expected to be incurred, by the Secretary in processing the permit application, including indirect costs; and

''(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity and educating the public about the activity and coral reef resources related to the activity.

''(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Secretary for issuing and administering permits under this section.

''(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Secretary may—

''(A) accept in-kind contributions in lieu of a fee; or

''(B) waive or reduce the fee.

(e) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities not prohibited by this Act or regulations issued thereunder.''.

SEC. 14. COORDINATION WITH STATES AND TERRITORIES.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 213 as follows:

''SEC. 213. COORDINATION WITH STATES AND TERRITORIES.

''(a) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall, when appropriate, enter into a written agreement with any affected State regarding the manner in which response and restoration activities will be conducted within the affected State's waters.

''(b) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement agreements in place between the Secretary and States affected by sections 208(d) through 212 of this Act shall be updated to include enforcement of this Act where appropriate.''.

SEC. 15. REGULATIONS.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 214 as follows:

''SEC. 214. REGULATIONS.

''The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this Act. This Act and any regulations promulgated under this Act shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 16. EFFECTIVENESS REPORT.

Section 215 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407), as redesignated by section 2, is amended to read as follows:

''SEC. 215. EFFECTIVENESS REPORT.

''Not later than 2 years after the date on which the Secretary publishes the Report on U.S. Coral Reef Task Force Agency Activities 2002 to 2003 and every 2 years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef ecosystem conservation. This report will cover the time period since the last report was submitted.''.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6408), as redesignated by section 2, is amended to read as follows:

''SEC. 216. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including for the Emergency Response, Stabilization and Restoration Account established under section 208(d), $25,797,000 in fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.''.

SEC. 18. DEFINITIONS.

Section 217 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6409), as redesignated by section 2, is amended to read as follows:

''SEC. 217. DEFINITIONS.

''In this title:

''(1) BIODIVERSITY.—The term 'biodiversity' means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

''(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

''(B) all species of the families Milleporidea (fire corals) and Stylasteridae (stylasterid hydrocorals) of the class Hydrozoa.

''(4) CORAL REEF.—Coral Reefs are defined as limestone structures composed in whole or in part of living zooxanthellate stony corals (Class Anthozoa, Order Scleractinia), as described in section 217(3), their skeletal remains, or both, and including other coral, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

''(5) CORAL REEF COMPONENT.—The term 'coral reef component' means any part of a coral reef, including individual living or dead corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

''(6) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means the system of coral reefs and geographically associated species and habitats, including but not limited to mangroves and seagrass habitats, their living marine resources, the people, the environment, and the processes that control its dynamics.

''(7) CORAL PRODUCTS.—The term 'coral products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

''(8) DAMAGES.—The term 'damages' includes—

''(A) compensation for—

''(i) the cost of replacing, restoring, or acquiring the equivalent of the coral reef, or component thereof; and

''(ii) the lost services of, or the value of the lost use of, the coral reef or component thereof, or the cost of activities to minimize or prevent threats of, equivalent injury to, or destruction of coral reefs or components thereof, pending restoration or replacement or the acquisition of an equivalent coral reef or component thereof;

''(B) the reasonable cost of damage assessments under section 210;

''(C) the reasonable costs incurred by the Secretary in implementing section 208(d);

''(D) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

''(E) the reasonable cost of curation, conservation and loss of contextual information of any coral encrusted archeological, historical, and cultural resource;

''(F) the cost of legal actions under section 210, undertaken by the United States, associated with the destruction or loss of, or injury to, a coral reef or component thereof, including the costs of attorney time and expert witness fees; and

''(G) the indirect costs associated with the costs listed in subparagraphs (A) through (F) of this paragraph.

''(9) EMERGENCY ACTIONS.—The term 'emergency actions' means all necessary actions to prevent or minimize the additional destruction or loss of, or injury to, coral reefs or components thereof, or to minimize the risk of such additional destruction, loss, or injury.

''(10) EXCLUSIVE ECONOMIC ZONE.—The term 'Exclusive Economic Zone' means the waters of the Exclusive Economic Zone of the United States under Presidential Proclamation 5030, dated March 10, 1983.

''(11) LOCAL ACTION STRATEGY.—The term 'Local Action Strategy' refers to a plan developed within each of the seven U.S. Coral Reef Task Force member states for collaborative action among federal, state, territory and non-governmental partners, which identifies priority actions needed to reduce key threats to valuable coral reef resources.

''(12) PERSON.—The term 'person' means any individual; private or public corporation, partnership, trust, institution, association, or any other public or private entity, whether foreign or domestic; private person or entity, or any officer, employee, agent, Department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

''(13) RESPONSE COSTS.—The term 'response costs' means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, a coral reef, or component thereof, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 210.

''(14) SECRETARY.—The term 'Secretary' means—

''(A) for purposes of sections 201 through 208 and sections 215 through 217, the Secretary of Commerce; and

''(B) for purposes of sections 209 through 214 and section 218—

''(i) the Secretary of the Interior for any coral reef or component thereof located in (I) the National Wildlife Refuge System, (II) the National Park System, and (III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851 (Sept. 4, 1962)); or

''(ii) the Secretary of Commerce for any coral reef or component thereof located in any area not governed by clause (B)(i).

''(15) SERVICE.—Within section 217(7), the term 'service' means function(s), ecological or otherwise, performed by a coral reef, or component thereof.

''(16) STATE.—The term 'State' means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

''(17) TERRITORIAL SEA.—The term 'Territorial Sea' means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988.''.

SEC. 19. JUDICIAL REVIEW.

The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 218 as follows:

''SEC. 218. JUDICIAL REVIEW.

''(a) Judicial review of any action taken by the Secretary under this Act shall be in accordance with sections 701 through 706 of Title 5, except that—

''(1) review of any final agency action of the Secretary taken pursuant to sections 211(c)(1) and 211(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within thirty days of the date such final agency action is taken; and

''(2) review of all other final agency actions of the Secretary under this Act may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

''(b) Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.''.

SEC. 20. THE DEPARTMENT OF THE INTERIOR PROGRAM.

(a) DEFINITIONAL AMENDMENTS AND CLARIFICATIONS.—

(1) Section 8 of the Act of March 10, 1934 (16 U.S.C. 666b), commonly known as the Fish and Wildlife Coordination Act, is amended by inserting at the end thereof the words '', including coral reef ecosystems (as such term is defined in section 217(b) of the Coral Reef Conservation Act of 2000, as amended)'';

(2) With respect to the authorities under the Act of August 8, 1956 (16 U.S.C. 742a et. seq.), as amended, commonly known as the Fish and Wildlife Act of 1956; and under Public Law 95–616 (16 U.S.C. 742l), as amended, commonly known as the Fish and Wildlife Improvement Act of 1978, references in such Acts to ''wildlife'' or ''fish and wildlife'' shall be construed to include coral reef ecosystems (as such term is defined in section 217(b) of the Coral Reef Conservation Act of 2000, as amended).

(b) ASSISTANCE TO INSULAR AREAS.—Sec. 601 of Public Law 96–597 (48 U.S.C. 1469d), as amended, is amended by redesignating existing subsection (d) as (e), and by inserting:

''(d) CORAL REEFS.—The Secretary of the Interior is authorized to extend to the governments of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, and their agencies and instrumentalities, financial and technical assistance for the conservation of coral reef ecosystems (as such term is defined in the Coral Reef Conservation Act of 2000 [Pub. L. No. 106–562, 114 Stat. 2794 (2000)], as amended) under the jurisdiction of such governments.''.

(c) The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by inserting a new section 219 as follows:

''SEC. 219. DEPARTMENT OF THE INTERIOR.

CORAL REEF CONSERVATION ASSISTANCE.—The Secretary of the Interior may provide technical and financial assistance to States, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico and the Virgin Islands, for management and conservation of coral reef ecosystems, including implementation of Local Action Strategies. The Secretary shall coordinate coral reef conservation activities under the Act of March 10, 1934 (16 U.S.C. 666b), as amended, commonly known as the Fish and Wildlife Coordination Act, Public Law 95–616 (16 U.S.C. 742l), as amended, commonly known as the Fish and Wildlife Improvement Act of 1978, Public Law 96–597 (48 U.S.C. 1469d), as amended, with those coral reef conservation activities of other agencies and partners, including those activities carried out through the U.S. Coral Reef Task Force.''.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1584. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1584

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hydrographic Services Improvement Act Amendments of 2007''.

SEC. 2. REDESIGNATIONS.

The Hydrographic Services Improvement Act of 1998 is amended by redesignating sections 302 through 306 (33 U.S.C. 892d) as sections 303 through 307, respectively.

SEC. 3. ADDITION OF FINDINGS AND PURPOSES.

The Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.) is amended by inserting a new section 302 as follows:

''SEC. 302. FINDINGS AND PURPOSES

''(a) FINDINGS.—The Congress finds that—

''(1) in 2007, the Nation celebrates the 200th anniversary of its oldest scientific agency, the Survey of the Coast, which was authorized by Congress and created by President Thomas Jefferson in 1807 to conduct surveys of the coast and provide nautical charts for safe passage through the Nation's ports and along its extensive coastline;

''(2) these mission requirements and capabilities, which today are located in the National Oceanic and Atmospheric Administration, evolved over time to include research, development, operations, products, and services associated with hydrographic, geodetic, shoreline and baseline surveying; cartography, mapping, and charting; tides, currents, and water level observations; maintenance of a national spatial reference system, and associated products and services;

''(3) there is a need to maintain federal expertise and capability in hydrographic data and services to support a safe and efficient marine transportation system for the enhancement and promotion of international trade and interstate commerce vital to the Nation's economic prosperity and for myriad other commercial and recreational activities;

''(4) the Nation's marine transportation system is becoming increasingly congested, the volume of international maritime commerce is expected to double within the next 20 years, and nearly half of the cargo transiting U.S. waters is oil, refined petroleum products, or other hazardous substances;

''(5) in addition to commerce, hydrographic data and services support other national needs for the Great Lakes and coastal waters, the territorial sea, the Exclusive Economic Zone, and the continental shelf of the United States, including emergency response; homeland security; marine resource conservation; coastal resiliency to sea-level rise, coastal inundation, and other hazards; ocean and coastal science advancement; and improved and integrated ocean and coastal mapping and observations for an integrated ocean observing system;

''(6) the National Oceanic and Atmospheric Administration, in cooperation with other agencies and the States, serves as the Nation's leading civil authority for establishing and maintaining national standards and datums for hydrographic data and services;

''(7) the Director of the National Oceanic and Atmospheric Administration's Office of Coast Survey serves as the U.S. National Hydrographer and the primary U.S. representative to the international hydrographic community, including the International Hydrographic Organization;

''(8) the hydrographic expertise, data, and services of the National Oceanic and Atmospheric Administration provide the underlying and authoritative basis for baseline and boundary demarcation, including the establishment of marine and coastal territorial limits and jurisdiction, such as the Exclusive Economic Zone; and

''(9) research, development and application of new technologies will further increase efficiency, promote the Nation's competitiveness, provide social and economic benefits, enhance safety and environmental protection, and reduce risks.

''(b) PURPOSES.—The purposes of this Act are to—

''(1) augment the ability of the National Oceanic and Atmospheric Administration to fulfill its responsibilities under this and other authorities;

''(2) provide more accurate and up-to-date hydrographic data and services in support of safe and efficient international trade and interstate commerce, including hydrographic surveys; electronic navigational charts; real-time tide, water level, and current information and forecasting; shoreline surveys; and geodesy and three-dimensional positioning data;

''(3) support homeland security, emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services with many other useful operational, scientific, engineering, and management applications, including storm surge, tsunami, coastal flooding, erosion, and pollution trajectory monitoring, predictions, and warnings; marine and coastal geographic information systems; habitat restoration; long-term sea-level trends; and more accurate environmental assessments and monitoring;

''(4) promote improved integrated ocean and coastal mapping and observations through increased coordination and cooperation;

''(5) provide for and support research and development in hydrographic data, services and related technologies to enhance the efficiency, accuracy and availability of hydrographic data and services and thereby promote the Nation's scientific and technological competitiveness; and

''(6) provide national and international leadership for hydrographic and related services, sciences, and technologies.''.

SEC. 4. CHANGES IN DEFINITIONS.

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892), as redesignated by section 2, is amended—

(1) by amending paragraph (3) to read as follows:

''(3) HYDROGRAPHIC DATA.—The term 'hydrographic data' means information acquired through hydrographic, bathymetric, or shoreline surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations, or other methods, that is used in providing hydrographic services.'';

(2) by amending paragraph (4)(A) to read as follows:

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;''; and

''(3) by amending paragraph (5) to read as follows:

''(5) COAST AND GEODETIC SURVEY ACT.—The term 'Coast and Geodetic Survey Act' means the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

SEC. 5. CHANGES IN FUNCTIONS OF THE ADMINISTRATOR.

Section 304 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a), as redesignated by section 2, is amended—

(1) in subsection (a)—

(A) in the stem by striking ''To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947,'' and inserting ''To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act,'';

(B) in paragraph (1) by striking ''data;'' and inserting ''data and provide hydrographic services;'';

(2) by amending subsection (b) to read as follows:

''(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Coast and Geodetic Survey Act, promote safe, efficient, and environmentally sound marine transportation, and otherwise fulfill the purposes of this Act, subject to the availability of appropriations—

''(1) the Administrator may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

''(2) the Administrator shall design, install, maintain, and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency;

''(3) where appropriate and to the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to support the conservation and management of coastal and ocean resources;

''(4) where appropriate, the Administrator may acquire hydrographic data and provide hydrographic services to save and protect life and property and support the resumption of commerce in response to emergencies, natural and man-made disasters, and homeland security and maritime domain awareness needs, including obtaining Mission Assignments as defined in section 741 of title 6, United States Code;

''(5) the Administrator shall have the authority to create, support and maintain such joint centers, and to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act;

''(6) notwithstanding paragraph (5), the Administrator may award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101 et seq.).''.

SEC. 6. CHANGES TO QUALITY ASSURANCE PROGRAM.

Section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892b), as redesignated by section 2, is amended in subsections (b)(1)(A) and (b)(2) by striking ''303(a)(3)'' and inserting ''304(a)(3)''.

SEC. 7. CHANGES IN HYDROGRAPHIC SERVICES REVIEW PANEL.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c), as redesignated by section 2, is amended—

(1) in subsection (b)(1) by striking ''303'' and inserting ''304'';

(2) by amending subsection (c)(1)(A) to read as follows:

''(A) The panel shall consist of 15 voting members who shall be appointed by the Administrator. The Co-directors of the Joint Hydrographic Institute and no more than two employees of the National Oceanic and Atmospheric Administration appointed by the Administrator shall serve as nonvoting members of the panel. The voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields relating to hydrographic data and hydrographic services, as defined in this Act, and other disciplines as determined appropriate by the Administrator.'';

(3) in subsections (c)(1)(C), (c)(3), and (e) by striking ''Secretary'' and inserting ''Administrator''; and

(4) by amending subsection (d) to read as follows:

''(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, such as travel and per diem, incurred in the performance of such duties.''.

SEC. 8. CHANGES TO AUTHORIZATION OF APPROPRIATIONS.

Section 307 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), as redesignated by section 2, is amended to read as follows:

''There are authorized to be appropriated to the Administrator $168,771,000 in fiscal year 2008 and thereafter such sums as may be necessary for each of fiscal years 2009 through 2012 for the purposes of carrying out this Act.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 224—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. BAUCUS, Mr. BYRD, Mr. SUNUNU, Mr. WHITEHOUSE, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 224

Whereas ending the violence and terror that have devastated the State of Israel, the West Bank, and Gaza since September 2000 is in the vital interests of the United States, Israel, and the Palestinian people;

Whereas the ongoing Israeli-Palestinian conflict strengthens extremists and opponents of peace throughout the region;

Whereas more than 7 years of violence, terror, and military engagement have demonstrated that armed force alone will not solve the Israeli-Palestinian dispute;

Whereas the vast majority of Israelis and Palestinians want to put an end to decades of confrontation and conflict and live in peaceful coexistence, mutual dignity, and security, based on a just, lasting, and comprehensive peace;

Whereas on May 24, 2006, addressing a Joint Session of the United States Congress, Prime Minister of Israel Ehud Olmert reiterated the Government of Israel's position that ''In a few years, [the Palestinians] could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive'';

Whereas, in his speech before the Palestinian Legislative Council on February 18, 2006, Palestinian Authority President Mahmoud Abbas said, ''We are confident that there is no military solution to the conflict. Negotiations between us as equal partners should put a long-due end to the cycle of violence . . . Let us live in two neighboring states'';

Whereas, in June 2002, the President of the United States presented his vision of ''two states, living side by side in peace and security'', and has since repeatedly reaffirmed this position;

Whereas a robust and high-level American diplomatic presence on the ground is critical to bringing Israelis and Palestinians together to make the tough decisions necessary to achieving a permanent resolution to the conflict;

Whereas June 2007 marks the 40th anniversary of the Six-Day War between Israel and a coalition of Arab states;

Whereas all parties should use the occasion of this anniversary to redouble their efforts to achieve peace; and

Whereas achieving Israeli-Palestinian peace could have significant positive impacts on security and stability in the region: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of 2 states, the State of Israel and Palestine, living side by side in peace and security, and with recognized borders;

(2) denounces the use of violence and terror and reaffirms its unwavering commitment to Israel's security;

(3) calls on President Bush to pursue a robust diplomatic effort to engage the State of Israel and the Palestinian Authority, begin negotiations, and make a 2-state settlement a top priority;

(4) urges President Bush to consider appointing as Special Envoy for Middle East Peace an individual who has held cabinet rank or someone equally qualified, with an extensive knowledge of foreign affairs generally and the Middle East region in particular;

(5) calls on the Hamas-led Palestinian Authority to recognize the State of Israel's right to exist, to renounce and end all terror and incitement, and to accept past agreements and obligations with the State of Israel;

(6) calls on moderate Arab states in the region to intensify their diplomatic efforts toward a 2-state solution and welcomes the Arab League Peace Initiative; and

(7) calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator LUGAR, Senator DODD, and Senator HAGEL to introduce a resolution calling for a lasting solution to the Israeli-Palestinian dispute.

Our resolution reaffirms the Senate's commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of two States, Israel and Palestine, living side by side in peace and security, and with recognized borders; denounces the use of violence and terror and reaffirms our unwavering commitment to Israel's security; calls on President Bush to pursue a robust diplomatic effort to engage the Israelis and Palestinians, reinvigorate negotiations, and make a two-state settlement a top priority; urges President Bush to consider appointing a high-level Special Envoy for Middle East Peace; calls on the Hamas-led Palestinian Authority to recognize Israel's right to exist, renounce and end all terror and incitement, and accept past agreements and obligations with Israel; calls on moderate Arab states in the region to intensify their diplomatic efforts toward a two-state solution and welcomes the Arab League Peace Initiative, and; calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

Senator BAUCUS, Senator BYRD, Senator WHITEHOUSE and Senator SUNUNU have also joined us as original cosponsors.

We are this week marking the the 40th anniversary of the start of the Six-Day War between Israel and a coalition of Arab states which lasted from June 5 to June 10, 1967. Israel's stunning triumph in that conflict, when its very existence was at stake, sent a powerful and unambiguous message to its neighbors and the international community that the existence of a Jewish homeland in the Middle East was a fact that could not be denied.

Since then, Israel, with the support and active engagement of the United States, has signed peace agreements with two of its adversaries from that war, first with Egypt in 1979 and then with Jordan in 1994.

Both treaties greatly enhanced Israel's security and brought hope to its people.

Yet a comprehensive Israeli-Palestinian peace agreement has remained elusive, resulting in the loss of numerous innocent lives and destroying the hopes and dreams of Israelis and Palestinians alike.

Since September 2000 and the start of the second Intifada, violence and terror have engulfed the region and devastated the prospects for peace.

It has become quite clear to me that the current impasse is not sustainable. There is no military solution to this conflict. The lack of any movement in the peace process only emboldens the opponents of peace, strengthens the hands of the extremists, and puts the vital interests of Israel, the Palestinian people, and the United States at risk.

Yet the vast majority of Israelis and Palestinians have made it clear that they want to end this conflict and live side by side in peaceful coexistence, mutual dignity, and security.

We owe it to them and ourselves to do everything in our power to make this vision a reality.

Indeed, a just resolution of the Israeli-Palestinian dispute and a comprehensive Arab-Israeli peace agreement should be our top priorities in the region.

They will open the door to new opportunities, enabling us to tackle other seemingly intractable challenges in the region: the civil war in Iraq, the influence of Syria and Hezbollah in Lebanon, and Iran's uranium enrichment program.

As the Iraq Study Group report argued, ''The United States will not be able to achieve its goals in the Middle East unless the United States deals directly with the Arab-Israeli conflict.''

We cannot achieve these goals by sitting on the sidelines or sending low-level envoys to the region.

We need a vigorous and sustained high level American presence on the ground in the Middle East to make this happen.

I know that Secretary of State Rice is personally committed to bringing both sides together so they will take on the tough issues and find the right solutions, and she has my full support.

She has already made four trips to the region and I hope she will return again soon.

President Bush should also become engaged in this process and consider appointing a Special Envoy for Middle East peace who has extensive experience dealing with this issue and has served in a high-level government capacity.

We all know what a final peace agreement will look like. The drafters of the Geneva accord showed us that with courage and determination, the tough decisions can be made that will bring peace and prosperity to both sides.

While it is critical that the United States take a leadership role on this issue, it is also critical that moderate voices in the Arab world be a voice for peace.

That is why the Arab League Peace Initiative is important. It is an example where Arab leaders have stepped forward Hamas must also step forward and fulfill the demands of the international community by recognizing Israel's right to exist, renouncing and end all terror and incitement, and accepting past agreements between Israel and the Palestinian Authority.

Now is as good a time as ever to work for peace. There will always be excuses for those who don't want peace. But it is incumbent on those who wish for peace to work through the difficult issues.

As a United States Senator, I have stood by Israel and the Israeli people and will continue to do so. We will not waiver in our efforts to ensure their safety, stability, and prosperity. Achieving a just and lasting peace in the Middle East is the cornerstone of that endeavor.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 225—DESIGNATING THE MONTH OF AUGUST 2007 AS ''NATIONAL MEDICINE ABUSE AWARENESS MONTH''

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 225

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly, but the abuse and recreational use of these medicines can be extremely dangerous and produce serious side effects;

Whereas 6,400,000 individuals who are age 12 or older reported using prescription medicines non-medically in a recently sampled month, and abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas, recent studies indicate that 1 in 10 youth ages 12 through 17, or 2,400,000 children, has intentionally abused cough medicine to get high from its dextromethorphan ingredient, and 1 in 5 young adults (4,500,000) has used prescription medicines non-medically;

Whereas, according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas teens' and parents' lack of understanding of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their misuse;

Whereas, when prescription drugs are misused, they are most often obtained through friends and relatives, but are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine misuse;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines are to be taken only as labeled or prescribed, and when used recreationally or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising misuse of medicines;

Whereas some groups, such as the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important proactive steps like creating educational toolkits, such as ''A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts'', which includes guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of cough and cold medicines and over-the-counter drug abuse;

Whereas the nonprofit Partnership for a Drug-Free America and its community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts of this dangerous trend with their teens and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb this disturbing rise in over-the-counter and cough medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2007 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

Mr. BIDEN. Mr. President, I rise today to introduce a resolution marking August 2007 as National Medicine Abuse Awareness Month. The intentional misuse of prescription and over-the-counter drugs has reached troubling levels. This resolution takes an important step in raising teens' and parents' awareness of the problem.

While recent studies indicate that the use of illegal drugs has declined somewhat over the past 5 years, the excessive use of legally available drugs has skyrocketed during the same period. The figures speak for themselves: 1 in 5 teens has misused prescription drugs, and more people age 12 or older have recently started misusing prescription pain relievers than smoking marijuana.

The numbers are also troubling for abuse of over-the-counter cough and cold medicines. While over-the-counter and prescription medicines are safe, effective, and potentially lifesaving when used properly, the abuse and recreational use of these medicines can be lethal. Recent studies indicate that 1 in 10 young people aged 12 through 17, or 2.4 million kids, have intentionally abused cough medicine to get high off of its active ingredient, Dextromethorphan. This trend is dangerous, and it must stop.

The problem is multifaceted, but one critical element of the solution is clear: educating teens and parents about the grave dangers of medicine abuse.

The way I see it, the problem of non-medical use of prescription and over-the-counter drugs can be chalked up to two key factors. First, too many teens are under the impression that ''legal'' drugs are safe anytime, in any dose, and even without a prescription or doctor supervision. They are gravely mistaken. Excessive prescription drug use can lead to dependency, overdose, and even death, if not prescribed and monitored by a physician.

Second, these drugs are cheap and easy to obtain. A bottle of cough syrup costs a few dollars and a prescription drug can be taken from a medicine cabinet for free. A February 2007 report released by the Office of National Drug Control Policy reveals that a shocking 47 percent of youth interviewed said they got their prescription drugs for free from a relative or friend. The last thing a parent wants is to become his or her child's ''dealer.'' But that is precisely what happens when they leave medications lying around at home. Hence, these two factors, a false perception of the dangers and a cheap, readily accessible high, have put our teens in danger, and we must act to protect them.

National Medicine Abuse Awareness Month takes an important step to raise public awareness about the dangers that misuse of these drugs pose by promoting the message that over-the-counter and prescription medicines must be taken only as labeled or prescribed, and that when used recreationally or in large doses they can have serious and life-threatening consequences. It reminds parents to educate themselves about this problem and talk to their children about all types of substance abuse, and it encourages national, State, and local officials to increase awareness of this disturbing trend.

I have worked and continue to work in consultation with the Consumer Health Care Products Association and the Community Anti-Drug Coalition of America, to reverse this trend, and I applaud the important steps that these groups have taken. Among other initiatives, they have created educational toolkits, such as A Dose of Prevention: Stopping Cough Medicine Abuse Before It Starts, which include guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of cough and cold medicines and over-the-counter drug abuse.

I also commend the nonprofit Partnership for Drug-Free America and its community alliance and affiliate partners for undertaking a nationwide prevention campaign. Their campaign utilizes research-based educational advertisements, public relations, news media and the Internet to inform parents about the prevalence of intentional abuse of medicines among teens, empowering parents to effectively communicate the facts of this dangerous trend to their children and to take necessary steps to keep prescription and over-the-counter medicines safely in their homes.

Prevention is a key component of the solution, and education is a key component of prevention. We've got to do our best to raise awareness on this matter, and reverse the worrisome trend of increasing over-the-counter and prescription drug misuse. This resolution takes an important step towards achieving that goal.

SENATE RESOLUTION 226—RECOGNIZING THE MONTH OF NOVEMBER AS ''NATIONAL HOMELESS YOUTH AWARENESS MONTH''

Mr. LAUTENBERG (for himself, Mr. MARTINEZ, MR. MENENDEZ, Mrs. MURRAY, Mr. BROWN, Mr. INOUYE, Mr. OBAMA, Mr. LIEBERMAN, Mr. SALAZAR, Mr. BAYH, Mr. FEINGOLD, Mr. CASEY, Mr. NELSON of Florida, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 226

Whereas between 1,300,000 and 2,800,000 children and teens are homeless in the United States each year, with many staying on the streets or in emergency shelters;

Whereas families with children are the fastest growing segment of the homeless population and now make up approximately ⅓ of that population;

Whereas homeless youth are typically too poor to secure basic needs and are unable to access adequate medical or mental health care;

Whereas each day 13 homeless youth die due to physical assault, illness, or suicide;

Whereas many youth become homeless due to a lack of financial and housing resources as they exit juvenile corrections and foster care;

Whereas 25 percent of foster youth experienced homelessness within 2 to 4 years after exiting foster care;

Whereas homeless youth are most often expelled from their homes by their guardians after physical, sexual, or emotional abuse or separated from their parents through death or divorce without adequate resources; and

Whereas awareness of the tragedy of youth homelessness and its causes must be heightened so that greater support for effective programs involving businesses, families, law enforcement agencies, schools, and community and faith-based organizations, aimed at helping youth remain off the streets becomes a national priority: Now, therefore, be it

Resolved, That the Senate—

(1) supports the values and efforts of businesses, organizations, and volunteers dedicated to meeting the needs of homeless children and teens;

(2) applauds the initiatives of businesses, organizations, and volunteers that employ time and resources to build awareness of the homeless youth problem, its causes, and potential solutions, and work to prevent homelessness among children and teens; and

(3) should recognize the month of November as ''National Homeless Youth Awareness Month'' and encourages these businesses, organizations, and volunteers to continue to intensify their efforts during the month of November.

SENATE RESOLUTION 227—CONGRATULATING THE JOHNS HOPKINS UNIVERSITY BLUE JAYS FOR WINNING THE 2007 NCAA DIVISION I MEN'S LACROSSE CHAMPIONSHIP

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 227

Whereas, on May 28, 2007, before a crowd of nearly 50,000, the Johns Hopkins University Blue Jays of Baltimore, Maryland, won the 2007 National Collegiate Athletic Association (NCAA) Division I Men's Lacrosse Championship, defeating the Duke University Blue Devils by a score of 12-11 at M&T Bank Stadium in Baltimore, Maryland;

Whereas the Johns Hopkins University Blue Jays, in the 2007 season, had an overall record of 13 wins and 4 losses, and won their last 9 consecutive games to end the season;

Whereas the Johns Hopkins University Blue Jays have won their 9th NCAA Division I Men's Lacrosse Championship;

Whereas the Johns Hopkins University Blue Jays reached the championship game for the 2nd time in 3 years and for the 17th time in school history;

Whereas Jesse Schwartzman was awarded the Tournament Most Outstanding Player award for the 2nd time;

Whereas Jake Byrne, Paul Rabil, Stephen Peyser, and Eric Zerrlaut joined Schwartzman on the All-Tournament Team;

Whereas the 2007 NCAA Championship lacrosse team members are Jamison Koesterer, Jesse Schwartzman, Andrew Miller, Garrett Stanwick, Michael Gvozden, Matt Bocklet, Ben O'Neill, Paul Rabil, Steven Boyle, George Castle, Stephen Peyser, Josh Peck, Michael Doneger, Michael Kimmel, Eric Zerrlaut, Drew Dabrowski, Austin Walker, Brian Christopher, Conor Cassidy, Brendan Skakandi, Nolan Matthews, Kevin Huntley, Jake Byrne, Mark Bryan, Tom Duerr, Chris Boland, Nick Donoghue, Dave Spaulding, Will Jawish, Val Washington, Michael Evans, Zach Tedeschi, Erik Stilley, Andrew Jaffe, Andrew Posil, John Franklin, Lorenzo Heholt, Kyle Miller, Max Chautin, Michael Powers, Matt Drenan, Sam DeVore, Nathan Matthews, Greg Harrington, Eric Dang, Max Levine, and Michael Murray; and

Whereas the 2007 NCAA Championship lacrosse team coaches are Dave Pietramala, Bill Dwan, Bobby Benson, and Dave Allan: Now, therefore, be it

Resolved, That the Senate congratulates the Johns Hopkins University men's lacrosse team for winning the 2007 NCAA Division I Men's Lacrosse Championship.

SENATE RESOLUTION 228—CONGRATULATING THE BROWN UNIVERSITY WOMEN'S CREW TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S ROWING CHAMPIONSHIP

Mr. REED (for himself and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas, on Sunday, May 27, 2007, the Brown University women's crew team won the 2007 National Collegiate Athletic Assocation (NCAA) Division I Women's Rowing Championship in Oak Ridge, Tennessee;

Whereas the Brown University women's crew team was 1 of only 2 teams that qualified for the grand final in varsity eights, junior varsity eights, and varsity fours;

Whereas the Brown University women's crew team has won 5 NCAA championships in the last 9 years, in 1999, 2000, 2002, 2004, and

2007, as well as finishing 2nd twice and 3rd twice during that period;

Whereas the Brown University women's crew team is the winningest crew program in NCAA history; and

Whereas the Brown University varsity women's crew team had a record of 5-1 during the regular season, and both the 2nd varsity and novice teams were undefeated for the season: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Brown University women's crew team for being champions on and off the water and for their victory in the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Rowing Championship;

(2) recognizes the achievements of the rowers, coaches John and Phoebe Murphy, and the students and alumni whose dedication and hard work helped the Brown University women's crew team win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to Artemis Joukowsky, Chancellor Emeritus of Brown University.

SENATE RESOLUTION 229—HONORING WILLIAM CLIFTON FRANCE

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas William Clifton France, NASCAR patriarch and visionary, was born on April 4, 1933, in Washington, D.C.;

Whereas Mr. France grew up in the formative years of stock car racing, living and learning every detail of the sport from his own experiences and those of his father, William Henry Getty France, known as ''Big Bill'' because of his 6-foot-5 stature, who was the founder and first president of NASCAR;

Whereas, in 1972, William Clifton France replaced his father and became the second president of the world's largest auto-racing sanctioning body;

Whereas, during the 28-year tenure of Mr. France as president, and later chairman and chief executive officer, of NASCAR, NASCAR grew from a sport with regional appeal to draw more than 75,000,000 fans yearly and become the second-most popular sport on television in the United States;

Whereas Mr. France worked in every role in stock car racing, from flagging events to scoring, promoting, serving as a steward, and even racing a few times in the 1950s;

Whereas, before being named president of NASCAR, Mr. France served for 6 years as vice president of the organization;

Whereas, in addition to his NASCAR duties, Mr. France served as chairman of the board of International Speedway Corporation, which oversees Daytona International Speedway, Darlington Raceway, Talladega Superspeedway, and other racing facilities around the country, and served as a director of the National Motorsports Council of ACCUS-FIA; and

Whereas Mr. France was a visionary and served the motorsports industry with great distinction: Now, therefore, be it

Resolved, That the Senate extends its condolences to Mrs. Betty Jane France, Lesa France Kennedy, Brian France, and the entire France Family.

SENATE CONCURRENT RESOLUTION 37—EXPRESSING THE SENSE OF CONGRESS ON FEDERALISM IN IRAQ

Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SMITH, Mr. NELSON of Florida, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 37

Whereas Iraq continues to experience a self-sustaining cycle of sectarian violence;

Whereas the ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors;

Whereas Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq;

Whereas the Key Judgments of the January 2007 National Intelligence Estimate entitled ''Prospects for Iraq's Stability: A Challenging Road Ahead'' state, ''A number of identifiable developments could help to reverse the negative trends driving Iraq's current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the major sources of Iraq's instability... Significant concessions by Shia and Kurds to create space for Sunni acceptance of federalism'';

Whereas Article One of the Constitution of Iraq declares Iraq to be a ''single, independent federal state;''

Whereas Section Five of the Constitution of Iraq declares that the ''federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations'' and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions;

Whereas the federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage;

Whereas the Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region;

Whereas the Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful;

Whereas the Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval;

Whereas Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region;

Whereas, despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq; and

Whereas Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, ''The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should actively support a political settlement among Iraq's major factions based upon the provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions;

(2) the active support referenced in paragraph (1) above should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the creation of federal regions within a united Iraq;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism; and

(4) the steps described in paragraphs (1), (2), and (3) above could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

Mr. BIDEN. Mr. President, today, Senators BROWNBACK, BOXER, SMITH, BILL NELSON and I are introducing a bipartisan resolution. It states clearly what so many of us agree on, the need for a political settlement in Iraq. But then it offers what virtually no one has put forward: a policy to actually secure that political settlement.

We propose that the United States actively support a political settlement among Iraqis based on the provisions of Iraq's constitution that call for creating federal system of government, with strong regions and a limited central government.

And we urge the administration to bring in the international community, including the permanent members of the U.N. Security Council and Iraq's neighbors, to support a settlement based on federalism and to convene a conference with Iraqis to help them reach that settlement.

Each of us recognizes this reality: when a country is caught in a cycle of self-sustaining sectarian violence as Iraq is today, there are only four ways to end it:

First, a bloodletting that leaves one side victorious or both sides exhausted. In the case of Iraq, that could take years . . . years we do not have and should not accept.

Second, an open-ended foreign occupation that America cannot sustain.

Third, the return of a strongman, who is not on the horizon. Even if he were, it would be a tragic irony to replace one dictator with another.

Or *fourth*, a political agreement to form a decentralized, federal system that separates the warring factions and gives them control over the fabric of their daily lives, including the police, jobs, education, marriage and religion.

It's a model that worked in Bosnia. It offers the possibility, but not the guarantee, of a soft landing Iraq.

The Bush administration has another vision for Iraq. But the entire premise of its policy is fundamentally and fatally flawed. It believes Iraqis will rally behind a strong central government that keeps the country together and protects the rights of all citizens equally.

But there is no trust within the central government, trust of the government by the people, and no capacity by the government to deliver services and security. And there is no evidence that we can build that trust and capacity soon.

Simply put, Iraq cannot be run from the center, absent a dictator or foreign occupation. If we want the country to hold together and find stability, we have to make federalism work. If we don't, there will be no political accommodation at the center.

Violent resistance will increase. The sectarian cycle of revenge will spiral out of control. The result will be at best the violent break up of Iraq into multiple states—at worst the total fragmentation of the country.

This resolution is part of a comprehensive strategy I have proposed to bring our troops home, to leave behind a stable Iraq and to protect our soldiers so long as a single one of them remains in Iraq.

I believe that is the best way to end the war in Iraq responsibly.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1476. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mr. CONRAD and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1477. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1478. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1332 submitted by Mr. SANDERS (for himself and Mr. GRASSLEY) and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1479. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1268 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1480. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1481. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1482. Ms. CANTWELL (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1483. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1484. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1485. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1342 submitted by Mr. LEVIN (for himself and Ms. MIKULSKI) and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1486. Mr. LEVIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 1443 submitted by Mr. LEVIN and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1487. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1488. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1489. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1491. Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people; which was ordered to lie on the table.

SA 1492. Mr. REID proposed an amendment to amendment SA 1235 proposed by Mr. SESSIONS to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1493. Mr. REID proposed an amendment to amendment SA 1199 proposed by Mr. DODD (for himself and Mr. MENENDEZ) to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1494. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 1235 proposed by Mr. SESSIONS to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1495. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1496. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1497. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1323 submitted by Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1498. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1499. Mr. KYL (for himself, Ms. CANTWELL, Ms. COLLINS, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1476. Mr. CONRAD submitted an amendment intended to be proposed to amendment SA 1251 submitted by Mr. CONRAD and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. PEACE GARDEN PASS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the ''Peace Garden Pass'') to allow citizens of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States).

(2) MAINTAINING BORDER SECURITY.—The Secretary shall take any appropriate measures to ensure that the Peace Garden Pass does not weaken border security or otherwise pose a threat to national security, including—

(A) including biographic data on the Peace Garden Pass; and

(B) using databases to verify the identity and other relevant information of holders of the Peace Garden Pass upon re-entry into the United States.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued for the sole purpose of traveling to the International Peace Garden from the United States and returning from the International Peace Garden to the United States without having been granted entry into Canada.

(c) CHARACTERISTICS OF THE PEACE GARDEN PASS.—The Peace Garden Pass shall be—

(1) machine-readable;

(2) tamper-proof; and

(3) not valid for certification of citizenship for any other purpose other than admission into the United States from the Peace Garden

(d) IDENTIFICATION.—The Secretary shall—

(1) determine what form of identification (other than a passport or passport card) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(e) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(f) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(g) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1477. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, after the last line, insert the following:

(__) SOCIAL SECURITY CARDS.—

(1) INCLUSION OF BIOMETRIC DATA.—Notwithstanding section 305(a)(2) of this Act, section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended to read as follows:

''(G) The Commissioner of Social Security shall issue a social security card to each individual at the time of the issuance of a social security account number to such individual. Beginning not later than 2 years after the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, all social security cards issued under this subparagraph shall be fraud-resistant, tamper-resistant, and wear-resistant, and shall include biometric data.''.

(2) BIOMETRICS FEASIBILITY REPORT.—Notwithstanding the second paragraph (3) in section 305(a), the Commissioner of Social Security is not required to submit to Congress a report on the utility, costs, and feasibility of including a photograph and other biometric information on the social security card.

(3) REISSUANCE OF SOCIAL SECURITY CARDS.—Not later than 3 years after the date of the enactment of this Act, the Commissioner of Social Security replace any social security cards that do not meet the standards described in section 205(c)(2)(G) of the Social Security Act, as amended by paragraph (1) of this subsection, with social security cards that meet such standards.

(4) EMPLOYEE VERIFICATION.—Beginning on the date that is 3 years after the date of the enactment of this Act, a social security card may not be used for employee verification purposes unless such card meets the standards described in section 205(c)(2)(G) of the Social Security Act, as amended by paragraph (1) of this subsection.

(5) SOCIAL SECURITY CARDS FOR NONIMMIGRANTS.—Social security cards issued to an individual who is not a citizen or legal permanent resident of the United States shall prominently display an expiration date, which shall be the date on which the work eligibility of such individual expires.

SA 1478. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1332 submitted by Mr. SANDERS (for himself and Mr. GRASSLEY) and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 17, add the following:

(d) EXCEPTION.—Subsections (a) and (b) shall not apply if the employer attests, under penalty of perjury, that the mass layoff did not result in the employment loss (as defined in section 2(a)(6) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)(6))) of any United States worker at the same location and from the specific position that is to be filled by the nonimmigrant who is the subject of the visa petition.

SA 1479. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1268 submitted by Mr. BINGAMAN and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

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

''(D) under section 101(a)(15)(Y)(ii), may not exceed—

''(i) 100,000 for the first fiscal year in which the program is implemented;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 300,000 for any fiscal year.'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(B) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.'';

(4) in paragraph (10), as redesignated by paragraph (2) of this section, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has been already been counted toward the numerical limitations under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(5) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting ''(A)'' after ''(11)''; and

(B) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. 410. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, may, as a condition of authorizing the grant of nonimmigrant visas for Y nonimmigrants who are citizens or nationals of any foreign country, negotiate with each such country to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—It is the sense of Congress that each agreement negotiated under subsection (a) shall require the participating home country to—

SA 1480. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on

or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 1481. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 224, line 19, strike the period and insert '', or''.

On page 224, between lines 19 and 20, insert the following:

''(vi) a document described in paragraph (7).''.

On page 228, between lines 22 and 23, insert the following:

''(7) DOCUMENT EVIDENCING MEMBERSHIP OR ENROLLMENT IN, OR AFFILIATION WITH, A FEDERALLY-RECOGNIZED INDIAN TRIBE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B)(vi), a document described in this paragraph is a document that the Secretary recognizes by regulation evidences membership or enrollment in, or affiliation with, a federally-recgonized Indian tribe.

''(B) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations to recognize such documents.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as abrogating or diminishing the rights and privileges of tribal members under the Jay Treaty, done at London November 19, 1794.''.

SA 1482. Ms. CANTWELL (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 238, strike line 13, and all that follows through line 24 on page 250 and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

(c) PROVISION OF W–2 FORMS.—Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)), as renumbered by section 405, is amended to read as follows:

''(5) In the case of a nonimmigrant described in section 1101(a)(15)(H)(i)(b) of this title—

''(A) the period of authorized admission as such a nonimmigrant may not exceed six years; [Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence];

''(B) if the alien is granted an initial period of admission less than six years, any subsequent application for an extension of stay for such alien must include the Form W–2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security may in his discretion specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

''(C) notwithstanding section 6103 of title 26, United States Code, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W–2 Wage and Tax Statement filed by the employer under clause (i) matches a Form W–2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.''.

(d) EXTENSION OF H–1B STATUS FOR MERIT–BASED ADJUSTMENT APPLICANTS.—

(1) Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended by inserting before the period: ''; Provided that, this provision shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.''.

(2) Sections 106(a) and 106(b) of the American Competitiveness in the Twenty-First Century Act of 2000—Immigration Services and Infrastructure Improvements Act of 2000, Public Law 106–313, are hereby repealed.

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting the following: ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(d) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance

by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

SEC. 422. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If

such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

On page 260, line 39, strike ''and''.

On page 260, after line 44, insert the following:

(iii) up to 40,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

(iv) the remaining visas be allocated as follows:

(I) In fiscal year 2008 and 2009, 85,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(II) In fiscal year 2010, 56,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(III) In fiscal year 2011, 28,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(IV) In fiscal year 2012, 14,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

On page 265, between lines 15 and 16, insert the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(2)(A) Section 214(g) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted

or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(B) The amendment made by subparagraph (A) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

On page 266, line 4, insert ''The beneficiary of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.'' after ''visa.''.

SA 1483. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) has remained in the United States as of the date of the enactment of this paragraph.''.

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that—

(A) for a period of at least one year beginning after March 1, 2003, he or she served the United States Government inside Iraq as an employee, volunteer, contractor, or employee of a contractor of the United States Government; or

(B) he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SA 1484. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. ADJUSTMENT OF STATE IMPACT ASSISTANCE FEES.

Notwithstanding section 218A(e)(3)(B) of the Immigration and Nationality Act, as added by section 402, or section 601(e)(6)(C), an alien making an application for a Y–1 nonimmigrant visa or an alien making an initial application for Z–1 nonimmigrant status shall pay, at the time the alien files the application, a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

SA 1485. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1342 submitted by Mr. LEVIN (for himself and Ms. MIKULSKI) and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 174, line 4, insert ''For seasonal businesses, such a waiver shall not be necessary if the average unemployment rate in the county was less than 7 percent for the period in the preceding year when the Y nonimmigrant would have been employed.'' after ''section (b).''.

SA 1486. Mr. LEVIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 1443 submitted by Mr. LEVIN and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) has remained in the United States as of the date of the enactment of this paragraph.''.

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SA 1487. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 606 and 607 and insert the following:

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2). ''(e) Not later than 180 days after the date of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commission of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d), however, this provision shall not be construed to establish an effective date for purposes of this section.''

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of enactment of this Act.

SA 1488. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 1489. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

In section 214A(h) of the Immigration and Nationality Act, as added by section 622(b), strike paragraphs (1) and (2).

SA 1490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 606 and 607 and insert the following:

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

The effective date of this section shall be one day after the date of enactment.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commission of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of cover under subsection, (d), however, this provision shall not be construed to establish an effective date for purposes of this section.''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of enactment of this Act.

SA 1491. Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO CONFIDENCE IN CONGRESS.

(a) FINDINGS.—The Senate finds the following:

(1) The national debt of the United States of America now exceeds $8,500,000,000,000.

(2) Each United States citizen's share of this debt exceeds $29,000.

(3) Every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security.

(4) The power of the purse belongs to Congress.

(5) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs.

(6) For too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources.

(7) Last year, the interest costs of the Federal debt the Government must pay to those who buy U.S. Treasury bonds were about 8 percent of the total Federal budget. In total, the Federal government spent $226,000,000,000 on interest costs alone last year.

(8) According to the Government Accountability Office, interest costs will consume 25 percent of the entire Federal budget by 2035. By way of comparison, the Department of Education's share of Federal spending in 2005 was approximately 3 percent of all Federal spending. The Department of Health and Human Services was responsible for approximately 23 percent of all Federal spending. Spending by the Social Security Administration was responsible for about 20 percent of all Federal spending. Spending on Medicare was about 12 percent of all Federal spending. Spending in 2005 by the Department of Defense, in the midst of 2 wars in Iraq and Afghanistan and a global war against terrorism, comprised about 19 percent of all Federal spending. Thus, if we do not change our current spending habits, the Government Accountability Office estimates that as a percentage of Federal spending, interest costs in 2035 will be larger than defense costs today, Social Security costs today, Medicare costs today, and education costs today.

(9) Congress has raided the Social Security and Medicare Trust Funds for decades to hide the true size of the annual budget deficit. This practice has undermined the solvency of these programs and threatens both the retirement security of today's workers and the economic opportunities of future generations of Americans.

(10) It is irresponsible for Congress to create or expand Government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans without reductions in spending elsewhere within the Federal budget.

(11) Last month, Congress approved a $2,900,000,000,000 budget resolution that includes $23,000,000,000 more in spending than was requested by the President.

(12) Congress has repeatedly demonstrated its inability to prioritize spending. The Senate has approved the authorization of hundreds of billions of dollars in new spending this year alone while repeatedly rejecting amendments to cut wasteful spending.

(13) The Senate has twice this year rejected amendments stating that Congress has a moral obligation to offset the cost of new Government programs and initiatives.

(14) Among the projects that Congress has authorized spending for this year include a new visitors center in Louisiana and beach enhancement in southern California. When posed with the question to first house displaced Louisiana storm survivors before spending money to construct the visitors center, the Senate overwhelming voted to construct the visitors center. When given the option to first protect the millions of citizens who live in the Sacramento area from floods before adding sand to a southern California beach, the Senate overwhelming voted for sandy beaches.

(15) Congress's inability to prioritize spending may be best epitomized by the Senate's vote to build a controversial bridge in Alaska. When given the choice to spend nearly half a billion dollars to repair the Twin Spans Bridge in New Orleans damaged by Hurricane Katrina or to construct a new bridge nearly as long as the Golden Gate Bridge and higher than the Brooklyn Bridge to an island with 50 residents in Alaska, the Senate voted overwhelming in favor of the new Alaska bridge.

(16) The cost of Congressional pork projects, known as earmarks, has more than doubled from $19,500,000,000 in 1996 to more than $47,400,000,000 in 2005. Earmarks have been linked to a number of recent Congressional investigations and convicted lobbyist Jack Abramoff boasted that earmarks were a form of political currency doled out from what he called the earmark ''favor factory''. In December of last year, the public was promised by the newly elected majority that ''We will place a moratorium on all earmarks until a reformed process is put in place'' and that ''We will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress''. Yet, the Senate has already approved hundreds of earmarks this year while failing to adopt earmark reform rules changes. The House adopted earmark rule changes but the appropriations committee has said it will circumvent these reforms by adding earmarks after bills are passed behind closed doors when bills can no longer be amended or debated.

(17) This lack of ability to prioritize Federal spending underscores the ''borrow and spend'' binge behavior of Congress that has contributed to the national debt which exceeds $8,500,000,000,000.

(18) Polls have repeatedly found that Americans overwhelming oppose new spending and bigger Government. A February 2007 poll released by Democracy Corps found that 80 percent of likely voters disapprove of the Federal Government's handling of spending. Of all of the issues polled, the Government's handling of spending scored the highest rate of voter disapproval, more than health care (71 percent disapproval), energy (64 percent disapproval), or the environment (59 percent disapproval). One specific poll question asked respondents which of 2 statements they agreed with: ''I want Congress to first invest in areas like health care, education, and energy, even if it means spending additional money'' or ''I want Congress to first focus on cutting wasteful spending and making government more accountable.'' Fifty-eight percent of respondents agreed with the statement about cutting wasteful spending, while only 36 percent agreed with spending additional money first. When asked who they trusted more on the issue of spending, only 18 percent picked Congress. A December 2006 Gallup Poll found that 61 percent of Americans thought ''big government'' was the biggest threat to the country's future. This included 56 percent of Democrats and 63 percent of Republicans.

(19) Congress has ignored the public's views on spending which may explain its declining approval ratings in several different independent polls released in the last month. Only 35 percent of respondents of a poll released by the Associated Press approve of the way Congress is handling its job, down 5 points since April. In the study released by Fox News, 32 percent of respondents approve of the job Congress is doing, down 3 points in a month. In a poll by Gallup released by USA Today, the approval rating for Congress stands at 29 percent, down 4 points since early April.

(b) NO CONFIDENCE.—It is the sense of the Senate that Congress neither has the will nor the desire to cut frivolous, excessive, or wasteful spending and therefore the American people should have no confidence in the ability of Congress or its members to balance the budget or protect the long term financial solvency of Social Security, Medicare, or the Nation itself.

SA 1492. Mr. REID proposed an amendment to amendment SA 1235 proposed by Mr. SESSIONS to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this act the following shall take effect for the Z Nonimmigration category:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

SA 1493. Mr. REID proposed an amendment to amendment SA 1199 proposed by Mr. DODD (for himself and Mr. MENENDEZ) to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

SA 1494. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 1235 proposed by Mr. SESSIONS to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. ___. INCREASE IN FEDERAL JUDGESHIPS IN DISTRICTS WITH LARGE NUMBERS OF CRIMINAL IMMIGRATION CASES.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this section is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

(c) ADDITIONAL DISTRICT COURT JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 4 additional district judges for the district of Arizona;

(ii) 1 additional district judge for the district of New Mexico;

(iii) 2 additional district judges for the southern district of Texas; and

(iv) 1 additional district judge for the western district of Texas.

(B) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(i) by striking the item relating to Arizona and inserting the following:

"Arizona ..... 16";

(ii) by striking the item relating New Mexico and inserting the following:

"New Mexico ..... 7"; and

(iii) by striking the item relating to Texas and inserting the following:

"Texas:
Northern 12
Southern 21
Eastern 7
Western ..... 14".

(2) TEMPORARY JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 1 additional district judge for the district of Arizona; and

(ii) 1 additional district judge for the district of New Mexico.

(B) VACANCY.—For each of the judicial districts named in this paragraph, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this paragraph shall not be filled.

(d) FUNDING.—To carry out this section, the Director of the Administrative Office of the United States Courts shall, for each of fiscal years 2008 through 2012, allocate $2,000,000 from the Administrative Office of the United States Courts Salary & Expenses (Administrative Expenses) account.

SA 1495. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place:

Notwithstanding any provisions of this act, it is amended as follows:

SECTION 1. EFFECTIVE DATE TRIGGERS AND BORDER ENFORCEMENT.

"(6) Visa exit tracking system: The Department of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act, at designated ports of entry or designated U.S. Consulates abroad.

(d) The Secretary of the Department of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien who was admitted to the United States under section 101(a)(15)(H)(ii) (as amended by Title IV); section 101(a)(15)(Y); or section 101(a)(15)(B) (admitted under the terms and conditions of section 214(s)) of the ACT, and who has exceeded the alien's authorized period of admission or otherwise violated any terms of the nonimmigrant classification in which the alien was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to national security, homeland security, or public safety.

(a) Section 215 of the Immigration and Nationality Act, (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (h);

(2) by moving redesignated subsection (h), as redesignated by paragraph (1) to the end;

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

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

"(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—

The Secretary shall require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status

(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

(1) The Secretary shall require aliens who were admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)), section 101(a)(15)(H)(ii), or section 101(a)(15)(Y) to record their departure at a designated port of entry or at a designated United States consulate abroad.

(2) Aliens who do not record their departure as required in paragraph (1) shall be entered into the database as overstays within 48 hours of the expiration of their period of authorized admission.

(3) The information in this database shall be made available to state and local law enforcement pursuant to the provisions of section 240D."

"(D) knowingly exceeds by 60 days or more the period of the alien's admission or parole into the United States."

"(b) SPECIAL EFFECTIVE DATE.—Subsection (a)(1)(D) of section 275 of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens admitted or paroled after the enactment of this Act."

SEC. 3. WORKPLACE ENFORCEMENT.

At the appropriate place in Title III, insert the following:

"14 days prior to employment eligibility expiration, employers shall provide, in writing, notification to aliens of the expiration of the alien's employment eligibility."

Strike section 401(d)

(1) In subparagraph (3)

(A) To redesignate paragraphs (C), (D) and (E) as paragraphs (D), (E), and (F), respectively;

(B) To add a new paragraph (C) to read as follows:

"(C) An Exit Tracking Fee, in an amount set by Secretary at a level that will ensure recovery of the full costs of providing the Y nonimmigrant visa exit system described in section 1(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and any additional costs associated with the administration of the fees collected"; and

(C) To add a new paragraph (G) to read as follows:

"(G) DEPOSIT AND DISPOSITION OF DEPARTURE FEE.—The funds described in subparagraph (C) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in 218A(e)(3)(C)."

"or Y nonimmigrant status if the alien is

(A) (i) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

(ii) Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien

(B) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(C) an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(D) has been convicted of—

(i) a felony, including but not limited to: first degree murder; kidnapping; bank robbery; sexual exploitation, and other abuse of children; selling or buying of children; activities relating to children involving sexual exploitation of a minor; activities relating to material constituting or containing child pornography, or illegal transportation of a minor; or domestic violence, a crime of stalking, or a crime of child agues, child neglect, or child abandonment

(ii) an aggravated felony as defined at section 101 (a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section 101(h) of the Act

(3) by amending paragraph (3), as redesignated by paragraph (2) of this section, to read as follows:

''(3) The numerical limitations of paragraph (1)—

''(A) shall apply to principal aliens and not to the spouses or children of such aliens; and

''(B) shall not apply to aliens seeking nonimmigrant status under section 101(a)(15)(Y)(i) for a fiscal year who have been granted nonimmigrant status under such section during a previous fiscal year.''; and

''(3) SPECIAL FIVE YEAR REPORT ON THE TEMPORARY WORKER PROGRAM.—Not later five years after the date of enactment, submit a report to the President and Congress that contains findings of fact and makes recommendations regarding—

''(A) the extent to which employers have complied with the requirements set forth in section 218B(b)(1) of the Act to recruit United States workers through newspaper advertising, posting on the Internet, and posting at the place of employment for a period of more than ten weeks before seeking to employ a Y nonimmigrant;

(B) the frequency with which reasonable additional recruitment efforts during or beyond the established recruitment period would likely have identified a qualified United States worker who was able, ready, and willing to fill the job;

(C) the extent to which employers have complied with the requirement set forth in section 218B(c)(1)(B) of the Act to pay Y nonimmigrants the greater of—

(i) the actual wage level paid to United States workers with similar experience and qualifications for the specific employment in question, or

(ii) the prevailing competitive wage level for the occupational classification in the area of employment;

(D) the impact of Y nonimmigrants on the wages and working conditions of United States workers;

(E) whether the birth rate among citizens and permanent residents of the United States is sufficient to generate enough United States workers to fill all of the jobs produced by the United States economy;

(F) the frequency with which Y nonimmigrants have overstayed their period of authorized admission as established by section 218A(i) of the Act, and the effectiveness of the Department of Homeland Security in identifying, locating, and removing Y nonimmigrants who overstay their visas; and (G) the effectiveness of the state impact fee requirements set forth in sections 218A(e)(3)(B) and 218B(a)(3) of the Act in combination with the family support and family medical insurance requirements set forth in section 218A(e)(8) of the Act in reducing the cost to states and localities of providing emergency health services to individuals who are not United States citizens.

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(d) H—1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(ii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(e) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101 (a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001 (a)), or a related or affiliated nonprofit entity;

or (ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(f) Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101 (a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101 (a)(15)(H)(i)(b) in any fiscal year

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subparagraph (F) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act

SECTION 5. IMMIGRATION BENEFITS.

(iii) up to 10,000 shall be for aliens who met the specifications set forth in section 203(b)(1) (as of January 1, 2007); and

(iv) the remaining visas be allocated as follows:

(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

''The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.'' after ''visa.''.

SECTION 6. NON-IMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS.

''(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

''(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

''(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

''(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

''(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

''(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

''(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of:

''(a) presence or employment required under this section, or

''(b) a requirement for any other benefit under the immigration laws.

''(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

''(i) bank records;

''(ii) business records;

''(iii) employer records;

''(iv) records of a labor union or day labor center;

''(v) remittance records;

''(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

''(a) the name, address, and telephone number of the affiant;

''(b) the nature and duration of the relationship between the affiant and the alien; and

''(c) other verification or information.

''(D) ADDITIONAL DOCUMENTS.—The Secretary may—

''(i) designate additional documents to evidence the required period of presence, employment, or study; and

''(ii) set by notice in the Federal Register such terms and conditions and minimum standards for affidavits described in (C)(VI) as are necessary, when such affidavits are reviewed in combination with the other documentation as described in (A) or (C), to reliably demonstrate and provide for verification of the identity of any affiant or verification of the physical presence, identity, or employment information averred to by the affiant, or to otherwise prevent fraudulent submissions.''.

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

''(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

''(1) use the information furnished by an applicant under section 601 [and 602] of the [—] or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under section 601 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act;

''(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

''(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(b) EXCEPTIONS TO CONFIDENTIALITY.—

''(1) Subsection (a) shall not apply with respect to—

''(A) an alien whose application has been denied, terminated or rescinded based on the Secretary's finding that the alien—

''(i) is inadmissible under or subject to reinstatement of a removal order pursuant to sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of the [—]), or (6)(E) of the Act of the Act; or

''(ii) is deportable under or subject to reinstatement of sections a removal order pursuant to section 237(a)(1)(E), (1)(G), (2), or (4) of the Act of the Act;

''(iii) was physically removed and is subject to reinstatement pursuant to section 241 (a)(5).

''(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or rescinded under section 601 (d)(1)(F);

''(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(D) an alien whom the Secretary determines has, in connection with his application under sections 601 or 602, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

''(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

''(F) an order from a court of competent jurisdiction.

''(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or rescinded based on the Secretary's finding that the alien is inadmissible or deportable.

''(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) may be disclosed to—

''(1) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

''(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

''(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, of [—] , any application to extend such status under section 601 (k) of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

''(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602 of [—], then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for Z nonimmigrant status pursuant to sections 601 or 602 to make a determination on any petition or application.

''(g) PENALTIES.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an application filed under sections 601 or 602, for Z nonimmigrant status filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601 (e)(6)(B) and Section 602(a)(1)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) the first $4.4 billion of such penalties shall be deposited into the general fund as repayment of funds transferred into the Immigration Enforcement Account under section 286(z)(1).

(2) penalties in excess of $4.4 billion shall be deposited and remain available as otherwise provided under this act.

Add a new subsection (z) to section 286 of Immigration and Nationality Act as follows:

''(z) IMMIGRATION ENFORCEMENT ACCOUNT.—

''(1) TRANSFERS INTO THE IMMIGRATION ENFORCEMENT ACCOUNT.—Immediately upon enactment, the following amount shall be transferred from the general fund to the Immigration Enforcement Account, $4,400,000,000.

''(2) APPROPRIATIONS.—

''(A) There are hereby appropriated such sums that are provided under subsection 1 to remain available until five years after enactment.

''(B) These sums shall be used to meet the trigger requirements set forth in title I, section 1.

''(C) To the extent funds are not exhausted pursuant to (b), they shall be used by the Secretary of Homeland Security on one or more of the following:

''(i) Fencing and Infrastructure;

''(ii) Towers;

''(iii) Detention beds;

''(iv) Employment Eligibility Verification System;

''(v) Implementation of programs authorized in titles IV and VI; and

''(vi) Other federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

SA 1496. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert Notwithstanding any provisions of this act, it is amended as follows:

SECTION 1. EFFECTIVE DATE TRIGGERS AND BORDER ENFORCEMENT.

''(6) Visa exit tracking system: The Department of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act, at designated ports of entry or designated U.S. Consulates abroad.

(d) The Secretary of the Department of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien who was admitted to the United States under Section 101(a)(15)(H)(ii) (as amended by Title IV); Section 101(a)(15)(Y); or Section 101(a)(15)(B) (admitted under the terms and conditions of Section 214(s)) of the ACT, and who has exceeded the alien's authorized period of admission or otherwise violated any terms of the nonimmigrant classification in which the alien was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to national security, homeland security, or public safety.

(a)—Section 215 of the Immigration and Nationality Act, (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (h);

(2) by moving redesignated subsection (h), as redesignated by paragraph (1) to the end;

''(c) Collection of Biometric Data From Aliens Entering and Departing the United States—

The Secretary shall require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status

(d) Collection of Departure Data From Certain Nonimmigrants—

(1) The Secretary shall require aliens who were admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)), section 101(a)(15)(H)(ii), or section 101(a)(15)(Y) to record their departure at a designated port of entry or at a designated United States consulate abroad.

(2) Aliens who do not record their departure as required in paragraph (1) shall be entered into the database as overstays within 48 hours of the expiration of their period of authorized admission.

(3) The information in this database shall be made .available to state and local law enforcement pursuant to the provisions of section 240D.''

SEC. 2. INTERIOR ENFORCEMENT.

''(D) knowingly exceeds by 60 days or more the period of the alien's admission or parole into the United States.''

''(b) Special Effective Date—Subsection (a)(1)(D) of section 275 of the Immigration and Nationality Act as amended by this Act, shall apply to all aliens admitted or paroled after the enactment of this Act.''

SEC. 3. WORKPLACE ENFORCEMENT.

At the appropriate place in Title III, insert the following: ''14 days prior to employment eligibility expiration, employers shall provide, in writing, notification to aliens of the expiration of the alien's employment eligibility.''

SECTION 4. NEW TEMPORARY WORKER PROGRAM STRIKE SECTION 401(d)

On p. 147: paragraph 18(e), as created by the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, is amended as follows:

(1) In subparagraph (3)

(A) To redesignate paragraphs (C),(D) and (E) as paragraphs (D),(E), and (F), respectively;

(B) To add a new paragraph (C) to read as follows:

''(C) An Exit Tracking Fee, in an amount set by Secretary at a level that will ensure recovery of the full costs of providing the Y nonimmigrant visa exit system described in section 1(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and any additional costs associated with the administration of the fees collected''; and

(C) To add a new paragraph (G) to read as follows:

''(G) Deposit and Disposition of Departure Fee—The funds described in subparagraph (C) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in 218A(e)(3)(C).''

''or Y nonimmigrant status if the alien is

(A)(i) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

(ii) Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien

(B) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(C) an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(D) has been convicted of—

(i) a felony, including but not limited to: first degree murder; kidnapping; bank robbery; sexual exploitation, and other abuse of children; selling or buying of children; activities relating to children involving sexual exploitation of a minor; activities relating to material constituting or containing child pornography, or illegal transportation of a minor; or domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment

(ii) an aggravated felony as defined at section 101 (a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section 101(h) of the Act

(3) by amending paragraph (3), as redesignated by paragraph (2) of this section, to read as follows:

''(3) The numerical limitations of paragraph (1)—

''(A) shall apply to principal aliens and not to the spouses or children of such aliens; and

''(B) shall not apply to aliens seeking nonimmigrant status under section 101(a)(15)(Y)(i) for a fiscal year who have been granted nonimmigrant status under such section during a previous fiscal year.''; and

''(3) SPECIAL FIVE YEAR REPORT ON THE TEMPORARY WORKER PROGRAM.—Not later than five years after the date of enactment, submit a report to the President and Congress that contains findings of fact and makes recommendations regarding—

''(A) the extent to which employers have complied with the requirements set forth in section 218B(b)(1) of the Act to recruit United States workers through newspaper advertising, posting on the Internet, and posting at the place of employment for a period of more than ten weeks before seeking to employ a Y nonimmigrant;

(B) the frequency with which reasonable additional recruitment efforts during or beyond the established recruitment period would likely have identified a qualified United States worker who was able, ready, and willing to fill the job;

(C) the extent to which employers have complied with the requirement set forth in section 218B(c)(1)(B) of the Act to pay Y nonimmigrants the greater of—

(i) the actual wage level paid to United States workers with similar experience and qualifications for the specific employment in question, or

(ii) the prevailing competitive wage level for the occupational classification in the area of employment;

(D) the impact of Y nonimmigrants on the wages and working conditions of United States workers;

(E) whether the birth rate among citizens and permanent residents of the United States is sufficient to generate enough United States workers to fill all of the jobs produced by the United States economy;

(F) the frequency with which Y nonimmigrants have overstayed their period of authorized admission as established by section 218A(i) of the Act, and the effectiveness of the Department of Homeland Security in identifying, locating, and removing Y nonimmigrants who overstay their visas; and

(G) the effectiveness of the state impact fee requirements set forth in sections 218A(e)(3)(B) and 218B(a)(3) of the Act in combination with the family support and family medical insurance requirements set forth in section 218A(e)(8) of the Act in reducing the cost to states and localities of providing emergency health services to individuals who are not United States citizens.

Beginning on page 238, strike line 13, and all that follows through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(d) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101 (a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(e) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101 (a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001 (a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(f) Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amendmend to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subparagraph (F) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

Section 5. Immigration Benefits

(iii) up to 10,000 shall be for aliens who met the specifications set forth in section 203(b)(1) (as of January 1, 2007); and

(iv) the remaining visas be allocated as follows:

(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

''The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 10I(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.'' after ''visa.''.

''(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall——

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the doumentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of:

(a) presence or employment required under this section, or

(b) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(I) bank records;

(II) business records;

(III) employer records;

(IV) records of a labor union or day labor center;

(V) remittance records;

(VI) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(aa) the name, address, and telephone number of the affiant;

(bb) the nature and duration of the relationship between the affiant and the alien; and

(cc) other verification or information.

(D) ADDTIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set by notice in the Federal Register such terms and conditions and minimum standards for affidavits described in (C)(VI) as are necessary, when such affidavits are reviewed in combination with the other documentation as described in (A) or (C), to reliably demonstrate and provide for verification of the identity of any affiant or verification of the physical presence, identity, or employment information averred to by the affiant, or to otherwise prevent fraudulent submissions.''

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

''(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

''(1) use the information furnished by an applicant under section 601 [and 602] of the [—] or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under section 601 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act;

''(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

''(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(b) EXCEPTIONS TO CONFIDENTIALITY.—

''(I) Subsection (a) shall not apply with respect to—

''(A) an alien whose application has been denied, terminated or rescinded based on the Secretary's finding that the alien—

''(i) is inadmissible under or subject to reinstatement of a removal order pursuant to sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of the [—]), or (6)(E) of the Act of the Act; or

''(ii) is deportable under or subject to reinstatement of sections a removal order pursuant to section 237(a)(I)(E), (I)(G), (2), or (4) of the Act of the Act;

(iii) was physically removed and is subject to reinstatement pursuant to section 241 (a)(5).

''(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or rescinded under section 601(d)(1)(F);

''(C) an alien whom the Secretary determines has ordered, incit assisted, or otherwise participated in the persecution of any

person on account of race, I relgon, nationality, membership in a particular social group, or political opinion;

''(D) an alien whom the Secretary determines has, in connection with his application under sections 601 or 02, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

''(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

''(F) an order from a court of competent jurisdiction.

''(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or rescinded based on the Secretary's finding that the alien is inadmissible or deportable.

(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) may be disclosed to—

(I) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate infonnation furnished as part of any application filed under sections 601 and 602, of [—] , any application to extend such status under section 601 (k) of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

''(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602 of [—], then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for Z nonimmigrant status pursuant to sections 601 or 602 to make a determination on any petition or application.

''(g) PENALTIES.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, for Z nonimmigrant status filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(6)(B) and Section 602(a)(I)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) the first $4.4 billion of such penalties shall be deposited into the general fund as repayment of funds transferred into the Immigration Enforcement Account under section 286(z)(I).

(2) penalties in excess of $4.4 billion shall be deposited and remain available as otherwise provided under this act.

Add a new subsection (z) to section 286 of Immigration and Nationality Act as follows:

''(z) IMMIGRATION ENFORCEMENT ACCOUNT.—

''(1) TRANSFERS INTO THE IMMIGRATION ENFORCEMENT ACCOUNT.—Immediately upon enactment the following amount shall be transferred from the general fund to the Immigration Enforcement Account, $4,400,000,000.

''(2) Appropriations.

''(A) There are hereby appropriated such sums that are provided under subsection 1 to remain available until five years after enactment.

''(B) These sums shall be used to meet the trigger requirements set forth in title I, section 1.

''(C) To the extent funds are not exhausted pursuant to (b), they shall be used by the Secretary of Homeland Security on one or more of the following:

''(i) Fencing and Infrastructure;

''(ii) Towers;

''(iii) Detention beds;

''(iv) Employment Eligibility Verification System;

''(v) Implementation of programs authorized in titles IV and VI; and

''(vi) Other federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

(d) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. If the Secretary has not decided whether to grant or deny a waiver 45 days after the waiver application is filed, the waiver shall be deemed an attestation. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

(e) DOCUMENTATION REQUIREMENT;—SECTION 212(N)(1) (8 U.S.C. 1182(N)), AS AMENDED BY THIS SECTION, IS FURTHER AMENDED—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(f) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

SA 1497. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1323 submitted by Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 16 and insert the following:

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 221A. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Notwithstanding any provision under section 604, except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant under title VI or the fact that the applicant applied for status for any purpose other than to make a determination on the application, any subsequent application to extend such status, or to adjust status to that of an alien lawfully admitted for permanent residences under this Act;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) APPLICABILITY.—The limitations described under subsection (a) shall remain in effect until the alien—

(1) makes a request under section 603(b)(1);

(2) is determined to be ineligible due to a criminal conviction under section 603(b)(2);

(3) is determined by the Secretary of Homeland Security to have ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(4) is determined by the Secretary to have, in connection with the alien's application under title VI, engaged in fraud or willful misrepresentation, concealed of a material fact or knowingly offered a false statement; or

(5) is an alien for whom the Secretary has adjusted the alien's status to that of an alien lawfully admitted for permanent residence pursuant to the provisions of title VI, and who any time thereafter submits an application or petition.

(d) SUBSEQUENT DISCLOSURES OR USE.—

(1) DISCLOSURE OF CRIMINAL INFORMATION.—Notwithstanding any other provision of this section, information concerning any activity described in paragraph (2), (3), or (4) of subsection (c) may be used or released for immigration enforcement and law enforcement purposes.

(2) SAVINGS PROVISION.—Nothing in this section may be construed to require the Secretary to initiate proceedings under section 240.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary of Homeland Security may audit and evaluate information furnished as part of any application filed under sections 601 and 602, any application to extend such status under section 601(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section may be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section 601 or 602 are references to sections 601 and 602 of this Act and the amendments made by those sections.

SEC. 221B. H–1B STREAMLINING AND SIMPLIFICATION.

(a) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 30,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

(b) CLARIFYING THE IMMIGRANT INTENT PROVISION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)), as amended by section 419(c) of this Act, is further amended—

(1) by inserting ''(other than a nonimmigrant described in subparagraph (L) or (V) of section 101(a)(15), and other than a nonimmigrant described in any provision of section 101(a)(15)(H)(i) (except subclause (b1) of such section)'' after ''Every alien''; and

(2) by striking ''under the immigration laws'' and inserting ''under section 101(a)(15)''.

SEC. 221C. H–1B EMPLOYER REQUIREMENTS.

(a) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(b) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act, as amended by subsection (a) and section 420, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(c) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of the Immigration and Nationality Act, as amended by this section and section 420, is further amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section and section 420, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

SEC. 221D. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section and section 420, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

SEC. 221E. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the

maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SEC. 221F. PROMPT REMOVAL PROCEEDINGS.

It is the sense of Congress that the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under sections 101(a)(15)(H)(ii) (as amended by title IV), section 101(a)(15)(Y), or section 101(a)(15)(B) (admitted under the terms and conditions of section 214(s)) of the Immigration and Nationality Act, and who exceeds the alien's period of authorized admission or otherwise violates any terms of the nonimmigrant classification in which the aline was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to the national security, homeland security, or public safety.

SEC. 221G. EXIT TRACKING FEES.

Subsection (e)(3) of section 218A of the Immigration and Nationality Act, as added by section 402, is amended by adding at the end the following:

''(F) EXIT TRACKING FEE.—An alien entering the United States on a Y nonimmigrant visa shall pay, upon entry, an exit tracking fee in an amount set by Secretary at a level that will ensure recovery of the full costs of the Y nonimmigrant visa exit system described in section 1(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, and any additional costs associated with the administration of the fees collected.

''(G) DEPOSIT AND DISPOSITION OF DEPARTURE FEE.—The funds described in subparagraph (F) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in such subparagraph.''.

SEC. 221H. Z NONIMMIGRANTS.

(a) AFFIDAVIT REQUIREMENTS.—Notwithstanding section 601(i)(2)(D)(ii), the Secretary of Homeland Security may set by notice in the Federal Register such terms, conditions, and minimum standards for affidavits described in subparagraph (C)(VI) of section 601(i)(2) as are necessary, when such affidavits are reviewed in combination with the other documentation as described in subparagraph (A) or (C) of such section, to reliably demonstrate and provide for verification of the identity of any affiant or verification of the physical presence, identity, or employment information averred to by the affiant, or to otherwise prevent fraudulent submissions.

(b) CONTENT OF APPLICATIONS.—Notwithstanding section 601(g)(3)(B), the Secretary shall utilize fingerprints and other biometric data provided by the alien and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under such section.

(c) TREATMENT OF APPLICANTS.—Notwithstanding section 601(h)(2), no probationary benefits shall be issued to an alien under section 601 until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner unless the Secretary determines, in the Secretary's discretion, that there are articulable reasons to suspect that the alien may be a danger to the security of the United States or to the public safety. If the Secretary determines that the alien may be a danger to the security of the United States or to the public safety, the Secretary shall endeavor to determine the eligibility of the alien for Z nonimmigrant status as expeditiously as possible.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z–A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish a voluntary online registration process allowing applicants for Z and Z–A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) USE.—Use of information recorded in the databse shall be governed by the procedures set forth in section 604.

SEC. 221I. COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)) of the Immigration and Nationality Act, section 101(a)(15)(H)(ii) of such Act, or section 101(a)(15)(Y) of such Act to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

(b) FAILURE TO RECORD DEPARTURE.—An alien who does not record the alien's departure as required by subsection (a) shall be entered into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission not later than 48 hours after the expiration of the alien's period of authorized admission.

(c) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—The information in the database described in subsection (b) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D of such Act.

SEC. 221J. ENFORCEMENT PERSONNEL.

Notwithstanding section 101(a)(2), the Secretary of Homeland Security shall hire personnel as follows:

(1) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(A) SMUGGLING PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(B) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—

(i) IN GENERAL.—In each of the fiscal years 2008 through 2011, the Secretary of Homeland Security shall increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in the United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States, to investigate immigration fraud, and to enforce workplace violations.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subparagraph.

(2) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

SEC. 221K. PERSONNEL OF DHS.

Notwithstanding section 310(a)(1), in each of the two years beginning on the date of the enactment of this Act, the appropriations necessary to hire not less than 2500 a year the number of personnel of the Department of Homeland Security assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities set out in clauses (i) through (xiii) of such section.

SEC. 221L. DEPARTURE REGISTRATION.

Notwithstanding any other provision of this Act or any amendment made by this Act:

(1) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure in a manner to be prescribed by the Secretary of Homeland Security.

(2) EFFECT OF FAILURE TO DEPART.—In the event an alien described in paragraph (1) fails to depart the United States or to register such departure as required by subsection (j)(3), the Secretary of Homeland Security shall take immediate action to determine the location of the alien and, if the alien is located in the United States, to remove the alien from the United States.

(3) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in paragraph (1) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates.

(4) RECORDING.—The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 301.

(5) NOTIFICATION.—Fourteen days prior to employment eligibility expiration employers shall provide, in writing, notification to aliens of the expiration of the aliens's employment eligibility.

(6) SPECIAL FIVE YEAR REPORT ON THE TEMPORARY WORKER PROGRAM.—The Y Visa Program shall continue irrespective of any references to sunset. Not later five years after the date of enactment, submit a report resident and Congress that contains findings of fact and makes recommendations regarding—

''(A) the extent to which employers have complied with the requirements set forth in section 218B(b)(1) of the Act to recruit United States workers through newspaper advertising, posting on the Internet, and posting at the place of employment for a period of more than ten weeks before seeking to employ a Y nonimmigrant;

(B) the frequency with which reasonable additional recruitment efforts during or beyond the established recruitment period would likely have identified a qualified United States worker who was able, ready, and willing to fill the job;

(C) the extent to which employers have complied with the requirement set forth in section 218B(c)(1)(B) of the Act to pay Y nonimmigrants the greater of—

(i) the actual wage level paid to United States workers with similar experience and qualifications for the specific employment in question, or

(ii) the prevailing competitive wage level for the occupational classification in the area of employment;

(D) the impact of Y nonimmigrants on the wages and working conditions of United States workers;

(E) whether the birth rate among citizens and permanent residents of the United States is sufficient to generate enough United States workers to fill all of the jobs produced by the United States economy;

(F) the frequency with which Y nonimmigrants have overstayed their period of authorized admission as established by section 218A(i) of the Act, and the effectiveness of the Department of Homeland Security in identifying, locating, and removing Y nonimmigrants who overstay their visas; and

(G) the effectiveness of the state impact fee requirements set forth in sections 218A(e)(3)(B) and 218B(a)(3) of the Act in combination with the family support and family medical insurance requirements set forth in section 218A(e)(8) of the Act in reducing the cost to states and localities of providing emergency health services to individuals who are not United States citizens.

(b) DOCUMENTATION REQUIREMENT.—Section 212(n)(1) (8 U.S.C. 1182(n)), as amended by this section, is further amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(c) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

SA 1498. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this Act the following sections shall be deemed to be amended as follows:

SECTION 1. EFFECTIVE DATE TRIGGERS AND BORDER ENFORCEMENT.

(6) Visa exit tracking system: The Department of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act, at designated ports of entry or designated U.S. Consulates abroad.

On page 3, line 38 insert the following:

(d) The Secretary of the Department of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien who was admitted to the United States under Section 101(a)(15)(H)(ii) (as amended by Title IV); Section 101(a)(15)(Y); or Section 101(a)(15)(B) (admitted under the terms and conditions of Section 214(s)) of the Act, and who has exceeded the alien's authorized period of admission or otherwise violated any terms of the nonimmigrant classification in which the alien was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to national security, homeland security, or public safety.

On page 7, strike section 111(a) in its entirety and replace with:

(a) Section 215 of the Immigration and Nationality Act, (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (h);

(2) by moving redesignated subsection (h), as redesignated by paragraph (1) to the end;

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

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

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES—

The Secretary shall require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.

(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS—

(1) The Secretary shall require aliens who were admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)), section 101(a)(15)(H)(ii), or section 101(a)(l5)(Y) to record their departure at a designated port of entry or at a designated United States consulate abroad.

(2) Aliens who do not record their departure as required in paragraph (1) shall be entered into the database as overstays within 48 hours of the expiration of their period of authorized admission.

(3) The information in this database shall be made available to state and local law enforcement pursuant to the provisions of section 240D.''

SEC. 3. WORKPLACE ENFORCEMENT.

At the appropriate place in Title III, insert the following:

''14 days prior to employment eligibility expiration, employers shall provide, in writing, notification to aliens of the expiration of the alien's employment eligibility.''

SEC. 4 NEW TEMPORARY WORKER PROGRAM.

Strike section 401 (d).

On p. 147, paragraph 218A(e), as created by the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, is amended as follows:

(1) In subparagraph (3)

(A) To redesignate paragraphs (C), (D) and (E) as paragraphs (D), (E), and (F), respectively;

(B) To add a new paragraph (C) to read as follows:

''(C) An Exit Tracking Fee, in an amount set by Secretary at a level that will ensure recovery of the full costs of providing the Y nonimmigrant visa exit system described in section l(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and any additional costs associated with the administration of the fees collected''; and

(C) To add a new paragraph (O) to read as follows:

''(G) Deposit and Disposition of Departure Fee.—The funds described in subparagraph (C) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in 218A{e)(3)(C).''

On page 151, strike line 30 and 31 and insert the following:

''or Y nonimmigrant status if the alien is

(A)(i) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

(ii) Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien

(B) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(C) an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(D) has been convicted of—

(i) a felony, including but not limited to: first degree murder; kidnapping; bank robbery; sexual exploitation, and other abuse of children; selling or buying of children; activities relating to children involving sexual exploitation of a minor; activities relating to material constituting or containing child pornography, or illegal transportation of a minor; or domestic violence, a crime of stalking, or a crime of child agues, child neglect, or child abandonment

(ii) an aggravated felony as defined at section 101 (a){43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section lOl(h) of the Act

On page 224, between lines 29 and 30, and insert the following:

(3) by amending paragraph (3), as redesignated by paragraph (2) of this section, to read as follows:

''(3) The numerical limitations of paragraph (1)—

(A) shall apply to principal aliens and not to the spouses or children of such aliens; and

''(B) shall not apply to aliens seeking nonimmigrant status under section 101(a)(15)(Y)(i) for a fiscal year who have been granted nonimmigrant status under such section during a previous fiscal year.''; and

On page 229, add a section 412(b)(3) to read as follows:

''(3) SPECIAL FIVE YEAR REPORT ON THE TEMPORARY WORKER PROGRAM.—Not later five years after the date of enactment, submit a report to the President and Congress that contains findings of fact and makes recommendations regarding—

''(A) the extent to which employers have complied with the requirements set forth in section 218B(b)(1) of the Act to recruit United States workers through newspaper advertising, posting on the Internet, and posting at the place of employment for a period of more than ten weeks before seeking to employ a Y nonimmigrant;

(B) the frequency with which reasonable additional recruitment efforts during or beyond the established recruitment period would likely have identified a qualified United States worker who was able, ready, and willing to fill the job;

(C) the extent to which employers have complied with the requirement set forth in section 218B(c)(1)(B) of the Act to pay Y nonimmigrants the greater of—

(i) the actual wage level paid to United States workers with similar experience and qualifications for the specific employment in question, or

(ii) the prevailing competitive wage level for the occupational classification in the area of employment;

(D) the impact ofY nonimmigrants on the wages and working conditions of United States workers;

(E) whether the birth rate among citizens and permanent residents of the United States is sufficient to generate enough United States workers to fill all of the jobs produced by the United States economy;

(F) the frequency with which Y nonimmigrants have overstayed their period of authorized admission as established by section 218A(i) of the Act, and the effectiveness of the Department of Homeland Security in identifying, locating, and removing Y nonimmigrants who overstay their visas; and

(G) the effectiveness of the state impact fee requirements set forth in sections 218A(e)(3)(B) and 218B(a)(3) of the Act in combination with the family support and family medical insurance requirements set forth in section 218A(e)(8) of the Act in reducing the cost to states and localities of providing emergency health services to individuals who are not United States citizens.

Beginning on page 238, strike line 13, and all that follows through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(d) H–1b AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—(1) in paragraph (l)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101 (a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(e) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(B) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(f) Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(2) APPLICABILITY.— The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subparagraph (F) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

SEC. 5. IMMIGRATION BENEFITS.

On page 260, line 39, strike ''and''.

On page 260, after line 44, insert the following:

(iii) up to 10,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

(iv) the remaining visas be allocated as follows:

(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

On page 265, between lines 15 and 16, insert the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

On page 266, line 4, insert ''The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.'' after ''visa.''.

SEC. 6. NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS.

On page 291, strike lines 40 and all that follows through page 293, line 22, and insert the following:

''(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of:

(a) presence or employment required under this section, or

(b) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(I) bank records;

(II) business records;

(III) employer records;

(IV) records of a labor union or day labor center;

(V) remittance records;

(VI) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(a) the name, address, and telephone number of the affiant;

(b) the nature and duration of the relationship between the affiant and the alien; and

(c) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

On page 312, strike Section 604 and insert the following:

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

''(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

''(1) use the information furnished by an applicant under Title 6 or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under Title 6 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under Title 6 of such Act;

''(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

''(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

''(b) EXCEPTIONS TO CONFIDENTIALITY.—

''(1) Subsection (a) shall not apply with respect to—

''(A) an alien whose application has been denied, terminated or revokscinded based on the Secretary's finding that the alien—

''(i) is inadmissible under or subject to reinstatement of a removal order pursuant to sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under title 6 of the Act; or

''(ii) is deportable under or subject to reinstatement of sections a removal order pursuant to section 237(a)(1)(E), (1)(G), (2), or (4) of the Act;

(iii) was physically removed and is subject to reinstatement pursuant to section 241 (a)(5).

''(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked rescinded under this title;

''(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(D) an alien whom the Secretary determines has, in connection with his application under title 6, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

''(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

''(F) an order from a court of competent jurisdiction.

''(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or revoked rescinded based on the Secretary's finding that the alien is inadmissible or deportable.

''(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) maybe disclosed to—

(1) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

''(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections title 6 of [—], any application to extend such status under title 6 of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under title 6 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

''(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to title 6, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for Z nonimmigrant status pursuant to title 6 make a determination on any petition or application.

''(g) PENALTIES.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an application filed under title 6 for Z nonimmigrant status filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

On p. 317, strike section 608 and replace with the following:

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(6)(B) and Section 602(a)(1)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) the first $4.4 billion of such penalties shall be deposited into the general fund as repayment of funds transferred into the Immigration Enforcement Account under section 286(z)(I).

(2) penalties in excess of $4.4 billion shall be deposited and remain available as otherwise provided under this act.

Add a new subsection (z) to section 286 of Immigration and Nationality Act as follows:

''(z) IMMIGRATION ENFORCEMENT ACCOUNT.—

''(1) TRANSFERS INTO THE IMMIGRATION ENFORCEMENT ACCOUNT.—Immediately upon enactment, the following amount shall be transferred from the general fund to the Immigration Enforcement Account, $4,400,000,000.

''(2) Appropriations

''(A) There are hereby appropriated such sums that are provided under subsection 1 to remain available until five years after enactment.

''(B) These sums shall be used to meet the trigger requirements set forth in title I, section 1.

''(C) To the extent funds are not exhausted pursuant to (b), they shall be used by the Secretary of Homeland Security on one or more of the following:

''(i) Fencing and Infrastructure;

''(ii) Towers;

''(Hi) Detention beds;

''(iv) Employment Eligibility Verification System;

''(v) Implementation of programs authorized in titles IV and VI; and

''(vi) Other federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

(d) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. If the Secretary has not decided whether to grant or deny a waiver 45 days after the waiver application is filed, the waiver shall be deemed an attestation. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

(e) DOCUMENTATION REQUIREMENT.—Section 212(n)(1) (8 U.S.C. 1182(n)), as amended by this section, is further amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(f) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

SA 1499. Mr. KYL (for himself, Ms. CANTWELL, Ms. COLLINS, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Nothwithstanding any provisions of this act, it is amended as follows:

Beginning on page 238, strike line 13, and all that follows through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(d) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(e) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(f) Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 new petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subparagraph (F) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act

On page 260, line 39, strike ''and''.

On page 260, after line 44, insert the following:

(iii) up to 10,000 shall be for aliens who met the specifications set forth in section 203(b)(I) (as of January 1, 2007); and

(iv) the remaining visas be allocated as follows:

(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

On page 265, between lines 15 and 16, insert the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

On page 266, line 4, insert ''The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available.'' after ''visa.''.

On page 242, between lines 39 and 40, insert the following:

(e) DOCUMENTATION REQUIREMENT.—Section 212(n)(1) (8 U.S.C. 1182(n)), as amended by this section, is further amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B non-immigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(f) FRAUD ASSESSMENT.—Not later than 60 days after the date of the enactment of the Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 7, 2007, at 9:30 a.m., in open session to consider the nomination of Lieutenant General Douglas E. Lute, USA, to be assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 7, 2007, at 2 p.m., in room 253 of the Russell Senate Office Building.

The hearing will serve as an investigation of NASA Inspector General, Robert W. Cobb.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 7, 2007 at 10 a.m. in Room 406 of the Dirksen Senate Office Building to conduct a hearing entitled ''An Examination of the Views of Religious Organizations Regarding Global Warming.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on

the Judiciary be authorized to meet to conduct a markup on Thursday, June 7, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Bills: S. 185, Habeas Corpus Restoration Act of 2007 (Specter, Leahy, Feinstein, Feingold, Whitehouse, Durbin, Biden); S. 720, Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 (Levin); H.R. 692, Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007; S. 535, Emmett Till Unsolved Civil Rights Crime Act (Dodd, Leahy, Schumer, Kennedy); S.456, Gang Abatement and Prevention Act of 2007 (Feinstein, Hatch, Schumer, Specter, Biden, Kyl, Cornyn, Kohl).

II. Nominations: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit; Robert James Jonker to be a United States District Judge for the Western District of Michigan.

III. Resolutions: S. Res. 171, Memorializing fallen firefighters by lowering the U.S. flag (Collins, Biden, Kennedy); S. Res. 82, Designating August 16, 2007 as National Airborne Day (Hagel, Graham, Sessions, Feinstein, Feingold); S. Res. 173, Designating August 11,2007 as National Marina Day (Stabenow).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Prevention of Deceptive Practices and Voter Intimidation in Federal Elections: S. 453'' on Thursday, June 7, 2007 at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Charles Schumer, United States Senator [D–NY]; The Honorable Barack Obama, United States Senator [D–IL].

Panel II: The Honorable Douglas F. Gansler, Attorney General, State of Maryland, Baltimore, MD; The Honorable Jack B. Johnson, County Executive, Prince George's County, MD, Upper Marlboro, MD.

Panel III: Hilary O. Shelton, Director, Washington Bureau, National Association for the Advancement of Colored People [NAACP], Washington, DC; John Trasviña, President and General Counsel, Mexican American Legal Defense and Education Fund [MALDEF], Los Angeles, CA; Richard Briffault, Joseph P. Chamberlain Professor of Legislation, Columbia Law School, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 7, 2007 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of this hearing is to receive testimony on Alternate Energy-Related Uses on the Outer Continental Shelf: Opportunities, Issues and Implementation of Section 388 of the Energy Policy Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Government Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, June 7, 2007 at 2:30 p.m. to conduct a hearing entitled, DHS' Acquisition Organization: Who Is Really in Charge?

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Katherine Chen and Alec Bonander of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE JOHNS HOPKINS UNIVERSITY BLUE JAYS

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 227 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 227) congratulating the Johns Hopkins University Blue Jays for winning the 2007 NCAA Division I Men's Lacrosse Championship.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 227

Whereas, on May 28, 2007, before a crowd of nearly 50,000, the Johns Hopkins University Blue Jays of Baltimore, Maryland, won the 2007 National Collegiate Athletic Association (NCAA) Division I Men's Lacrosse Championship, defeating the Duke University Blue Devils by a score of 12-11 at M&T Bank Stadium in Baltimore, Maryland;

Whereas the Johns Hopkins University Blue Jays, in the 2007 season, had an overall record of 13 wins and 4 losses, and won their last 9 consecutive games to end the season;

Whereas the Johns Hopkins University Blue Jays have won their 9th NCAA Division I Men's Lacrosse Championship;

Whereas the Johns Hopkins University Blue Jays reached the championship game for the 2nd time in 3 years and for the 17th time in school history;

Whereas Jesse Schwartzman was awarded the Tournament Most Outstanding Player award for the 2nd time;

Whereas Jake Byrne, Paul Rabil, Stephen Peyser, and Eric Zerrlaut joined Schwartzman on the All-Tournament Team;

Whereas the 2007 NCAA Championship lacrosse team members are Jamison Koesterer, Jesse Schwartzman, Andrew Miller, Garrett Stanwick, Michael Gvozden, Matt Bocklet, Ben O'Neill, Paul Rabil, Steven Boyle, George Castle, Stephen Peyser, Josh Peck, Michael Doneger, Michael Kimmel, Eric Zerrlaut, Drew Dabrowski, Austin Walker, Brian Christopher, Conor Cassidy, Brendan Skakandi, Nolan Matthews, Kevin Huntley, Jake Byrne, Mark Bryan, Tom Duerr, Chris Boland, Nick Donoghue, Dave Spaulding, Will Jawish, Val Washington, Michael Evans, Zach Tedeschi, Erik Stilley, Andrew Jaffe, Andrew Posil, John Franklin, Lorenzo Heholt, Kyle Miller, Max Chautin, Michael Powers, Matt Drenan, Sam DeVore, Nathan Matthews, Greg Harrington, Eric Dang, Max Levine, and Michael Murray; and

Whereas the 2007 NCAA Championship lacrosse team coaches are Dave Pietramala, Bill Dwan, Bobby Benson, and Dave Allan: Now, therefore, be it

Resolved, That the Senate congratulates the Johns Hopkins University men's lacrosse team for winning the 2007 NCAA Division I Men's Lacrosse Championship.

CONGRATULATING THE BROWN UNIVERSITY WOMEN'S CREW TEAM

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 228, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) congratulating the Brown University women's crew team for winning the 2007 NCAA Division I Women's Rowing Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 228

Whereas, on Sunday, May 27, 2007, the Brown University women's crew team won the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Rowing Championship in Oak Ridge, Tennessee;

Whereas the Brown University women's crew team was 1 of only 2 teams that qualified for the grand final in varsity eights, junior varsity eights, and varsity fours;

Whereas the Brown University women's crew team has won 5 NCAA championships in the last 9 years, in 1999, 2000, 2002, 2004, and 2007, as well as finishing 2nd twice and 3rd twice during that period;

Whereas the Brown University women's crew team is the winningest crew program in NCAA history; and

Whereas the Brown University varsity women's crew team had a record of 5-1 during the regular season, and both the 2nd varsity and novice teams were undefeated for the season: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Brown University women's crew team for being champions on and off the water and for their victory in the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Rowing Championship;

(2) recognizes the achievements of the rowers, coaches John and Phoebe Murphy, and the students and alumni whose dedication and hard work helped the Brown University women's crew team win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to Artemis Joukowsky, Chancellor Emeritus of Brown University.

HONORING WILLIAM CLIFTON FRANCE

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 229, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) honoring William Clifton France.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas William Clifton France, NASCAR patriarch and visionary, was born on April 4, 1933, in Washington, D.C.;

Whereas Mr. France grew up in the formative years of stock car racing, living and learning every detail of the sport from his own experiences and those of his father, William Henry Getty France, known as ''Big Bill'' because of his 6-foot-5 stature, who was the founder and first president of NASCAR;

Whereas, in 1972, William Clifton France replaced his father and became the second president of the world's largest auto-racing sanctioning body;

Whereas, during the 28-year tenure of Mr. France as president, and later chairman and chief executive officer, of NASCAR, NASCAR grew from a sport with regional appeal to draw more than 75,000,000 fans yearly and become the second-most popular sport on television in the United States;

Whereas Mr. France worked in every role in stock car racing, from flagging events to scoring, promoting, serving as a steward, and even racing a few times in the 1950s;

Whereas, before being named president of NASCAR, Mr. France served for 6 years as vice president of the organization;

Whereas, in addition to his NASCAR duties, Mr. France served as chairman of the board of International Speedway Corporation, which oversees Daytona International Speedway, Darlington Raceway, Talladega Superspeedway, and other racing facilities around the country, and served as a director of the National Motorsports Council of ACCUS-FIA; and

Whereas Mr. France was a visionary and served the motorsports industry with great distinction: Now, therefore, be it

Resolved, That the Senate extends its condolences to Mrs. Betty Jane France, Lesa France Kennedy, Brian France, and the entire France Family.

ORDERS FOR MONDAY, JUNE 11, 2007

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, June 11; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day, and there then be a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3:30 p.m., the Senate resume debate on the motion to proceed to H.R. 6, with the time until 4:30 equally divided and controlled between the chair and ranking member of the Energy Committee; that from 4:30 to 5:30 p.m., the Senate resume debate on the motion to proceed to S.J. Res. 14, with the time equally divided and controlled between the two leaders or their designees; that the mandatory quorums required under rule XXII be waived with respect to the cloture motions filed with respect to these items; further, that at 5:30 p.m., without intervening action or debate, the Senate vote on the motion to invoke cloture on the motion to proceed to S.J. Res 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 11, 2007, AT 2 P.M.

Mr. DURBIN. If there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Monday, June 11, 2007, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Friday, June 8, 2007*

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. CLEAVER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 8, 2007.

I hereby appoint the Honorable EMANUEL CLEAVER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

We bless You and we praise You, Lord, this afternoon for the House pages who gave up their junior year of high school to serve this institution these past months with youthful enthusiasm and sincere dedication. During their time together, they have grown in learning and maturity and personal integrity. We thank You, Lord, for bringing them together to serve this Nation here in the House of Representatives of the United States.

We ask You to bless them and their families and grant them safe travel. Back home, may they find peace awaiting them, friends to be there to greet them, and lasting memories of their experience here to guide them and give them delight for years to come.

All praise and glory to You, Lord, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. WASSERMAN SCHULTZ led the Pledge of Allegiance as follows:

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

REPORT ON H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Ms. WASSERMAN SCHULTZ, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–181) on the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, June 11, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2098. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus AF36 on Pistachio; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0158; FRL-8129-4] received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Coumaphos; Pesticide Tolerance [EPA-HQ-OPP-2006-0820; FRL-8131-4] received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Famoxadone; Pesticide Tolerance [EPA-HQ-OPP-2006-0332; FRL-8128-6] received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propanil, Phenmedipham, Triallate, and MCPA; Tolerance Actions [EPA-HQ-OPP-2006-0586; FRL-8126-6] received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Gasoline Volatility [EPA-R05-OAR-2006-0976; FRL-8318-3] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2006-0985-200625; FRL-8318-1] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: State of Florida; Prevention of Significant Deterioration requirements for Power Plants Subject to the Florida Power Plant Siting Act. [EPA-R04-OAR-2006-0130-200714(a); FRL-8317-8] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [EPA-R07-OAR-2006-0973; FRL-8318-6] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007-038 ; FRL-8318-8] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2007-0236; FRL-8315-9] received May 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2108. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD201-3117; FRL-8313-2] received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2109. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Removal of Douglas County Transportation Control Measure; Correcting Amendment [EPA-R04-OAR-2006-0577-200624(c); FRL-8317-3] received

May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2110. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule on the Treatment of Data Influenced by Exceptional Events; Correction [EPA-HQ-OAR-2005-0159; [FRL-8316-5]] (RIN: 2060-AN40) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-n-Propyl Bromide in Solvent Cleaning [EPA-HQ-OAR-2002-0064; FRL-8316-8] (RIN: 2060-AO10) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. PRICE of North Carolina: Committee on Appropriations. H.R. 2638. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–181). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 110–182). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–183). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Ms. WOOLSEY (for herself, Mr. WILSON of South Carolina, Mr. GEORGE MILLER of California, Mr. MCKEON, and Mr. HARE):

H.R. 2637. A bill to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

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

H.R. 219: Mrs. MUSGRAVE.

H.R. 457: Mr. BARTLETT of Maryland.

H.R. 741: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1282: Mr. DENT and Mr. CUMMINGS.

H.R. 1355: Mr. CARTER.

H.R. 1400: Mr. ROSS, Mr. DINGELL, Mr. BURGESS, Mr. CLEAVER, Mr. UPTON, Mr. MARSHALL, Mr. COBLE, Mr. KENNEDY, and Ms. GRANGER.

H.R. 1428: Mr. CARNEY.

H.R. 1440: Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. GARRETT of New Jersey, and Mr. STEARNS.

H.R. 2117: Mr. FORTUÑO and Mr. DEFAZIO.

H.R. 2149: Mr. FORTUÑO.

H.R. 2281: Ms. BERKLEY.

H.R. 2387: Mr. CAMP of Michigan.

H.R. 2604: Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, and Mr. CARNAHAN.

H. Con. Res. 164: Mr. BOSWELL.

H. Res. 241: Mr. JEFFERSON.

SENATE—*Monday, June 11, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, speak to us today that here in Your presence we may find knowledge of what You want us to do. Guide our Senators this week so that they clearly understand Your desires and give them the wisdom to obey. Provide them with daily strength to honor You with their service. May they never act in such a way that they lose their self-respect. Keep them from being the kind of people who want to get everything out of life while only putting a little into it. Remind them that they will answer to You for the way they have used their talents to serve others. Give them the ambition to honor You with faithfulness and humility.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KENT CONRAD led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2007.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m., with the time equally divided and controlled between the two leaders or their designees. At 3:30 p.m., the Senate will have 2 hours of debate as follows: An hour on the motion to proceed to the energy legislation, and the second hour will be debate on the motion to proceed to the legislation expressing no confidence in Attorney General Gonzales. Starting at 5:30 p.m. today, the Senate will conduct a rollcall vote on the motion to invoke cloture on the motion to proceed to the Gonzales legislation. If that cloture vote fails, then the Senate will have a vote on the motion to proceed to the energy legislation.

ORDER OF PROCEDURE

I now ask unanimous consent that at 5:10 today, until the vote at 5:30, the time be equally divided and controlled between the two leaders, with the majority leader controlling the final 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF IMMIGRATION AND ENERGY ISSUES

Mr. REID. Mr. President, we have spent 2 weeks on the immigration bill, and we listened to hour after hour of debate. I don't think there is a single Senator, no matter how one may have finally voted on the motion to proceed or not to proceed to the bill, who doesn't see an urgent need to fix our badly broken immigration system. Even those people who oppose this legislation vehemently believe the system is broken and needs to be fixed.

So everyone agrees that we need to fix it, and I think the best way to fix it is to legislate. When it came time to vote on the bipartisan compromise last Thursday, 7 Republicans joined with 38 Democrats to invoke cloture. Let us put that in proper perspective. Fourth-fifths of Democrats voted to proceed to complete this legislation, and one-seventh of the Republicans voted to proceed. That is 80 percent and 14 percent—80 percent of the Democrats said move forward and 14 percent of the Republicans said move forward. Eighty-six percent of the Republicans said no.

Today, in an hour or so, I am going to send a letter to President Bush to lay out my hope that we can still move forward on this legislation, but I want him to know that further progress will require active support from more Republicans, which is something he has to make sure his Republicans understand.

I see in today's Roll Call newspaper that one Republican Senator said: I think the Democrats are going to have to take care of most of those votes, the newspaper article says. Without mentioning the Senator's name, the article states:

Put the onus on Democrats to make up the 15-vote deficit on cloture, saying Republicans have nearly maxed out support on their side.

This appears on page 24 of Roll Call: ''I think the Democrats are going to have to deal with most of those [votes],'' the Senator said.

Mr. President, 80 percent and 14 percent. It is the President's bill. So if other Republican Senators feel the same as the Senator who is expressed on page 24 of Roll Call, saying we have to overcome the 15-vote deficit, it won't happen. We have about maxed out at 80 percent.

The letter I am going to send to the President will say a number of things. Among other things, it will say:

A strong spirit of bipartisanship has held together the coalition of Democrats and Republicans who negotiated the compromise and has sustained the Senate through 2 full weeks of debate on the bill. Unfortunately, that bipartisanship was largely absent in a crucial vote last Thursday.

Then I will go on to state to the President the percentages I just outlined.

I further say in the letter to the President:

We appreciate the efforts of you and other Republicans who have worked with us to get the bill this far. But we believe it will take stronger leadership by you to ensure that opponents of the bill do not block the path to final passage. Simply put, we need many more than seven Republicans to vote for cloture and final passage of the bill.

This letter will be signed by Senators REID, DURBIN, SCHUMER, and MURRAY, the Democratic leadership team.

I want to get the bill done. The overwhelming majority of the Democratic caucus has already voted for cloture. The American people are certainly looking to Congress for leadership. We hope President Bush and his Republican allies in Congress will find a way to work with us to deliver this bill to the immigrants, businesses, and all other Americans who deserve it.

If we see new cooperation and a clear way forward from the Republican caucus, I will do everything possible to readdress the immigration issue after the debate on the Energy bill is completed. And it is difficult for me to even say this because I really wanted to move

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

next to the Defense authorization bill. If we can work out something, when we finish this Energy bill, to complete immigration, I want to do that.

Finally, Mr. President, on energy, we will turn our focus this week to one of the great remaining challenges of our time: our national energy policy.

In 1931, Thomas Alva Edison had a meeting with Henry Ford, whose cars were driving up consumer demand for gasoline. This is what Edison told Ford:

> I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that.

Here it is, 76 years later—76 years later—and we haven't tackled our addiction to oil, and it has grown into a three-pronged crisis: Threatening our economy, threatening our Nation's security, and threatening our environment.

Today, we will use 21 million barrels of oil and tomorrow the same. How much is 21 million barrels of oil? It is a ditch 10 feet deep and 200 football fields long or a ditch 10 feet deep and 11 miles long. Every day, we use that oil—every day.

The bill we begin debate on today—the Renewable Fuels, Consumer Protection Energy Efficiency Act of 2007—takes several major steps toward reducing our dependence on foreign oil, promoting renewable energy that we produce right here in America, and protecting our environment from global warming. This bill is a substitute to H.R. 6. This bill is a bipartisan bill.

A number of my chairmen came to me and said: We have this great legislation in my committee; can we bring it forward? I said: No, we have to have an energy bill; our initial energy bill has to be bipartisan. So the Energy Committee, under the direction of Senators BINGAMAN and DOMENICI, came up with a good package. That is part of what we are going to be debating in the Senate.

Then, in the Commerce Committee, Senator STEVENS and Senator INOUYE also came up with an extremely important piece of legislation dealing with CAFE standards, which is making cars more efficient. That is going to be in the bill to be brought to the floor.

Senator BOXER and Senator INHOFE also worked together to come up with another piece of legislation that we have put in this one bill. Their part of this bill is also excellent and deals with green buildings and making the massive fleet of Federal cars more energy efficient. It is a good piece of legislation, and it is a bipartisan bill.

There will be people wanting to put tax measures on this, but I think we should wait until the tax committee—Senators BAUCUS and GRASSLEY—does that. This is a bill which we should try to protect the bipartisan aspect of. It really is quite a good bill, and if we are able to pass it, we will save 4 million barrels of oil every day. That is pretty good.

This bill will set new energy efficiency standards for lighting, appliances, and water use. This bill alone will save ½ trillion gallons of water every year. For a place like Nevada, where we get 4 inches of rain every year in Las Vegas, that is a lot of water.

This is a bill which protects consumers by punishing companies that price gouge and manipulate supply for their profits. It is a bill which invests in carbon capture and storage, and it directs the President and his Cabinet to improve diplomatic relations with our energy partners in order to give us more leverage in the global energy market.

Altogether, this bill will save American consumers tens of billions of dollars every year, cut our oil consumption, reduce our dependence on foreign energy, and, by the way, might just save the planet while we are at it.

It is a good, important bill, a bipartisan bill, and as I have indicated, many of my colleagues will be tempted to offer tax amendments. I ask that they wait until the Finance Committee has had an opportunity to make recommendations on an energy tax amendment before any additional amendments are offered on this bill.

I hope my colleagues will vote in favor of the motion to proceed. In fact, I hope we can proceed to the bill immediately and not have to use the 30 hours. That will allow time for more amendments.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

IMMIGRATION

Mr. MCCONNELL. Mr. President, just a brief word about the immigration bill. We could have been wrapping it up tonight.

As I indicated to my good friend, the majority leader, on Thursday afternoon, I thought there was every reason to believe we could have finished the immigration bill by tonight. Instead, we ended up having another cloture vote—in my view, a day or two premature—taking Friday off, and today spending our time on a meaningless resolution giving the President advice about whom the Attorney General ought to be.

Having said that, I appreciate the comments of the majority leader that he would like to finish the immigration bill. There is a substantial number of Republican Senators who believe this bill would be an improvement over the current situation, over the status quo, and so I hope we will be able to chart a path to get us back on track at some point and hopefully complete, on a bipartisan basis, what could well be the most important domestic achievement of this Congress.

I am pleased to hear the majority leader say there is a possibility that we could get back to this measure and wrap it up. That certainly is my hope, and I will look forward to working with him toward that end.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the 2 leaders or their designees.

The Senator from North Dakota.

ATTORNEY GENERAL GONZALES

Mr. CONRAD. Mr. President, I rise today to discuss the issues surrounding the removal of eight U.S. attorneys last year. Attorney General Gonzales has claimed that he had no involvement in the firing of the U.S. attorneys. In fact, this is his statement. He said:

> I was not involved in seeing any memos, was not involved in any discussions about what was going on. That's basically what I knew as the Attorney General.

That is really a stunning claim. His own Chief of Staff, Kyle Sampson, admitted the Attorney General misled the country. He is not alone. Kyle Sampson, former Chief of Staff to the Attorney General, said:

> I don't think the Attorney General's statement that he was not involved in any discussions . . . was accurate. I remember discussing with him this process of asking certain U.S. attorneys to resign.

The Washington Post reported, on Michael Battle, the former Director of the Executive Office for U.S. Attorneys, and I quote from that story:

> The former Justice Department official who carried out the firings of eight U.S. attorneys last year told Congress . . . that a memo on the firings was distributed at a November 27 meeting attended by Attorney General Alberto R. Gonzales.

NBC News reported on William Mercer, the Acting Associate Attorney General:

> Justice Department official William W. Mercer told congressional investigators on April 11 that he attended a meeting with the Attorney General . . . to discuss "fired U.S. Attorney Carol Lamm's situation."

It is simply not credible that the Attorney General of the United States had no role in the removal of eight U.S. attorneys. After all, he is the head of the Justice Department. To his credit, the Attorney General did eventually admit that he had misspoken in describing his lack of involvement. Given the growing public record, I don't think he had much choice.

However, to the great disappointment of people on both sides of the aisle, the Attorney General failed miserably in his attempt to set the record straight. In his testimony before the Senate Judiciary Committee, the Attorney General used the words, ''I don't recall,'' or a variant on those words, 64 times. ''I don't recall,'' ''I don't have any recollection,'' ''I have no memory''—64 times. Some counts have that number at over 70. Some even approach 90.

Time after time, the Attorney General was unable to respond to even basic questions. He couldn't explain or couldn't remember why the U.S. attorneys were fired or how he was involved. Again, his performance was truly stunning. His inability or refusal to answer basic questions raises serious issues. Is he incompetent or is he simply playing the loyal soldier? Why were these U.S. attorneys removed?

Unfortunately, the answer that immediately suggests itself is that these firings were politically motivated. Let's look at some of the fired U.S. attorneys and the possible political reasons for their dismissal. Here we have them.

David Iglesias, New Mexico—there was a probe of Democrats not completed quickly enough. We had prominent Republicans complaining that he had not reached conclusion on a probe of Democrats quickly enough.

Carol Lamm, in California—she secured the conviction of a Republican Congressman, also had indicted the No. 3 official at the CIA, and was investigating a Republican Congressman.

Daniel Ogden, Nevada—investigated a Republican Governor and former Republican Congressman.

Bud Cummins in Arkansas—was replaced by a Karl Rove operative. He investigated a Republican Governor of Missouri.

John McCay, in Washington State—to the dismay of local GOP partisans, did not investigate the gubernatorial election won by a Democrat.

Paul Charlton, Arizona—he investigated Republican Congressman Jim Colby and Rick Renzi.

You start to connect the dots here. They said the reason these people were removed was because of poor performance. At least that is the assertion of the Attorney General. But if you look at the written reviews of these same U.S. attorneys, ones who had been removed and ones for whom you can find a clear partisan reason for their removal—look at the written reviews of their performance, which is the reason given by the Attorney General for their removal.

David Iglesias, New Mexico, written review:

> Respected by the judiciary, agencies and staff . . . complied with department priorities.

Carol Lamm, California:

> Effective manager and respected leader.

Daniel Ogden, Nevada:

> Overall evaluation was very positive.

Bud Cummins of Arkansas:

> Very competent and highly regarded.

John McCay, Washington State:

> Effective, well-regarded and capable leader.

Paul Charlton, Arizona:

> Well respected . . . established goals that were appropriate to meet the priorities of the department.

What do we have here? The Attorney General says he wasn't involved. Others of his own staff say he was involved. Then he says it was performance reasons for which these people were removed, but if you look at the written reviews of the people who were removed, their performance reviews were excellent.

But what you do have is a clear political motivation in case after case involving these U.S. attorneys. When you go back to the reason the Attorney General is giving now, that it is performance based, here is what the former supervisor of these prosecutors said:

> Comey added that:
> The reasons given for their firings have not been consistent with my experience. . . .

And that:

> I had very positive encounters with these folks.
> Comey was effusive in his praise of several of the fired prosecutors.

Comey was the Deputy Attorney General, and he described Paul Charlton of Arizona as '' one of the best.'' He said he had a very positive view of David Iglesias of New Mexico, and called Daniel Ogden of Las Vegas ''straight as a Nevada highway and a fired-up guy.''

Of John McCay of Seattle, Comey said:

> I was inspired by him.

Now, it doesn't take long to figure out what has happened. The Attorney General comes and testifies he can't recall, he doesn't remember, that he wasn't really a part of it. He is contradicted by his own staff. Then he says it is performance based, but the performance reviews are without exception positive for these people who have been fired. Their supervisor, who was Deputy Attorney General, has rave reviews for virtually all of them.

Let's connect the dots. These are politically motivated firings. I don't know what other conclusion one can come to, and that is a very serious matter. I have been in the Senate for more than 20 years. I have never come to the floor and raised questions about the political motivation of an Attorney General—never. I do so now, and I do it because I believe this is a serious matter.

When the administration of justice becomes politically tainted in this country, that is an enormously serious matter. There is no longer, in my mind, any question but that this Attorney General has tainted his office. That is only further demonstrated by his late night visit to the hospital bed of the Attorney General of the United States, at that time John Ashcroft, to get him to sign documents that he refused to sign about the legality of certain actions of this administration.

We have seen enough. This Attorney General needs to leave his office. He has tainted his office. He does not deserve the high responsibility and enormous honor serving as Attorney General of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

MEDIA BIAS

Mr. BOND. Mr. President, recently I returned from Iraq where I visited Tikrit, Baghdad, Bamadi, and Balad with three of my congressional colleagues. We had the opportunity to meet with the commanding officers and troops on each location. On the floor of the Senate I spoke to you about witnessing firsthand some of the progress being made. Since I have seen so little coverage of that progress, I think progress bears repeating.

The new plan, the counterinsurgency plan, is showing initial signs of progress. Violence in al-Qaim, Haditha, Hit, Ramadi, and Falluja has dramatically decreased due to local leaders now siding with coalition forces pursuing al-Qaida in Iraq.

In Baghdad, U.S. and Iraqi security forces are clearing and holding some of the most dangerous areas, and sectarian violence has decreased.

I was especially impressed with the successes in Ramadi, where only a few months ago some were claiming it lost forever, and al-Qaida said it was going to establish its headquarters there. In April, attacks in Ramadi decreased by 74 percent. All 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants, 263 weapons caches were discovered in the preceding 3 months, and Iraqis are volunteering by the thousands to join the Army and local police force.

I am disappointed this progress has not been widely covered by the media in the United States. In fact, the only TV coverage I have seen was a 60-second clip by Nick Johnson of CNN, who did an excellent job. I see the LA Times

had a story, ''Iraqi Tribal Chiefs Forming an Anti-Insurgent Party.''

The frustration at the failure of our media to call the successes what they were is very high. Earlier last week, my office received an e-mail from one of our troops serving in Iraq. He detailed an exciting success story, the establishment of a new joint command precinct for Iraqi police, Iraqi Army and Marines, the first such precinct headquarters to be established in Falluja. His e-mail detailed what a success the operation had been. Almost 200 Iraqis volunteered for police recruitment, hundreds more received outpatient medical care, damage claims were settled, and all present received food and oil rations. And the Iraqis seemed to be very pleased to be cooperating with the United States.

But the enemy, being very clever, working to thwart any and all progress, reacted to this success story by sending in some poor suicide bomber. Thanks to aggressive patrolling efforts by Iraqi forces, the bomber was forced to detonate his vest almost half a mile away when he was halted by police. He caused superficial wounds to one Iraqi civilian and killed himself. No one else was injured, no other damage caused. In the aftermath of the incident the precinct signed up an additional 75 recruits for police service.

As this American warrior wrote to us:

> This bomber failed. He failed to kill innocents and he failed to deter the progress of standing up Iraqi police.

But to his frustration there was no coverage of this good news story. Indeed, the media, the U.S. media totally misreported the story. A number of media outlets carried these headlines. From the Baltimore Sun, ''Attack on Iraq Police, At Least 20 Dead.''

From the Los Angeles Times, ''Twenty Iraqis Die in Suicide Attacks.''

Our correspondent wrote that he was shocked. He checked it out every way he could, but it appears to have been a false report. The headlines refer to the failed attack but depicted a dramatically different outcome. There has been no apparent retraction, so thousands upon thousands, maybe hundreds of thousands who saw the headline assumed yet another tragic incident occurred in Falluja and just lumped that in with all the other bad news that makes up a grim picture of Iraq. And you see why our men and women fighting over there are frustrated.

The following morning our correspondent found himself in another situation. He learned a combined Iraqi Army police and U.S. Marine patrol in Falluja encountered a small band of insurgents at a suicide vehicle factory. The police engaged the enemy, killing four of them, and the Iraqi Army and Marines trapped additional escaping insurgents, killing three more. Two large trucks laden with explosives and rigged to be suicide vehicles were found.

This was a best case scenario: enemy killed in his tracks, weapon was discovered before it caused any harm, there were no civilian casualties whatsoever, and U.S. demolition forces blew up the two suicide vehicles. Instead of celebrating this success, the e-mail noted—the writer noted it was disappointing to read a headline, ''Children Killed.''

According to the story, the U.S. tank fired a high-explosive round at insurgents placing an IED in Fallujah yesterday, killing three Iraqi children. The insurgents got away. To anyone watching the news that day, it would seem the war in Iraq is being lost and the terrorists are winning. While there has been significant progress in Iraq, there is no doubt we are losing the war of information. I couldn't have said it better than the young man who wrote my office in frustration, who said:

> What incredible economy of effort the enemy is afforded when U.S. media is their megaphone. Why spend precious resources on developing your own propaganda machine when you can make your opponent's own news outlets scream your message louder than you ever hoped to do independently.

The young man ended his e-mail by saying the incidents he detailed were very important to him and his comrades who were serving in Iraq. Typical of our brave warfighters, the young man stressed that he and his fellow soldiers will continue to fight the fight. He acknowledged there will be mistakes, setbacks, and casualties that the world will hear about, but there will also be successes, victories over enemy combatants, progress, stability, and growth in the new Iraq, but, tragically, it appears no one is going to hear about that in our media since it has been increasingly clear that our media is unwilling or able to report anything except bloody headlines and bad news. The U.S. Government has a responsibility to do a better job of public diplomacy, strategic influence getting our story out.

The U.S. military has made a real difference in Iraqi communities. There are examples of good stories, such as the local new precinct joint command headquarters. But somehow we are not doing an adequate job of spreading the news. Let me cite an example from today's Washington Post page A11: ''Tribal Coalition In Anbar Said To Be Crumbling.'' Well, I have missed it, perhaps, if I saw anything in the Washington Post about the coalition. About 23 sheiks in the tribal areas are cooperating with the United States. But when you read the story a little farther, you see the headline is about one Sunni leader who has great concern about another Sunni leader, and calls him a ''traitor.'' Unfortunately, this happens to go on frequently among tribes.

When you read farther down in the story, we finally interview General Petraeus. General Petraeus said: I think they have done this for their lives. This is not just a business deal that they have struck; when you oppose al-Qaida, you are putting it all on the line. This is not an economic issue.

That was the message from our commander. He did not get the headline. There was another member of the council who said that: The salvation is like one family. There are no problems between us and the members.

U.S. military officials said virtually everyone in Anbar belongs to a tribe and that rather than ignore that fact, they were trying to exploit it.

> There is an overlay of government structure and tribal structure, and the two, when they work well, mesh and, in a sense, complement each other in Anbar.

I was able to see an article, a TV story by Ollie North this past Sunday, a war story. He was talking about the good old days in World War II. If there was anything good about the old days in World War II, Hollywood and the media were on the same side as our troops. What a wonderful vestige of the old times.

I thought this was a great opportunity to see what had happened in the past. The war of ideas and public opinion is not just critical in Iraq, it is critical in the broad war on terror.

As we know from reading the statements of Ayman al-Zawahari, the No. 2 in command, he knows they cannot win the war militarily; they can win it only by influencing public opinion in the United States. Unfortunately, recent congressional action indicates the terrorists may not be far off base. Resolutions to withdraw from Iraq, delaying funding for the troops, telling the Sunni terror cells and the Shia militias that America's political will is wavering—the supporters of these resolutions are sending a message: Hang on, the United States will not have the political will to outlast them. Our men and women in uniform are right to be disheartened that we have not only the media but some Members of Congress who are unduly influenced by our enemy. It is critical that we not fall into this trap set by al-Qaida and the other Islamic terrorists who wish to defeat us. It is about time we realize our brave men and women in Iraq are putting their lives on the line, they are under fire every day. They are fighting a battle and they are making progress in the global war on terror. They need the funds for equipment, which we finally passed to them, but they also deserve our moral support and support in winning the hearts and minds not only of the United States but of the world.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

NO CONFIDENCE RESOLUTION

Mr. HATCH. Mr. President, this afternoon the Senate will decide whether to end debate on proceeding to Senate Joint Resolution 14, which expresses the sense of the Senate that the Attorney General no longer holds the confidence of the Senate or the American people.

I rise to oppose this so-called no confidence resolution on both procedural and substantive grounds and will urge my colleagues to vote against ending debate. To paraphrase Shakespeare, whether or not this joint resolution amounts to sound and fury, it signifies nothing. It is nothing more than a bit of political theater which should be rejected out of hand.

Let me make 2 points about its form and 2 points about its substance before offering a few comments about the controversy from which it arose. The first point I want to make about its form is that this measure would express the sense or opinion of the Senate through a joint resolution. As opposed to regular Senate resolutions that require only Senate passage, joint resolutions are legislative vehicles requiring passage by both houses and signature by the President.

We use joint resolutions to propose constitutional amendments and some other legislative business, but this legislative vehicle is simply the wrong way to conduct non-legislative business such as expressing the opinion of one house. In a report dated today, the Congressional Research Service concludes that the form of this measure as a joint resolution is inappropriate for what it purports to do.

I think this is significant and the reason for this conclusion is obvious. If this joint resolution should somehow pass the Senate—which I certainly expect it will not—it will be sent to the House.

How on Earth can the House vote on the sense of the Senate? What could a House vote about the Senate's opinion on this matter possibly mean? By a negative vote, would the House be saying that what the Senate has expressed as its own opinion is really not the Senate's opinion? This makes no sense whatsoever. In fact, the House already has its own resolution regarding the Attorney General's service, and it is a regular House resolution.

The sponsors of S.J. Res 14 either do not understand or have disregarded how the legislative process is supposed to work. I suspect it is the latter, using this political ploy to force the President's involvement.

Either way, this body should reject it out of hand.

The Senate has not used a joint resolution in the past on the rare occasion when it has sought to criticize executive branch officials. Resolutions in the 109th Congress to censure the President or condemn remarks by a former Cabinet Secretary were Senate resolutions.

The resolution to censure the President introduced in the 106th Congress, offered by one of the cosponsors of today's joint resolution, was a Senate resolution. Resolutions in the 81st and 82nd Congresses demanding the resignation of Secretary of State Dean Acheson were Senate resolutions. The resolution to censure and condemn President James Buchanan in 1862 was a Senate resolution. Our only attempt to censure the Attorney General, back in 1886, was through Senate resolutions. This unprecedented use of a joint resolution would distort our legislative procedure, and I urge my colleagues to reject it.

The second point about the form of this measure is that it purports to be a no confidence resolution. Parliaments take no-confidence votes for an obvious reason. In a parliamentary system of government, the legislative body's confidence or support is necessary for the head of government and cabinet ministers to serve.

For an equally obvious reason, the so-called no-confidence resolution before us should be rejected. This is not a parliament. In our Presidential system of government, the separation of powers means that the chief executive is elected separately from the legislature, and cabinet officials such as the Attorney General serve at the pleasure of the President.

Under the Constitution, the Senate's consent was required for the Attorney General's appointment, but our confidence is not required for the Attorney General's continued service. The Attorney General serves at the pleasure of the President, not at the confidence of the Senate.

The separation of powers has been a casualty throughout the controversy concerning the removal of U.S. Attorneys that gave rise to this misguided resolution. As with the Attorney General—and with very few exceptions—U.S. attorneys serve at the pleasure of the President.

The U.S. attorney statute says that they are subject to removal by the President. Neither the Constitution nor this statute say anything about the confidence of the Senate for the continued service of officials the President has authority to appoint.

The separation of powers, a principle fundamental to our constitutional system itself, is becoming a casualty of partisan politics.

The brand new Congressional Research Service report I mentioned earlier could not identify a single resolution like this one even being offered in the past and this should not be the first. No matter what its substance, a joint resolution is inappropriate for expressing the sense of the Senate about his issue. No matter what its form, a resolution expressing a lack of confidence in an executive branch official is inappropriate in our system of government.

Let me now address two points regarding the substance of this inappropriate joint resolution. The first point is about the real purpose behind its words. Even though expressing a lack of confidence in an executive branch official is irrelevant in our system of government, we all know that the real purpose behind this resolution is to pressure the Attorney General to resign.

On the one hand, if its sponsors want to call for the Attorney General's resignation, they should be honest and do so. On the other hand, Senators certainly do not need a resolution—especially one as fundamentally flawed and inappropriate as this one—to call for the Attorney General's resignation. As a number of this resolution's sponsors have already done, with the rapt attention and constant repetition of a compliant media, Senators can demand the Attorney General's resignation any time they choose.

My second point about the substance of this misguided joint resolution concerns its actual content, the words themselves.

This joint resolution does not condemn or criticize the Attorney General for anything he has done or said. It does not call for his censure. And, just to repeat, this joint resolution does not call for the Attorney General's resignation.

In the past, the Senate has considered resolutions doing each of these, albeit through regular Senate resolutions properly suited to the task. But this joint resolution before us does not even contain a single ''whereas,'' clause offering any indication of the basis or any reason for what it says. Rather, this joint resolution speaks vaguely of ''holding confidence,'' as if this were an all-or-nothing proposition, as if this were some kind of a pass-fail test.

Even when parliaments take no-confidence votes, those votes are at least limited to the confidence of parliament itself. This joint resolution purports to speak about all the confidence of all the American people. But what could a ''yes'' or ''roll vote on such a resolution possibly mean? Would a ''no'' vote mean that no American has any confidence in the Attorney General about anything?

Would a ''yes'' vote mean that every American has complete confidence in the Attorney General about everything?

Because neither one of those can possibly be true, a resolution worded this way is either seriously misguided or nothing but a publicity stunt. It is not focused on his job performance, or his

leadership of the Justice Department, but is focused on the Attorney General himself.

A resolution asking for a ''yes'' or ''no'' vote on something as vague and misdirected as confidence in a person attempts to reduce the multifaceted and complex to the unilateral and simplistic. In doing so, this misleading joint resolution turns a bit of political theater into a theater of the absurd.

The Senate should not even consider such a resolution evoking the image of Caesar listening for the chants of the crowd before giving a thumbs-up or a thumbs-down. Rather than purporting to speak for the American people, I think we should let the American people speak for themselves.

I found 16 opinion polls by nationally recognized polling outfits during March and April asking Americans whether the Attorney General should resign. These polls did not ask a vague, squishy question such as: Do you have confidence in the Attorney General? No these polls asked the real question behind the joint resolution before us today: Do you think the Attorney General should resign? An average of 39 percent of Americans said ''yes.'' Only one poll showed bare majority responding in the affirmative and, considering its margin of error, even that one might not show majority support for this result at all.

Frankly, I am a little surprised that the percentage of Americans who say the Attorney General should resign is not higher. My Democratic colleagues and many of their media allies, after all, have been working very hard week after week after week to persuade our fellow citizens that the Attorney General should go.

Daily front-page news coverage, Senate and House hearings, protests and lobbying by activists, blogs, columns, editorials—the Attorney General's critics have been pulling out all the stops for 6 months now. And while the joint resolution before us suggests that this aggressive, coordinated effort has deprived the Attorney General of everyone's confidence about everything, only a little over a third of Americans think he should resign. The Pew Research Center examined news coverage during the week in March when the Attorney General gave a much-criticized press conference. They found that the story about dismissed U.S. attorneys was the most reported story in the national media, with coverage jumping eight fold from the previous week. In spite of that Herculean media effort, however, only about 8 percent of Americans said this is the story they followed most closely.

These national polls are far better suited to measure what the American people think than the joint resolution before us, and my Democratic colleagues might want to consider another nugget of public opinion.

A USA Today/Gallup poll showed that while 38 percent of Americans believe that the Attorney General should resign, 40 percent of Americans believe that Democrats in Congress are spending too much time on this issue. Let me repeat that. More Americans say Democrats spend too much time on this issue than believe the Attorney General should resign. One reason might be that there is so little to show for the effort.

Just a few weeks ago, one of my distinguished Democratic colleagues said during a press conference that Democrats just know that U.S. attorneys were fired last year for improper reasons. How do Democrats know this? Because they have any evidence for that conclusion?

No. My Democratic colleague had to admit that ''we don't have a smoking gun.'' That is Washington political code for ''just take our word for it because we can't prove it.''

Just a couple of weeks before that, another distinguished Democratic colleague told a gaggle of reporters after a Judiciary Committee hearing that he ''just knows'' someone in the White House ordered that those U.S. attorneys be removed. Now, how does he know this? Because he has any evidence for this conclusion? No. He too had to admit that ''of course we don't know that''

It is truly ironic that this controversy involves prosecutors. Prosecutors must have some evidence to bring charges. Prosecutors must have some evidence for a conviction. I just wish that some of my Senate colleagues felt such an obligation either to prove their allegations or move on to more important matters.

We have been investigating and probing the removal of those U.S. attorneys for 6 months. Dozens of staff in the Senate, the House, and the Justice Department have done little else since the 110th Congress began. We have seen hearing after hearing, interview after interview, thousands of pages of documents, and even hundreds of thousands of taxpayer dollars to hire outside law firms as reinforcements.

Democrats continue to authorize subpoenas not only for people who have not refused to testify, but for people who have agreed to testify, and even for people who have already testified. And after all that, my Democratic colleagues have to admit that they have no smoking gun, they cannot prove the accusations they continue to repeat. There are plenty of innuendos, caricatures, and characterizations. But repeating talking points, sound bites and cliches is no substitute for evidence.

This summer, Americans will see sequels of several movies in the theaters. Here in the Senate's political theater, we have already seen several sequels of the same movie. Last week's Judiciary Committee hearing, for example, was part five on the hiring and firing of U.S. attorneys. Every one of those same sequels has the same ending. It is no wonder more Americans believe that enough is enough than believe the Attorney General should resign.

Before I close, let me say a few words about the controversy that was the impetus for this misguided joint resolution. As I said earlier, U.S. attorneys serve at the pleasure of the President. With very few exceptions, he may remove them for whatever reason he chooses. The President has the authority to remove a U.S. attorney to allow someone else to serve in that position or because that U.S. attorney's performance is, in some general or specific way, inadequate. Each of the U.S. attorneys removed last year had served his or her 4-year term and had no right to serve longer if the President didn't want them to. That means the real issue is whether these U.S. attorneys were removed for genuinely improper reasons, such as interfering with an ongoing case. After all this time, all this effort, and all this taxpayer money, there is no evidence for that conclusion.

I must candidly say, at the same time, that the process by which this administration set out to evaluate U.S. attorneys and replace some of them was bungled from the start. Proper respect for the office of the Federal prosecutor and for the individuals who occupy it would, it seems to me, require a more rigorous, disciplined, organized process than apparently was used here. The Attorney General has said as much and said he should have been more involved. I also think the individuals who were asked to resign deserve better, more respectful treatment. But there is a high burden of proof for those who say that a badly executed and explained process, even a poorly conceived and mismanaged process, was instead a nefarious, partisan, political scheme to subvert the justice system. Continuing to make such claims without coming close to meeting that burden appears to many designed, instead, to serve partisan political goals.

As I close, I ask my colleagues to consider one more set of polls. During the same 2 months, March and April, as they were asking about the Attorney General's resignation, national polling outfits also asked Americans if they approve of the way Congress is doing its job. While an average of 39 percent of Americans believe the Attorney General should resign, an average of 56 percent of Americans disapprove of how we are doing our job. Should we all resign? I think there are some people who probably would say yes. Far more Americans disapprove of Congress than believe the Attorney General should resign. I wonder whether spending so much time on fishing expeditions that yield no fish and wasting time on inappropriate, misleading resolutions such

as the one before us today only add to Americans' disapproval of our job performance.

In a statement last Friday, the main sponsor of this joint resolution said the vote on this resolution is about loyalty. I suppose he meant loyalty to the President, as if that were the only reason to oppose using the wrong vehicle for a misleading statement that has no relevance to our system of government. In a way, I agree this is about loyalty, but I think it is about loyalty to the Constitution, to the integrity of the legislative process, to this body as an institution, and to a fair and honest debate about these issues. If my colleagues are loyal to those, they will see that this bit of absurd political theater serves no real purpose and will only add to most Americans' already negative view of how we are doing our job.

So I urge my colleagues to reject this cloture motion.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I wish to ask what the time allocation is because I wish to speak on the Democratic side.

The PRESIDING OFFICER. The remaining 20 minutes is under the control of the majority.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, similarly reserving the right to object, I have been waiting. I wonder if we might have a unanimous consent agreement that I be permitted to speak for 10 minutes, unless the Senator from California wants to go first?

Mrs. FEINSTEIN. Mr. President, if I might respond to that. Of course I want to cooperate, but I wish to use the 20 minutes of Democratic time. I would be prepared to extend the time for morning business if the Senators would agree to that.

Perhaps there could be a unanimous consent agreement that Senator SPECTER is allowed 10 minutes, and I would be allowed the 20 minutes of Democratic time, requiring an extension of 10 minutes of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The majority has 18½ minutes and the Republican time has expired.

Mr. SPECTER. Mr. President, the majority has 18½ minutes, and the minority has how much?

The PRESIDING OFFICER. The minority time has expired.

Mrs. FEINSTEIN. If I may, Mr. President, through the Chair to the distinguished ranking member of the Judiciary Committee, say my suggestion is we extend the time of morning business to accommodate the Senator's 10 minutes and my 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the resolution of no confidence on Attorney General Gonzales. This resolution poses many currents and crosscurrents and many overlapping currents and crosscurrents. I have written down five of the currents which I believe are involved in the analysis of this issue.

First: Have I lost confidence in Attorney General Gonzales? Second: Is this resolution politically motivated? Third: Does Senator SCHUMER have a conflict of interest? Fourth: Will this resolution likely lead to the departure of Attorney General Gonzales or give him more reason to stay on? And fifth: Is the principal reason for this resolution to help the Department of Justice or to embarrass Republicans? It is an interrelationship and a wing of these various considerations which has led to my own conclusion on this resolution.

First of all, have I lost confidence in Attorney General Gonzales? Absolutely yes. Attorney General Gonzales has made representations which are false. He said he was not involved in discussions. He was contradicted by three of his top aides and by documentary evidence, e-mails. He said he was not involved in deliberations. Again, he was contradicted by three top aides and documentary evidence, the e-mails. He said he was not involved in the memoranda which were circulated on this matter. Again, contradicted by three top aides and documentary evidence.

He said the terror surveillance program brought no objection within the Department of Justice, and we find on examination there were serious dissents within the Department of Justice on the constitutionality of the terrorist surveillance program. So much so that Alberto Gonzales, when he served as White House counsel, was one of those who went to the hospital room of then-Attorney General John Ashcroft to get Attorney General Ashcroft to certify that the program was constitutional. So there is no doubt in my mind that there is no confidence which is residing in Attorney General Gonzales.

This is much more than a personnel matter. This is a matter for the administration of the Department of Justice, which is second only to the Department of Defense on the welfare of the people of the United States. The Department of Justice has the responsibility for investigating terrorism and antiterrorism, has the responsibility for enforcing our drug laws, has the responsibility for enforcing Federal laws of violent crime and white-collar crime. The Attorney General has the responsibility for supervising 93 U.S. attorneys from around the country who have very important positions, something that I know something about in some detail, since I was the district attorney of Philadelphia for some 8 years. There is no doubt the Department at the present time is in shambles.

The Attorney General called me before his hearing came up and asked for my advice, and I said: Set out the reasons why you asked these individuals to resign. Set out the reasons why. He did not do so. The day after a very tempestuous hearing in the Judiciary Committee, he called me again and asked for my advice as to what he ought to do. I said: Al, you still haven't responded as to why you asked these people to resign. I took the position at that time, and I take the position at the present time, that I am not going to ask the President to fire Attorney General Gonzales. That is a matter for the President to decide. I am not going to let the President tell me how to vote, and I am not going to say to him how he ought to run the executive branch on grounds of separation of power. Similarly, with Attorney General Gonzales, as to what he does, that is a personal decision for him to make. But I have been very emphatic in the Judiciary Committee hearings, as we have investigated this matter, that I think the Attorney General has not done the job and that the Department of Justice would be much better off without him.

The second question I looked at is: Is this resolution politically motivated? I think that it certainly is. This ties in to the crosscurrent as to whether Senator SCHUMER has a conflict of interest. I believe he does. I said so to Senator SCHUMER eyeball to eyeball, confronting him in the Judiciary Committee meeting. The day after New Mexico's U.S. Attorney David Iglesias testified about a conversation that Iglesias had with Senator DOMENICI, the Democratic Senatorial Campaign Committee posted on their Web site criticisms of Senator PETE DOMENICI. The following day, the Democratic fundraising apparatus, led by Senator SCHUMER, published a fundraising letter, and there is no doubt about that conflict of interest. Senator SCHUMER has been designated to lead the investigation because he is the chairman of the relevant subcommittee. So I think there is no doubt about the overtone of heavy politicization and the conflict of interest.

The third consideration I have is will this resolution likely lead to the departure or give the Attorney General a reason to stay on? My hunch is the thrust of the resolution, if it seeks his ouster, is going to be a boomerang and is going to be counterproductive. My own sense is there is no confidence in the Attorney General on this side of the aisle but that the views will not be expressed in this format. Already, some who have called for his resignation on the Republican side of the aisle have

said they will not vote for this resolution. Others who have declined to comment about his capacity have said that this is not the proper way to proceed, that our form of government does not have a no-confidence vote.

Is the principal reason for this resolution to help the Department of Justice or to embarrass Republicans? I think clear cut, it is designed to embarrass Republicans. It is designed to embarrass Republicans if the Senate says the Senate has no confidence in the Attorney General, and it is designed to embarrass Republicans who vote against the motion for cloture because it will be a ''gotcha'' 30-second commercial in later campaigns. It will be used to say that whoever votes against the motion to invoke cloture is sanctioning the conduct of Attorney General Gonzales, and anybody who votes against the motion to invoke cloture is going to be the recipient of those 30-second ''gotcha'' commercials.

Now, there are many reasons to vote against the cloture motion. One reason—and a dominant reason—is that the Senate has a lot more important things to do than engage in this debate on this issue. Thursday night, the majority leader took down the immigration bill. Regrettably, he had cause to because the Republican Senators who had objected to the immigration bill wouldn't allow any amendments to come up. They wouldn't allow their amendments—they didn't step forward with their amendments, nor did they allow others to offer amendments. But we were on the verge of getting a list. It was taking a little more time. The majority leader took down the bill. But the national interest would be a lot better served had we continued with the bill on Friday or perhaps on Saturday—we can work on Saturday—or return to the bill today—or still return to the bill today, instead of taking up this resolution.

Another reason why people could justifiably vote against cloture is because the investigation is not complete. That is still hanging fire, so why have the resolution before we finish our investigation?

But there is another reason: the Constitution arguably expresses a way to deal with Attorney General Gonzales, and that is by impeachment, as it is not in line to have a resolution of disapproval. That is the British system of no confidence. It is my sense that many on this side of the aisle, if not most, if not almost all—I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. It is my sense that many on this side of the aisle—most, if not almost all—will vote against cloture because there are ample reasons to vote against cloture. But as I look at this matter, as to which is the more weighty, the more compelling, the more important, candidly stating I have no confidence in Attorney General Gonzales or rejecting the outright political chicanery which is involved in this resolution offered by the Democrats, I come down on the side of the interests of the country, and moving for improvements in the Department of Justice is to make a candid statement that I have no confidence in the Attorney General, which I have said repeatedly. It is no surprise. I am going to deal with this resolution on the merits and vote to invoke cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I don't often differ with the distinguished ranking member. But I came to the floor as a member of the Senate Judiciary Committee now for 15 years and as one who takes no particular pleasure in what I am about to say. I urge a ''yes'' vote on cloture. I want to say why.

The Department of Justice is one of the country's most important departments. It has a budget of $24 billion and over 100,000 employees. It is charged with combating terrorism, fighting violent crime, stopping drug trafficking, upholding civil rights, and enforcing civil liberties. It houses key agencies, including the FBI, DEA, the Bureau of Prisons, the Marshals Service, and U.S. Attorney's Offices.

As a leader of the Department, the Attorney General is the chief law enforcement officer for the people of this Nation. He is the chief lawyer of the United States. He runs a big department. He must be a strong manager who can direct the day-to-day operations and an independent leader with an unyielding commitment to the law, who is willing to stand up against, yes, even the President, if necessary. He must lead by example, upholding the highest ethical standards.

I think President Lincoln's Attorney General put the challenge on the map when he said this:

> The office I hold is not properly political, but strictly legal, and it is my duty above all other ministers of state to uphold the law and to resist all encroachments from whatever quarter.

That is the job of the U.S. Attorney General. The subject before us today is the fact that, for many of us, this Attorney General has not lived up to this standard, and he has lost our confidence. Unfortunately, the Attorney General has failed to meet the challenges during his tenure.

The Department of Justice has become highly politicized in its hiring and firing—I hope to lay that out—and I believe in many of the legal opinions it issues as well. In many respects, it is today an extension of the White House, rather than the scrupulous, independent enforcer of Federal law as suggested by President Lincoln's Attorney General.

Through the investigation into the hiring and firing of at least 9 U.S. attorneys, we have heard Attorney General Gonzales give vague and unconvincing responses in critical areas about his Department's performance.

The Attorney General testified that he does not know who selected the various U.S. attorneys to be fired; therefore, he does not know why they were fired. Can you believe that? He testified that the firings were based on a ''process of consulting with senior leadership in the Department.'' However, every single one of the Department of Justice's senior officials who have testified has stated under oath that they did not place a U.S. attorney on the termination list, with one exception—Kevin Ryan of California. This includes Kyle Sampson, the Attorney General's Chief of Staff; James Comey, former Deputy Attorney General; Paul McNulty, Deputy Attorney General; Mike Elston, Paul McNulty's Chief of Staff; Monica Goodling, White House Liaison; Bill Mercer, Associate Attorney General; Mike Battle, Director of the Executive Office of the U.S. Attorneys; and David Margolis, Associate Deputy Attorney General. They have all said they did not add names to the list of those to be fired. To this day, we have been unable to find out who put in place the unprecedented targeted program to fire several U.S. attorneys midterm, at one time, and who made the decision to place these attorneys on that firing list.

We also learned that an internal order, entitled ''Delegation of Certain Personnel Decisions to the Chief of Staff,'' that was issued March 1, 2006—in that order, the Attorney General designated his role in hiring and firing certain senior officials in the Department of Justice to his Chief of Staff, Kyle Sampson, and a young, 33-year-old former researcher for the Republican National Committee, Monica Goodling. I must say that I find this a major abdication of the duty of a leader. In fact, according to internal memos, the Attorney General was going to completely abdicate his role, until the Office of Legal Counsel stepped in, saying he must at least be consulted in the process.

In a memo dated February 24, 2006, Paul Corts, Assistant Attorney General for Administration, wrote this:

> The Office of Legal Counsel advises that permitting the Attorney General's delegates to approve appointments (or removals) of constitutionally ''inferior officers''. . . would be inconsistent with the [Excepting Clause in the Constitution]. The Office of Legal Counsel recommends that the delegates exercising the authority of this delegation submit appointments or removals to the Attorney General.

Taken together, the most favorable interpretation of these various actions is that the Attorney General has clearly sought to avoid these key responsibilities.

Unfortunately, information has come to light that demonstrates that the problems are not limited to poor management. Rather, the Department's reputation, independence, and credibility have been put in serious question.

Mr. Gonzales has stated that he believes the Attorney General wears ''two hats''—one as a member of the President's staff and another as the Nation's top law enforcement officer. How does this compare with what I just read from Abraham Lincoln's Attorney General? Answer: It does not.

It is this perspective which I believe has led the Attorney General to treat the Department of Justice as a political arm of the White House rather than as the independent law enforcement agency it should be. For example, the committee's investigation has shown that seven of the nine U.S. attorneys who were fired were not fired for so-called ''performance reasons'' at all, as stated. In fact, when reviewing the six evaluation and review staff reports, which are called the EARS reports, of the fired U.S. attorneys, all were given strong, positive performance evaluations. Here are some examples:

Bud Cummins:

> United States Attorney Cummins was very competent and highly regarded by the Federal judiciary, law enforcement, and the civil client agencies.

Despite this review, Mr. Cummins was fired in June of 2006.

Carol Lam:

> U.S. Attorney Carol Lam was an effective manager and a respected leader in the District . . . The United States Attorney committed significant prosecutorial resources to the felony immigration and border crime cases.

Despite this review, Mrs. Lam was fired on December 7, 2006, ostensibly for the very reason that the EARS report found she had done a good job.

David Iglesias:

> This U.S. Attorney had well-conceived strategic plans that complied with Department priorities and reflected the needs of the District overall. The U.S. Attorney effectively managed complaints, detention decisions, and pretrial practices.

Despite this review, Mr. Iglesias was fired on December 7, 2006.

Dan Bogden:

> U.S. Attorney Bogden was actively involved in the day-to-day management of the U.S. Attorney's office, had established an excellent management team, and had established appropriate priority programs that support Department initiatives.

Despite this review, Mr. Bogden was fired on December 7, 2006.

Paul Charlton:

> U.S. Attorney Charlton also made his goals and expectations clear to his staff. . . . The U.S. Attorney's office prosecuted more immigration violations than any other district.

Despite this review, Mr. Charlton was fired December 7, 2006.

John McKay:

> McKay is an effective, well-regarded, and capable leader of the [U.S. Attorney's office] and the District's law enforcement community.

Despite this review, Mr. McKay was fired on December 7, 2006.

The Department did not turn over the EARS reports for the 2 U.S. attorneys who were said to have performance concerns and who were not identified until late in the process—Margaret Chiara and Kevin Ryan.

Since the initial cause for the firing, performance was clearly debunked by these reports. It now appears that these 6 U.S. attorneys were fired because they upset the political arm of the White House.

For example, David Iglesias, by all accounts a rising star, was only placed on the list to be fired after the President and Karl Rove called the Attorney General to pass along complaints.

Specifically, Kyle Sampson, former Chief of Staff to the Attorney General, testified on March 29, 2007, that:

> I do remember learning, I believe, from the Attorney General that he had received a complaint from Karl Rove about U.S. Attorneys in 3 jurisdictions, including New Mexico, and the substance of the complaint was that those U.S. Attorneys weren't pursuing voter fraud cases aggressively enough.

Mr. Sampson went on to testify that he also remembered that:

> Just a week before I left the Department in March, I remember the Attorney General telling me that he had had a meeting with the President in October sometime. . . . I remember the Attorney General saying, ''You know, I remember the President in that meeting we had in October telling me that [there were] concerns about Iglesias.''

In addition, the committee's investigation has shown that many of the U.S. attorneys who were fired, or put on a list to be fired, were handling contentious election-related cases, including Todd Graves, former U.S. attorney in Missouri, who recently revealed that he, too, was forced to resign after he had refused to support a case against the Democratic secretary of state in Missouri, alleging that Missouri was violating Federal law for failing to purge voter rolls—that is despite the rules of the Department urging that no case involving election practices be brought prior to an election; John McKay, former U.S. attorney in Washington, fired, it appears, because he refused to bring a case during the hotly contested gubernatorial race against essentially the Democratic candidate; David Iglesias, former U.S. attorney in New Mexico, who, it appears, was fired because he refused to bring a case alleging voter fraud prior to the election; Tom Hefflefinger, former U.S. attorney in Minnesota, who was put on a list to be fired when he was pushing for an investigation into voter discrimination against Native Americans; Steve Buskupic, U.S. attorney in Wisconsin, who was put on a list to be fired, and his district was the focus of a document sent over from the White House for investigation that provided information on Milwaukee voting trends.

These are just examples of U.S. attorneys who were fired or considered to be fired because of their involvement in election fraud cases. Other U.S. attorneys who were fired were involved with sensitive public corruption cases.

The congressional investigation has also uncovered that political considerations were being taken into account with regard to hiring and firing decisions for career employees at the Department and the prestigious Honors Program. Now, that is a no-no.

Monica Goodling, a young, inexperienced lawyer, 33 years old, was named White House Liaison at the Department of Justice, and in that role she was given the authority to hire and fire personnel for many critical positions at the Department.

On May 23, 2007, Ms. Goodling testified that ''I may have gone too far in asking political questions of applicants for career positions, and I may have taken inappropriate political considerations into account on some occasions.''

This is a 33-year-old making these decisions. Where was the Attorney General?

The Congress has also discovered that political appointees directed changes to be made to the performance evaluations of career staff and overrode career attorneys' recommendations regarding which cases to pursue or not pursue.

For example, in testimony before the House, Joe Rich, who worked at DOJ's Civil Rights Division for 37 years, testified that he was ''ordered to change the standard performance evaluations of attorneys under my supervision to include critical comments of those who had made recommendations that were counter to the political will of the front office and to improve evaluations of those who were politically favored.''

What does this do to the credibility of the Department of Justice of the United States?

In the Senate Judiciary Committee's hearing last week, Brad Schlozman testified that ''on a number of occasions, I believe I did order [Joe Rich to change performance evaluations.]''

There you have it, the politicization of the Department of Justice.

Sharon Eubanks, lead attorney for the Department of Justice on the tobacco cases, has stated that in June 2005, she was pressured to ask for lesser penalties against the tobacco companies. She said:

> At first, the administration officials attempted to get the litigation team and me and my staff to agree to lower the amount, but there was no basis for doing that, and we refused. And finally, after a number of very heated discussions, I said, ''You write it and I'll say it.''

What a terrible comment about some of the biggest cases ever made in the history of the United States.

Each of these facts on its own is disconcerting, but taken together, they show a department being run based on politics and not on law.

I also believe the Attorney General has compromised important legal principles by taking positions and espousing opinions that are outside the mainstream of legal thought. For example, the Attorney General testified on January 18, 2007, that habeas corpus, the right to challenge one's imprisonment, is not protected by the Constitution. Here is what the Attorney General said:

> There is no express grant of habeas in the Constitution. There is a prohibition against taking it away . . . I meant by that comment, the Constitution doesn't say ''Every individual in the United States or every citizen is hereby granted or assured the right to habeas.''

He has also pushed to narrow the definition of torture and changed to whom the Geneva Convention applies. In the January 2002 memo he wrote:

> In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

And when it comes to Guantanamo, Attorney General Gonzales has expressed strong objections to closing the detention facility and moving detainees to the United States.

The New York Times reported of March 22 of this year that Mr. Gates argued to close Guantanamo. But according to administration officials—this is the newspaper only:

> Mr. Gates's arguments were rejected after Attorney General Gonzales and some other Government lawyers expressed strong objections to moving detainees to the United States, a stance that was backed by the Office of the Vice President.

And despite the fact that the U.S. Code states ''the Foreign Intelligence Surveillance Act shall be the exclusive means'' by which electronic surveillance may be conducted, the Attorney General has argued that the language used in the authorization for use of military force implicitly authorized the President to exercise powers, ''including the collection of enemy intelligence.''

In his prepared testimony from January 2006, he stated:

> The Supreme Court confirmed that the expansive language of the resolution—''all necessary and appropriate force''—ensures that the congressional authorization extends to traditional incidents of waging war . . . [and] the use of communications intelligence to prevent enemy attacks is a fundamental and well-accepted incident of military force.

He is thereby saying that Guantanamo is a creature of this and, therefore, legal. I don't agree with that assessment.

I believe each of these legal opinions has had dramatic negative consequences, including negatively impacting America's relationship with most countries abroad.

Finally, and perhaps most disturbing, the Senate has heard testimony from Deputy Attorney General James Comey that calls into question the Attorney General's character and integrity.

Mr. Comey testified about the conversation in the intensive care unit of George Washington University Hospital where he witnessed then-White House Counsel Gonzales ''trying to take advantage of a very sick man'' to reverse a judgment that the Terrorist Surveillance Program was illegal.

The testimony—his testimony, Comey's testimony—raised questions about actions that are contrary to the ethical standards lawyers are required to uphold.

Mr. Comey's testimony stands in sharp contrast to the statements made by Mr. Gonzales to the Senate about this incident.

In response to Senators' questions on February 6, 2006, the Attorney General left the impression that any reports of disagreement within the administration about the surveillance program were either inaccurate or in reference to some other program or issue.

He said:

> There has not been any serious disagreement [about the program] . . . The point I want to make is that, to my knowledge, none of the reservations dealt with the program that we are talking about today.

That was under oath, Mr. President, before us. He didn't tell us about this. He didn't tell us that he went, as White House Counsel, to a critically ill man's intensive care unit bed and tried to reverse a decision that the Acting Attorney General was making. It wasn't until Mr. Comey came forward and told us about it did we know.

What do I conclude? Each of these issues is serious on its own and each would raise serious questions about the qualifications and service of this Attorney General. The Department of Justice is charged with enforcing the law and protecting all Americans' rights and security. The Attorney General must enforce the law without fear or favor to its political ramifications. He must act independently and pursue justice wherever it may lead, and without compromise. He must uphold the highest ethical standards.

Let me quote again from President Lincoln's Attorney General:

> [t]he office I hold is not properly political, but strictly legal; and it is my duty, above all other ministers of State, to uphold the law and to resist all encroachments from whatever quarter. . . .

This is what the Attorney General should be. That is why I am going to support the motion to close off debate and support the resolution.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED.

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having passed, the Senate will resume consideration of the motion to proceed to H.R. 6, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. shall be equally divided and controlled between the chairman and ranking member of the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that we be allowed to equally divide a full hour, which was our plan this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Some of that time may be yielded back, but I didn't want to cut off anyone who wishes to speak on this issue before we go to a vote.

Mr. President, today we begin consideration of energy legislation in the Senate. Later today, we will be voting to take up legislation that will make a meaningful and bipartisan contribution to charting a new direction for America's energy policy.

There is a growing consensus among Federal, State, and local policymakers across the ideological spectrum, also from corporate leaders and the American public in general, that our Nation needs to move faster and needs to go farther to secure its energy future.

America's family farmers and businesses look no further than the prices that are posted at the corner gas station to see the vivid and daily indicators of the economic perils inherent in maintaining the status quo. In fact, they have watched as gas prices have stayed at more than $3 per gallon for well over a month.

Our national security experts cite the geopolitical implications and the foreign policy challenges presented by the rise of State-owned energy companies and by our own growing dependence on oil imports. In 2005, the United States imported roughly 60 percent of the petroleum that we consumed. Without decisive action, that figure is expected to approach 70 percent over the next two decades, with more than 35 percent of that increase expected to come from member nations of OPEC or the Organization of Petroleum Exporting Countries.

Meanwhile, economists take note of our energy policy's fiscal implications as well related to America's global

competitiveness. In 2005 and 2006, our dependence on petroleum imports combined with rising prices to add an estimated $120 billion to our Nation's trade deficit.

There is no doubt there is a compelling case for action, but there is also something more fundamental that is embedded in the American consciousness that is animating the national call for a new direction in our energy policy.

President Franklin Roosevelt once observed:

> The creed of our democracy is that liberty is acquired and kept by men and women who are strong and self- reliant.

Perhaps it is this American principle of self-reliance that is driving national debate forward when it comes to energy policy.

After all, by tapping America's limitless capacity for innovation, our most abundant renewable resource, the United States can become more energy self-sufficient. Americans believe we can and should lead the world when it comes to developing the new technologies that will produce clean alternative energy and help us to address the threat of global warming. Inherent in this grand challenge is enormous opportunity—opportunity to build a stronger economy, to create the high-paying jobs of the 21st century, and the opportunity, of course, to lower our energy costs.

No single political party has a monopoly on these ideas. Rather, these ideas are broadly shared by Members of the Senate on both sides of the political aisle. The shared will to make progress in securing America's energy future is what has brought us to this point today. Later this afternoon, we will vote on a motion to proceed to legislation that represents the bipartisan efforts of four committees in the Senate—the Energy and Natural Resources Committee, the Environment and Public Works Committee, the Commerce Committee, and the Foreign Relations Committee. If we are successful in bringing the measure before the Senate, I believe by the time the debate is concluded, we will also have the recommendations of a fifth committee, the Senate Finance Committee, to add to this legislation.

Suffice it to say there has been a tremendous amount of bipartisan legislative effort on display in bringing this measure forward. Since the outset of the 110th Congress, the Senate has held more than 50 hearings on energy and climate-related issues. That is at least one hearing held every other day that we have been in session. As it relates to what we have been able to accomplish in the Senate Energy Committee, let me at the outset thank Senator DOMENICI, the ranking member on the committee, for the goodwill and the diligence he has demonstrated at every step in this effort.

On the second day of the 110th Congress, we jointly announced an all-day conference related to biofuels policy. This conference drew submissions and suggestions from more than 100 stakeholders. During that all-day session, attended by nearly every member of our committee, we heard from about 30 experts, who gave us suggestions that formed the intellectual basis for the committee's work in the important area of renewable fuels. After that, we held more than 15 energy policy-related hearings, including 8 oversight and legislative sessions, specifically tailored to take testimony on the issues at the core of our legislation. Those issues, in addition to biofuels, were energy efficiency and, second, carbon capture and storage.

As a result of this process, Senator DOMENICI and I were able to circulate a bipartisan proposal to the committee for markup. After a session at which we adopted almost 30 amendments from members on both sides of the dais, the Energy Committee reported legislation with a substantial bipartisan margin of 20 to 3. On the whole, I think what we were able to accomplish in a relatively short period of time is something all members of our committee can be proud of.

As I mentioned, the legislation touches on three key topics related to our energy future. First, it boosts domestic renewable fuel supplies. It does so in a manner that will reduce life cycle greenhouse gas emissions and spur regional diversity of biofuels production and infrastructure.

The second thing the bill that came out of the Energy Committee does is it proposes to enhance economywide energy efficiency in a way that will reduce our Nation's imports of foreign oil and provide significant savings to consumers.

The third item we addressed is that we will invest in the carbon capture and storage technologies that will help us to cut back on the greenhouse gas emissions that contribute to global warming.

I think it would be helpful to describe for my colleagues some of these issues in a little more detail.

First, on the topic of biofuels, there is no question that in recent years many factors have sharpened public focus on the search for viable alternatives to conventional petroleum-based fuels. I have already described many of those factors, including increased world oil prices, concerns regarding import dependence, and the environmental effects of vehicle emissions.

Biofuels, which is a term that includes both ethanol and biodiesel, can be derived from an array of crops and other biological materials that are available throughout our Nation. Since the 1970s, all cars and light trucks with gasoline engines built for the U.S. market have been able to run on ethanol blends of up to 10 percent. That is E10. A smaller yet increasing number of vehicles that is now estimated at about 6 million on American roads today can run on fuel comprised of 85 percent ethanol or E85. Meanwhile, existing diesel engines can run on biodiesel in any concentration. Due to concerns about quality standards, however, manufacturers may not honor warranties for engines running on biodiesel blends in excess of 5 percent, that is B5, or 20 percent, which is B20.

There is little question that passage of the Energy Policy Act of 2005 was a watershed event for the Nation's biofuels industry. Establishing the first Federal renewable fuel standard, the RFS, created an escalating requirement for the amount of biofuels blended in U.S. gasoline, starting with 4 billion gallons in 2006, and accelerating to 7.5 billion gallons in 2012.

However, less than 2 years after that Energy Policy Act was signed by President Bush, increased use of biofuels is already surpassing the original RFS targets, with 5 billion gallons added to U.S. gasoline in 2006. Another 6 billion gallons of production capacity is expected to go into operation by 2009, bringing total domestic production capacity to approximately 11.7 billion gallons. According to the Energy Information Administration's 2007 Annual Energy Outlook:

> the market potential for biofuel blends—that is B10, B5, and B20—remains significantly larger than the current production levels and will continue to absorb the biofuel supply for the foreseeable future.

Yet as the Energy Committee began developing its legislation, it was obvious significant challenges remained if biofuels are to become a cornerstone of U.S. efforts to improve our energy self-sufficiency. Today, approximately 98 percent of domestic ethanol production is derived from cornstarch, and that creates upward pressure on commodity prices, restricting production to regions of the country where corn is grown, and posing challenges to efficient distribution of the fuel.

Diversifying feedstocks to include a broader array of renewable biomass can promote regional diversity in biofuels production and distribution, spreading economic benefits to rural communities across the country and relieving pressure on corn commodity prices. In addition, it can lead to greater efficiency in the fuel production process and help save on fossil fuel emissions.

Another issue key to making biofuels a significant factor in displacing domestic petroleum use relates to existing infrastructure challenges. Of the nearly 170,000 vehicle fueling stations in the United States, only 1 percent carried E85 or biodiesel in 2006. Consumers must have access to these fuels if they are to become a viable alternative.

To address these various challenges, the Energy Committee's legislation increases and extends the existing RFS to 36 billion gallons in 2022, with specific incentives for the production of biofuels from new sources of renewable biomass. Taken together, these provisions will help provide market certainty to both the existing ethanol industry and to the next generation of advanced biofuels producers.

In addition, our legislation provides resources to help break down infrastructure barriers to renewable fuel distribution, and it invests in research into the basic scientific challenges associated with the use of promising new feedstocks.

Altogether, the Energy Information Administration has estimated the legislation's biofuels provisions can help reduce America's petroleum imports by a million barrels per day, an important contribution to improving our Nation's energy security.

The second major topic of the Energy Committee's reported legislation is energy efficiency. The obvious goal of these provisions is to use existing resources more efficiently, which promises to further enhance U.S. self-sufficiency and provide environmental benefits and, of course, save consumers money.

Improving efficiency in transportation remains one of the most important and vexing energy challenges facing this Nation. Consumption of liquid fuels is currently projected to grow by more than 6 million barrels per day, from 2005 to 2030, with 5.8 million barrels per day attributable to transportation. So as fuel consumption increases, so too do U.S. imports, a key concern for both the economy and our national security.

The Senate Commerce Committee has reported legislation that will increase corporate average fuel economy standards for the first time in many years, and this legislation is also included in the bill we will vote on later this afternoon. The Commerce Committee's chairman and vice chairman are to be congratulated on finding a way forward on this very difficult issue.

As such, I am pleased to say the provisions reported by the Energy Committee also support the goal of reducing the transportation sector's consumption of liquid fuels in general, and gasoline in particular. Our provisions establish an escalating goal for reducing U.S. gasoline consumption, starting with 20 percent in 2017. That is enough to reduce world oil prices more than $2.50 per barrel under current EIA assumptions.

This national goal ramps up to 45 percent in 2030, which is the equivalent of 5.6 million barrels of oil per day. That is more than twice the amount of oil the United States imported from the Persian Gulf in 2005.

To complement these initiatives, the legislation also makes investments in advanced vehicle technology development, basic science related to energy storage, and public education about how consumers can help reduce their own petroleum consumption.

In addition to the transportation sector, efficiency is a resource we can better deploy in end uses throughout the U.S. economy. For example, lighting and common household appliances can account for as much as two-thirds of an average American family's electricity bills. By improving a number of appliance efficiency standards and streamlining and strengthening the Department of Energy's existing program, consumers stand to collect $12 billion in benefits as a result of provisions included in this underlying bill.

In fact, altogether, the bill's appliance efficiency provisions will save at least 50 billion kilowatt hours per year, or enough to power roughly 4.8 million typical U.S. households. It will save 17 trillion Btus of natural gas per year, or enough to heat about a quarter million typical U.S. homes, and it will conserve at least 560 million gallons of water per day, or 1.3 percent of daily potable water usage around this Nation. These savings result from provisions which establish the first ever Federal water conservation standards for clothes washers and dishwashers.

Finally, on the topic of efficiency: The legislation recognizes the Federal Government itself represents the Nation's largest energy consumer and can play a key role in bringing new technologies to market. The Federal Government has an obligation to lead by example, and in doing so we can save taxpayers money.

For example, even as the Government has reduced its energy consumption, saving 2.5 percent from fiscal year 2004 to fiscal year 2005, Federal energy costs nevertheless increased 24.1 percent or $14.5 billion. Clearly, rising energy prices have an impact on the Federal budget, just as they have an impact on the budgets for families and on the budgets for businesses across America.

To capture additional savings, this legislation strengthens Federal energy requirements from lighting procurement, to petroleum displacement, to energy management strategies across Federal buildings. As a result, leading efficiency groups have estimated that the legislation's provisions in this area can save 60 trillion Btu's of energy, 15 million metric tons of carbon dioxide, and almost $4 billion of taxpayer money between now and 2015.

A final issue touched on by the NRC committee's reported legislation relates to carbon capture and storage or carbon sequestration. While scientific and technological challenges remain, carbon sequestration holds particular promise related to the potentially large amounts of carbon dioxide emitted from the use of fossil fuels. Electric generating plants may be the most likely initial candidates for implementing carbon sequestration.

The Energy Policy Act of 2005 directed the Secretary of Energy to carry out research and development on technologies designed to capture carbon dioxide, specifically with respect to combustion-based energy systems. However, given the critical nature of these efforts, the need to demonstrate emerging methodologies, and the potential to apply them to a wider variety of energy technologies, our legislation strengthens and further expands this research.

In summary, I believe the Energy Committee has produced legislation that will help us move forward expeditiously with groundbreaking research on carbon sequestration that is key to addressing global warming, will help spur diverse domestic renewable fuels production, and it will promote energy efficiency throughout our economy.

These efforts, of course, by our committee, have been further complemented by good bipartisan work of the other Senate committees I mentioned. Taken together, these bipartisan measures form the backbone of a national strategy that meet at least three complementary goals: boosting U.S. energy self-sufficiency, driving American leadership in clean alternative energy, and putting us on a trajectory to address the threat of global warming.

I urge my colleagues to vote in favor of the motion to proceed to energy legislation which we will have later this afternoon.

I know my colleague, Senator DOMENICI, wishes to speak, giving his views on the pending legislation.

I yield the floor.

Mrs. BOXER. Parliamentary inquiry before my friend yields: How much time do we have on our side?

The ACTING PRESIDENT pro tempore. There is 8½ minutes remaining on the Democratic side.

Mrs. BOXER. I was hoping to get 5 minutes to speak.

Mr. BINGAMAN. As soon as Senator DOMENICI has concluded his statement, I am glad to yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Parliamentary inquiry.

Mr. DOMENICI. Mr. President, I believe I have the floor. I will be glad to yield for a question.

Mr. SALAZAR. Mr. President, would it be possible to have my colleagues yield 3½ minutes, following Senator BOXER's statement on our side?

Mr. BINGAMAN. I am glad to yield the remaining 3½ minutes on this side to the Senator from Colorado.

Mr. DOMENICI. Mr. President, might I ask the Senator from California,

would she like to speak now and then I will speak after her? I have all my time. I would just as well accommodate you. You are going to speak 5 minutes, and the Senator, would you like to speak 3½, then, and then I will use mine at the end?

Mr. SALAZAR. That would be fine with me.

Mr. DOMENICI. Mr. President, I ask it be ordered that that time be allotted now and the time for the Senator from New Mexico follows that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The time allocation will be as stated.

Mr. DOMENICI. I yield to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I am here to say this is a very important moment in the Senate. We are moving toward a change in our Nation's energy policy. Clearly, this day has taken a long time to come.

Obviously, the bills included in the leader's package, Senator REID's package, are not the be-all and end-all of everything we have to do. But it is a significant step forward. As I said the day I was fortunate enough to gain the gavel of the Environment and Public Works Committee—and the Senator who is presiding knows this—as soon as we had the votes we would move forward with good legislation.

I think Senator BINGAMAN has certainly had that same attitude, to begin moving and getting bills to the floor. I was very pleased when Senator REID agreed that we could have a group of bills put together which would be a real confidence builder so the people know we are working.

As Senator BINGAMAN said, we have three committees represented in this particular piece of legislation. The committees that participated in this, as Senator BINGAMAN said, are the Energy Committee, the Environment and Public Works Committee, and the Commerce Committee. How fortunate am I to sit on two of the three committees. I wish I sat on all three—this is such an important issue—but I am so pleased to be able to sit on both the Environment Committee, of which I am the Chair, and the Commerce Committee.

We all know global warming is a looming problem for us. We all should know at this point. The Environment Committee has held at least 12 hearings on the subject, at which the Presiding Officer was present—I think at almost all of them. We know the Federal Government is lagging behind on global warming; that is, reducing greenhouse gas emissions. We are lagging behind Europe. We are lagging behind the mayors of this country and many States, including my State of California, where there has been a bipartisan move forward on reducing greenhouse gas emissions.

The contribution the Environment Committee has made to this bill is to do that, it is to essentially make the Federal Government a model of energy efficiency and of lessening the carbon footprint we are making.

I am very proud of that. Every single one of the bills that is in this package passed the Environment committee with overwhelming support. Only one had a few against it at the end, but almost all of them were virtually unanimous.

We started off taking a look at Federal Government buildings, and we realized we are way behind the times in terms of the way we use energy. Since our committee has jurisdiction over these buildings, we decided to say that from now on, we are going to make sure we can save money for taxpayers by reducing the energy costs in Federal Government buildings. Not only that, but we set up a very important grant program which will give matching grants to local governments so for their buildings they can have help making them energy efficient.

I do not know if my colleagues are aware of this, but in America 39 percent of global warming emissions are attributed to buildings. If the Federal Government takes the lead and we help all governments make their buildings energy efficient, we are moving forward.

We also passed a very good compromise bill by Senators LAUTENBERG and WARNER on new buildings, the green buildings legislation. We also passed a bill on a Capitol powerplant, kind of a model project to see what we can do from the carbon coming out of that coal-fired plant. We are excited about that. We passed a bill that would make the energy building, the Department of Energy building, a solar building.

Wrapping it up I see my time is up. We are very happy to partake in this bill. We think we are finally moving forward on global warming in a small but deliberative way to set the stage, by making the Federal Government the leader, in terms of reducing greenhouse gas emissions.

I thank Senator BINGAMAN for the time and I believe Senator SALAZAR is next.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, let me, first of all, congratulate Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, for their great work and their leadership. I think the legislation they have brought to the floor today, along with the legislation from the other jurisdictions in the Senate, exemplifies the working relationship we have seen from the Energy Committee over the last 2 years. The 2005 Energy Policy Act could not have been passed without the bipartisan leadership exhibited by Senator BINGAMAN and Senator DOMENICI. For that, I am grateful to be a part of their committee.

Let me say to all our colleagues, we should definitely vote yes on the motion to proceed, as we embark on this journey of looking at energy independence for our Nation. The drivers for energy independence, in my mind, are stark and clear. It is fundamentally one of the very most important issues that face our Nation today. First and foremost, the driver of national security compels us to get rid of the addiction we currently have to foreign oil. When one looks at what is happening in Lebanon and the funding of the Hezbollah organization that continues to create havoc in that part of the world, it is a stark reminder to us that for too long, America has slept while our enemies have fueled themselves with the dollars that come from the very high price of oil from places such as Iraq. Our country today is dependent on us being able to grasp that concept of national security.

That is why in this Senate Chamber you will see it is not only Democrats who are going to be working on this energy legislation but it is Republicans working on this legislation, because the issue of energy independence is not a Democratic agenda or Republican agenda, it is an agenda that is essential to the future security of America.

I am hopeful, as we move forward with this legislation, we will grasp the fact that we are taking some significant steps forward. First, the biofuels increased by moving forward with a renewable fuel standard will mean we will be quintupling the amount of energy we expect we can produce from biofuels. Second, the major initiative with respect to energy efficiency is something we ought to embrace. That is low-hanging fruit for all of us in America as we deal with energy independence. Third, we take major steps with carbon sequestration and move forward on the debate on global warming, which is essential to our country; and finally, looking at other issues, such as CAFE standards, will help us get down the road. I urge all my colleagues to join us in this historic endeavor as we march forward toward energy independence in our Nation.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, might I first say to Senator BINGAMAN, I enjoyed his remarks and summary of where we are and where we have been. Most of that trip has been together; part of it with you on the majority and part of it me on the majority. In combination, there is some pretty good legislation. People may still say they

want more, but when you have a system such as we have in America, you have to have two bodies, the Senate and House, agree. We have debate, they have a Rules Committee. Then you go to conference and, think of it, how those two, the House and Senate, naturally disagree. Right? We have to get all that in agreement before we have a bill that goes to the President. Then he has to sign it.

We are lucky. The very first one we did, the big bill, probably the best piece of legislation in modern times to cause America to produce more energy, what energy we could, and to do it in a manner that was frugal, with reference to environmental damage, was the first one and the President did us a great favor. He came to our State to sign it, as you recall. It was the first major piece of legislation. I think that was great on his part, a very good gesture, because the two Senators were from New Mexico and it was the first big bill and it was one he signed with relish—which means, even as to the executive branch, it was not too far off the mark.

Before I get to my statement, I am going to say there is one thing that did not go right. In your remarks, Senator, you mentioned a couple of times how we in the first bill had promoted technology because it was obvious to everyone that, so long as America lived in a world with cheap oil, the power of those who would invent and would use new technology in the field of energy was minimized when gasoline was 50 cents at the pump, because there was no broad incentive to do something about it.

But about the time we got to our major bill, it was quite clear that we no longer were even major players on the international oil scene. They could almost do with us what they wanted because we were way too dependent. They grew more and more, and that made those who do not like America less and less concerned about the economics of them having a monopoly, so to speak. Toying around with the country that is an open economic society is a big difference. They can really wreak havoc.

But when we did our bill, we put in a provision, a kind of catch-all. I remember working on it, and I remember you questioning it. Then after a while we agreed, and it was the section that provided for loan guarantees and other incentives for the technologies we mentioned in this bill as being most important for America's future.

You and I remember one of those that happened was nuclear. We even had to work hard on a different kind of incentive for nuclear, and we got it in. It was a new kind of insurance for the first few who built theirs, that they get an insurance policy from the Federal Government so as to permit them to expedite the building of that very complicated, energy-producing nuclear powerplant.

But the administration, because somebody in high places does not like loan guarantees—there are all kinds of loan guarantees in government and in this world. But somehow somebody said: You know, we don't like them. And the Department of Energy does not do them, if you can imagine.

So the Department of Energy has not been doing loan guarantees. Who cares. There are loan guarantees all over the Government. The Department of Agriculture has billions of dollars in loan guarantees. I don't think we are going broke. They are paid back. It is just that the guarantees are given in a manner that permits those who use them to get money where they otherwise would not.

Well, we did not do that yet in that first bill. I think we still—you and I—owe the citizens of our country another push, and maybe we ought to check into it and give one more push to the administration to see how we can enhance the promotion of loan guarantees by the administration because there should be, for all kinds of products that need a lot of money for experimentation, and for many other technologies, there should be a very big pot of loan guarantees. Not $300, $400 million, there ought to be more, a few billion, so that they can do the work, draw their money on new ideas, and get on with helping us make that step from a society that was almost totally roped in by oil and gas and nothing else, into a society with a great divergence of energies.

That is the way we are going in the legislation. The bill before us continues that momentum. So I speak today as we prepare to consider energy legislation on the floor of the Senate to provide the proper context of this bill. I think it would be instructive to reflect, as I have just done, upon the recent accomplishments of Congress.

I have already indicated to you about 2 years ago the President signed the Energy Policy Act of 2004. Senator BINGAMAN from my home State, this sweeping law was the most comprehensive energy policy enacted in decades.

I have watched with pride—and this has not been mentioned enough because it is hard to do. But I have watched with pride that in just 2 years, this long-term policy has already begun to show great positive impact in the short term. The Energy Policy Act is brightening our Nation's nuclear renaissance. Already over 30 nuclear powerplants are in the works. Imagine that. We went more than two decades without a single one applying, and we have now over 30, with a number of them way up near the top of the clearance scale where we will be seeing them cleared for the beginning of construction soon.

I am sure many of us will go to that and say it is high time, and we were pleased to be part of it. Now, if operational, these plants will provide enough electricity for nearly 30 million American homes, while displacing about 270 metric tons of carbon dioxide each year.

Just think of that. Think of how much we would have to do to displace that much carbon dioxide if it was produced, and we had to get rid of it after it was produced, in a coal-burning powerplant or some other plant in the process of ignition-produced CO_2.

This is safe, clean, affordable, and reliable large-scale energy for our Nation. That is why earlier this year the Nuclear Regulatory Commission approved two early site permits for new reactors in Illinois and Mississippi.

As we try to reduce our dependence on foreign energy and address the issue of the global climate change, it becomes imperative for our energy and environmental security that we keep the momentum going on nuclear energy in this country.

On coal technologies, clean coal technologies, the policies set forth in the Energy bill of 2005 have resulted in bringing 159 new coal-based facilities to various planning stages. Over the next 5 years, the United States will add an estimated 60,000 miners to the American workforce. Just think of that, Mr. President. Everybody has been wondering if we are going to have enough jobs, enough jobs for our people, because they are looking at the economy of yesteryear, not of tomorrow.

Coal miners, instead of being out of work, we will be looking for people to join the corps of coal miners in this country as we produce more coal because we are going to learn how to use it clean in our country as we seek to avoid this total dependance upon crude oil and natural gas.

This past week, the Departments of Treasury and Energy together announced new instructions for applying tax credits for advanced coal and gasification projects. In total, three Energy bill tax credits will provide over $1.5 billion to help advance energy projects and capture and sequester carbon dioxide. These are already being done and the credits have been given under the laws which were written in this thoughtful process of developing legislation over the past 2 years.

This bill also put in place mechanisms to ensure a secure, reliable electricity grid for our Nation, and helped transform our agricultural bill into an Energy bill—we already know that—providing rural America literally thousands of jobs and billions in new capital investment dollars to help bring clean fuel to our Nation's gas tanks.

In the area of biofuels, the 2005 bill created a solid foundation for these significant policies set forth in the bill, as we will consider this shortly on the Senate floor. As a result of the Energy bill of 2005, we revitalized a renewable

fuel industry in America through the first ever renewable fuel standard and production tax credit. We all wondered when that would come. It is done.

There are now 114 biorefineries nationwide, with the capacity to produce 5.5 billion gallons of ethanol a year. That is all because of the act that we passed in 2005 that we keep referring to that we worked here in this body, on a bipartisan basis, and then went to the House the same way, and then had the President join us with great joy in signing it in our State.

Additionally, ethanol refinery construction and expansion currently in the works has enough combined capacity to have an additional 6 billion gallons of ethanol. The biofuels policy included in the Energy Policy Act of 2005 has helped create approximately 10,000 American jobs across many sectors of our Nation's economy. I think sometimes we wonder why the economy did so well. Maybe we should look around and say maybe the money spent on energy facilities across this land, because of this act, had something to do with keeping the employment up and keeping the growth up. I am not sure of that, but I just throw it out.

Indeed, that act of 2005 could have been called a jobs act, could have been called a jobs-producing act, a diversification act, providing jobs that were never there before. Ethanol production and demand are setting records in America as we seek renewable fuel to power our cars that we drive.

The bill reported out of the Energy and Natural Resources Committee this year, with a strong bipartisan vote, we responded to that call for sustainability and to provide a path for the emergence of cellulosic ethanol. That is what we are here to work on today.

That will mean we will be able to produce much more cellulosic ethanol, which will do the same thing as ethanol except it will make us able to produce far more since we can add the cellulosic to the ethanol that comes from corn, and what a machine we will have to produce gasoline for our cars.

In the 2005 Energy bill, we addressed almost every conceivable area of energy policy—from coal to nuclear to electricity transmission, to oil and gas, hydrogen to biofuels. We did this with a majority of both parties in the Senate, embracing this forward-thinking policy for America.

This wasn't even a close vote. In each case it was substantially more than 60 votes, a bipartisan vote, almost equal from each side on each of the important bills. There have been two already. This one will be the third.

Simply put, the Energy Policy Act of 2005 has already helped to strengthen our energy security and to grow our Nation's economy. More importantly, if implemented effectively, the larger impacts of this great bipartisan legislation will be felt for decades in this country.

As we prepare to debate on the floor of the Senate today, we are going to consider a bill smaller in scope and less bold in its version. Nevertheless, this bill represents bipartisan work spanning four committees of the Senate. There are a lot of good policies in this bill. However, I believe there must be a full and fair debate on this bill and a complete amendment process to ensure that the work we will do in the Senate and for the American people on energy policy will be complete. Anything short of that will be a departure from the example of the 2005 act.

The bill we expect to soon consider provides for a biofuels mandate with the potential to displace 20 percent of the growth in gasoline that we use in this country by 2020. This addition of 36 billion gallons of biofuels a year will see the majority of its content come from cellulosic ethanol, a sharp and important move away from corn-based ethanol in our fuel mix.

We consider this an energy-efficient measure that if properly implemented has the potential to provide important efficiencies in vehicles, buildings, homes, and businesses to save the American consumer more than $12 billion annually. This is one part of our energy policy that goes unnoticed, the one I have just described, important efficiencies. And I do say to our majority, who was my minority member when we started, that he has led the effort in this part of the changes in the energy policy, those that would make us more efficient.

He described today in his speech how much efficiency will come just from washing machines and dishwashers. I am not ashamed to talk on the floor about dishwashers. Some people say we shouldn't talk about dishwashers. Why shouldn't we, when it saves a huge amount of energy? I remember when I got a dishwasher. I got a laundry board as a gift from a constituent because I had helped with REA that went up the mountain and took electricity up there. So she came down to me at the foot of the mountain and said: Here is your washboard. I don't need it anymore; I got electricity. I just bought a washing machine. I am thanking you by giving you the washboard. She didn't have efficiency; that was all brawn, right?

Anyway, this bill will save us a lot of energy on those two items that we need and use to make our lives better.

On fuel economy, the Senate stands poised to address vehicle fuel efficiency. One way to help reduce our dependency is by reforming our CAFE standards for the vehicles we drive. Everybody should know the Commerce Committee did that and, by act of our leader and the floor procedures, that is on this bill. So if people want to do something about CAFE, it is pending. Once this bill is made pending, it is the subject matter before the Senate, the CAFE standards, which will compel automobile companies to do better than they have in terms of miles per gallon. We have never gone as far as the Commerce Committee did, so it ought to make for a few hot speeches here on the floor. I don't know when they will come, but sooner or later they will because the CAFE standards for vehicles we drive will be changed.

I have only one page remaining. I don't need to use all my time, especially when some Senators have had to wait. I will close by saying to Senators who are not paying attention and to staffs watching for their Senators, we are not going to be on this bill very much longer today. If you want to come down and speak, I have a little bit of time. I can give you some. But I think we are going to start yielding to other Senators, I assume, and move on. I haven't talked to Senator BINGAMAN on that.

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes remaining.

Mr. DOMENICI. I reserve that time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I yield back the remainder of my time. I say to the Senator from New York, I was just trying to find out if there were more people on my side.

Mr. DORGAN. Mr. President, in the coming weeks the Senate will debate our national energy policy. An important part of that debate will involve tax and other incentives to encourage development of our abundant domestic energy resources. This debate will affect the lives of every American.

During that debate we must find a way to encourage greater use of renewable energy sources, advanced clean coal technologies in the generation of electricity, and accelerate efforts to move that clean energy to markets by building large transmission projects. Furthermore, we need to find alternative ways to produce energy, such as through fuel cells and other distributed generation.

For too many years, Congress has sent mixed messages about the importance of energy independence, security, diversity, and reliability, especially in the area of renewable and distributed energy and the opportunity for using advanced clean coal technology. The Congress has lacked the commitment, or perhaps understanding, about the major role that renewable energy and clean coal can play in helping our Nation meet its future electricity demands without seriously impacting the environment.

This is despite the fact that policymakers have been told repeatedly by energy developers that certainty about the availability of incentives is absolutely essential before they can commit the capital needed to move forward on a major energy project. Yet Congress has passed energy incentives that, in many cases, are available for as a little as one year or two.

In my judgment, the hood ornament for this start-and-stop, boom-and-bust energy policy is the tax credit for facilities that produce electricity from wind and other renewable resources. This credit has been extended for short periods five times, and shamefully has been allowed to expire three times, since it was enacted in 1992. The Tax Code is replete with other energy tax incentives that Congress made available for just a year or two, and that will expire before their full benefit can be realized.

It is imperative that we provide a clear signal to the marketplace that we are committed to the development of renewable sources of energy and advanced clean coal technologies. That is why I introduced the Clean Energy Production Tax Incentives Act to make these incentives available for 10 years.

The vast majority of energy facilities and infrastructure are owned, developed, and operated by the private sector. We must work closely with industry and other stakeholders to provide incentives so that these steps can be taken. For example, I am very supportive of a whole range of clean energy technologies and resources. North Dakota epitomizes that with its coal, oil, gas, wind and other renewable resources. We can and must utilize them now and into the future. If we want secure, clean, and reliable energy resources in the future, we must work with the private sector to help achieve our goals. This bill has the support of National Rural Electric Cooperative Association, the North Dakota Association of Rural Electric Cooperatives, Xcel Energy, Basin Electric Power Cooperative, the American Wind Energy Association, and Otter Tail Power Company.

I also believe we must advance our energy interests in a fiscally responsible manner. The costs of the clean energy tax incentive investments in this legislation would be offset by closing down tax loopholes that allow profitable U.S. multinational companies to avoid paying their fair share.

Over the years, I have heard a few clear messages from the investment community, Federal and State regulators, energy industry, and environmental and local community interests. It must be clean so that we are incentivizing an environmentally sustainable energy option. We need to send the right market signals with duration, with a sustained commitment, and with certainty so that the best investment decisions are made.

I believe this legislation is an important step in that direction.

EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume debate on the motion to proceed to S.J. Res. 14, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader shall control the time from 5 to 5:20, and the majority leader shall control the time from 5:20 to 5:30.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, parliamentary inquiry: The Republican leader controls the time from 5:10 to 5:20, as I understand?

The ACTING PRESIDENT pro tempore. Under the previous order, it is from 5 to 5:20.

Mr. SCHUMER. I ask unanimous consent that those of us in favor of this resolution be given a half hour to debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. Mr. President, I understand there is a misunderstanding. They weren't supposed to start until 5:10, but the order says 5 o'clock, which would only give us 10 minutes to debate this motion.

Let me begin and not waste any further time. I rise in support of the motion to proceed to a vote of no confidence on Attorney General Alberto Gonzales. It is a fair measure. I know it is one with few precedents, but it is called for today because the dire situation at the Department of Justice is also without precedent. The level of disarray and dysfunction, the crisis of credibility, and the failure of leadership are all without precedent. It is a simple measure we have before us. Let me read it.

It is the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Are there any Members here who don't agree with that sentiment? If so, I haven't heard them. Senators are not a shy lot. Their silence on this point is deafening. So if Senators cast their votes with their conscience, they would speak with near unanimity that there is no confidence in the Attorney General. Their united voice would undoubtedly dislodge the Attorney General from a post he should no longer hold. But we may not have a unanimous vote here today, I am told. That is a puzzle because no matter what standard one applies, no matter what criteria one uses, the Attorney General cannot enjoy the confidence of the Senate. He certainly doesn't of the American people.

The bill of particulars against the Attorney General is staggering. On the question of the Attorney General's credibility, the record speaks for itself. Repeatedly, the Attorney General has misled the Congress, misled the American people, and given incredible explanations for the U.S. attorney firings. The Attorney General's comments have been a series of shifting reactions and restatements. Is this confidence-inspiring conduct from the Nation's chief law enforcement officer?

We learned that Attorney General Gonzales was personally involved in the firing plan after being told he wasn't. We learned that the White House was involved after being told it wasn't. We learned that Karl Rove was involved after being told he wasn't. We learned that political considerations were paramount after being told they weren't. Then, when the Attorney General finally had the opportunity to set the record straight on April 19, 2007, what did he do? More than 70 times he answered ''I don't know'' when asked the most basic questions about how he came to fire 10 percent of the Nation's U.S. attorneys. The Attorney General admitted he didn't know the reasons why several U.S. attorneys were fired but insisted in the very next breath that he knew they were not fired for improper reasons. Does that inspire confidence? One of our most mild-mannered Members, Senator PRYOR, believes he was lied to directly by the Attorney General, and he has good reason to think so.

Time after time, the Attorney General has shown he doesn't have the credibility to lead the Department. This is not a liberal or conservative assessment. This is not a Democratic or Republican assessment. It is a universal one. Listen to the words of the

conservative National Review magazine, which wrote on March 28:

What little credibility Gonzales had is gone . . . Alberto Gonzales should resign. The Justice Department needs a fresh start.

That is on credibility.

On the Attorney General's lack of commitment to independence and the rule of law, the record is also disturbingly clear. The Attorney General has long shown that he misperceives his role. He forgets that he is the people's lawyer, not just the President's. If one needs a single image to symbolize the Attorney General's contempt for the rule of law, it is that of Alberto Gonzales bending over John Ashcroft's sickbed on the night of March 10, 2004. It is the picture of then-White House Counsel Gonzales trying to take advantage of a very ill man who didn't even have the powers of the Attorney General to approve a program that the Department of Justice could not certify was legal.

That example, unfortunately, has plenty of company. Consider the image of Attorney General Gonzales in March of this year making Mrs. Goodling feel ''uncomfortable''—her word—by going through the sequence of events related to the U.S. attorney firings. How often do people comfort someone by reviewing their recollection of events that are subject to congressional investigation? Add to those examples the documented violations with respect to national security letters and other admitted abuses in connection with the PATRIOT Act. How can such leadership inspire confidence?

Rule of law in the Gonzales regime, sadly, has apparently been an afterthought rather than a bedrock principle. Again, there is no liberal or conservative or Democratic or Republican position on the Attorney General's lack of independence and commitment to rule of law; it is virtually unanimous. Consider the words of the conservative group the American Freedom Agenda:

Attorney General Gonzales has proven an unsuitable steward of the law and should resign for the good of the country.

On the question of whether the Department has been improperly politicized, the record is again clear.

Attorney General Gonzales has presided over perhaps the most politicized Department in history. We have learned that under Alberto Gonzales, being a ''loyal Bushie'' was more important than being a consummate professional. We have learned that U.S. attorneys who were performing their duties admirably were apparently dismissed because of unfounded allegations by political figures, allegations that were never investigated or never proven. We have learned that an unprecedented voter fraud case was brought in Missouri on the eve of an election in clear violation of the Department's own policy. We have learned that deep suspicions about improper politicizing even at the entry level of the professional ranks were correct. We have learned from the Attorney General's own former senior counselor Monica Goodling that she ''crossed the line'' in considering partisan affiliation in filling career positions at the Justice Department—career positions, not political positions.

The Office of Professional Responsibility and the Office of Inspector General have now opened investigations relating to the hiring of immigration judges, civil rights lawyers, and Honors Program attorneys. All of this, of course, occurred under the Attorney General's watch. Either the Attorney General knew about these potentially illegal activities and did nothing or he was oblivious to what was going on beneath his own nose. Either way, Mr. Gonzales is responsible for a deeply political culture at the Department, unprecedented in modern times. As former Deputy Attorney General Jim Comey has said, these kinds of blows to the reputation of the Department will be hard to overcome. Does that kind of leadership inspire confidence?

Finally, given all of this, on the basic question of competence and effectiveness, the Attorney General has proven himself to lack the leadership ability needed to right the Department. By every account, the Attorney General's handling of the U.S. attorney firings has been catastrophic. Morale at the Department is at an alltime low. How can we have confidence in an Attorney General who can't get his story straight? How can we have confidence in an Attorney General who still can't tell us why 10 percent of the Nation's U.S. attorneys were fired? How can we have confidence in an Attorney General who would allow his top staff to take the fall for his own failings? How can we have confidence in an Attorney General who allowed improper and possibly illegal political hiring to take place?

Given the crisis of confidence and credibility, given the abysmal record of trampling the rule of law and longtime standards of nonpolitical hiring, the vote today should be an easy one. Some will claim they are opposing the motion because they say this vote was called for political reasons. This vote is not about politics. If this were all about politics, it would be easy to sit back, let the Attorney General remain, cast aspersions on him for the next 18 months, and reap the political benefits. But the Department of Justice is too important, and we have an obligation to do everything we can in a bipartisan way to demand new leadership.

The PRESIDING OFFICER (Ms. STABENOW). The time of the Senator has expired.

Mr. SCHUMER. Madam President, we have had some timing difficulties. We have only had about 10 minutes to debate this resolution.

Might I ask the minority leader a question? What is his pleasure? I had been told he was coming at 5:10, but the agreement says 5.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, my understanding is I am to speak at 5. I have a leadership meeting at 5:15. I have a time problem. I do not seek to get in front of the Senator from New York, but I really need to speak at 5 o'clock, at the time I was anticipating speaking.

Mr. SCHUMER. Madam President, I ask unanimous consent that the minority leader be given his 15 minutes now, that then I be given another 10 minutes to finish my remarks, and the Senator from Rhode Island be given 10 minutes to speak, and that we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, the Senator from Mississippi and I are going to—I guess the Senators from Texas and Mississippi and I are going to divide the 15 minutes. Madam President, provided that Senator LOTT and I could divide the 15 minutes, and Senator HUTCHISON could get an additional 4 minutes, then I would be agreeable to the request.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Madam President, reserving the right to object, I would add to the request—Senator REID wishes 10 minutes at the conclusion of the debate. So adding the 15 minutes for the minority leader, divided with the minority whip from Mississippi, and 4 minutes for the Senator from Texas, 10 minutes for myself, 10 minutes for the Senator from Rhode Island, and 10 minutes for the Senator from Nevada, I ask that we have that time and then we vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, when will the vote commence?

The PRESIDING OFFICER. It will commence at 5:49.

Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, there are four ways to become a Senator: by appointment, by special election, by winning an open seat, or by defeating an incumbent.

My good friend from New York, who has been speaking, and I came to the Senate the same way: By defeating an incumbent. That way is often the hardest, so I am sure the Senator remembers his 1998 Senate race against our former colleague, Senator Al D'Amato.

It was quite a race. The Senator from New York surely remembers one of his criticisms of Senator D'Amato: That Senator D'Amato had, in essence, abused his office.

My friend from New York said it was improper for Senator D'Amato to use his official Senate position to investigate the former first lady while Senator D'Amato was also chairman of his party's Senate campaign committee, the NRSC. My friend from New York said, in referring to Senator D'Amato:

> Do you know what he did right after he got elected? He became chairman of the national Senate Republican Campaign Committee, the most blatantly political position you can hold. Then . . . he embarked on his partisan and political inquisition of the First Family.

According to the New York Times, the thing about Senator D'Amato's activities that my friend from New York appeared to find particularly galling was that his behavior was motivated by reelection concerns.

Given the two hats my friend from New York currently wears, you can see why I obviously found the standard he set out in 1998 to be quite intriguing.

We all talk to the media—some of us more than others—and we may make offhand comments we later regret, especially in the heat of a campaign. But the Senator from New York thought his conflict of interest charge was so important that he ran a television ad about it. The Buffalo News reported:

> Among the blizzard of attack ads running this weekend is one in which Schumer charged that D'Amato used the Banking Committee . . . to mount a 'vicious' partisan attack on first lady Hillary Rodham Clinton three years ago.

Now, New York is certainly an expensive media market. Yet because my good friend from New York was so concerned with Senator D'Amato's chairing the NRSC while he was investigating the First Lady, he spent a lot of money urging New Yorkers to remove Senator D'Amato from office. So he must have really thought it was a serious conflict for someone to lead his party's campaign committee while also leading an investigation into an administration of the opposite party.

How times change, Madam President. Now my good friend is leading his party's principal campaign committee for the Senate, the DSCC. At the same time, he is leading an official Senate investigation into the Justice Department.

He chairs the Judiciary Subcommittee on Administrative Oversight and the Courts.

The media widely reports that he has been tapped by the majority leader to lead this investigation. The piece in the National Journal calls him the Democratic ''point man'' on this particular subject—our good friend from New York.

He usually has chaired one of the numerous hearings the committee has already held on this subject. To borrow from the National Journal, you could say he is ubiquitous when it comes to this subject.

The campaign committee he chairs has repeatedly used material derived from his investigation for partisan campaign purposes.

He held a press conference before the ink was barely dry on the Schumer resolution. There, he predicted, amazingly, that we would go to this resolution immediately after immigration. And it looks as if the majority leader filed cloture on immigration to make sure we kept the schedule of my good friend from New York.

Last, but not least, he is the author of the resolution we will be voting on in a little while.

So I find myself perplexed about the application in these circumstances of the standard the Senator from New York set out in 1998. We could call it the Schumer standard.

It seems to me that Senator D'Amato's position in 1998 is like the current position of my friend from New York in all material respects.

So given that the Senator from New York has said it is a serious conflict of interest for someone to lead his party's campaign committee while he uses his official position to lead an investigation of the administration of the opposite party, I cannot understand why it is not a conflict of interest for my friend from New York to lead his current investigation of the Justice Department.

And given that the Senator from New York wanted Senator D'Amato removed from office under similar circumstances, I also cannot understand why my good friend should not at least recuse himself—recuse himself—from the official investigation of the Justice Department that he himself has been leading.

In conclusion, I hope it is not the case that our friend from New York wrote this resolution and pushed the Senate to spend its valuable time on this particular resolution for partisan political purposes. And if he did not do that, then I trust we will not see the campaign committee he is chairing using the Senate's vote on this resolution—his own resolution—for campaign purposes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. LOTT. I have 9½ minutes?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Thank you, Madam President.

I had some passing remarks to make last week about believing we should find a way to move forward the immigration reform effort—to improve it, to change it, but to try to get it done—because it is an issue we should not just push aside.

We ran into some difficulties, and there is no use in trying to recount how that happened. I think the important thing is we try to find a way to resurrect it, get it properly considered, amended, voted on, and concluded, if at all possible. But that goes to the heart of what I want to say today.

Is this what the business of the Senate is really all about, a nonbinding, irrelevant resolution? Proving what? Nothing. If this should go forward, we would have hours, days—who knows, a week—debating on whether to express our confidence or lack thereof in the Attorney General—to no effect.

Now, I have been in Congress 35 years. I have been in the Senate since 1989. I do not recall anything of this nature having been proposed before. Maybe we should be considering a vote of no confidence in the Senate or in the Congress for malfunction, for an inability to produce anything. Yet this resolution would bring up this issue and have us spend time debating it.

This is not the British Parliament, and I hope it never will become the British Parliament. Are we going to bring the President here and have a questioning period like the Prime Minister has in Great Britain?

So I am very much concerned about this. A vote of no confidence of any Cabinet official would have no effect. The President makes that decision. And I suspect the ability of a Cabinet official to perform or not perform is in the eye of the beholder.

But the main point is, that is not our job. We do not have authority to make that determination. So what are we going to accomplish today? This is all about partisan politics. Nobody is fooled by this. This is about trying to get a vote to try to put some people on the hot spot. That is what it is really all about.

Now, by the way, you have not seen me running around making a big scene of expressing my confidence one way or the other in this Attorney General, or any other Attorney General, or the Justice Department, for that matter, regardless of who is the President of the United States.

We are supposed to be here to pass laws, to get things done. When was the last time we did something like that? Not this year. Frankly, not over the last 3 years because of gymnastics like this—exercising to no effect. No. What should we be doing for the American people? We should be trying to find a way to have strong immigration reform for illegal and legal immigrants. We made a 2-week effort. Some people said: Oh, that is long enough. I can remember us spending weeks on a bill—I think 6 weeks on No Child Left Behind. I remember one time we spent a month on a tobacco bill, which we eventually had to pull down and move on.

To spend in the Senate weeks on a very important issue, so Senators can express their views and offer amendments, and they can be voted on, is

quite normal. But, no, we are not doing immigration reform. We hope to be able to get to Defense authorization.

Oh, and by the way, what happened to the appropriations bills? The majority leaders do know, I think, that if you do not begin the appropriations process in late May or early June, you are not going to make it. The majority leader has, appropriately, said we are going to pass all the appropriations bills in regular order. How does he intend to do that? We are not going to do a single one in June, and we will be lucky if we do four in July. It is not going to happen.

We are going to wind up with a train wreck at the end of the fiscal year. We are going to have all these appropriations bills, once again. I cannot just blame Democrats. We have done the same thing: an omnibus appropriations bill with all kinds of shenanigans being involved in that, trying to lump all these bills together—put the Defense appropriations bill in there and irrelevant language and say: Here. Take the whole wad, Mr. President.

Oh, yes, we did it to Clinton, and we have done it to President Bush, but it is not the way to do business. Can we do something about health care? Can we get this Energy bill done? Remember now, if you start these different cloture votes, being able to find a way to get an Energy bill done—not to mention other things we would like to do after that—they are going to be delayed or derailed completely. So this is a very disappointing spectacle here today.

Now, the sponsor of the resolution—the fact is, he is chairman of the Democratic Senatorial Campaign Committee. He is in that position, and then he is taking these attack positions. So I do not think anybody has to be drawn a further picture to understand what is going on with this effort.

So I urge my colleagues: Look, he has made his point, made his speech. We are going to have a vote in a few minutes. We ought to summarily punt this out into the end zone where it belongs. This is beneath the dignity of the Senate. How low will the Senate go? If we get into this for hours or days, pity how much it is going to debase this institution even further.

I urge my colleagues to vote against the motion to invoke cloture on the motion to proceed, and let's move on to the business of the Senate and the business of the American people. The American people may not have particular confidence one way or the other in this Attorney General, but this is not an election of the Attorney General.

I urge my colleagues to vote against cloture on the motion to proceed and let's get on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise to speak against this motion as well. I agree totally with the Senator from Mississippi in saying: What are we doing spending this whole day talking about a resolution which everyone knows will have no effect whatsoever, except probably on the nightly news, which I assume was the purpose of introducing it in the first place.

We have talked about the judgment of the Attorney General in handling the U.S. attorney personnel issues. There is clearly a division. There has been a lot of discussion. A number of people have said what they think of the handling of that situation. But stating your opinion is very different from having the Senate address this matter. The President relieved almost all of his Cabinet when he changed into his second term. Why wouldn't he be able to replace U.S. attorneys who also serve at his pleasure in the same way he decided to change leadership in the Cabinet? That is the right of the President. The Senate has the right to confirm Cabinet officers and U.S. attorneys, and we have exercised that right. What the Senate should not be doing is passing meaningless resolutions that could only serve a political purpose.

With the issues we have facing this country, how could we be spending a whole day, and possibly more if cloture is invoked, on a resolution that will have no impact? Why wouldn't we be talking about immigration, which we discussed last week and the week before that when we were in session? We were making headway. Immigration is a very important issue for our country.

The Energy bill which is before us is a very legitimate, major issue for our country. We all want to bring gasoline prices down. But all of a sudden, thrust in the middle of the energy debate is a meaningless resolution of no confidence in the Attorney General. There has been no allegation that he has done something criminal or illegal, just that people disagree with his judgment.

There were people who disagreed with the Attorney General serving in the previous administration—Janet Reno—when the Branch Davidian complex in Waco, TX was charged and people died. Many felt the Attorney General jumped the gun and took too drastic an action, when talking would have been better. Or the Elian Gonzalez issue. There was much disagreement about the handling of that issue. I didn't see Republicans running to the floor of the Senate seeking a resolution of no confidence in the Attorney General. I think, frankly, the majority is jumping the gun in doing something such as that here. I hope we will put this away by not invoking cloture on the motion to proceed. Frankly, I hope we will restore the reputation of this body by taking up the issues that affect our country, debating them, and having votes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, first, in regard to my good friend from Texas, I think there is a little bit too much protestation here. We have spent less than 2 hours on this issue—just 2 hours—and now we are being told we don't have enough time to debate whether one of the most important Cabinet officers is up to the job. That doesn't hold water. They are not upset we are taking 2 hours away from debate. They have spent much more time on many more things that are of less consequence to this country.

But let me say this: The minority leader and the minority whip have made my case better than I ever could. They failed to utter the words: We have faith in Attorney General Gonzales. They failed to state: We have confidence in Attorney General Gonzales. In fact, in the entire speech of both the minority leader and the minority whip, there was not a single word uttered in defense of the Attorney General. No wonder the other side doesn't want this resolution brought up. They know the Attorney General has failed miserably in his job. They know the President has clung stubbornly to keeping a man who virtually no one in America thinks is up to the job, who overwhelmingly has lost his credibility in his answers and nonanswers and ''don't knows.'' They can't defend him. So they do what somebody does when they don't have much of an argument—they seek diversions. We will not be diverted. The rule of law is too important. The rule of law is too sacred.

Is it unusual to have a no-confidence resolution? Yes. But it is just as unusual—more unusual—to have an Attorney General not in charge of his department on a major issue facing his department—the firing of U.S. attorneys—to say he didn't know what was happening 70 times; to have an Attorney General contradict himself time after time after time. For me, it is unusual in whatever airport I go to around this country to have people come up to me—it has happened five or six times now—and say: I work in the Justice Department. I am a civil service employee. Keep it up, Senator. Our Department is demeaned—one of them used the word ''disgraced''—by the fact that Alberto Gonzales is still Attorney General.

So, yes, a no-confidence resolution is unusual, but this is not simply a policy disagreement. Oh, no. This is a major scandal. This is a series of inappropriate behaviors by a Cabinet officer. I don't have a single bit of doubt that if the shoe were on the other foot, my colleagues from the other side of the aisle would be complaining more loudly, more quickly than we have.

What do you do when there is someone in an office who we all know

doesn't deserve to be in that office, and not a word—except for Senator HATCH—not a word of confidence has been spoken by the other side? We heard 19 minutes of speeches a minute ago. We don't hear the words: We support the Attorney General; we have confidence in the Attorney General; the Attorney General should be able to stay. It is because his record is indefensible.

So, yes, this no-confidence resolution is unusual, but it rises to the highest calling of the Senate, to seek rule of law over politics, to seek rationality and fairness over stubbornness and political games. This is what we are supposed to do. We have a function of oversight. There is no question Attorney General Gonzales has failed on credibility, on competence, on upholding the rule of law.

The Nation has been shocked by what he has done. He urged an ill John Ashcroft, on John Ashcroft's sickbed, to sign a statement that the Justice Department itself thought was not justified by the law in terms of wiretaps, and he is still Attorney General. John Ashcroft, who is hardly a liberal, hardly a Democrat, threatened to resign because of what then Counsel Gonzales attempted to do, and he is still in office.

The bottom line is very simple. We have a sacred, noble obligation in this country to defend the rule of law. There was an article in the New York Times the other day about how some people are using elections to try to justify themselves staying in office in some less developed countries. But the public wasn't falling for it, because without rule of law, without democracy, without law being applied without fear of favor, there is no freedom. Our job is to be vigilant in protecting that freedom.

Some of my friends tossed off charges of ''political''—to vote ''no'' when one, in fact, agrees with the sentiment in the resolution is to cast a vote for the worst political reasons. A ''no'' vote ratifies the President's support for the Attorney General. A ''no'' vote condones the conduct of the Attorney General. A ''no'' vote condemns the Department to a prolonged vacuum in leadership and a crisis of morale.

It is politics simply to cover for the President when you know on this issue he is wrong. It is politics to put blind loyalty to a political leader over the sacred century after century tradition of rule of law. It is politics to voice opposition to the Attorney General and then refuse to back one's conviction with one's vote. It is politics to know that Alberto Gonzales should not, must not, remain as Attorney General and then quietly, meekly cast your vote to keep him.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized as part of the unanimous consent agreement.

Mr. WHITEHOUSE. Madam President, I yield 2 minutes to the Senator from Missouri.

Mrs. MCCASKILL. Madam President, I thank the Senator from Rhode Island for yielding a couple of minutes.

There have been a couple of times in my career when I have walked into a room and have been humbled. Obviously, the day I walked in this place, I was humbled beyond words. But when I first walked into a criminal courtroom as an assistant prosecutor as a very young lawyer, I was also humbled by the responsibility that had been placed upon me by our system of justice. I remember talking to one of the older prosecutors in the office about what I should worry about. He said: Just remember, remember that woman with the scales of justice, Claire. Remember she has a blindfold on.

That blindfold is what this is about today. Frankly, it doesn't matter whether you are a Democrat or a Republican, whether you were for George Bush or not for George Bush. What matters today is how those prosecutors out there in this country feel right now, and what this incident did to the way they feel about their jobs. Because there are thousands of professional prosecutors—some of them have been appointed, some of them have been hired, some have been elected—what they all have in common is they understand their job is not about politics, it is about the rule of law.

When this whole incident unfurled in front of the American public, to all of those prosecutors it felt as though they were being cheapened, that somehow Gonzales and the rest of them were saying they were being judged on their politics and not on their professionalism.

So I come here just for a moment to try to give a voice to those thousands of prosecutors out there. I know them. I have worked with them shoulder to shoulder for years. They care deeply about their work, they care deeply about the rule of law, and they care deeply about fundamental justice.

On their behalf, I rise today for a moment to say this Chamber should vote unanimously a vote of no confidence against the Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the Senator from Missouri for her remarks. Like her, I have been appointed and elected as a U.S. attorney and as an attorney general. I ask all of my colleagues who are listening to take her at her word. Prosecutors across the country are horrified about what has happened. I applaud Senator SCHUMER for what he has done to push this forward.

The Senate has an important oversight role. We have advice and consent responsibilities, and we have a Judiciary Committee on which Senator SCHUMER and I serve. I tell you, the U.S. Department of Justice is a precious institution in our democracy. It is under siege from within, and we need to take some action.

This resolution is not about partisanship. It is not about scoring political points. It is about two very important things—one, letting the people of America know we care about an honest, independent, and truthful Department of Justice. That is not meaningless. It is also about letting the career people within the Department of Justice know that we hear them, we care about them, we know what has been done to this Department is shameful; that this ordeal for them will one day be over, and we will work hard as people who care about this country and about the Department of Justice to make that day come soon, so that once again truth and justice can be the stars that guide the Department of Justice. That, too, is not meaningless.

Madam President, the bill of particulars against Attorney General Gonzales is long. First is the fact that he does not respect the institution he leads. Time-honored traditions and practices of the Department, vital to the impartial administration of justice, have been gravely damaged or destroyed on his watch.

One, U.S. attorneys used to come from their home districts, where they were accountable to local people, where they knew the judges and the law enforcement officers. Not under this Attorney General. Now they fly them in from Washington where they will do President Bush's bidding.

Two, U.S. attorneys were always put up for advice and consent. Not under this Attorney General. He presided over the statutory circumvention of our Senate confirmation process.

Three, the list of people at the White House and the DOJ who used to be able to talk about cases with each other recently included only four people at the White House and only three at the DOJ. Not under this Attorney General, where 417 White House officials, including Karl Rove, can now have these formerly illicit conversations with the Department of Justice.

Four, career attorneys were kept free of partisan interference. Not under this Attorney General. There are politics in the Honors Program, politics in career official appointments, politics in personnel evaluations, and politics in the appointment of immigration judges.

Five, U.S. attorneys were almost always left in place to do their jobs once they were appointed, knowing that they had a higher calling than their political appointment. Not under this Attorney General. Simply put, a man who doesn't care about those institutions of

the Department of Justice is the wrong person to lead it back out of the mess he has put it in.

He has politicized this Department to a degree not seen since the Nixon administration—U.S. attorneys fired for political reasons, with White House fingerprints all over the place, and Karl Rove and others passing on information to the Department of Justice about voter fraud to pump up interest in cases. DOJ policy is ignored, with no justification; written policy was ignored to bring indictments on the eve of a critical election in the State of Missouri; the White House Counsel chastising a U.S. attorney over mishandling a case. How does the White House Counsel know whether a DOJ attorney mishandled the case? Who is telling him what is going on in the DOJ? The DOJ even invented the position of White House Liaison—first time ever—who, by her own admission, screened applicants based on inappropriate and probably illegal political factors.

Third, the Attorney General has set the bar for his office far too low. His stated definition of what is improper for him and his staff, believe it or not, tracks the legal standard for criminal obstruction of justice. Is that the kind of Attorney General we want? Is that the kind of accountability to himself we want? The Attorney General should do a lot better than that.

There has been an almost unbelievable series of half-truths and obfuscations coming out of the Attorney General and his circle. They told us that the firings of U.S. attorneys were performance related. Not true. They told us the Attorney General was not involved and didn't discuss the plan to fire U.S. attorneys. Not true. They told us the White House was not involved. Not true. They told us these EARS performance evaluations were not relevant. Not true. They told us the Attorney General didn't discuss the substance of the testimony with other witnesses during the investigation. Not true. They told us the Chief of Staff of the Deputy Attorney General never made threatening calls to U.S. attorneys who were going to publicly discuss the matter. Again, not true.

How many times can the Department of Justice say things that are not true?

Fifth, the hypocrisy is almost unbelievable. The Attorney General's own incompetence and misjudgments fail the very test he claimed he set for the fired U.S. attorneys. As one of my colleagues said to Attorney General Gonzales at his hearing, ''Why should you not be judged by the same standards at which you judged these dismissed U.S. Attorneys?''

Madam President, our Attorney General would fail that standard. How can he oversee our Federal Bureau of Investigation when the FBI Director had to warn FBI agents guarding the Attorney General not to obey his instructions, when he was White House Counsel scurrying over to the ailing Attorney General's hospital room to try to get his signature on a document?

You can say this is just a partisan exercise, but it may take a decade to repair the damage Attorney General Gonzales has caused. Every day that passes without his resignation is one more day before the repair has begun. From the perspective of the Bush administration, I can see how a wounded, grateful Attorney General on a very short leash may be just as they want as they try to exit Washington without further indictments. But that is not the Attorney General America needs to maintain the best traditions of the Department of Justice through administration and administration and administration, through Republicans and Democrats alike, and to ensure the fair administration of justice in our country.

As a former U.S. attorney who has profound respect for the Department of Justice and its thousands of career employees, I believe America deserves an Attorney General who will lead by example, who will set the very highest standard for himself and his staff, who will do his best to keep politics out of the justice system and will restore the country's faith and confidence in one of its most important institutions.

Please set aside politics and let us stand up for the Department of Justice. Let us restore a vital institution in American life. Please let us vote for cloture and proceed to do what our duty calls for us to do.

I yield the floor.

Mr. FEINGOLD. Mr. President, I will vote in favor of cloture on the motion to proceed. After months of troubling and even shocking disclosures about the U.S. Attorney firings and the politicization of the Department of Justice, it is important for the Senate to go on record on the question of whether the Attorney General should continue in his post. This vote may end up being our only vote on this matter, but since the resolution itself is nonbinding, this vote, though procedural in nature, is sufficient to inform the Nation exactly what the Senate's position is. Those who vote against cloture plainly are comfortable with the Attorney General remaining right where he is. Those of us who vote for cloture are not.

In January 2005, I voted against Alberto Gonzales to be the Attorney General because I was not convinced he would put the rule of law, and the interests of the country, above those of the President and the administration. Unfortunately, those concerns have been realized over and over. It is not just the U.S. Attorneys scandal. In recent months, the Department's Inspector General issued a very troubling report on National Security Letters. The Attorney General, of course, had assured us that the Department could be trusted to respect civil liberties in its exercise of the unprecedented powers it was given in the Patriot Act.

Perhaps the Attorney General's biggest failure concerns the warrantless wiretapping program. When he came before the Judiciary Committee for his confirmation hearing, he gave very misleading testimony to a question I asked concerning whether the position the administration had taken with respect to torture might also allow it to authorize warrantless wiretaps. He called my question ''hypothetical.'' Just less than a year later, we found out that the administration had in fact taken precisely that position for years.

His appearance before the Judiciary Committee last year to discuss the legal justification of the wiretapping program was one of the weakest and least convincing I have ever seen. And the recent testimony of former Deputy Attorney General James Comey concerning Mr. Gonzales's bedside visit to former Attorney General John Ashcroft raises serious questions about his veracity at that hearing. It also raises questions about his ethics, and, once again, his respect for the rule of law.

But it is not just his commitment to the rule of law and his willingness to tell the truth to Congress that troubles me about this Attorney General's tenure. At his most recent appearance before the Senate Judiciary Committee to discuss the U.S. Attorney firings, I questioned him about whether he did some of the most basic things that you would expect a manager to do if he delegated to his staff a major project like deciding which of 93 presidential appointees to top law enforcement positions to fire. He could not recall doing any of them. We know that the Attorney General was involved in this process and made the final decisions on the firing plan, but he can't seem to remember much beyond that, even though it was only a few months ago that this all took place. He has failed in a very significant way. He should resign.

With the snowballing problems at the Justice Department, it could hardly be more plain that the Attorney General has lost the confidence of Congress and the public. As Mr. Comey said in response to my written question: ''This entire affair has harmed the Department and its reputation.'' The Department of Justice should always be above reproach. The AG should step down for the good of the country. Since he will not, the Senate should express its judgment, on behalf of the American people.

Mr. SESSIONS. Mr. President, as a former U.S. Attorney for 12 years and as an assistant U.S. attorney for over 2 years, I am well aware that U.S. attorneys serve at the pleasure of the President and that they are appointed

through a political process that involves home State senators conferring with the President of the United States before the nomination is made, and which involves confirmation by the U.S. Senate.

As I have observed previously, the matter involving Attorney General Gonzales concerning the appointment and removal of certain U.S. attorneys arose because at some point there was interest in a substantial change in the persons holding the offices of U.S. attorneys throughout the country. Apparently, some wanted a large number of changes and others did not. To them, it may have seemed like an easy thing to do. The President would simply just remove them and appoint others.

Attorney General Alberto Gonzales had no previous experience in the Department of Justice at any time in his career and seemed to have very little interest in who were serving as U.S. attorneys. This was an error on his part. Attorney General Gonzales simply did not understand that the removal of a U.S. attorney is always a delicate and difficult process. First, U.S. attorneys have Senatorial support. Their appointment was initially cleared by the U.S. Senator for that State and often the Congressman from that district. Secondly, they have local support among their friends and constituents and they often have built up strong support among local, State, and Federal law enforcement agencies. Those bonds are often strong and the removal of a U.S. attorney often causes concern among those law enforcement agencies and groups. They have also often gained support in the local community with childrens' advocacy groups, crime prevention groups, and victims' rights groups.

Finally, almost every U.S. attorney will have one, sometimes more, sensitive cases that are ongoing at any given time. Anyone familiar with the process will know that removing a U.S. attorney who is in the process of handling some high profile criminal case will often result in quite a bit of political pushback, even if the U.S. attorney has very little hands-on involvement with the case.

One of the problems that the Attorney General had was that he did not fully understand these dangers in removing U.S. attorneys because he had never been involved in it as a member of the Department of Justice. He simply did not comprehend the seriousness of the issue with which he was dealing. If he had, he would have spent a great deal more time on it than he did. He would not have delegated it to his assistants—many of them young and also not experienced—in the reality of this process either.

As a result, there occurred an unseemly series of events that reflected poorly on Attorney General Gonzales and other members of the Department of Justice, and which has damaged the reputation of the Department of Justice. This was not a small matter but a very important matter. I think now he realizes the importance of this process and is sincerely apologetic for allowing it to develop the way it did. He is also apologetic for the way that he responded to the inquiries made about the proposed U.S. attorney changes.

Let me insert, parenthetically, that much of the criticism leveled against the Attorney General, the President and his aides has been exaggerated and sometimes quite inaccurate. But, if it comes from a member of Congress or a Senator, that means you never have to say you are sorry. However, if the Attorney General, in responding to attacks, makes explanations that are in any way less than fully accurate one can expect that he will be attacked vociferously as attempting to mislead or worse. Unfortunately, there is a double standard and it often results in unfairness and this is one of those cases. Many of the complaints against Attorney General Gonzales have been very unfair and unfortunate.

After this spasm developed, I was worried about the Attorney General's capacity to lead the Department of Justice effectively and expressed concern as to whether or not he would be able to assemble an able staff to complete his term and whether or not it would be, in sum, better for the Department of Justice that he step aside. I publicly suggested that he and the President meet together and discuss this issue with frankness. I quoted the Attorney General himself as saying that the matter was not about the Attorney General, but was really about what was best for the Department of Justice.

It now appears that the Attorney General and the President have concluded that the Attorney General committed no offense, committed no crime for which he should be impeached, and has not made any error sufficient that he should no longer remain as Attorney General. The Attorney General's lack of experience in certain aspects of the Department of Justice were well known before he was confirmed by the Senate. In my personal view, there is no Cabinet member that requires more personal experience and detailed knowledge of the agency they will lead than the Attorney General. It is a very, very tough job and the Attorney General must be able to personally handle a large portfolio of issues and at the same time have a comprehensive grasp of complex legal issues and legal precedents involving the Department of Justice. For example, Attorney General Janet Reno was constantly struggling in the office. Before becoming the Attorney General, she had simply been a county district attorney and had never been involved in the kinds of issues she faced as Attorney General. In the future, I expect to be far more assertive in the confirmation process as I will insist that any Attorney General nominee have significant relevant experience.

In conclusion, I conclude that there is not cause for any censure of Attorney General Gonzales and I conclude that there is no basis whatsoever for him to be impeached.

It has been 120 years since a no-confidence vote has been had on any Cabinet member. That is something they do in Europe. It is not something we do in the United States. This no-confidence resolution is not necessary, it is harmful to our system, and should not be a precedent in the future. Frankly, it is driven by politics and not by what is best for the Department of Justice because this process will greatly magnify any errors that he has made and create a false impression. Attorney General Gonzales is a good man who sincerely wants to meet the highest standards of the Department of Justice.

The process in our government is that the President nominates for the position of Attorney General, and the Senate votes to confirm them or not. After that confirmation, unless he is subject to impeachment, it is not good policy for the Senate to rush in and express formal opinions about the Cabinet officer and his or her performance. Therefore, I have, after considerable thought, concluded this resolution is bad policy and precedent, and is unfairly damaging to the Department of Justice. It is a political overreach and should not be passed. Therefore, I oppose the resolution.

Mr. KENNEDY. Mr. President, when Alberto Gonzales came before the Senate as the President's nominee for Attorney General, many of us were concerned that he would not be able to distinguish between his past role as White House Counsel and his new role as Attorney General. During his service as counsel to the President, he had assisted the President in promulgating a series of disastrous policies that ran roughshod over the rule of law and damaged the United States in the eyes of the world. He refused to give detainees the protections of the Geneva Conventions, calling them ''quaint.'' He facilitated the establishment of Guantanamo and denied other basic legal protections to detainees. He approved an interpretation of the law that was inconsistent with international agreements. He authorized the use of torture, a step that led to the horrors of Abu Ghraib. At every turn, he promoted an extreme view of the President's authority. Yet, when he came before the committee seeking confirmation, he assured us: ''With the consent of the Senate, I will no longer represent only the White House; I will represent the United States of America and its people. I understand the differences between the two roles.''

That assurance has proven hollow. On issue after issue, Mr. Gonzales has singlemindedly served the President's agenda, without any respect for the broader responsibilities of the Attorney General. He has continued to promote an extreme view of the President's power as Commander in Chief to authorize warrantless eavesdropping in violation of the law, secret detentions, abuse of detainees, and violations of the Geneva Conventions. He believes that the President can issue signing statements that nullify duly enacted statutes whenever they might limit the President's discretion. As Attorney General, he has used the enormous power of his office to promote the agenda of the White House.

The current U.S. attorney scandal has revealed the devastating legacy of Mr. Gonzales's tenure as Attorney General. We now have a Department of Justice that is wide open to partisan influence and has abandoned many of the basic principles that kept the Department independent and assured the American people that its decisions were based on the rule of law.

As a result, the Department of Justice is now embroiled in a scandal involving the firing of U.S. attorneys, under a process controlled by inexperienced, partisan staffers in consultation with the White House. U.S. attorneys were targeted for firing because they failed to serve the White House agenda. Karl Rove and the President passed along to the Attorney General complaints that U.S. attorneys failed to pursue voter fraud. Over the past 5 years, the Department of Justice has actually pushed hard to prosecute voter fraud, but among the hundreds of millions of votes cast in that period, it has managed to convict only 86 people nationwide. The pursuit of virtually nonexistent voter fraud at the ballot box is part of a Republican effort to suppress the legitimate votes of minority, elderly, and disabled voters. Other measures taken in this cynical scheme include photo ID laws and purges of voter rolls.

The conclusion is inescapable that the firings of U.S. attorneys were part of an effort to put partisans in charge of U.S. attorney offices in key States. New Mexico, Washington, Arkansas and Nevada are all closely contested States. Add those States to which the Attorney General sent interim appointees from Washington in the past 2 years—Florida, Missouri, Iowa and Minnesota—and the pattern is clear. Attorney General Gonzales, more than any other Attorney General in memory, has tried to turn the Department of Justice into an arm of a political party.

In addition, under his leadership, the Department's hiring procedures have been corrupted by partisan officials who rejected longstanding merit-based hiring procedures and placed political party loyalty ahead of legal merit in hiring career attorneys. His Department of Justice has tried to obliterate the distinction between political appointees and career civil servants.

In his testimony before the Judiciary Committee, Mr. Gonzales has repeatedly made false statements. He told us the warrantless eavesdropping program could not be conducted within the limits of The Foreign Intelligence Surveillance Act. Then, on the eve of an appearance before the committee, he told us that the program now fits within FISA. He told us that there had not been significant disagreement over that program, but we now know that as many as 30 members of the Justice Department were prepared to resign if an earlier version of the program proceeded unchanged. He stated that he had not seen memoranda or been involved in discussions about the U.S. attorney firings, but it was later revealed that he did both. He told us that only eight U.S. attorneys had been targeted for firing, but it turns out the list was longer. He has said scores of times that he does not recall key meetings and events. With each misstatement and memory lapse, the Attorney General's credibility has faded until there is nothing left.

In the years I have served in this body, I have had the privilege to work with many Attorneys General. The defining quality of the outstanding occupants of that office—both Democrats and Republicans—has been an understanding that the law and the evidence trump loyalty to a political party or a president. Respect for the rule of law lies at the heart of our democracy. If our machinery of justice becomes just another means to preserve and promote the power of the party in office, we have corrupted our democracy. If the American people believe that partisanship is driving law enforcement, our system of justice cannot survive.

We need a strong and credible Attorney General who believes deeply in our system of justice as we undertake the difficult and essential job of restoring the credibility of the Department of Justice. I urge my colleagues to support this resolution of no-confidence as a first step in rebuilding the faith of the American people in the Department of Justice.

Mr. BYRD. Mr. President, 28 months ago, on February 3, 2005, I voted against the confirmation of Alberto Gonzales to be the Attorney General of the United States. Hallelujah, Amen! Eight days before that, I was one of 13 Senators who voted against the nomination of Condoleezza Rice to be the U.S. Secretary of State. And, if the Senate had been permitted to vote on the nomination of Paul Wolfowitz to head the World Bank, I would have voted against that nomination, too.

I am proud of my votes against confirmation of these failed architects of the unconstitutional war in Iraq. Their flawed policies have cost our Nation dearly. I shudder to contemplate the billions and even trillions of dollars and the decades of effort that it will take to correct their extraordinary errors in judgment. These are the same administration officials, led by Alberto Gonzales here at home, who have done everything they can to abolish our Nation's carefully calibrated separation of powers and to undermine Americans' civil liberties. Based on ongoing errors in judgment and mistakes made on his watch, I remain convinced that my vote against Alberto Gonzales was in the best interests of this country.

It is, therefore, not surprising that I am pleased to be an original cosponsor of S.J. Res. 14. This resolution expresses the sense of the Senate that Attorney General Gonzales no longer holds the confidence of the Senate and of the American people. Frankly, he never held my confidence. Not from day one, and I will tell you why that is so.

When President Bush nominated Alberto Gonzales to be the U.S. Attorney General, the President stated that Mr. Gonzales, as White House counsel, had a ''sharp intellect,'' and that it was White House counsel's ''sound judgment'' that had, in the President's words, ''helped shape our policies in the war on terror.''

Sharp intellect and sound judgment? I have heard of damning with faint praise, but applying those words to someone who has had a major role in the reckless and incompetent way in which this administration has waged its so-called war on terror is hardly a compliment.

But don't expect Alberto Gonzales to take responsibility for what happened on his watch. Throughout his time in this administration, whenever Mr. Gonzales has been questioned about what he knows about improper conduct, his standard and repetitive response, in the words of the fictional Sergeant Schultz is simply: ''I know nothing.'' When questioned about who made the decision to fire U.S. attorneys for what appear to be purely political reasons, he implausibly states that while he signed off on the decision, he was not really responsible because he was out of the loop.

At a press conference on March 13, Attorney General Gonzales stated that he knew nothing of the scandal surrounding the U.S. attorneys, because he was, in his words, ''not involved in seeing any memos, was not involved in any discussions about what was going on,'' and, he said, ''that's basically what I knew as the Attorney General.'' Mr. President, that is not an impressive response. Even the Attorney General now says his comment was ''too broad'' and that he ''misspoke.'' He now admits that he did have some involvement. But he said this only after

the Justice Department released e-mails and memoranda which showed that he had, in fact, been involved in discussions about the firings.

He also claimed that he is not really responsible, because, in his words, ''in an organization of 110,000 people,'' he said, ''I am not aware of every bit of information that passes through the halls of justice, nor am I aware of all decisions.'' Now that seems an odd assertion, considering that he is, in fact—if you will allow me to use the President's terminology—the top ''decider'' at the U.S. Department of Justice.

When the Attorney General testified before the Senate Judiciary Committee on April 19, 2007, he continued to argue that he was simply out of touch—an assertion that has been disputed by the two employees he had charged with filling the U.S. attorney positions with party loyalists, D. Kyle Sampson and Monica Goodling.

On May 15, 2007, speaking before the National Press Club, Mr. Gonzales made yet another effort to shift the blame for any wrongdoing. But this time he chose a new victim. He said, ''You have to remember, at the end of the day, the recommendations [to fire the U.S. Attorneys] reflected the views of the deputy attorney general,'' meaning Paul McNulty. But the Associated Press reported immediately thereafter that documents released from the Justice Department showed that McNulty was not closely involved in picking all of the U.S. attorneys who were put on the list. Instead, it was a job mostly driven by the Attorney General's own, two hand-picked subordinates, Sampson and Goodling.

I would invite those who believe that Alberto Gonzales did not know what was happening in his own Department to join me on a quick trip down memory lane. Let me recount a section of the speech that I delivered on the Senate floor just prior to voting against his confirmation to be Attorney General. I reminded my colleagues at that time that Judge Gonzales had admitted being physically present at meetings in his office to determine which acts against enemy combatants should be outlawed as torture.

But at his confirmation hearing, he disavowed having any role in the administration's initial decision to define torture extremely narrowly. On January 6, 2005, he was asked by a member of the Judiciary Committee whether he had ever chaired a meeting in which he discussed with Justice Department attorneys the legitimacy of such interrogation techniques. He was asked if, in the meetings he attended, there was discussion of strapping detainees to boards and holding them under water as if to drown them. He testified that there were such meetings, and while he did remember having had some ''discussions'' with Justice Department attorneys, he simply could not recall what he told them in those meetings. He stated that, as White House counsel, he might have attended those meetings, but it was not his role but that of the Justice Department to determine which interrogation techniques were lawful.

In other words, he was saying then, just as he is saying today: Don't hold me accountable! Don't blame me if mistakes were made! And, then, just like today, he didn't point the finger of blame at just one other victim. He spread the blame around. While he admitted he'd made some mistakes as White House counsel, he attempted to further deflect responsibility for his actions by saying that a number of what he called other ''operational agencies'' also took responsibility for making flawed decisions on prisoner interrogation techniques.

At his confirmation hearing, he said:

> I have a recollection that we had some discussions in my office, but let me be very clear with the Committee. It is not my job to decide which types of methods of obtaining information from terrorists would be the most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be the job for the agencies . . . I viewed it as their responsibility to make a decision as to whether or not a procedure or method would, in fact, be lawful.

Whether on the issue of torture or of firing U.S. attorneys, when it comes to Alberto Gonzales taking responsibility for his actions—as Yogi Berra would say—it's deja vu all over again. One wishes that Judge Gonzales could tell us, just once, what his job is, rather than always telling us only what it is not.

Article II, section 3 of the United States Constitution, as head of the Executive Branch, the President has a legal duty to take care that the laws be faithfully executed. The Constitution does not say that the President or his officers ''should'' or ''may'' undertake that responsibility: It clearly states that the President ''shall take Care that the Laws be faithfully executed.'' The President and his Chief Law Enforcement Officer at the Justice Department must be held accountable not only when they fail to faithfully execute the law, but also when they or their subordinates attempt to undermine, ignore, or gut the law.

The Attorney General has a credibility problem, and the American people know it. Despite his assertions to the contrary, he continues to contribute in large measure to the flawed policies and decision making that have flowed from this administration over the past seven years. For all of these reasons, I urge my colleagues to support S.J. Res. 14.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I rise in support of S.J. Res. 14, a resolution expressing the sense of the Senate that Attorney General Gonzales has lost the confidence of Congress and the American people. This is a sense-of-the-Senate resolution.

Now, Madam President, let me initially say that I was doing other things and was unable to listen to the remarks of some of my Republican colleagues. I apologize for that. I have had a briefing as to what they said. They have chosen to impugn the motives of the sponsor of this resolution, the senior Senator from New York, Mr. SCHUMER. I work very closely with this man. I have worked in government most all of my adult life. Rarely have I seen anybody—in fact, I have never seen anyone with the intellectual capacity of CHUCK SCHUMER from New York and his ability to understand what is going on in the State of New York and in our country. Any suggestions that were made to impugn his integrity are unwarranted, out of line, and unfair.

Senator SCHUMER is a member of the Judiciary Committee. He is a lawyer. As a member of that Judiciary Committee and as a lawyer who cares deeply about the rule of law and the reputation of the Justice Department, he had an obligation to do what he did. There are others who joined with him. Senator FEINSTEIN was out front on this issue with Senator SCHUMER, as were others. The chairman of the committee, Senator LEAHY, has been with them every step of the way.

In my opinion, his work in this investigation has been commendable.

Mr. LEAHY. Will the majority leader yield for a comment?

Mr. REID. Yes, I am happy to.

Mr. LEAHY. Madam President, I tell the leader and the senior Senator from New York, I know he has worked hard on this. Nobody has had more roadblocks thrown in front of him than the Senator from New York. He has asked legitimate questions. Many times, his legitimate questions were not answered by the Department of Justice. They refused to answer. We had to actually subpoena them to get answers that should have been sent to him by return courier. He has acted in the best sense of oversight. He has done what one should do in oversight. He should not be criticized for that.

Maybe those who do the criticizing should ask why they allowed a rubberstamp Senate under their watch to continue for 6 years, with conduct that certainly borders on the criminal and certainly reflects the unethical goings-on at the Department of Justice, and they didn't say one word about it.

Mr. REID. Madam President, I appreciate very much the Senator from Vermont, the chairman of our committee, for standing up for what is right. That is what he is doing.

The Senate has a responsibility to express its displeasure with a Cabinet

officer who has grossly mismanaged his responsibilities and failed the American people in the process. This is the one and only mechanism we have, short of impeachment, to address malfeasance of a high-ranking Federal official.

Along with the Department of Defense and State, the Department of Justice is the most important Cabinet agency we have. The Attorney General is responsible for enforcing Federal law, protecting civil rights, and, most importantly, ensuring fidelity to the Constitution of the United States.

Madam President, in my young days as a lawyer and public official in Nevada, during the 1960s, I saw the critical role the Justice Department can play in what is going on in a State. In those days—the early sixties—a person of color, a Black man or woman, could not work in a Strip hotel and could not work in downtown hotels. They weren't there unless they were a porter, a janitor—someplace where they could not be seen. Thousands of people, Black and White, protested that discrimination, but it didn't matter until the Justice Department stepped in. They stepped in and forced it. There was a consent decree entered into between the State of Nevada—I was there. I was Lieutenant Governor, and I helped negotiate that along with Governor O'Callaghan and the attorney assigned to do that. We worked on that for weeks and weeks. But for the Justice Department, that integration of those large hotels in Nevada would have taken place much later. That is what the Justice Department is all about. Major civil rights battles in Las Vegas over integrating the strip would never have been determined in favor of the people of color but for the Justice Department.

You see, the Justice Department is color blind, and that is the way it is supposed to be. It wasn't a Democratic Department of Justice or Republican Department of Justice. It was an American, a U.S. Department of Justice. Its lawyers were fighting for the most American ideal—the right of all Americans to participate in our democracy.

What a proud history this is. What a source of pride it is for our country what the Justice Department in decades past has done. But today under this President, President Bush, and under this Attorney General, Alberto Gonzales, the Department of Justice has lost its way.

Now the Justice Department is just another arm of the Karl Rove political machine, where partisanship earns patronage and independence earns contempt.

Today's Justice Department is dysfunctional. I so appreciate the statement made by the former attorney general of the State of Rhode Island, Senator WHITEHOUSE. He laid it out. He has a feeling of what the Justice Department is all about. He spoke from his heart. The Department of Justice's credibility is shredded. Its morale is at an all-time low, and the blame for that tragic deterioration lies squarely on the shoulders of two people: The President of the United States and the Attorney General of the United States, Alberto Gonzales.

We are here today to discuss Alberto Gonzales. Over the past 6 months, congressional oversight has revealed the many ways the crass political calculations in that White House have pervaded the personnel and prosecutorial decisions of the Bush-Gonzales Justice Department. Remember, for 4 years, this was a big rubberstamp, this thing called Congress.

The careers of many fine men and women, lawyers, have been destroyed. One of those is a man from Nevada by the name of Daniel Bogden, a career prosecutor. He worked his way up as a line prosecutor in Washoe County, Reno, NV, and became an assistant U.S. attorney. He—I have spoken with him—wanted to spend his life being a prosecutor, going after people who violate the law. That is over with. Once you are removed from being a U.S. attorney, you can no longer work as a deputy U.S. attorney.

He, I repeat, was a career prosecutor. When my Republican friend and colleague, JOHN ENSIGN, recommended him to be U.S. attorney for Nevada, he reached what he thought was the pinnacle of his career. Oh, was he mistaken. He has been humiliated, embarrassed, denigrated by this Justice Department for no reason. He worked hard. No one questioned his work ethic.

My son was a deputy U.S. attorney with Daniel Bogden. They worked together. A fine lawyer is Daniel Bogden. He worked hard as our U.S. attorney to protect Nevadans from crimes, drugs and white-collar crimes and earned a wide respect from law enforcement agencies throughout the State.

I repeat, he was fired. To this day, no satisfactory explanation has been provided to Dan Bogden and the people of Nevada.

In light of this evidence, we learned that other U.S. attorneys had been fired at the same time because they failed to pursue partisan political cases. So without any question, there is every reason to believe Dan Bogden suffered the same fate. He was fired for administering justice in Nevada in an evenhanded, nonpolitical way, as he thought as a prosecutor he was supposed to do.

I can remember as a young lawyer, I had a part-time job as a city attorney in Henderson, NV. It is now the second largest city in the State. It wasn't then. I prosecuted criminal cases. I came back to my law firm and I was bragging. That is the wrong word. I was saying: Man, that case, I can't imagine why that judge did that. That wasn't a very good case at all. One of the people I worked with said: HARRY, that is not your responsibility.

I will use leader time now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, he said: Your job is not to convict people. It is to do the right thing for the people of the State of Nevada, the city of Henderson, NV.

That is a lesson somebody should have given Alberto Gonzales before he took the job as Attorney General. Dan Bogden was fired for doing his job exactly the way it is supposed to be done.

When he testified before the Senate Judiciary Committee, Attorney General Gonzales couldn't even say why Bogden was included on the list to be fired. Think about that: A man's career ruined, and the man who fired him or had him fired didn't even know why he was fired.

His lack of memory was astounding. He couldn't recall basic facts, even meetings with the President. Writing in the New York Times, Professor Frank Bowman, a former Federal prosecutor, said, talking about Gonzales:

> The truth is almost surely that Mr. Gonzales's forgetfulness is feigned—a calculated ploy to block legitimate congressional inquiry into questionable decisions made by the Department of Justice, White House officials, and, quite possibly, the President himself.

If Albert Gonzales was not truthful with the Congress, he deserves to be fired—not Bogden but Gonzales.

On the other hand, if the Attorney General was not involved in the decision to fire Bogden and others, he is guilty of gross negligence and deserves to be fired. He turned over the awesome power of his office to a handful of young, inexperienced ideologues and allowed them to carry out a political campaign from the once-hallowed halls of the Justice Department.

But the Attorney General's misdeeds extend well beyond politically driven personnel decisions. As White House counsel, he presided over the development of antiterror tactics that have undermined the rule of law and made Americans less safe. We know now from former Deputy Attorney General Jim Comey the Attorney General tried to take advantage of John Ashcroft's serious illness—was sick in a hospital bed—to obtain Justice Department approval for an illegal surveillance program. He took papers there for him to sign.

Time and time again, Alberto Gonzales has proven beyond a doubt his utter lack of judgment and independence is foremost in his mind. Whether it is tortured reasoning allowing torture or his support of domestic surveillance, firing unfairly U.S. attorneys, hiring immigration judges based on their political affiliation—there is a

long list. But let's talk about his being one of the masters of torture in our country.

I have a law review article from Columbia Law Journal, one of the finest law schools in America, the name of which is ''Drop by Drop: Forgetting the History of Water Torture in U.S. Courts.'' This is an article written by Judge Evan Wallach, one of the foremost experts in the world on the law of the war. I am only going to read the last paragraph of this article. He goes into some detail in the article, talking about how this Attorney General's office, this White House counsel, this administration has allowed torture to be part of what Americans do with detainees and others.

Here is what Judge Wallach said:

> If we remember what we said and did when our military personnel were victims, if we remember our response when they were perpetrators, how can our government possibly opine that the use of water torture is within the bounds of law? To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

That is the legacy of this administration and this Attorney General, that law review articles are being written to talk about how awful this Attorney General is and what he has allowed to happen.

> To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

Alberto Gonzales is profoundly unworthy to hold one of the highest and most important offices of our great country. I urge my colleagues to support this resolution reflecting the facts before us. I urge Attorney General Gonzales to resign his office, to give the Department of Justice a chance it needs to recover from his catastrophic tenure. If he does not, I urge President Bush to finally remove him.

The PRESIDING OFFICER. All time has expired.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 179, S.J. Res. 14, relating to Attorney General Alberto Gonzales.

Harry Reid, Richard J. Durbin, Kent Conrad, Bernard Sanders, Jeff Bingaman, Dan Inouye, Jon Tester, S. Whitehouse, Debbie Stabenow, Byron L. Dorgan, Amy Klobuchar, Sherrod Brown, Carl Levin, Chuck Schumer, Barbara Boxer, Jack Reed, H.R. Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—53

Akaka	Feinstein	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lincoln	Sununu
Collins	McCaskill	Tester
Conrad	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—38

Alexander	Dole	Lott
Allard	Domenici	Lugar
Bennett	Ensign	Martinez
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Cochran	Hatch	Shelby
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
Crapo	Kyl	Warner
DeMint	Lieberman	

ANSWERED ''PRESENT''—1

Stevens

NOT VOTING—7

Biden	Dodd	Obama
Brownback	Johnson	
Coburn	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays 38, and one Senator responded ''present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanche L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6, an act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—91

Akaka	Ensign	Mikulski
Alexander	Enzi	Murkowski
Allard	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	Webb
Dole	Martinez	Whitehouse
Domenici	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NOT VOTING—8

Bayh	Coburn	McCain
Biden	Dodd	Obama
Brownback	Johnson	

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are zero. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR CRAIG THOMAS

Mr. BAUCUS. Mr. President, I honor a colleague, a friend, and a great Senator, Senator Craig Thomas.

No words that I can speak will ease the sadness of this loss. Nothing my colleagues and I say can fill the emptiness that his passing has left or lessen the pain that so many feel.

I feel compelled to speak of Senator Thomas not for the effect of my words. Instead, I speak to recognize the effect of his words, his actions, and his service.

His were words, actions, and service that have improved the lives and futures of Americans. His words and actions will leave a legacy long after our sadness passes.

Senator Thomas represented Wyoming effectively and with dignity. I was proud to work with him.

We both loved the open beautiful spaces of our home States, and we worked to keep them clean, safe, and sustainable. We collaborated to improve the Endangered Species Act and the Safe Drinking Water Act.

We also worked to safeguard our constituents' livelihoods—establishing the wool trust fund, keeping open global beef markets, and making sure that our trading partners played by the rules.

We worked together to safeguard our natural resources, improve rural energy infrastructure, and plan for a sustainable energy future with clean coal technologies.

These and many other accomplishments will be Senator Thomas's legacy. It is a legacy for which he deserves recognition, remembrance, and honor. It is a legacy for which our Nation is grateful.

But many will remember Senator Thomas more for who he was than for what he did. They will remember someone with a quick wit, an easy smile, and a generous helping hand.

I will remember Senator Thomas as I met him when he first joined the Senate in 1989. Back then, I recognized in him something very familiar. Senator Thomas was a man of the American West. He embodied the values and the character of the people whom he represented.

You always knew where Senator Thomas stood. Like many in the West, Senator Thomas was quiet, unassuming, and unpretentious—but he was never intimidated.

He was gentle and decent. When he gave you his word, he kept it. And as we all saw in these final months of his life, when he had to, he could fight like hell.

That is the man I will miss and it is the man I wish to recognize today—an honorable Senator and a great man of the American West.

Mr. DOMENICI. Mr. President, this last Saturday, I traveled with my wife Nancy and many of our colleagues in the Senate to Casper, WY, for the funeral service of my friend Senator Craig Thomas.

During the service I was particularly impressed by the words of Minority Leader MCCONNELL and I would like to thank him for so eloquently eulogizing Senator Thomas. So appropriately did his words honor Senator Thomas that I hope all our colleges in the Senate will take the time to read them.

I ask unanimous consent that this transcript of Senator MCCONNELL's comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SERVICE IN HONOR OF CRAIG THOMAS, JUNE 9, 2007

Reverend [Moore], Susan, Lexie, Patrick, Greg, Peter; distinguished guests, colleagues and friends of Craig Lyle Thomas.

There are people that we can't ever imagine dying because they're so alive, and there are people we can't imagine dying because they seem so healthy and so strong. Craig Thomas's death is doubly hard because he was both of these people. But death has done its work, and so we come back to the place that he was always so eager to return to, to accompany him on one last trip back.

It was here that he first heard his calling to serve in public life, and here that he first tasted the bitterness of loss. But Susan always told him, ''If you sign up to be a cowboy, you can't complain when you draw a raw, bucking bronco.'' He couldn't have imagined in those early years that one day he'd be known to America as the Senior Senator from Wyoming. But he was never one to dwell on his achievements. So it falls to us, his friends, to speak well of this good man.

One of the great things about this country is that so many of its leaders come from such surprising places: a candle shop in Boston, a cabin in Kentucky—and a one room-school house in Wapiti, Wyoming. Senator Enzi tells me that The Wapiti School is still standing, but that it's surrounded now by 10-foot fences and a ring of barbed wire—not to keep the kids in, but to keep the grizzlies out. That fence wasn't there when Craig was in school. They were tougher then.

Craig Thomas was always the tough guy—not tough to deal with, not tough on others, just tough. When his family moved to Cody, he signed up for two sports: wrestling and football. One of his teammates on the football team, Al Simpson, was also his neighbor. It may be the only time in American history that two U.S. senators grew up a block and half from each other.

There was a time when it was normal for tough guys to be studious too. And if you went back to Cody in the 1940s, you'd find the son of Craig and Marjorie Thomas as attentive to his football plays as he was to Mrs. Thompson's English lessons. He'd remember and benefit from both many years later during hundreds of legislative battles or on countless nights by the campfire along the North Laramie River, reciting the ''Cremation of Sam McGee.''

As a young man, Craig would have heard about the days when an unwritten code of honesty, bravery, and chivalry governed daily life in Cody. And he was inspired by stories of another code of bravery that guided young Americans of his own day in exotic places like Guadalcanal, Bougainville, Tarawa, and Guam. World War II cost the Marines nearly 87,000 dead and wounded. But as a young man fresh out of college with his whole life ahead of him, Craig Thomas wanted in. Fifty years later, he still proudly wore the anchor and the globe on his lapel.

He was happiest when he was here, but 18 years ago history called him to Washington and he responded dutifully. It was anything but inevitable. His opponent in the campaign to replace an outgoing congressman who's done pretty well himself over the last 18 years had about 99 percent name recognition and had just lost an election for U.S. Senate by about 1,200 votes. The lowest point in the race was the early polling, which suggested that Craig didn't have a chance. But over the next 40 days, the Marine and his staff pulled

it off. Craig set the tone, he led the way, and he let others take the credit. That was his way.

Four days after the election, Craig and Susan packed their bags, headed east, and two days after that Craig was sworn in as a member of the U.S Congress. It wasn't the easiest transition. As soon as Craig got to Washington, he froze with a sudden realization—he didn't have any suits. So he did what anybody from Wyoming would do. He called Al Simpson, who told him where to find one.

A few months later, he had a similar predicament. He and Susan got an invite to the White House and Craig didn't have a tuxedo. So he told one of his staffers to go to a dry cleaning store up the street and rent one—but not to worry about the shirt. When the staffer came back, she found Craig in his office with a buck knife. He was cutting holes into his cuffs for where the cufflinks would go. Craig just laughed that big laugh of his, that full body laugh, and then went to the White House with a tuxedo shirt of his own making.

The Gentleman from Wyoming took an office on the top floor of the Longworth Office Building, but he didn't get too comfortable. Some members of the Senate boast about visiting every county in their state over the course of a year. Craig visited all 23 counties in Wyoming—the ninth largest state in America in just two weeks during that first August recess. He enjoyed every minute of it: driving west from Casper, looking out at the Wind River Range, and thinking about what an honor it was to serve this big, beautiful place he loved.

This was his home, and he loved it. He loved the land, he loved the people. But anyone who knew him knew what his greatest love was.

Craig met Susan in 1978. She was working on a statewide campaign, he was working for the state Republican Party, and she invited him over to talk about the race. When she looked out the window and saw a man riding toward her office on his bicycle, she turned to the woman next to her and said, ''Now who would that be?'' She soon found out, and thanks to her loving support, so did the rest of the country. Everything they did, they did together. She was with him for every race he won. Craig always said Susan was the one who liked campaigning.

They were like children, but they were deadly serious about their work. Craig viewed politics as a high calling, and he viewed Susan's work the same way. He admired her deeply. He never failed to mention her. I remember my wife Elaine telling me after giving the commencement speech one year at Susan's high school, how devoted to her the students there were.

We honor Susan today for her devotion to Craig. We'll miss seeing her outside the Senate chamber waiting for him to finish up his votes. The Senate's a lonelier, less joyful place without Craig. It's already a lonelier, less joyful place without her too.

The people of Wyoming sent Craig to the Senate in 1994, and those of us who've served with him there are grateful they did. It was the first time since 1906 that every statewide office in Wyoming was held by a Republican, and the credit, of course, goes to Craig. He led the ticket, and he worked tirelessly to bring everyone else along with him.

But again, he didn't take the credit. And the victory and the higher office did nothing to change the man. If there was any chance of that, Susan made sure to nip it in the bud. She made him hang a photo of himself falling off a horse. She knew the Scripture that ''pride cometh before a fail'' But Craig knew it too, and he wouldn't disappoint. He was a simple, humble son of Wyoming and he remained one to the end.

He was always eager to get home. So eager, in fact, that one time when his Mustang broke down on the way to the airport, he left it on the side of the highway and hitchhiked the rest of the way. They let him on the plane to Cheyenne without a ticket or anything. He called his staff from the airport to see if someone could get the car. When they found it, the keys were still in the ignition. They sent his clothes on the next plane.

We'll never forget his toughness, his goodness, his humor, his steady reassuring hand. Nor his kindness, which he always showed toward everyone—from presidents to doormen. He was straightforward and honest. In a phrase that Craig might have recalled from Mrs. Thompson's Shakespeare lessons, he was not a man ''to double business bound.'' His only business was his duty—to God, country, family, and friends. And he fulfilled them beautifully.

He was strong, humble, and full of faith. And here is why. As a boy Craig Thomas looked out at the majesty of the canyons and the falls of Yellowstone and knew there is a God. As a teenager he saw the hard work and dedication of his parents and learned that giving is more admirable than taking. And as a man he could hear the rumble of the herd even from his desk in Washington, and know that the movements of men were nothing compared to the power of the wild.

I am not a cowboy. But I've come to know and admire a few of them in my 22 years in the Senate. And I've come to know a little bit about their pastimes. I've heard that holding down a steer takes two kinds of ropers—a header and a heeler, and that there's an old saying that the header may be the quarterback, but that the heeler makes the money. The idea is that there may be more glory in roping the head, but that the heeler has the harder, more important, and less glamorous job. No one who knew Craig Thomas is surprised to know that he preferred to be a heeler.

The most impressive thing in Washington is also the rarest: and that's a man whose position and power has no effect on the person he was when he got there. I've never met a man who was changed less by what the world calls riches or power than Craig Lyle Thomas.

Now this great American life has come to an end. Yet we know it continues: This husband, father, lawmaker, mentor, and friend goes to the Father's house. We take comfort entrusting him to the Lord of Mercy, who tells us that in the life to come, every question will be answered, every tear wiped away. And we are confident in the hope that he will ride again, healthy and strong, along a wider, more majestic plain in a land that's everlasting.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT RYAN A. BALMER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave airman from Mishawaka. Ryan Balmer, 33 years old, was killed on June 5 while deployed near Kirkuk, Iraq, when an improvised explosive device struck his vehicle. With an optimistic future before him, Ryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Ryan has served in the Air Force since enlisting shortly after graduating Mishawaka High School in 1993. He was extremely proud of his military service and was nearing the end of his 6-month tour in Iraq when he was killed by the improvised explosive device. In addition to his military service, Ryan, the youngest of nine children, was the devoted husband of Danielle Balmer and the father of two sons and one daughter.

Ryan was killed while serving his country in Operation Iraqi Freedom. He was assigned to Detachment 113, 1st Field Investigations Region, stationed at Hill Air Force Base, UT. A good high school friend of Ryan's, Dave Falkenau, told local media that, ''[Ryan] would go out of his way for anyone; I wouldn't be surprised if he died trying to save someone else from dying.''

Today, I join Ryan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Ryan, a memory that will burn brightly during these continuing days of conflict and grief.

Ryan was known for his dedication to his family and his love of country. Today and always, Ryan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Ryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Ryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Ryan A. Balmer in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Ryan's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory;

and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ryan.

IMMIGRATION REFORM

Mr. FEINGOLD. Mr. President, over the last few weeks, the Senate has considered an issue that inspires strong feelings all around—the need for immigration reform. While the bill we were considering has many flaws, I am disappointed that some Members of this body decided to talk it to death. I voted to move this bill forward because Congress should act on this issue, and because I am hopeful that the bill's flaws can be cured during the next stages of the legislative process.

Despite our differences in approach, all of us in this Chamber agree on three core principles that form the bedrock of any comprehensive immigration reform. First, we must do something about the estimated 12 million undocumented immigrants who live and work in the shadows. The status quo is simply unacceptable. It harms citizens and noncitizens alike and makes us less safe as a nation. Second, we must take the necessary steps to prevent illegal immigration in the future so that we do not find ourselves back here in the same position 20 years from now. And, third, we must establish a system that allows people who can make valuable contributions to our society—by, for example, strengthening families or performing jobs that cannot be filled by Americans—to enter the country legally. These goals must be accomplished in a way that is consistent with our values as a nation. The fundamental problem with this bill, as it now stands, is that it fails to accomplish these objectives; in fact, it contains several provisions that go directly against these objectives.

With respect to the 12 million undocumented immigrants, the bill held genuine promise when it came to the floor. As both the President and the Secretary of Homeland Security have said, mass deportation is not a viable option, nor is amnesty for those who have broken the law. As introduced on the Senate floor, this legislation would have required those who are here illegally to come forward, pay hefty fines, pay taxes, learn English and civics, work, and wait in the back of the line—before earning the privilege of permanent resident status. That would have been a workable solution.

Unfortunately, this linchpin of the bill was undercut by the Senate's adoption of an amendment offered by Senator CORNYN. The amendment removed critical confidentiality provisions that would have protected applicants for legalization from being deported if their applications were denied. The problem with this approach is that few undocumented immigrants will even apply for legalization without this protection. They will stay in the shadows, and we will be exactly where we are now. If this bill ultimately moves forward, it is vitally important that these confidentiality provisions be included in the House bill and retained in conference; otherwise, the bill will defeat its own main purpose.

I also hope to see progress on other provisions that threaten to undermine the very purpose of the earned legalization program. I am particularly concerned about requiring undocumented immigrants to leave the United States in order to apply for permanent residence. Although the bill guarantees their reentry, this ''touch-back'' requirement creates a major practical obstacle for many immigrants, especially those who come from far-flung regions of the globe. Moreover, many undocumented immigrants—who may be receiving their information about the legislation from unreliable sources, or who may face language barriers in understanding its provisions—will be unwilling to leave the U.S. for fear that they will not be allowed to return. Again, a bill that creates a legalization program but discourages immigrants from applying for legalization gets us nowhere.

Another vital component of comprehensive immigration reform is a system that allows employers to turn to foreign labor as a last resort when they genuinely cannot find American workers to do the job. Permitting these workers to enter the country legally furthers the second core principle of comprehensive reform: avoiding a future flow of undocumented workers who would otherwise create a new underground economy. Unlike the bill we passed last year, however, the bill the Senate considered this year has no meaningful path to permanent residence for immigrants in the temporary worker program. It requires workers in that program to interrupt their employment every 2 years and leave the U.S. for a period of 1 year, and it prohibits most of these workers from bringing their families to the U.S. Taken together, these provisions are a recipe for a massive new flow of illegal immigration—once again defeating the very purpose the program was meant to serve.

I am also concerned that the temporary worker program contains insufficient protections for U.S. and foreign workers. I was pleased at the success of the Durbin-Grassley amendment, which strengthened the bill's requirement that employers recruit and hire U.S. workers before hiring temporary foreign workers. But that protection is simply not sufficient. The single best mechanism for enforcement of labor protections is a path to permanent residence. Knowing that foreign workers cannot simply be used up and thrown away prevents employers from exploiting them. That, in turn, takes away the incentive to hire foreign workers over U.S. citizens and ensures that working conditions for all workers don't sink to a lowest common denominator. It is a critical protection that is lacking from this bill.

Because I believe the temporary worker program as currently drafted will foster illegal immigration and will not sufficiently protect U.S. and foreign workers, I voted for Senator BINGAMAN's amendment to limit the scope of the program and Senator DORGAN's amendment to sunset the program in 5 years. Unless and until the structural problems with the program are fixed—and I hope they will be—we should not be putting in place a permanent program of the magnitude contemplated by the original bill.

Another serious flaw in the bill is its inclusion of multiple ''triggers''—enforcement requirements that must be fulfilled before other critical reforms could begin. While these provisions are designed to further the second core goal of immigration reform—preventing a future flow of illegal immigration—they will have exactly the opposite effect. History tells us that an ''enforcement-only'' approach simply doesn't work: the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. True border security requires both increased enforcement measures and the creation of adequate legal channels for immigration, including programs to bring needed foreign workers into the U.S. and to allow undocumented immigrants who pass background checks to earn legal status. These measures allow us to separate those who are here to work and contribute to our communities from terrorists and others who pose a serious threat to this Nation, so that our immigration enforcement agents can focus their efforts in the right place. Postponing these measures—as this bill does—makes us less safe, not more.

The bill's solution to the third challenge of immigration reform—shaping the contours of legal immigration—is a radical shift away from family reunification. That solution is not consistent with the core values of this Nation. In the past, our immigration laws have acknowledged that our country and our communities are stronger when families are united. But under this bill, it will be much harder for U.S. citizens and legal immigrants to be reunited with parents, siblings, and adult children. Some of my colleagues argued that this shift in policy is a necessary step toward embracing a ''merit-based'' system of immigration. But I believe there is a great deal of merit in keeping families together. And I don't believe that bringing people with useful

skills to this country can only be accomplished at the expense of family unity.

We had the opportunity to do something about the bill's antifamily provisions. Along with Senators MENENDEZ and OBAMA, I cosponsored two amendments: one that would sunset the so-called ''merit-based'' system in 5 years, and one that would reallocate points within the merit-based system to place more value on family ties. The first amendment failed, while the Senate has not yet had the opportunity to vote on the second. Other amendments would have improved this aspect of the bill, but they fell victim to points of order, and we were prevented from voting on them. So we are left with a system that values 3 years of U.S. employment more than the relationship between a brother and sister.

Beyond these much debated aspects of the bill, I am also deeply concerned by a little-discussed provision that would allow the Department of Homeland Security to detain several different categories of immigrants indefinitely. These immigrants may effectively be given a lifetime jail sentence, even though they have committed no crime for which such a sentence could be imposed by judge or jury. There is already a provision in our existing immigrations laws under which the Government may indefinitely detain any immigrant who is suspected of terrorism or whose release would threaten national security. The bill goes far beyond that, even allowing the Government to detain—forever—immigrants who have never been suspected, let alone convicted, of any crime. That does nothing to make us safer, and it goes against everything this country stands for.

A similar challenge to our core values was presented by an amendment offered by Senator CORNYN. The amendment would have allowed the Government to deny citizenship to legal immigrants based on secret evidence and without any opportunity for review. It would have required the mandatory deportation of several new categories of immigrants without any individualized determination of whether such deportation was appropriate. And it would have doomed the earned legalization program with provisions that would make most applicants ineligible. In short, the amendment put forward a scattershot approach that would have penalized immigrants who pose no threat to us and stripped them of crucial due process rights. Fortunately, Senator KENNEDY offered us an alternative that responsibly and effectively targets the small proportion of immigrants who threaten the safety of our communities. His amendment will ensure that immigrants who have committed serious crimes not fully covered by existing immigration laws, including firearms offenses, domestic violence, child abuse, or felony drunk driving, cannot come to this country. I joined the majority of the Senate in voting for this more sensible and effective approach and against Senator CORNYN's amendment.

Despite my concerns about the bill, it contains several provisions that are important and worthy. For example, this bill contains the DREAM Act, which provides higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own. It also contains AgJOBS, a bill long in the making that will provide much needed assistance to agricultural workers. And it contains the Secure and Safe Detention and Asylum Act, to ensure that asylum seekers and other vulnerable populations have a meaningful opportunity to exercise their rights under law, and to provide for humane detention conditions in accordance with the recommendations of the U.S. Commission on International Religious Freedom.

I am pleased the Senate approved the addition to the bill of the Wartime Treatment Study Act, legislation Senator GRASSLEY and I have been trying to enact for years to examine the treatment of German Americans, Italian Americans, and other European Americans during World War II, as well as Jewish refugees fleeing Nazi Germany. While there has been study of the internment and relocation of Japanese Americans during World War II, few people know about our Government's failure to protect the basic rights of German and Italian Americans. We also must understand why, as the United States heroically battled fascism, our Government turned away thousands of Jewish refugees fleeing Nazi Germany, delivering many of them to their deaths at the hands of the Nazi regime. I first introduced this legislation in 2001 after hearing from a group of German Americans in Wisconsin who were concerned that this sad chapter in our Nation's history had gone unnoticed for too long. It is only appropriate for a country that prides itself on equality and justice to acknowledge and learn from its mistakes. It is long past time to enact the Wartime Treatment Study Act, and I will continue to push for it to become law.

I hope the Senate will still have the chance to address the need for comprehensive immigration reform. Congress needs to act on this issue, which is why I voted to move forward with this bill despite the serious flaws I have discussed. I will work with my colleagues to try to make sure this happens and to make sure that we end up with a bill that represents true immigration reform—one that encourages the 12 million undocumented immigrants in this country to come forward out of the shadows, takes a comprehensive approach to preventing illegal immigration in the future, and strengthens our society by welcoming immigrants who can make valuable contributions.

VERMONT HOUSING AND CONSERVATION BOARD

Mr. LEAHY. Mr. President, it is my pleasure today to bring to the attention of the Senate the important work the members and staff of the Vermont Housing and Conservation Board have accomplished during their first 20 years of service to protect Vermont's working landscape and to help ensure that Vermonters have safe and affordable places to call home.

Since 1987, VHCB, its board members and staff have invested in 427 farms, resulting in the conservation of 118,500 acres of farmland; protected 250,000 acres of recreational and natural areas; and constructed or rehabilitated 8500 units of affordable housing. This has been a conscious investment of $200 million in our Green Mountains, leveraging an additional $750 million from public and private sources. Few organizations can boast the stimulus of $1 billion in two short decades.

For centuries, Vermonters have made their livings working the land. As land use patterns drastically change across the country, including in the valleys of Vermont, VHCB has helped many farmers and communities conserve the rural working landscape that has come to define Vermont and the way of life in our State's communities. VHCB has become a national leader in farmland protection practices—educating family farmers how they can make money protecting working farmland and rural landscape for generations to come. The protections VHCB has been able to offer Vermont's farmers have resulted in hundreds of farms remaining active and contributing members of their communities, allowing them to remain Vermont's ultimate environmental stewards. VHCB's expertise also allowed me to work with them to implement a farm preservation pilot program in Vermont that has since become known as the Farm and Ranch Land Protection Program, a national farmland protection program. Today, this program has protected nearly a half million acres of farmland in 42 States nationwide.

For centuries, the very same farmers who have lived off the land have become well known for their love of fishing, hunting, hiking and snowmobiling across Vermont's forests and open spaces. With encroaching urban sprawl and changing demographics, these lands, too, have been dwindling. VHCB has made it a priority to preserve these natural lands and access to these lands, conserving a quarter of a million acres of these green spaces.

As a dual mission organization, VHCB has also led the country in developing and administering steady private, State and Federal funding sources for the preservation, development and rehabilitation of quality affordable housing in all corners of Vermont. These homes, like the great pieces of granite my grandfather once cut out of the mountainsides of Vermont, are the foundations for the future of Vermont. Additionally, many of these homes are designated perpetually affordable, ensuring that generations of Vermonters will have places to call home. Recently the U.S. Department of Housing and Urban Development named Vermont's federally funded HOME program, administered by VHCB, as the most effective program among 51 participating jurisdictions in the country for the fourth quarter in a row.

Like so many Vermonters, I live in a rather old house in the Green Mountains. At least half of Vermont's housing stock is estimated to be more than 50 years old, and many are more than a century old. With this Yankee character comes a great danger that VHCB has identified and tackled with great skill: lead poisoning. The most common cause of lead poisoning is exposure to dust from deteriorated lead-based paint in a child's home or daycare. The Vermont Lead-Based Paint Hazard Reduction Program, administered by VHCB, has provided technical and financial assistance to eligible landlords and homeowners to reduce the risk of lead poisoning in Vermont's buildings and homes.

Since the very beginning, my good friend Gus Seelig has steered this organization through both calm and stormy weather. Like any good leader, I am certain that Gus would say this organization owes a great deal of its success to its many past and present board members and staff. On behalf of the people of Vermont, I thank and applaud everyone who has worked to make the Vermont Housing and Conservation Board a success. Congratulations on 20 great years preserving the character and affordability of Vermont.

RECOMMISSION OF THE USS ''MICHIGAN''

Mr. LEVIN. Mr. President, I would like to take this opportunity to commemorate the recommission of the USS *Michigan*, SSGN–727. A formal return to service ceremony will be held on Tuesday, June 12 at 1 p.m. to honor the USS *Michigan* and her officers and crew, which includes captain of the boat CDR Terry Takats and chief of the boat CMDCM Wayne Lassiter.

The USS *Michigan* will return to active duty as the second *Ohio*-class nuclear-powered Trident missile submarine in the U.S. Navy to be refitted from a ballistic missile submarine, SSBN, into a guided missile submarine, SSGN. This conversion has enhanced and transformed the capabilities of the USS *Michigan*, making it a more valuable asset and serving as an example of the Navy's ongoing transformation to face current and future threats around the world.

The USS *Michigan* has had a proud tradition of service, and SSGN–727 will be the third naval vessel to bear the name of our great State. The first ship to carry this name was launched by the Navy in 1843 as its first iron-hulled warship. She operated throughout the Great Lakes for her entire period of service, gaining notoriety when she helped to successfully end the Fenian invasion of Canada by intercepting supplies between Buffalo and Fort Erie, Ontario along the Niagara River.

U.S. Naval vessels bearing the Michigan name have courageously seen action against Mexico, served as convoy escorts during WWI, and most recently completed more than 33 strategic deterrent patrols throughout the world. The newly converted USS *Michigan* SSGN–727 will return to service with a new mission and enhanced capabilities.

The new guided missile submarine conversion program was developed by the Navy to create a more efficient and effective dual-use submarine force. The USS *Michigan*'s successful transformation has maintained all the benefits of its predecessor, while creating a ship that will act as a force multiplier for the Navy. It has an increased payload capacity of 154 cruise missiles and the capability to more effectively house, sustain, and deploy a variety of special operations forces, allowing for a support role, as well as stealth insertion and extraction of operatives. The flexibility of this new submarine will allow it to efficiently function in a variety of multimission scenarios.

The USS *Michigan* is a shining example of the U.S. Navy's transformation, and I know my colleagues will join me in commemorating its return to active service.

ADDITIONAL STATEMENTS

MONTANA HISTORY

• Mr. BAUCUS. Mr. President, the history of Butte, Anaconda, and Walkerville is as bright and intricate as the people who live there. Stories of greed, danger, and power intermingle with values like hard work and loyalty, to weave a tapestry as rich as any city in America. As the Montana Historical Society has so richly shown, the history of Butte is the history of our country.

As America began to slowly mature from a budding nation to an international superpower, the growing pains became evident. Settlers, packing what little belongings they could fit into the legendary prairie schooners, began to gaze at the horizon and seek fame and fortune on the Western frontier. As the trails became longer, and the distance grew greater, the limits of one nation were pressed. Yet the powers of American ingenuity and our Nation's legendary can-do spirit kicked in. Samuel Morse learned how to communicate through code, and Alexander Graham Bell discovered how to talk through wires.

While these men showed great genius, without the sweat of working men and women these inventions would be nothing more than a footnote in history. But as miners extracted mountains of copper from the Earth's belly, telegraph and telephone wires began to crisscross our country. Suddenly, a letter that used to take days would now take minutes. Citizens on the eastern seaboard would know what was happening on the plains, and at last we truly were one Nation.

And at the heart of this was Butte, Anaconda, and Walkerville. Here, the gallow frames and the towering Anaconda Company smokestacks pierce the skyline as a monument to the men and women whose toil became the bedrock of our great Nation. Though faced with danger, and even death, these workers strapped on their boots every morning and from daybreak till night provided the fuel for a growing nation.

Faced with dire circumstance and physical harm, these workers developed a bond that none outside the mines could understand. They stood together through thick and thin, and truly were a family.

This bond took form in two of the Nation's most radical unions, the Western Federation of Miners, and the Industrial Workers of the World. Located in ''the Gibraltar of Unionism'', Butte and Walkerville, these unions waged a class warfare the likes of which is still the fodder for legends. The class war soon came to a raging boil after the Butte Granite/Speculator Mine fire, the worst hard-rock mining disaster in the Nation's history. Unions were busted, agitators dealt with, and the crushing hand of the ''company'' dealt a crippling blow to the workers.

Yet with the New Deal came new life for the unions. As the Federal Government guaranteed the right of workers to unionize, the strength of the men and women who worked the mines began to shine. In 1934, a 4-month strike, lead to the birth of the CIO, an organization that has become synonymous with unions, and workers' rights.

Now, as Butte, Walkerville, and Anaconda usher in the 21st century, these cities' special past will be immortalized forever. In 2006, the National Park Service recognized that this trio of cities' history of mining and labor should be remembered for generations and declared the district a National

Historic Landmark. I was proud to work with many people from the area, and showing the determination of their ancestors, was able to make this landmark a reality. The district will be the largest National Historic Landmark in the West, covering the period from 1876 to 1934 and encompassing nearly 10,000 acres with over 6,000 contributing resources. And one woman, whose heart and soul was poured into this district, is Ellen Crain, Director of the Butte Public Archives. With the undeterred tenacity of the miners before her, Ellen worked for 14 long years to make this possible. Because of her hard work, the citizens in the district will also be able to reflect with pride on their past, as they work to uphold the cities' great tradition in the future.●

100TH ANNIVERSARY OF NOONAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 29–July 1, the residents of Noonan will gather to celebrate their community's history and founding.

Noonan is a thriving rural community in northwest North Dakota that shares a border with the Canadian province of Saskatchewan. Noonan holds an important place in North Dakota's history. Like many of the rural communities in North Dakota, Noonan began its history as a community with the arrival of the Great Northern Railroad. Noonan received its name from Patrick Noonan, the first mayor of Noonan. The first businesses in Noonan included the Golden Rule General Store, an implement store, and a hotel. Noonan officially became a city on September 14, 1928.

Today, the community of Noonan is largely based on agriculture and is home to some of the best waterfowl and upland game hunting in northwest North Dakota. There is also a volunteer fire department and EMT service, two taverns, and many other businesses in this close-knit community where everyone knows everyone. The nearby Noonan trout pond offers camping and fishing. Noonan is also home to a prominent Lions Club chapter, which is the oldest service organization in Noonan and whose main goal is to help the blind.

The community of Noonan is a wonderful place for its residents to live, work, and raise future generations. The people of Noonan take pride in their community and all the opportunities it has to offer. The town has an exciting centennial weekend planned that includes dances, a parade, variety show, a Sunday brunch, and much more.

I ask the Senate to join me in congratulating Noonan, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Noonan and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Noonan that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Noonan has a proud past and a bright future.●

100TH ANNIVERSARY OF GRANVILLE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 29–July 1, the residents of Granville will gather to celebrate their community's history and founding.

Granville is a friendly rural community located in northern North Dakota. William Christianson, along with his wife Minnie, were the first non-native people to settle the soon-to-be prairie town of Granville in 1895. William was an employee of the Great Northern Railway, and the town of Granville was named after Granville M. Dodge, a civil engineer for the railway. Established in 1901, the Granville State bank was one of the first businesses established. Granville was officially declared a city in 1907.

Today, like so many smaller rural communities in North Dakota, Granville is a tight-knit town where everyone knows their neighbor. Granville is known for its welcoming hospitality and conversation and it is easy to witness this local atmosphere at Granville's Memorial Diner. A beautiful city park offers a chance for parents and their children to have fun and play together.

The community of Granville is a wonderful place for its citizens to live and experience life together. The people of Granville take great pride in their community and all it has to offer. To celebrate their centennial anniversary, the town will be holding a barbeque, wagon train, parade, and fireworks.

I ask the Senate to join me in congratulating Granville, ND and its residents on their first 100 years and in wishing them well through the next century. By honoring Granville and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Granville that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Granville has a proud past and a bright future.●

125TH ANNIVERSARY OF COOPERSTOWN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 125th anniversary. On July 5–8, the residents of Cooperstown will celebrate their community's history and founding.

Cooperstown is a vibrant community located in east-central North Dakota. The town was founded in 1882 by Rollin and Thomas Cooper, who had previously been miners in Colorado. As with many communities in North Dakota, the arrival of the railroad in 1883 contributed greatly to Cooperstown's growth. The town's post office was established on December 28, 1882. The town continued to grow, becoming incorporated as a village in 1892 and as a city in 1906.

Today, Cooperstown plays host to manufacturers, agricultural businesses, and many other local companies. Cooperstown is also proud to boast a strong community, with chapters of 4–H, the American Legion, and the Boy and Girl Scouts of America, in addition to several local community organizations.

Tourism opportunities abound in Cooperstown. Sportsmen seek out hunting and fishing near Lake Ashtabula and the Red River Lake. The Cooper Theater hosts local plays, and the Griggs County Museum provides a window on Cooperstown's past.

I ask the Senate to join me in congratulating Cooperstown, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cooperstown and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Cooperstown that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cooperstown has a proud past and a bright future.●

CANNON AIR FORCE BASE ANNIVERSARY

● Mr. DOMENICI. Mr. President, 50 years ago on June 8, 1957, Clovis Air Force Base was renamed Cannon Air Force Base. On this anniversary, I would like to like to pay tribute to the men and women who have and continue to serve at Cannon.

Cannon was named after GEN John Kenneth Cannon who commanded Army Air Corps forces in the Mediterranean and later was commanding general of all Army Air Corps forces in Europe during the Second World War. After the war, General Cannon served as commander in chief of U.S. Air Forces Europe and commanding general of Tactical Air Command. During his service, General Cannon earned four Distinguished Service Medals, a Legion of Merit, a Bronze Star, and the Air Medal. He also received decorations from Great Britain, France, Italy, Poland, Yugoslavia, and Morocco.

For the last 50 years the service men and women who called Cannon home have been deployed numerous times around the world to ensure the national security of our country. They have performed their duty faithfully and in a manner that I am sure would make General Cannon proud.

This year we will see major changes at Cannon as the 27th Fighter Wing is deactivated in preparation for the impending arrival of the 16th Special Operations Wing in October. While we are excited for the arrival of the 16th Special Operations Wing, we are sad to see the men and women of the 27th Fighter Wing go.

In the coming years I am sure the 16th Special Operations Wing will continue the 27th Fighter Wing's long tradition of excellence at Cannon. Again, I would like to thank the men and women, past and present, who have made Cannon a source of national pride.●

RECOGNITION OF JEFFREY S. MERRIFIELD

● Mr. GREGG. Mr. President, the Honorable Jeffrey S. Merrifield will be leaving the U.S. Nuclear Regulatory Commission, NRC, on June 30, 2007. Originally from Antrim, NH, Jeff Merrifield has served as a member of the Commission since October 23, 1998. First appointed by President Clinton, Jeff was reappointed by President Bush and was sworn in for a second term on August 5, 2002. After a distinguished government career at the NRC and on Capitol Hill, Jeff Merrifield has chosen to pursue endeavors in the private sector.

Throughout his tenure at the NRC, Jeff Merrifield has invested considerable time in familiarizing himself with the operations of NRC licensees, visiting all 104 operating power reactors in the United States, as well as numerous nuclear materials facilities and sites undergoing decommissioning. Jeff actively supported initiatives to improve the transparency, efficiency, and effectiveness of NRC regulatory programs. He headed an NRC Communications Task Force charged with initiating and implementing many recommendations to improve agency internal and external communications. Jeff also led an interagency task force of fifteen departments and agencies to identify gaps in the control and use of radiation source materials as required by the Energy Policy Act of 2005. Recommendations of this task force were detailed in a report to the President and Congress.

Jeff Merrifield has advocated a vision of excellence in regulating the safe and secure uses of nuclear material for the public good. A participant in the development of NRC's Strategic Plan, he championed a number of significant regulatory improvements, including efforts to risk-inform regulations, provide discipline in staff review of applications for license renewal, and prepare the agency for potential new power reactor applications. Recently Jeff chaired a Combined License Review Task Force which made a number of recommendations to improve the efficiency and effectiveness of the review of new reactor applications. He was the leading advocate for the use of the alternate dispute resolution process in agency enforcement actions and has taken a special interest in improving the management of decommissioning funding.

As an NRC Commissioner, Jeff Merrifield was actively involved in the agency's post September 11, 2001, response activities. These actions resulted in a significant improvement in security at NRC licensed facilities. Both before and since the terrible events of 9/11, NRC licensed power reactors are some of the best protected facilities in the civilian community.

Recognizing the NRC's influence in the international regulatory community, Jeff has traveled abroad to discuss policy issues with nuclear regulators and foreign dignitaries in more than 35 countries and has toured more than 140 nuclear reactors overseas. In 2005, he led an NRC delegation to India for the fifth bilateral exchange between the Indian Atomic Energy Regulatory Board and the NRC. This was the first visit to India by a member of the Commission following President Bush's initiative ''Next Steps in the Strategic Partnership'' with India. Jeff was also the major advocate for the establishment of a three-nation agreement with Canada and Mexico on nuclear materials and waste issues through periodic trilateral meetings.

Mr. President, please join me in thanking Jeff Merrifield for his dedicated service to the American people and in wishing him and his family all the best in their future pursuits.●

TRIBUTE TO ROBERT B. MEHNERT

● Mr. HARKIN. Mr. President, I would like to pay tribute to Robert B. Mehnert, who is retiring after 48 years of dedicated service to the Government and people of the United States of America.

Mr. Mehnert began his public service in 1958 with the U.S. Army, continuing in uniform until 1962. In 1963 he reentered Federal service, this time as a management intern with the then-Department of Health, Education and Welfare. He rose quickly through the ranks and, in 1971, Mr. Mehnert became Chief of the Office of Public Information at the National Library of Medicine of the National Institutes of Health. Since 1998 he has directed the Office of Communications and Public Liaison at the library. For more than a quarter century, Mr. Mehnert's keen editorial and literary talents have helped library's director, Donald A.B. Lindberg, M.D., and his predecessor, Martin M. Cummings, M.D., to communicate the most current and reliable medical and consumer health information to medical professionals, researchers, patients, families, and the public.

During his tenure at the National Library of Medicine, Mr. Mehnert has been in the vanguard of a revolution in health information. The introduction of the Internet and the Web environment vastly increased the number and extent of NLM services and audiences. In 1997, after more than a century of serving the library and medical communities exclusively, the National Library of Medicine launched Medline freely on the Web and declared that it would seek to serve the general public as well. With Mr. Mehnert's help, other NLM services for the consumer public quickly followed. In 1998, MedlinePlus.gov, a source of authoritative full-text health information written for the consumer was unveiled. In 2000, ClinicalTrials.gov—an NLM Web site that provides consumers with information on medical research studies that are recruiting patients—was launched. Other NLM consumer-oriented databases were introduced in the last decade as bandwidth and the power of personal computers increased. They have included NIHSeniorHealth.gov, a talking Web site with topics and formats tailored to the needs of older persons; Genetics Home Reference, a Web site that makes genetics and its relationship to disease more understandable to the public; the Household Products database that provides easy-to-understand information on the potential health effects of ingredients contained in common household products; and many others.

One of Mr. Mehnert's most tangible legacies has been his recent service on the editorial team responsible for producing a new quarterly NIH magazine, NIHMedlinePlus, which is sent to doctors' offices nationwide for their patients to read. The production of this consumer-oriented magazine fulfills Congress's call to publicize the fruits of NIH-sponsored research to patients, their families, and the public at large.

Mr. Mehnert has been recognized by the National Library of Medicine and the National Institutes of Health for his exceptional leadership and achievements. Aside from numerous merit awards, his honors have also included being the recipient of both the NLM Director's Award and the NIH Director's Award on several occasions.

As someone who has worked for many years to support medical research, I am especially grateful to people who have dedicated their lives to this crucial public health mission. Bob Mehnert has done that and is a great testament to what public service is all about. Bob and his wife, Helene, have

three daughters, seven grandchildren, and 1.5 great grandchildren—that is, one is on the way. I thank Bob for his distinguished career in service to the American people, and I wish him many well-deserved years of happiness in retirement.●

RECOGNIZING THE BARABOO NATIONAL BANK

● Mr. KOHL. Mr. President, I would like to take the time to recognize and honor Baraboo National Bank located in Baraboo, WI. This year, the bank celebrates 150 years as Baraboo's first and oldest bank.

On July 15, 1857, Simeon Mills joined with Terrell Thomas to open Sauk County Bank, Wisconsin's 15th chartered bank, in a building just down the street from its present location. They began with $50,000 in operating capital and by the end of that year were well on their way to establishing a successful institution. By the early 1860s, the Sauk County Bank had grown their operating capital to break the $100,000 mark. A fire in their first location caused the bank to move into temporary quarters on the back of a lot purchased on the corner of Oak and Third Avenue. The new building would soon be built on this corner and stand until today.

In 1873 the charter for Sauk County Bank changed and the bank renamed as First National Bank of Baraboo. For a 7-year period after the bank changed its name, banks in Wisconsin were financially stressed and many were closing across the State. However, through the actions taken by the principle officers and stockholders, the bank was able to avoid disaster. Otto Ringling came to the First National Bank of Baraboo and deposited a large sum of money to show his support for the bank. To show their appreciation, the bank would often send the Ringlings money when they needed help.

The 1880s brought more prosperity to Sauk County and the bank grew well beyond its neighboring competitors to over $400,000 in assets. By this time the bank decided it was time for a name change. In doing so, was now called The Bank of Baraboo, which would remain for about 58 years. Baraboo was now the 25th largest city in the State. Industry and small businesses all over the county were helped by the bank to get their start.

This included the Circus Industry. The Bank of Baraboo was a strong supporter of the Ringling and Gollmar Brother's Circus. When the Ringling brothers needed money to expand their circus in the 1900s, they turned to The Bank of Baraboo for help. Through the 1920s this bond grew to the point that a few of the Ringlings were appointed directors and became stock holders who were very loyal customers.

In 1938 a final national bank charter changed the name from The Bank of Baraboo to The Baraboo National Bank. As banking products expanded, the bank was now able to provide more services to the community. They even had a minibank at the local Badger Army Ammunition Plan. The Baraboo National Bank continued to expand the building on the corner, taking in space to the south and to the west.

In 1975, Merlin E. Zitzner became the eleventh president and CEO of The Baraboo National Bank. Zitzner, a Viroqua native, graduated from UW Whitewater and a graduate degree from UW Madison. Under this leadership The Baraboo Bancorporation Inc. was formed as the holding company of The Baraboo National Bank and later the State Bank of Viroqua and Green Lake State Bank.

The Baraboo National Bank continued to grow by adding the Downtown Drive-up Bank branch, West Baraboo branch, East Baraboo branch, Southwest branch and opening the Lake Delton National Bank branch. Later would follow the acquisition of the Rock Springs and Bank of Wonewoc branches. Most recently the Reedsburg National Bank and the Portage National Bank where built as well as the acquisition of the two locations of the Northwoods National Bank in Rhinelander and Elcho.

Today with assets nearing the $800,000,000 mark and a market share in Baraboo averaging 66 percent, The Baraboo National Bank has a lot to be thankful for. Customer loyalty going back for several generations and local businesses enjoying growth are what the bank is really all about.●

RETIREMENT OF DANIEL BERNSTINE

● Mr. WYDEN. Mr. President, today I want to pay tribute to one of Oregon's and indeed our Nation's finest higher education leaders, Dr. Daniel O. Bernstine, president of Portland State University. Portland State University is our state's largest university, and is foundational to Oregon's well-earned reputation for educational and technological innovation. Earlier this year, President Bernstine announced he would leave PSU at the end of the academic year and become the President and Chief Executive Officer of the Law School Admissions Council in Pennsylvania.

Pennsylvania's gain is truly Oregon's loss. As president of Portland State, Dan and his team have truly transformed Oregon's only urban university. Under his leadership the enrollment has grown substantially; research funding has increased from $17 million to more than $40 million; the University completed its first ever comprehensive campaign; and the campus has added a new Urban Center, the University Place hotel, the Native American Student and Community Center, the Simon Benson House, Epler Hall, the Broadway Housing complex, the Peter Stott recreational field, the Northwest Center for Engineering, Science, and Technology, and the Portland Streetcar.

Dan has forged community partnerships that truly reflect the university's motto: Let Knowledge Serve the City. These include many of the nonprofit organizations in the Portland Metropolitan community, the urban and suburban school districts, and the area's community colleges.

I want to highlight a development at Portland State that is especially important to me and to the work I have pursued in the Senate. Shortly after his arrival, Dan said that investment in science, technology, and engineering would be a priority. One area that has emerged as a national research center is in nanometrology. Attracting Dr. Jun Jiao to Portland State set the initiative in motion and today PSU has one of the premier centers for Electron Microscopy and Nanofabrication. This is evidence that President Bernstine understands the importance of nanotechnology and is committed to having PSU make a major contribution in this area.

Under President Bernstine's leadership, Portland State University has received national recognition for its faculty, community and service-learning programs and is listed in the Princeton Review book, Colleges with a Conscience: 81 Great Schools with Outstanding Community Involvement. For its work to revitalize its community, its work in urban development, and support for the local economy, Portland State University is listed on the first President's Higher Education Community Service Honor Roll and was recognized by The New England Board of Higher Education as one of 25 universities considered ''Saviors of Our Cities.'' The Association of American Colleges and Universities also recognized PSU in its report, ''College Learning for the New Global Century,'' as a leader in the area of fostering civic, intercultural, and ethical learning. And for the past 5 years, Portland State University has ranked among the Nation's best colleges in five categories that lead to student success, according to U.S. News & World Report in its America's Best Colleges 2007 edition.

For these reasons and more, I consider President Bernstine's decision to take on this new responsibility to be a loss to Portland State University and to Oregon. I am pleased that he will remain active in the higher education community and I wish him well in his new position in Pennsylvania. Mr. President, Daniel O. Bernstine is an Oregon treasure and has made a positive difference in the lives of students and to our community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2215. A communication from the Secretary of Housing and Urban Development, transmitting, the report of proposed legislation entitled ''The Community Development Block Grant Reform Act of 2007''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2216. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices and Communication Protocols for Public Utilities'' (RIN1902–AD31) received on June 7, 2007; to the Committee on Energy and Natural Resources.

EC–2217. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Gasification Project Program'' (Notice 2007–53) received on June 7, 2007; to the Committee on Finance.

EC–2218. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Guaranteed Payments'' (Notice 2007–40) received on June 7, 2007; to the Committee on Finance.

EC–2219. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Advanced Coal Project Program'' (Notice 2007–52) received on June 7, 2007; to the Committee on Finance.

EC–2220. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles to support the sale of the Sensor Fused Weapon to the United Arab Emirates; to the Committee on Foreign Relations.

EC–2221. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles necessary to support the Royal Australian Air Force's Hornet Upgrade Program; to the Committee on Foreign Relations.

EC–2222. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of technical data, assistance and manufacturing know-how to Japan for the manufacture of the AN/APX–72 Identification Friend or Foe Transponder; to the Committee on Foreign Relations.

EC–2223. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense articles and defense services, including manufacturing know-how, to Germany for the manufacture of 120mm tank training ammunition; to the Committee on Foreign Relations.

EC–2224. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles to support the manufacture of F–15 aircraft major structural components for Israel; to the Committee on Foreign Relations.

EC–2225. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on June 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2226. A communication from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–112. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the health, safety, welfare, and economic recovery of the residents and businesses of New Orleans East are dependent upon the continued assistance and encouragement from our federal partners; and

Whereas, the Legislature of Louisiana created the New Orleans Regional Business Park as a special municipal district for the primary purpose of engaging industrial, manufacturing, processing, assembling, distribution, and wholesale businesses; and

Whereas, as of early May 2006, approximately forty companies out of one hundred four pre-Katrina were back in business and the future of the others is largely uncertain; and

Whereas, New Orleans East has become the illegal burial grounds for homes and businesses washed out by hurricanes Katrina and Rita; and

Whereas, illegal dumping makes it extremely hard to attract businesses to New Orleans East and to the business park; and

Whereas, in the business park alone there are twenty-three known illegal dumping sites and thirteen illegal automobile dumping sites; and

Whereas, the U.S. Environmental Protection Agency awarded the business park $400,000 in grants to catalogue contamination, but none of the federal funds will be used for clean-up; and

Whereas, the Louisiana Department of Environmental Quality Enforcement Division, Surveillance Division and Criminal Investigations Section of the Legal Affairs Division have inspected over one hundred seventy-five sites and found potential environmental violations on one hundred fifty of these sites in the Almonaster/Gentilly area alone; and

Whereas, on one of these sites, sixty-five thousand cubic yards of debris or approximately an eleven foot tall mound of debris was found to have been illegally dumped on this one site in New Orleans East; and

Whereas, the illegal piles of debris do not have protective barriers to keep whatever poisons are in the piles contained and from leaking out into the wetlands surrounding this area; and

Whereas, numerous federal agencies have roles and responsibilities in the health, safety, and economic development after hurricanes Katrina and Rita which range from debris removal, oversight of regulations, and recovery funding; and

Whereas, the removal of all dump sites within the New Orleans Regional Business Parks will improve the health, safety, and economic development: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to urge and request the respective executive branch departments to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development; Therefore, be it further

Resolved, That the Legislature of Louisiana does hereby request the Congress of the United States and the appropriate federal agencies, in coordination with appropriate Louisiana state agencies, to immediately take the following actions: (a) cease funding any waste disposal activities within the New Orleans Regional Business Park; (b) develop and implement procedures for expeditious environmental sampling, analysis, and reporting; (c) resolve the blurring of debris management responsibilities between the Federal Emergency Management Agency and Environmental Protection Agency, and state environmental and public health agencies; (d) review and enhance the Environmental Protection Agency's oversight role of illegal and improper debris disposal; and (e) provide guidance and mechanisms for the development of public/private partnerships in restoring and redeveloping the New Orleans Regional Business Park and the New Orleans East community; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–113. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to create a replacement for the outdated Fast Track Trade Authority system so United States trade agreements

are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; to the Committee on Finance.

HOUSE RESOLUTION NO. 63

Whereas, in general, democratic accountable governance in the states, and specifically, the authority granted to the legislative branch by the Constitution of the State of Hawaii, is being undermined by international commercial and trade rules enforced by the World Trade Organization and established by the North American Free Trade Agreement, and is further threatened by similar provisions in an array of pending trade agreements; and

Whereas, today's trade agreements have effects that extend significantly beyond the bounds of traditional trade matters such as tariffs and quotas; and

Whereas, the North American Free Trade Agreement and other United States free trade agreements grant foreign firms new rights and privileges regarding acquisition of land and facilities and operating within a state that exceed those granted to American businesses under state and federal laws; and

Whereas, the North American Free Trade Agreement already has generated ''regulatory takings'' cases against state and local land use decisions, state environmental and public health policies, adverse state court rulings, and state and local contracts that would not have been possible in United States courts; and

Whereas, when states are bound to comply with government procurement provisions contained in trade agreements, common economic development and environmental policies such as buy-local laws, prevailing wage laws, policies to prevent offshoring of state jobs, as well as recycled content laws could be subject to challenge as violating the obligations in the trade agreements; and

Whereas, recent trade agreements curtail state regulatory authority by placing constraints on future policy options; and

Whereas, the World Trade Organization General Agreement on Trade in Services could undermine state efforts to expand health care coverage and rein in health care costs and places constraints on state and local land use planning and gambling policy; and

Whereas, new General Agreement on Trade in Services negotiations could impose additional constraints on state regulation of energy, higher education, professional licensing, and other issues; and

Whereas, despite the indisputable fact that international trade agreements have a far-reaching impact on state and local laws, federal government trade negotiators have failed to respect states' rights to prior informed consent before binding states to conform state law and authority to trade agreement requirements and have refused even to send copies of key correspondence to state legislatures; and

Whereas, the current encroachment on state regulatory authority by international commercial and trade agreements has occurred due in no small part to the fact that United States trade policy is being formulated and implemented under the Fast Track Trade Authority procedure; and

Whereas, Fast Track Trade Authority eliminates vital checks and balances established in the United States Constitution by broadly delegating Congress' exclusive Constitutional authority to set the terms of trade to the Executive Branch such that the Executive Branch is empowered to negotiate broad-ranging trade agreements and to sign them before Congress votes on the agreements; and

Whereas, the ability of the Executive Branch to sign trade agreements prior to Congress' vote of approval means Executive Branch negotiators are able to ignore congressional negotiating objectives or states' demands, and neither Congress nor the states have any means to enforce any decision regarding what provisions must be contained in every United States trade agreement and what provisions may not be included in any United States trade agreement; and

Whereas, federal trade negotiators have ignored and disrespected states' demands regarding whether states agree to be bound to certain nontariff trade agreement provisions; and

Whereas, Fast Track Trade Authority also circumvents normal Congressional review and amendment committee procedures, limits debate to twenty hours total, and forbids any floor amendments to the implementing legislation that is presented to Congress to conform hundreds of United States laws to trade agreement obligations and to incorporate the actual trade agreement itself into United States federal law, which preempts state law; and

Whereas, Fast Track Trade Authority is not necessary for negotiating trade agreements, as demonstrated by the existence of scores of trade agreements, including major pacts such as the agreements administered by the World Trade Organization implemented in the past thirty years without use of Fast Track Trade Authority; and

Whereas, Fast Track Trade Authority, which was established in 1974 by President Richard Nixon when trade agreements were limited to traditional matters such as tariffs and quotas, is now woefully outdated and inappropriate given the diverse range of nontrade issues now included in ''trade'' agreements that broadly affect federal and state nontrade regulatory authority; and

Whereas, the current grant of Fast Track Trade Authority expires in July 2007: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, That the United States Congress is respectfully requested to create a replacement for the outdated Fast Track Trade Authority system so that United States trade agreements are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; and be it further

Resolved, That the Congress is requested to include in this new process for developing and implementing trade agreements an explicit mechanism for ensuring the prior informed consent of state legislatures before states are bound to the nontariff terms of any trade agreement that affect state regulatory authority so as to ensure that the United States Trade Representative respects the decisions made by states; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, Ambassador Susan Schwab, United States Trade Representative, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 457. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories (Rept . No. 110–79).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1585. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. SUNUNU, Mr. GREGG, and Mr. SANDERS):

S. 1586. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARPER, Mr. ISAKSON, Mr. KERRY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. LINCOLN, and Mr. BAYH):

S. 1587. A bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Ms. SNOWE, Mr. BAYH, Ms. STABENOW, Mr. LUGAR, and Mr. COCHRAN):

S. 1588. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. AKAKA, Mr. SALAZAR, Mr. WHITEHOUSE, and Ms. MIKULSKI):

S. 1589. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1590. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON:

S. Res. 230. A resolution designating the month of July 2007, as ''National Teen Safe Driver Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 242

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 339

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 339, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 376

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 384

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 384, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 397

At the request of Mr. MARTINEZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 397, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 402

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 642

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 642, a bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes.

S. 667

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 774

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Mr. LEVIN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 881, supra.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 969

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1033

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1033, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 1064

At the request of Mrs. CLINTON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1064, a bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1242

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1242, a bill to amend the Federal Crop Insurance Act and Farm Security and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops.

S. 1243

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1307

At the request of Mr. COLEMAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1307, a bill to include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1334

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1356

At the request of Mr. BROWN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1363

At the request of Mrs. CLINTON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1373

At the request of Mr. PRYOR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1382

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut (Mr.

LIEBERMAN) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1409

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1409, a bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1416

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1418

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1487

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1487, a bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1514

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1523

At the request of Mrs. BOXER, the names of the Senator from Virginia (Mr. WARNER), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1523, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant.

S. 1557

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. CON. RES. 3

At the request of Mr. SALAZAR, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 201

At the request of Mr. CHAMBLISS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 201, a resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

AMENDMENT NO. 1415

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 1415 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1585. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

Mr. INHOFE. Mr. President, I rise today for myself and on the behalf of my colleague, Dr. COBURN, to reintroduce a bill to honor the memory of an American hero and proud son from our great State of Oklahoma. Ernest Childers was the first Native American to receive the Congressional Medal of Honor. This is our Nation's highest military award and it was awarded to him by Congress ''for conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty in action.''

Ernest Childers was born in Broken Arrow, Oklahoma, on February 1, 1918 as the third of five children. His father died when he was young and he grew up mostly on a farm. His hunting skills in his youth provided much of the food for his family and formed the basis of a great military career.

Ernest Childers enlisted in the Oklahoma National Guard in 1937 while attending the Chilocco Indian School in north-central Oklahoma. He then went to Fort Sill in Lawton, Oklahoma, for basic training before being deployed to Africa in World War II. On September 22, 1943, despite a broken instep that forced him to crawl, Second Lieutenant Childers advanced against enemy machine gun nests in Oliveto, Italy, killing two snipers and capturing an enemy mortar observer in the process. His actions were instrumental in helping the Americans win the Battle of Oliveto and won him the Congressional Medal of Honor. He continued his career in the Army earning several other military awards including the Combat Infantry Badge, Europe and Africa Campaign Medals, The Purple Heart, The Bronze Star, and the Oklahoma Distinguished Service Cross. He retired from the Army in August of 1965 as a lieutenant colonel in Oklahoma's 45th Infantry Division.

Ernest Childers passed away on March 17, 2005, and was Oklahoma's last Congressional Medal of Honor winner still living in the State. He was an honored guest of many Presidential inaugurations and as a Creek Indian, was named Oklahoma's Most Outstanding Indian by the Tulsa Chapter of the Council of American Indians in 1966. He once said ''The American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back.'' I am proud and believe it is only appropriate to introduce once again this year a bill to rename the Department of Veterans Affairs' Outpatient Clinic in Tulsa, Oklahoma, the Ernest Childers Department

of Veterans Affairs Outpatient Clinic to honor the enduring legacy of a true hero and fine soldier. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1585

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

SECTION 1. DESIGNATION OF ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, shall be known and designated as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. AKAKA, Mr. SALAZAR, Mr. WHITEHOUSE, and Ms. MIKULSKI):

S. 1589. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to with Senators KERRY, AKAKA, SALAZAR and WHITEHOUSE to introduce the Drug Rebate Equalization Act of 2007.

As you know, the Medicaid drug rebate ensures that State Medicaid programs receive the best price for prescription drugs for their beneficiaries. Unfortunately, health plans that serve over 10 million Medicaid beneficiaries cannot access the same discounts through the Federal drug rebate program. Plans typically get no rebate on generic drugs and about a third of the rebate on brand drugs as States receive. Therefore, States are paying more for the acquisition of prescription drugs for these health plan enrollees than for beneficiaries in fee-for-service Medicaid, raising costs for Federal and State governments.

Even with this price disadvantage, the total cost of prescription drugs for health plans is less on a per member per month basis because of health plans' greater use of generics and case management. Unfortunately, many States are considering carving prescription drugs out from health plans for the sole purpose of obtaining the rebate, thereby undermining plans' ability to maintain a comprehensive care and disease management program that includes prescription drugs. Not only will this legislation save money, it will eliminate this incentive and ensure that health plans can maintain a comprehensive care coordination system for their patients.

This policy change was passed by the Senate during last year's debate over the Deficit Reduction Act. This year's version of the bill improves on last year's bill in several important ways. First, the bill ensures that health plans can continue their good work by using their own integrated care coordination and disease management protocols. Second, the bill will maintain the fee-for-service prohibition against health plans ''double dipping'' into the Medicaid drug rebate and the 340b discount drug pricing program. Finally, it will ensure that plans can use so-called positive formularies while simultaneously ensuring that enrollees will have access to off-formulary drugs through the regulated prior authorization process. These changes significantly improve the bill and will help improve its chances of passage.

This policy enjoys widespread support. Extending the Medicaid drug rebate to enrollees in health plans is supported by the National Governors Association, the National Association of State Medicaid Directors, the National Medicaid Commission, the National Association of Community Health Centers, the Partnership for Medicaid, the Association for Community Affiliated Plans, and the Medicaid Health Plans of America. I am entering into the record copies of letters provided by these organizations over the last few years memorializing their support for this concept.

Last year, the Congressional Budget Office estimated that the Bingaman amendment would have saved Federal taxpayers $1.7 billion over 5 years. Likewise, the CMS Office of the Actuary estimated that extending the drug rebate to health plans would save Federal taxpayers $2.2 billion over 5 years. I think that we can say that this policy will provide significant savings to Americans, whatever the number.

I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1589

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Rebate Equalization Act of 2007''.

SEC. 2. EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking ''and'' at the end;

(2) in clause (xii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.''.

(b) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by adding at the end the following:

''(C) Notwithstanding the subparagraphs (A) and (B)—

''(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

''(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis.''; and

(B) in paragraph (4), by inserting after subparagraph (E) the following:

''(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5).''; and

(2) in subsection (j), by striking paragraph (1) and inserting the following:

''(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

''(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

''(B) subject to discounts under section 340B of the Public Health Service Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

CONTROLLING PHARMACEUTICAL COSTS THROUGH GREATER EFFICIENCIES AND BETTER ADMINISTRATION OF THE DRUG REBATE PROGRAM

BACKGROUND

Medicaid fee-for-service and managed care spent an estimated $36.8 billion in FY 2003 on pharmaceuticals. Prescription drugs are one of the fastest growing categories of Medicaid expenditures, having quadrupled between 1992 and 2003. Between 2000 and 2003, spending on drugs increased by 17 percent per year,

faster than any other major type of Medicaid service. In 1998, less than 8 percent of Medicaid expenditures were for drugs—by 2003 drugs claimed over 13 percent. After 2006 drugs for Medicare beneficiaries will be paid for by Medicare. These recipients currently account for about half of all Medicaid drug spending. State Medicaid programs will still be responsible for the drug costs of children and families and other non-Medicare eligibles.

Drugs are paid for by Medicaid through 3 separate mechanisms. First, the state pays the pharmacists for the ingredient costs of the drug. Previously, most states paid pharmacists based on the average wholesale price (AWP) less some percentage. AWP is the average list price that a manufacturer suggests wholesalers charge pharmacies. Federal reimbursements to states for state spending on certain outpatient prescription drugs are subject to ceilings called federal upper limits (FULs), also known as the maximum allowable cost (MAC). The effect of the FUL is to provide a financial incentive to pharmacies to substitute lower-cost ''generic'' equivalents for brand-name drugs. The Deficit Reduction Act (DRA) expanded the impact of FULs by applying them to multiple source drugs for which the FDA has rated at least 1 other drug (instead of the previous 2) to be therapeutically and pharmaceutically equivalent. The DRA also changed the FUL formula from a percentage of the AWP to a percentage of the Average Manufacturer Price (AMP), which is the average price paid to a manufacturer by wholesalers. For those drugs, the FUL would be equal to 250 percent of the AMP. The result of the AWP-to-AMP change is to make Medicaid pharmaceutical payments closer to actual cost. The DRA also expanded the required reporting of AMP and best price data, allowing states to have access to reported AMP data for the first time, and requiring HHS to make AMP data available to the public.

Second, the states pay the pharmacists a dispensing fee which typically ranges from $3 to $5 per prescription. This fee is expected to cover a wide range of services associated with dispensing drugs to Medicaid patients. The need to adequately reimburse pharmacists for these services was recognized by Congress under the Medicare Modernization Act of 2003, which included a provision requiring Medicare Part D drug plans to reimburse pharmacists for ''medication therapy management services'' administered to patients with multiple chronic conditions.

Third, states receive a rebate directly from the manufacturers based on their utilization. The brand name rebate is the greater of a flat rebate amount of 15.1 percent of average manufacturers price (AMP) or the difference between AMP and the best price offered to any nongovernmental buyer. Manufacturers have to pay an additional rebate if their drug prices have risen faster than the rate of general inflation. The DRA also made limited changes to the Medicaid drug rebate program. In addition, some states have entered into supplemental rebate agreements with manufacturers in return for putting their drugs on a preferred drug list. CBO estimates that the average rebate received by the states equaled 31.4 percent of AMP with the average basic rebate of 19.6 percent and the inflation adjustment rebate equal to 11.7 percent. States also receive a rebate on generic drugs of 11 percent of AMP. In return for the rebates, states must provide access to all FDA-approved drugs, although they may and do have extensive prior authorization programs, step therapy, limited prescriptions per month and co-payments.

Medicaid managed care plans do not receive the statutory rebate levels, and instead must negotiate rebates on their own.

ISSUES TO CONSIDER

Administration of the rebate program is inadequate. The Government Accountability Office has found significant shortcomings in the Centers for Medicare and Medicaid Services' (CMS) administration of the Medicaid drug rebate program, including lack of clear guidance to manufacturers for determining AMP, poor reporting of certain group purchase prices in setting ''best price'' levels, and limited audits of manufacturer price setting methods. Moreover, the Health and Human Services (HHS) Office of the Inspector General (OIG) recently found that CMS's failure to add qualified new drugs to the Federal upper limit list had resulted in state Medicaid programs paying more than they otherwise would have for these drugs. Changes to the rebate program in the DRA are minimal and are not expected to have a major effect on it.

Reimbursement is not reflective of the true costs of drugs and pharmacy services. The DRA-driven changes in pharmaceutical acquisition prices, by moving to an AMP-based system, may result in some system savings, though how much is not clear. However, the dispensing fee is also considered by many to be inadequate for reimbursing pharmacists for the range of services they provide. These services may include managing inventory, counseling patients on proper medication use, and complying with federal and state regulations in addition to storing, warehousing, and dispensing the drug. Without an adequate dispensing fee, some pharmacies may elect not to participate in Medicaid rather than assume financial loss.

Exemption for managed care plans inefficient. Over 10 million Medicaid beneficiaries receive their drugs through Medicaid managed care plans which do not have access to the Medicaid drug rebate. Under the drug rebate, States receive between 18 and 20 percent discounts on brand name drug prices and between 10 and 11 percent for generic drug prices. According to a recent study, Medicaid-focused managed care organizations (MCOs) typically only receive about a 6 percent discount on brand name drugs and no discount on generics. Because many MCOs (particularly smaller Medicaid-focused MCOs) do not have the capacity to negotiate deeper discounts with drug companies, Medicaid is overpaying for prescription drugs for enrollees in Medicaid health plans. The Congressional Budget Office (CBO) recently estimated that this change would save $2 billion over 5 years.

POTENTIAL SOLUTIONS

Tighten administration of the rebate program. Inconsistent and inaccurate calculations of AMP, best price, and other components of the rebate formula have cost Medicaid millions of dollars. By improving CMS oversight over the program and increasing manufacturer accountability over proper calculation of rebates, Medicaid would reap the full benefits of the Medicaid drug rebate program.

Increase the basic level of rebate. CBO has estimated that setting the basic rebate level at 23 percent would result in savings of $3.2 billion over 5 years. Available information supports setting the rebate at a higher level than it is at today.

Payment for pharmacist services should be realigned to reflect true costs, including medication therapy management services. With the Congress having addressed the issue of pharmaceutical acquisition prices, now is the appropriate time to adjust reimbursement for pharmacists' services to reflect their increased role in managing medication-based therapies, counseling patients, and providing other critical pharmacy services to Medicaid patients.

Encourage evidence-based formularies where appropriate. Development of formularies should provide access to necessary treatments, and encourage and support benefit management best practices that are proven in widespread use today. Effectiveness, not cost, should be the main objective when developing formularies. The goal is for plans to provide high-quality, cost-effective drug benefits by using effective drug utilization management techniques. Although effectiveness data do not exist for all classes of medications, and are not appropriate for certain populations, well-designed evidence-based formularies that take into account comparative effectiveness data have the potential to provide access to high quality, cost-effective medications.

Allow Medicaid managed care plans to have access to the drug rebate for non-340B drugs. All Medicaid beneficiaries should have their drug costs reduced to the maximum extent possible, either by the Medicaid rebate or by the 340B program. While recognizing that managed care plans should have access to the Medicaid drug rebate, it is also important to be mindful of the need to protect 340B-covered entities from the risk of creating a ''duplicate discount'' due to the overlap of the rebate and the 340B program.

Extend the 340B drug discount to Inpatient Pharmaceuticals. The Safety Net Inpatient Drug Affordability Act (S. 1840/H.R. 3547) would require that 340B hospitals and Critical Access Hospitals rebate Medicaid a significant portion of their 340B savings on inpatient drugs administered to Medicaid patients. In addition, to the extent that any Critical Access Hospitals operate outpatient pharmacies, they would be required to pass through to Medicaid their 340B savings for Medicaid patients. These savings to Medicaid also accrue to taxpayers by reducing costs for federal, state and local governments. The proposal allows health care providers to stretch limited resources as they care for America's neediest populations. The Public Hospital Pharmacy Coalition (PHPC) estimates that the Safety Net Inpatient Drug Affordability Act (S. 1840/H.R. 3547) would provide significant savings to the Medicaid program and lower costs for taxpayer-supported safety net institutions that care for low-income and uninsured patients. PHPC estimates that this legislation would reduce Medicaid costs by over $100 million per year.

AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, NATIONAL ASSOCIATION OF STATE MEDICAID DIRECTORS

POLICY STATEMENT: MCO ACCESS TO THE MEDICAID PHARMACY REBATE PROGRAM

Background

The Omnibus Budget Reconciliation Act of 1990 (OBRA '90) established a Medicaid drug rebate program that requires pharmaceutical manufacturers to provide a rebate to participating state Medicaid agencies. In return, states must cover all prescription drugs manufactured by a company that participates in the rebate program. At the time of this legislation, only a small percentage of Medicaid beneficiaries were enrolled in capitated managed care plans and were primarily served by plans that also had commercial lines of business. These plans requested to be excluded from the drug rebate

program as it was assumed that they would be able to secure a better rebate on their own. Though regulations have not yet been promulgated, federal interpretation to date has excluded Medicaid managed care organizations from participating in the federal rebate program.

Today, the situation is quite different. 58% of all Medicaid beneficiaries are enrolled in some type of managed care delivery system, many in capitated health plans. Some managed care plans, especially Medicaid-dominated plans that make up a growing percentage of the Medicaid marketplace, are looking at the feasibility of gaining access to the Medicaid pharmacy rebate. However, a number of commercial plans remain content to negotiate their own pharmacy rates and are not interested in pursuing the Medicaid rebate.

Policy Statement

The National Association of State Medicaid Directors is supportive of Medicaid managed care organizations (MCOs), in their capacity as an agent of the state, being able to participate fully in the federal Medicaid rebate program. To do so, the MCO must adhere to all of the federal rebate rules set forth in OBRA '90 and follow essentially the same ingredient cost payment methodology used by the state. The state will have the ability to make a downward adjustment in the MCO's capitation rate based on the assumption that the MCO will collect the full rebate instead of the state. Finally, if a pharmacy benefit manager (PBM) is under contract with an MCO to administer the Medicaid pharmacy benefit for them, then the same principal shall apply, but in no way should both the MCO and the PBM be allowed to claim the rebate.—Approved by NASMD June 24, 2002

We oppose the Senate provision that provides for mandatory dispensing fee guidelines. States welcome more research in dispensing fees throughout the US health care system. Currently, there is very little information for states to use when considering appropriate dispensing fees. New reference information would be helpful; but mandatory guidelines should not be imposed on states.

The effective date for any dispensing fee provisions should be the date 6 months after the close of the first regular state legislative session. A state may need extra time to implement a pharmacy reimbursement system to determine appropriate dispensing fees and make changes to separate out the dispensing fee from the reimbursement in their systems.

Governors should maintain flexibility to establish dispensing fees to maintain access to both pharmacies that may provide specialty services as well as those that serve beneficiaries in rural and underserved areas. Limiting such pharmacies by arbitrary federal statutory definitions or regulation will not help states to manage their pharmacy programs. New federal mandates on how to consider dispensing fees for such pharmacists are unnecessary and burdensome.

Preferred Drug List Restriction: NGA opposes House provision

The House provision (SEC.3105) that would limit states' current ability to include mental health drugs on a state's preferred drug list should be dropped from the final bill. This provision would be very costly—far beyond the $120 million estimated by the Congressional Budget Office—and would undermine states current ability to use commonsense tools that are used throughout the health care system to manage expensive mental health drugs. For example, Texas estimates the provisions federal impact from its state would be a cost of $50 million over five years and California alone estimates $250 million cost to the federal government over the five year budget window.

Tiered Co Pays for Prescription Drugs: NGA supports House provision with modification

The House provision that would allow states to use tiered co-pays to encourage use of more affordable drugs should be maintained in the final package; however, the provision that limits this flexibility and otherwise links Medicaid program administration to TRICARE-approved formularies should be dropped.

Rebates: NGA supports some Senate provisions, one with modification

The Senate provision that would increase minimum rebates on brand name drugs should be maintained in the final bill.

The Senate provision that extends rebates to managed care organizations that care for Medicaid beneficiaries should be maintained in the final bill.

Regarding the requirement in both the House and Senate bill for states to collect rebates on physician administered drugs, the provision in the House bill that provides for a hardship waiver for those states that require additional time to implement the reporting system required to collect these rebates should be maintained in the final bill.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, August 18, 2005.

MARGARET A. MURRAY,
Executive Director, Association for Community Affiliated Plans, Washington, DC.

DEAR MS. MURRAY. The National Association of Community Health Centers (NACHC), the national trade organization representing America's 1,100 federally qualified health centers, has reviewed your proposed initiative to provide Medicaid managed care organizations with access to the Medicaid drug rebate found in Section 1927 of the Social Security Act.

ACAP and NACHC share a very special relationship. Many of ACAP's member plans are owned and governed by community health center representatives. This unique relationship often creates a mutual policy interest and this proposal is an example of such an intersection.

Your proposal to allow Medicaid managed care organizations access to the Medicaid drug rebate makes sense given the migration of Medicaid beneficiaries from fee-for-service to managed care since 1990. Increasingly, states have not been able to take advantage of the drug rebate for those enrollees in managed care, thus driving up federal and state Medicaid costs. The savings estimated in the Lewin Group study are significant and may help to mitigate the needs for other cuts in the program. In addition, it demonstrates a proactive effort to offer solutions to improving the Medicaid program. We applaud this effort.

While we are deeply concerned that Congress may engage in budget-driven, rather than policy-driven, efforts to restrain or reduce Medicaid spending, we also recognize that—as providers to a substantial portion of the Medicaid-enrolled population—we have a responsibility to put forth viable, realistic alternatives that can help slow the growth on Medicaid spending without throwing people off the rolls, or cutting benefits or payment rates, Your proposal offers just such a common-sense solution, one that we would be pleased to support in the event that the Congress acts to constrain costs without undermining the fundamental goals of the program.

Sincerely,

DANIEL R. HAWKINS, Jr.,
Vice President for Federal, State, and Public Affairs.

ASSOCIATION FOR COMMUNITY AFFILIATED PLANS,
Washington, DC, June 5, 2007.

HON. JEFF BINGAMAN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Association of Community Affiliated Plans (ACAP), our 32 member health plans, and over four million Americans they serve, I am writing to express our gratitude and support for your legislation to extend the benefits of the Medicaid drug rebate to the Medicaid beneficiaries enrolled in Medicaid health plans.

Created by the Omnibus Budget Reconciliation Act (OBRA) of 1990, the Medicaid Drug Rebate Program requires a drug manufacturer to have a rebate agreement with the Secretary of the Department of Health and Human Services for States to receive federal funding for outpatient drugs dispensed to Medicaid patients. At the time the law was enacted, managed care organizations were excluded from access to the drug rebate program. In 1990, only 2.8 million people were enrolled in Medicaid managed care and so the savings lost by the exemption were relatively small. Today, 18 million people are enrolled in capitated managed care plans. Pharmacy costs in Medicaid Fee-for-Service settings are 18 percent higher on a per-member-per-month basis than in the managed care setting even though plans are at a disadvantage with respect to the federal rebate. With the federal rebate as an additional tool, plans could save the Medicaid program even more.

Extending the Medicaid drug rebate to Medicaid health plans has been championed by ACAP for several years as a common sense approach to reforming the Medicaid program, while ensuring that all Medicaid beneficiaries receive the care they need. The proposal to extend the drug rebate has been endorsed by the National Governors Association, the National Association of State Medicaid Directors, the National Medicaid Commission, the Medicaid Health Plans of America, the Partnership for Medicaid, and the National Association of Community Health Centers. The Congressional Budget Office and the CMS Actuary have said that this policy will save between $1.7 billion and $2.2 billion in Federal tax dollars over 5 years.

Again, thank you for your leadership to help modernize the Medicaid program in a commonsense manner by extending the savings of the drug rebate to Medicaid health plans. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

MARGARET A. MURRAY,
Executive Director.

MEDICAID HEALTH PLANS OF AMERICA,
Washington, DC, April 7, 2005.

Margaret A. Murray,
Executive Director, Association for Community Affiliated Plans, Washington, DC.

DEAR MS. MURRAY: The Medicaid Health Plans of America (MHPOA) supports your proposed initiative to provide Medicaid managed care organizations with access to the

Medicaid drug rebate found in Section 1927 of the Social Security Act. We support this effort and urge Congress to enact this common sense provision.

Medicaid Health Plans of America, formed in 1993 and incorporated in 1995, is a trade association representing health plans and other entities participating in Medicaid managed care throughout the country. It's primary focus is to provide research, advocacy, analysis, and organized forums that support the development of effective policy solutions to promote and enhance the delivery of quality healthcare. The Association initially coalesced around the issue of national health care reform, and as the policy debate changed from national health care reform to national managed care reform, the areas of focus shifted to the changes in Medicaid managed care.

Your proposal to allow Medicaid managed care organizations access to the Medicaid drug rebate makes sense given the migration of Medicaid beneficiaries from fee-for-service to managed care since 1990. Increasingly, states have not been able to take advantage of the drug rebate for those enrollees in managed care, thus driving up federal and state Medicaid costs. The savings estimated in the Lewin Group study are significant and may help to mitigate the needs for other cuts in the program. In addition, it demonstrates a proactive effort to offer solutions to improving the Medicaid program. We applaud this effort.

MHPOA is proud to support this legislative proposal and will endorse any legislation in Congress to enact this proposal.

Sincerely,

THOMAS JOHNSON,
Executive Director.

THE MEDICAID COMMISSION

(Report to the Honorable Secretary Michael O. Leavitt, Department of Health and Human Services and The United States Congress September 1, 2005)

Proposal

The Commission recommends allowing states to establish pharmaceutical prices based on the Average Manufacturer Price (AMP) rather than the published Average Wholesale Price (AWP). Additionally, reforms should be implemented to ensure that manufacturers are appropriately reporting data. Such improvements should include reforms to ensure: (1) clear guidance from CMS on manufacturer price determination methods and the definition of AMP; (2) manufacturer-reported prices are easily auditable so that systematic oversight of the price determination can be done by HHS; (3) manufacturer-reported prices and rebates are provided to states monthly rather than the current quarterly reporting; and (4) new penalties are implemented to discourage manufacturers from reporting inaccurate pricing information.

Estimated savings

$4.3 Billion over 5 years (CMS Office of the Actuary)

EXTENSION OF THE MEDICAID DRUG REBATE PROGRAM TO MEDICAID MANAGED CARE

Current law

Section 1927 of the Social Security Act, effective January 1, 1991 sets forth the requirements of the Medicaid Drug Rebate Program. In order for Federal Medicaid matching funds to be available to States for covered outpatient drugs of a manufacturer, the manufacturer must enter into and have in effect a rebate agreement with the Federal government. Without an agreement in place, States cannot generally receive Federal funding for outpatient drugs dispensed to Medicaid recipients. Rebate amounts received by states are considered a reduction in the amount expended by States for medical assistance for purposes of Federal matching funds under the Medicaid program.

The basic rebate for brand name drugs is the greater of 15.1 percent of the Average Manufacturer Price (AMP) or AMP minus Best Price (BP). Best Price is the lowest price at which the manufacturer sells the covered outpatient drug to any purchaser, with certain statutory exceptions, in the United States in any pricing structure, in the same quarter for which the AMP is computed.

The rebate for generic drugs is 11 percent of AMP.

Under current law Medicaid states cannot collect rebates from managed care organizations in the Medicaid Drug Rebate Program.

Proposal

The Commission recommends providing Medicaid managed care health plans access to the existing pharmaceutical manufacturer rebate program currently available to other Medicaid health plans. States should have the option of collecting these rebates directly or allowing plans to access them in exchange for lower capitation payments.

Estimated savings

$2 Billion over 5 years (CMS Office of the Actuary)

CHANGE THE START DATE OF PENALTY PERIOD FOR PERSONS TRANSFERRING ASSETS FOR MEDICAID ELIGIBILITY

Current law

States determine financial eligibility for Medicaid coverage of nursing home care using a combination of state and federal statutes and regulations. Personal income and assets must be below specified levels before eligibility can be established. Personal resources are sorted into two categories: those considered countable (those that must be spent down before eligibility criteria is met) and those considered non-countable (those that applicants can keep and still meet the eligibility criteria such as real estate that is the beneficiary's primary residence). Some assets held in trust, annuities, and promissory notes are also not counted. If it is determined that the applicant has excess countable assets, these must spent before they can become eligible. Personal income is applied to the cost of care after a personal needs allowance and a community spouse allowance is deducted.

Federal law requires states to review the assets of Medicaid applicants for a period of 36 months prior to application or 60 months if a trust is involved. This period is known as the ''look back period.'' Financial eligibility screeners look for transfers from personal assets made during the look back period that appear to have been made for the purpose of obtaining Medicaid eligibility. Transfers made before the look back period are not reviewed.

Applicants are prohibited from transferring resources during the look back period for less than fair market value. Some transfers of resources are allowed, such as transfers between spouses. If a state eligibility screener finds a non-allowed transfer, current law (OBRA 1993) requires the state to impose a ''penalty period'' during which Medicaid will not pay for long-term care. The length of the penalty period is calculated by dividing the amount transferred by the monthly private pay rate of nursing homes in the state. The penalty period starts from the date of the transfer. Using the date of the transfer as the start date provides an opportunity for applicants to preserve assets because some or all of the penalty period may occur while the applicant was not paying privately for long-term care.

We oppose the Senate provision that provides for mandatory dispensing fee guidelines. States welcome more research in dispensing fees throughout the U.S. health care system. Currently, there is very little information for states to use when considering appropriate dispensing fees. New reference information would be helpful; but mandatory guidelines should not be imposed on states.

The effective date for any dispensing fee provisions should be the date 6 months after the close of the first regular state legislative session. A state may need extra time to implement a pharmacy reimbursement system to determine appropriate dispensing fees and make changes to separate out the dispensing fee from the reimbursement in their systems.

Governors should maintain flexibility to establish dispensing fees to maintain access to both pharmacies that may provide specialty services as well as those that serve beneficiaries in rural and underserved areas. Limiting such pharmacies by arbitrary federal statutory definitions or regulation will not help states to manage their pharmacy programs. New federal mandates on how to consider dispensing fees for such pharmacists are unnecessary and burdensome.

Preferred drug list restriction

NGA opposes House provision

The House provision (Sec. 3105) that would limit states' current ability to include mental health drugs on a state's preferred drug list should be dropped from the final bill. This provision would be very costly—far beyond the $120 million estimated by the Congressional Budget Office—and would undermine states current ability to use commonsense tools that are used throughout the health care system to manage expensive mental health drugs. For example, Texas estimates the provisions federal impact from its state would be a cost of $50 million over 5-years and California alone estimates $250 million cost to the federal government over the 5-year budget window.

Tiered Co-pays for prescription drugs

NGA supports House provision with modification

The House provision that would allow states to use tiered co-pays to encourage use of more affordable drugs should be maintained in the final package; however, the provision that limits this flexibility and otherwise links Medicaid program administration to TRICARE-approved formularies should be dropped.

Rebates

NGA supports some Senate provisions, one with modification

The Senate provision that would increase minimum rebates on brand name drugs should be maintained in the final bill.

The Senate provision that extends rebates to managed care organizations that care for Medicaid beneficiaries should be maintained in the final bill.

Regarding the requirement in both the House and Senate bill for states to collect rebates on physician administered drugs, the provision in the House bill that provides for a hardship waiver for those states that require additional time to implement the reporting system required to collect these rebates should be maintained in the final bill.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1590. A bill to provide for the reintatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, my colleague from West Virginia, Senator ROCKEFELLER, and I have joined together today to introduce legislation that would allow for the construction of a hydroelectric facility near the the City of Grafton, located in north central West Virginia. A companion measure is being introduced in the U.S.I House of Representatives by Congressman ALAN MOLLOHAN. The proposed hydro facility, to be constructed on an existing dam, would supply power to Grafton and surrounding area while also providing a significant economic benefit to the city.

Our legislation, which was passed by the Senate late last year but did not clear the House of Representatives before the end of the session, would reinstate a license from the Federal Energy Regulatory Commission, FERC, for a new hydroelectric facility on the Tygart Valley River. The City of Grafton has been considering the hydroelectric facility for many years, and first received a license for the project in 1989. However, that license lapsed in 1999 without the city making progress on the effort. The Byrd-Rockefeller-Mollohan measure would reinstate the license and allow Grafton to move ahead with the 20-megawatt hydroelectric facility.

The City of Grafton is working with a private contractor to develop the hydro project. With a new FERC license, the contractor believes that the project could be in operation as early as 2008. It is expected that the new hydroelectric facility would generate about $300,000 in annual revenues for Grafton, while creating 200 construction jobs in the process.

In 1938, the Tygart dam became the first flood control project to be completed in the Pittsburgh District of the Army Corps of Engineers under the Rivers and Harbors Act of 1935. It remains one of the most expensive and extensive construction projects in the history of West Virginia. I recognize that the hydroelectric project has been delayed numerous times, but the Congressional Budget Office found that implementing the project will pose zero negative impact to the Federal budget. In fact, it will generate roughly $200,000 in annual licensing fees for the U.S. Treasury. Approval of our legislation will yield a return on this previous significant investment by the American taxpayer by leveraging new value out of old infrastructure.

Clean, hydroelectric power generation from an expensive dam previously used only for flood control, at no cost to the Federal Government, is the type of cost-effective, progressive action that we should facilitate and applaud at every chance. It is the right thing to do for the communities and public utilities in the rural Appalachian counties where the existing dam and lake are located. It is the right thing to do for the West Virginians all along the Tygart and Monongahela Rivers. And it is the right thing to do for the taxpaying citizens of this Nation. I respectfully request that my colleagues support our legislation, the bill that makes these positive results possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 230—DESIGNATING THE MONTH OF JULY 2007, AS ''NATIONAL TEEN SAFE DRIVER MONTH''

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 230

Whereas automobile accidents involving teenage drivers result in the highest cause of death and injury for adolescents between the ages of 15 and 20 years;

Whereas, each year, 7,460 teenage drivers between the ages of 15 and 20 years are involved in fatal crashes, and 1,700,000 teenage drivers are involved in accidents that are reported to law enforcement officers;

Whereas driver education and training resources have diminished in communities throughout the United States, leaving families underserved and lacking in opportunities for educating the teenage drivers of those families;

Whereas, in addition to costs relating to the long-term care of teenage drivers severely injured in automobile accidents, automobile accidents involving teenage drivers cost the United States more than $40,000,000,000 in lost productivity and other forms of economic loss;

Whereas technology advances have increased the opportunity of the United States to provide more effective training and research to novice teenage drivers; and

Whereas the families of victims of accidents involving teenage drivers are working together to save the lives of other teenage drivers through volunteer efforts in local communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of July 2007 as ''National Teen Safe Driver Month''; and

(2) calls upon the members of Federal, State, and local governments and interested organizations—

(A) to commemorate National Teen Safe Driver Month with appropriate ceremonies, activities, and programs; and

(B) to encourage the development of resources to provide affordable, accessible, and effective driver training for every teenage driver of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1500. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1501. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1502. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1503. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1504. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1500. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, strike line 24 and insert the following:

''under subsection (a)(1).

''(g) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) ENERGY AND WATER EVALUATIONS.—Not later than 1 year after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency shall complete a comprehensive energy and water evaluation for—

''(A) each building and other facility of the Federal agency that is larger than a minimum size established by the Secretary; and

''(B) any other building or other facility of the Federal agency that meets any other criteria established by the Secretary.

''(2) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency—

''(i) shall fully implement each energy and water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has a 15-year simple payback period; and

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has longer than a 15-year simple payback period.

''(B) PAYBACK PERIOD.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), a measure shall be considered to have a 15-year simple payback if the quotient obtained under clause (ii) is less than or equal to 15.

''(ii) QUOTIENT.—The quotient for a measure shall be obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs;

''(ii) operations, maintenance, repair, replacement, and other direct costs; and

''(iii) external environmental, health, security, and other costs based on a cost adder, as determined in accordance with the guidelines issued by the Secretary under paragraph (4).

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 15-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (4).

''(3) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (2), each Federal agency shall carry out—

''(A) commissioning;

''(B) operations, maintenance, and repair; and

''(C) measurement and verification of energy and water savings.

''(4) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraph (1) not later than 90 days after the date of enactment of this subsection; and

''(ii) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (8).

''(5) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building and other facility that meets the criteria established by the Secretary under paragraph (1), each Federal agency shall use a web-based tracking system to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (1);

''(ii) implementation of identified energy and water measures under paragraph (2); and

''(iii) follow-up on implemented measures under paragraph (3).

''(B) DEPLOYMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(i) the covered buildings and other facilities;

''(ii) the status of evaluations;

''(iii) the identified measures, with estimated costs and savings;

''(iv) the status of implementing the measures;

''(v) the measured savings; and

''(vi) the persistence of savings.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(6) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—Each Federal agency shall enter energy use data for each building and other facility of the Federal agency into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(7) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue quarterly scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of—

''(I) energy and water evaluations under paragraph (1);

''(II) implementation of identified energy and water measures under paragraph (2); and

''(III) follow-up on implemented measures under paragraph (3); and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(8) FUNDING.—

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

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out paragraphs (1) through (3), a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy savings contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with paragraphs (1) through (3).''.

SA 1501. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 146, strike line 22 and all that follows through page 151, line 14, and insert the following:

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(B) by adding at the end the following:

''(E) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(F) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''; and

(2) by striking subsection (c).

SA 1502. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007''.

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

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

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Renewable Fuel Standard

Sec. 111. Renewable fuel standard.
Sec. 112. Production of renewable fuel using renewable energy.

Subtitle B—Renewable Fuels Infrastructure
Sec. 121. Infrastructure pilot program for renewable fuels.
Sec. 122. Bioenergy research and development.
Sec. 123. Bioresearch centers for systems biology program.
Sec. 124. Loan guarantees for renewable fuel facilities.
Sec. 125. Grants for renewable fuel production research and development in certain States.
Sec. 126. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 127. Biorefinery information center.
Sec. 128. Alternative fuel database and materials.
Sec. 129. Fuel tank cap labeling requirement.
Sec. 130. Biodiesel.
Subtitle C—Studies
Sec. 141. Study of advanced biofuels technologies.
Sec. 142. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 143. Pipeline feasibility study.
Sec. 144. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 145. Study of credits for use of renewable electricity in electric vehicles.
Sec. 146. Study of engine durability associated with the use of biodiesel.
Sec. 147. Study of incentives for renewable fuels.
Sec. 148. Study of streamlined lifecycle analysis tools for the evaluation of renewable carbon content of biofuels.
Sec. 149. Study of the adequacy of railroad transportation of domestically-produced renewable fuel.
Sec. 150. Study of effects of ethanol-blended gasoline on off road vehicles.
TITLE II—ENERGY EFFICIENCY PROMOTION
Sec. 201. Short title.
Sec. 202. Definition of Secretary.
Subtitle A—Promoting Advanced Lighting Technologies
Sec. 211. Accelerated procurement of energy efficient lighting.
Sec. 212. Incandescent reflector lamp efficiency standards.
Sec. 213. Bright Tomorrow Lighting Prizes.
Sec. 214. Sense of Senate concerning efficient lighting standards.
Sec. 215. Renewable energy construction grants.
Subtitle B—Expediting New Energy Efficiency Standards
Sec. 221. Definition of energy conservation standard.
Sec. 222. Regional efficiency standards for heating and cooling products.
Sec. 223. Furnace fan rulemaking.
Sec. 224. Expedited rulemakings.
Sec. 225. Periodic reviews.
Sec. 226. Energy efficiency labeling for consumer products.
Sec. 227. Residential boiler efficiency standards.
Sec. 228. Technical corrections.
Sec. 229. Electric motor efficiency standards.
Sec. 230. Energy standards for home appliances.
Sec. 231. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 232. Deployment of new technologies for high-efficiency consumer products.
Sec. 233. Industrial efficiency program.
Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage
Sec. 241. Lightweight materials research and development.
Sec. 242. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 243. Advanced technology vehicles manufacturing incentive program.
Sec. 244. Energy storage competitiveness.
Sec. 245. Advanced transportation technology program.
Subtitle D—Setting Energy Efficiency Goals
Sec. 251. National goals for energy savings in transportation.
Sec. 252. National energy efficiency improvement goals.
Sec. 253. National media campaign.
Sec. 254. Modernization of electricity grid system.
Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy
Sec. 261. Federal fleet conservation requirements.
Sec. 262. Federal requirement to purchase electricity generated by renewable energy.
Sec. 263. Energy savings performance contracts.
Sec. 264. Energy management requirements for Federal buildings.
Sec. 265. Combined heat and power and district energy installations at Federal sites.
Sec. 266. Federal building energy efficiency performance standards.
Sec. 267. Application of International Energy Conservation Code to public and assisted housing.
Sec. 268. Energy efficient commercial buildings initiative.
Subtitle F—Assisting State and Local Governments in Energy Efficiency
Sec. 271. Weatherization assistance for low-income persons.
Sec. 272. State energy conservation plans.
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SEC. 2. RELATIONSHIP TO OTHER LAW.

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

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas produced through the conversion of organic matter from renewable biomass; and

(vi) butanol or higher alcohols produced through the conversion of organic matter from renewable biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term ''renewable biomass'' means—

(A) biomass (as defined by section 210 of the Energy Policy Act of 2005 (42 U.S.C. 15855)) (excluding the bole of old-growth trees of a forest from the late successional state of forest development) that is harvested where permitted by law and in accordance with applicable land management plans from—

(i) National Forest System land; or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

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

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

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel, home heating oil, and boiler fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities built after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

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

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

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

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

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(4) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1)(B) that railroad transportation of domestically-produced renewable fuel is inadequate, based on either the service provided by, or the price of, the railroad transportation, the President shall submit to Congress a report that describes—

(A) the actions the Federal Government is taking, or will take, to address the inadequacy, including a description of the specific powers of the applicable Federal agencies; and

(B) if the President finds that there are inadequate Federal powers to address the railroad service or pricing inadequacies, recommendations for legislation to provide appropriate powers to Federal agencies to address the inadequacies.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''renewable energy'' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term ''renewable energy'' includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects

under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(2) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

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

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

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

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

SEC. 130. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Within 180 days following the date of enactment of this Act, the President shall promulgate regulations to ensure that only biodiesel that is tested and certified to comply with the American Society for Testing and Materials (ASTM) 6751 standard is introduced into interstate commerce.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF THE ADEQUACY OF RAILROAD TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the adequacy of railroad transportation of domestically-produced renewable fuel.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the adequacy of, and appropriate location for, tracks that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B) the adequacy of the supply of railroad tank cars, locomotives, and rail crews to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of moving the domestically-produced renewable fuel using railroad transportation; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate railroad competition to ensure—

(i) a fair price for the railroad transportation of domestically-produced renewable fuel; and

(ii) acceptable levels of service for railroad transportation of domestically-produced renewable fuel;

(E) any rail infrastructure capital costs that the railroads indicate should be paid by the producers or distributors of domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically-produced renewable fuel source does not have access to competitive rail service;

(G) whether Federal agencies have adequate legal authority to address railroad service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable railroad transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 150. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Efficiency Promotion Act of 2007''.

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

''(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.''.

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

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

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

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

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

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

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

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy use and, in the case

of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product.''.

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

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

''(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

''(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

''(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

''(ii) are economically justified.

''(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

''(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

''(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

''(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

''(4) PROCEDURE.—

''(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

''(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

''(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

''(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

''(ii) describing the reasons for the delay.

''(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

''(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

''(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

''(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

''(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

''(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

''(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

''(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

''(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

''(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

''(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

''(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

''(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

''(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(ii) in paragraph (3)—

(I) by striking ''subsection (f)(1)'' and inserting ''subsection (g)(1)''; and

(II) by striking ''subsection (f)(2)'' and inserting ''subsection (g)(2)''; and

(B) in subsection (c)(3), by striking ''subsection (f)(3)'' and inserting ''subsection (g)(3)''.

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

''(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).''.

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

SEC. 224. EXPEDITED RULEMAKINGS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

''(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

''(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

''(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, utilities, and environmental, energy efficiency, and consumer advocates) submit a joint comment or petition recommending a consensus energy conservation standard or test procedure; and

''(B) the Secretary determines that the joint comment or petition includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment or petition complies with the provisions and criteria of this Act (including subsection (o)) that apply to the type or class of covered products covered by the joint comment or petition.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment or petition that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment or petition in accordance with this paragraph.

''(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment or petition, the requirements of subsection (p) with respect to

the issuance of an advanced notice of proposed rulemaking shall not apply.

''(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment or petition described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1).

''(D) PROPOSED RULE.—

''(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment or petition.

''(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30–day period beginning on the date of the publication of the proposed rule in the Federal Register.

''(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

''(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

''(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

''(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.''.

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.''.

(b) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

''(m) FURTHER RULEMAKING.—

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should be amended based on the criteria described in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.

''(4) APPLICATION OF AMENDMENT.—An amendment prescribed under this subsection shall apply to a product manufactured after a date that is 5 years after—

''(A) the effective date of the previous amendment made pursuant to this part; or

''(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years after publication of the final rule establishing a standard.''.

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal central and commercial air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

''(ii) MORE STRINGENT STANDARD.—Clause (i) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(D) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—After issuance of the most recent final rule for a product under this subsection, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

''(ii) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(iii) FINAL RULE.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.''.

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act or not later than 18 months after test procedures have been developed for a consumer electronics product category described in subsection (b), whichever is later, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency shall promulgate regulations, in accordance with the Energy Star program and in a manner that minimizes, to the maximum extent practicable, duplication with respect to the requirements of that program and other national and international energy labeling programs, to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) CONSUMER ELECTRONICS PRODUCT CATEGORIES.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes.

(5) Computer monitors.

(c) LABEL PLACEMENT.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) DEADLINE FOR LABELING.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking ''but before January 1, 2010,''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking ''bulb'' and inserting ''the arc tube''; and

(ii) in clause (ii), by striking ''has a bulb'' and inserting ''wall loading is'';

(B) in paragraph (47)(A), by striking ''operating at a partial'' and inserting ''typically operating at a partial vapor'';

(C) in paragraph (48), by inserting ''intended for general illumination'' after ''lamps''; and

(D) by adding at the end the following:

''(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

''(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor—subtype I; and

''(II) a general purpose electric motor—subtype II.

''(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

''(I) A U–Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) a modified energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2012.—Not later than January 1, 2012, the Secretary shall publish a final rule determining whether to amend the

standards in effect for residential clothes washers manufactured on or after January 1, 2012, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.''.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''.

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term ''energy-intensive commercial applications'' means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term ''materials manufacturers'' means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term ''partnership'' means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term ''program'' means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

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

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

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

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

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

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

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

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

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

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

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

(B) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

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

(A) specially designed for advanced technology vehicles; and

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

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

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

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

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

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

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

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

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i).

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) NANOSCIENCE CENTERS.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries;

(D) compressed air energy systems;

(E) power conditioning electronics; and

(F) manufacturing technologies for energy storage systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science and the Under Secretary of Energy of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(G) INTELLECTUAL PROPERTY.—A participant shall be provided appropriate intellectual property rights commensurate with the nature of the participation agreement of the participant.

(7) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITION OF ELECTRIC DRIVE VEHICLE.—In this subsection, the term ''electric drive vehicle'' means a precommercial vehicle that—

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

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

(C) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of electric drive vehicles.

(3) ELIGIBILITY.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

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

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

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM OIL SAVING TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED TRANSPORTATION PROJECT.—In this subsection, the term ''qualified transportation project'' means—

(A) a project that simultaneously reduces emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies used in nonroad vehicles; and

(B) an electrification project involving onroad commercial trucks, rail transportation, or ships, and any associated infrastructure (including any panel upgrades, battery chargers, trenching, and alternative fuel infrastructure).

(2) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide grants to eligible entities for the conduct of qualified transportation projects.

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

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

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this subsection $90,000,000 for each of fiscal years 2008 through 2013.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) GOALS.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) MEASUREMENT.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2007''.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for reduction in gasoline usage established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(e) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

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

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

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

''(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

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

''(i) the use of alternative fuels;

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

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

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

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

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

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

''(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

''(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

''(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack.''; and

(2) by adding at the end the following:

''(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy from a public utility service may be made for a period of not more than 50 years.''.

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(d) NOTIFICATION.—

(1) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting ''and'' after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''.

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''this paragraph'' and by inserting ''the Energy Efficiency Promotion Act of 2007''; and

(2) in clause (i)—

(A) in subclause (I), by striking ''and'' at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

''Fiscal Year	Percentage reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100;

and''.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development'';

(2) in subsection (a)(2)—

(A) by striking ''the Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(B) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—'';

(B) after ''all new construction'' in the first sentence insert ''and rehabilitation''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(5) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, and if the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.'';

(6) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(7) by striking ''1989'' each place it appears and inserting ''2004''.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term ''energy efficient commercial building'' means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term ''initiative'' means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.''.

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

''SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

''(a) DEFINITIONS.—In this section

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an eligible unit of local government within a State; and

''(C) an Indian tribe.

''(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

''(A) a city with a population—

''(i) of at least 35,000; or

''(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

''(B) a county with a population—

''(i) of at least 200,000; or

''(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

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

''(4) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(b) PURPOSE.—The purpose of this section is to assist State and local governments in implementing strategies—

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government;

''(2) to reduce the total energy use of the States and units of local government; and

''(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

''(c) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

''(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

''(3) ALLOCATION TO STATES AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

''(i) 70 percent to eligible units of local government; and

''(ii) 30 percent to States.

''(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

''(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

''(C) DISTRIBUTION TO STATES.—

''(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

''(I) at least 1.25 percent to each State; and

''(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

''(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

''(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

''(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

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

''(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

''(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

''(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3); and

''(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

''(B) NON-FEDERAL SHARE.—

''(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

''(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

''(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

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

''(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

''(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States and units of local government that are not eligible entities or to consortia of such units of local government.

''(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) States with populations of less than 2,000,000; and

''(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.''.

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

''SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1

grant to an institution of higher education in each State.

''(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

''(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

''(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

''(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

''(d) AWARDING OF GRANTS.—

''(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

''(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

''(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

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

SEC. 277. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.''.

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Carbon Capture and Sequestration Act of 2007''.

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking ''**research and development**'' and inserting ''**and storage research, development, and demonstration**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to energy systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

(4) by striking subsection (c) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or improved technologies for the capture of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of the compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies; and

''(v) research and development of new and improved technologies for carbon use, including recycling and reuse of carbon dioxide.

''(2) CARBON CAPTURE DEMONSTRATION PROJECT.—

''(A) IN GENERAL.—The Secretary shall carry out a demonstration of large-scale carbon dioxide capture from an appropriate gasification facility selected by the Secretary.

''(B) LINK TO STORAGE ACTIVITIES.—The Secretary may require the use of carbon dioxide from the project carried out under subparagraph (A) in a field testing validation activity under this section.

''(3) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

''(vi) deep geologic systems containing basalt formations.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

''(4) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(5) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

''(6) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

''(7) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $150,000,000 for fiscal year 2008;

''(2) $200,000,000 for fiscal year 2009;

''(3) $200,000,000 for fiscal year 2010;

''(4) $180,000,000 for fiscal year 2011; and

''(5) $165,000,000 for fiscal year 2012.''.

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy shall incorporate the results of the assessment using the NatCarb database, to the maximum extent practicable.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term ''industrial sources of carbon dioxide'' means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification); or

(F) manufacture transportation fuels from coal.

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

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Public Buildings Cost Reduction Act of 2007''.

SEC. 402. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants in order to achieve the goals identified in subsection (c)(2)(A); and

(C) establish methods to track the success of departments and agencies with respect to the goals identified in subsection (c)(2)(A).

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable including milestones for specific activities needed to replace existing lighting technologies with more cost-effective lighting technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) GSA FACILITY COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices by not later than the date that is 5 years after the date of installation.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

SEC. 411. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

Subtitle C—High-Performance Green Buildings

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''High-Performance Green Buildings Act of 2007''.

SEC. 422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) high-performance green buildings—

(A) reduce energy, water, and material resource use and the generation of waste;

(B) improve indoor environmental quality, and protect indoor air quality by, for example, using materials that emit fewer or no toxic chemicals into the indoor air;

(C) improve thermal comfort;

(D) improve lighting and the acoustic environment;

(E) improve the health and productivity of individuals who live and work in the buildings;

(F) improve indoor and outdoor impacts of the buildings on human health and the environment;

(G) increase the use of environmentally preferable products, including biobased, recycled, and nontoxic products with lower lifecycle impacts; and

(H) increase opportunities for reuse of materials and for recycling;

(2) during the planning, design, and construction of a high-performance green building, the environmental and energy impacts of building location and site design, the minimization of energy and materials use, and the environmental impacts of the building are considered;

(3) according to the United States Green Building Council, certified green buildings, as compared to conventional buildings—

(A) use an average of 36 percent less total energy (and in some cases up to 50 to 70 percent less total energy);

(B) use 30 percent less water; and

(C) reduce waste costs, often by 50 to 90 percent;

(4) the benefits of high-performance green buildings are important, because in the United States, buildings are responsible for approximately—

(A) 39 percent of primary energy use;

(B) 12 percent of potable water use;

(C) 136,000,000 tons of building-related construction and demolition debris;

(D) 70 percent of United States resource consumption; and

(E) 70 percent of electricity consumption;

(5) green building certification programs can be highly beneficial by disseminating up-to-date information and expertise regarding high-performance green buildings, and by providing third-party verification of green building design, practices, and materials, and other aspects of buildings; and

(6) a July 2006 study completed for the General Services Administration, entitled ''Sustainable Building Rating Systems Summary,'' concluded that—

(A) green building standards are an important means to encourage better practices;

(B) the Leadership in Energy and Environmental Design (LEED) standard for green building certification is ''currently the dominant system in the United States market and is being adapted to multiple markets worldwide''; and

(C) there are other useful green building certification or rating programs in various stages of development and adoption, including the Green Globes program and other rating systems.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to encourage the Federal Government to act as an example for State and local governments, the private sector, and individuals by building high-performance green buildings that reduce energy use and environmental impacts;

(2) to establish an Office within the General Services Administration, and a Green Building Advisory Committee, to advance the goals of conducting research and development and public outreach, and to move the Federal Government toward construction of high-performance green buildings;

(3) to encourage States, local governments, and school systems to site, build, renovate, and operate high-performance green schools through the adoption of voluntary guidelines for those schools, the dissemination of grants, and the adoption of environmental health plans and programs;

(4) to strengthen Federal leadership on high-performance green buildings through the adoption of incentives for high-performance green buildings, and improved green procurement by Federal agencies; and

(5) to demonstrate that high-performance green buildings can and do provide significant benefits, in order to encourage wider adoption of green building practices, through the adoption of demonstration projects.

SEC. 423. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the Green Building Advisory Committee established under section 433(a).

(3) DIRECTOR.—The term ''Director'' means the individual appointed to the position established under section 431(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term ''Federal facility'' means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term ''Federal facility'' does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term ''life cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 432(a).

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 431. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 432; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 432. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 433;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 434, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 435;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 435;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 436; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this subtitle and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by the standard for high-performance green buildings identified in accordance with subsection (d);

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) IDENTIFICATION OF STANDARD.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 60 days after the date of enactment of this Act, the Director shall identify a standard that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standard identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the adequacy of the standard, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) national recognition within the building industry.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standard identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

(e) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 433. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 432(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 434. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 435. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 436;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 436. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 437. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 441. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this part, the term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 442. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 443. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop voluntary school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff;

(3) the efficient use of energy; and

(4) the potential use of a school at the site as an emergency shelter.

SEC. 444. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 445. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this subtitle and other relevant Federal law with respect to school facilities, including relevant updates on trends in the

field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 435(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

PART III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 451. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

SEC. 452. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

(A) are energy-efficient; and

(B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 453. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 454. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

PART IV—DEMONSTRATION PROJECT

SEC. 461. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in part I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this subtitle; and

(B) achieve the highest available rating under the standard identified pursuant to section 432(d).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 462. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 461(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

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

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

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

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

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

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

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

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

''(A) automobiles manufactured by a manufacturer in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

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

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard required to be attained for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).

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

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

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

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

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

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

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

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, and based on the results of that study, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program and, as appropriate, shall adopt test methods, measurement metrics, fuel efficiency standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means a commercial on-highway vehicle with a gross vehicle weight rating of more than 10,000 pounds.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority—

''(A) to prescribe standards based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) to issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(A) may prescribe a standard higher than that required under subsection (b); or

''(B) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.

''(2) REQUIREMENTS FOR LOWER STANDARD.—Before adopting an average fuel economy standard for automobiles for a model year during model years 2021 through 2030 that is lower than the standard required by subsection (b), the Secretary of Transportation shall do the following:

''(A) NOTICE OF PROPOSED RULE.—At least 30 months before the model year for which the standard is to apply, the Secretary shall post a notice of proposed rulemaking for the proposed standard. The notice shall include a detailed analysis of the basis for the Secretary's determination under paragraph (1)(B).

''(B) FINAL RULE.—At least 18 months before the model year for which the standard is to apply, the Secretary shall promulgate a final rule establishing the standard.

''(C) REPORT.—The Secretary shall submit a report to Congress that outlines the steps that need to be taken to avoid further reductions in average fuel economy standards.

''(3) MAXIMUM FEASIBLE STANDARD.—An average fuel economy standard prescribed for automobiles under paragraph (1) shall be the maximum feasible standard.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

''(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the

fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

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

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

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

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

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

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

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

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

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility and aggressivity. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

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

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title

49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

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

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

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

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

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

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

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ENSURING AVAILABILITY OF FLEXIBLE FUEL AUTOMOBILES.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§ 32902A. Requirement to manufacture flexible fuel automobiles

''(a) IN GENERAL.—For each model year, each manufacturer of new automobiles described in subsection (b) shall ensure that the percentage of such automobiles manufactured in a particular model year that are flexible fuel vehicles shall be not less than the percentage set forth for that model year in the following table:

2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent

''(b) AUTOMOBILES TO WHICH SECTION APPLIES..—An automobile is described in this subsection if it—

''(1) is capable of operating on gasoline or diesel fuel;

''(2) is distributed in interstate commerce for sale in the United States; and

''(3) does not contain certain engines that the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, may temporarily exclude from the definition because it is technologically infeasible for the engines to have flexible fuel capability at any time during a period that the Secretaries and the Administrator are engaged in an active research program with the vehicle manufacturers to develop that capability for the engines.''.

(2) DEFINITION OF FLEXIBLE FUEL AUTOMOBILE.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (8), the following:

''(8A) 'flexible fuel automobile' means an automobile described in paragraph (8)(A).''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''Sec. 32902A. Requirement to manufacture flexible fuel automobiles''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the amendments made by subsection (a).

(2) HARDSHIP EXEMPTION.—The regulations issued pursuant to paragraph (1) shall include a process by which a manufacturer may be exempted from the requirement under section 32902A(a) upon demonstrating that such requirement would create a substantial economic hardship for the manufacturer.

SEC. 512. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

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

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 513. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

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

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

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 514. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

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

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

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

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

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

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

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

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry,

and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

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

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 515. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology;

(ii) portable radio communications devices, including devices used by public safety personnel; and

(iii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

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

SEC. 516. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 517. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

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

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

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 518(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 518. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 520. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 603 of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 606 of this Act, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 603 of this Act, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this Act, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline or petroleum distillates in violation of section 603 of this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or

the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this Act is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 603 of this Act is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Energy Diplomacy and Security Act of 2007''.

SEC. 702. DEFINITIONS.

In this title:

(1) MAJOR ENERGY PRODUCER.—The term ''major energy producer'' means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) MAJOR ENERGY CONSUMER.—The term ''major energy consumer'' means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries.

Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean

electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SA 1503. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 269. GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.

(a) DEFINITION OF LEED SILVER STANDARD.—In this section, the term ''LEED silver standard'' means the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council.

(b) GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.—

(1) REQUIREMENT.—Except as provided in paragraph (2), a Federal building for which the design phase for construction or major renovation is begun after the date of enactment of this Act shall be designed, constructed, and certified to meet, at a minimum, the LEED silver standard.

(2) DETERMINATION OF IMPRACTICABILITY.—

(A) IN GENERAL.—Subject to subparagraph (C)(ii), the requirement under paragraph (1) shall not apply to a Federal building if the head of the Federal agency with jurisdiction over the Federal building, in accordance with the factors described in subparagraph (B), determines that compliance with the requirement under paragraph (1) would be impracticable.

(B) FACTORS FOR DETERMINATION.—In determining whether compliance with the requirement under paragraph (1) would be impracticable, the head of the Federal agency with jurisdiction over the Federal building shall determine—

(i) the quantity of energy required by each activity carried out in the Federal building; and

(ii) whether the Federal building is used to carry out an activity relating to national security.

(C) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and submit to the Secretary a report that includes a description of each Federal building for which the head of the Agency with jurisdiction over the Federal building determined that compliance with the requirement under paragraph (1) would be impracticable.

(ii) REVIEW BY SECRETARY.—Not later than 90 days after the date on which the Secretary receives a report from a head of a Federal agency under clause (i), the Secretary shall review the report and notify the head of the Federal agency on whether any Federal building described in the report submitted by the head of the Federal agency shall be required to comply with the requirement under paragraph (1).

(D) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this paragraph.

(3) STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress the results of a study comparing—

(i) the expected energy savings resulting from the implementation of this section; with

(ii) energy savings under all other Federal energy savings requirements.

(B) INCLUSION.—The Secretary shall include in the report any recommendations for changes to Federal law necessary to reduce or eliminate duplicative or inconsistent Federal energy savings requirements.

SA 1504. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TELECOMMUTING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. TELECOMMUTING CREDIT.

''(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the amount of the telecommuting credit determined under this section for the taxable year shall be equal to 40 percent of the qualified first-year wages for such year.

''(b) QUALIFIED FIRST-YEAR WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

''(2) QUALIFIED WAGES.—The term 'qualified wages' means the wages paid or incurred by the employer during the taxable year to qualified telecommuters.

''(3) ONLY FIRST $6,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first-year wages which may be taken into account with respect to any individual shall not exceed $6,000 per year.

''(c) QUALIFIED TELECOMMUTER.—For purposes of this section, the term 'qualified telecommuter' means any individual who renders not less than 40 percent of the service described in subsection (b)(1) from the individual's principal residence.

''(d) WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

''(2) ON-THE-JOB TRAINING AND WORK SUPPLEMENTATION PAYMENTS.—

''(A) EXCLUSION FOR EMPLOYERS RECEIVING ON-THE-JOB TRAINING PAYMENTS.—The term 'wages' shall not include any amounts paid or incurred by an employer for any period to any individual for whom the employer receives federally funded payments for on-the-job training of such individual for such period.

''(B) REDUCTION FOR WORK SUPPLEMENTATION PAYMENTS TO EMPLOYERS.—The amount of wages which would (but for this subparagraph) be qualified wages under this section for an employer with respect to an individual for a taxable year shall be reduced by an amount equal to the amount of the payments made to such employer (however utilized by such employer) with respect to such individual for such taxable year under a program established under section 482(e) of the Social Security Act.

''(e) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 52 and subsections (f), (g), (i), (j), and (k) of section 51 shall apply.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the telecommuting credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45O. Telecommuting credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''The Impact of Rising Gas Prices on America's Small Businesses,'' on Thursday, June 14, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Allyson Anderson, a AAAS fellow, and Paul Augustine, an EPA detailee, with my staff

on the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on this Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that Benjamin Robinson, Kristen Meierhoff, and Matthew Zedler, who are interns with my staff on the Energy and Natural Resources Committee, also be granted the privilege of the floor for the remainder of the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

30TH ANNIVERSARY OF ASEAN-UNITED STATES DIALOGUE AND RELATIONSHIP

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 177, S. Res. 110.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) expressing the sense of the Senate regarding the 30th Anniversary of the ASEAN-United States dialogue and relationship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 110

Whereas the Association of Southeast Asian Nations (referred to in this resolution as ''ASEAN''), was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand as the initial members;

Whereas the membership of ASEAN has expanded to 10 countries since its establishment in 1967, and now includes Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam;

Whereas the United States-ASEAN dialogue and relationship began in 1977;

Whereas the countries of ASEAN constitute the 3rd largest export market for the United States, have received approximately $90,000,000,000 in direct investment from the United States, and are developing an integrated free trade area;

Whereas trade between the United States and the countries of ASEAN totals nearly $170,000,000,000 annually;

Whereas ASEAN is committed to accelerated economic growth, social progress, cultural development, and regional peace and stability;

Whereas ASEAN is committed to developing a regional energy security strategy;

Whereas nearly 40,000 students from ASEAN countries are studying in the United States;

Whereas ASEAN countries share common concerns with the United States, including the spread of avian influenza and other diseases, and environmental issues, such as the preservation of biodiversity and illegal logging;

Whereas ASEAN countries continue to partner with the United States against global terrorism;

Whereas the Senate passed legislation authorizing the establishment of the position of United States Ambassador for ASEAN Affairs; and

Whereas United States officials announced in August of 2006 that an Ambassador for ASEAN Affairs will be appointed: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States and the ASEAN countries should continue implementing the ASEAN-United States Enhanced Partnership, with emphasis on the agreed upon specific priority measures for cooperation in 2007;

(B) the United States should proceed with appointing a United States Ambassador for ASEAN Affairs;

(C) the United States should work with the countries of ASEAN in developing a regional energy strategy;

(D) the United States should provide greater emphasis and support toward encouraging students from ASEAN countries to study in the United States, and American students to study in ASEAN countries; and

(E) the United States should continue to support the work of multilateral financial institutions, including the Asian Development Bank and the World Bank in ASEAN countries, and to encourage additional transparency and anticorruption efforts by those institutions, for the benefit of the ASEAN countries where they operate;

(2) the Senate welcomes the initiation of a Fulbright Program for ASEAN scholars; and

(3) the Senate welcomes and encourages planning by the countries of ASEAN and the United States for an ASEAN-United States Summit in 2007.

MEMORIALIZING FALLEN FIREFIGHTERS

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. Res. 171.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 171) memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

ORDERS FOR TUESDAY, JUNE 12, 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, June 12; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half under the control of the Republicans and the second half under the control of the majority; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 6; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences; that all time during morning business and the adjournment or recess count postcloture; that at 2:15 p.m. Tuesday, the motion to proceed be agreed to and the motion to reconsider be laid upon the table and the Senate then proceed to H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, June 12, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 2007:

DEPARTMENT OF TRANSPORTATION

THOMAS J. BARRETT, OF ALASKA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MARIA CINO, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LYN D. SHERLOCK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be major general

BRIG. GEN. GARBETH S. GRAHAM, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JIMMIE J. WELLS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EMERSON N. GARDNER, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE M. BRUZEK-KOHLER, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 11, 2007 withdrawing from further Senate consideration the following nomination:

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Monday, June 11, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
June 11, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL) for 5 minutes.

IN MEMORIAM OF ARMY SERGEANT JAMES AKIN

Mr. UDALL of New Mexico. Madam Speaker, I rise today to honor Army Sergeant James Akin, a true American hero who lost his life while serving his country in Iraq. James was one of four soldiers killed near Baghdad on Sunday, June 3, 2007 when a roadside bomb detonated alongside the Humvee he was driving. He was killed less than a month before his 24th birthday.

James was a successful businessman who sold his retail cell phone company at an age when most Americans are just beginning their professional career. But he was always more interested in serving the public than himself. James felt that a public servant is effective through action and experience rather than rhetoric. To that end, he enlisted in the Army and was deployed to Iraq in the fall of 2004. He was honored to serve his country, and, envisioning a future political life, he wanted to understand issues of military conflict from the perspective of a war veteran.

I regret that I did not know James personally, for those who did describe him with love, and they do so passionately. The many messages posted on his personal web page by those who knew him convey the tremendous admiration they had for him, and illustrate the caring, influential and thoughtful man that he was. They describe a father figure, a brotherly adviser and a considerate, deeply loving and equally loved husband.

A current member of my staff, Sarah Cobb, who worked with James on a congressional campaign in Albuquerque, said of him: ''He truly was what is said of him—gregarious, outgoing and effervescent.''

The love James had for his country and his countrymen was infectious. He openly and honestly told anyone he met of his future desire to run for President of the United States. He encouraged those he knew, and those he did not, to stay informed and to be involved in government and the electoral process. From what I have learned of James, I believe that if his life had not been cut short, he may indeed have addressed the Nation from the floor of this great Chamber.

Today, there is a void in the lives of all who knew him, and New Mexico is a lesser place for having lost him. Yet James will live on in the hearts and minds of those he touched, and New Mexico is lucky to call him a native son.

In 2004, James managed the New Mexico State senate campaign of my friend Victor Raigoza. Though they did not win that tough political battle, James showed the true measure of his character when he sent the following words of wisdom and encouragement to Mr. Raigoza: ''Live life to serve, because you can. Dissent, because you can. Enjoy freedom, because you can. Remember always that the measure of our progress is not whether we can provide more for those who have plenty, but whether we can provide enough for those who have little.''

My heartfelt condolences go out to James' family and James' wife Syreeta, his father and namesake James, and the large number of friends, extended family members and fortunate individuals whose lives he touched.

I spoke to Syreeta last Friday and told her how much the Nation appreciates James' service to his country. To Syreeta and James' family, thank you for your sacrifice.

I believe I speak for all New Mexicans when I say our Nation will always maintain a priceless debt of gratitude and the utmost respect for the service and sacrifice of Army Sergeant James Akin. He will be missed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 2 p.m.

PRAYER

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

We lift our eyes to You, O God of eternity. So far beyond our understanding or our experience You are all holy, all powerful.

To be fully present in Your sight this day stirs within us a desire to be truly humble, poor in spirit and truly silent, listening to Your Word speaking to our hearts.

Bless this assembly of the 110th Congress, Lord. Give us liberty from all the knotty problems of this world that tighten our imagination and narrow our perception.

Rather, breathe upon us Your cleansing Spirit that Your servants may have a broad and penetrating vision on how to unleash the free exercise of people and untie the mistakes of the past.

May the native born, new citizens, immigrants, guests and visitors, those in high places and the lowly, all give You glory and praise now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

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

APPOINTMENT OF MEMBER TO ATTEND FUNERAL OF THE LATE HONORABLE CRAIG THOMAS

The SPEAKER pro tempore. Pursuant to House Resolution 454, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the committee to attend the funeral of the late Honorable Craig Thomas:

Mrs. CUBIN, Wyoming

PROTECTING CHILDREN IN THE WORKFORCE

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

Mr. WILSON of South Carolina. Madam Speaker, tomorrow the House will consider a bill to further protect our children in the workforce. While children under the age of 18 are permitted to work under American labor law, certain rules provide reasonable limitations.

Under this bipartisan measure, companies will receive stiffer monetary penalties should a violation of these laws result in the injury or death of a child in the workplace.

I appreciate the leadership of Chairman GEORGE MILLER and ranking Republican BUCK MCKEON on this issue. As ranking Republican of the Workforce Protection Subcommittee, I am pleased to have worked closely with Chairwoman LYNN WOOLSEY on this issue.

I am grateful the House is coming together to consider this bill and ensure the safety of our Nation's children. I urge my colleagues to support this critical legislation.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING 50TH ANNIVERSARY OF LAKE SIDNEY LANIER, GEORGIA

Mr. ALTMIRE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 354) to recognize the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 354

Whereas the Congress of the United States authorized the creation of Lake Sidney Lanier and Buford Dam by official act in 1946 for flood control, power production, wildlife preservation and downstream navigation;

Whereas construction on the Buford Dam project by the Army Corps of Engineers began in 1951;

Whereas the Army Corps of Engineers constructed the dam and lake on the Chattahoochee and Chestatee Rivers at a cost of approximately $45,000,000;

Whereas, in 1956, Jack Beachem and the Army Corps of Engineers signed a lease to create Holiday on Lake Sidney Lanier Marina as the lake's first concessionaire;

Whereas the first power was produced through Buford Dam at Lake Sidney Lanier on June 16, 1957;

Whereas Holiday on Lake Sidney Lanier opened on July 4, 1957;

Whereas Buford Dam was officially dedicated on October 9, 1957;

Whereas nearly 225,000 people visited Lake Sidney Lanier to boat, fish and recreate in 1957;

Whereas, in present times, more than 8,000,000 visitors enjoy the attributes and assets of Lake Sidney Lanier annually to boat, fish, swim, camp, and otherwise recreate in the great outdoors;

Whereas Lake Sidney Lanier generates more than $5,000,000,000 in economic impact annually, according to a study commissioned by the Marine Trade Association of Metropolitan Atlanta;

Whereas, Lake Sidney Lanier has won the prestigious Chief of Engineers Annual Project of the Year Award, the highest recognition from the Army Corps of Engineers for outstanding management, an unprecedented 3 times in 12 years—1990, 1997 and 2002;

Whereas Lake Sidney Lanier hosted the paddling and rowing events for the 1996 Summer Olympics;

Whereas marinas serve as the gateway to recreation for the public on America's waterways;

Whereas Lake Sidney Lanier is now home to 10 marinas —Aqualand Marina, Bald Ridge Marina, Gainesville Marina, Habersham Marina, Holiday on Lake Sidney Lanier, Lanier Harbor Marina, Lazy Days Marina, Port Royale Marina, Starboard Cove Marina, and Sunrise Cove Marina;

Whereas Lake Sidney Lanier will join the Nation on Saturday, August 11 in celebration and commemoration of National Marina Day; and

Whereas 2007 marks the 50th anniversary of Lake Sidney Lanier: Now, therefore, be it

Resolved, That the House of Representative recognizes the 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in support of House Resolution 354 offered by the gentleman from Georgia (Mr. DEAL) to recognize the year 2007 as the official 50th anniversary celebration of Lake Sidney Lanier.

Congress first authorized the construction of Buford Dam in 1946 as one project in a comprehensive plan to develop our Nation's water resources for the purposes of national defense, power production, flood control, navigation, and water supply. The first groundbreaking for construction occurred on March 1, 1950, and on June 17, 1957, the first hydropower was produced by the generators of the dam.

Today, Lake Lanier provides power production, flood control, water supply, navigation, fish and wildlife management, and recreational activities to members of the surrounding communities and businesses. This week in June is a suitable time to recognize Lake Lanier's contributions to the area and accomplishments. As summer heat begins to spread across the Nation, both water supply and cooling water recreational activities are on many minds.

More than 60 percent of the population of the State of Georgia relies on water stored in Lake Lanier or down the Chattahoochee River. Similarly, properties around the lake and down the river rely on its banks and dam for flood control.

Nearly 8 million visitors come annually to appreciate the scenery and leisure opportunities provided by the lake. In fact, Lake Lanier holds the title of the most-visited Army Corps lake in the entire country. Facilities include 10 marinas and 57 parks for swimming, boating, fishing and picnicking. In 1996, Lake Lanier hosted the paddling and rowing competitions for the Summer Olympics in Atlanta.

And several years ago, the Marine Trade Association of Metro Atlanta found that Lake Lanier has an economic impact of $5.5 billion.

I urge my colleagues to join with me and the gentleman from Georgia (Mr. DEAL) in supporting House Resolution 354 to honor the impacts, accomplishments and continuing success of Lake Lanier on its 50th anniversary.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, today we recognize the 50th anniversary of Lake Sidney Lanier, an Army Corps of Engineers facility located in the State of Georgia.

Lake Lanier is one of 464 lakes in 43 States constructed and operated by the U.S. Army Corps of Engineers.

Our Nation is blessed with considerable water resources that support our Nation's economy and quality of life. We need water for our homes, farms and factories. Water also supports navigation, generates power and sustains our environment.

Congress authorized the Buford Dam Project in 1946 just after the end of the Second World War. Groundbreaking for the project began in 1950. Constructed by the U.S. Army Corps of Engineers, Lake Lanier is a multipurpose, 38,000-acre lake that provides flood protection, power production, water supply, navigation, recreation, and fish and wildlife management.

Nestled in the foothills of the Georgia Blue Ridge Mountains, Lake Sidney Lanier is one of America's favorite lakes. Over 7.5 million people a year choose to visit Lake Lanier. With over 692 miles of shoreline, the lake is well known for its aqua-blue colored water, spectacular scenery and variety of recreational activities.

When completed, the total cost of construction, including land acquisition, was almost $45 million. When the gates of the dam were closed in 1956, it took more than 3 years for the lake to reach its normal elevation of 1,070 feet above sea level.

The lake is named for one of the Nation's most famous poets, Sidney Lanier. Born in Georgia in 1842, Mr. Lanier entered Oglethorpe College at 14 years of age, graduating at the top of his class in 1860.

While serving on the blockade runner ''Lucy'' during the Civil War, Mr. Lanier was captured and contracted tuberculosis while imprisoned in Maryland. Following the Civil War, Mr. Lanier played the flute for the Peabody Symphony and lectured at Johns Hopkins University.

While he is known for works like ''The Harlequin of Dreams,'' ''In Absence,'' ''Acknowledgement,'' and ''Sunrise,'' he is best remembered for ''The Song of the Chattahoochee,'' an enduring legacy for the native Georgian.

I urge all of our Members to support this legislation.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Res. 354, recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

Lake Lanier is named after Sidney Clopton Lanier, a poet and musician who was born in Macon, Georgia, in 1842. After participating in battle during the Civil War, and being captured and imprisoned in Point Lookout, Maryland, Mr. Lanier contracted tuberculosis, which would affect him for the rest of his life.

Mr. Lanier's life was one of practicality and beauty: while he practiced law to support his wife and four children, he was also the first flutist in the Peabody Orchestra in Baltimore, Maryland, and an accomplished poet. The Lake was named after Mr. Lanier because of the way he positively portrayed the Chattahoochee River in his poetry.

In fact, Lake Lanier itself is a symbol of both practicality and beauty. It provides crucial flood control, protecting approximately $2 billion worth of property in the surrounding area. Similarly, on June 16, 1957—50 years ago this week—Buford Dam began producing power for the first time. Hydropower continues to flow from these waters to this day.

Although the lake is one of 464 lakes constructed and operated by the U.S. Army Corps of Engineers, it has won the annual award for "best operated lake" for three separate years: 1990, 1997, and 2002.

While the flood control, water supply, and power production role of Lake Lanier may be critical to the continuing livelihood of the communities in the surrounding area, the lake also provides beautiful scenery and recreational opportunities that local citizens and visiting tourists enjoy. The U.S. Army Corps of Engineers estimates that more than 7.5 million people visit the 692 miles of lake shoreline each year.

I urge my colleagues to join with me in recognizing the 50th anniversary of Lake Lanier.

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

Mr. ALTMIRE. Madam Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 354.

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

A motion to reconsider was laid on the table.

RECOGNIZING 40TH ANNIVERSARY OF LOVING v. VIRGINIA LEGALIZING INTERRACIAL MARRIAGE

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 431) recognizing the 40th anniversary of Loving v. Virginia legalizing interracial marriage within the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 431

Whereas the first anti-miscegenation law in the United States was enacted in Maryland in 1661;

Whereas miscegenation was typically a felony under State laws prohibiting interracial marriage punishable by imprisonment or hard labor;

Whereas in 1883, the Supreme Court held in Pace v. Alabama that anti-miscegenation laws were consistent with the equal protection clause of the 14th Amendment as long as the punishments given to both white and black violators are the same;

Whereas in 1912, a constitutional amendment was proposed in the House of Representatives prohibiting interracial marriage ''between negroes or persons of color and Caucasians'';

Whereas in 1923, the Supreme Court held in Meyer v. Nebraska that the due process clause of the 14th Amendment guarantees the right of an individual ''to marry, establish a home and bring up children'';

Whereas in 1924, Virginia enacted the Racial Integrity Act of 1924, which required that a racial description of every person be recorded at birth and prevented marriage between ''white persons'' and non-white persons;

Whereas in 1948, the California Supreme Court overturned the State's anti-miscegenation statutes, thereby becoming the first State high court to declare a ban on interracial marriage unconstitutional and making California the first State to do so in the 20th century;

Whereas the California Supreme Court stated in Perez v. Sharp that ''a member of any of these races may find himself barred from marrying the person of his choice and that person to him may be irreplaceable. Human beings are bereft of worth and dignity by a doctrine that would make them as interchangeable as trains'';

Whereas by 1948, 38 States still forbade interracial marriage, and 6 did so by State constitutional provision;

Whereas in June of 1958, 2 residents of the Commonwealth of Virginia—Mildred Jeter, a black/Native American woman, and Richard Perry Loving, a Caucasian man—were married in Washington, DC;

Whereas upon their return to Virginia, Richard Perry Loving and Mildred Jeter Loving were charged with violating Virginia's anti-miscegenation statutes, a felonious crime;

Whereas the Lovings subsequently pleaded guilty and were sentenced to 1 year in prison, with the sentence suspended for 25 years on condition that the couple leave the State of Virginia;

Whereas Leon Bazile, the trial judge of the case, proclaimed that ''Almighty God created the races white, black, yellow, Malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.'';

Whereas the Lovings moved to the District of Columbia, and in 1963 they began a series of lawsuits challenging their convictions;

Whereas the convictions were upheld by the State courts, including the Supreme Court of Appeals of Virginia;

Whereas the Lovings appealed the decision to the Supreme Court of the United States on the ground that the Virginia anti-miscegenation laws violated the Equal Protection and Due Process Clauses of the 14th Amendment and were therefore unconstitutional;

Whereas in 1967, the U.S. Supreme Court granted certiorari to Loving v. Virginia and readily overturned the Lovings' convictions;

Whereas in the unanimous opinion, Chief Justice Earl Warren wrote: ''Marriage is one

of the 'basic civil rights of man,' fundamental to our very existence and survival. . . . To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law.'';

Whereas the opinion also stated that ''the Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.'';

Whereas in 1967, 16 States still had law prohibiting interracial marriage, including Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia;

Whereas Loving v. Virginia struck down the remaining anti-miscegenation laws nationwide;

Whereas in 2000, Alabama became the last State to remove its anti-miscegenation laws from its statutes;

Whereas according to the U.S. Census Bureau, from 1970 to 2000 the percentage of interracial marriages has increased from 1 percent of all marriages to more than 5 percent;

Whereas the number of children living in interracial families has quadrupled between 1970 to 2000, going from 900,000 to more than 3 million; and

Whereas June 12th has been proclaimed ''Loving Day'' by cities and towns across the country in commemoration of Loving v. Virginia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) observes the 40th Anniversary of the U.S. Supreme Court decision in Loving v. Virginia; and

(2) commemorates the legacy of Loving v. Virginia in ending the ban on interracial marriage in the United States and in recognizing that marriage is one of the ''basic civil rights of man'' at the heart of the 14th Amendment protections.

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H. Res. 431, a resolution I introduced along with the gentleman from Georgia (Mr. LEWIS), commemorating the 40th anniversary of Loving v. Virginia, the landmark Supreme Court decision legalizing interracial marriages within the United States.

I thank Chairman CONYERS for expedition consideration of this resolution so it could be brought to the floor before the actual date of the anniversary which is tomorrow, June 12.

In June of 1958, two residents of the Commonwealth of Virginia, Mildred Jeter, a black Native American woman, and Richard Perry Loving, a Caucasian man, were married in Washington, D.C. Upon their return to Virginia, Richard Perry Loving and Mildred Jeter Loving were charged with violating Virginia's anti-miscegenation statutes, which made their marriage a felony.

□ 1415

They challenged their convictions, culminating in the June 12, 1967, U.S. Supreme Court opinion in Loving v. Virginia, striking down the remaining anti-miscegenation laws that were still in effect in 16 States.

In the unanimous opinion, the Supreme Court rejected bigotry against interracial relations, recognizing an individual's right to marry under the 14th amendment. Chief Justice Earl Warren wrote: ''Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival . . . To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the 14th amendment, is surely to deprive all the States' citizens of liberty without due process of law.''

The opinion also stated that ''the 14th amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.''

The Loving decision marked a critical step forward in our Nation's struggle toward equal rights for all, particularly full marriage equality. According to the U.S. Census Bureau, from 1970 to the year 2000 the percentage of interracial marriages has increased from 1 percent of all marriages to more than 5 percent. The number of children living in interracial families has quadrupled between 1970 and 2000, going from 900,000 to more than 3 million. Because of the decision's profound impact in our society, numerous cities and towns across this country have already proclaimed June 12 Loving Day in commemoration of this decision.

Indeed, the Supreme Court's opinion forcefully rejected the argument employed by Leon Bazile, the trial judge of the case, who defended his decision convicting the Lovings as part of God's plan. Unfortunately, after 40 years, similar types of arguments are still being employed by a few to deny full marriage equality to everyone.

In commemorating the legacy of Loving v. Virginia in ending the ban on interracial marriage in the United States, H. Res. 431 reaffirms the Loving court's recognition that marriage is one of the ''basic civil rights of man'' at the heart of the 14th amendment protections.

I strongly urge my colleagues to support this timely resolution.

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

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

I want to thank the gentlewoman from Wisconsin for presenting this resolution to this Congress, and I notice that many of the statements that she has made have laid out I think the history of this Loving case very well to the Congress, and so what I will seek to do is perhaps just add and fill in perhaps some of the blanks that may have been left, although I'm not convinced that there are many.

And that is the emphasis on equal protection and due process clause of the 14th amendment. I think it was clear when a unanimous decision in the Supreme Court in the Loving case, and it isn't often that you see an issue that has been traditionally rooted from the time of our Founders up until 1967, have a unanimous decision of the Supreme Court, even though it met that resistance at every step of the way throughout the entire appeals process until it got to the Supreme Court.

Today, it looks like a clear decision. It looks easy; it's simple. None of us would have any trouble with this Loving decision; but, in fact, then it was a matter of an idea whose time had finally come.

But the Supreme Court laid out very clear language in their decision that legislative classifications based on race were ''odious to a free people whose institutions are founded upon the doctrine of equality,'' and further condemned Virginia's interracial marriage statute. And then the Court concluded: ''There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the equal protection clause.''

I just appreciate the privilege to emphasize those things, and then I'd like to add then some other thoughts to this record, Mr. Speaker, and that is that we rightfully celebrate the anniversary of the landmark decision here today. The institution of marriage between one man and one woman is older than the Nation itself. It predates government itself, and it also limits the power of government because traditional families are the fundamental units of our society.

Through them, we pour through that crucible our values from a father and a

mother into the children and the values of our patriotism, our faith, our work ethic, our culture. The things we eat and the things we do, every component of our culture and civilization is concentrated through those values of those children that we have and that we're so well-blessed with; and without marriage, government would be bound to expand to take its place and would try lamely to do so.

But marriage embraces only one principle, and that is the marriage of a union between a man and a woman, and the further distinction of that and to have government draw a distinction between people based upon their ethnicity should be abhorrent to a free people.

And I stand here, Mr. Speaker, before you this afternoon, and I take this position that I believe we are all created in God's image, and what He has created, I believe it's an insult to Him if we draw distinctions between His creation. He has also seen to bless us with some specific characteristics that help us identify one another. And because He has seen to bless us with those characteristics, and in this case it was skin color, it doesn't mean it still isn't a reflection of God's image.

And I recall stepping into a church in Port Gibson, Mississippi, the Catholic church there that was built in 1848 by the hands of some of the family of Jim Bowie, and the priest in that church was Father Tony Pudenz, and he showed me in the church that this church that was built in 1848, the floor of the church was built for whites, the balcony was built for blacks. And just a week before that, they had buried the editor of the newspaper who had in 1967 taken his white family from the floor of the church and walked his five children and his wife up there where they sat in the balcony with the African Americans, thereby sending a statement where half of the congregation walked across the street to the Episcopal church where they go to church to this very day. But the balance of that congregation is an integrated congregation.

And so I would say we can't be for equality if we're not in support of intermarriage. God has created us all equally, and based upon that, I support this resolution. I think it's appropriate that we bring it today.

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

Ms. BALDWIN. Mr. Speaker, the Loving v. Virginia decision was a milestone in our continuing efforts to fulfill the original promises of our Constitution, fulfilling the blessings of liberty for all Americans. It is highly fitting that we remember and honor the decision on its 40th anniversary. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and agree to the resolution, H. Res. 431.

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

A motion to reconsider was laid on the table.

ENCOURAGING DISPLAY OF THE FLAG ON FATHER'S DAY

Ms. BALDWIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2356) to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2356

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

SECTION 1. ADDITIONAL OCCASSION FOR DISPLAY OF THE FLAG OF THE UNITED STATES.

Section 6(d) of title 4, United States Code, is amended by inserting after ''Flag Day, June 14;'' the following: ''Father's Day, third Sunday in June;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 2356 and include extraneous materials in the RECORD.

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

There was no objection.

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

As part of our Nation's bicentennial celebration in 1976, Congress passed a joint resolution re-emphasizing existing rules and customs pertaining to the display and use of the flag, especially recommending its display on a number of different holidays, including Mother's Day, the second Sunday in May.

Omitted from the list was Father's Day. H.R. 2356 would amend the Federal flag code to include Father's Day, the third Sunday in June, among important holidays on which to fly the American flag.

The law now provides that, in addition to the important occasions listed in the flag code, ''the flag should be displayed on all days.'' I know that this is the custom in every community in the United States.

Still, I think that it is important for the flag code to recognize both mothers and fathers, who raise the next generation, inculcate them with the values they need to be good citizens and good neighbors.

I want to thank our colleague, the gentleman from Georgia (Mr. SCOTT) for his efforts to enact this worthwhile legislation.

And I urge my colleagues to join me in supporting this legislation to honor fathers in the flag code, just as we now honor mothers.

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

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

I rise in support of this legislation which would add Father's Day, the third Sunday in June, to the list of holidays listed in the U.S. flag code on which it's particularly appropriate to fly the American flag.

It's altogether appropriate that Father's Day be added to the list of holidays on which the flag should be flown. Both fathers and mothers are essential elements to the basic family unit that has made America so strong. And so the flag should be flown proudly on both Father's Day, as provided by this bill, and on Mother's Day, as already provided in existing law, as a sign of respect for both mothers and fathers and the essential role the traditional family plays in raising new citizens in our democracy.

I would add, I want to also thank Congressman TODD TIAHRT for bringing this initiative to Congress. It's interesting to note that there was a class in his district that when they were studying the history and studying the days that the Federal Government encourages display of the flag, they noticed that Father's Day was missing. They had written a letter to Congressman TIAHRT asking that he take action on this, and he has introduced a bill and it complements this bill before us.

So I thank him for that and I wanted to emphasize how important it is for citizens to weigh in and to reach out and communicate with Members of Congress because here's a perfect example of how young people saw a gap, had their voice heard, and we have an opportunity here now to fill that gap.

The first Father's Day celebration occurred in Fairmont, West Virginia, in 1908, and the first Mother's Day celebration occurred just 15 miles away in Grafton, West Virginia. So that neighborhood is the home now of Father's Day and Mother's Day. But it's a historical anomaly that Mother's Day and Father's Day were instituted so close in time, but it has taken until today for the House to pass a bill to add Father's Day to the day on which it's especially appropriate to fly the flag.

President Calvin Coolidge recommended Father's Day as a national holiday in 1924; and in 1966, President Johnson made Father's Day a holiday

to be celebrated on the third Sunday of June. The holiday was officially recognized in 1972, during the Presidency of Richard Nixon. I look forward to President Bush signing this legislation into law and encouraging all Americans to fly the flag of their own fatherhood celebrations, which will happen at my house.

And as a father, I'm particularly pleased to be here on the eve of the next Father's Day, helping support this piece of legislation.

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

Ms. BALDWIN. Mr. Speaker, I now yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT), the sponsor of this legislation.

□ 1430

Mr. SCOTT of Georgia. Mr. Speaker, thank you to Ms. BALDWIN, the distinguished lady from Wisconsin for her generosity, and thanks to Mr. KING and those on the other side of the aisle who are joining in this effort.

Mr. Speaker, without question, this is an extraordinary day, it is an extraordinary bill, is an extraordinary occasion. This is America, the greatest country in the world, and our flag represents greatness. To have now, finally, fruition, the manifestation of those precious words that were captured in the book of Exodus in the holy scriptures, where God said, the greatest and the first commandment in relationship of man to man were these words, ''Honor thy father,'' and then He said, ''and thy mother that thy days will be long in the land.''

Finally, today, on this day, June 11, in the year 2007, nearly 4,000 years since those words were written down and inscribed, we are finally recognizing fathers as well as mothers by making sure the flag flies not just on Mother's Day but on Father's Day as well.

In the Hebrew language, the word for ''father'' is ''abba,'' and in the Greek language it is ''pater,'' and together those words mean the begatter, the progenitor, the source. But it also means provider and protector. It is no wonder why God in His wisdom said: ''Honor thy father'' and He put father first, and our mother, and now we are rectifying that situation.

I am very delighted to be here. This is an important bill, at an important time, because never before have we needed to stress the role of father, to be a good father.

It is a gaping hole in the fabric of America that fathers are not being fathers. Throughout so many aspects of our society, the American flag is one of the greatest symbols of our country. It is the representation of our freedoms, our values, our heritage as a Nation.

As Americans, our flag code instructs us to fly the flag every day, but especially on a number of very special significant Federal, religious, and cultural holidays. For many years, this list of occasions has included Veterans Day, President's day, Columbus Day and Mother's Day.

In the past several years, the list was amended to include the Reverend Martin Luther King, Jr.'s observation of his birthday as a national holiday, in honor of his outstanding contributions that he made in his lifetime to the advancement of the civil rights of all Americans.

But our flag code currently does not reflect the important roles of both men and women in the raising of children, and never before have we needed to emphasize that. It is time that this body officially recognizes the importance of American fathers by passing this important legislation today.

I am pleased that the House is considering H.R. 2356, for fathers play an extraordinary role in the development of children. Psychologists have emphasized that the presence of a father significantly influences a child's development in many ways. Infants not only distinguish between their father and strangers' voices within the first 4 weeks of life, but infants also recognize that a father is likely to engage in play time with them.

That first impression, to hear that strong comforting voice of a father, to balance that with the mother, is so critical in the development of our children. In later years, the relationship between a father and his children strongly influences success in the classroom, improves relationships with peers, and decreases the likelihood of negative behavior.

Is there any wonder that today in so many reaches and depths in our neighborhoods that there is negative behavior, and that is so much associated because there is not a father being a father in the home and in the life of that child.

The presence of a father is also a very important determinant in the child's socioeconomic potential later in life. Unfortunately, over the last four decades, research shows that there has been an unprecedented rise in this Nation in the number of fatherless homes, especially when they are first born, no father.

The National Fatherhood Initiative emphasizes that children from families with fathers are five times less likely to be poor. What is the answer to poverty? Getting the fathers who produce these children to be fathers, to take care of these children and be responsible for these children.

It is important for Congress to emphasize the significance of fathers and their socioeconomic value of the two-parent family as well, for studies also show that children are more likely to engage in recreational activities when their fathers are present. When fathers are involved in organized sports such as soccer, baseball and basketball, they are not only encouraging physical activity in their children, but also character development and sportsmanship.

Fathers also benefit for participating in their children's teams, as physical activity contributes to increased wellness and disease prevention in men. Fathers who are active in child rearing may also find themselves more nurturing toward their colleagues in the workplace, improving other aspects of their lives, by taking younger coworkers under their wing or volunteering more time to charitable organizations as well.

Schools across this country are developing innovative programs to reach out to parents and to especially get fathers involved in various and positive activities. In Kansas City, Missouri, the Reconnecting Education and DADS organization developed a specific reading program for fathers to use with their children.

The Kindering Center of Belleview, Washington, created a weekly support group for fathers of children with special needs. All over the country, schools are facilitating courses in responsible fatherhood, including education on child development, managing stress and good nutrition for their children and themselves.

I want to take just a minute here to acknowledge the important work of a similar organization in my own congressional district in Georgia. These men, these fathers are making a difference in the lives of our children by volunteering their time to improve the learning environment, not only for the children, but the many others who are within the school as well. They call it the DADS organization, DADS, whose acronym stands for Diverse and Dedicated Support, and it is a collective effort by fathers in my congressional district to serve as role models, not the athlete, not the rap guy, not the singer, not the superstars. The great role models for our young people need to be their fathers. By doing this today, this Congress is making this bold and much-needed statement.

This program places fathers of students in Clayton County, Georgia, middle schools to serve as hallway and classroom monitors to help with the discipline problems in our schools. Who better to do that, helping faculty to maintain order as students transition between classes throughout the day. This is where the violence sometimes starts. But with a parent there, particularly a father, a strong male presence, these men also serve as tutors when students need the help the most, including Clayton County students to pursue their education and their dreams.

One self-employed volunteer at Lovejoy Middle School works while students are in class, and takes breaks throughout the day to monitor hallways and classrooms. That's a father.

Another volunteer, a wounded veteran from the war in Iraq, not only sacrificing his life in Iraq, where he was wounded, but he comes back home in Clayton County, Georgia, and walks the halls of Adamson Middle School with a cane. What a sight. These are heroes. No greater role model could we find than this wounded veteran who was wounded in Iraq, but comes back to help shape the lives of our young people in school.

He came so that he may assist the faculty in ensuring good discipline among the students. I am so honored, I am so full, I am overflowing up here today to know these fathers are making the ultimate difference in our communities and in my district. These men are not just fathers to individual students. They are dads to the children who lack the involvement of a father in their lives. The expansion of this program to elementary and high school underscores the success to reach out and encourage the involvement of fathers both inside the school and out.

In closing, I want to also note that many children from single-parent families are doing well. They are succeeding. But just think what it would be if they had both parents there, if they had been raised to be upstanding and successful members of our community. By passing this legislation today, we will show our support for the important roles that fathers, as well as mothers, play in preparing future generations in this country.

Honor thy father and thy mother so that thy days will be long in the land. We are doing that in Congress today, with extraordinary important, meaningful, and significant legislation.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, listening to Mr. SCOTT talk about the importance of fathers and mothers in the family and the home and the children, I can't any longer resist reflecting through the generation and what this means to me as we discuss this bill that will encourage the special attention to flying the flag on Father's Day.

All of us, each of us has a father. We don't always get to know that father, but I certainly got to know mine. There is hardly a day that goes by that I don't think of him.

I know that there is never a day that goes by that his influence on me doesn't show up in me in something that I do. I look at the grandfathers that I have known. I had the privilege of knowing one of my grandfathers. I watched the message that came from them, the work ethic and the history, and to sit on his knee and to listen to him tell me about his father and his grandfather and the relation of the families and about how far it goes back and rooted into the settlers that came across the country, the pioneers.

My grandfather on my mother's side was sent at a young age, about 13 years old, to go from Indiana to Iowa, to go work on a farm that had only daughters and no sons. What little bit of pay that he got, even at that young age, he had to send back to Indiana. Then when he needed a pair of shoes, he had to write a letter and ask, can I have some money, I need a pair of shoes.

Well, he was a smart young man, and he married the farmer's daughter, and another generation began. That farmer's daughter and that fellow, of course, that young man, were the parents to my mother.

But on my father's side, my father taught me some things that I think have been invaluable in my life. He was the one that always challenged me. Every evening we sat down, all our life was about like the book ''Fun with Dick and Jane.'' Every evening we sat down at the supper table, and Dad carried the conversation. It was either about his day at work, or it was about current events, and then sometimes and oftentimes it was the same thing, given his job. He was the one that taught me to be intellectually honest.

First, you listened before you spoke, and you looked for an opportunity, and the amount of seniority you had in the family and credibility gave you a little bit more opportunity to speak. But if you spoke, and you could not support the statement that you made, he would be there to challenge you on what do you support that statement with. Why can you make a statement like that when these are the countervailing facts?

So, from a young age, one of the most important things my father taught me was to be intellectually honest and expect to be challenged if you are not intellectually honest.

On one of those occasions we began a discussion of whether you can convert watts to horsepower. We had a debate going on, an argument going on, that lasted for 3 days. Every night at supper, I would start that debate up again.

Then I went to the school library and went through a book and finally found the equation that showed how to do the math between watts and horsepower. I snuck that book down to the supper table, marked it, set it on my knees throughout supper. Then when we finished eating and the conversation began, we went into that discussion again.

When I got him just to the right point in the conversation that I could win the debate, I pulled out the book, opened it up to the formula and said here, so many watts equals horsepower. I thought I had the argument won. But I had not been apparently intellectually honest enough, because he said, that's not what I am talking about. Horsepower is mechanical power, watts is electrical power, and you can't equate the two. I learned a real important lesson there as well, but time after time, day after day, the important values of hard work and ethics and integrity and telling the truth and knowing that when I looked him in the eye he knew what was in my mind and he knew what was in my soul.

Even when I watch my hands work today, they are the hands of my father doing that work. When I come here to work here in this Congress, I know that I just don't represent the 600,000 people in my district, which is a profound thing and a tremendous honor to be able to do that, but all of us are the legacy of our fathers and mothers, the work ethic that they taught us, the values that they taught us. We are what has come through that crucible. We are the representatives of the generations.

□ 1445

And to be those representatives, we can thank two people in our lives more than any others, and that's our fathers and our mothers. And I think that came through Mr. SCOTT's discussion here very well, and I appreciate that that's in the record and we had the opportunity to hear that. I wanted to add some of those words from my side of this as well.

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

Ms. BALDWIN. Mr. Speaker, I would also like to join the gentleman from Iowa in giving special recognition to our colleague, Mr. TIAHRT of Kansas, who has also worked on this issue and is sponsoring similar legislation. This really is a remarkable bipartisan effort.

Mr. Speaker, this is simple, yet sensible legislation to accord equal honor to fathers as to mothers in the statutory guidance on flying our Nation's flag on special days of the year. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2356, which amends title 4 of the United States Code to encourage the display of the flag of the United States on Father's Day. Unfortunately, our flag code does not include Father's Day in the list of important occasions. H.R. 2356 rectifies this oversight by including Father's Day, among the important holidays on which Americans are encouraged to fly the American flag.

Father's Day in USA is celebrated with great enthusiasm and lot of fanfare on third Sunday of June. In observing this day, people reflect on the invaluable role played by fathers in building the character of children and in the development of the Nation. On Father's Day we honor our fathers and express gratitude for their love and affection.

It is a wonderful idea to raise the American flag on Father's Day, and allow it to symbolize the hard work and dedication of our fathers. The benefits of a father's influence are well documented. School achievements in children may be negatively effected in the absence of a good father-child relationship. Father influence can affect the choice of occupations,

preferred school subjects, and role development of their children. Clearly, the father can greatly impact the lives of his children.

For all of these reasons, we should honor American fathers by amending the flag code to include Father's Day on the list of important observances.

Mr. TIAHRT. Mr. Speaker, today I was very pleased to help honor America's fathers by voting for H.R. 2356. This bill amends title 4 of the U.S. Code that governs how and when it is appropriate to fly the flag of the United States. I recently introduced similar legislation in this Congress, and I am pleased to work with other Members of Congress on both sides of the aisle to move this idea forward.

Prior to 1923, flag etiquette was not established in U.S. law. Handling of the flag was done in accordance with traditions that traced back to service procedures in the Army and Navy. These procedures were codified during the National Flag Conference in 1923. Congress solidified these procedures in a joint resolution in 1942.

Contained within this code is a list of holidays on which it is especially appropriate to fly the flag. Independence Day, Memorial Day and Veterans' Day are among the holidays listed. Mother's Day is rightfully on the list of recognized holidays. Unfortunately, Father's Day is not.

This idea was actually suggested to me by Mr. Joe Beffer's 8th grade civics class at Roosevelt Middle School in Coffeyville, Kansas. The students had a six week assignment to replicate the legislative process, complete with elected Representatives, Senators, and a President.

One young man noticed that our flag code did not recognize Father's Day as a holiday on which it is especially encouraged to fly our Nation's flag. He offered a bill to add Father's Day to the honored holidays and it passed their replica Congress. I was honored when the class passed their idea to me. I am pleased to be a part of this Congress' efforts to help honor the contributions America's fathers continue to make to our strong Nation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2356.

The question was taken.

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

Ms. BALDWIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE IDEALS AND VALUES OF THE OLYMPIC MOVEMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 395) supporting the ideals and values of the Olympic movement.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 395

Whereas, for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in athletic competition;

Whereas the United States Olympic Training Centers in Colorado, California, New York, Michigan, and Alabama are dedicated to the development of Olympic athletes;

Whereas athletes representing the United States at the Olympic games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic team and aspire to compete in the 2008 Olympic games;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic team; and

Whereas June 23, 2007 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympic games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the ideals and values of the Olympic movement;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

I would first like to commend our distinguished colleague, the gentleman from Colorado (Mr. LAMBORN), for introducing this important resolution.

The Olympics are, first and foremost, about sports, athletes from around the world uniting in their love of their games and their commitment to free and fair competition.

But the Olympics are also an important global forum where athletes, trainers and leaders and spectators from around the world come together to participate in and observe the greatest competition on Earth. The games epitomize the spirit of global harmony and cooperation among nations.

For over 100 years, the modern Olympics movement, in sponsoring the games, has built understanding by bringing athletes together around the world in open competition and by forging new bonds of friendship, solidarity and sportsmanship.

Given the current state of global affairs, we all have learned a lot from the Olympic participants and from the symbolism of the peaceful assemblage of people from all different walks of life.

It is with this harmonious sentiment that Mr. LAMBORN's resolution recognizes the significance of the Olympic movement in global understanding.

This resolution is particularly timely as we approach the 2008 games in Beijing, China, and encourages China to act responsibly in accordance with the spirit of this Olympics.

This bill also recognizes the proud history of our own U.S. Olympic Committee, which has coordinated the development of young athletes in the United States and sent so many of them to represent our country with amazing poise.

I'm delighted that the House will today take this opportunity to recognize the anniversary of the founding of the modern Olympic movement on June 23.

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

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

Mr. Speaker, I rise in strong support of House Resolution 395. I am pleased to sponsor this resolution that supports and commemorates the ideals and values of the Olympics.

In a few weeks, on June 23, 2007, the United States Olympic Committee will be celebrating the anniversary of the founding of the modern Olympic movement.

Specifically, June 23 represents the date in 1896 on which the Congress of Paris approved the proposal of Baron Pierre de Coubertin to found the modern Olympic games.

The Olympics emphasize the values and ideals of, among other things, an active, healthy lifestyle for both able-bodied and disabled athletes, personal excellence, good sportsmanship and fair play, without regard for gender, race or age.

The Olympic movement and its message of peace and solidarity offer hope during times of tumultuous world events.

For over 100 years the Olympic movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship and fair play.

Presently, thousands of men and women throughout the United States are working hard to prepare for competition to proudly represent our great Nation. Embodying values of health and fitness, Olympic athletes are role models for young people as obesity becomes far too widespread in the United States.

These athletes will be participating in one of the upcoming Olympic games: the XV Pan American Games, which will take place in Rio de Janiero, Brazil, later this year; the XXVIV Summer Olympics in Beijing, China, in 2008; and the XXI Winter Olympics in Vancouver, Canada, in 2010.

As China prepares to open its doors to the world, the 2008 Olympic games in Beijing could well be a defining event for our generation.

The Olympic movement's ideals and values are as relevant today, if not more so, than when the modern Olympic games began more than 100 years ago.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to commend the gentleman for his statement, and to honor the spirit of the Olympic movement, and especially that the great State of Colorado hosts the resources and the facilities that allow our athletes from all over the country to come and to train and to prepare adequately for this important global event.

And I cannot help but to reflect on some of the history and how important are some of the events that were classical as far as the Olympics were concerned. And I want to share with my colleagues one of the great personalities that have come out of this, a gentleman by the name of Jim Thorpe, who was a descendent, who was a Sauk and Fox Indian, American Indian, a descendant of a great warrior chief and athlete himself, Black Hawk, Jim Thorpe. It is very interesting in the annals of the Olympic games. In 1912, when he won the Olympics, several gold medals in the Olympics there, and he was approached by the King Gustav of Belgium, and he said, Sir, this is what the king said to Mr. Thorpe. Sir, you are the greatest athlete in the world. And Thorpe, never a man to stand on ceremony, answered and simply said, Thanks, King.

Jim Thorpe was one of the greatest athletes in the world. He played baseball, he played football, in fact, in 1950 he was named the greatest American football player. And then another accolade that was given to this great athlete, Olympic athlete, the greatest overall male, at least by the Associated Press in 1950.

Jim Thorpe, unfortunately, was suspended in terms of the medals that he won during the Olympics supposedly because he had played professional baseball. Supposedly, this is what he was accused of.

Well, later on his medals were restored.

But given the fact that this is one of the great personalities that have evolved from the spirit of the Olympic movement, another gentleman that I want to share with my colleagues historically was a gentleman by the name of Jesse Owens, a son of Alabama, but raised in the State of Ohio, in Cleveland, Ohio, specifically.

It was in the 1936 Olympics, 1936 Olympics in Berlin, Germany, and there was this problem that some of our friends from Germany, particularly Adolph Hitler, had this very interesting concept about the supremacy of the white Aryan race. And this African American athlete went there and won four gold medals, to the extent that it was very ironic.

Here, Jesse Owens could not even train together with his white counterparts, the members of the Olympic Committee, representing the United States of America. And yet, when he got to Germany, in the midst of 110,000 spectators in that stadium there in Berlin, ironically Owens was allowed to travel and stay in the same hotels as whites in Germany, and yet was denied the same privilege here in our own country.

The fact is even noted that after a New York ticker tape parade that was given in his honor in New York City, that Owens had to ride the freight elevator to attend a reception for him at the Waldorf Astoria.

I think it's worth noting that this gentleman, humble as he was, one of the greatest athletes, one of the greatest athletes coming from our country, again the spirit of the Olympics, where race, color, creed or religion should have no barrier, and yet this great American set a tremendous example of what he did in 1936.

Unfortunately, as well, in 1968, at the height of the civil rights movement, the Olympics that took place in Mexico, where gentlemen by the name of Tommy Smith and John Carlos demonstrated in their own way, of course they were highly ridiculed by the media; and it was their way of showing that something was wrong here in America. African Americans were not given the same civil rights and liberties as all other Federal Americans, as is guaranteed supposedly by the U.S. Constitution.

They made a display of their concern that in America, that something was wrong in our country. And I think they were later honored by the San Jose State University for the fact that they stood up for principle, not because they hated the Olympics or being athletes, but because of that.

Then the Olympics of 1980, we had a very serious problem when the Soviet Union attacked Afghanistan. And President Carter then issued a very interesting statement. You pull out of Afghanistan or we're going to boycott the Olympics. That's exactly what happened in 1980. And unfortunately, all our athletes who trained so hard for that 4-year period just wasted that whole energy and time unfortunately. But because of political reasons.

And here's one of the ironies, Mr. Speaker, that the United States was joined in this boycott with Japan, West Germany, China and Canada. And guess who didn't join us? Great Britain, France, Greece. Very, very interesting host of supposedly our allies and friends as a matter of principle in terms of what the Soviet Union did in 1979.

And then what happened in 1984? The Soviet Union and the Warsaw Pact members turned around and boycotted the Olympics in Los Angeles.

□ 1500

In the 1988 Olympics in Korea, Mr. Speaker, it was my privilege to lead the first delegation of my territory, as members of the Olympic Committee, believe it or not, in the Olympic organization, in Seoul, Korea. And what an awesome and powerful force it was to show the world community in terms of showing these athletes who prepare for so long and so hard that they could share not only their talent but, more than that, their fellowship with each other.

Now, in the advent of what is happening seriously in terms of what we are trying to do in Darfur, the moment now among some of the leaders and others in the world is to boycott the Olympics in China because some feel that China is not doing enough to put pressure on the Sudanese Government to stop the genocide, to stop the genocide in Darfur, where over 400,000 lives

have already been lost because of that terrible crisis of genocide, and over 2 million refugees have already been sighted because of this terrible incident's happening, and the fact that China receives 70 percent of its oil supply from Sudan and the fact that China also supplies arms to the Sudanese Government.

It is a very serious issue. And, unfortunately, like I said, I wish we lived in a perfect world where we can separate the politics from athletics, but this is not the reality that we are faced with.

And I am also making an urgent plea to our good friends from China, the leaders of China, to put pressure on the Sudanese Government, put pressure on the Sudanese Government to stop the genocide in Darfur.

Again, I want to commend my colleague and good friend for his support and for the sponsorship of this important legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I want to thank my colleague from American Samoa for the words he has just shared and especially for the inspiring example that he recounted to us of Jim Thorpe and Jesse Owens.

An Olympic athlete has the potential to galvanize the attention of the entire country, sometimes the entire world, through overcoming adversity through athletic excellence, and I expect that we will be seeing a lot more of that in the future. And that is the kind of inspiration that we as Americans and our young people can benefit from.

I am proud that in Colorado Springs we have the headquarters of the United States Olympic Committee and we have a very involved training center in Colorado Springs, in my district. We also have training centers in other parts of the country. I am aware of training centers in California, New York, and Michigan as well. So the Olympics movement is something that we as a Nation can be proud of and can support, and I would hope that this resolution makes a big step in that direction.

I want to thank my colleague across the aisle for helping me on this resolution, for the words that he shared.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 395.

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

A motion to reconsider was laid on the table.

PROVIDING THAT EXECUTIVE DIRECTOR OF INTER-AMERICAN DEVELOPMENT BANK MAY SERVE ON BOARD OF DIRECTORS OF INTER-AMERICAN FOUNDATION

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 676) to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 676

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

SECTION 1. AUTHORITY TO APPOINT EXECUTIVE DIRECTOR OR ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK TO THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION.

The third sentence of section 401(g) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(g)) is amended to read as follows: ''Three members of the Board shall be appointed from among the following: officers or employees of agencies of the United States concerned with inter-American affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this proposed legislation.

The Inter-American Foundation is an important agency of the United States Government that strengthens relations between the United States and Latin America and makes significant contributions to economic development and civil society throughout the region. The foundation, which also receives contributions from the Inter-American Development Bank, primarily funds partnerships among grass-roots and nonprofit organizations and businesses and local governments. These partnerships are directed at improving the quality of life of poor people and strengthening civic participation, accountability, and democratic practices.

The foundation is therefore a vital agency that bolsters Latin America and ought to have the full support of relevant agencies and bodies, especially the Inter-American Development Bank.

The bill before the House today comes to us from the Senate. It simply makes explicit that the executive director of the Inter-American Development Bank should be eligible for appointment to the board of the Inter-American Foundation. While it was previously assumed that the head of the bank could be appointed to the foundation board, such eligibility was never codified in the law.

This bill is a technical fix that our good friends, the distinguished chairman of the Senate Foreign Relations Committee, Mr. BIDEN; and the senior ranking member of the Senate Foreign Relations Committee, Mr. LUGAR, believe that this law should be installed.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, this legislation adds a technical clarification to the Inter-American Foundation Act. By background, this bill would amend the Inter-American Foundation Act to clarify that the President may appoint the U.S. executive director of the Inter-American Development Bank, or IADB, or his alternate to serve as a member of the Board of the Inter-American Foundation.

The Inter-American Foundation Act requires that three members of the nine-member board ''shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs.''

The authors of this legislation appear to believe the clarification is necessary because some have recently questioned whether or not a U.S. executive director to an international financial institution, or IFI, like the IADB, is actually an officer or employee of agencies of the United States.

I would note simply that this question is largely a nonissue. To my knowledge, never before has Congress questioned whether a U.S. executive director could concurrently serve on the Inter-American Foundation's board.

Indeed, any experience with the day-to-day operations of the international financial institutions would suggest that the U.S. executive directors to IFIs effectively function as officers or employees of the United States. In this regard the World Bank Web site states that ''the U.S. executive director is an employee of the U.S. Department of Treasury and is supported by an alternate executive director for the United

States, as well as a team of advisers representing different executive branch agencies.''

The U.S. representatives to the IFIs receive detailed instructions from the Secretary of the Treasury regarding the position of the United States Government on all votes pending before the board, as well as on all outstanding policy matters. The U.S. representatives to these institutions are also eligible to receive employee benefits, and the Treasury Department serves as the employing office for collecting, accounting for all retirement and health insurance benefits payments made by these individuals.

Having said that, passage of this act will certainly do no harm and may serve to help expedite the consideration of Hector Morales to serve as a member of the Board of Directors of the Inter-American Foundation. Mr. Morales is currently serving as the United States executive director of the Inter-American Development Bank, a position to which he was appointed after receiving the advice and consent of the Senate in November 2004. The position on the Board of Inter-American Foundation would be a part-time appointment.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend, the gentleman from Colorado, for his most eloquent statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the Senate bill, S. 676.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING AND WELCOMING THE DELEGATION OF PRESIDENTS, PRIME MINISTERS, AND FOREIGN MINISTERS FROM THE CARIBBEAN TO WASHINGTON, DC

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 418) recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 418

Whereas Presidents, Prime Ministers, and Foreign Ministers from Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad, and Tobago will travel to Washington, DC, to attend the Conference on the Caribbean and meet with Members of Congress;

Whereas for the first time in its history, through the cooperation of the Caribbean Community (CARICOM), the Department of State, and Congress, the Conference on the Caribbean is convening June 19, 2007, through June 21, 2007, in Washington, DC;

Whereas CARICOM was created through the Treaty of Chaguaramas in 1973 at Chaguaramas, Trinidad and Tobago;

Whereas CARICOM was established in order to improve labor standards, production, and sustained economic development, expand foreign trade and economic relations, increase economic leverage and effectiveness of Member States in dealing with third-party states, enhance the coordination of Member States' foreign policies and trade relations, and promote the tradition of democracy in the region;

Whereas CARICOM is developing stronger trade, economic relations, and overall cooperation with the United States Government;

Whereas the Conference on the Caribbean is a unique dialogue between leaders of the United States and Caribbean countries to develop regional strategies for economic development and better relations with Caribbean countries;

Whereas the United States has maintained deep and enduring relations with the peoples of Caribbean countries and is linked to the Caribbean not only through geography but also through common interests and values;

Whereas the United States and Caribbean countries can enhance their cooperation in many areas, including mutually beneficial trade and economic relationships, countering the transnational scourges of crime, drugs, and terrorism, combating the spread of infectious disease, protecting the environment and encouraging tourism, maintaining fisheries and other maritime resources, addressing climate change, energy security and renewable energy sources, and promoting democracy and good governance; and

Whereas there are increasing numbers of Americans of Caribbean heritage making myriad contributions to America's rich cultural fabric and diversity: Now, therefore, be it

Resolved, That House of Representatives—

(1) recognizes the deep and historic ties between the peoples of the United States and the Caribbean;

(2) expresses the hope that relations between the United States and the Caribbean will continue to grow closer in the future;

(3) commends the Caribbean Community (CARICOM) for holding the Conference of the Caribbean; and

(4) recognizes and welcomes the delegation of Presidents, Prime Ministers, and Foreign Ministers from Caribbean countries to Washington, DC.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution.

Let me first commend my distinguished friend and colleague, also a senior member of the Foreign Affairs Committee, the gentleman from New York, Mr. ELIOT ENGEL, chairman of the Subcommittee on the Western Hemisphere, for introducing this important resolution, which welcomes an impressive delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC for the Conference on the Caribbean.

Mr. Speaker, the Caribbean nations are as varied and stunningly exquisite as anywhere in the world. We are pleased to have a strong relationship with the Caribbean Community, also known as CARICOM, the free trade association that unifies these states.

For the first time in its history, through the coordination of the Caribbean Community, the State Department and Congress, the Conference of the Caribbean is convening in Washington. The Foreign Affairs Committee is pleased to be meeting with the members of this delegation when they convene here on June 19 through June 21. They will also be meeting with President Bush as well as members of the House Ways and Means Committee and the Congressional Black Caucus.

This is to be a historic meeting that ushers in a new era of cooperation between the United States and the nations of the Caribbean, an area of the world often neglected.

The United States and the countries of the Caribbean can enhance collaboration in several important areas, including mutually beneficial trade and economic relationships; battling crime, drugs, and terrorism; and combating the spread of diseases including HIV/AIDS. This will also be a golden opportunity for the Caribbean nations and the United States to cooperate on new and clean energy production technologies.

Our relations with the Caribbean also hit very close to home as there are increasing numbers of Americans of Caribbean heritage making significant contributions to our culture here in

America. I need only to cite a few that come to mind, and one of the gentlemen I had the privilege of meeting years ago was none other that Mr. Harry Belafonte, whose roots are also from the Caribbean. What about the late and former Congresswoman Shirley Chisholm, the first African American woman to run for President of the United States, and she certainly distinguished herself in representing her constituents from New York.

□ 1515

Also, at the meeting, I had the privilege of meeting with a gentleman by the name of Sidney Poitier from the Caribbean, of Caribbean heritage. And of course none other than former Chairman of the Joint Chiefs of Staff, and also former Secretary of State, Mr. Colin Powell, whose heritage is also from the Caribbean.

We need to continue to work on ways to strengthen the open markets and economic ties that have brought prosperity to many Caribbean nations that promise to lift up those in need. We all look forward to seeing some real tangible results coming out of this upcoming conference.

I urge my colleagues to give this resolution its fullest support.

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

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

Mr. Speaker, I rise in strong support of H. Res. 418 that welcomes the delegations of presidents, prime ministers and foreign ministers from the Caribbean to Washington to meet with the U.S. Congress. This delegation brings the President of Suriname, the prime ministers of Barbados, Belize, Grenada, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago, foreign ministers from the CARICOM countries, and the Assistant Secretary General of the Caribbean Community.

These unprecedented meetings are part of the CARICOM Conference on the Caribbean that will take place from June 19–21.

The Caribbean Community, or CARICOM, was established in 1973 to unify member countries on foreign policies and trade relations with outside states, and to improve the economic conditions of the region.

Fourteen member states will be represented at the meeting, which will focus on trade relations with the United States, energy cooperation, and security concerns, including small arms trafficking and counternarcotics efforts, immigration and the reintegration of the Portuguese in the region, and the prevention of HIV/AIDS.

There is always room to improve U.S. relations with our southern neighbors. Other such areas to be addressed during the discussions include encouraging tourism, protecting the environment, addressing energy security and renewable resources, combating the spread of infectious disease, and promoting democracy and good governance. This bill recognizes the deep and historic ties between the people of the United States and the Caribbean, and it commends the Caribbean Community for the establishment of the first-ever conference of this kind.

I applaud this important step, and look forward to working with CARICOM to improve the overall relations between the U.S. Congress and our Caribbean allies.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank my good friend and colleague from Arkansas for his support of this important legislation.

Mr. Speaker, I forgot to mention as part of my commenting on this, the tremendous number of world-renowned athletes also coming from the Caribbean. I can only think of Bob Clemente from Puerto Rico. I know of one other, but I am going to get back to you on them, Mr. Speaker.

Mr. Speaker, at this time it is my privilege to yield such time as he may need to the chief sponsor and author of this proposed legislation, my good friend and colleague, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I would like to thank my good friend from American Samoa, my classmate, we came to Congress together in 1989, for yielding me this time. I would like to thank Chairman LANTOS for marking up this resolution, and for the support of many members of the Foreign Affairs Committee.

I would also like to thank my colleagues. This is the first speech I am making on the House floor since the passing of my dear mother, and I want to thank my colleagues for their support and for their strength and caring for me and my family.

Mr. Speaker, this resolution welcomes a delegation of presidents, prime ministers and foreign ministers from 14 Caribbean nations to Washington, D.C., for the Conference on the Caribbean, which will be held next week.

I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, and I can tell you that the relationship that the United States has with the Caribbean nations is of paramount importance. In fact, in many of the trips that we have gone on, people have said to us they want the United States to be involved. They have a sense, many times, that we have looked elsewhere, and they don't understand why.

So I think it is important for our subcommittee to be involved, our committee to be involved and for the U.S. Congress to be involved in helping to foster good ties with the Caribbean nations; and of course this resolution lays the groundwork, and the interaction with the delegations from the Caribbean that will be here this week is very, very important.

As Mr. FALEOMAVAEGA said, the Caribbean nations are as culturally varied and physically beautiful as anywhere in the world. It is important to expand our strong relationship with the Caribbean Community, also known as CARICOM. This is an historic conference. For the first time in its history, through the coordination of the Caribbean Community, the State Department, the Congress, the Conference on the Caribbean is convening in Washington. I cannot state how important that is and how significant that is and what kind of important role the United States Congress can play.

I am honored to be the chairman of the Western Hemisphere Subcommittee, and I will do everything in my power to help facilitate relations between the United States, United States Congress and the nations of the Caribbean.

The Foreign Affairs Committee is pleased to be meeting with the members of this delegation on June 20 at 2:30 p.m., and I encourage all our colleagues, both on our committee and on our subcommittee, and even people that are not on our committee, to attend this meeting.

The delegation will also be meeting with President Bush, as well as members of the Ways and Means Committee and the Congressional Black Caucus, and as well as, of course, our Foreign Affairs Committee.

Mr. Speaker, I visited four Caribbean countries in the last 6 months and have learned much from our friends in the south. In Haiti, leaders are very appreciative for the support of the United States and for the recent passage of the HOPE legislation, but want to make sure we coordinate closely with the government on our assistance plan.

Further to the south, leaders of the many small island nations feel neglected by the United States and are looking for closer cooperation on energy, security, crime, education, health and other issues. Countries like China are stepping in and filling the vacuum left by the United States in these small, but strategically important countries. This is our hemisphere, the Western Hemisphere, and we simply must be more engaged. We cannot stand back and think that other countries are not going to move into the vacuum. You know, we used to go to school when we were kids and learn about the policy of ''hands off the Americas,'' but that's not true anymore. Other countries, like China and like Iran and other places, will step in if we neglect these countries.

Our friends in the Caribbean have offered their support for U.S. efforts to combat global terrorism. With the recent revelation that the suspects from Trinidad and Tobago and Guyana were

involved in the plot to blow up JFK Airport in New York City, we need more than ever to work closely with our allies in the Caribbean to defeat terrorism.

I was just in Trinidad with a delegation. We met with the leader of Trinidad, and he told us in emphatic terms how closely he wanted to work with the United States to combat terrorism. They're willing, they're able, they want to work with us. We just need to show that we want to work with them.

Terrorism is not just a single region issue, it impacts all areas of the world. When we have friends reaching out to us in our hemisphere as allies on the war on terror, we must closely engage with them.

I am looking forward to this historic meeting that ushers in a new era of cooperation between the United States and the Caribbean, an area of the world to which, again, I don't believe we have been paying adequate attention.

The United States and the countries of the Caribbean can enhance collaboration in several important areas, including mutually beneficial trade and economic relationships, battling crime, drugs and terrorism, and combating the spread of diseases, including HIV/AIDS. There is also a golden opportunity for the Caribbean nations and the U.S. to cooperate on new and clean energy production technologies. And, again, when we were in Trinidad, we visited some of those technologies, Trinidad being a major supplier of natural gas to the United States of America.

Our relations with the Caribbean also are very important as there are large numbers of Americans of Caribbean heritage, as the gentleman from American Samoa pointed out, making significant contributions to our culture in America. I represent the New York City area district. In New York City and in the suburbs, and in my district alone in New York, there are very, very large numbers of Caribbean residents, including Jamaicans, Haitians, Dominicans, and many, many others. The Dominican Republic is a country that wants to work closely with us, a very important country. Haiti needs our attention. Grenada, where the United States invaded when Ronald Reagan was President, now we seem to be neglecting them. We visited there as well. So these are countries that we need to watch, to work with.

The gentleman on the other side of the aisle mentioned St. Vincent and the Grenadines. It's just coincidental that the foreign minister of St. Vincent and the Grenadines, who will be here, went to college with me some 40 years ago in New York City. And we have maintained our friendship through all those years, never knowing that I would eventually go to Congress and he would become the foreign minister of St. Vincent in the Grenadines. And so I hope to work with him on these issues. His name is Louis Straker. These are important relationships, and we need to continue to foster them.

And finally, we must continue to work on ways of strengthening the relationships that have brought prosperity to many Caribbean nations and that promise to lift up those in need. It is my hope that our friends in the Caribbean can see some real concrete results coming out of this important Caribbean Conference in Washington.

Let me just conclude by saying the time for rhetoric is over. It is now time for action and a real enhancement of our relations with the Caribbean.

Again, Mr. Speaker, I would like to thank my colleagues for their support of this legislation. I thank the chairman. I thank the gentleman from the American Samoa, the gentleman from Arkansas. We all need to work together. This should be bipartisan. This is good for America. We need to strengthen our ties with the Caribbean.

Mr. BOOZMAN. Mr. Speaker, I want to thank the subcommittee chairman for his hard work. Also, I want to thank the chairman of the full committee, Mr. LANTOS, and Ms. ROS-LEHTINEN for bringing this forward along with our staff.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend my colleague and chairman of our Subcommittee of the Western Hemisphere. Not only am I an original cosponsor of this important resolution, but also, as a member of the Western Hemisphere Subcommittee, it has been my privilege over the years to also visit some of our countries here in the Caribbean area. And as my friend from New York has said, sometimes we neglect these so-called small states.

A couple of weeks ago, I had the privilege of hosting several presidents and prime ministers from the South Pacific, from the Pacific region. Currently, in the United Nations they have what is known as a small states association, which is comprised primarily of states or countries from the Caribbean, and also from the Pacific region. And they number about a little over 42 members in the United Nations.

The point I wanted to make, Mr. Speaker, is these are sovereign, independent nations, and we are not to look at them as just because they're small, that they are not important as far as our national needs are concerned. We ought to be very sensitive to the needs of small states, no matter where they are.

I also want to note with a sense of irony that right in the middle of the Caribbean we have 4 million U.S. citizens living in the Commonwealth of Puerto Rico. I failed to mention that with my love and passion for the sport of golf, it was my privilege to meet a couple of years ago the great golfer from Puerto Rico, Chi Chi Rodriguez. I stated earlier Sammy Sosa. We have so many names here, Mr. Speaker, I just wanted to share with my colleagues and my good friend from Arkansas, tremendous contributions of talent coming from the Caribbean region. I don't need to say them in terms of the wealth of talent coming from the Caribbean as far as the sport of baseball is concerned. I just want to share that note with my colleagues.

And again, I want to commend my good friend, the chairman of our Foreign Affairs Subcommittee on the Western Hemisphere. We look forward to meeting with these presidents and prime ministers coming from the Caribbean region.

Mrs. CHRISTENSEN. Mr. Speaker, as a daughter of the Caribbean and the only member of the House from the English-speaking Caribbean, I rise in strong support of H. Res. 418, which recognizes and welcomes the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commends the Caribbean Community, CARICOM, for holding their Conference on the Caribbean.

It is with great pride that I join my colleagues in applauding the heads of Government of the CARICOM Caribbean Community of nations for convening their conference on the Caribbean—A 20/20 Vision—here in Washington. The theme of the conference is: CARICOM DEVELOPMENT IN THE 21st Century: Economic Growth with Social Equity.

I want to thank and commend my colleague and friend the chairman of the Subcommittee on Western Hemisphere, Representative ENGEL for introducing H. Res. 418 and for shepherding it on to the floor of the House today.

Mr. Speaker, the nations of the Caribbean, some of the longest and most stable democracies in the region, have long been among our closest friends and staunchest allies. In recent years, the region was described as America's "third border" because events there have a direct impact on the security of the United States. However, while we have made statements about bolstering political and economic stability in the region, the reality is that our friends to the south have been suffering from our benign neglect.

Whether it has been our position on Caribbean bananas at the WTO, or our insistence that our Caribbean neighbors make costly upgrades to their air and seaports to comply with our post-September 11th security concerns, to the recently instituted Western Hemisphere Initiative, our Caribbean neighbors have been taking it on the chin economically as a result of policy decisions we have made to address our domestic and foreign policy agendas.

I also hope that the recently uncovered plot to blow up a fuel supply line at the JFK Airport in NY, allegedly involving four men from Guyana and Trinidad and Tobago will not lead to the belief that the Caribbean is becoming a "hotbed of terrorism".

In holding their conference in Washington, our Caribbean neighbors hope to strengthen

the relationship between the United States and CARICOM by addressing priority areas for future Caribbean growth and development, including issues related to trade, competitiveness and investment, in mutually beneficial and reinforcing ways.

They also hope to deepen and broaden the dialogue between the Governments and people of CARICOM and the Government and people of the United States of America that should result in the renewed appreciation of the Caribbean.

We—the Congress and the Bush Administration—owe it to these small and vulnerable friends to seriously consider the issues they will raise with us during the conference. These include, trade and competitiveness, immigration, cooperation on security issues including the return of criminal deportees, disaster preparedness and mitigation and health-care including HIV/AIDS.

The Caribbean and its peoples have deep and historic ties with the United States and its peoples. It is my fervent hope that through this conference and the meetings that will take place with President Bush and the Members of Congress, including the Congressional Black Caucus, that relations between the United States and the Caribbean will continue to grow closer in the future.

I urge my colleagues to support adoption of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 418, recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commending the Caribbean Community, CARICOM, for holding the Conference on the Caribbean.

I will first begin by thanking my colleague on the Foreign Affairs committee and chairman of the Subcommittee on the Western Hemisphere, Representative ELIOT ENGEL, for introducing such an important key resolution, which welcomes to Washington, DC, Presidents, Prime Ministers, and Foreign Ministers from all nations of the Caribbean. Through cooperation between CARICOM, the Department of State and the United States Congress, delegates will meet for the first time in history for a three day—June 19–June 21, 2007—Conference on the Caribbean.

As a member of the United States House of Representatives, I recognize the deep and historic ties between our American people and those of the Caribbean. I would like to take this opportunity to commend the Caribbean community, CARICOM, for holding this conference, as well as to recognize and welcome all delegates to the United States. I look forward to working with the Caribbean community in maintaining and strengthening the relations between both countries.

CARICOM was created through the Treaty of Chaguaramas in 1973 to aid in developing stronger trade and economic relations, improving labor relations, and sustaining economic development and overall cooperation when dealing with third-party states. It will be the hope of all delegates convened to usher in a new era of cooperation between the U.S. and the Caribbean; an area of the world that is often neglected.

As a strong supporter of the notion of a global marketplace of ideas, I strongly believe that this meeting can serve as a landmark toward creating mutually beneficial relationships, as well as enhancing collaboration in several areas such as trade and economic relationships, crimes, drugs and terrorism, while also combating the spread of diseases, including HIV/AIDS. The Conference on the Caribbean also allows the two countries to cooperate on new and clean energy-production technologies.

As a leader in one of the most diverse metropolitan districts in the nation, as well as a member of the Foreign Affairs Committee here on Capitol Hill, I strongly cherish the bond that our two nations share. I can attest to the significant contributions that Americans of Caribbean heritage are making in America. Houston is a multicultural city with a large and even advancing international community; for that reason, I strongly support and value a cultural outreach effort.

I thank you once again, Mr. ENGEL, for your efforts in introducing this piece of legislation. I am looking forward to witnessing the results of this upcoming conference.

Mr. Speaker, I ask all of my colleagues to join me in supporting this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to welcome an impressive delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC for the first ''Conference on the Caribbean'' through the coordination of the Caribbean Community (CARICOM), the State Department, and Congress.

This multifaceted and dynamic region is strikingly promising, offering an array of opportunities. CARICOM is committed to enhancing economic integration through a common market and common trade policies. Members of this organization are also committed to increasing their functional cooperation by pooling resources and services in the area of human and social development, as well as coordinating foreign policy objectives that make a concerted stride for regional advancement.

The fact that this meeting is taking place in our Nation's capitol is indeed something that I applaud. However, I would be remiss if I did not emphasize the concentrated costs associated with developing an institutional framework needed to secure deeper regional integration. Therefore, it is essential that the international community invests in the socioeconomic infrastructure of this lucrative region in order to increase competitiveness and development. Aggressively pursuing partnerships and seizing opportunities to open markets are instrumental in securing a progressive future for this often ignored region.

This fortified partnership is much needed to address plaguing social dilemmas that warrant international attention. As HIV/AIDS, crime, and poverty ripple through the Caribbean region, we must be compelled to advocate for this region's growing plights. The increasing West Indian influence in the U.S. legitimizes the need for continued U.S.-Caribbean relations. According to 2000 census data an estimated 1.9 million of the total U.S. population comes from a West Indian background.

I am proud to represent Florida's 23rd district where approximately 115,000, or 18 percent of the entire district, has a Caribbean heritage. The growing presence of West Indians in South Florida, New York, and Washington, DC, has contributed to enhancing multicultural communities that are committed to economic development and social advancement.

I applaud this important step, and look forward to working with CARICOM to improve the overall relations between the U.S. Congress and our Caribbean allies.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 418.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECOGNIZING THE STRONG ALLIANCE BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 295) recognizing the strong alliance between the Republic of Korea and the United States and expressing appreciation to the Republic of Korea for its efforts in the global war against terrorism, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 295

Recognizing the strong alliance between the Republic of Korea and the United States and expressing appreciation to the Republic of Korea for its efforts in the global war against terrorism.

Whereas for more than 50 years since the outbreak of the Korean War, a close relationship has existed between the United States and the Republic of Korea, which has been of enormous economic, cultural, and strategic advantage to both nations;

Whereas President George W. Bush and President Roh Moo Hyun have demonstrated their mutual willingness to forge a deeper alliance between the United States and the Republic of Korea to enhance stability in East Asia;

Whereas the 29,000 United States armed services personnel who are stationed in the Republic of Korea serve as a testament to the enduring strength of the 1953 U.S.–R.O.K. Mutual Defense Treaty;

Whereas the foundation of the relationship between the United States and the Republic of Korea rests on a shared interest in and commitment to peace, democracy, and freedom on the Korean Peninsula, in Asia, and throughout the world;

Whereas the Republic of Korea and the United States are both deeply committed to the Six Party Talks and have a mutual interest in keeping the Korean Peninsula free of nuclear weapons;

Whereas the Republic of Korea has more than 1,200 armed services personnel deployed in Iraq, constituting the third largest coalition contingent in Iraq behind the United States and the United Kingdom;

Whereas the Republic of Korea has more than 200 armed services personnel deployed in Afghanistan; and

Whereas the Republic of Korea has pledged $460,000,000 toward reconstruction and stabilization in postwar Iraq: Now, therefore, be it

Resolved, That the House of Representatives recognizes the strong alliance between the Republic of Korea and the United States and expresses appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism.

□ 1530

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of the resolution.

Mr. Speaker, let me first commend our distinguished colleague and former member of the Foreign Affairs Committee, my good friend and colleague, the gentleman from New York (Mr. KING), for being the author of and introducing this important resolution.

Mr. Speaker, the strong alliance between the United States and the Republic of Korea has been a pivotal relationship in world affairs since our involvement when we fought side by side in the Korean war over half a century ago. Out of that conflict was born one of the most significant dividing lines of the Cold War, a demilitarized zone on the 38th parallel that splits the Korean Peninsula and marked the divide between Communist Asia and democratic Asia. The partnership between our two countries held this line for decades. Today we help maintain a stable peace in Southeast Asia.

In the post-Cold War period, the Republic of Korea has remained a steadfast U.S. ally. It has contributed troops and pledged reconstruction funds for Iraq, and its forces are deployed in Afghanistan. As a key member of the six-party talks to denuclearize North Korea, it shares an important responsibility for broader security in Northeast Asia. Today we are committed absolutely to compelling the dangerous North Korea regime to eliminate its nuclear program.

Overall, South Korea is a key partner and an ally in the challenge of combating world terrorism. The combination of emerging terrorism threats and the North Korean challenge makes this resolution particularly important today.

I certainly want to commend my good friend, Assistant Secretary Christopher Hill of the State Department, for his diligence and efforts in negotiating with the North Koreans in the six-party talks. I would be remiss if I did not also recognize a most significant contribution made by the Republic of China and the help that they have contributed in bringing the North Koreans to the negotiating table and for which the negotiations are now ongoing, hopefully to bring about a resolution to this important problem.

In economic realms, Mr. Speaker, the U.S. relationship with the Republic of Korea is one of our strongest in Asia. The Republic of Korea was one of the original East Asian Tigers and served as a model for other countries in Asia with its booming economic growth in the seventies, eighties and nineties. South Korea now is the United States' seventh largest trading partner in the world.

This resolution honors the close alliance between the United States and the Republic of Korea and recognizes South Korea's important contributions to fighting not only terrorism around the world, but also welcomes a strengthening and deepening of the relationship between our two countries and our peoples.

Mr. Speaker, when I was in Vietnam, I remember vividly the presence of some 50,000 soldiers from South Korea who served alongside us, the U.S. forces. I kind of like to say now you know where your real friends are.

I am reminded of a Chinese proverb: there are many acquaintances, but very few friends. South Korea was one of those few friends who was willing to put their action where their talk is; and the fact that 50,000 soldiers were there fighting along U.S. forces and in that terrible conflict that we faced in Vietnam, I cannot help but express my personal commendation and appreciation to the leaders and to the people of South Korea when they were there with us when we needed help.

I visited South Korea several times and I consider them the most industrious people on this planet. There are over 1 million Korean Americans living in our country today, some among the most prominent in the areas of science and doctors. They have become lawyers, engineers and are in all types of businesses. I have a very strong affection for the Korean people and those fellow citizens who happen to be of Korean ancestry.

So I think this resolution is most fitting. Again, I commend my good friend, the gentleman from New York, for offering and proposing this resolution.

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

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

Mr. Speaker, I rise today in strong support of this resolution, which recognizes the enduring ties of an alliance first forged over half a century ago in the crucible of the Korean War. It was heartening to see the photographs from Seoul of the thousands of South Korean citizens who gathered in a downtown plaza on June 6, Korea's memorial day, to express their support of the alliance. They waved South Korean flags and the Stars and Stripes together to show enthusiasm for the strong bonds that link our two countries.

Later this month, June 25, marks the 57th anniversary of the North Korean invasion across the Demilitarized Zone. This surprise attack in the early hours of a Sunday morning sought to snuff the life out of an embryonic South Korean democracy. President Harry Truman's immediate unflinching decision to come to the aid of an embattled South Korea proved that the United States would not retreat from its rendezvous with destiny.

Together with our South Korean and other allies, we turned the tide of war at Inchon and preserved the South Korean state, which we honor as an ally today.

South Korea's commitment to the alliance is seen in many ways, as in the 1,200 South Korean military personnel deployed to Iraq, which makes South Korea's contribution the third largest in the coalition contingent. There is also the $460 million which the Republic of Korea has pledged toward postwar Iraq reconstruction, and there are the close consultations we hold together in the six-party process to resolve the North Korean nuclear issue. These are the actions of a true and loyal friend, for which we express our gratitude in this resolution.

Let me also take this opportunity to second the words of the United States forces Korea commander, General Bell, that South Korea Sergeant Yoon Jangho, who was South Korea's first uniformed casualty in the war on terror, was a hero. Sergeant Yoon was killed February 27 by a suicide bomber in Bagram, Afghanistan.

This young soldier, although born in Korea, had spent his high school and college years in Indiana, graduating from Indiana University. He returned to South Korea to complete his military service and volunteered for service in Afghanistan. His loss was deeply felt, both in his home nation of Korea and his adopted hometown of Bloomington, Indiana.

The shared mourning of the peoples of two nations for this valiant soldier is one more concrete indication of the

ties that bind our two nations. Another, of course, is the talent and dynamism of the 2-million-strong ethnic Korean community in the United States. Los Angeles represents the largest concentrated urban center of Korean culture outside of the Korean Peninsula. For this enriching contribution to America's melting pot, we are extremely grateful.

I therefore urge immediate passage of this resolution which recognizes this strong and enduring alliance.

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

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

Mr. Speaker, again I want to commend and thank my good friend for his eloquent statement and add that this is not a partisan piece of legislation. It is fully bipartisan. I certainly commend not only our distinguished chairman of the Foreign Affairs Committee, Mr. LANTOS, but also our senior ranking member, Ms. ROS-LEHTINEN, for their support of this proposed legislation.

It is ironic that we are dealing with several pieces of legislation, earlier on being the Olympics, and now we are dealing with South Korea.

I remember years ago when I attended the Olympics in 1988 in Korea, I ran into a gentleman who is a Korean American by the name of Dr. Sammy Lee. I asked him why this Samoan American was so good in the art of diving, perhaps one of the greatest Olympic divers ever in the history of the Olympics, whose name is none other than Greg Louganis. I asked Dr. Sammy Lee, why is it that Greg Louganis was such a great Olympic diver? He said, Eni, look at his legs. They are Samoan legs, and the reason for this is that it gives him the ability to jump higher than any of his Olympic competitors. And because he can jump higher than anybody, that is what gives him the opportunity to accomplish more difficult flips than any of the other divers. By the way, Dr. Sammy Lee was also the trainer for Greg Louganis in the Olympics in 1988.

Another note of interest is that when I talked to Dr. Sammy Lee when he was training for the Olympics, he could not even train together with his fellow white Americans while he was training for the Olympics. Can you believe that? So he had to invent what high diving boards were supposed to look like, whether it be going on cliffs or other high platforms to allow him to practice his diving ability. And guess what? He got the gold medal for the United States for the Olympics, a Korean American, Dr. Sammy Lee.

I just wanted to make that as a note of interest for my colleagues and also in view of the fact that we have talked about the Olympics and we have talked about South Korea.

Again, Mr. Speaker, this resolution is very important to show our sense of appreciation, especially to the good leaders and the people of South Korea, how much we care about them, how important they are, how important they are to our strategic and our economic interests in that important region of the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my strong support for H.R. 295, and, in doing so, I would first like to commend Mr. KING for introducing this resolution. The relationship between the United States and the Republic of Korea has been a pivotal relationship in world affairs since our forces fought side by side in Korean War over a half century ago. Out of that conflict marked the divide between communist Asia and democratic Asia. The partnership between us and the Republic of Korea held the divide for decades, and together we helped maintain stable peace in East Asia.

In the post-Cold War world, the Republic of Korea has remained a steadfast U.S. ally. Its forces are deployed in Afghanistan and it has contributed troops and pledged reconstruction funds for Iraq. As a key member of the Six Party Talks to denuclearize North Korea, it shares an important responsibility for broader security in Northeast Asia. Together, we are committed absolutely to compelling the dangerous North Korean regime to eliminate its nuclear program.

Overall, South Korea is a key partner an ally in the challenge of combating terrorism worldwide. The combination of emerging terrorism threats and the North Korean challenge make this resolution particularly important today.

In the economic realm, too, the U.S. relationship with the Republic of Korea is one of our strongest in Asia. For example, the Republic of Korea was one of the original "East Asian Tigers," and served as a model for other Asian countries with a booming economic growth in the 1970s, 80s and 90s. Currently, South Korea is now the United States' 7th largest trading partner in the world.

Mr. Speaker, I am extremely proud to stand as one of cosponsors of this legislation. This resolution honors the close alliance between the United States and the Republic of Korea, and recognizes South Korea's important contributions to fighting against terrorism around the world. It also welcomes the strengthening and deepening of the relationship between our two countries and our peoples. I thank all of my colleagues who have already signed on to this bill, and I urge those who have not to support this legislation.

Mr. KING of New York. Mr. Speaker, today I rise in support of H. Res. 295, a resolution recognizing the strong alliance between the Republic of Korea and the United States and expressing appreciation to the Republic of Korea for its efforts in the Global War on Terror. As the sponsor of this resolution, I join with over 35 of my colleagues in urging the House to pass this resolution today.

For almost six decades, the United States and the Republic of Korea have maintained a strong alliance that rests on a shared commitment to peace, democracy, and freedom not only on the Korean peninsula but throughout Asia and the rest of the world. The nearly 30,000 American soldiers who remain stationed in the Republic of Korea are a testament to this relationship.

Since September 11, 2001 we have seen this bond further strengthened as Korea has joined with the United States and other coalition nations in supporting the Global War on Terror both militarily and financially. Korean President Roh truly understands this grave threat and the need for it to be confronted. Presently, the Republic of Korea has the third largest coalition contingent of forces in Iraq. Korea also has troops deployed in Afghanistan and has generously pledged $460,000,000 toward reconstruction and stabilization efforts in post-war Iraq.

The U.S. and Korea also both remain deeply committed to the Six Party Talks and have a mutual interest in keeping the Korean Peninsula free of nuclear weapons.

Finally, the U.S. and Korea have been working diligently on a free trade agreement between our two countries that will deepen economic ties and boost trade and investment for both countries. I am pleased that these negotiations concluded on April 1, 2007 and it is my hope that the agreement will soon be signed and Congress passes the required enacting legislation.

Mr. Speaker, I urge the House to pass this resolution today.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 295.

This resolution recognizes the tremendous alliance that the United States shares with the Republic of Korea. Korea has been one of this country's strongest allies, both in the international war on terror, as well as in expanding free trade. Korea stands as a shining example of democracy in action.

In the 11th Congressional District of Virginia, I represent a growing and vigorous Korean American population. Korean Americans thrive in areas such as business, medicine, law, art and athletics. According to the U.S. Census Bureau, Korean Americans own and operate over 130,000 businesses and employ over 333,000 individuals. These are prime examples of their importance in the United States and to the growth of our economy. It is clear to me that the strong alliance between the United States and the Republic of Korea can be seen everyday in the neighborhoods and workplaces right here in the Washington, D.C. area.

The Republic of Korea's strong belief in upholding individual rights and liberties serves as an example for the entire Korean peninsula, as well as beyond. Korea's 2,300 troops deployed in Iraq and 200 troops deployed in Afghanistan indicate not only Korea's support of our efforts in ending terrorism abroad, but also illustrate Korea's strong commitment to spreading democracy throughout the world. Indeed, Korea has been one of our most ardent and unfailing allies abroad.

I encourage my colleagues to support this resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, today we honor an ally who is standing with us in the Global War on Terrorism. An ally who knows what it is like to fight for peace and freedom, South Korea. Just over 50 years ago, Korea was the most violent spot on the planet as the North Korean government, backed by the Soviets and Chinese, swooped in to destroy the fledgling democracy in the south.

I am a proud cosponsor of this resolution which recognizes the significant contributions that the South Korean military has made in Afghanistan and in Iraq. Our South Korean allies maintain the third largest contingent of personnel in Iraq, where they are helping each day to rebuild that nation and spread the freedom they too earned with blood, sweat, and grit.

While as many as 3,600 personnel have at some time served, currently 2,300 work in the country to provide medical services, build and repair roads, power lines, schools, and other public works.

The Republic of Korea has contributed both men and money to rebuilding Iraq because they know how difficult it is to rise from the ashes of war. Since the end of the Korean War, the people of South Korea have built one of the world's most modern and dynamic economies.

We hope that the Iraqi and Afghani people can look to the South Korean model to develop into a peaceful and prosperous nation. We thank the Republic of Korea and the Korean people for their sacrifice and their stand for freedom.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 295, a resolution that recognizes the strong alliance between the Republic of Korea and the United States and further expresses appreciation to the Republic of Korea for its efforts in the global war against terrorism. The dynamic and strong relations that exist between the United States and Republic of Korea serve as a model for partnerships the United States must continue to seek to establish and cultivate with other countries within the Asia-Pacific region and throughout the world.

The contributions made by the government of the Republic of Korea toward helping battle terrorism are vital to providing for safety and security throughout the world. The efforts on the part of the Republic of Korea to help fight terrorists in Afghanistan and Iraq and help develop democratic governance, strengthen civil society, and establish stronger economies in those countries are of particular importance to the United States and our allies. These missions are challenging ones. Their eventual, positive outcomes are less than certain at this point. The commitment to achieving success in Operation Enduring Freedom and Operation Iraqi Freedom displayed by the Republic of Korea is commendable and an important component of the Coalition force structure.

Efforts on the part of South Korea to encourage the government of North Korea to act in a responsible manner with respect to its misguided pursuit of nuclear weapons and ballistic missile technology are also of paramount importance at this time to the United States and our allies. I am encouraged by the strong partnership that has been formed between the United States and South Korea and other countries with respect to this issue.

I welcome the opportunity to continue to work with our South Korean allies toward ensuring a more peaceful, stable, and prosperous Asia-Pacific region and world. I am confident that the United States and South Korea will develop even stronger political, economic, and security ties in the years ahead. I urge my colleagues to support this resolution.

Mr. BOOZMAN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 295, as amended.

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

The title was amended so as to read: ''A resolution recognizing the strong alliance between the Republic of Korea and the United States and expressing appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism.''.

A motion to reconsider was laid on the table.

RECOGNIZING JOHN PEHLE FOR HIS CONTRIBUTIONS IN HELPING RESCUE JEWS AND OTHER MINORITIES FROM THE HOLOCAUST

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 226) to recognize John Pehle for his contributions to the Nation in helping rescue Jews and other minorities from the Holocaust during World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 226

Whereas some 6,000,000 Jews were slaughtered pursuant to Adolf Hitler's diabolical plan for the total extermination of the Jews during the Third Reich, and even more would have perished had it not been for the efforts of a number of United States Government officials who spoke out forcefully against American policy and persuaded President Franklin D. Roosevelt of the need for extraordinary measures to save Jewish lives;

''Whereas on November 9, 1943—the 5th anniversary of Kristallnacht, when pogroms against Jews and the burning of synagogues and Jewish businesses and homes were carried out throughout Nazi Germany—identical Congressional resolutions were introduced in both houses of Congress calling for the creation of a United States Government commission ''to formulate and effectuate a plan of immediate action designed to save the surviving Jewish people of Europe from extinction at the hands of Nazi Germany'';

''Whereas the Senate version was introduced by Senator Guy Gillette of Iowa with the support of Elbert Thomas of Utah and Edwin Johnson of Colorado and was unanimously approved in the Senate Foreign Relations Committee on December 20, 1943, and scheduled for a full Senate vote in early 1944;

Whereas the House version was introduced by Representative Will Rogers, Jr., of California and extensive hearings on the resolution were held by the House Foreign Affairs Committee;

''Whereas United States Government agencies were receiving extensive credible information about the extent of Nazi atrocities against the Jews and other minorities in Europe, nevertheless, the policy of the United States as developed and implemented in the Department of State opposed American government action to save the lives of Jewish and other minorities who were being systematically exterminated by the Nazi German government;

''Whereas in 1943 and early 1944, an extraordinary group of officials at the United States Department of Treasury sought to change those policies and Secretary of the Treasury Henry Morgenthau directed the preparation of a memorandum to the President of the United States urging more direct and forceful American action to aid Jewish victims of the Nazi atrocities, and this document, prepared by Josiah DuBois, Jr., Assistant General Counsel of the Treasury Department, and John Pehle, a 33-year-old attorney in the Foreign Funds Control unit of the Treasury Department, was presented to President Franklin D. Roosevelt by Secretary Morgenthau, Randolph Paul and Pehle on January 16, 1944;

Whereas President Roosevelt signed Executive Order 9417 on January 22, 1944, affirming that ''it is the policy of this Government to take all measures within its power to rescue the victims of enemy oppression who are in imminent danger of death and otherwise afford such victims all possible relief and assistance consistent with the successful prosecution of the war'' and creating the War Refugee Board, composed of the Secretaries of State, Treasury and War, to carry out this policy;

Whereas John Pehle was appointed the Acting Executive Director and subsequently Executive Director of the Board and Josiah DuBois, Jr. was appointed General Counsel of the Board;

Whereas on January 25, 1944, the Board issued a critically important diplomatic cable to all United States diplomatic missions abroad ordering that ''action be taken to forestall the plot of the Nazis to exterminate the Jews and other persecuted minorities in Europe'' and developed new programs to increase the flow of Jewish and other refugees from Nazi persecution to neutral countries in Europe, including Turkey, Portugal, Switzerland, Spain, and Sweden, from where they were assisted to go to North America, Palestine and North and South America;

Whereas the Board assisted the International Red Cross to provide food parcels to ''stateless'' civilians in internment camps, to support and protect some 3,000,000 Allied and Axis prisoners of war, and to streamline Federal licensing procedures for the transmission of funds to pay for Red Cross relief supplies and rescue operations, thus saving the lives of thousands of Jews and other internees;

Whereas in April 1944, John Pehle, on behalf of the War Refugee Board, urged all neutral nations to increase their diplomatic representation in Hungary to help prevent the accelerating deportation of Jews to Auschwitz-Birkenau and other Nazi extermination camps and to begin providing vital funding and other resources to assist in saving Hungarian Jews from concentration and extermination camps;

Whereas the War Refugee Board sought out Swedish citizen Raoul Wallenberg and, with the support of the Swedish government and its legation in Budapest, supported one of the most extensive and successful rescue efforts during the Holocaust; and

Whereas subsequent academic studies have credited the War Refugee Board with rescuing as many as 200,000 Jews from Nazi occupied countries through the efforts of Wallenberg and others: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the efforts and contributions of those who worked for the establishment of the War Refugee Board and for a more active United States policy to rescue Jews and other victims of Nazi repression who were in imminent danger of death and to provide these persecuted minorities with relief and assistance during World War II; and

(2) commends in particular the actions of Secretary of Treasury Henry Morgenthau, Josiah DuBois, Jr., and John Pehle for their dedication and devotion to helping rescue Jews and other persecuted minorities in the Holocaust.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, I thank Mr. LANTOS, chairman of the committee and my Bay Area neighbor, for working so closely with me to bring this resolution to the floor today. As the only Holocaust survivor in the Congress, his support of this resolution means very much to all of us, and particularly to me.

H. Res. 226 is a resolution to recognize American government officials who played a critical role in the creation and activity of the War Refugee Board in an effort to help rescue Jews and other persecuted minorities during the years of the Holocaust.

Because of their actions and because of their bravery, an unknown number of people were saved from the horrific reign of Adolf Hitler and his followers. Specifically, we are commending the actions of Secretary of Treasury Henry Morgenthau, Josiah DuBois and John Pehle for their dedication and devotion to helping rescue Jews and other persecuted minorities during the Holocaust.

To many, World War II and the Holocaust may seem long, long, long ago. For others, however, this is a memory which will be imprinted in their soul forever. Six million Jews were killed under the brutal and evil reign of Adolf Hitler while many countries turned a blind eye to their ethnic cleansing and genocide.

During this dark time, some brave men and women stood up and demanded that every person, no matter their ethnic background, be treated justly and humanely. The people serving the War Refugee Board sent a historic cable to the diplomatic missions ordering that ''action be taken to forestall the plot of the Nazis to exterminate the Jews and other persecuted minorities in Europe.''

□ 1545

They developed new programs to increase the flow of Jewish and other refugees from Nazi persecution to neutral countries.

After the horror of the concentration camps and extermination campaigns were revealed, the world said ''never again.''

And yet, Mr. Speaker, we look around the world to see hauntingly similar events occurring, particularly in places like Darfur. Mr. Speaker, if we truly wish to honor the memory of the Holocaust victims, we must come together to stand up in the face of bigotry and hatred all around the world today. The action of the War Refugee Board is an amazing example of courage, human kindness, and compassion.

Today, we rise to recognize their service to this country and to humankind. We rise to remember the Jews and minorities who perished under a reign of terror. But it is with hope that we look to the future, a future of peace and human dignity where ''never again'' means never again.

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

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

Mr. Speaker, H. Res. 226 recognizes American government officials who played a critical role in the creation of the War Refugee Board in an effort to help rescue Jews and other persecuted minorities during the Holocaust.

In the early stage of World War II, there was an extensive flow of information about the extent of Jews and other minorities being systematically murdered by the Nazi regime.

A heroic group of U.S. Government officials from the Treasury Department, including Secretary of the Treasurer, Henry Morganthau, as well as Joseph DuBois and John Pehle, urged President Franklin Roosevelt to take more direct and forceful action to help the victims of the Nazi atrocities.

President Roosevelt later signed an executive order creating the War Refugee Board. Mr. John Pehle became the executive director of the board which helped to rescue Jews and other victims of Nazi persecution and prevented thousands of people from dying in extermination camps.

Furthermore, the board assisted the International Red Cross to provide food and shelter to over 3 million prisoners of war. Efforts by those who worked to establish the War Refugee Board, particularly of Secretary of Treasury Henry Morganthau, Joseph DuBois, and John Pehle, were instrumental in saving thousands of lives during the Nazi extermination policy.

H. Res. 226 recognizes and honors these government officials for their efforts, and I urge support for this legislation.

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

Ms. WOOLSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), chairman of the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlewoman from California (Ms. WOOLSEY) not only as chief sponsor of this proposed legislation, but also for her leadership and her compassion and commitment in the field of human rights for fellow human beings all over the world.

I cannot help but stand here on the floor and share with my colleagues some of the thoughts that came to my mind when my colleague from California was explaining about the provisions of this important legislation.

Usually I am not a person who gets emotional watching movies, but recently I watched the movie ''Freedom Riders.'' I cannot help but recall the experience that these teenagers in Long Beach went through, and how creative this teacher was in trying to get kids who were from basically low-income areas and who had no idea or concept what it means to read. Somehow the teacher was able to get these high school students to read ''The Diary of Anne Frank.'' It got to the point where the students became so interested in what happened when they read this book, ''The Diary of Anne Frank,'' that they invited a Holocaust survivor to speak to them in Los Angeles. She testified personally what it meant to be not only a prisoner but I would say a slave during the Nazi period and the terrible time that the Jewish people went through during that period of their history.

I thank Chairman LANTOS not only for his leadership, but as a Holocaust survivor himself, I cannot think of a better person who can share with our colleagues what it means to be part of that period and the pain and suffering 6 million Jews went through during that process.

I recall a statement made by one of the great poet philosophers, Santayana, who said: ''Those who don't remember the past are condemned to repeat it.'' Some say why should we worry, this happened in the past. Why worry about it. I think we have to remember so these things never happen again.

Yes, I visit the Holocaust Museum and what do I say: Never again. Never again. That racism and bigotry and hatred should never be a part of the legacy of our great Nation.

I commend my friend from California for bringing this resolution before the Members for their consideration, and I urge my colleagues to support this bill.

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent to reclaim 30 seconds of my time.

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

There was no objection.

Mr. BOOZMAN. Mr. Speaker, I am remiss in not complimenting the gentlewoman from California for bringing this forward. It is very, very important that we do remember what people have done and when good people have stepped forward.

We are sitting here and you always want to do your best on the pronunciation of names, and it is sad we don't know these names better than we do. I think you bringing forward this resolution, again it just highlights the importance that we do remember what has happened in the past and we keep it from happening in the future.

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

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from American Samoa and the gentleman from Arkansas for their kind words.

Mr. HASTINGS of Florida. Mr. Speaker, while we often celebrate the efforts of those who admirably risked their lives to protect others during the Holocaust, there remain many whose efforts have gone largely unnoticed. The American Government officials who helped create the War Refugee Board may not have put their lives in danger, but their efforts on behalf of the victims of Nazi power helped save thousands.

As early as 1942, our Government had received extensive, credible information confirming the atrocities being committed against Jews and other minorities throughout Europe. In spite of these substantiated reports of Nazi instigated genocide, the United States Government refused to assist those in need of our help, choosing instead to pursue a policy tantamount to acquiescence.

John Pehle, a young lawyer in the Treasury Department, however, chose to act. He, along with Josiah Dubois, Assistant General Counsel of the Treasury Department, and Treasury Secretary Henry Morgenthau, took it upon themselves to ensure the American Government not only acknowledged the crimes being committed in Europe, but also played an active role in aiding those suffering at the hands of Adolf Hitler and his Nazi collaborators. In 1943, they presented a memorandum to President Franklin D. Roosevelt urging him to take immediate action to assist the victims of Nazi crimes.

Largely as a result of these men's efforts, President Roosevelt created the War Refugee Board on January 22, 1944. Roosevelt stated that through the work of the Board, the United States would "take all measures within its power to rescue the victims of enemy oppression . . . to afford such victims all possible relief and assistance." Despite its monumental mission, the War Refugee Board was only comprised of 30 employees and allocated $1 million to carry out its tasks.

With the generous financial assistance of thousands of American Jews and others, the War Refugee Board was able to save as many as 200,000 Jews and other persecuted minorities. Of those, 15,000 were evacuated from areas controlled by Germany and its allies, 48,000 were transferred from Transnistria to safe areas of Romania, and at least another 10,000 were protected throughout other parts of Axis Europe by War Refugee Board funded underground activities. Additionally, through their assistance to the International Red Cross, the War Refugee Board helped to provide food parcels to civilians in internment camps as well as support and protection for some 3,000,000 Allied and Axis prisoners of war.

In passing this legislation, the House will recognize not only the noble efforts of the War Refugee Board, but also the efforts of those Government officials who made it their personal mission to ensure that America's policies abroad reflected our Nation's ideals of justice and compassion. The work of John Pehle, Henry Morgenthau, Josiah Dubois, and the War Refugee Board embodied the American tradition of reaching out to those most in need and helped make America the beacon of hope it has come to symbolize for so many.

Mr. Speaker, at a time when America's moral authority is questioned as strongly as it is today, it is important to remember those Americans in our history who have worked tirelessly to ensure the United States meets the ethical responsibility that comes with our standing in the world.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 226, as amended.

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

The title was amended so as to read: "A resolution to recognize American government officials who played a critical role in the creation and activity of the War Refugee Board in an effort to help rescue Jews and other persecuted minorities during the Holocaust.".

A motion to reconsider was laid on the table.

PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F–14 FIGHTER AIRCRAFT

Ms. GIFFORDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1441) to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1441

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

SECTION 1. PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is responsible for demilitarizing and auctioning off sensitive surplus United States military equipment.

(2) F–14 "Tomcat" fighter aircraft have recently been retired, and their parts are being made available by auction in large quantities.

(3) Iran is the only country, besides the United States, flying F–14 fighter aircraft and is purchasing surplus parts for such aircraft from brokers.

(4) The Government Accountability Office has, as a result of undercover investigative work, declared the acquisition of the surplus United States military equipment, including parts for F–14 fighter aircraft, to be disturbingly effortless.

(5) Upon the seizure of such sensitive surplus military equipment being sold to Iran, United States customs agents have discovered these same items, having been resold by the Department of Defense, being brokered illegally to Iran again.

(6) Iran is pursuing a nuclear weapons capability, and the Department of State has identified Iran as the most active state sponsor of terrorism.

(7) Iran continues to provide funding, safe haven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(8) The sale of spare parts for F–14 fighter aircraft could make it more difficult to confront the nuclear weapons capability of Iran and would strengthen the ground war capability of Iran. To prevent these threats to regional and global security, the sale of spare parts for F–14 fighter aircraft should be prohibited.

(b) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(c) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. GIFFORDS) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in strong support of H.R. 1441, a bill that will put an end to military surplus sales that may inadvertently be helping to sustain Iran's Air Force.

First, I would like to thank Chairman LANTOS and Chairman SKELTON for their leadership on this issue. I appreciate the opportunity to discuss this critical national security issue.

The background to this problem begins in the 1970s when our country sold F–14 Tomcats to Iran's pro-Western secular government. Iran was a close ally of the United States at the time and needed the capabilities of the F–14 in a dangerous part of the world. Times have changed, unfortunately. And Iran has now called for the destruction of Israel and is refining uranium in what many observers from the non-proliferation community believe is an attempt to develop the fuel necessary for an atomic weapon.

Iran is a state sponsor of terrorism and is likely responsible for arming insurgents in Iraq. Iran has ignored the calls of the international community for greater transparency in its nuclear power research and development, and the United Nations Security Council recently imposed stricter economic sanctions on Iran as a result.

When the United States Navy retired the F–14 fleet last September, that left Iran as the only nation still flying those aircraft. Iran has been trying to get around United States sanctions and export controls to secure the parts necessary to keep the F–14 flying. Recent undercover investigations and reports have made it clear that Iran may have been successful.

Following an undercover investigation, the GAO reported in 2006 that acquiring surplus military hardware not properly demilitarized is disturbingly easy.

In January of this year, the Associated Press reported that front companies were able to secretly purchase military parts for resale in Iran. Iran is the only nation still using the F–14. There are no other legitimate buyers overseas.

In order to address this issue, I worked with my colleague from New Mexico, Mr. PEARCE. And after a joint trip to Israel, we introduced H.R. 1441, which will prevent the United States Government from selling approximately 10,000 parts that are unique only to the F–14 Tomcat.

This legislation will prohibit the military, as well as any other private company, from selling F–14-specific parts. It is also, Mr. Speaker, a complete ban on all international sales of parts specific to the F–14.

We cannot take the risk that components unique to the F–14 could be resold to Iran. The text of this bill was included in the fiscal year 2008 defense authorization bill, H.R. 1585, as section 1049.

The House Armed Services Committee approved the language in its markup of that bill, and the House Committee on Foreign Affairs has already marked up the specific bill and has reported it favorably.

Mr. Speaker, we must take the responsibility to ensure that our military hardware never falls into the hands of nations hostile to the United States and can never be used against our men and women in uniform and not used against our allies.

I urge my colleagues to support H.R. 1441.

I include for the RECORD an exchange of letters related to this bill between Chairman SKELTON of the Armed Services Committee and Chairman LANTOS of the Foreign Affairs Committee.

JUNE 8, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN, On March 27, 2007, the Committee on Foreign Affairs ordered reported favorably H.R. 1441, ''The Stop Arming Iran Act.'' This legislation contains subject matter within the jurisdiction of the House Committee on Armed Services, and thus, was sequentially referred to the Committee on Armed Services by the Parliamentarian for the House.

Our Committee recognizes the importance of H.R. 1441 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 1441. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 1441 and in the CONGRESSIONAL RECORD during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON
Chairman.

JUNE 8, 2007.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1441, an Act to Strengthen Controls on the Export of Surplus F–14 Fighter Aircraft Parts.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Armed Services. I acknowledge that your Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in any Committee report on the bill and in the CONGRESSIONAL RECORD at the time of consideration by the whole House. I look forward to working with you on this important legislation.

Cordially,

TOM LANTOS,
Chairman.

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

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

I would like to thank Representative GIFFORDS for her leadership on this issue, as well as Chairman LANTOS for sponsoring the committee amendment clarifying the intent and impact of this legislation.

Earlier this year as a result of the Federal sting operation, Congress learned that Iran had illegally purchased parts for F–14 fighter planes from a U.S. military surplus store. According to investigators, the incident was just one piece of a larger ring of illegally sold military surplus parts that found their way to China and Iran.

The report prompted the Pentagon's Defense Logistics Agency to suspend sales of the F–14 components.

□ 1600

Military surplus offices are supposed to demilitarize parts, which would render them useless for military purposes.

They are also allowed to auction the parts but only to buyers who promise to obey U.S. arms embargoes, export controls, and other laws. That was not the case, however, with these particular F–14 parts.

As Members are aware, Tehran is in search of several key components for its aging fleet of F–14 Tomcat jets, which the United States sold to Iran prior to its 1979 Islamic revolution. This bill will add another layer of protection to the extensive array of export sanctions already imposed on Iran under the International Economic Emergency Powers Act and related executive orders.

The committee amendment recognizes these facts and adjusts the title of the bill to more accurately reflect the purpose of the bill.

Mr. Speaker, given the clear and present danger Iran poses to the national security interests of the United States and to the broader peace and stability of the Middle East, this is an appropriate and timely measure for our consideration today.

I want to thank again Ms. GIFFORDS and Mr. PEARCE, and I support the adoption of the resolution.

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

Ms. GIFFORDS. Mr. Speaker, I would like to thank the gentleman from Arkansas for his comments, and I indeed think that this is an important piece of legislation that will further support our interests abroad and make sure that parts like the F–14 Tomcat are not sold to the Iranians.

Mr. PEARCE. Mr. Speaker, we must utilize every resource available while fighting the Global War on Terror. Currently, we are fighting two major combat operations in Iraq and Afghanistan which are critical to implementing democracy and peace throughout the Middle East. In both these areas we have a common enemy that continues to increase its forces. Recent reports have shown that Iran is supplying arms to both the terrorists in Iraq and the Taliban in Afghanistan.

Every night on the news we see the price we pay in a two front war against a sinister and studious enemy. It is difficult enough to fight an insurgency inspired by hatred, let alone an enemy supported by a sovereign nation such as Iran.

Reports of Iranian weapons and funds surfacing both in Iraq and Afghanistan are indicators that Iran is willing to use other countries to attack American interests without having to sacrifice their own sons and daughters. We are fighting a cowardly enemy which uses others to do its dirty work for them. This is state sponsored terrorism and we must take steps to cut off the resources they use to fund our enemies.

In addition, under the guise of energy development, Iran continues a program that puts them closer and closer to developing weapons grade plutonium. I have severe reservations allowing this program continue until Iranian President Ahmadinejad can unequivocally prove that he does not have intentions of someday creating and using a nuclear warhead against the United States, Israel, Europe or other Allies.

This legislation is crucial in the Global War on Terror because it is a tangible indicator to Iran, and all other nations which harbor or sponsor terrorist tactics in any form, that we will not allow the violence to escalate any further. By preventing the sale of F–14s in whole or part to Iran we will be cutting off the supply of arms that may someday be used to kill American soldiers.

I congratulate my colleague and Congressional neighbor from Arizona for her hard work and dedication to this issue. It is important for our safety as a country, as well as the world's freedom from terrorism, that we cut off the supply of F–14 parts to Iran. I call to my friends on both sides of the aisle for overwhelming bipartisan support of this legislation.

Ms. GIFFORDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Arizona (Ms. GIFFORDS) that the House suspend the rules and pass the bill, H.R. 1441, as amended.

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

The title was amended so as to read: ''A bill to strengthen controls on the export of surplus parts for F–14 fighter aircraft.''

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHIEF OF STAFF OF HON. JO ANN DAVIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Chris Connelly, Chief of Staff, Office of the Honorable JO ANN DAVIS, Member of Congress:

JUNE 7, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court of the City of Richmond, Virginia, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHRIS CONNELLY,
Chief of Staff.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 6, 2007.

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

DEAR MADAM SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Mr. Bernard Forrester, Houston, Texas.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–184) on the resolution (H. Res. 473) providing for consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2356, by the yeas and nays;

S. 676, by the yeas and nays;

H. Res. 418, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ENCOURAGING DISPLAY OF THE FLAG ON FATHER'S DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2356, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 2356.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 448]

YEAS—386

Abercrombie	Blumenauer	Capito
Ackerman	Blunt	Capps
Aderholt	Boehner	Capuano
Alexander	Bonner	Cardoza
Altmire	Bono	Carnahan
Andrews	Boozman	Carney
Arcuri	Boren	Carter
Baca	Boswell	Castle
Bachmann	Boustany	Castor
Bachus	Boyd (FL)	Chabot
Baird	Boyda (KS)	Chandler
Baker	Brady (PA)	Clarke
Baldwin	Brady (TX)	Clay
Barrett (SC)	Braley (IA)	Cleaver
Barrow	Brown (SC)	Clyburn
Bartlett (MD)	Brown-Waite, Ginny	Coble
Bean	Buchanan	Cohen
Becerra	Burgess	Cole (OK)
Berkley	Burton (IN)	Conaway
Berman	Butterfield	Conyers
Berry	Buyer	Cooper
Biggert	Calvert	Costello
Bilbray	Camp (MI)	Courtney
Bilirakis	Cannon	Cramer
Bishop (NY)	Cantor	Crenshaw
Blackburn		Cuellar

Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—46

Akin
Allen
Barton (TX)
Bishop (GA)
Bishop (UT)
Boucher
Brown, Corrine
Campbell (CA)
Carson
Costa
Crowley
Cubin
Culberson
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
Doolittle
Doyle
Edwards
Everett
Feeney
Gordon
Gutierrez
Harman
Hinojosa
Hooley
Hunter
Israel
Johnson (IL)
Johnson, E. B.
Kagen
King (NY)
Kucinich
Larson (CT)
Marchant
Pascrell
Radanovich
Rush
Sessions
Shadegg
Smith (WA)
Space
Stark
Udall (CO)
Wamp
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1856

Ms. WASSERMAN SCHULTZ changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING THAT EXECUTIVE DIRECTOR OF INTER-AMERICAN DEVELOPMENT BANK MAY SERVE ON BOARD OF DIRECTORS OF INTER-AMERICAN FOUNDATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 676, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the Senate bill, S. 676.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 1, not voting 45, as follows:

[Roll No. 449]

YEAS—386

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Kucinich

NOT VOTING—45

Akin
Allen
Barton (TX)
Bishop (GA)
Bishop (UT)
Boucher
Brown, Corrine
Campbell (CA)
Costa
Crowley
Cubin
Culberson
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
Doolittle
Doyle
Edwards
Everett
Feeney
Gordon
Gutierrez
Harman
Hinojosa
Hooley
Hunter
Israel
Johnson (IL)
Johnson, E. B.
Kagen
King (NY)
Larson (CT)
Marchant
Murtha
Pascrell
Radanovich
Rush
Sessions
Shadegg
Smith (WA)
Space
Stark
Udall (CO)
Wamp
Wexler

□ 1905

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING AND WELCOMING THE DELEGATION OF PRESIDENTS, PRIME MINISTERS, AND FOREIGN MINISTERS FROM THE CARIBBEAN TO WASHINGTON, D.C.

The SPEAKER pro tempore. The pending business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 418, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 418.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 450]

YEAS—386

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

NOT VOTING—46

Akin
Allen
Barton (TX)
Bishop (GA)
Bishop (UT)
Brown, Corrine
Campbell (CA)
Costa
Crowley
Cubin
Culberson
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
Doolittle
Doyle
Edwards
Everett
Feeney
Gordon
Gutierrez
Harman
Hinojosa
Hooley
Hunter
Israel
Johnson (IL)
Johnson, E. B.
Kagen
King (NY)
Larson (CT)
Linder
Manzullo
Marchant
Murtha
Pascrell
Radanovich
Rangel
Rush
Sessions
Shadegg
Smith (WA)
Stark
Udall (CO)
Wamp
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was absent from this chamber today, due to a health matter in my family. Had I been present, I would have voted "yea" on rollcall votes 448, 449 and 450.

REPORT ON H.R. 2641, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2008

Mr. VISCLOSKY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–185) on the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Ms. SUTTON). Pursuant to clause 1, rule XXI,

all points of order are reserved on the bill.

REPORT ON H.R. 2642, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS BILL, 2008

Mr. VISCLOSKY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–186) on the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

□ 1915

PASSPORT PROCESSING BACKLOG

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

Mr. GENE GREEN of Texas. Madam Speaker, I rise to raise awareness of an issue in our Texas offices and I think around the country: The significant application backlog in the Houston passport office.

Last Friday morning, a number of Members of Congress from Texas and I went to that office. I call on the adminstration and the State Department to take the necessary steps to alleviate the backlog.

I know in the Houston office, Jacqueline Harley-Bell, the regional director of the Houston Passport Agency, and the staff have been working long days and weekends, and I commend them for their efforts to serve the public because they are understaffed and overwhelmed by the number of applications they are getting.

The Houston office has already issued nearly 11 million passports in the first 5½ months of 2007. That is 3 million more than the 7.9 million that were issued in all of 2006.

The administration needs to provide the resources necessary now for additional workers or funding, to clear the backlog due to the new requirement that folks traveling in North America by plane need to have a passport.

On Thursday the administration changed the requirement, or delayed it, that individuals flying into Canada, Mexico, the Caribbean and Bermuda must only present a State Department receipt they have applied for a passport through the end of September. But this is much later than it should be. People are standing in line from 2 in the morning. People wait in line to get rock concert tickets, not a passport. I hope the State Department and administration will immediately address this problem.

HONORING JOHN BACH

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

Mr. DAVIS of Kentucky. Madam Speaker, I rise this evening to honor John Bach, a pillar of our law enforcement community, and a recent retiree from the Kenton County Sheriff's Department.

Mr. Bach's career is one that embodies dedication and service to this country. From 1966 to 1970, he served with the 777th Tactical Air Squadron based out of Pope Air Force Base, North Carolina, and was also part of the 556th Reconnaissance Squadron in southeast Asia.

After completing his military service, John pursued a degree in business that he completed at Northern Kentucky University. John was quick to answer the call to service in our community. Throughout his career in law enforcement, he protected our communities in the line of duty at the Elsmere Police Department, the Boone County Police Department, the Independence Police Department and the Kenton County Sheriff's Department.

I would like to thank John for his brave service to our Nation and for helping to make the communities of northern Kentucky safer for all of our residents as part of local law enforcement.

Madam Speaker, I would like to wish John and his wife, Linda, all the best as they enter this new chapter of their lives.

PASSPORT PROCESSING BACKLOG

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

Mr. LAMPSON. Madam Speaker, on Friday I joined Congressman GREEN, who just spoke, and Congresswoman JACKSON-LEE, who will speak shortly, at the Houston passport office.

Some people had been in line for hours, and some of them had driven hundreds of miles. Most were frustrated and confused. Many had applied months ago to comply with the new passport laws, but the last Congress failed to provide Federal agencies the resources they need to uphold our laws.

These passport delays have inconvenienced thousands across our country. Some State Department estimates range up to 12 weeks or even longer to process passport applications, forcing some people to either cancel travel plans or lose deposits.

We can't have homeland security without adequate resources. It is not enough to talk tough, we must follow through. The State Department has said that it would temporarily suspend the law to some countries so Americans can take their trips. Forcing agencies to suspend laws because they lack the capacity to enforce them sets a dangerous precedent.

We need more agents to provide border security, customs and immigration enforcement officers and Federal prosecutors and immigration judges to uphold our laws. Let's fix this problem now before it gets much worse.

NOE ALEMAN—BORDER AGENT

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

Mr. POE. Madam Speaker, Noe Aleman is a 12-year veteran of the U.S. Border Patrol in the El Paso sector. He and his wife, Isbell, who have no children of their own, plan to adopt his wife's three fatherless nieces from Mexico.

They hired a U.S. immigration lawyer and paid him $40,000 to help with the process. The girls were given temporary visas, but when they expired after 6 months, Agent Aleman went to the immigration service to find out why.

Aleman was arrested for harboring illegals and making false reports on the application. Apparently the lawyer listed the girls as adults instead of minors. In any event, Aleman was prosecuted and convicted. The girls were arrested and deported back to Mexico and live in an orphanage where they have been for 2 years.

Today, Aleman went to a Federal penitentiary. And yes, he was prosecuted by the same U.S. Attorney's Office, the same judge heard the case as the Ramos and Compean cases.

Unfortunately, every time a border agent is prosecuted in the Western District of Texas, the U.S. Attorney's Office has a credibility problem; and this case is automatically suspect and suspicious.

And that's just the way it is.

PASSPORT PROCESSING BACKLOG

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

Ms. JACKSON-LEE of Texas. Madam Speaker, just last week I joined my colleagues Congressman GENE GREEN and Congressman NICK LAMPSON on trying to address the ongoing crisis in our communities, because we have a regional office for passports. Overnight stays, early morning arrivals, families crying and families not being able to be reunited, people traveling for hundreds of miles, and the reason is passport backlog because of no extra staff.

Let me thank the staff who work so hard to ensure that those who came

could be served. We asked the State Department today to provide us with temporary permanent workers to carry out the responsibility.

I would also say if there are waivers now being made for places like the Caribbean and Canada, I would only beg that information be given to travelers so they don't go to the airport and not have the necessary documentation.

Madam Speaker, I close by saying I am reading today as well that the U.S. military is getting ready to arm the Sunnis. I would say if the Iraq war has come to this, it is time to bring our soldiers home. This is not the way to run a war.

HONORING SOUTHCO AS ROLE MODEL

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

Mr. KUHL of New York. Madam Speaker, I rise today to recognize the special environmental achievements of a vibrant small business located in my district.

Southco, a manufacturer of access hardware, has reduced the amount of hazardous waste it generates from more than 3,200 pounds in 2002 to zero just 3 years later in 2005. Through systematic changes in their manufacturing process, they have completely ceased producing hazardous waste.

Moreover, Southco has committed to reducing its consumption of electricity by 15 percent over the next 3 years. Clearly Southco is a role model for our Nation's businesses when it comes to preserving our precious resources. There is a lot of talk about environmental conservation and energy independence, but through innovative thinking, Southco has delivered tangible results in the private sector and provided an excellent example.

This month, the Environmental Protection Agency has made Southco a member of its National Environmental Performance Track Program, designed to honor leaders who have demonstrated a commitment to reducing their negative impact on the environment.

I would like to personally thank Southco for being an excellent corporate citizen.

Madam Speaker, Southco is a leader in these efforts, and deserves our praise for its forward-thinking, socially conscious practices.

CONGRATULATING THE CEDAR VALLEY, IOWA

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

Mr. BRALEY of Iowa. Madam Speaker, I rise this evening as a proud resident of Waterloo, Iowa. Recently, Forbes named the Waterloo-Cedar Falls metro area as the ''13th best place for business and careers'' among small metro areas in the United States.

There is nothing unlucky about this number 13. I have lived in Waterloo for almost 25 years, and I can tell you from experience that the people of the Cedar Valley have made all of the difference there. The last decade has brought a renewed commitment to civic improvement, and these investments have paid off.

Investments in things like good schools, an expanding workforce and an improved infrastructure have clearly played a big part of this recognition. Businesses are attracted to the skilled, smart and hardworking workforce of the Cedar Valley, ranked number 49 because of educational attainment.

It is clear to me that more and more people are catching on to what the Cedar Valley has to offer. I congratulate my neighbors in Waterloo and Cedar Falls.

HONORING HORACE LIVINGSTON AND WILLIAM DEMPSEY

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

Mr. HARE. Madam Speaker, I rise today to honor two great community leaders from Decatur, Illinois.

Horace ''Buck'' Livingston is a local civil rights activist who sought higher-paying jobs and better education for African Americans. For over 40 years, he has published the African American Voice, the only African American newspaper within 150 miles of Decatur, Illinois. His tireless efforts continue to strengthen our community and give all of us hope for a better future.

William ''Skip'' Dempsey, my brother in the labor movement, sadly passed away on April 13. After teaching at Purdue University, Skip served for over 12 years as training coordinator for Plumbers and Steamfitters Local 65. He continued his leadership as a business agent, advancing education, economic growth, and the building trades in the Decatur area. Skip's valuable service will be sorely missed.

I ask my colleagues to join me in honoring the extraordinary and unselfish contributions of Buck Livingstong and Skip Dempsey.

ARMING SUNNI GROUPS IS LUNACY

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

Mr. ABERCROMBIE. Madam Speaker, I rise today in the wake of news that comes to us that the United States will now have as a policy in Iraq the arming of Sunni groups who have admittedly killed and maimed Americans. We have now reached the point of public-political lunacy.

Representative PAUL, myself, Representative JONES and others have entered a bill for consideration of the House that will cause us to have to reauthorize this war. Any conceivable reason for having allowed the President to enter into this war with the enabling resolution that we passed has now been accomplished; any ''whereas,'' any ''be it resolved'' of that resolution is now moot.

In order for any of us to justify spending one more penny or committing one more soldier of the United States into this war, we have to have an up-or-down vote on whether it should be authorized.

Arming Sunni groups that have murdered U.S. service men and women as a policy, a strategy, is without merit and devoid of any political sensibility.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. SUTTON). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2007 AND 2008 AND THE 5-YEAR PERIOD FY 2008 THROUGH FY 2012

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2007 and 2008 and for the 5-year period of fiscal years 2008 through 2012. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 204, 206 and 207 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature. The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 21. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of discretionary appropriations for fiscal years 2007 and 2008 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because

the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation.

The third table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 21 for fiscal years 2007 and 2008 and fiscal years 2008 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure.

The fourth table gives the current level for fiscal years 2009 and 2010 for accounts identified for advance appropriations under section 206 of S. Con. Res. 21. This list is needed to enforce section 206 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that: (i) Are not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2008 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 21

[Reflecting Action Completed as of June 8, 2007—On-budget amounts, in millions of dollars]

	Fiscal year— 2007	Fiscal year— 2008 [1]	Fiscal years— 2008–2012
Appropriate Level:			
Budget authority	2,255,558	2,350,261	[2]
Outlays	2,268,646	2,353,893	[2]
Revenues	1,900,340	2,015,841	11,137,671
Current Level:			
Budget authority	2,255,558	1,422,153	[2]
Outlays	2,268,646	1,767,190	[2]
Revenues	1,904,540	2,050,461	11,313,270
Current Level over (+) / under (−) Appropriate Level:			
Budget authority	0	−928,108	[2]
Outlays	0	−586,703	[2]
Revenues	4,200	34,620	175,599

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the appropriate level.

[2] = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 2007 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by S. Con. Res. 21.

Enactment of measures providing new budget authority for FY 2008 in excess of $928,108,000,000 (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 21.

OUTLAYS

Enactment of measures providing any new outlays for FY 2007 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by S. Con. Res. 21.

Enactment of measures providing new outlays for FY 2008 in excess of $586,703,000,000 (if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 21.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2007 in excess of $4,200,000,000 (if not already included in the current estimate) would cause FY 2007 revenue to fall below the appropriate level set by S. Con. Res. 21.

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $34,620,000,000 (if not already included in the current estimate) would cause FY 2008 revenue to fall below the appropriate level set by S. Con. Res. 21.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2008 through 2012 in excess of $175,599,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 21.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 8, 2007 (H. Rpt. 110–182)		Current level reflecting action completed as of June 8, 2007		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	18,569	19,356	18,569	19,356	0	0
Commerce, Justice, Science	51,950	52,236	51,950	52,236	0	0
Defense	489,519	499,510	489,519	499,510	0	0
Energy and Water Development	30,296	29,882	30,296	29,882	0	0
Financial Services and General Government	19,488	20,360	19,488	20,360	0	0
Homeland Security	33,962	41,195	33,962	41,195	0	0
Interior, Environment	26,411	27,569	26,411	27,569	0	0
Labor, Health and Human Services, Education	144,766	145,567	144,766	145,567	0	0
Legislative Branch	3,774	3,950	3,774	3,950	0	0
Military Construction, Veterans Affairs	49,752	46,889	49,752	46,889	0	0
State, Foreign Operations	31,358	35,186	31,358	35,186	0	0
Transportation, HUD	50,471	107,765	50,471	107,765	0	0
Unassigned (full committee allowance)	0	0	0	0	0	0
Total (Section 302(a) Allocation)	950,316	1,029,465	950,316	1,029,465	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 8, 2007 (H. Rpt. 110–183)		Current level reflecting action completed as of June 8, 2007		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	18,825	20,027	7	5,437	−18,818	−14,590
Commerce, Justice, Science	53,551	55,318	0	20,389	−53,551	−34,929
Defense	459,332	475,980	45	163,824	−459,287	−312,156
Energy and Water Development	31,603	32,774	0	13,178	−31,603	−19,596
Financial Services and General Government	21,028	21,650	80	4,323	−20,948	−17,327
Homeland Security	36,254	38,247	0	17,112	−36,254	−21,135
Interior, Environment	27,598	28,513	0	11,198	−27,598	−17,315
Labor, Health and Human Services, Education	151,112	148,433	19,151	100,179	−131,961	−48,254
Legislative Branch	4,024	4,036	0	606	−4,024	−3,430
Military Construction, Veterans Affairs	64,745	54,831	−2,414	14,260	−67,159	−40,571
State, Foreign Operations	34,243	33,351	0	16,407	−34,243	−16,944
Transportation, HUD	50,738	114,869	4,193	71,015	−46,545	−43,854
Unassigned (full committee allowance)	0	369	0	0	0	−369
Total (Section 302(a) Allocation)	953,053	1,028,398	21,062	437,928	−931,991	−590,470

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 8, 2007

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	−50	−50	−410	−410
Current Level	0	0	0	0	0	0
Difference	0	0	50	50	410	410
Education and Labor:						
Allocation	0	0	−150	−150	−750	−750
Current Level	0	0	0	0	0	0
Difference	0	0	150	150	750	750
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	0	0	125	0	1,525	0
Current Level	0	0	0	0	0	0
Difference	0	0	−125	0	−1,525	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

FY2009 AND 2010 ADVANCE APPROPRIATIONS UNDER SECTION 206 OF S. CON. RES. 21

[Budget Authority in Millions of Dollars]

	2009	2010
Appropriate Level:	25,558	25,558
Accounts Identified for Advances:		
Corporation for Public Broadcasting	400	0
Employment and Training Administration	0	0
Education for the Disadvantaged	0	0
School Improvement	0	0
Children and Family Services (Head Start)	0	0
Special Education	0	0
Vocational and Adult Education	0	0
Payment to Postal Service	0	0
Section 8 Renewals	0	0

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 2007.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through June 8, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report).

Since my last letter, dated January 4, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2007:

The Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5); and

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28).

The effects of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 are identified separately in the enclosed report. The effect of the Continuing Resolution is included in the ''previously enacted'' section of the report, consistent with the budget resolution assumptions.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF JUNE 8, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	1,904,706
Permanents and other spending legislation	1,350,273	1,299,295	n.a.
Appropriation legislation	1,477,616	1,540,849	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total enacted in previous session	2,256,382	2,268,637	1,904,704
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness. Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1]	−794	9	−166
Total, enacted this session	−794	9	−166
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level [1 2]	2,255,558	2,268,646	1,904,540
Total Budget Resolution	2,380,535	2,300,572	1,900,340
Adjustment to budget resolution for emergency requirements [3]	−124,789	−31,926	0
Adjustment to the budget resolution pursuant to section 207(f) [4]	−188	0	0
Adjusted Budget Resolution	2,255,558	2,268,646	1,900,340
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	4,200
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] Pursuant to section 204(b) of S. Con. Res. 21 the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level totals, are as follows:

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	120,803	31,116	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21 assumed $124,789 million in budget authority and $31,926 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), at the direction of the House Committee on the Budget, budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Pursuant to section 207(f) of S. Con Res. 21, the House Committee on the Budget adjusts the budget authority to reflect the difference between the amount assumed in the budget resolution for nonemergency supplemental appropriations in fiscal year 2007 and the amount actually appropriated for nonemergency purposes.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 2007.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget,
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The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report). This is my first report for fiscal year 2008.

Sincerely,

PETER R. ORSZAG.

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF JUNE 8, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,450,532	1,390,018	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous session	874,897	1,234,245	2,050,796
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
Total, enacted this session	1	42	−335
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	547,255	532,903	0
Total Current Level [1 2]	1,422,153	1,767,190	2,050,461
Total Budget Resolution	2,496,028	2,469,636	2,015,858
Adjustment to budget resolution for emergency requirements[3]	−606	−49,990	n.a.
Adjustment to the budget resolution pursuant to section 207(f)[4]	1	1	−17
Adjustment to the budget resolution pursuant to section 207(d)(l)(E)[5]	−145,162	−65,754	n.a.
Adjusted Budget Resolution	2,350,261	2,353,893	2,015,841
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,620
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.
Memorandum:			
Revenues, 2008–2012:			
House Current Level	n.a.	n.a.	11,313,270
House Budget Resolution	n.a.	n.a.	11,137,725
Adjustment to the budget resolution pursuant to section 207(f)[4]	n.a.	n.a.	−54
Adjusted Budget Resolution		n.a.	11,137,671
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	175,599
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] Pursuant to section 204(b) of S. Con. Res. 21 the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (p.L. 110–28)	605	48,639	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21 assumed $606 million in budget authority and $49,990 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), at. the direction of the House Committee on the Budget, budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Pursuant to section 207(f) of S. Con. Res. 21, the House Committee on the Budget adjusts budget authority and outlays to reflect the difference between the amount assumed in the budget resolution for nonemergency supplemental appropriations in fiscal year 2007 and the amount actually appropriated for nonemergency purposes.

[5] Section 207(d)(1)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the House Committee on Appropriations, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.
Source: Congressional Budget Office.

AMNESTY INTERNATIONAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, the great giveaway of American land has not occurred. The Amnesty International plan to grant legal permanent residents to 12 to 20 million illegal people from all over the world did not succeed in the Senate, and rightfully so.

The bill that the Senate tried to push off on the American public was too massive, too complicated, too long. It was almost longer than the Bible and had less to say.

Madam Speaker, the American people get it. They understand that the first problem that has to be solved is the border. Border security is the number one issue. The Federal Government, our government, the most powerful superpower that has ever existed, cannot protect the borders. Or is it that they don't protect the borders or refuse to protect the borders?

The American public want our borders secure before we start talking about immigration, whether it's legal or illegal. And that's what our Federal Government should do, simply follow the law that's already existing.

We have enough laws now to protect the border, but for some reason, the law does not get enforced by the executive department. We hear all kinds of reasons why it doesn't occur, but the bottom line is our borders are porous, on the northern border and on the southern border, and the first duty of government is to protect the people, and that means protect our borders and protect it first. When we solve that problem, then we can move on to the other issues.

And the second issue is not what to do with the people that are here illegally. We first close the gap, close the border, keep people from coming here illegally, but the next thing we have to deal with is the immigration service. It's in chaos, it's in turmoil, and this last week's example is a perfect example.

The passport service. Now, the law requires that all Americans traveling anywhere, including Mexico, Canada and the Caribbean islands, have passports. Congress passed that law 3 years ago. The Federal Government, the executive branch, had 3 years to get ready to make sure that Americans had those passports, and sure enough, 2007 came, Americans were following the law. They started applying for passports, and all of the sudden, there are lines all over the United States for people waiting for their passports. First it was 4 weeks; then it was 6 weeks. Now, it's 3 months to 5 months. The Federal Government cannot even process a simple passport for an American citizen, and it is a relatively simple process to deal with a passport.

And now, what has happened? The Federal Government says, well, since we can't follow the law, we'll suspend the law until we're able to get it together. Now, it's not the fault of those workers in the passport office. They're working as long as they can, as hard as they can, but those people that run the passport office, the Federal bureaucrats, never were organized enough to make sure that Americans, in a streamlined process, could get passports.

So now the law's not going to be followed until the passport service gets it together, and that's very unfortunate because the problem is we're going to use this same department, the immigration service, to so-called legally legalize the 12 to 20 million people in the amnesty bill, the so-called Z visas which are very complicated to understand, something that will take a lot longer to process than a passport. So the Z visas for 12 to 20 million illegals will take forever to process if we ever go to that service.

What I'm saying, Madam Speaker, is we deal with the border first. Second, we fix and streamline the immigration service so it doesn't discriminate against people who are coming to the United States legally, that we make it efficient for Americans to travel abroad. And once we fix that problem, then down the road we deal with the third issue, the issue of what to do with people that are here illegally.

Until we take it in that order, until Congress addresses those three respective acts with three bills, we will never solve the problem. And a massive, so-called immigration reform bill, the American public is suspect and skeptical of that plan because, frankly, I don't think the American public trusts the Federal Government to do the job of securing the border and reforming the immigration service.

But we know that the Federal Government does have the capability to grant amnesty to people that are here illegally. So, hopefully, Congress will do its job, get organized, pass three separate bills so that we have border security; that we have an efficient, workable immigration services; and then down the road, we deal with what to do with the people that are here illegally in the U.S.

The American public expect it. They have expected it for a long time, and it's time for us to get about the people's business and resolve these three problems as efficiently and quickly as we can.

And that's just the way it is.

PRESIDENT SHOULD OVERRULE PROPOSED NEW STRATEGY OF GIVING WEAPONS TO SUNNI ARAB GROUPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, tonight I rise to demand that President Bush take immediate action as Commander in Chief to overrule a proposed new strategy in Iraq, a proposal that may put our troops in even greater danger in the days ahead.

The New York Times reported this morning that our commanders in Iraq are now planning to give weapons to Sunni Arab groups, weapons that may turn around and be used against our very own troops.

In the past, these Sunni groups have been allied with al Qaeda and have actually been suspected of being involved in attacks upon our troops. So why are we doing this? According to the Times, our commanders have reason to believe that the Sunnis have split with al Qaeda and are now ready to fight on our side. Well, it could be true, but this strategy is fraught with terrible peril for our brave men and women in combat.

The Times reports, ''Critics of the strategy, including some American officers, say it could amount to the Americans arming both sides in a future civil war. The United States has spent more than $15 billion in building up Iraq's Army and police force, whose manpower of 350,000 is heavily Shiite. With little sign of a political accommodation between Shiites and Sunni politicians in Baghdad, there is a risk that any weapons given to Sunni groups will eventually be used against Shiites.'' And I must mention, our troops will be stuck in the middle, dying for what? Because there is the possibility, says the Times, the weapons could be used against the Americans themselves.

Let me repeat that last sentence, ''There is also the possibility the weapons could be used against the Americans themselves.'' That's what the Times had to say.

But first, Madam Speaker, we sent our troops into battle without the proper body armor or vehicle armor. Then we put them in the middle of a bloody civil war they were never trained to fight. Then, when many of

them got wounded, we gave them terrible medical treatment at home. Now this is the latest outrage.

Madam Speaker, I do not condemn our commanders in the field for making this decision. They are taking this risk because they are desperate to implement President Bush's hopeless, foolish surge policy, but the surge has not worked, is not working and will not work.

As the Times reports, ''An initial decline in sectarian killings in Baghdad in the first two months of the troop buildup has reversed, with growing numbers of bodies showing up each day in the capital. Suicide bombings have dipped in Baghdad, but increased elsewhere, as al Qaeda groups, confronted with great American troop numbers, have shifted their operations elsewhere.''

There's only one way, Madam Speaker, out of this. We must bring our troops home, and then we must work with the Iraqi people and we must work with them in a peaceful way to reconstruct their devastated Nation.

Last month, a bill that called for starting the withdrawal of our troops within 90 days received 171 votes in this House. Some pundits were surprised that it received that much support. I wasn't. Opposition to this President's failed foreign policy is growing all over America, and those voices are eventually being heard in this body more and more every day.

Madam Speaker, if American troops are harmed by this new war strategy, then the American people will hold the President accountable. But if we in this House condone it as well, or remain silent, then we will be responsible, too.

Our job is to force this administration to fully fund the plan to bring our troops and our contractors home, home where they are not positioned in the middle of a civil war.

SUPPORTING THE PRESUMPTION OF INNOCENCE FOR ACCUSED CAMP PENDLETON TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, only those who have been to war can truly understand the hell of war. I have not been to war, but I have spoken to those who have served our country in both Iraq and Afghanistan. I know enough to understand that those who serve in harm's way face grave dangers, and they are under extreme pressure.

Most of us cannot imagine the stress that those in uniform undergo when they have to make a split-second decision whether to fire or be fired upon, to kill or be killed.

In June 2006, seven Marines and one Navy corpsman from Camp Pendleton were charged with murder in an April 2006 incident involving the death of an Iraqi man. The troops were staking out an intersection while looking for insurgents placing explosives along the road.

The squad of eight is accused of kidnapping the Iraqi man from a nearby home, killing him, and then staging the scene to frame him as an insurgent planting a bomb.

Four of the troops struck plea deals and received sentences of 21 months or less in exchange for their testimony against their squad mates. One of the troops also pled guilty to lesser charges but received an 8-year sentence. The three remaining Marines all face courts martial this summer and life in prison if convicted of premeditated murder.

One of these three Marines is a constituent of Congressman BILL DELAHUNT, who brought the details of this case to my attention.

Madam Speaker, 3 years ago, I came to this floor night after night to speak about what I felt was an unfair prosecution of Lieutenant Ilario Pantano, a Marine who was charged with shooting an insurgent in Iraq. Not because of my concern, but because the charges against Lieutenant Pantano were not justified, the Marine Corps dropped the charges.

Because of my great respect for the men and women who serve in the United States Marine Corps, it is my hope that these Marines will receive the due process and justice they deserve as American citizens and as heroes.

President Teddy Roosevelt once said, ''A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled, and less than that no man shall have.''

The same men and women who risk their lives to preserve the rights of all American citizens deserve the protection of those same rights. Those who fight for justice deserve justice in return.

Madam Speaker, our military servicemembers, the military family, and certainly these Marines, deserve no less.

And Madam Speaker, with that, I close by saying, God, please continue to bless our men and women in uniform and their families, and please, God, continue to bless America.

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FREE TRADE AGREEMENTS WITH PERU AND PANAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, soon President Bush's administration will force upon this Congress consideration of free trade agreements with Peru and Panama under the fast-track process. That means no amendments allowed here in the Congress.

The bills they will bring before us are modeled on the flawed NAFTA model that have yielded growing trade deficits every year the Bush administration has been in office. We have seen how NAFTA sucked good jobs away from Americans, how it ravaged the Mexican countryside and triggered a flow of illegal immigrants, drugs and violence across our southern border.

Our staggering trade deficit with Mexico continues to grow. This year, we already have a $21.6 billion deficit with Mexico, and it will continue to swell as communities across the continent face job washout.

If we do not construct a new trade model that takes people into consideration and advocates free trade among free people, then it does not matter how many environmental provisions we may add to trade agreements or how unique the administration claims its labor provisions are.

We are simply extending NAFTA to the rain forest and to more sweat shops because there will be no reliable enforcement.

We have seen the NAFTA model fail in Mexico. We have seen it fail in CAFTA countries. Why should we assume it will be any less disastrous in Peru or Panama?

We cannot fall for empty promises again. When we were told that NAFTA would result in a trade surplus, when we were told that NADBANC would help communities that were faced with job loss with reinvestment, when we were told NAFTA would be beneficial for Mexicans, Canadians, and the legislation passed this Congress, what did we see? Billions and billions of trade deficit dollars racked up.

We have never had a positive trade balance with the NAFTA countries or the CAFTA countries. We saw a washout of jobs in our middle-class communities, and we saw huge and growing protests across Mexico. It's a mistake to pass NAFTA, and it will be a mistake to extend it to other countries without comprehensive and effective reform.

This time Congress must be smarter. We must realize the administration is feeding us empty promises without enforceability and clear benefits. We should have no reason to be fooled again.

Even if we succeed with some changes to the core text of these agreements, do we trust President Bush to enforce them? We are still waiting for him to enforce the flagrant violations in the Jordanian agreement, where such language was included in the core of the trade agreement.

It is bad enough that his administration has the power to avoid any meaningful congressional amendment or any

amendment at all. We cannot trust President Bush with fairly negotiating trade agreements, and we certainly cannot trust him to fairly enforce them.

If Congress passes these agreements with Peru and Panama, we only stand to perpetuate the race to the bottom cycle of lowered wages, reduced benefits worldwide, by taking these steps under the slippery slope of the Bush trade agreement that rewards Wall Street and its investors, but penalizes main streets across our Nation.

LET'S BRING OUR SOLDIERS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, earlier today I made mention of an interesting new theory that is being promoted through the Nation's newspapers, and, certainly, let me acknowledge the respect that we have in this Congress for the United States military and their never-ending challenge and acceptance of responsibility in their work in Iraq and certainly, of course, Afghanistan.

We know that both of those regions are becoming more difficult. In Afghanistan, the Taliban is rising, and, frankly, just recently, there was an attempted assassination attack on President Karzai in Afghanistan with a message from the Taliban saying that ''We were involved'' and, in essence, ''We are on the rise.''

In fact, that is where the root of terror is. After 9/11, that is where this Congress almost unanimously instructed the President on behalf of the American people to fight the war on terror, to fight al Qaeda, and to find Osama bin Laden. Unfortunately, this administration has failed, failed its duty to this Nation, and not represented itself to the American people and to this Congress as to what its next steps are with respect to fighting terror.

Now we find ourselves muddling around in Iraq, we are almost to the middle of June, and almost 30 Americans have died in Iraq. This is an unending mission without a mission, an unending story without an end.

Now we read in the Nation's newspaper America's strategy in Iraq to arm the Sunnis. But at the same time as we arm the Sunnis, we are in negotiations with them to promise us that they will not shoot American soldiers.

I believe that this may be a reasonable response to arm Sunnis to fight al Qaeda, to arm Sunnis to engage with the Iraqi National Army. But it is not a reasonable response with American soldiers sitting in the line of fire.

Again, I say, having visited with my constituents over the weekend, having visited with constituents in churches and grocery stores, in meetings, in civic meetings, everywhere I go, in religious institutions or houses of faith, everywhere I go in my congressional district, people are asking the singular question. That is, when are our soldiers going to come home from Iraq?

When I get the loudest applause is when I say that this Congress must bring our soldiers home, and that it is my intention to work with every Member of Congress who is willing to stand up to ensure that our soldiers come home, not because of our job has not been completed, not because our soldiers are not strong, not because our soldiers are wimps, but because, in fact, our soldiers are heroes.

I believe, as in my legislation H.R. 930, that we should bring them home under a military success. They have done their job. They have deposed Saddam Hussein. They have discovered that there were no weapons of mass destruction. They have finished the mission.

We should declare a military victory for those soldiers and those who lost their lives and begin to transfer the leadership of the efforts in Iraq to the Iraqi national Army and the Iraqi national police. I cannot understand this theory, this particular strategy, when our soldiers are still on the ground. All I can see is armed Sunnis, armed al Qaeda, armed Shiites, all pointing guns at our soldiers, who are there, simply, to follow the mission of a President who will not listen.

I am interested in military strategy. I want our military generals to be creative. If they believe that this is an effective tool, then this tool must be utilized without our soldiers, in essence, if I might say, without any disrespect, to be shooting targets or sitting ducks.

This does not seem to be the right kind of approach if our soldiers are still going to be in the midst. Even if they relocate the soldiers out of the particular area, they are still on the ground. Armed Sunnis are armed Sunnis. Armed Sunnis and armed Shiites move around. They don't necessarily have to stay in one area.

I expect that we will have a briefing tomorrow. I hope that they will discuss with us, the Members of Congress, on behalf of their constituents, what does this mean for the lives of our soldiers? What does this mean for the number of those who have lost their lives already and their brothers and sisters may now be in the greater line of fire with people being armed, and armed with what?

What level of weaponry will they have, and how far will this weaponry be able to go, and what will they be able to do with it? It is obviously a challenge.

It is time to bring our soldiers home. If this is what we are doing, let's transfer the fight to the Iraqi national Army and the Iraqi police.

Let's bring our soldiers home.

REPORT ON H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. KAPTUR, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–187) on the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

U.S. TRADE POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maine (Mr. MICHAUD) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICHAUD. Madam Speaker, it's a great pleasure that we are talking this evening about an issue very important to a lot of us in this Congress, and a lot of folks throughout the United States of America, and that issue is trade.

I would like to yield to a colleague of mine. We came in this Congress together, and she has been very active in the trade deal and has established with me the trade working group in this Congress, Congresswoman LINDA T. SÁNCHEZ of California.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I am pleased to join my colleagues in addressing the House and the American people regarding U.S. trade policy and its effect on working families.

Let me start by saying, first of all, that I am committed to trade. That's right, I think that trade is good for America and its working families. If we do it the right way, trade can increase the availability of raw materials for production. Trade can also open markets for American goods and can bring exciting new products to American consumers. While I recognize the benefits of trade, not all trade agreements are created equal.

On May 10, the administration and Members of this House announced a ''new policy on trade.'' Well, it's about time. Democrats have been calling for a new direction in trade for years, and I am pleased that the administration has finally taken initial steps to improve its trade policy.

But, alas, it is too little, too late. This new trade policy is little more than a rehash of the same failed NAFTA model that has been hurting U.S. families for more than a decade. According to the administration, the new additions to the Peru and Panama agreements would add long-sought labor and environmental protections to the basic NAFTA framework.

Unfortunately, even the U.S. Chamber of Commerce says that these new worker and environmental protections can't be enforced. That's not very encouraging, is it? Supporting this new deal requires us to believe in two things: number one, the actual benefits of the NAFTA free trade model; and, number 2, the promises of the Bush administration.

We are supposed to trust an administration that has demonstrated its commitment to anything but the truth. Having misled us on issues like domestic wire-tapping programs, the war in Iraq, global warming, and the firing of U.S. attorneys, it now seeks our trust. How are we supposed to trust a record like that?

We have also learned some very hard lessons after more than 10 years of free trade failures. As we hear more familiar promise about the new trade deal, let's look at some of the old ones. NAFTA was supposed to solve illegal integration by developing a robust economy in Mexico that would allow hard-working people to provide for their families and stay at home. Well, that didn't work.

CAFTA was supposed to include bold new safety and wage protections for workers, but these protections are disappointingly weak, allowing countries to downgrade their very own labor laws.

In the Oman Free Trade Agreement, the administration actually negotiated a deal with a opportunity that, as our own State Department reported, was experiencing a forced labor problem—forced labor. How are our workers supposed to compete with people who are forced to toil?

Free trade was supposed to increase economic opportunity for everybody, for big businesses, as well as working families at home and abroad. But it simply hasn't happened.

Too many communities have been left to rot because corporations shut down U.S. plants to chase increasingly cheap labor and weak environmental protections abroad. After decades of living with NAFTA and its clones, real wages for American families are down. Our trade deficit is in the tens of billions of dollars, and our manufacturing base is falling apart.

The American worker is now more productive than ever, but that increased productivity has not led to a corresponding increase in wages. The truth is that the NAFTA free trade model is designed to favor the wealthiest few and corporate bottom lines at the expense of small businesses, workers, families and communities.

In the coming weeks, we will be asked to consider first two of the Bush administration's trade priorities, free trade agreements with Peru and Panama. Despite the long record of failed free trade agreements, the Bush administration and free traders are going to tell us that Peru and Panama agreements are less controversial than the administration's other priorities, free trade agreements with Colombia and Korea, and the renewal of the President's fast-track negotiating authority.

This is a sign of how bad Peru and Panama trade deals are. Their only redeeming value, it seems, is that they are not as bad as the deals with Korea and Colombia. But that argument misses the point. Every bad trade agreement passed, makes it easier for another bad trade agreement to slip by.

When they say ''not that bad,'' we should say ''not good enough.'' Let's keep our eyes on the ball.

The Peru and Panama free-trade agreements are slippery slopes to other bad deals. Passing these deals makes it easier for the Bush administration to push through the Korea free-trade agreement which would gut the American car industry.

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It would make it easier for the White House to push through fast track authority, which gives the President a blank check to create additional agreements that gut our communities and our economy.

Passing the Peru and Panama Free Trade Agreements puts us on a slippery slope toward passing the Bush-Colombia Free Trade Agreement, a deeply flawed trade deal for working families in both countries.

I just returned from Colombia, and this was my second trip in 7 months. On these visits I talked with leaders from civil society, indigenous groups, organized labor and the political opposition.

Colombia is a great country with wonderful people, a vibrant culture and a growing economy. However, Colombia remains the most dangerous country in the world for worker advocates. Despite recent progress, the Colombian Government has still been unable to protect labor organizers from being attacked or killed over any specific amount of time. The Bush-Colombia Free Trade Agreement will only exacerbate those problems. Without real enforceable worker protections, increasing numbers of Colombian workers will be forced into sweatshop conditions.

The Bush-Colombia FTA will gut Colombia's legitimate agriculture sector. Colombian farmers will be forced to compete with subsidized crops from the United States. Many farmers will be forced to choose between leaving their farms and growing more lucrative drug crops, the very drug crops that we see sending drugs up to the United States.

Free traders are going to say that denying Colombia a free-trade package, after giving similar agreements to its neighbors, will destabilize the Colombian Government and give a victory to Hugo Chavez. They are going to say that it sends a terrible message to an important ally that we still regard Colombia as a pariah state.

They're going to say that if the worker and environmental protections were good enough for Peru and Panama, why not Colombia and Korea?

Here's the bottom line. The Peru and Panama Free Trade Agreements are slippery slopes to more downward pressure on wages and benefits, both here and abroad.

You want to hear the surest sign that the Bush Free Trade Agreement is flawed? He couldn't even pass them when his own party was in control of the Congress. The Peru free trade agreement was signed in April of 2006, and yet the White House couldn't get the Republican majority to move it.

Some might say, we can't afford not to sign free trade agreements. After all, they say, globalization is here to stay. Trade and globalization are here to stay. The question remains, however, can we make them work for working families? And I say, yes, we can.

Trade can benefit our economy and the economist of our trading partners. We can negotiate deals that create new markets, bring new jobs and new prosperity. We can achieve significant new foreign market access and reduce our trade deficit. If we stand united for working Americans, we can deliver a real new deal on trade, not warmed-over promises masquerading as caviar.

Minor adjustments to the NAFTA-style deals are just not good enough. No more agreements based on the failed NAFTA model, no more Fast Track promotion authority. We cannot give this administration, or future ones, a blank check on trade deals that devastate our communities at home.

I urge my colleagues on both sides of the aisle to get off that slippery slope and get on the new path toward trade that promotes development and prosperity for all, not just for the wealthy few.

And I thank my colleague, a real leader on this issue, Mr. MICHAUD, for yielding me time.

Mr. MICHAUD. Thank you very much, Representative SÁNCHEZ. And you're absolutely right. These trade deals are a slippery slope, and we definitely have to make sure that we change that trade model.

As you know, I spent over 28 years at Great Northern Paper Company in East Millinocket, Maine, like my father before me spent 43 years, my grandfather before him for 40 years.

NAFTA has killed our community. We used to have over 4,500 jobs. It's little over 500 jobs. Small businesses have gone under because the economy has been devastated because of a trade deal. We had unemployment that was over 33 percent.

We had individuals who are proud men and women who worked in the

mill, made good wages, good health care benefits, they ended up on the food line. They are so many people that went to the food bank that actually the food bank ran out of food. The whole State chipped in and brought food, churches, communities throughout the State to help the devastation.

And it doesn't end there. If you go 30 miles south, another mill had closed its doors. Another 30 miles south of that, another mill closed its doors because of trade.

Yes, they are getting trade assistance, but they want their jobs. And what are they getting trained for, if there's no jobs to get trained?

So this definitely has caused a huge problem, these bad trade deals in the State of Maine, and people are upset, and rightfully so; and that's why it's important for this Congress to get off that slippery slope and head for a new direction, start a new direction; and that new direction is changing that flawed trade policy.

And I agree 100 percent, it's more than just a couple of Band-Aids. We have to look at the broader aspect of trade.

And I really appreciate your ongoing commitment to do what's right for workers, to do what's right for small businesses in this country, and it's the humanitary thing to do as well. So thank you very much, Representative SÁNCHEZ, for your leadership in this issue, and I'll look forward to working with you as we move forward to deal with these trade issues.

I now would like to recognize a gentleman who I've really got to enjoy in this Congress, a gentleman who has really been a strong advocate for our veterans, who definitely has been a leader in that area on the Veterans Affairs Committee, but also a gentleman who is extremely interested in the trade issues, knowing what trade has done to his State in Illinois, Congressman PHIL HARE.

Thank you for coming to the floor this evening. I look forward to hearing your remarks as they relate to trade.

Mr. HARE. Thank you very much. And I thank my friend from Maine for his leadership. And as you know, you're my subcommittee chairman on Veterans Health. And you lead and you do a wonderful job on that committee. And I'm just honored to be able to serve with you.

I want to thank you, and I want to thank my colleague, Congresswoman SÁNCHEZ from California, for her great leadership on this whole issue of trade and protecting American workers and standing up for ordinary people.

I don't have a prepared speech tonight, Madam Speaker. I came here tonight just to kind of have a dialogue for a few minutes and talk about some of these trade deals from the perspective of what I'm hearing back in my district from ordinary people who get up every day, worried whether or not they're going to keep their job.

I think we take a look at Korea. Here we have a trade deal that they are asking us to take a look at and support. 700,000 vehicles entered this country from Korea, yet our automobile manufacturers were allowed, allowed to ship 2,500 cars to Korea. Now, someone tell me if that's remotely close to being a fair trade deal.

I don't have a problem in the world with saying to the Korean government, look, I'm not asking for 700 to 700,000. But when we are only allowed to bring in 2,500 vehicles, compared to importing 700,000, that trade deal is dead on arrival as far as I'm concerned.

Plus, if you look what they're doing to our beef production and in terms of importing beef from this country, that issue is basically dead. Oh, they say they'll talk to us about it. But talk is cheap. And the reality of it is we have yet seen this government be able to move on a trade deal that makes any sense.

You look at Colombia. I was at a trade press conference the other day on Colombia. As you know, as my friend from Maine knows, Madam Speaker, I'm a union member, president, former president of my clothing and textile worker local.

If I had been as vocal for my union in the 13 years that I served in that capacity in Colombia, I probably would have been shot. We've had thousands of people who have been murdered, imprisoned, tortured. This is a government that we're supposed to do business with. We're supposed to trade.

Here we are, the United States, greatest democracy on this planet, and they want us to fashion some type of a trade deal with a country that has paramilitary people go out and assassinate trade unionists and their families. We can do a lot better than that.

I notice the President of Colombia was here just last week, and I echo my colleague, Representative SCHAKOWSKY's remarks, Madam Speaker, when she said to President Uribe in her remarks saying, come back in a year. Come back in a year and prove to this Congress and prove to the American people that you're serious about these violations; that you're going to prosecute more than 39 people, which is all that's been prosecuted under this government.

My colleague from Maine mentions the loss of textile jobs and paper jobs and steel jobs. I talked to one of my friends, Representative BUTTERFIELD, and he had, at one time, in one county, in one county in his Congressional district, he had 10,000 textile workers in one county. I said, how many do you have today? And he said, I have zero. They're all gone.

We can do a lot better than this. My basic question to those people who want these trade deals is just simply this. I understand the environmental and the labor standards, and I think those are good frameworks. What I want to know is, in every trade deal, what is the ramifications for our manufacturing base, for our workers and for our farmers?

I think it's a fair question to be able to ask anybody. When I do, I'm told by some folks, well, we're going to redo the trade readjustment for those folks who lose their jobs.

That's little comfort to somebody like Dave Bevard from Galesburg, Illinois. 32 years at Maytag. His wife has cancer. Health care runs out.

And one person suggested that I go back and talk to Dave Bevard and explain to him, if you can believe this, Madam Speaker, I'm supposed to explain to Dave Bevard that there's currency manipulation in China that's causing some of these problems.

And I remember saying to that Member, well, when I do, when I go to Galesburg and say that to Dave Bevard, I'd better be putting a catcher's mask on because I think I'm going to get poked. We can't talk to our workers like that, justify this. Currency manipulation.

I'll tell you why Dave Bevard lost his job; I'll tell you why Maytag went to Sonora, Mexico, because this Congress, under NAFTA, that passed NAFTA, helped those jobs to go to Sonora, Mexico, Madam Speaker. They outsourced those jobs, and this from a company that took $9 million in Illinois taxpayers' money; and the workers gave, not one, but two wage concessions.

And guess what? The people in Sonora, Mexico can't afford those refrigerators that they're making. In fact, they're coming across the border illegally because they're not making enough money at that factory.

So to my friends at Maytag I would say, thank you for nothing.

Look, I'm a card-carrying capitalist. I've said this many times, Madam Speaker. I want to see businesses make money. But I also want to see a system of fairness in this whole trade thing.

I think it's the minimum we can do is to expect this Congress, that when we negotiate a trade deal, and when we're looking at a trade deal, is to stand up for those very people whose jobs are on the line.

These are veterans who fought and defended this country. These are people who want to put their kids through school. They want to see their kids get married and be able to afford a home. They want to spend some time and be able to retire with some dignity.

Instead, we outsource their jobs. We give them a Trade Readjustment Act that isn't really worth the paper it's written on in the final analysis. It doesn't nearly make it up.

Now I want to say one thing about that before I just conclude here. Some of the workers at Maytag were told,

well, we know you're losing your jobs to Mexico, but here's what you should do. Go into a thing like health care. Growing field. My colleague from Maine and I probably ought to take a look at that maybe some day.

But they were told, you need to get into a growing field like health care. So 300 workers, displaced workers at Maytag did just that. That was the good news. They went to school for a year. The bad news was, there was only room for 30 of those workers, 30 of those workers to continue in practicums so that they could practice medicine.

So what was the response to those 270 people who were left out?

Have you thought of going into cosmetology?

Well, that's a wonderful thing. That's a great way to treat workers.

No, they don't think about cosmetology. What they think about is what should have been and what could have been. What should have been was this Congress, this House, should have said no to NAFTA.

And when it did say yes, and I wish I was here, I could have voted against it, should have had a moral obligation to say to those workers, we're going to do everything we can to help you hold on. But it didn't.

And I am saddened that some Members in my own caucus think that every trade deal that comes down is something that we ought to take a look at.

Let me suggest this, and I will close by saying this. I ran on this issue for the United States Congress. I talked about it every candidate forum I had. I had four opponents in the primary, and I ran on this issue of trade.

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I said I will support trade as long as it does not outsource our manufacturing base and that American agriculture has a seat at the table. I won that primary, and I went on to the general election, and I ran against someone who supported NAFTA, who supported GAT, CAFTA, supported all these Bush trade deals, and I walked out of that election with 57 percent of the vote. Part of that, I believe, is because the people of the 17th District of Illinois know what it is like. I had six clothing and textile plants in my district. I have three with one ready to go, soon to close.

I say, as long as I am in this Chamber, and I don't know how long that will be, I am not going to vote for a trade deal that will outsource one American job, that will take one farmer for granted, that will tell people you really don't matter because you have to look at the whole picture. So I say this to Dave Bevard and to those people who may be watching tonight, from this freshman's perspective, and I can't thank Congressman MICHAUD enough for his leadership on this. I met him when I was running for Congress, and I remember one phone call I made to him when I was a candidate, and one of the first questions he asked was, ''Where are you on trade?'' And I told him and he said, ''What can I do to help?'' And he has been a wonderful leader on this issue.

And this battle will go on. This hour will end, but the battle will go on. And I am not giving up, and the people that believe that our manufacturing base can be saved, we are not giving up. I am going to support the Patriot Corporation, which helps keep American jobs here and stops giving tax credits to companies that outsource overseas. I want fair trade. I will vote for any trade deal that comes down as long as it meets the criteria that it stands up for ordinary Americans.

With that, I am just honored that I was allowed to participate this evening. Thank you, Congressman MICHAUD.

Mr. MICHAUD. Thank you very much, Congressman HARE. I really appreciate your leadership in this whole trade debate. It is very important, very valuable that we hear freshmen class, and the freshmen class has definitely been pretty vocal on the trade deal.

As I mentioned earlier, if you go anywhere in my district, you will see a lot of abandoned mills. What used to be vibrant, a lot of workers working there, they are no longer there today.

The other issue that is very important, and Congresswoman SÁNCHEZ actually touched upon it, is immigration. I know the Senate has been talking about immigration quite a bit. We will be talking about it soon. But before I vote for any immigration bill, I will look to see if they are taking care of the fundamental problem in immigration, and that problem is trade.

If you look at the reasons why a lot of undocumented immigrants are coming from Mexico to the United States, they are coming across the border to get a job. And the reason why they are coming across the border to get a job is because they are living in substandard conditions in Mexico.

Let's go back a few years to when NAFTA was passed. One of the arguments why we should pass NAFTA was because all boats will rise here in the United States and in Mexico. And by raising the boats in Mexico, the workers that come across the border illegally will stay because they will have their jobs, they will earn good wages, and there is no need to come across the border. As a matter of fact, at the time Madeline Albright made comments and encouraged Congress to support NAFTA because it will help solve our illegal immigration problems, and she went on to say if it doesn't solve them or help solve them, then we know it is a failed policy.

Well, it is a failed policy. It hasn't helped. It has gotten worse. And this is something, when we talk about immigration, we have to make sure we take care of that fundamental flaw, and that is with our trade deals. If it means voting against the rule when immigration comes up, I am prepared to do that because this issue is so important that we need to change the direction. We have got to get off this slippery slope if we are going to make this country continue to grow.

It is now a great pleasure to introduce a colleague of mine who is very familiar with labor issues, who is definitely taking on a leadership role, along with Congressman HARE from Ohio. Congresswoman SUTTON has been a true leader.

I really appreciate very much, congresswoman, all that you have been doing. You are a tireless advocate for working people here in this country, small businesses here in this country, and I really appreciate the way that you have taken on this leadership role, and I look forward to continuing working with you on issues as it relates to trade and other issues.

I yield to the gentlewoman.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for yielding.

First of all, I want to thank my colleagues Mr. MICHAUD and Ms. SÁNCHEZ and Mr. HARE. You have been leaders in this fight for a new U.S. trade policy for many years to benefit and to help our working men and women, our businesses, and our communities, and we appreciate your efforts. On behalf of the people of the 13th District of Ohio, I appreciate your efforts working to craft a new trade model that won't leave our businesses and our workers at a disadvantage.

And, frankly, last November in the election, the American people cast votes that reflect their desire to put an end to the flawed trade model that has had a devastating impact on our families and businesses and workers and farmers and communities.

And yet we recently heard about a new trade deal, and it has been mentioned here today, revolving around the Peru and Panama Free Trade Agreement. And that recent deal between some congressional leaders and the Bush administration seemingly provides that labor and environmental standards will be added to those two free trade agreements. However, shortly after that announcement was made, reports indicated that those standards might be put into side agreements or side letters, and those statements were made by those who represent the multinational interests who have been benefiting under our current failed trade policies. And they have boasted also about how those standards would not be enforced. And based on this administration's abominable record on enforcing free trade agreements, I think we can all agree that that is what will happen under this administration.

It has been mentioned here today that there was a free trade agreement with Jordan that was entered into by this country, and there were many who support fair trade, like Mr. MICHAUD and Ms. SÁNCHEZ and Mr. HARE and me. Of those who support fair trade, some of them saw fit actually to support that free trade agreement with Jordan because it had environmental and labor standards in the agreement.

Well, what we saw is that despite those standards, under this administration, despite records indicating documented cases of child sweatshop labor, among other things, there was no enforcement of the standards. So the fact that they are going to be on paper but not enforced really isn't what I believe the American people had in mind when they voted, and I certainly don't think it is all that we need to be doing in Congress to fix our broken trade system.

Now, in an effort to shut down the debate, oftentimes those who are benefiting under the current trade system characterize those of us who are seeking to fix it as protectionists. They insinuate that we are really against trade and don't understand the realities of globalization. Well, that is incorrect. This isn't about being pro-trade or antitrade. It is about the rules of trade and ensuring that they are fair and enforceable. We need a trade model that truly allows fair competition because we know that if provided that opportunity, we will excel in the global marketplace. And that is the trade model that we are fighting for. We are fighting for a trade model that will not reward companies for moving overseas or outsourcing jobs and will put an enforceable end to illegal foreign subsidies and currency manipulation. We are fighting for a policy that will provide incentives to help our businesses, workers, and communities thrive that will require reciprocity of market access and ensure products produced elsewhere are safe for consumption here.

Now, we agree that we must invest in new technology, innovation, and workforce development, and we have to invest in research and development. But it is not an either/or proposition. Unless we also develop a new trade model, our workers, businesses, and communities will continue to be unfairly undercut, and we see that reflected in our soaring trade deficit.

So why is it that the Bush administration and many Members of Congress find it acceptable that other nations engage in unfair trade practices at the expense of those who toil here, whether it is a lack of meaningful and enforceable labor and environmental standards or currency manipulation, tariff and nontariff barriers, value-added taxes, and we could go on and on about the tactics that are used and keep our businesses and workers at a disadvantage? But for some reason it seems that there are those in Washington here who seem to believe that we can continue our current trade policies and that other countries will change. But why would they? It is working for them. Just look at our trade deficit.

Well, those politicians who think this is a good system that we have going should visit Ohio's 13th District. Come and see the places that I have the honor to represent because a lot of people there are hurting from the failed trade policies that have been thrust upon them. Ohio has lost 200,000 manufacturing jobs since 2000. Communities have been hurt and families struggle. Futures have been destroyed. There are kids out there who will not go to college. There are families out there where health care needs are not being met. And it is directly related to our failed trade policies. And unless we make meaningful changes by enacting a truly new trade model, we can't reverse this downward spiral.

So while it is encouraging that these two free trade agreements seemingly provide for the possibility of stronger labor and environmental standards, any enforceability, as I said, relies on the Bush administration, and it appears that it may be a paper victory to have those standards in the agreement even if they find their way into the core part of the agreement, which we are not certain that we will actually see.

One more thing or, I guess, it is the overarching thing: The Constitution of the United States rests responsibility for trade with the United States Congress. I think that we head down a slippery slope as we continue to cede responsibility to the President for trade. It should be understood, as was reflected in our recent elections, that Congress must reclaim its constitutional authority and responsibility and stop ceding its responsibility to the President. It is our job to ensure a vibrant and fair trade policy, and we have to focus our attention on this task before it is too late.

So the inclusion of labor and environmental standards on paper, okay. But, truly, the American people expect more. Our needs are much greater than that. And we must develop a new trade model that is enforceable and comprehensive, not just on paper but in reality. And we have to do it immediately to keep the faith with the American people.

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With that, I yield back to the gentleman from Maine.

Mr. MICHAUD. Thank you very much, Congresswoman.

I can see from your comments and from hearing your voice that you truly care about the people in your district. And that's what I think has been missing in this debate from some of our colleagues on both sides of the aisle. Some think, yes, we have a trade deal; if you don't like it, vote against it. Yes, that's the easy way out. What a lot of our colleagues do not understand is just what you have mentioned; these are people's lives. You've seen it firsthand, Congressman HARE has seen it firsthand, I've seen it firsthand, where people who have lost their jobs, who in a lot of cases are up there in age, 50, 55, 60, that now have to change their lives, they have to try to get retrained, try to find another job. In the meantime, I know in my district, where we have over 33 percent unemployment, we have seen alcoholism and rape increase, divorce increase. The fact that students at high school, their dreams were shattered because they no longer had the means to further their education. We actually had a high school in my district where the senior class did not know whether they were going to be able to graduate or not because the mill that closed its doors paid 80 percent of the tax base, which they had not paid, so the accreditation was in jeopardy.

These issues are extremely important to each and every citizen in the State of Maine, whether you're a Republican, Democratic, green or independent. But there are also issues that are issues we have to deal with collectively, they're not Republican issues or Democratic issues. No one is to blame. I think there is plenty of blame to go around. Actually, it was a Democratic administration that brought us NAFTA. Now it's a Democrat-controlled House and Senate, that hopefully we will change the model. And that's what it is about. And you hit the nail right on the head; it's not about being protectionists, it's about how do we want that trade model to look.

I hope that the presidential candidates, as they go around this country, will start talking about trade. I am very pleased with a couple of the House Members, Congressman KUCINICH, Congressman HUNTER, a Republican, who has been very vocal on China currency manipulation. He has legislation dealing with China manipulation, along with Congressman RYAN. Congressman HUNTER also has bipartisan legislation with myself and Congressman PASCRELL, who is a lead sponsor, on the value-added tax. He is out there, out front.

I want to know where the other candidates are standing because this upcoming election is going to be extremely crucial to where this country is heading. We have a lot of issues we have to deal with, the value-added tax, currency manipulation. When you look at the whole patent issue, what's happening with that. We have a huge trade imbalance. How are we going to bring that trade imbalance back into line? That's why, Congresswoman SUTTON, I

am very pleased to work with you because we're not only working as Democrats, we're working with our Republican colleagues across the aisle, we're working with environmental groups, labor groups. The business community, the United States Business and Industry Council, which has an association of small manufacturing businesses here in this country, has been very vocal on these trade issues, which is important because you have that business community and labor working together. That's what it's all about. Definitely there are those large corporations who have operations in India and China. These trade deals are nothing but a bottom line for them, but that bottom line for some of them could ruin this country.

We are heading for a perfect storm. We have the largest budgetary deficit in our history. We have the largest trade deficit in our history. We cannot sustain that type of deficit, either budgetary or trade, if we are to maintain our status, if we are to be a world leader. That is why it is very important for the American people to demand that those who are running for higher office, whether it's Congress or the Office of the United States President, they have to demand to know where they stand on these issues and be held accountable. Because so far, from what I have seen, there hasn't been much leadership in that particular area.

If we are going to fund education, health care, issues with childcare, taking care of our veterans, maintaining our super power status of military, we have to have an economy that allows us to do that. We cannot have that economy if we continue to outsource our jobs overseas.

I yield to the gentlewoman.

Ms. SUTTON. The gentlewoman's points are well taken.

I am glad you brought up the issue of how far-reaching the effects of our failed trade policies go. I mean, the reality is that when we lose these jobs due to our broken trade system and the unfair trade policies that others pursue and we don't stop, what happens is our communities sometimes crumble because when those employers pull out and the jobs are gone, the tax base is gone. And then the city can't deliver services, our schools can't fund our education for our children. So it has these multiple ill effects that are set in motion.

You also raise a really important point, and I think it's worth emphasizing. Oftentimes, Congressman MICHAUD, when we have these discussions about trade, they like to say this is about business versus workers. And as you rightly point out, of course, the U.S. Business and Industry Council has been saying much of the same things that we've been saying here on the floor because they know that the window is closing, that there are many who want to literally ''make it in America,'' but because of the policies that we have in place, it is becoming all but impossible for them to do that. Once that window closes, I don't know how we get it back. So, we cannot allow that to happen.

On that point, I think that while we are sort of focused on this new deal about the Peru and Panama Free Trade Agreements, which of course represent a very, very small, minute portion of trade with this country, we are focused on that and the fact that there will be, at least on paper, some environmental and labor standards. Of course we are all very much in support of environmental and labor standards. But when we know that they are not going to be enforced and they are then just going to result in two more trade agreements that will result in more jobs being lost in this country, it doesn't really seem like the right place for us to be focusing when we have such a short window of time.

Again, you point out some very important pieces of legislation that are pending here in the House, including the Currency Manipulation bill that Congressman RYAN and Congressman HUNTER have sponsored and I think we are probably cosponsors on. That is an important place that we could be focusing on that could make an important difference in the very near future if we could enact.

The value-added tax, a similar situation. We could be focusing, as Congress is responsible for trade, on these matters that would really make a difference in the way trade plays out for the people who we represent in this country. I think that that would be a much better focus than to continue to cede responsibility to this administration.

It is a critical time. I know that the people back in Ohio are counting on us. And Ohio is going to be in the center of the storm, if past history is any indication, in these upcoming presidential elections. And this is an issue, I can assure you, that will be front and center in the minds of those people in Ohio as it was last year when they cast their vote.

With that, I will yield back to my good friend from Maine.

Mr. MICHAUD. Thank you very much. This is, as you said, a very important issue. And we are on a slippery slope currently.

When you look at Fast Track, Congress is giving up our responsibility as elected officials, as a co-equal branch of government if we pass Fast Track. Congress has no ability to amend trade deals under Fast Track, and I think it's taking the easy way out. I do not believe that Fast Track should pass. I will oppose Fast Track because it is not a good deal for Congress and it is not a good deal for the American people. We have to look at how we can change that model.

We have talked, I heard earlier, about the issues of training. Well, if you look at what happens when a mill shuts down because of unfair trade deals, yes, they do get training, as I mentioned earlier, but what are they going to train for, particularly when you have mill after mill after mill close because of trade deals, there's not much you can train. But also, when you look at some of the benefits and some of the problems we have seen because of mill closures. In the Katahdin region, where I am from, when the mills shut down, a lot of individuals actually had to tap into their 401(k) plan just to survive. What happens when they file their income tax? They get penalized because they had to tap into their 401(k) plan. That's unfair. That's unjust. When they applied for unemployment, guess what? They're taxed on their unemployment. Now, if you want to talk about giving tax breaks to anyone, it's those who are unemployed who actually should have the tax breaks.

You look at what has been talked about earlier as well, the labor and environmental standards that they say will be part of the cortex on Peru and Panama, that is yet to be seen. I think we have seen articles in the paper where the administration is starting to slip out of that deal to try to conjure up some other deal and say, well, we will put it in the side room and what have you. So it will be interesting to see what they finally come up with.

But no matter what you do on labor standards, when you look at the Colombian trade deal, some of our colleagues say well, there are some labor violations. Well, I like the way that they talk about ''some labor violations.'' They are talking about assassinations of trade activitists. That's more than just a labor violation. And to say that well, we will put the standards in the trade deal, that is not going to solve the problem.

I met with the President of Colombia and I told him right up front that I want to see results before I support anything. I don't want to see more verbiage in a trade deal to say that they will take care of the problem. If they want to stop these assassinations, they can do a lot more than what they are doing currently today. I met with several elected officials, individuals from Colombia, on a couple of different occasions. And when you look at how some of these people are being assassinated, on two separate occasions, with other Members of Congress, when I was talking to these individuals, what they have done is to set an example of someone who is a union activist. They have actually beheaded them in front of their neighbors, to set an example, and played soccer with their heads. And this is a country we are going to sign a

trade deal? That is outrageous, and it is just disgusting to see that sort of thing happen.

Before I do anything on the Colombian trade deal, I want to see the number of trade unionist assassinations drop. I don't want to see writing, I want to actually see results. And that is what is so important, when you look at these trade deals; they are affecting people's lives. These people are more than just numbers on a paper. I wish some of our colleagues could really understand that. I don't think they do. Probably because they haven't been affected like your district, Congressman HARE, my district.

I think it is important for the American people, also, to really focus on what is happening here in Congress. Just because it's a new Congress doesn't mean that we are going to change in a new direction when it comes to trade. They want to see results like we want to see results, and hopefully we will see results in this upcoming debate on trade.

And there are some issues we can do right now without trade deals. We can pass the Currency Manipulation dealing with China, that can be done right now. We can pass the value-added tax issue, that is a disadvantage to businesses here in this country. That deficit alone is I believe $379 billion, a tax that is affecting companies here in the United States.

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That is not fair. We have to deal with that.

Madam Speaker, I yield to the gentleman from Illinois.

Mr. HARE. Madam Speaker, the point is, if we're going to trust this administration to enforce labor standards and environmental standards, this is the same administration who hasn't even administered our own National OSHA program and has had one OSHA standard that they had to enforce, and that was because this administration was sued to get it.

I would hope my colleagues wouldn't just listen to us this evening. I would hope they would listen to the American people. Poll after poll say, if the American people are asked across the country, north to south, east to west, they are asked about these trade deals, the American people want to see that American workers have a right to be competitive.

I wrote down a list of some things: Steel, televisions, camcorders, clothing. The list goes on. It isn't that we don't have the workforce that can manufacture and make these things. They were quality products for years and years and years. Unfortunately, we have had a Government that felt that it was okay to take those jobs and to move them out.

I would also remind some of our colleagues that not every person that gets out of school wants to sit behind a computer terminal. There is great strength in working as a welder. It is a great task to be a fitter. It is a great task to be able to do something with your hands. God didn't create all of us to sit behind a terminal. I am convinced of that, because I am computer illiterate. I am living proof. I cut lining for men's suits for 13 years, and I know this: I know that we manufactured a marvelous product. I know my cutting room was outsourced because you can't compete against 17 cents an hour.

The unionized clothing worker back then was making a whopping $6.07 per hour when I worked in this factory. So this nonsense about American workers pricing themselves out of jobs because of collective bargaining agreements, that dog, as they say, just isn't going to hunt.

I would ask this body, this House, to pay attention to what the American people said last November. They sent us here to do something positive for them. I haven't met a worker yet who said, could you do me a favor, PHIL? I hope you do the best you can when you get out there to make sure I can get some TRA funding and lose my job. People want us to stand up for them, and that is what we are here tonight for.

I want to commend the Congresswoman from Ohio, BETTY SUTTON. She has been a tremendous force in this issue of bringing it forward, staying with it and not being afraid to take some lumps, because sometimes we can do that in this business.

But let me tell you, this issue that we are talking about this evening is one of the most important issues this country faces. We are going to be at a crossroads with these trade agreements. We can either decide to stand up and be counted, or we can stand aside and watch these jobs go and bemoan the fact that they are gone down the road and try to solve this by throwing some money at a TRA program that not only needs to be reworked, it needs to be reworked because it isn't working, and it hasn't been working for a long time for American workers who have been displaced.

I just want to close by saying this tonight: I am for trade. I have said it before. I am for any type of a fair trade agreement that works. But I will not vote for a single piece of legislation that comes to this floor that will outsource one more job, not just from the 17th District of Illinois, the 13th District of Ohio, a district in Maine.

But from Maine to California, we have a responsibility. I am here because of the working men and women of my district. I am going to do the very best I can. And I will tell all of them that are watching, I would encourage them to talk to their Representative and to try to tell them just how important this issue is and what is at stake.

Let me again thank my colleague from Maine for his leadership on this issue. He is probably one of the most forceful voices we have in this Chamber to stand up for American working men and women. I am honored to be here tonight, and I'm honored to serve with you, and I thank the gentleman for giving me this time.

Mr. MICHAUD. Well, thank you, very much, Mr. HARE, for your compliments. But we are here as a team. We are here to do what is right for the American people, whether you are an employee, whether you are an employer, because that is very important.

I know that you know as well as Congresswoman SUTTON and a lot in the freshman class who actually ran on this issue, you have seen what it has done to your districts. You have seen what it is doing to our country. It is very important that those who are sitting here get out there and talk to the people who have been affected by this.

It is not that we have to pass trade deals because you want to be good on business or vote against them because of labor. This isn't a business-labor issue. This is an American issue. It is an issue that is extremely important if we are to sustain our status in the world. We have to make sure that we have trade deals that are fair. It is not about being protectionist. It is about the rules of trade. That is what it is about, the rules of trade. And I think it is extremely important that the majority party and the minority party and the rank and file Members who are dealing with this issue look at it in a comprehensive manner.

We have to do several things, as I mentioned earlier, and there is a lot we can do next week and the week after without any trade deal. The currency manipulation, there is legislation dealing with that. There is legislation in dealing with the value-added tax. If those people who are very interested in trade, the so-called free traders, we can pass these pieces of legislation this month to say, yes, we are serious about trade, and here is a start. Then we can start looking at some of these trade deals that have been negotiated, the Peru and Panama trade deal, what has happened with Korea, and see whether or not we should enact those. But we have to start, and we have to start today.

We are a new Congress, a Congress to which the American people said that we want a new direction in this country. And we have to give them the new direction that they want, because I can guarantee you, in this upcoming election cycle, if we do not make changes in how we deal with the trade issues, we will be on a slippery slope. I don't want that to happen.

I think the American people deserve better. The American people deserve

better, and the business community in this country deserves better. Hopefully we will be able to give them that.

Once again I want to close by thanking you very much, Congressman HARE, for your strong leadership, and you, Congresswoman SUTTON, both in the freshman class. You're a breath of fresh air here in this Congress. I look forward to working with you as we move forward in this debate.

THE SUBURBAN AGENDA

The SPEAKER pro tempore (Ms. BERKLEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes as the designee of the minority leader.

Mr. KIRK. Madam Speaker, as we begin the work of this Congress, we should follow several key principles. Our first principle, which should be the main work of this House, should be focused on key major issues before the country; the second principle is that we should be effective and enact solutions for the American people; and the third is that we should use this debate to build consensus to deploy bipartisan action on behalf of our country.

One commentator looking at the record of the current Congress said that we are packing two days of debate into a four-day workweek. When you look at the record of this Congress so far, you can see that we have taken action on 13 bills to name a Federal building or post office or to build a road, we have enacted five bills to extend preexisting laws that were already on the books or passed last year, and we have passed eight bills cosponsored by a large number of Republicans or passed entirely without opposition. It is not an impressive record of work so far. And when you look at the actions of this Congress, you can see many pieces of legislation on which there has been no action in this Congress, despite a great need by the American people.

One of the key pieces of legislation that passed in the 109th Congress was the Deleting Online Predators Act. This is a bill which would protect children from online predators, especially those who use social networking sites like MySpace.com, the number one website on the planet, where the Center For National Missing and Exploited Children reports that at any one time there are 50,000 sexual predators online trying to get the attention of children.

This legislation, the Deleting Online Predators Act, passed the House of Representatives last year by a vote of 410–15. It stalled in the Senate, and as of yet in this Congress there has been no action whatsoever.

In the last Congress, we also passed the Student and Teacher Safety Act. The Student and Teacher Safety Act was endorsed by the National Education Association and would say that for any registered full-time teacher in America, that they have complete discretion to search a book bag or a locker to make sure that the classroom was gun-free. As a former teacher myself and as someone who has worked with many teachers, I think it is appropriate for the Congress to use a teacher's full-time professional judgment to make sure that their classroom, their workplace, was a safe place to be, not just for teachers, but especially for children.

When we have seen attacks in places like Winnetka, Illinois, or Columbine, or even Virginia Tech University in Blacksburg, Virginia, we can see that there is a need to fully empower teachers with the right to search to make sure that their facilities are safe. The Student and Teacher Safety Act passed the House unanimously in the last Congress, was delayed in the United States Senate, and no action has been taken this year.

The Congress in the last term also passed the Open Space and Farmland Preservation Act. We have seen throughout America, especially in suburban communities, rapidly disappearing green and open space. It is very important for us to defend the National Park System. In fact, I think the country should set a long-term goal of doubling the size of the National Park System. But we also want to make sure that we preserve green and open space close to where Americans live, in the suburbs.

This act would establish new and local grant programs to help protect suburban open space. Without action by the Congress, in 20 years time, many of the areas where we currently see green and open space could be an unending series of strip malls, removing an ambience, hurting our environment and delaying our ability to take effective action on global climate change. This legislation passed unanimously in the last Congress, but this Congress has failed to take any action on it.

One of the critical issues before this Congress is whether to pay Members of Congress who have been convicted of a felony and who have lost all of their appeals and beyond the shadow of a doubt stand condemned before the American people, and yet still collect a pension for their service in the Congress.

We have seen Members of Congress, like Dan Rostenkowski or Bob Ney or Duke Cunningham or James Traficant, all completely convicted by a jury of their peers beyond the shadow of a doubt, Members of Congress who lost or did not exercise any of their appeals, who are currently or have served in jail, and yet today or in months past have collected their congressional pensions from the jailhouse ATM.

In 1996, the Congress passed comprehensive reforms to kill the pension for any Member of Congress convicted of any one of 21 separate public integrity felonies. It was a bipartisan victory, with the full support of Speaker HASTERT and Speaker PELOSI. This legislation, once again, was delayed and killed in the United States Senate.

Today we have seen Members like Congressman JEFFERSON from Louisiana, indicted on 16 felony counts, and, but for this legislation, would have a right as a nine term Member of Congress, if convicted and if losing all of their appeals, to collect a $50,000 a year pension, even if convicted for betraying the very taxpayers that pay that pension.

□ 2100

The Congress in February passed very limited pension reform legislation which wouldn't kill the pension for a Member of Congress on conviction of 21 felonies, but instead would only kill that pension for conviction of any one of four felonies. And basic felonies like wire fraud and income tax invasion would still allow the payment of a congressional pension.

Despite limited action by the Congress in January both in the House and Senate, legislation to kill the pension of a Member of Congress convicted of a felony has been completely stalled, completely stalled in February, in March, in April, in May, and now in the first weeks of June with no action and potential actions against other Members of Congress convicted of a felony.

In my view, the hundreds of thousands of dollars paid each year to Members of Congress convicted of a felony are a travesty and should be stopped by the elected representatives of the American people to defend the taxpayer.

All of this details the lack of a substantive agenda by this Congress which should be put before the American people working on issues that they care about, on key challenges before their families. As I have outlined, beyond naming some Post Offices, designating some roads, and passing legislation on which there is little to no debate, this Congress has not done much yet and right now is falling beneath its potential as a great deliberative body of one of the world's premier democracies.

What I would like to do tonight is lay out a new agenda, an agenda that would be meaningful to many Americans and taking on key problems before them.

This action was proffered before in the enactment of the suburban agenda last year which took action on a number of key items like the School Safety Acquiring Faculty Excellence Act authored by the gentleman from Nevada (Mr. PORTER). That bill basically took up the issue of Jessica Lunsford who was killed by someone employed by a school who had never had a background check. Despite his clear and demonstrable criminal record, this man was

allowed to be in close contact with children leading to a tragic result.

The School Safety Acquiring Faculty Excellence Act passed the Congress and allowed every school in the country access to national criminal databases in order to ensure that every activity was taken to make sure that people who are put in close contact with children did not represent a clear and present danger to their safety.

The Congress also took on the issue of open space by passing the Charitable Donations For Open Space Act. This improved the treatment of conservation easements and other open space donations critical to preserving green and open space in the suburbs.

We also looked at the issue of helping families with expanding college costs by expanding permanently the charter of so-called 529 college savings account.

In my home State of Illinois, these are called ''bright start accounts.'' And by permanently extending these tax deferred savings plans, we helped Americans with their college savings.

With those pieces of legislation, and the ones I talked about earlier which passed the House in an overwhelming bipartisan fashion but were killed in the Senate, we laid out a work plan for the Congress strongly supported by the American people with overwhelming bipartisan support on the Republican and Democratic side.

But as I detailed, key pieces of legislation remain to be enacted like the Deleting Online Predators Act, like the Two Student and Teacher Safety Act, like the Open Space and Farmland Preservation Act. Persistence is a value strongly rewarded in the United States Congress, and following on that value, we have laid out a new suburban agenda for this year. The suburban agenda outlines a number of key pieces of legislation that directly meets the needs of American people in bipartisan ways to make sure that we are working on the key issues of the day and move the ball effectively, building bipartisan consensus.

Key items on the suburban agenda include the Gang Elimination Act by Representative REICHERT, which looks at a key problem in the United States which is of internationally connected drug gangs representing major franchises in criminal activity, moving to the suburbs, potentially overwhelming suburban law enforcement communities. While large cities like New York or Chicago have large gang intelligence units and years of experience in dealing with international drug gangs, drug gangs that are now moving to the suburbs can quickly overwhelm a small police force like the one in Waukegan, Illinois, that is facing a criminal empire that comprises thousands of potential gang members, and links to a number of countries.

The Gang Elimination Act calls for the Justice Department to identify the top three national drug gangs and lay out a 4-year strategy for taking those drug gangs down. This is something entirely appropriate, to lay out a mandate for whoever is our next President of the United States to make sure that we remove this threat to the American people.

If you added up all of the documented gang members who are in the United States, it would total the size of the seventh largest army on the planet. The average gang shooter in my State of Illinois is in the 7th grade, and this is a threat that the Federal Government in Washington can help law enforcement deal with.

A second piece of the suburban agenda is the 401 Kids Family Savings Account Act by the gentlewoman from Illinois (Mrs. BIGGERT). We look at key figures like 70 percent of Americans fear it will be more difficult for their children to remain in the middle class than it was for them. You have to simply ask the question: How likely or how easy will it be for your children to afford the very house that they are being raised in?

Access to college in our view is a critical step to making sure that your children have a chance to be full and successful members of the middle class. When we have seen universities like George Washington University now totaling $50,000 a year for tuition, we can see a substantial roadblock in the way of the future success of one's son or daughter.

The 401 Kids Family Savings Account, and previous legislation modeled after it, would allow every American to build success upon success. One of the best things that the Congress has done is to allow every American working with the opportunity to establish a 401(k) retirement program to build tax deferred savings for their families.

Tens of millions of Americans have now established those 401(k) programs, and we would like every American to have a chance, an opportunity, to establish a 401 kids account for their new son or daughter, from the first day they are born, tax deferred savings for college, for the first-time purchase of a home or for starting a new business.

This would not only help boost the savings of the United States, but it would be a dramatic way to upgrade the financial education of American children because these 401 kids account statements would come into parents and allow each one of them to sit down with their son or daughter and see how a disciplined pattern of savings and investment could build a lifetime of good habits for that child.

One of the other pieces of legislation is the Health Insurance For Life Act by the gentleman from Pennsylvania (Mr. DENT). The Health Insurance For Life Act would basically look at a key problem in today's America which is that the average American family, especially in the suburbs, will have seven jobs over their lifetime, and we still have thousands of Americans exercising their COBRA rights to continue their health care coverage. Under Federal law if you have been covered by an employer-provided health care plan, if you lose your job, you can still continue health care and insurance for your family for at least 18 months at your own expense. But many Americans hit the end of that 18-month limit and they will not be allowed to have a safe place to cover their family without extension of these rights.

The Health Insurance Portability Act, otherwise known as the Health Insurance For Life Act of 2007, would allow families at their own cost to continue their health care insurance so there is always in a seven-job career a safe place for their family to be covered. And there would always be an option to maintain that coverage.

As I mentioned before, one of the key parts of our agenda is the Deleting Online Predators Act because throughout America we have not seen a reduction in people who would seek to use the new and powerful tools of the web and the Internet, and especially social networking sites, to reach out and attack children. It is already common knowledge through the culture, and especially through shows like Dateline NBC, that we have seen repeat offenders, even on the same network news show.

The suburban agenda also includes other key items. The one at the bottom is very important for the mid-21st century, and that is the Senior Safety For Dignity Act. The Senior Safety For Dignity Act updates a set of bill of rights for Americans who need nursing home care to ensure that they maintain their dignity. This is legislation put forward by Mrs. GINNY BROWN-WAITE of Florida.

The Senior Safety For Dignity Act is very important because in our country the baby boom is aging. The first baby boomer collects a retirement check in 2009. The number of retirees in America will go from 35 million to almost 90 million, and the need for nursing home care in our country will grow. We need to upgrade the bill of rights for Americans in nursing homes because of the large expansion in capability that we will need in our country and to make sure that the quality of care is maintained.

One of the experts in this Congress is my colleague, a physician and a Member from Georgia, Dr. PRICE, who can comment on a number of these key issues.

Mr. PRICE of Georgia. It really is a privilege for me to come to the floor tonight and work with you, Mr. KIRK, for a few moments and to explain to our colleagues here in the House and to the Speaker about the suburban agenda, a very important area. I appreciate

your leadership in this area. You have been steadfast in making certain that these issues, and they may not be top-tier issues, they may not be headlines in all of our newspapers, but your district, like my district, I have a suburban district outside of Atlanta, and folks there are concerned about what folks all across this Nation are concerned about.

Mr. KIRK. We have seen consistently that while events in Iran or Iraq, while issues concerning global climate change, and of course the immigration bill in the Senate are all front-burner issues, but for American families, education, health care, protecting the environment and saving for college are important issues.

Mr. PRICE of Georgia. That really is true. When I talk with groups at home, and once we get past the hot button, the headline issues of Iraq and immigration and the like, people are concerned about education for their kids and they are concerned about health care for themselves and their parents. They are concerned about security and quality of life issues in their community to make certain that there is going to be green space and there are places where can take their kids.

I was sitting in my office and I had to come down and join you. These are not Republican issues or Democrat issues, these are American issues.

□ 2115

They're issues that I think all of the House can rally around. And you mentioned the health care issue, and as a physician, I understand as well as anybody I suspect about the importance of being able to provide health insurance for families.

We live in a world now where jobs aren't constant. It used to be that your dad and my dad and other folks, they'd get a job and they'd be with that same company 25, 30, 35 years, and they'd get a gold watch and they'd move on and they'd take that health care with them. Now, that's not the case. Our children will have 7, 8, 9, 10 different jobs, 10 different employers and oftentimes having themselves as being self-employed.

Mr. KIRK. One solution would be to have the government take over everyone's health care and to make sure we take action that breaks the link between you and your physician and insert a large bureaucracy that currently runs the post office and now put it in charge of your health care.

Many of us think that that may not be the way to go. The way to go is to make sure that for many Americans, they like the health insurance plan that they're on, and then they would like to carry that through the five to seven jobs that they will have in the 21st century.

Mr. PRICE of Georgia. Exactly. And that hits the nail right on the head. People want to know that their health care is going to be consistent and they have the ability, along with their physicians, to make health care decisions, which is why the Health Insurance Portability Act that Congressman DENT is reintroducing is so important.

It makes it so, as I understand, that if an individual changes jobs, that they're able to provide that COBRA insurance for as long as needed. So it makes it so they can continue that COBRA insurance for a much longer period of time, to tide them over until they're with another employer or they can be able to provide for individual insurance on their own.

It's not the be-all-and-end-all, but it is a particularly important piece of the puzzle that makes it so that people can maintain their own health insurance, and I know that you agree with that.

Mr. KIRK. The need here is to remove the fear that somehow a loss of a job or discovery of a preexisting condition will deny Americans and their families health care insurance. What we want to make sure is you already have a right under Federal law to extend your health care insurance for 18 months. Now, we're not talking about extending it indefinitely, because when an American reaches age 65, you're going to be covered by Medicare, and if you fall below the poverty line, you're going to be covered by Medicaid.

But for large numbers of people, especially looking at an unsure job market, we want to have them assured by this piece of legislation that there's always a safe place for their family to be covered.

Mr. PRICE of Georgia. Exactly, and that gets to the number of uninsured that we have in this Nation. There are 45, 46, 47 million individuals who at some point during this calendar year will be without health insurance. Those aren't the folks that are on Medicaid. Those aren't the folks that are on Medicare. Those are the folks that are between jobs oftentimes, who are unable to continue the COBRA insurance that they ought to be able to, and this is what this bill would do. It would really, really solve one of the major problems that we have with working Americans who do indeed want to provide health insurance for families.

So I commend you for your leadership on this issue and so many others.

The Senior Safety Indignity Act is extremely important. I served in the State legislature, as I know many folks in this chamber did, and every single year we would hear horror stories about problems of health care workers in the nursing home or extended care facility arena.

And in Georgia what we tried to do was a similar kind of thing to make certain that background checks were available, and this would provide that kind of security and that kind of important information for individuals in the senior centers so that we know that the folks who were going to be assisting seniors and caring for seniors have the appropriate skills and the appropriate background in order to do that.

Mr. KIRK. The gentleman is one of the most respected physicians here in the Congress. The difficulty before this country is that the baby boom began when the troops came home in 1945. So, for an American born in that key year, you're going to be collecting a retirement check in 2009 when you hit your 65th birthday. There are so many Americans that then enter the retirement cohort and that may need nursing home care. That is the critical reason why this Congress may have to work on fewer bills naming post offices and designating roads and more on making sure that we maintain quality senior care as the baby boom generation retires.

Mr. PRICE of Georgia. I appreciate that, and the point that you're making is so vital for all of us in this chamber to appreciate, and that is, that we've now been in session 5½ months, and we've passed and sent to the President about 28 to 30 pieces of legislation. Almost the majority of those are naming a building or naming a post office or renaming a building or renaming a post office.

And these issues here, if you look down the list of those seven issues, from the gang elimination to teacher and student safety, to other education issues with 401 Kids Family Savings Act or the Health Insurance Act that we talked about, the Deleting Online Predators Act, open space, Senior Safety Act, these are the issues that are of vital importance to the American people all across this Nation. These are issues that, frankly, ought to get the vast majority of Members of this chamber on both sides of the aisle's support so that we could move forward with real legislation for real people.

Mr. KIRK. I take the gentleman's point. When you look at our legislative work, in 5½ months, in such promise with the new Congress, what we've done, these are all great Americans who should be honored, but these actions should not be the sum total of what the Congress has done.

We've named the Gale McGee Post Office; the Rush Hudson Limbaugh, Sr., Post Office; Scipio Jones Post Office; the Lane Evans, one of my colleagues from Illinois, Post Office. All good Americans that should be honored, but this should not be the sum total of the work of the Congress.

The country witnessed a tragedy in Blacksburg, Virginia, with the attack on Virginia Tech. A number of experienced educators saw some warning signs, as we saw before at Columbine High School, as we saw before in the Winnetka school system when Laurie Dann attacked it.

The Student and Teacher Safety Act is common-sense legislation that this Congress should take up. It says to any full-time teacher, you know the warning signs, you know your children that are in the classrooms, and we want to make sure that you don't have to fear a trial lawyer and you don't have to get a warrant. If you suspect that a threat to your classroom, to your kids has come into a locker or in through a bookbag, and now the classroom is a dangerous place, you have complete authority to remove that danger.

Mr. PRICE of Georgia. And you're right. The incident at Virginia Tech was so astounding and so horrific for all of us to witness, and our hearts and our prayers still go out to those families.

But I understand, as I know you do, that there were individuals who were reticent to bring that out into the open before it happened, bring that individual who apparently committed that awful, awful tragedy out into the open for fear of potential liability.

That's no way for a Nation to live. That's no way for a responsible people to have to operate, to have to think in the back of their mind, well, can I do what's right or do I have to worry about an attorney, do I have to worry about a lawsuit.

This is the kind of legislation that we, as a Congress, if we adopted these seven items, I suspect that the American people would say this is a Congress that has acted appropriately, and we would all be able to stand proud and with that poster and present it to our constituents and say this is a responsible agenda for the American people.

My concern right now over the next three weeks, as you well know, we're entering appropriations time. It is very likely that none of these things, none of them, will be even brought to the floor during this period of time and that we'll get bound up in the process of spending hard-earned taxpayer money, trying to be responsible in that endeavor. But these issues that are supported by 60, 70, 80 percent of the American people, we ought to be able to take those off the table right away.

Mr. KIRK. I'm worried, too. The gentleman can talk about Atlanta. In Chicago, in the Chicagoland area, we are now seeing a great expansion of large national gang franchises like the Latin Kings, like the Gangster Disciples, et cetera, moving into the suburbs. A suburban police department has far fewer resources than a big city like Chicago and Atlanta to fight these, and so that's where the Federal Government can come in.

We're particularly concerned about a gang that some Americans have heard about called Mara Salvatrucha, MS–13, which seems to be particularly violent and one in which there are tantalizing clues that there may have been discussions with terrorist organizations with links overseas because the leaders of MS–13 don't have obviously any patriotic feeling toward the United States, and if they could link up to a terrorist organization for money, they would.

In the city of Chicago, we have now seen these gangs moving into places like Waukegan or Aurora or Joliet. I don't know about Atlanta, but it seems like particularly appropriate when you see that the average gang shooter for these international drug gangs is in the 7th grade.

Mr. PRICE of Georgia. We have similar experiences in the city of Atlanta and then in the surrounding area. I don't represent any of the city of Atlanta itself. My district abuts the city of Atlanta, but I have small cities, some as small as 8- to 12,000 residents. I have some as large as 80- to 100,000, and then some unincorporated county areas.

But the resources that they have with which to fight gangs aren't the kind of resources that large metropolitan cities have, large urban areas have, and this bill, introduced by Representative Dave Weichert who himself is a hero in the law enforcement arena, having been the sheriff out in Washington State.

Mr. KIRK. With the Green River killer.

Mr. PRICE of Georgia. Apprehended the Green River killer, and such a hero he is, and we ought to as a House of Representatives and as a Nation recognize that this Act, this would allow police departments and law enforcement officials all across this Nation to know that there are resources being brought to bear to identify, like MS–13, to identify those gangs that are the greatest threat to our communities, the greatest threat to our constituents all across this Nation, that there is a unified strategy that is going to be brought to bear in order to make it so that we prevail in this war.

Mr. KIRK. I'm particularly worried because in the recent failed Senate immigration bill there was an amendment put forward to deny documented members of international drug gangs the chance to enter the pathway to citizenship that the legislation proposed. That amendment failed.

Mr. PRICE of Georgia. This immigration bill that was just in the Senate last week, many of us had great concerns over, but are you telling me that there was a portion of the bill that it would allow gang members who had been convicted of a felony, that if they were found to be illegal, that they couldn't be deported; is that what you are saying?

Mr. KIRK. The proposed amendment would have denied any documented member of an international drug gang from the chance to apply for the pathway to citizenship that it proposed, and that amendment was defeated 51–46.

When we came together and proposed the Gang Elimination Act, we at least looked at the several hundred thousand documented gang members in the United States and said how do we deal with this problem.

Sometimes I have to have the concern that this Congress may take action in which that number would increase, making the problem even worse by action of the Federal Government. That's why I think refocusing our work for actions beyond naming of post offices to looking at how small suburban communities are being overwhelmed by large gangs with international links, some of whom may add to members if the wrong legislation should pass the Congress, that is an issue that should be squarely put before this Congress.

Mr. PRICE of Georgia. I couldn't agree more, and there was such great promise for this new Congress, this new majority, not of which we're a part of, but this new majority that was swept in and began in January and all sorts of wonderful promises about great legislation and being responsive to the concerns of Americans all across the Nation. And what we've had is a legislative agenda that hasn't done that.

And so you and I stand here tonight inviting our colleagues on both sides of the aisle to embrace this suburban agenda, embrace an agenda that 70, 80 percent of the American people would support with common-sense pieces of legislation that address security, that address health care, that address education, that address caring for our seniors, that address green space. It just astounds me that we can't get that kind of support on both sides.

□ 2130

Mr. KIRK. It's okay to criticize, if we find that in 5½ months we haven't done as much as we had hoped. But Americans, I think, at our core, look for solutions. This Congress has 18 months to go. So it's not enough just to criticize. You then have to put forward a positive agenda of not only saying we haven't done enough, and maybe we should not just consider 13 bills to name Federal property and 5 bills to extend preexisting law, but work at these problems. Then the question is, what is your agenda?

To date, I haven't seen a comprehensive agenda for the other side. I know that a vast majority of Republicans and Democrats will join on this agenda. When we look, we have a critical problem with online predators, at any one time, 50,000 online predators contacting kids. There are hundreds of contacts in each month, in my own congressional district.

Now, people like Julie Wachtheim, the President of Wheeling High School, who, minutes after putting her class photo on a new MySpace page was contacted by a sexual predator using an advanced search engine that obviously

showed us that he was contacting not just her, but hundreds of other young girls, in an attempt to find someone. I am not sure if that is the case in the Atlanta suburbs as well, but I think this is beginning to be a real threat to Americans. This was not part of our growing up.

Mr. PRICE of Georgia. No, absolutely.

Mr. KIRK. The Internet was largely invented in 1996 after you and I had both completed college. But this is part of our children's growing up. I think this calls for congressional action.

Mr. PRICE of Georgia. I appreciate that. It's not that the Internet is bad, it's just that this is a different world, and the Internet is now like Main Street of 20 or 30 years ago, where you would have to be wary of strangers, and our parents told us about strangers on Main Street and how to deal with them. It's much more difficult when those strangers are able to come literally into your own home and entice young people who may not have their guard up as much.

We have story after story, time after time you will hear law enforcement officers talk about the challenges that they have in even getting young people to admit that, in fact, they have been susceptible or been approached by this kind of behavior. But it is rampant out there. It's absolutely rampant. There is not any reason that we ought not to be able to pass some commonsense legislation like the Deleting Online Predators Act like you have introduced in this House of Representatives, which is something that ought to be supported by 70, 80, 90 percent of our colleagues here, something that ought to go, frankly, in front of the appropriations battles we are about to wage over the next 3 to 6 weeks as we work as diligently as we can to responsibly spend hard-earned taxpayer money. But this is something that we ought to be able to coalesce behind.

Mr. KIRK. I don't know of a single community in my district that hasn't been touched by this tragedy yet.

What we are talking about is laying out a new set of rules of the road in the 21st century to protect children, like advising parents through the Federal Communications Commission, Federal Trade Commission, that growing up in America today means having the computer in the living room rather than the child's bedroom, with a casual look and walk-bys by the parent so you can see who is trying to contact your kids.

Like one Pennsylvania mother said, in the 21st century I have a complete right to all of my children's passwords to make sure that I know who is trying to contact my young, minor child, and then to make sure that there are protections at school and in libraries. In my district, we have found some predators who are using library computers, school staff that were using library computers to contact kids, to make sure that our schools do not enable virtual hunting grounds to find kids. All of this is exactly what the Congress should work on, a new technology, which has an unintended effect of creating a new danger, and then Congress stepping in to make sure that danger is removed. We are not working on that right now.

With the eight bills cosponsored by Republicans or passed without opposition, five extending preexisting public law or order, and thirteen to name Federal property or to build a road, that action has not been taken. Action has not also been taken to kill the pension for a Member of Congress convicted of a felony.

We have just seen one of our colleagues indicted for 16 felonies. We have seen some of our colleagues, Republicans and Democrats, convicted, and yet they are paid their pension by the very taxpayers they have betrayed.

Mr. PRICE of Georgia. That's the kind of perpetuation of business as usual here in Washington, that the folks at home just say what on earth are you doing when an individual can be convicted of a felony, and continue to get their pension, they just shake their head. They throw their hands up in the air, and they say, what are you doing? Why can't you do something responsible, which is why this positive agenda, suburban agenda, which is all things again that the vast majority of Members of this House ought to be supporting, which is why we ought to be pushing that forward.

I, for the life of me, I can't answer why we ought not to be able to deal with these things before we launch into the battles over the appropriations bills.

Do you have any sense as to why the majority party won't allow these kinds of bills to come to the floor?

Mr. KIRK. I just worry. Right now, the Congress took very limited action to kill the pensions for Members of Congress back on January 23, but then see stalled action. We have taken no action on ethics reform, killing pensions for Members of Congress convicted of felonies in February, no action in March, no action in April, no action in May, no action now for the first few weeks of June.

You worry because senior Members of Congress have the largest pensions, and they are in charge of this place. Why is it that we are delaying action on this critical reform?

I always thought that the most important thing about such a reform is to prevent crime. You know, if you kill the pension for a Member of Congress convicted of a felony, you almost turn their family members, their spouses, into adjuncts of the Ethics Committee, because they are worried about their future retirement income. That's as it should be, keeping everyone on the straight and narrow.

The State of Illinois is not seen as the cleanest State in the Union. Yet even under our State law, we kill the pension for public officials convicted of a felony, like even Governor Ryan, who just lost his appeal to do that.

I worry, though, that we haven't taken any of these actions. We have stalled actions on all of these items, with an overwhelming number of Republicans, Democrats and independents, wanting action on health care and making sure that we can afford college, and so far this Congress has fallen short of its potential.

Mr. PRICE of Georgia. Not only fallen short, but I would suggest to my good friend from Illinois that the majority party has seemed to raise hiding and decreasing transparency and accountability in a very important area to a huge degree, and that is the area of earmarks, the area of special projects, pork projects, special projects for Members.

What we have just learned in the past week or so is that the Appropriations chair has said well, we won't be debating any of these earmarks, these special projects on the floor of the House. We won't be debating them. What we will do is parachute them in, air drop them in a conference committee so that there can be no light, no sunshine on these earmarks.

That's the kind of priority that concerns me about this majority party, that they have a priority for decreasing transparency and decreasing accountability for spending, but they also, by the same token, will not address the concerns of the vast majority of Americans all across our Nation.

In the area of security, in the area of education, in the area of health care, in the area of senior security, in the area of green space in our communities, a wonderful, positive agenda that we have put before this Congress and, in fact, it's getting no visibility here on floor of the House.

Mr. KIRK. I am just worried, too, because we have now talked about how George Washington University is talking about $50,000 for 1-year of tuition, the first university in the country to break that mark. So you look at a 4-year bachelor's degree at $200,000, post tax, far beyond the ability of a middle-class family to reach that level.

So what should the Congress do? Should we have the government take over all college education? Should the government control prices? Should we have more controls from the House of Representatives so that those who run every other government bureaucracies now run every education institution in the country? I would say no. I would say that we have had too many shortages and too much waste if a bureaucracy can take control of a college.

On the other hand, could we all join together to increase savings and investment for each American family to

build success upon success, the 401(k) program, by authorizing each American family the day that your son or daughter is born to establish a 401 kids tax-deferred savings account.

When we look at how this Congress can sometimes change culture, we have seen that 401(k), an obscure section of the IRS code, has now become part of the lexicon off our country because of how successful it is.

Mr. PRICE of Georgia. Exactly.

Mr. KIRK. We had a time, probably, when there was a good cigar salesman out there that made it de rigeur that every young father would buy cigars for everyone when they had a new child. That is probably part of the 20th century and not part of the 21st century.

So what is it that we can do that becomes part of the cultural experience of every American when their son or daughter is born? One of the things we can do is pass this bill so that every dad on their way home, or mom, if she is so inclined, can stop by some sort of financial institution or a savings and loan or a credit union, and establish a 401Kids account for their son or daughter.

Mr. PRICE of Georgia. Wouldn't that be wonderful. What a grand legacy. The bill you are referring to is H.R. 87, primary sponsorship by JUDY BIGGERT. It's something that's near and dear to our hearts in Georgia. As you may recall, Senator Paul Coverdale, the late Paul Coverdale, served in the United States Senate. One of his goals was to make certain that there was an ability by all families to be able to afford a college education for their children. He fought as hard as he could during his tenure in the United States Senate to make certain that happened.

This is an extension of that. This is a wonderful, would provide a wonderful opportunity for families to put aside a little money in a tax-free mechanism to be able to cover college education for their children.

Mr. KIRK. In the State of Illinois, under section 529, which is a charter that allows States to set up college savings program, we call them Bright Start accounts. What does Georgia call its college saving program?

Mr. PRICE of Georgia. We have the HOPE Scholarship savings plan in Georgia, which is remarkably successful. But there is no reason we ought not extend it because what we provide in Georgia is you can't use that money out of state.

Mr. KIRK. Right. So the problem we have now is that we have not fully taken advantage of the successes that we have already put in place, that Congress lets each State establish a college charter savings plan like HOPE Scholarship in Georgia or Bright Start in Illinois. But these, each State program, has restrictions and the inability to transfer freely throughout the country.

One of the great things about the 401(k) program is that it allows, not only, for Americans to transfer their accounts between employers, but no difficulty to transfer between States. Should not we give that opportunity to each young son or daughter in America so that we can save and invest for college?

We know, already, with $70 billion invested in HOPE scholarships or in Bright Start accounts throughout the country, that this has been a great success. How much more of a success will we have if we simply gave the full national charter to 401Kids accounts. I come out of a military background, if you are transferred, or you are part of a large organization, you may live in several States and have the ability to fully transfer these amounts in a national program, bottom line, to make sure that there is much more money available for your son or daughter to be in college.

Mr. PRICE of Georgia. Absolutely. What a great template to use. What a wonderful model with the 401(k) program, which is familiar to millions, tens of millions, if not over 100 million Americans, who have some type of 401(k) program. They understand how simple it is, how easy it is, how almost painless it is to be able to plan for the future to put that money aside, and to have a vehicle that models itself off of that, after that, as the 401Kids program would do, to allow moms and dads all across this Nation to be able to put a little money aside on a regular basis. When Junior grows up, they will recognize at the age of 15 or 16 that he or she indeed will be able to have the ability to go to the college of his or her choice and realize their his or her potential and their dreams.

Mr. KIRK. We have now seen also with the 401(k) program a change in how Americans look at the economy for the future. There was a time in which most Americans owned no stock and saw the New York Stock Exchange or the other exchanges as something far away, not part of their lives, and maybe for rich people only.

The 401(k) program changed all of that.

□ 2145

And so now we have tens of millions of Americans who are investors, and changing that one cultural attribute that we maybe shouldn't have, which is looking too much for the short term, and helping the whole country change into a new investor mentality, to invest for the long haul, to look at high technology and other investments to see that savings can be built up in a far more substantial way, beyond just a savings account at a bank if they can be put into long term stocks and bonds.

These are habits that have been built for adults, but have not been inculcated in children; that if we start 401 kids accounts with your son or daughter's name on that account, that as your child gets to be 10, 11, 12, 13, 14, 15 years old, it gives an education opportunity to say to your daughter, look at what we've done in just the last year and how much this has gone up, hoping that this will set an example for the rest of her life, making sure that she has successful habits to save and invest for the future.

Mr. PRICE of Georgia. What a wonderful vision and what a wonderful dream. We've all heard the stories of the entrepreneur individual with a significant amount of resources who went into a community and said to a high school or a middle school class that normally wouldn't necessarily have the resources to go to college, any of you that complete your high school education in a way that would allow you to enter a college, I'll fund that college education. This would transfer that, and those kids then do extremely well, so much better than their peers in other classes who haven't been given that assurance.

This is the kind of program that would give that assurance to every young child all across this Nation, to allow their parents to be able to put aside a little bit of money, a little resources over the lifetime of their child so that they can then afford the college education and open the dreams for each and every child.

Mr. KIRK. Just to sum up the key principles that I think we should follow, this Congress, this House should work on the major issues before the American people and especially their families, Number 1.

Number 2, we should take effective action that enacts solutions to problems that American families face.

And Number 3, that we should work to build consensus to sustain bipartisan action. We should not operate this House in a way that, as one person said, packs 2 days of debate into a 4-day work week; that this House can do much more than name Post Offices or designate roads; that we are here not just criticizing, we're laying out an agenda that, based on the last Congress, we know an overwhelming number of Democrats and Republicans will join, like the Deleting On-Line Predators Act that passed 410–15; like the Student and Teacher Safety Act endorsed by the National Education Association that passed unanimously; like the Open Space and Farm Land Preservation Act that also passed unanimously.

If we can join together on these items, key pieces of legislation, already bipartisan cosponsors laid out, I think we would help this Congress reach more of the potential than currently in 5 months of work it's failed to do.

But to conclude, I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I know that our time is short, but I just want to commend you once again for your you leadership in this area. These are issues that concern all Americans, issues of education, issues of safety, issues of security, issues of health care, and they are issues that the vast majority of us ought to support.

So I challenge our friends on both sides of the aisle to step forward and support a positive agenda for the American people. It's outlined right here.

I want to commend you for your leadership, and I appreciate the opportunity to join you tonight.

Mr. KIRK. I thank you. And I commend everyone, that if you'd like to learn more about the suburban agenda, you can go on to our website, www.house.gov/Kirk for an outline of the suburban agenda. This is not just an us-only agenda. This is an agenda that we hope will be matched from the other side. But refocusing our work on health care, on education, on environmental protection and on economic growth, so that this Congress can realize it's full potential far better than in the first 5 months of our activity.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore (Ms. BERKLEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I want to also thank and commend my friends for their discussion of the suburban agenda. I am coming to the floor tonight to talk about health care, and of course they've already covered a lot of those issues in their discussion that preceded in the past hour.

I want to talk about some concerns we have in the delivery of health care services throughout the country. The future of medical care in this country is going to be front and center over the next 18 months time. The elections of 2008 will be about a lot of things, but they will also be a lot about health care.

Three bills that I want to focus on this evening as well, H.R. 2583, H.R. 2584 and H.R. 2585. The first, H.R. 2583 deals with residency programs. The second, H.R. 2584 deals with loan forgiveness and tax abatements for medical students and newly minted doctors. And the third, H.R. 2585, deals with physicians in the Medicare program who are adversely affected by reimbursement reductions every year under a formula known as the sustainable growth rate formula.

Well, as we go through these next 18 months and deciding which avenue through which our health care system is going to go, we have two choices on the table. We've got a public sector, the government side, which already has about half of the responsibility for health care in this country. And we've got that which is comprised of the private sector, as well as that care which is just simply delivered without expectation of compensation, what used to be known as charitable care.

Under the option to expand the government's role, the government's side, the government's sector involvement in the delivery of health care, typically that's known as universal health care. In the 1990s we called that ''Hillary Care.''

But could we also approach it from a standpoint of encouraging the private sector to stay involved and to improve their products and make them more flexible and user friendly in order to provide more for our health care dollar in this country.

My opinion, having worked in the system for well over 25 years, is the United States does have the best health care system in the world, and it is my obligation, my charge to help it remain the best health care system in the world.

Now, I know there's plenty of people in this body who would contest that statement. And there's plenty of issues around to call it into question.

My predecessor in this office, former Majority Leader Dick Armey used to be fond of saying, you know, the numbers don't lie; but if you torture them long enough, they'll admit to almost anything.

But let's talk about some of the different principles that are guiding the debate about public versus private and the delivery of health care services. And maybe we ought to spend a little time talking about the background. How did we get into this? How'd we get to where we are today?

You almost have to go back over 60 years to go back to the time coming out of World War II when the United States, of course, was the victor; came out of the war with a flourishing economy.

But during the war, President Roosevelt, in an effort to keep down trouble from inflation, put into effect rather stringent wage and price controls across the country. The employers wanted to keep employees, so a lot of employees, of course, had been drafted and were serving overseas, so those employees that were left the employers wanted to keep them working. But they were constrained. They couldn't offer raises. They couldn't offer the money that would be required; they were worried that someone across town might outbid them.

Well, they went and came upon the idea of providing a health care benefit, and, in fact, the Supreme Court ruled that that was okay; that that did not violate the spirit or the intent of the law that Franklin Roosevelt had passed governing the wage and price controls. So during the war, the concept of employer-based insurance was begun.

The war ended. The United States was blessed with the postwar economic boom that started, and what began as a necessity born out of a wartime economy continued. It was extremely popular. Health care insurance provided by the employer turned out to be one of the most popular employee benefits that has ever been seen in this country. And up until the early 1980s it just worked wonderfully.

Contrast that, of course, with Europe. Even the parts the Europe that were victorious in the Second World War, the battles were fought in their back yard. Their economies were devastated. They needed to quickly stand up a health care system that would take care of a population that had been deprived by 5 years of war or longer. And these countries decided to promote the single payer system that you see that's so prevalent in Western Europe and in England today.

But that was born of necessity also, because, again, the country's economies were devastated or, in fact, they had not been victorious in the war, they had lost the war, but they needed to quickly stand up a system that would take care of their citizens.

We go from 1945 to 1965. Presidency of another Texan, Lyndon Baines Johnson. During that time, President Johnson enacted the Medicare statute, a little over 40 years ago. The Medicare and the Medicaid programs were signed into law during his administration. These were large government-run programs that were created to focus primarily on hospital and physician care for elderly and basic health care services for the people who were this poverty.

Decades later, almost 40 years later, it was evident that the government-run Medicare program, extremely slow to change, very difficult to change a large government program; and anything that that caused any change within the program was going to be incredibly expensive.

Already difficult to operate.

But in 2003, in fact, my first year to serve in this Congress, my first State of the Union message that I heard the President deliver in this House, he talked about how the need for, or the time for a Medicare prescription drug benefit had arrived; and this was too important an issue to be left to another President or another Congress. It was work that we were going to take on that year, 2003, and get that benefit delivered to the American people. And indeed we did.

We worked on that bill in various committees throughout the year 2003. Right at the end of the year we passed the bill. There was initially a prescription drug discount card that was available, but over the next 2 years the Centers for Medicaid and Medicare Services put together the plan that we now

know as the Medicare Part-D plan. And in spite of all of the problems that it had getting started, arguably it is one of the better functioning government-run health care programs ever seen to date.

But the government needed to catch up to a private system that was already focused on prevention, timely treatment of disease and disease management. So finally Congress put the Medicare prescription drug plan, that focused on giving seniors access go needed medications forward, and the program has been successful and provided benefits for seniors. It's come with, obviously, considerable discussion, and a big push for success, a lot of it delivered by the private sector.

So here we sit at the crossroads today. Again, the government pays for half of the health care administered in the country with a current gross domestic product, the GDP of 11 to $12 trillion.

The U.S. Department of Health and Human Services, through their Medicare and Medicaid services alone, pay $600 billion. Add to that the VA system, add to that the Federal prison system, the Indian Health Service, and you have about half of the health care expenditures in this country.

The other half of health care is broken down with the primary weight being carried by private insurance. There is some charitable and there is some self-pay accounting for the rest. I think you'd probably include bad debt in that other 50 percent.

Well, as the numbers increase, the overall cost of health care for the entire country, as that number increases the Federal Government continues to funnel the American taxpayers' dollars into these efforts, and we have to ask ourselves, what is the wisest and best use of taxpayer dollars?

Is the government doing an excellent job of managing your money?

It's not their money. It's your money. Do you think the government is better suited for your health care needs?

Whose going to handle or who is better equipped to handle the growing health care problems crisis, if you will, in this country?

The government only or the universal health care system, to me, almost is unsustainable. And it certainly is likely to hamper innovation, and hamper the delivery of some of the most modern health care services that the world has ever known.

Now, two examples of that, one very close to home, that would support the notion that a private-based system is better equipped and more flexible and less expensive than a government system, look to our north. Look at Canada.

Canada boasts a universal health care system. But what it fails to highlight is the tremendous wait for treatment that its patients must endure. In fact, in either 2004 or 2005, the Canadian Supreme Court ruled that access to a waiting list did not equal access to care because the waiting times were so long in that country. Their access to care is limited by the length of time that one must wait for care.

□ 2200

Now, in Canada they actually have a pretty good safety valve, and that safety valve is called the United States of America. One of the longest borders in the world is our northern border with our northern neighbor of Canada. And, in fact, if someone has the means to pay outside the system and feels that the wait is deleterious to their health, they can leave Toronto and go to Henry Ford Hospital in Detroit and have that MRI, have that CAT scan, have the stint placed in a coronary artery if they don't feel the wait is in the best long-term interest of their health.

So you can take your money, cross the southern border of the United States, and receive care almost immediately, waiting for bypass surgery where you go to the hospital that puts you on a waiting list or puts you in a hospital and put you in a cath lab and gets the problem fixed. When it comes down to your health and a serious health problem, who wants to gamble?

Also, look at the National Health Service in Britain. They really have developed within their country a two-tiered system. Indeed, the wait times are a significant problem within the National Health Service. You can go outside the National Health Service, stay in the country of Britain, go outside the National Health Service and go to one of the private physicians. Physicians work in their offices at the time they are required by the government and then operate a private practice on the side. Some of the most expensive health care in the world is available right alongside the free system in the National Health Service. And the fact that it is able to run, the fact that it is able to go, certainly speaks to the fact that it is serving a need that people want filled.

The other thing you have to ask yourself, if you have someone who is going to have to wait 6 or 8 months for a CAT scan or an MRI, if you have someone who is going to wait half a year or a year's time for replacement of an artificial hip and that person is nearing the age of 80, a year's wait is a significant period of time of the number of days that that person has left in their life. It is a sad reality but, nevertheless, true.

Again, I come back to the notion that the private sector is more nimble and more financially responsible and it is the better way to build the future of our health system. It is a complex relationship. And how Congress should do its job to ensure that we have the best health care system possible is going to be the central part of the debate that we have over the next 18 months. In my opinion, Congress has to promote policies that keep the private sector leading the way with some interaction that leads to a well-run government system.

You can hardly talk about health care in this country without coming up against the problem of the uninsured. The Census Bureau right now estimates that some 46 million people in this country are uninsured.

Now, uninsured does not always mean lack of access to health care because we all have heard stories about people who use the emergency room for relatively modest problems. It is one of the more expensive ways to get care. There is also a disadvantage too in that if you wait until a modest health care problem becomes an emergency, then you are oftentimes not going to get the best health care bargain or the best bargain for your health care dollar. You are also possibly going to jeopardize the health outcome. So no one would argue that just simply relying upon our Nation's overstretched emergency rooms are a method of dealing with the problem of the uninsured. But I think it is important to point out that doctors and nurses in hospitals on the front lines every day see people and take care of their medical needs, fully recognizing that there may not be a reasonable expectation of payment for those services. And we owe those individuals a debt of gratitude for continuing to do that, sometimes in the face of some rather severe Federal regulations and an extremely hostile medical liability climate.

One of the other things that we will talk about, in fact, we are required to do in this Congress is the reauthorization of what is known as SCHIP, the State Children's Health Insurance Program. This is a program that was started some 10 years ago. It had a 10-year authorization and requires that the Congress reauthorize it this year.

The two gentlemen who were here before me talking about the slow pace of things in this Congress could have added the slow pace of the reauthorization of the current SCHIP language to that list of things that they were concerned about. This is legislation that, again, Congress is required to reauthorize prior to September 30 of this year when the authorization expires. There is no continuing resolution. There is no IOU or Band-Aid we can put on this program. We simply must reauthorize the program if we want it to continue. And it has been a good program, and I would argue that virtually everyone within this body wants it to continue.

Not to say there are not some areas for improvement. A bill that I introduced earlier this year, H.R. 1013, the purpose of this legislation was to ensure that the SCHIP funding that Congress has made available be used to

cover children and pregnant adults with this coverage. Right now we have four States that are covering more adults than they are children with their SCHIP funding. That stands the whole program on its head. It is cheaper to cover children with health insurance than it is adults. In fact, the ratio is it costs about 60 cents to provide what otherwise would cost a dollar's worth of health care insurance for adults. So we get a lot of mileage for our dollars when we put that coverage into children. If we take that coverage away from children to then cover adults who otherwise would not belong in the system but get in through some type of waiver, we are not doing a good job with the moneys that we intended to put forward to cover children. And the reality is until we have covered all the children who need coverage in this country, we shouldn't be taking those dollars away from the children to cover adults in the system. Once we have covered all the children in the country, then perhaps it is time to talk about a waiver. If we want to cover other nonpregnant adults, let's find another program to do that. Let's not steal money from the SCHIP program to provide that coverage.

Another thing that we don't really talk about a lot on the House floor, last year in my committee, the Committee on Energy and Commerce, we reauthorized the federally qualified health center statute. We never got that completely finished in the House. We should take it up again this year. It should be taken up by the Senate, and this is a program that fully deserves reauthorization by this Congress.

The federally qualified health center statute provides in federally qualified health centers coverage for about 15 million uninsureds. That is access to medicines, access to a medical home, access to mental health services, access to treatment for substance abuse, a significant set of services that are available to people who otherwise would not have access to medical care. Federally qualified health centers do a good job. Both SCHIP and the federally qualified health center system deserve to be taken up and reauthorized by this Congress. If there are improvements that we can make, then by all means let's have the debate and make those improvements necessary, but let's not let those two programs languish and by default be sunsetted and not continue.

Now, the two gentlemen that were here talking earlier were talking about some of the problems that people get into when they lose their health insurance and wanting to extend COBRA benefits, a noble exercise. One of the things that I have really thought is a forward-looking way to go with health insurance, and it kind of gets at what they were talking about, that is the individual ownership of an insurance policy.

The point made by Mr. KIRK of Illinois, gone are the days where a person gets out of high school or college, works in one job, one factory, one manufacturing plant for the remainder of their work life, then retires and gets a gold watch and goes off to a well-deserved retirement. People change jobs in today's economy. Their health insurance ought to be able to be flexible to change with them, to move with them. One way to ensure that is to allow an individual to own their health insurance policy.

Back in the days when I was practicing medicine in the middle 1990s, this Congress passed a bill called the Health Insurance Portability Act of 1996, the Kennedy-Kassebaum bill. In it, it provided for a demonstration product for what were then called the medical savings accounts. Bill Archer, chairman of the Ways and Means Committee at the time, was a champion of the old MSA. I had an MSA when I was a practicing physician. It allows you to build a tax-deferred savings account that is dedicated to your medical expenses. You buy an insurance policy that is yours. You do pay for it with after-tax dollars, but the advantage is that since it has such a high deductible, it typically has a lower premium.

Now, there are some problems with the previous MSAs that were first passed by this Congress. This Congress put a lot of regulations on those insurance policies, and as a consequence, in my home State of Texas, we only had two insurers who were willing to take people on with a medical savings account. When we did the Medicare bill that I referenced earlier in the talk, back in 2003, when we did the Medicare Modernization Act, included within that language was language that allowed for a significant expansion of what we now call health savings accounts. The central concept is still there. It is a high deductible insurance policy owned by the individual, not the employer, or the individual can own the policy. Some employers have now begun to offer health savings accounts. A high deductible policy with a lower premium, and you put money into a tax-deferred savings account. Remember Albert Einstein said there is no power in the universe as strong as the miracle of compound interest. Put that as a pretax expense, and that can be something that grows significantly over time. Imagine that. A health-based IRA or a health savings account, an account that is dedicated only to your health care needs. Start that when you are young. It grows over time, and that can be an incredibly powerful tool to combat problems that might occur with health later in life.

But even if someone has a high deductible policy in their younger years and maybe they don't have quite as much stored up in that health savings account that would cover the deductible, still you get into a catastrophic situation, or it doesn't even need to be a catastrophic situation. In today's environment you have a single car accident and the medical costs can just be astronomical after spending an afternoon in the emergency room, a couple of hours in the CAT scanner, maybe a day or 2 in the intensive care unit, 3 or 4 days in the hospital, and by the time you get out, you have got a bill that will literally shock you. And a health savings account would provide that type of catastrophic coverage.

Why is this important? Say a young person just getting out of college decides they want to go off on their own and they want to be the next Bill Gates. They want to be an entrepreneur. They want to develop their own company. They don't want to work for a large company with its attendant benefits and health care insurance. They just want to go out on their own. Ten years ago you went into the private individual market and said, I want to buy some health insurance because I am going to work for myself and start a small business and be my own boss, you couldn't get anybody to talk to you for any price. There just wasn't a policy available.

Fast forward to the present time, and with the changes we made with health savings accounts in the Medicare Modernization Act of 2003, you can go on the Internet. You can type in ''health savings account'' into the search engine of your choice. And in my home State of Texas for a male age 25, just out of college, nonsmoker, you can pick up a high deductible policy in the range of $65 to $75 a month. Not an astronomical expense. Sure, there is a high deductible associated with that. So if you want a flu shot next fall, you are probably just paying for that out of pocket. But if you get pneumonia and you end up in the hospital in the ICU for several days, you are going to have coverage for that so-called catastrophic event because, even though it is a high deductible, your medical expenses will quickly exceed that. So that is a good thing to have so that you do have coverage.

For a young family where a husband and wife want to have the coverage, want to do the responsible thing if they have small children, a health savings account may provide the way to do that and have that coverage beginning at an early age. And over time the money will grow in the actual savings account portion of that. It grows tax deferred. It can accumulate quickly. And as a consequence, the specter of having a very high deductible is something that is now not such a big deal because there is easily money within that health savings account to pay for those health care needs. Even the routine care if someone chooses to do that, the dollars are there to be spent for that purpose.

□ 2215

The popularity has grown a lot. When I first got mine back in 1997, my old Archer medical savings account, I worried because they said we're going to put a cap on this; we're not going to allow more than 750,000 of these to be sold in the United States of America. I thought golly, I better get out there and get one fast or they are going to all be snapped up. It turned out I didn't need to worry because those original insurance policies, probably less than 100,000 were sold.

But the health savings accounts, when the conditions changed in 2003, have been significantly popular. The last year for which I have accurate and verifiable data is 2005. But by December of that year, the end of calendar year 2005, 3.2 million individuals had coverage through a health savings account; 42 percent of those individuals had families with incomes below $50,000 purchasing an HSA type of insurance. Certainly that is indicative that this is an affordable option. In addition, the number of previously uninsured HSA plan purchasers over the age of 60 nearly doubled, proving that the plans are accessible to people of all ages. And again, out of that number, over 3 million, probably about 40 percent of those individuals were previously uninsured. So it did have the effect of, at least temporarily, bending the growth curve of the uninsured in this country.

Of those 46 million people that we talked about before that are uninsured, over half, 60 percent, are employed in small businesses. Some of these individuals prefer a more traditional health plan. They would like to have what we talked about earlier, an employer-derived health insurance. But their employers, their small business employers look at those premiums going up every year and they say, you know what, I just cannot do it anymore, and so they drop the benefit because it is simply too expensive.

Now, Congress has had before it, over the last 4 years I think we've had at least three votes on this concept; it has always passed the House of Representatives; it always stalled in the Senate. I don't know if we will take it up this year, but I think we should because I think it is fundamentally a good idea. And maybe at some point we will get some cooperation from the other body.

But to unburden small business owners, Congress has devised the concept of what are called Association Health Plans, essentially allowing a group of small businesses with a small business model to band together to get the purchasing clout of a big corporation. It is really not too hard a concept for most people to understand. It is, again, something that has passed this House at least three times that I am aware of. It is a sensible solution. It allows the spread of the insurance risk amongst a larger group. A small employer, say a realtor in your hometown who has 3 or 4 people working in the office, very difficult, very expensive for them to get insurance, if they can find it. Well, imagine if you let all the realtors in Texas band together and form a single group that was negotiating for the sale of insurance. Now imagine that you couple that with the realtors in Oklahoma, Louisiana and New Mexico. Then you've got a group of people that really is beginning to have some significant financial clout and may be able to get a much better price in the group health insurance market. Well, all of this, from the insurance side, is extremely important. You've got to worry though, are we putting the cart before the horse?

About a year and a half ago, Alan Greenspan, just as he retired as Chairman of the Federal Reserve Board here in Washington, D.C., met with several groups. He met with a group of us one morning, and he was asked the inevitable question, well, Chairman, what about the ability of the Federal Government to pay for Medicare in the future. He alluded to how that was going to be a problem that was going to have to be faced. But at the end of it all, he felt that Congress would be able to come up with an equitable solution to that. And he paused and he said, what concerns me more is will there be anyone there to provide the services that you want when you get there. That is a pretty profound statement, certainly something that has stuck with me since that time.

No question about it in my mind, our country faces a crisis in health care manpower, a physician shortage, if you will, in the future. We need to ensure that the doctors who are in practice today, those physicians I like to call ''mature physicians'' at the peak of their clinical abilities, at the peak of their diagnostic abilities, at the peak of their surgical expertise and abilities, we've got to be sure that they stay in the game, that they continue to practice, that they don't retire early, that they don't wander off and do something else. We need to keep them involved.

At the same time, we need to ensure that the younger physicians, the doctors of tomorrow, those that are in residency programs today, those that might be thinking about going to medical school or into nursing, that those individuals stay involved and in fact pursue their career dream of working in health care.

The first issue that always comes to my mind when I think of what are some of the things that drive doctors out of practice or keep people from going into the practice of medicine, and that is, of course, the conundrum of medical liability. Again, we faced it in this House of Representatives probably four times in the time that I have been in Congress. It is an issue that has never gotten through the other body. Again, I believe we need to continue to push that as an issue because in so many ways we just need some commonsense medical liability reform to protect patients, stop the escalating costs associated with lawsuits that are not well-grounded, and to make health care more affordable, ensure that health care is in fact even available to Americans all across from coast to coast in Alaska and Hawaii, and make sure that those physicians stay in the game and continue to provide the needed services.

I believe we do need a national solution. State to State coverage is always going to be tenuous. My home State of Texas did a great thing as far as medical liability reform is concerned back in September of 2003, but you worry every time the State legislature comes into session every 2 years, is something going to happen that undoes those great steps forward that were taken back in 2003.

I do think that modelling after the concept that was developed, actually originally in the State of California back in 1975, the Medical Injury Compensation Reform Act of 1975, signed into law by Governor Jerry Brown, a great step forward that put a cap on noneconomic damages in medical liability suits.

Fast forward to 2003, and the Texas plan came forward. Indeed, the basis of the program or the basis of the reform does lie in a cap on noneconomic damages, but I like to say it's got a 21st century angle to it. There is a $250,000 cap on noneconomic damages for the doctor, a $250,000 on noneconomic damages for the hospital, and a third cap of $250,000 for noneconomic damages from a second hospital or nursing home, if one is involved. In fact, the original cap legislation that worked so well in California, in Texas it has been trifurcated. It is in the aggregate of a $750,000 cap.

Well, how does that work? Did that fix the problem that the State of Texas faced the year I ran for Congress 2003? Well, in Texas, we've gone from 17 medical liability insurers down to two. My personal situation, running my own practice, really having not had a problem that would take me into the courts, but my rates were increasing by 25, 30, 40 percent a year. Well, in 2003, the Texas legislature passed medical liability reform based off that California law, again, updated for the 21st century, for an aggregate cap of $750,000. What has happened since then? Well, remember I just said, we dropped from 17 liability insurers down to two because of the medical liability crisis. We are back up to 14 or 15 carriers. And most importantly, those carriers have returned to the State of Texas without an increase in their rates. They have held their rates down.

My old insurer of record, Texas Medical Liability Trust, between rate reductions, rebates and dividend payments to physicians over the 3½ years since this law was passed, the actual net effect is a 22 percent reduction in premiums for physicians across the board in the State of Texas. Again, remember premiums were going up by 20, 25, 30 percent or more a year, now they are coming down, and over the last few years they have come down 22 percent.

One of the most significant, unintended benefits of this was what happened with the small not-for-profit, community-based hospitals, those hospitals that were essentially self-insured for medical liability. They have been able to take money that was in those escrow accounts against the uncertainty of the medical liability climate that they faced in 2001, 2002 and early 2003, now that money has been able to go to hiring nurses, capital improvements, just the very things you would want your smaller not-for-profit, community-based hospital to be able to do. This is certainly one of the good news stories. And again, the smaller hospitals were not the intended beneficiary of this legislation when it passed in the State of Texas.

I took the language of the Texas-passed medical liability reform, worked it into the type of language that we have to have here in the House of Representatives, ran it through legislative counsel and offered it to Mr. RYAN, Paul Ryan, the ranking member of the Budget Committee on the Republican side, when we were doing our budgetary work in March. He had that bill scored by the Congressional Budget Office. And the Texas plan, as applied through the House of Representatives language, applied to the entire 50 States, would yield a savings of $3.8 billion over 5 years. Now, not a mammoth amount of money, but when you are talking about a $2.999 trillion budget, savings is savings. And these are monies that we are in a sense just going to leave on the table in this budgetary cycle that could have gone to some of the other spending priorities, some of which I have already alluded to in the SCHIP and the Federally Qualified Health Center statutes. But anything, even those things not dealing with health, $3.8 billion, as the old saying goes, you keep leaving that amount of money on the table and pretty soon you're going to be talking about some real dollars.

And also consider this: A study done in 1996, that's over 10 years ago, out of Stanford University, revealed that in the Medicare system alone, the cost of defensive medicine was approximately $28 to $30 billion a year. The cost of Medicare, not the entire cost of the health care infrastructure of the United States of America, the cost to Medicare was $28 to $30 billion a year 10 years ago. I submit that that number has likely increased today. We can scarcely afford to continue this trajectory that we are on with regards to medical liability in this country.

And again, remember when I started this part of the discussion talking about are we going to have anyone there to provide the services when we want them. And another consideration is that young people today entering college, in college, just getting out of college, who wanted to consider a career in health care, are looking at the crisis that we face in medical liability in this country, and it's keeping them out of the game, and that's not right. One of the obstetrics residency directors from a big New York program was down here actually a couple of years ago now, and I asked her, is the medical liability crisis, is it having an effect on your residency classes that you're recruiting? And she told me that right now we are taking people into our residency program that we wouldn't have interviewed 5 years ago. In other words, we are lowering the class and the capabilities of those people who are willing to go into obstetrics as a specialty. Well, these are our children's doctors, these are our children's children's doctors that are being trained in the residency programs today. I fail to see how it advances the case for patient safety and the well-being of Americans to continue to allow this condition to exist without addressing it.

Again, we voted on the bill several times in this House over the past several years. My understanding is the bill was just recently reintroduced last week. I hope we will have a chance to address it in this House. And I hope we can get some activity from the other body. I am not optimistic, but I believe this is so important that we have got to continue to try to get this done.

This brings me to one of the things I initially spoke about, one of three health care bills, H.R. 2583, the so-called Physician Workforce and Graduate Medical Education Enhancement Act of 2007. There is a Washington-type title that everyone can love. Well, part of ensuring the future health care workforce in this country is going to be to make certain that there are the types of residency programs in the types of communities in which we want doctors to consider going into practice. You know, the funny thing about physicians is they do have a lot of inertia. They tend to stay where they're dropped; that is, they tend to work and have their practice in communities where they trained or close to where they trained.

□ 2230

A lot of us have followed that trajectory, and I suspect there is nothing unique about that. It will continue to be the way physicians behave for probably well into the future. So the bill introduced just last week was designed to get more training programs in areas that are underserved, like rural areas, inner-city areas, to get young doctors-in-training in locations where they are actually needed.

The Physician Workforce and Graduate Medical Education Enhancement Act of 2007 would develop a program that would permit hospitals that do not traditionally operate a residency training program that will allow them the opportunity to start a residency training program and in fact build that physician workforce of the future on site in those communities where they are in fact needed.

On average, it costs $100,000 a year to train a resident, and that cost for a smaller hospital is clearly prohibitive. Because of the cost consideration, the bill would create a loan fund available to hospitals to make residency training programs where none has operated in the past. The programs would require full accreditation and be focused obviously in rural and suburban inner-urban or other smaller community-type hospitals. I can think of several communities in the congressional district that I represent that might benefit from such a program.

Clearly, it is one thing to say we are just going to educate more doctors, but to get them to practice in the areas where they are needed, and, boy, an area that comes to mind is the area around New Orleans, Louisiana. They have lost doctors. The wholesale loss of doctors since the twin hurricanes of August of 2005, it is going to be very difficult to encourage people to come back to that area. But the reality is if someone trains in that area, the likelihood of them staying in that area is increased.

It is all well and good to create new residency programs, but if you don't have anyone interested in filling that residency slot, it is not going to be really something that does all that much good. So the second bill, H.R. 2584, the High Need Physician Specialty Workforce Incentive Act of 2007, would help locate young doctors where they are needed to solve part of the impending physician shortage crisis that likely could affect the entire country.

We have got to consider training doctors for high need specialties. This act will establish a mix of scholarships, loan repayment funds and tax incentives to entice more students to medical school and create incentives for those students and newly-minted doctors to help them go into healthcare. The program will have a established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery or OB/GYN, and practice in underserved areas. It will be a 5-year authorization at $5 million a year and it will provide additional educational scholarships in exchange for a

commitment to serve in a public or private nonprofit health facility determined to have a critical shortage of primary care physicians.

Again, the Gulf Coast area comes to mind, but there are plenty of areas in my home State of Texas, West Texas and in fact East Texas, that would fit the bill for something like that. It is very similar to what used to be called the Berry Plan. The armed services used to offer a scholarship and some loan forgiveness to encourage physicians to go into one of the branches of service. This is modeled after those plans that were so popular in the early 1970s. Again, it is an important step in getting doctors into the communities where they are actually needed.

The third bill of the three that I introduced last week, H.R. 2585, really deals with the heart of the problem, which is stabilization of the current physician workforce.

When we talk about the current physician workforce, discussing things like medical liability, placement of doctors in locations of greatest need and financial concerns, encouraging doctors to remain in those high-need specialties, the next step is to fix on that largest group of doctors in the country and certainly the largest and still growing group of patients, those baby-boomers that you heard MARK KIRK talk about in the last hour.

Baby-boomers are going to continue to age. They are going to retire, and the demand for services has no where to go but up. If the physician workforce trends continues as they are today, we may no longer be talking about trying to fund the Medicare program. We may be talking about trying to find the Medicare physician. We may be talking about the fact that there is no one there to take care of America's seniors.

Year after year, there is a reduction in reimbursement payments from the Center for Medicare and Medicaid Services to doctors for services that they provide their Medicare patients. This is not a question of doctors just simply wanting to make more money. It is about a stabilized repayment for services that are already rendered. It is about a question of fundamental fairness. And it is not just affecting doctors. It is affecting patients, and it becomes a real crisis of access.

Not a week goes by that I don't get a letter or fax from a physician back in Texas who says, you know what? I have just had enough of this, and I am going to retire early. I am no longer going to see Medicare patients in my practice or I am going to restrict the procedures that I offer to Medicare patients.

In fact it happened to me while we were home on the Memorial Day recess. A woman came up to me, someone I had trained with, and said, look, I just can no longer do these long, involved operations and be paid literally a pittance for the service, when I could spend my time doing other things that would actually pay for the cost of running my practice.

I certainly understand that. I certainly sympathize with that. It is a difficult situation for doctors to find themselves in, because they want to do right. These are difficult operations that they trained for years to be able to provide for people. Now, the fact that they are so poorly compensated by Medicare, they are simply having to turn their back on these challenging, technically difficult procedures, and say I will just see the well patient in the office and stay out of the operating room. I saw it happen in the hospital environment before I left the practice of medicine to come to Congress.

But I hear it in virtually every town hall that I do back in my district. Someone will raise their happened or come up to me afterwards and say, how come on Medicare, you turn 65 and you have to change doctors? The answer is because their doctor found it no longer economically viable to continue to see Medicare patients because they weren't able to cover the cost of delivering the care rendered. They weren't able to cover the cost of providing the care.

Medicare payments to physicians are modified annually. They use something called the sustainable growth rate formula. A lot of the people around here call it the SGR rate. Because of flaws in the process, the sustainable growth rate formula, mandated physician fee cuts in recent years have only been moderately averted by last-minute machinations and fixes that the Congress has provided. In fact, if no long-term congressional action is implemented, the SGR will continue to mandate cuts for physician reimbursement as far as the eye can see, cuts in aggregate between 35 and 40 percent over the next 10 years.

Now, unlike hospitals, who are reimbursed under essentially a cost of living adjustment every year known as the Medicare Economic Index, physicians are reimbursed under the SGR, which says there is a fixed amount of money to pay for all of the doctor-derived healthcare in this country, and there is more demands on that volume, then the slices of that pie are just going to get successively thinner year after year.

Medicare payments to physicians cover only about 65 percent of the cost of providing the patient services. That doesn't figure in anything for the doctor's take-home pay. That is the cost of providing the services. That is the office rent. That is the nurse's salary. That is keeping the lights on. That is paying for the medical equipment. That is buying the syringes and the medicines that might be administered in that office.

Can you imagine any industry, any business, any company that would continue in business if they received only two-thirds of the cost of what it costs them to provide the services? Currently the sustainable growth rate formula links physician payment updates to the Gross Domestic Product, which actually has no relationship whatsoever to the cost of providing those services.

But simply the repeal of the SGR, one of the big stumbling blocks for that is it is very, very costly when figured in the overall Federal budget. But the reality is we have to do it. Maybe if we do it over time, perhaps we can bring that down to a level that is in fact manageable.

Paying physicians fairly will extend their careers for many of those doctors now in practice and those who would otherwise opt out of the Medicare program or seek early retirement or restrict those procedures that they offer to their Medicare patients. It also has the effect of ensuring an adequate network of doctors available to older Americans as this country makes the transition to the physician workforce of the future.

In the physician payment stabilization bill, the SGR formula would be repealed 2 years from now, in 2010. There would be some incentive payments based on quality reporting and technology improvements installed to protect the practicing of physicians against the 5 percent cut that will likely occur each in the years 2008 and 2009. Those things would be voluntary. No one would have to do them. No one would be required to participate in the quality program or the technology improvement, but it would be available to those doctors and those practices who wanted to offset the proposed cuts that would occur in physician reimbursement over the 2 years until a formal repeal of the SGR would be allowed to happen.

Now, for most doctors, that is unacceptable. They say, well, I want the SGR repealed now, not 2 years from now, and I want it repealed this year and I want a positive update or I am going to stop seeing Medicare patients.

The reality is that possibly if we do this over time, we will be able to get it done. The other reality is I wish we had started this when I first got to Congress 4 years ago, and we might be well on our way or well past the where we would have in fact solved this problem. So, it is time to begin that journey of 1,000 miles with the very first steps, and we do have to focus on the fact that this is a long-term solution.

A lot of people say why do it that way? Why not just bite the bullet and get the SGR out of the way and get it repealed? It costs a tremendous amount of money. The other unfortunate aspect of that costing a tremendous amount of money is it may make the premium for the Part B recipient, it may make that premium go up significantly.

In Congress, we are all required to submit legislation to the Congressional Budget Office to find out how much it costs. If we are going to spend the taxpayers' money, how much are we going to spend, over what time will we spend it?

Because of constraints at the Congressional Budget Office, we are not allowed to do what is called dynamic scoring. We are not able to look at changing a program or a new program and say if we did things this way, we would save money in the future. That is well and good, but we can't claim those future savings to offset the cost of doing it a new way. And that is what static scoring tells us, and that is why dynamic scoring would be so beneficial in a situation like this. But we are not able to use that.

If we look at some of the things we have done already in the Medicare system we can say, you know, if we do it this way, we are actually going to save some money. We are not allowed to capture those savings.

The Trustees Report that came out just a few weeks ago, there were 600,000 hospital beds in the year 2005 that weren't filled because of things that doctors and hospitals are doing better, improvements that have been made in the healthcare system. 600,000 hospital beds that weren't filled. Do we get the financial credit for those 600,000 hospital beds that weren't filled? No, we can't claim that. That is just something that is absorbed by the system, and we go on and reset things for the next year and continue on our merry way with the SGR.

But the reality is if we could capture those savings, if we could aggregate those savings, it is not just in hospital beds, there are other areas where savings are occurring at the same time, if we could capture those savings, aggregate those savings, and use those savings to offset the cost of the SGR repeal, we might very well come down to a much more manageable number.

The old bank robber, Willie Sutton, was famous for saying he robbed banks because that is where the money is. Well, let's go after the procedures where most of the money is spent in CMS, identify where the savings are in delivering the care for people who are in those diagnostic groups, and let's keep that money, capture that money, and use it to offset the cost of the SGR. I think that is the greatest return on investment that we could expect from those savings that we are likely going to see from Medicare in the future.

The same considerations apply to the Medicaid program as well. Again, it could be a useful exercise to go through and identify the top 10 conditions and see where the easy savings are in taking care of patients with those conditions. How can their care be better managed? How can things be prospectively managed? What types of intervention might keep a patient out of an expensive hospitalization or away from an expensive dialysis unit? These are the times of savings we need to gather.

I see that I am going to run up against some time constraints. I just want to mention health information technology is something that we do have to pay some attention to.

In the SGR reform bill that I introduced, there is some language about moving us down the road on information technology, embracing information technology. I haven't always been a big proponent of that. When I was practicing medicine, if someone had come to me with proposals like that, I would say, you know, that is going to increase the number of hours I spend every day, not increase my payments to any great degree, and I just don't see how it is going to be economically useful to me as a physician.

That was before I traveled to the City of New Orleans for the second time in January of 2006 and was taken into the records room at Charity Hospital shortly after they had gotten all of the water out of the records room at Charity Hospital.

□ 2245

It looked like the records room of any big city hospital. There were rows and rows, perhaps hundreds of thousands of records in this large room, tens of thousand of square feet devoted to the storage of medical records. They were ruined. They had been ruined by the water and by the black mold growing on the manilla folders. There was not enough protective gear to protect someone to go in and pull the charts out of the racks and begin to go through them to get the patient's medical history.

Clearly, the time has come where we need to have the concept of computerized access to medical records. It is something this country needs to embrace.

The old adage when I was in college, you could say, the dog ate my homework. No student today would do a report, a term paper and keep one single paper copy. They have it on a flash drive, on a hard drive, on a floppy disk. They have printed it out several times. They live in the electronic age. It would make no sense to the medical student of today to have a single paper copy of a term paper or lab report that they would have to turn in for a grade. It would never cross their mind.

Some of the other things, the interoperability of our systems is key. Right after the Walter Reed story broke, I was there visiting. Yes, the physical conditions were one thing; but one soldier told me the biggest concern he has is as he prepares his records, he is on medical hold and as he is looking to go back to join his unit or be discharged, he has to put in order his medical records to make the case for staying in the service or get the disability to which he is entitled if he is discharged from the service.

The biggest fear they have is they will spend hour after hour putting records together and highlighting critical areas, have them sit on someone's desk until they are lost, and then have to start over again. Their biggest concern was the inability of the Department of Defense and the Veterans Administration to interact with each other on the transfer of medical records. Clearly, that is a concept whose time has come.

Price transparency. I have talked about HSAs. If we are going to have health savings accounts work for Americans, we are going to have to be able to allow them to access information about price, cost and quality of medical care and procedures. I introduced legislation dealing with price transparency earlier.

My home State of Texas has gone a long way in this regard, providing information up on the Internet about the costs at various hospitals throughout the State and how they compare to other hospitals in the State. There is a lot of information. It is technically complex. It may even be boring to listen to, but nonetheless it is part of an incredibly important story. The story of how the most advanced, most innovative health care system in the world itself is in need of a little attention.

The last chapter should read happily ever after. How do we get there? The last chapter may read private industry leads to a healthy ending. We are in a debate that will forever change the way health care is delivered in our country. The next 18 months will spell that out for us. We have to understand what is working in our system. How do we make it work better, and how do we extend that to areas where we don't find excellence in our system, whether those areas be public or private. We can't delay making changes to bring our health care system into the 21st century.

I believe the only way this can work is to allow the private sector to lay the foundation for further improvements. The pillars of the system we have have to be rooted in the bedrock of a thriving public sector, and a thriving private sector, not in the shaky ground of a public and private system always at war with each other, and many times are inefficient.

We need to devote our work in Congress to building a stronger private sector in health care. History has proven this to be a tried and true measure. We can bring down the number of uninsured, increase patient access, stabilize physician workforce and modernize technology if we simply have the political and institutional courage to take the steps necessary.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, MAY 17, 2007 AT PAGE 13234

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1427) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to rule XXVII, as a result of the adoption by the House and the Senate of the conference report on Senate Concurrent Resolution 21, the joint resolution (H.J. Res. 43), increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on May 17, 2007.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. GUTIERREZ (at the request of Mr. HOYER) for today and June 12.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. EVERETT (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. SESSIONS (at the request of Mr. BOEHNER) for today and the balance of the week on account of taking his son to scout camp.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 18.

Mr. BURTON of Indiana, for 5 minutes, today and June 12, 13, 14, and 15.

Mr. SOUDER, for 5 minutes, today and June 12, 13, 14, and 15.

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, June 12.

Mr. JONES of North Carolina, for 5 minutes, June 18.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 6, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 1675. To suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. To reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 12, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2112. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Classical Swine Fever Status of the Mexican State of Nayarit [Docket No. APHIS-2006-0104] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2113. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Emerald Ash Borer Host Material From Canada [Docket No. APHIS-2006-0125] (RIN: 0579-AC39) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2114. A letter from the Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-33, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to India for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Armed Services.

2115. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-25, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Armed Services.

2116. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-15, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Armed Services.

2117. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-23, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Philippines for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Armed Services.

2118. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a review of the C-130 Avionics Modernization Program (AMP program), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2119. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a review of the Joint Primary Aircraft Trainer System (JPATS) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2120. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a review of the Joint Air-to-Surface Standoff Missile (JASSM) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2121. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a review of the Expeditionary Fighting Vehicle (EFV) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2122. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a review of the Warfighter Information Network-Tactical (WIN-T) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2123. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Donald C. Arthur, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2124. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Rodney P. Rempt, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2125. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Armed Services.

2126. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks [Regulation O; Docket No. R-1271] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2127. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2128. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2129. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HOME Investment Partnerships Program; American Dream Downpayment Initiative and Amendments to Homeownership Affordability [Docket No. FR-4832-F-02] (RIN: 2501-AC93) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2130. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Approval of Condominiums in Puerto Rico on Evidence of Presentment of Legal Documents [Docket No. FR-5009-F-02] (RIN: 2502-AI36) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2131. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID OTS-2007-0006] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2132. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report for Calendar Year 2006 on the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to Public Law 102-486, section 1015; to the Committee on Energy and Commerce.

2133. A letter from the Deputy Chief Counsel, Department of Commerce, transmitting the Department's final rule — Rules to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes [Docket Number: 0612242667-7051-01] (RIN: 0660-AA16) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2134. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Technical Revisions or Amendments to Update Clauses (RIN: 1991-AB62) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2135. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Romney and Wardensville, West Virginia) [MB Docket No. 05-143 RM-11221 RM-11286] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2136. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2137. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2138. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2139. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2140. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2141. A letter from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2142. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay Administration (General) (RIN: 3206-AK74) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2143. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2144. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — National Security; Prevention of Acts of Violence and Terrorism [BOP-1116; AG Order No. 2878-2007] (RIN: 1120-AB08) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 473. Resolution providing for consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–184). Referred to the House Calendar.

Mr. VISCLOSKY: Committee on Appropriations. H.R. 2641. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–185). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS: Committee on Appropriations. H.R. 2642. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–186). Referred to the Committee of the Whole House on the State of the Union.

Mr. DICKS: Committee on Appropriations. H.R. 2643. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–187). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 251. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; with an amendment (Rept. 110–188). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BOUSTANY:

H.R. 2639. A bill to amend the Internal Revenue Code of 1986 to modify the rules with respect to health savings accounts and medical savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. BOUCHER, Mr. DINGELL, Mr. SMITH of Texas, Mr. BISHOP of New York, Mr. CASTLE, Mr. EMANUEL, Mrs. LOWEY, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SHAYS, Ms. WASSERMAN SCHULTZ, and Mrs. CAPPS):

H.R. 2640. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFERSON:

H.R. 2644. A bill to amend title XVIII of the Social Security Act to provide for coverage of marriage and family therapist services under Medicare part B, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 2645. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve mental health and substance abuse treatment by providing grants for justice system personnel training, treatment

programs, and diversion programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 2646. A bill to amend the Public Health Service Act to establish grant programs to provide funding for mental health services in response to public health emergencies, for statewide plans for providing such services in response to such emergencies, and for the training of mental health professional with respect to the treatment of victims of such emergencies, and to establish the National Mental Health Crisis Response Technical Assistance Center; to the Committee on Energy and Commerce.

By Mr. JEFFERSON:

H.R. 2647. A bill to amend the Public Health Service Act to improve mental health and substance abuse services for juveniles; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE:

H.R. 2648. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mr. HUNTER):

H.R. 2649. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Natural Resources.

By Mr. BOYD of Florida:

H.R. 2650. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H.R. 2651. A bill to require large publicly traded companies and significant emitters of greenhouse gases to report their emissions to the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 2652. A bill to amend the Internal Revenue Code of 1986 to generate renewable energy and encourage novel technologies related to the production of energy, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 2653. A bill to provide for priority consideration for grade crossing safety improvements where there have been serious collisions; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH SANDLIN (for herself and Mr. MCGOVERN):

H.R. 2654. A bill to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HIRONO:

H.R. 2655. A bill to provide for a loan forgiveness program for certain individuals who serve as early childhood educators; to the Committee on Education and Labor.

By Mr. MAHONEY of Florida (for himself and Mr. PUTNAM):

H.R. 2656. A bill to enhance the ongoing profitability and viability of America's farms, forests, and ranches by making conservation activities more cost-effective and efficient, by creating new revenue opportunities through biofuels, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Ms. WOOLSEY, and Mr. KILDEE):

H.R. 2657. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on the misclassification or reclassification of their status; to the Committee on Education and Labor.

By Mr. MCHUGH:

H.R. 2658. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. HULSHOF, Mr. PETERSON of Minnesota, Mr. MORAN of Kansas, Mr. UDALL of Colorado, and Mrs. MCMORRIS RODGERS):

H.R. 2659. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER (for himself, Ms. KILPATRICK, and Ms. WASSERMAN SCHULTZ):

H.R. 2660. A bill to amend title VII of the Civil Rights Act of 1964 to extend the period for filing charges of discrimination in violation of such title and to provide relief for certain current injuries arising from compensation calculations attributable to compensation decisions made at any time in violation of such title; to the Committee on Education and Labor.

By Mr. SARBANES:

H.R. 2661. A bill to make careers in public service more feasible for students with high educational debt; to the Committee on Education and Labor.

By Mrs. SCHMIDT:

H.R. 2662. A bill to require the Secretary of Transportation to collect certain data pertaining to cancelled and diverted flights of air carriers; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER:

H.R. 2663. A bill to amend title 49, United States Code, to direct the Secretary of Homeland Security to extend a requirement for the prescreening of air passengers to international flights that overfly the United States; to the Committee on Homeland Security.

By Mr. WEINER:

H.R. 2664. A bill to require the Federal Government to reimburse a State or local government for financial losses incurred when an employee of the State or local government who performs public safety or first responder duties and who is also a member of a reserve component of the uniformed services is called or ordered to active duty for a period of more than 30 days; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself and Mr. HODES):

H.R. 2665. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 2666. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 2667. A bill to provide for the establishment of a disabled farmers' market nutrition pilot program; to the Committee on Agriculture.

By Mr. WU:

H.R. 2668. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 167. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Oversight and Government Reform.

By Mr. MCINTYRE (for himself, Mr. ISSA, Mr. BURTON of Indiana, Mr. HAYES, Mr. CONAWAY, Mr. WAMP, Mr. BISHOP of Georgia, Mr. ROSS, Mr. CARDOZA, Mr. MARCHANT, Mr. LANTOS, Mr. ADERHOLT, Mr. SCOTT of Georgia, Mr. FILNER, Mr. KUHL of New York, Mr. LINCOLN DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. AKIN, Mr. SULLIVAN, Mr. PITTS, Mr. SOUDER, Mr. PICKERING, Mr. GARY G. MILLER of California, Mr. SKELTON, Mr. RAHALL, Mr. ALEXANDER, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. ETHERIDGE, Mr. MARSHALL, Mr. BOREN, Mr. MATHESON, Mr. ARCURI, Mr. SHULER, Mr. FORBES, Mr. COOPER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LIPINSKI, Mr. SHIMKUS, Mr. KINGSTON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. DAVIS of Kentucky, Mr. ABERCROMBIE, Mr. JONES of North Carolina, Mr. CANTOR, Mr. SPRATT, Mr. LAMPSON, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, and Ms. JACKSON-LEE of Texas):

H. Res. 474. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. GRIJALVA:

H. Res. 475. A resolution congratulating the University of Arizona Wildcats for winning the 2007 National Collegiate Athletic Association Division I Softball Championship; to the Committee on Education and Labor.

By Mr. MEEHAN (for himself, Mr. SHAYS, Mrs. MALONEY of New York, Mr. HONDA, Mr. MICA, Mr. WAXMAN, and Mr. CAMPBELL of California):

H. Res. 476. A resolution condemning bigotry, violence, and discrimination against Iranian-Americans; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. WATERS, Mrs. BIGGERT, Mr. HINOJOSA, Mr. NEUGEBAUER, Mr. CLAY, Mr. DAVIS of

Kentucky, Mr. MANZULLO, Mr. AL GREEN of Texas, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Mr. WATT, and Mr. ROSKAM):

H. Res. 477. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

ADDITIONAL SPONSORS

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

H.R. 23: Mr. RADANOVICH, Mr. BISHOP of Georgia, Mr. SCHIFF, Mr. BAIRD, Mr. HASTINGS of Florida, Mr. MEEHAN, Mr. KILDEE, Mr. RAMSTAD, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. CAMP of Michigan, Mr. PLATTS, Mr. LYNCH, Mr. SHERMAN, Mr. CLEAVER, and Ms. NORTON.

H.R. 25: Mr. GILCHREST.

H.R. 35: Mr. HARE.

H.R. 82: Mr. BAKER, Mr. BUCHANAN, Mr. DONNELLY, Mr. MILLER of North Carolina, Mr. SESTAK and Mr. SULLIVAN.

H.R. 176: Mr. WEXLER.

H.R. 237: Mr. MATHESON.

H.R. 303: Mr. ADERHOLT.

H.R. 333: Mr. BISHOP of Georgia.

H.R. 464: Mr. SERRANO.

H.R. 555: Mr. BUTTERFIELD.

H.R. 621: Ms. SCHWARTZ, Mr. FORTENBERRY, Mrs. JO ANN DAVIS of Virginia, and Mr. HAYES

H.R. 662: Mr. GRIJALVA, and Mr. MCGOVERN.

H.R. 675: Mr. BOOZMAN.

H.R. 690: Mr. TIBERI, Mrs. MALONEY of New York, and Mr. SIRES.

H.R. 715: Mr. PAYNE, Ms. HIRONO, Mr. JEFFERSON, Mr. WALZ of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of New York.

H.R. 718: Mr. ISRAEL.

H.R. 741: Mr. PRICE of North Carolina.

H.R. 758: Mr. SMITH of Washington and Mr. ELLISON.

H.R. 760: Mr. PASTOR and Ms. NORTON.

H.R. 784: Mr. LANGEVIN and Mr. BISHOP of Georgia.

H.R. 857: Mr. LEWIS of Kentucky.

H.R. 928: Mr. GORDON.

H.R. 943: Mr. LARSEN of Washington.

H.R. 962: Ms. BALDWIN.

H.R. 971: Ms. FOXX.

H.R. 980: Mr. STUPAK, Mr. SALAZAR, Mr. SNYDER, Mr. ELLISON, and Mr. GUTIERREZ.

H.R. 997: Mr. STEARNS, Mr. WELLER, and Mr. PETERSON of Pennsylvania.

H.R. 1038: Mr. COOPER.

H.R. 1043: Mr. SCOTT of Georgia.

H.R. 1073: Mr. DEFAZIO.

H.R. 1098: Mr. GERLACH and Mr. LATOURETTE.

H.R. 1102: Mr. HINOJOSA.

H.R. 1108: Mr. ALEXANDER, Mr. CARNAHAN, and Mr. BRADY of Pennsylvania.

H.R. 1113: Mr. CUMMINGS, Mr. FATTAH, Mrs. JO ANN DAVIS of Virginia, Mr. SOUDER, Ms. GRANGER, Mr. PRICE of North Carolina, Mr. DELAHUNT, Mr. HINOJOSA, and Mr. WEXLER.

H.R. 1115: Mr. MCNULTY.

H.R. 1187: Mr. VISCLOSKY.

H.R. 1189: Ms. SHEA-PORTER.

H.R. 1192: Mr. MILLER of North Carolina.

H.R. 1239: Mr. FOSSELLA.

H.R. 1261: Ms. FALLIN, Mr. REICHERT, Mr. BUCHANAN, and Mr. STEARNS.

H.R. 1280: Mrs. MALONEY of New York, and Mr. MCGOVERN.

H.R. 1295: Mr. GOODE, Mr. FRANKS of Arizona, and Mr. HUNTER.

H.R. 1304: Mr. COBLE, Mr. BOREN, Mr. WESTMORELAND, Mr. HODES, Mr. LATHAM, and Mr. PETERSON of Minnesota.

H.R. 1338: Mr. GENE GREEN of Texas, Mr. BAIRD, Mr. MCNERNEY, Mr. WELCH of Vermont, and Ms. VELÁZQUEZ.

H.R. 1363: Mr. KUCINICH, Ms. ROYBAL-ALLARD, Ms. ZOE LOFGREN of California, Mr. GORDON, and Mr. POMEROY.

H.R. 1366: Mr. PEARCE and Mr. EHLERS.

H.R. 1418: Mr. FERGUSON, Mr. LOBIONDO, Mr. FORTUÑO, Mrs. BOYDA of Kansas,

Mr. CARNEY, Mrs. CHRISTENSEN, Mr. SMITH of New Jersey, and Mr. PICKERING.

H.R. 1428: Mr. WAMP.

H.R. 1441: Mrs. DAVIS of California and Mrs. MALONEY of New York.

H.R. 1456: Mr. SCHIFF and Mr. CROWLEY.

H.R. 1459: Mr. JONES of North Carolina and Mr. WHITFIELD.

H.R. 1475: Ms. SCHAKOWSKY.

H.R. 1496: Mr. CARTER.

H.R. 1514: Mr. GINGREY and Mr. REHBERG.

H.R. 1542: Mr. KUCINICH.

H.R. 1551: Ms. WATERS.

H.R. 1567: Mr. AL GREEN of Texas.

H.R. 1576: Mr. HARE, Mr. LEWIS of Kentucky, Mr. WELLER, and Mr. SESTAK.

H.R. 1673: Mr. HERGER.

H.R. 1705: Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. SERRANO, Mr. DAVIS of Illinois, and Mr. FILNER.

H.R. 1707: Mr. WU and Mr. EMANUEL.

H.R. 1709: Mr. ARCURI.

H.R. 1732: Mr. YOUNG of Alaska.

H.R. 1776: Mr. LINCOLN DAVIS of Tennessee and Mr. DAVIS of Illinois.

H.R. 1780: Mr. FEENEY.

H.R. 1783: Mr. KUCINICH, Mr. CLAY, and Mr. WEINER.

H.R. 1791: Mr. WESTMORELAND.

H.R. 1809: Mr. PETERSON of Minnesota.

H.R. 1810: Mr. CROWLEY.

H.R. 1845: Mr. CRAMER, Mr. RYAN of Ohio, Mr. CAMP of Michigan, Mr. MORAN of Kansas, Mr. SALAZAR, Mr. BRALEY of Iowa, and Ms. BALDWIN.

H.R. 1866: Mr. BOUSTANY, Ms. ZOE LOFGREN of California, Mr. HELLER, and Mr. FORTUÑO.

H.R. 1912: Mr. FORTUÑO.

H.R. 1957: Mrs. NAPOLITANO, Mr. ALLEN, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. KENNEDY, Mr. WEXLER, and Mr. GRIJALVA.

H.R. 1975: Mr. ORTIZ, Mr. PERLMUTTER, and Mr. JONES of North Carolina.

H.R. 1977: Mr. FERGUSON, Mr. LOBIONDO, and Mr. SIRES.

H.R. 2017: Mr. ABERCROMBIE.

H.R. 2027: Mr. CARNEY, Mrs. JO ANN DAVIS of Virginia, and Mr. GORDON.

H.R. 2032: Ms. MCCOLLUM of Minnesota, Ms. HIRONO, and Ms. SLAUGHTER.

H.R. 2060: Mr. HASTINGS of Washington and Mr. MCINTYRE.

H.R. 2109: Mr. CANTOR.

H.R. 2111: Mr. CONYERS.

H.R. 2129: Ms. WATERS, Mr. GONZALEZ, Mr. GEORGE MILLER of California, and Mr. EMANUEL.

H.R. 2131: Mr. MARKEY.

H.R. 2164: Mr. ALEXANDER.

H.R. 2165: Mrs. NAPOLITANO, Mr. HOLT, Mr. CONYERS, Mrs. BONO, Mr. HILL, Ms. CASTOR, and Mr. MCDERMOTT.

H.R. 2169: Mr. PASCRELL.

H.R. 2232: Ms. BERKLEY.

H.R. 2265: Mr. DINGELL and Ms. HIRONO.

H.R. 2287: Mrs. CHRISTENSEN.

H.R. 2295: Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, and Ms. SUTTON.

H.R. 2304: Ms. WOOLSEY and Mr. MATHESON.

H.R. 2341: Mr. SHAYS and Mr. GRIJALVA.

H.R. 2347: Mr. BACA, Mr. CAPUANO, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. GUTIERREZ, Ms. BERKLEY, Mr. HODES, Mr. HONDA, and Ms. WASSERMAN SCHULTZ.

H.R. 2349: Mr. WYNN.

H.R. 2352: Mr. LEWIS of Georgia.

H.R. 2358: Mr. CASTLE.

H.R. 2362: Mr. SESSIONS and Mr. ROHRABACHER.

H.R. 2367: Mr. GRIJALVA.

H.R. 2373: Mr. ABERCROMBIE.

H.R. 2384: Mr. DAVIS of Illinois and Mr. MCGOVERN.

H.R. 2392: Ms. HIRONO and Ms. ZOE LOFGREN of California.

H.R. 2401: Ms. WATERS.

H.R. 2417: Mr. MCGOVERN.

H.R. 2421: Mr. EMANUEL.

H.R. 2425: Mr. BLUNT.

H.R. 2426: Mr. PETERSON of Minnesota.

H.R. 2435: Mr. HOLT.

H.R. 2443: Mr. KING of New York, Mr. LEWIS of Kentucky, Mr. MCCAUL of Texas, Mr. DONNELLY, Ms. WASSERMAN SCHULTZ, Mr. DENT, and Mr. ISRAEL.

H.R. 2458: Mr. SAM JOHNSON of Texas.

H.R. 2470: Mr. CARNAHAN, Mr. COURTNEY, Mr. FATTAH, and Mr. OBERSTAR.

H.R. 2499: Ms. JACKSON-LEE of Texas.

H.R. 2503: Ms. BALDWIN, Mrs. DAVIS of California, and Ms. KILPATRICK.

H.R. 2508: Mrs. MYRICK and Mrs. JO ANN DAVIS of Virginia.

H.R. 2537: Mr. ISRAEL and Ms. BORDALLO.

H.R. 2593: Mr. HINOJOSA and Mr. ORTIZ.

H.R. 2604: Ms. NORTON, Mr. DAVIS of Illinois, Mrs. MALONEY of New York, Mr. TOWNS, Mr. MCDERMOTT, and Mr. MCNULTY.

H.R. 2605: Mr. BISHOP of New York and Mr. FILNER.

H.R. 2633: Mr. DAVIS of Illinois.

H.R. 2637: Ms. SHEA-PORTER.

H.J. Res. 9: Mr. BOEHNER, Mr. BUYER, Mr. FEENEY, Mr. STEARNS, and Mr. EVERETT.

H.J. Res. 12: Mr. LEWIS of Kentucky, Mr. GORDON, Mr. LINCOLN DAVIS of Tennessee, Mr. FRELINGHUYSEN, Mr. FRANKS of Arizona, Mr. TANCREDO, Ms. HERSETH SANDLIN, and Mr. HENSARLING.

H.J. Res. 28: Mr. DAVIS of Alabama, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. COHEN, Mr. RANGEL, Ms. LEE, Mr. DAVIS of Illinois, Ms. CARSON, Mr. FILNER, Mr. AL GREEN of Texas, Mr. HOLT, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. SCHAKOWSKY, Mr. TOWNS, and Mr. WATT.

H. Con. Res. 21: Mr. DAVIS of Kentucky.

H. Con. Res. 104: Ms. BERKLEY.

H. Con. Res. 138: Mr. PASCRELL, Mr. LOBIONDO, Mr. SAXTON, Mr. HOLT, Mr. GARRETT of New Jersey, Ms. CORRINE BROWN of Florida, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. CONYERS, Ms. LEE, Mr. DAVIS of Illinois, and Mr. FERGUSON.

H. Con. Res. 162: Mr. COURTNEY.

H. Res. 226: Mr. FILNER.

H. Res. 231: Mr. WELLER.

H. Res. 257: Mr. BRADY of Pennsylvania, Mr. COBLE, Mr. MCHUGH, and Mr. SESSIONS.

H. Res. 282: Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. WALSH of New York, Mr. JOHNSON of Georgia, Mr. WELLER, Mr. HINOJOSA, and Mr. SESTAK.

H. Res. 287: Ms. MATSUI.

H. Res. 353: Ms. LEE and Mr. FERGUSON.

H. Res. 356: Mr. HOLT, Mr. KENNEDY, Mr. CROWLEY, Mr. SPACE, and Mr. PAYNE.

H. Res. 395: Mr. SARBANES.

H. Res. 431: Mr. ELLISON, Mr. BERMAN, and Ms. SCHAKOWSKY.

H. Res. 442: Mr. PRICE of North Carolina.

H. Res. 444: Mr. COHEN.

H. Res. 467: Mr. MARIO DIAZ-BALART of Florida, Mr. SHERMAN, Mr. SESSIONS, Mr. ETHERIDGE, Mr. MARSHALL, Mrs. MALONEY of New York, Mr. CANTOR, Mrs. TAUSCHER, Mr. HENSARLING, and Ms. MATSUI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. ROGERS OF KENTUCKY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.

H.R. 2638

OFFERED BY: MR. ROGERS OF KENTUCKY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used to recruit or hire a total of more than 45,000 full-time equivalent airport screeners.

H.R. 2638

OFFERED BY: MR. LANGEVIN

AMENDMENT NO. 3: Page 50, line 26, insert ": *Provided further*, That $50,000,000 of such amount shall be for cybersecurity research and development" after "Impact Assessment".

H.R. 2638

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to provide assistance to any State or local government that fails to or refuses to assist in the enforcement of Federal immigration laws.

H.R. 2638

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 15: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to destroy or put to pasture any horse or mule belonging to the Unites States that has become unfit for service until the individual trainer or handler of the horse or mule is given the option for the transfer or conveyance of the horse or mule to the trainer's possession.

H.R. 2638

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to carry out the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

H.R. 2638

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 2638

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to carry out the diversity visa program established in section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 2638

OFFERED BY: MRS. DRAKE

AMENDMENT NO. 9: Page 2, line 16, after the dollar amount, insert "(reduced by $10,400,000)".

Page 17, line 23, after the dollar amount, insert "(increased by $9,100,000)".

H.R. 2638

OFFERED BY: MRS. DRAKE

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit to any individual who commits manslaughter while under the influence of alcohol and while operating a motor vehicle that has been involved in interstate commerce.

H.R. 2638

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 11: Page 18, line 25, insert before the period at the end the following: ": *Provided further*, That, of the funds made available under this heading, $250,000 is for a study to determine how participation in the program under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) can be increased nationwide".

H.R. 2638

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to provide funds to a State or political subdivision of a State that refuses a reasonable request made by the head of a law enforcement agency of the State or subdivision that the State or subdivision take such steps as may be necessary in order for the law enforcement agency to participate in the program under section 287(g) of the Immigration and Nationality Act.

H.R. 2638

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 13: Page 2, line 16, after the dollar amount insert "(reduced by $89,125,000)".

Page 11, line 24, after the dollar amount insert "(increased by $89,125,000)".

H.R. 2638

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 14: Page 15, line 15, insert after the colon the following: "*Provided further*, That of the amounts made available under this heading, $300,000,000 shall be obligated for the purposes of constructing fencing along the southwest border of the United States:".

H.R. 2638

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2638

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 16: Page 11, line 24, after the dollar amount insert "(reduced by $5,000,000) (increased by $5,000,000)".

H.R. 2638

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 17: In title I, in the item relating to "Office of the Chief Financial Officer", after the dollar amount, insert "(reduced by $500,000)".

In title I, in the item relating to "Inspector General, operating expenses", after the dollar amount, insert "(increased by $500,000)".

H.R. 2638

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 18: Page 61, after line 11, insert the following:

(d) Orlando International Airport and Miami International Airport shall be two of the seven airports selected to implement a pilot program to screen airport workers who enter or re-enter secure airport space.

H.R. 2638

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 19: Page 3, line 14, after the dollar amount insert "(reduced by $1,000,000)".

Page 39, line 14, after the dollar amount insert "(increased by $1,000,000)".

H.R. 2638

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds provided by this Act shall, effective as of April 1, 2008, be used to fund any position described in subsection (b).

(b) The positions described in this subsection are as follows:

(1) Within the Office of the Secretary of Homeland Security, the Ombudsman, the Deputy Chief of Staff (Policy), the Policy Advisor (Office of the Chief of Staff), and the Director of Public Liaison (Office of the Assistant Secretary of Public Affairs).

(2) Within the Federal Emergency Management Agency, the Assistant Secretary (Policy and Planning), the Director of Policy and Program Analysis, and the Regional Administrators.

(3) Within the United States Citizenship and Immigration Services, the Chief of Policy and Strategy.

(4) Within the Office of the Assistant Secretary for Policy, the Assistant Secretary for Policy Development.

(5) Within the Office of the Under Secretary for Emergency Preparedness and Response, the Director of Policy.

(6) Within the Office of US-VISIT Program, the Chief of Staff and Senior Policy Advisor.

(7) Within the United States Customs and Border Protection, the Policy Advisor.

(8) Within the Transportation Security Administration, the Director of Special Projects for Transportation Security Policy.

(9) Within the Office of the Under Secretary for Border and Transportation Security, the Director of Transportation Security Policy for Border and Transportation Security.

(10) Within the Office of the Under Secretary for Information Analysis and Infrastructure Protection, the Deputy Assistant Secretary for Infrastructure Protection Policy.

(11) Within the Office of the Under Secretary for Science and Technology, the Special Assistant for Science and Technology.

H.R. 2638

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 21: Page 2, line 9, after the dollar amount insert "(reduced by $15,000,000)".

Page 2, line 16, after the dollar amount insert ''(reduced by $35,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 5, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

H.R. 2638

OFFERED BY: MR. GINGREY

AMENDMENT NO. 22: Strike section 527 (page 65, beginning at line 17).

H.R. 2638

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 23: At the appropriate place, insert the following:

Sec.____. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

H.R. 2638

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 24: On page 39, line 9, before the period, insert the following:

Provided further, That funds be used to increase outreach to encourage emergency preparedness efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

H.R. 2638

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 25: At the appropriate place, insert the following:

SEC.___. PIPELINE AND REFINERY VULNERABILITY.

That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of the nation's pipelines and oil refineries to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

H.R. 2638

OFFERED BY: MR. ISSA

AMENDMENT NO. 26: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to enter into a contract with an entity that employs individuals unless the entity agrees to elect to participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

H.R. 2638

OFFERED BY: MR. SHAYS

AMENDMENT NO. 27: Page 7, line 16, after ''which'' insert the following: ''$100,000 is for sharing counter-terrorism and stolen and lost travel document information between the Department and Interpol and''.

H.R. 2638

OFFERED BY: MR. POE

AMENDMENT NO. 28: At the end of title V, add the following new section:

Sec. ____. None of the funds made available in this Act may be used by the Secretary of Homeland Security to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

H.R. 2638

OFFERED BY: MR. CARTER

AMENDMENT NO. 29: Page 14, line 16, strike ''Office:'' and insert ''Office.''.

Page 14, strike line 17 and all that follows through page 16, line 2.

H.R. 2638

OFFERED BY: MR. ELLSWORTH

AMENDMENT NO. 30: At the end of the bill (before the short title), add the following new section:

SEC. 544. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 31: In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced By $138,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 32: In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced By $300,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 33: In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced By $1,241,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 34: In title I, under the heading ''Office of the Under Secretary for Management'', after the first dollar amount insert ''(reduced By $142,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 35: In title I, under the heading ''Office of the Under Secretary for Management'', after the first dollar amount insert ''(reduced by $350,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 36: In title I, under the heading ''Office of the Under Secretary for Management'', after the first dollar amount insert ''(reduced by $10,160,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 37: In title I, under the heading ''Office of the Under Secretary for Management'', after the first dollar amount insert ''(reduced by $1,467,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 38: In title I, under the heading ''Office of the Under Secretary for Management'', after the first dollar amount insert ''(reduced by $1,212,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 39: In title I, under the heading ''Office of the Chief Financial Officer'', after the dollar amount insert ''(reduced By $6,045,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 40: In title I, under the heading ''Office of the Chief Financial Officer'', after the dollar amount insert ''(reduced By $400,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 41: In title I, under the heading ''Office of the Under Secretary for Management'' after the dollar amount insert ''(reduced By $13,331,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 42: In title I, under the heading ''Office of the Chief Financial Officer'', after the dollar amount insert ''(reduced By $79,000''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 43: In title I, under the heading ''Office of the Chief Financial Officer'', after the dollar amount insert ''(reduced By $9,961,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 44: Page 31, line 13, after the dollar amount insert ''(reduced by $16,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 45: Page 39, line 14, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 39, line 16, after the dollar amount insert ''(reduced by $25,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 46: Page 39, line 14, after the dollar amount insert ''(reduced by $300,000,000)''.

Page 39, line 16, after the dollar amount insert ''(reduced by $300,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 47: Page 39, line 14, after the dollar amount insert ''(reduced by $20,000,000)''.

Page 40, line 5, after the dollar amount insert ''(reduced by $20,000,000)''.

Page 40, line 23, after the dollar amount insert ''(reduced by $20,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 48: Page 39, line 14, after the dollar amount insert ''(reduced by $190,000,000)''.

Page 40, line 5, after the dollar amount insert ''(reduced by $190,000,000)''.

Page 40, line 10, after the dollar amount insert ''(reduced by $190,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 49: Page 39, line 14, after the dollar amount insert ''(reduced by $225,000,000)''.

Page 40, line 5, after the dollar amount insert ''(reduced by $225,000,000)''.

Page 40, line 17, after the dollar amount insert ''(reduced by $225,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 50: Page 39, line 14, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 40, line 5, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 41, line 5, after the dollar amount insert ''(reduced by $50,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 51: Page 39, line 14, after the dollar amount insert ''(reduced by $58,000,000)''.

Page 42, line 5, after the dollar amount insert ''(reduced by $58,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 52: Page 39, line 14, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 42, line 5, after the dollar amount insert ''(reduced by $50,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 53: Page 42, line 25, after each dollar amount insert ''(reduced by $270,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 54: Page 42, line 25, after each dollar amount insert ''(reduced by $23,000,000)''.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 55: Strike Section 512.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 56: Strike Section 514.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 57: Strike Section 536.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 58: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support dance classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 59: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support puppet shows.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 60: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support bingo games.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 61: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support yoga classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 62: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support art classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 63: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for use in high threat, high-density urban areas may be used to support theater workshops.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 64: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used to support dance classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 65: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used for puppet shows.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 66: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used for bingo games.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 67: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used for yoga classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 68: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used for art classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 69: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for grants for terrorism prevention activities may be used for theater workshops.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 70: At the end of the bill (before the short title) insert the following:

Sec. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting dance classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 71: At the end of the bill (before the short title) insert the following:

Sec. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting puppet shows.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 72: At the end of the bill (before the short title) insert the following:

Sec. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting bingo games.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 73: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting yoga classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 74: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting art classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 75: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—State and local programs'' for interoperable communications grants may be used for supporting theater workshops.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 76: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting yoga classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 77: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting bingo games.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 78: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting puppet shows.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 79: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting dance classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 80: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting art classes.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 81: At the end of the bill (before the short title) insert the following:

SEC. __. None of the funds made available in this Act in title III under the heading ''Federal Emergency Management Agency—emergency performance grants'' may be used for supporting theater workshops.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 82: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the alteration or removal of the Galveston Causeway Bridge in Galveston, Texas.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 83: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the alteration or removal of the Burlington Northern Railroad Bridge in Burlington, Iowa.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 84: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the alteration or removal of the Canadian Pacific Railway Bridge in LaCrosse, Wisconsin.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 85: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the alteration or removal of the Chelsea Street Bridge in Chelsea, Massachusetts.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 86: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay the salary of a Department of Homeland Security Director of the Office of Multimedia.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 87: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to purchase a Louis Vuitton handbag.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 88: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay for adult entertainment.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 89: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay for a parking ticket.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 90: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to purchase jewelry.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 91: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay a bail bond.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 92: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

H.R. 2638

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 93: At the end of the bill (before the short title), insert the following:

SEC. __. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $362,540,000.

H.R. 2638

OFFERED BY: MS. LOFGREN OF CALIFORNIA

AMENDMENT NO. 94: Page 31, line 13, insert after expended ''Provided that, of the funds made available under this heading, at least $3,000,000 is for the establishment of a National Transportation Security Center of Excellence.''

EXTENSIONS OF REMARKS

TRIBUTE TO CRAIG HOSPITAL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. DEGETTE. Madam Speaker, I would like to recognize the remarkable history and invaluable contributions of an extraordinary hospital in the 1st Congressional District of Colorado. It is fitting that we recognize this outstanding institution for its leadership in health care and rehabilitation and for its enduring service to the people of our community and our Nation. It is to commend this distinguished organization that I rise to honor the Craig Hospital on the occasion of its 100th Anniversary, ''Celebrating a Century of Rebuilding Lives.''

The growing importance of innovation in health care to our well being as a society and our quality of life is well documented. Craig Hospital is a powerful community of hope and it provides people with new possibilities. Craig has set the standard for quality patient outcomes. It is an internationally recognized leader in health care and has long been recognized as a premier national center of excellence in the specialties of rehabilitation and research for patients with spinal cord injuries and acquired brain injuries.

From its founding as the ''Tent Colony of Brotherly Love'' in 1907 to the world class facility we know today, Craig Hospital continues to be a beacon of hope and remains committed to the well being of its patients. Rehabilitation is a process very different from traditional medical care. It involves teaching patients and families to care for themselves. It requires setting high expectations and hard work by patients to maximize neurological recovery, restore functional abilities and make the psychological adjustments needed to remain as independent and productive as possible.

Since 1956, Craig Hospital has treated more than 25,500 patients—more spinal cord injury patients than any other single facility in the world. Last year, Craig treated patients from 48 states and for the past 18 years, it has been ranked among the Top Ten Rehabilitation Hospitals by U.S. News and World Report. Its spinal cord and traumatic brain injury rehabilitation programs are designated by the U.S. National Institute on Disability Rehabilitation and Research (NIDRR) as Model Systems Centers. Since 2006, Craig is the NIDRR National Database and Statistical Center (HDSC) for the Traumatic Brain Injury Model Systems.

Craig Hospital has burnished a reputation of compassion and legacy of care rivaled by very few. Patients have characterized Craig Hospital as ''a miracle (that is) here for patient care, not for health care dollars;'' as ''phenomenal at all they do for patients and families.'' It comes as no surprise that Craig Hospital has been awarded Magnet Designation—a national honor—by the American Nurses Credentialing Center for its excellence in staff collaboration and teamwork and for the spirit of inquiry among bed-side nurses as to what is best for patient care. Truly we, as residents of the 1st Congressional District, are fortunate indeed to have an asset of such magnitude in our community.

Please join me in commending Craig Hospital for its 100 years of leadership in health care and its invaluable service to our community and our Nation. It is the commitment and dedication that Craig Hospital and members of its staff exhibit on a daily basis which continually enhances our lives and builds a better future for all of our people.

CELEBRATING THE 30TH ANNIVERSARY OF NANCY OSBORNE'S SERVICE TO KFSN–TV ABC 30

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. COSTA. Madam Speaker, I rise today to celebrate and honor the distinguished career of Nancy Osborne, on the occasion of her 30th anniversary of being part of the KFSN–TV ABC 30 family in California's Central Valley.

Nancy grew up on Army bases in the United States as well as Japan and Turkey. She graduated from Las Cruces High School in New Mexico and attended New Mexico State University for 3 years. In between a 5-year hiatus from college and motherhood, Nancy relocated to Fresno, CA, in 1973. Upon settling in Fresno, she returned to college and graduated from Fresno State University with a bachelors of arts degree in speech communications in 1976.

A year into graduate school at Fresno State, Nancy accepted a reporting job with KFSN–TV 30, the local ABC affiliate television station in Fresno, California and became one of only a handful of women in the local broadcast industry. Nancy's success continued as she joined the anchor team at KFSN–TV in the fall of 1977 and again in 1980 when she produced and anchored the Valley's first locally produced news magazine show along with co-anchoring the Action News Program.

Nancy's promising career with ABC 30 continued throughout the years and in 1996 she accepted the challenge of joining the Action News Management team. While continuing her coverage of the Valley's political scene and issues involving children and families, she was named Executive Producer—Special Projects, a position which allowed her to play a key role in helping shape Action News around the clock.

In January 2004, Nancy returned to reporting full time, bringing her experience and expertise to the expanding daily Action News coverage. In addition to full-time reporting, Nancy also co-anchors Action News Live at Five with Warren Armstrong.

Through the 30 years of service and loyalty to KFSN–TV ABC 30, Nancy Osborne has demonstrated the highest level of dedication to her community. She has emerged as one of the Valley's most trusted names in news and her contributions to the Valley's broadcast industry will never be forgotten. It is my sincere hope that continued health, prosperity, and success be with Nancy through all her future endeavors.

HONORING THE LIFE OF RANDY PRIDEAUX

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. RYAN of Wisconsin. Madam Speaker, I would like to pay tribute to the life of Randy Prideaux, a civic-minded business leader and longtime resident of Union Grove, Wisconsin whose energetic commitment to his community touched countless lives. Randy died unexpectedly last week, sending waves of shock and sorrow through Southeastern Wisconsin, where he was well-known through his business and civic leadership.

Randy worked his way up the ladder at Union Grove Lumber over nearly 40 years to become CEO of this local lumber and hardware business. He also served as a member of my Small Business Advisory Board, and I am grateful that he took the time to share his expertise with us. He knew the challenges that small business owners face day in and day out, and his insights on issues from health care to tax policies were very helpful. If there was one thing you could always count on, it was that Randy would tell you what he truly thought, whether he agreed or disagreed with you. His candor and his dedication to doing what is right for Union Grove will be sorely missed.

Besides working to strengthen the community as an employer and businessman, Randy gave back in many other ways. Altogether, he served 20 years on the Village Board. He was active in the Union Grove Lions Club and had served two terms as president. He also served two terms as president of the Chamber of Commerce.

In his personal life, Randy was a devoted family man, who recently became a grandfather. My thoughts and prayers are with his wife, children, granddaughter, mother, and brother, and the many friends throughout Wisconsin who mourn his loss.

HONORING JUDITH REED MEHAL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Judith Mehal for over 28 years of dedicated service in the public education system.

Since graduating from the California University of Pennsylvania with a degree in education, Judith Mehal has continued to make a positive impact on students in Pennsylvania and Virginia school districts. Ms. Mehal began teaching in the Penn Hills and South Allegheny school districts of Pennsylvania, but she has spent the vast majority of her venerable career in Fairfax County. After a brief stint at Cardinal Forest Elementary School, Ms. Mehal found her niche at Lanier Middle School where she was able to pursue her passion for teaching mathematics. During her time at Lanier Middle School, she earned a masters degree from Virginia Tech and became a teacher of technology education. In her 22 years at the school, she has become an integral part of the Lanier community, and her presence will be missed by colleagues and students alike.

Ms. Mehal's distinguished career is exemplary of the high standard to which public school teachers hold themselves. Her willingness and ability to teach a variety of disciplines is highly commendable, as is her own commitment to pursuing higher education while continuing to teach in the Fairfax County school system.

Madam Speaker, in closing, I would like to extend my best wishes to Ms. Mehal on her retirement as a technology education teacher from Lanier Middle School. While I know that she will be greatly missed, her retirement is well deserved. I call upon my colleagues to join me in honoring Judith Reed Mehal and in wishing her the best of luck in all future endeavors.

HONORING THE LIFE OF MR. NICK MANCINI

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, it is with great sadness that thousands of St. Paul friends and neighbors, along with me, mourn the passing of Mr. Nick Mancini. At 80 years of age, Nick died on May 29, 2007, and Minnesota lost a very special person.

Nick Mancini, a man of exceptional kindness, generosity and warmth of spirit, was the owner of Mancini's Char House and Lounge, a St. Paul landmark since the 1960s. For those who have never visited Nick Mancini's restaurant, it would be difficult to understand the deep sentiment and fondness we in St. Paul feel for Nick and his family. For those of us who have frequented Mancini's, we were always made to feel at home and Nick, his sons and the entire staff made us feel special—like we were part of the family. In a fast food era when the tradition of hospitality is increasingly lost in America, St. Paul is blessed with a special place—Mancini's Char House—where every customer is made to feel welcome and comfortable, and that is before you started eating a delicious steak dinner.

Hospitality and generosity were the hallmark of Nick Mancini's career and calling. He was a restaurateur, a neighborhood anchor, a St. Paul legend and a very, very caring man who I will miss and always remember. For me, visiting with Nick was always special. This was because being Nick's guest was to be enveloped by his warmth, sincerity and kindness. It didn't matter whether you were a Member of Congress, a U.S. Senator, the Mayor of St. Paul, a carpenter, a teacher, or a truck driver, to Nick you were his guest. Everyone was treated special and with respect, and everyone left his restaurant a little heavier and happier.

Along with remembering Nick, I would like to acknowledge his family and express my condolences to Nick's wife, Maryann, his sons Pat, John and Nick, Jr., and his grandchildren.

The work of Nick Mancini will not disappear with his passing. Mancini's Char House will continue to be a St. Paul landmark and an oasis of hospitality. Pat and John Mancini are carrying on the tradition of hospitality and community leadership that so many of us in St. Paul admire and appreciate. For this lasting tradition St. Paul, Minnesota, and our Nation has Nick Mancini to thank.

WORLD OCEANS DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. WOOLSEY. Madam Speaker, Friday is World Oceans Day—a day we celebrate the vast waters that cover two-thirds of the surface of our planet.

A small, but biologically important part of the Blue Planet is offshore of my 6th Congressional District, a stretch that encompasses the entire coastline of Marin and Sonoma Counties.

If you've driven the Marin-Sonoma coast you know how beautiful it is. Most of it is undeveloped or sparsely populated. Its sparkling waters, curling waves, pristine beaches, moon rocked cliffs, surging tide pools, and its soaring seabirds and breeching whales inspire and delight. Thanks to nutrient rich upwelling which provides a bounty of phytoplankton at the bottom of the food chain, our waters support 33 species of marine mammals, including blue and humpbacked whales and elephant seals, at the top of the food chain.

That's not to say that even here there are not problems. Today the commercial fishing fleet of Bodega Bay is just a remnant of past days. Last year, because of a water allotment that devasted the Klamath River fishery, our commercial salmon fishing season was slashed. Meanwhile, native coho and chinook salmon and steelhead trout are on the endangered species list.

These tragic depletions of our fisheries are symptomatic of many things: global overfishing; inland habitat destruction; and water diversions; climate change; pollution, coastal development—all of which were addressed by reports from the U.S. Commission on Ocean Policy and the Pew Oceans Commission, and all of which need to be seriously dealt with.

But the ocean is amazingly resilient. Aquatic populations can come back, if we take positive actions.

All of our oceans need enlightened governance and protection, but there are places that are so rich, so vitally important to sustaining marine life that we need to immediately take special measures.

The northern California coast is one of those places, and that's why I have introduced legislation, H.R. 1187, to expand the boundaries of the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries to include the entire Sonoma and with the support of Representative MIKE THOMPSON and the Mendocino County board of supervisors, the southern Mendocino coast.

The current northern boundary of the Gulf of the Farallones and Cordell Banks National Marine Sanctuaries is Bodega Head. Yet research shows that the rich marine geological area of the Gulf of the Farallones actually extends to Point Arena, about 100 miles north of Bodega Head.

The Sonoma and southern Mendocino coast has two great estuaries, the Russian and Gualala Rivers. The Russian River watershed is especially burdened by multiple threats caused by human development. My bill protects these estuaries by banning increased polluting discharges into their waters. And, it will ensure that changes in flow or salinity do not harm marine life.

Marine sanctuary protection will also ensure that the Bodega Marine Laboratory will be able to continue 50-years of studies in these pristine waters—research that will help us learn how to live with an ocean that is not so endless that it cannot be despoiled.

The people of Sonoma and Mendocino love their coast, and because we will bring to it permanent protection, ecosystem management and the vital research that the marine sanctuary program provides, we will pass it on to our children, unspoiled and thriving with life.

That's my commitment as we celebrate World Oceans Day.

HONORING MAITHREYI GOPALAKRISHNAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Maithreyi Gopalakrishnan, an eighth grader at Peak to Peak Charter School in Superior, Colorado. She recently made the semifinals at the National Spelling Bee in Washington, DC. She has been to several spelling bees and 2 years ago, finished at an impressive 37th place. At this year's National Spelling Bee, Ms. Gopalakrishnan beat out opponents by spelling the word salinelle, a mud volcano erupting saline mud—solidifying her chance to win the contest. The winner of

the National Spelling Bee receives $35,000, a $5,000 scholarship, a savings bond of $2,500 and a set of reference works.

Two hundred and eighty-six extraordinary students from across the Nation train vigorously in preparation for this annual event held at the Grand Hyatt Washington hotel. Students are expected to be able to spell words such as prioplasmosis and my personal favorite, bewusstseinslage, which means a state of consciousness—something my critics occasionally accuse me of losing.

The skills and values that Ms. Gopalakrishnan already displays will help her with many challenges that she may face in the future. Furthermore, her commitment to learning and competitive drive makes her a strong student who is sure to excel in her academic career. I ask my colleagues to join me in congratulating Maithreyi Gopalakrishnan in all of her accomplishments and wish her success as she continues on her quest for knowledge.

CONGRATULATING MR. TOM DAVENPORT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Tom Davenport of Lake Dallas, Texas for his 18 years of service as Superintendent of Schools for the Lake Dallas Independent School District.

During his tenure, the school district has more than doubled in size and has been in a continuous building program since 1995. In his 38 years of teaching and school administration, his focus has always been on providing top-quality education for his students.

In addition to his passion for education, Tom has deeply impressed me by his forward thinking in other areas. A few years ago, Tom made the decision to install geothermal heating and cooling in Lake Dallas ISD schools. He recognized that, despite higher up-front capital costs, the District would save money over time, as well as help clean the environment by using a renewable source.

Tom is very active in various professional organizations on both the state and national level. He is a member of the National Association of Federally Impacted Schools, having served as President of the Federal Properties Section for two years. On the state level, he has served as treasurer for the Texas Association of Federally Impacted Schools since 1999. He is also a member of the Texas Association of School Administrators and has served as a mentor superintendent for four newly hired superintendents across the state.

In the past he has served as Commissioner of Education Advisory Committee and served as Chair of the Education Service Center, Region XI TASA Study Group. He is a Senatorial District Representative for the Texas Association of Mid-Size Schools. Other professional organizations to which he belongs include, Phi Delta Kappa, Association of Supervision and Curriculum Development, Texas Association of Community Schools, and the Equity Center.

Locally he is a member of the Lake Cities Chamber of Commerce and served as vice-president for six years. He was selected as the Lake Cities Chamber of Commerce Citizen of the Year in 2005. He is also a member of the Lake Cities Lions Club and is an active member of Lake Shore Baptist Church in Lake Dallas.

Tom plans to reside in the Lake Cities area after retirement with his wife Carolyn.

It is with great honor that I recognize Mr. Tom Davenport for years of hard work and dedication. I am pleased to join his friends, family, and colleagues in congratulating him on his retirement after years of devoted service.

TRIBUTE TO THE DENVER GAY MEN'S CHORUS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. DEGETTE. Madam Speaker. I rise to commend the exceptional leadership and invaluable contributions of the Denver Gay Men's Chorus on the occasion of its 25th Anniversary. It is fitting that we recognize this chorus for its extraordinary service and its enduring commitment to creative and performance excellence as well as the enrichment of the artistic and cultural experience in the 1st congressional district and throughout Colorado.

Since its inception, the Denver Gay Men's Chorus has proven to be a powerful force in promoting both artistic excellence and civic values. Founded in 1982, the chorus was the first openly gay organization in Denver. The group is a talented choral ensemble dedicated to musical excellence and it has been a beacon of strength and support for the gay and lesbian community. Touching ears and hearts alike, the Denver Gay Men's Chorus, with its unique ability to convey acceptance and pride, continue to be in high demand with diverse audiences. Truly, the chorus has established itself as a major cultural presence that has served to expand the appreciation of choral music and its enduring value as a means of poignant artistic expression.

The Denver Gay Men's Chorus has openly declared that it exists to build community through music. Members have joined together for the explicit purpose of providing educational, cultural and social enrichment for themselves and their audiences. It is an organization of gay people and their friends that is actively engaged in making a positive contribution to the entire community.

The Denver Gay Men's Chorus has amassed a distinguished record of service to our State and our Nation. It has participated in the Gay and Lesbian Association of Choruses festivals in six cities—Denver, Montreal, New York, San Jose, Seattle, and Tampa—representing Denver and Colorado as cultural ambassadors to the world. It has participated in exchange concerts with gay men's choruses in Boston, Chicago, Minneapolis, Portland, Philadelphia and Washington, DC.

In 1990, Rich Geraghty of Denver was appointed administrative director of the Gay and Lesbian Association of Choruses Board of Directors. Prior to locating in Washington, DC, the first national offices of the GALA Choruses were in Denver. In 1992, the Denver Gay Men's Chorus welcomed over 3,500 delegates and hosted 65 choruses at the GALA Choruses Festival IV held at the Denver Center for the Performing Arts. "Of Rage and Remembrance," by featured composer John Corigliano, was performed at the festival's special AIDS Memorial Concert during the peak of AIDS deaths nationwide.

Over the past 25 years, the Denver Gay Men's Chorus has performed over 130 different concert programs featuring over 1,300 compositions, arrangements, commissioned works, and medleys. It comes as no surprise that the chorus was honored with the Denver Mayor's A ward for Excellence in the Arts for 1992.

As a choir member at Montview Presbyterian Church, I have an appreciation of choral music's power and its capacity to inspire both singers and audiences alike. It has been noted that "singing is the bridge between heaven and earth; between ages and cultures. It has the power to move hearts and to touch us in ways that truly transcend mundane experience." Today, we celebrate the transforming power of choral music. We celebrate the invaluable contributions of the Denver Gay Men's Chorus as it continues to promote artistic excellence, pride and community. Choral music touches all of us and we are indeed fortunate to have a cultural asset of such magnitude. Please join me in commending the Denver Gay Men's Chorus, a distinguished choral ensemble. It is the leadership and dedication which members of this chorus exhibit on a daily basis that continually enhance our lives and build a better future for all of our people.

HONORING THE LIFE OF UNITED STATES ARMY STAFF SERGEANT CHRISTOPHER M. MOORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to the life of SSG Christopher M. Moore, who lost his life defending our Nation in support of Operation Iraqi Freedom.

Christopher M. Moore attended Alpaugh High School in Alpaugh, CA. He excelled in academics and graduated early. After Christopher graduated from high school he joined the United States Army. He was so proud to serve in the military; he enlisted for a second term. Christopher Moore was the first Alpaugh High School graduate to die in combat.

While serving with the 1st Battalion 5th Cavalry Regiment, 1st Cavalry Division based at Fort Hood, Texas, Christopher performed all of his active duties with great satisfaction. Tragically, on Armed Forces Day, Saturday, May 19, 2007, the vehicle in which Christopher traveled was hit by an improvised explosive device. Christopher and five other soldiers were killed in the incident.

Christopher is survived by his mother, Martha Moore, two sisters, and one brother. Also

surviving are his three young daughters and numerous friends.

It is my belief that Michael's life symbolizes the ultimate sacrifice one can make for his country. His valor, strength, courage and determination to fight for our Nation will forever live in the minds and hearts of his family and Americans across the country. SSG Christopher M. Moore's dedication to the principles of freedom and democracy will serve as an example to all of us and for generations to come.

HONORING THE LIFE OF TOM KOSSORIS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. RYAN of Wisconsin. Madam Speaker, Southeastern Wisconsin lost a truly dedicated teacher last week—Tom Kossoris, who taught at Mukwonago High School over the past three decades. He passed away after a lengthy battle with illness brought on by a brain tumor. I would like to take a moment to honor his memory and reflect on the lessons he passed along to his students and others who knew him.

Tom taught history, political science and economics. He demanded a lot from his students—setting high standards that challenged them to excel. In an account that appeared in the Milwaukee Journal Sentinel, his fellow teacher, Bruce Lammers put it well, saying: ''Tom taught me to have students meet your expectations. Challenge the kids academically, and the kids rise to your standards.'' Tom combined this toughness with a dry sense of humor and an unfailing commitment to his students' education.

Every year, Tom brought students to Washington to enhance and expand on what they had learned—showing them their government in action, as well as the site of so many watersheds and debates over the course of our nation's history. I could count on hearing from Tom, who would ask for assistance with getting tours of the Capitol or other opportunities to make his students' trip memorable. He held himself to the same high standards he expected of others—working tirelessly to make sure students got the most out of their experience in Washington.

Over the years he retained a love of teaching, as well as an intellectual energy and enthusiasm that he passed on to others. On top of his other teaching duties, Tom became a driver's education instructor, giving lessons before school on weekdays and on Saturdays. His sharp mind, his wit, and his determination to bring out the best in students will be greatly missed by the whole community.

HONORING CYNTHIA SIEGEL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mrs. Cynthia Siegel for over 30 years of educational service to students in Virginia, New York, and Germany.

Originally from Long Island, Mrs. Siegel began her career in education in New York, teaching for six years on the high school level and two years for an education program at CitiBank. Mrs. Siegel's calling as a teacher didn't leave her because of a geographic location. As the spouse of an Army officer, she found herself in Germany and confronted with a base that lacked a teacher for the military school there. She gladly stepped up and filled that need. Upon her return to the U.S., Mrs. Siegel worked for six years at the Washington Business School of Northern Virginia. She joined Fairfax County Public Schools in 1989, piloting the Technology Tools class for Lanier Middle School in Fairfax, Virginia. Mrs. Siegel has been a dedicated educator at Lanier for the past 21 years.

Teaching students for over three decades and on two continents, she has demonstrated her unequivocal passion for education. Over her career, Mrs. Siegel found opportunities to actively serve in different educational systems in Virginia, New York and Europe. A proud mother and grandmother, Mrs. Siegel will continue her service to young people during her retirement. She has fondly exclaimed, ''my role as an educator will remain, only my title will officially shift from Mrs. Siegel to grandma.''

Madam Speaker, in closing, I would like to take the opportunity to recognize Mrs. Cynthia Siegel for her enduring service as a teacher in Fairfax County and abroad. I call upon my colleagues to join me in applauding Cynthia Siegel for her efforts and wishing her many happy years in retirement.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. WOOLSEY. Madam Speaker, on June 5th, I was unavoidably detained and was unable to vote on rollcalls Nos. 426–430.

Had I been present, I would have voted in the following:

Rollcall No. 426, H. Res. 327—''aye.''
Rollcall No. 427, H. Res. 422—''aye.''
Rollcall No. 428, H. Res. 430—''aye.''
Rollcall No. 429, H. Res. 451—''aye.''
Rollcall No. 430, H. Res. 452—''aye.''

TRIBUTE TO MAJOR GENERAL PATRICK HENRY BRADY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. MURTHA. Madam Speaker, I would like to take this opportunity to congratulate Major General Patrick H. Brady for his relentless and selfless service to this country. Major General Brady should be remembered for his heroic display while serving in the Republic of Vietnam, where he went above and beyond his call of duty flying multiple missions into hostile territory to evacuate severely wounded soldiers as an air ambulance pilot. It is estimated that Major General Brady may have evacuated more wounded from the battlefield than anyone in American history, over 5,000.

Major General Brady's gallantry and heroism has been well documented and he is the recipient of the Distinguished Service Cross, our Nations second highest award; two Distinguished Service Medals; the Defense Superior Service Medal; the Legion of Merit; six Distinguished Flying Crosses; two Bronze Stars, one for valor; the Purple Heart; 53 Air Medals, one for valor; and the Medal of Honor, the military's highest decoration. While Major General Patrick Brady had a distinguished and honorable military career, I speak today not only to honor those achievements and his 34-year military career, but to recognize his service to our country while not wearing the uniform.

Soon Major General Brady will step down as the Chairman of the Board of Directors of the Citizens Flag Alliance, after more than a decade of phenomenal service. Major General Brady's outstanding ability enabled him to organize and motivate nearly 150 organizations whose sole focus is on passing a Constitutional amendment that would return to the American people the right to protect their flag. He has testified before Congress and worked closely with many Members of Congress to gain support for an amendment that would ban the desecration of the American flag. I commend the Major General for his work and am confident he departs knowing the mission of the Alliance will continue due in no small part to his involvement and diligence.

I extend my best wishes to Major General Brady as he turns his attention toward his family. America will be forever indebted to him for his altruistic service to this great Nation.

TRIBUTE TO MOHAMMED H. QAYOUMI, PH.D., FOURTH PRESIDENT OF CALIFORNIA STATE UNIVERSITY, EAST BAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. STARK. Madam Speaker, I rise to pay tribute to Mohammed H. Qayoumi, Ph.D., who assumed the presidency of Cal State University, East Bay on July 1, 2006. Dr. Qayoumi is the fourth president of the university and his formal investiture will take place at the Hayward, CA, campus of Cal State University, East Bay on June 1, 2007.

Prior to his employment at Cal State University, East Bay, President Qayoumi served as vice president for administration and finance and chief financial officer at California State University, Northridge. He was also a tenured professor of engineering management at the university.

President Qayoumi has also served as vice chancellor for administrative services and as adjunct professor at the University of Missouri-Rolla and was associate vice president for administration and an adjunct professor at Sari

Jose State University. He has more than 27 years of experience in the service of higher education and industry.

He has a B.S. degree in electrical engineering from American University of Beirut, and MS. degrees in nuclear engineering, electrical and computer engineering, a well as an M.B.A. in finance and a Ph.D. in electrical engineering from the University of Cincinnati.

When President Qayoumi came to the United States in 1978, he was first employed as staff engineer at the University of Cincinnati, where he also held positions as director of technical services, director of utilities and engineering services and adjunct professor. Prior to 1978, President Qayoumi was employed as a communications engineer in Riyadh, Saudi Arabia and as a project electrical engineer in Abu Dhabi, United Arab Emirates.

President Qayoumi has published eight books, more than 85 articles and several chapters in various books. He has made presentations at numerous conferences across the United States and in 10 other countries on various topics in his areas of academic expertise.

He has served his native country of Afghanistan in various financial capacities, including minister of finance, and remains on several boards of directors, including the Central Bank of Afghanistan.

I am confident President Qayoumi will provide exemplary leadership to Cal State University and I join in wishing him every success.

IN MEMORY OF WAYNE STEVENS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. HUNTER. Madam Speaker, I rise today in honor and memory of Mr. Wayne Stevens, a proud member of the San Diego community and a fellow paratrooper who recently passed away at the age 64 from the effects of cancer.

Wayne's distinguished record of military service to this Nation is one of the finest examples of selflessness and courage. He served in Vietnam with Charlie Company, 2nd Battalion of the 503rd Infantry, 173rd Airborne Brigade, and was among the first soldiers to arrive in country from Okinawa in 1964. For his heroism in Vietnam, Wayne was awarded two Bronze Stars, a Purple Heart and the Republic of Vietnam Cross of Gallantry.

Madam Speaker, Ronald Reagan once said, ''the willingness of our citizens to give freely and unselfishly of themselves, even their lives, in defense of our democratic principles, gives this great nation continued strength and vitality. From Valley Forge to Vietnam, through war and peace, valiant Americans have answered the call to duty with honor and dignity.'' In making these remarks, President Reagan was speaking directly to Americans like Wayne, who have so bravely and selflessly put their country before themselves and were always willing to make the ultimate sacrifice when they were needed most.

My prayers are with Wayne's devoted wife of 42 years, Donna, his daughter Jessica and two grandchildren, Sophia and Adolph, and I ask that my colleagues join me today in paying tribute to the life and memory of this true American hero.

TRIBUTE TO DENNIS CASSIDY

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a community leader, my friend, Dennis Cassidy, on his retirement after over 30 years of serving the people of Paso Robles, CA, most currently as chief of police.

Chief Cassidy began his law enforcement career with the Paso Robles Police Department in 1974. In 1985, Cassidy was promoted to patrol sergeant and in 1988, he became Detective Bureau commander. In 1990, he was promoted to Lieutenant, and was responsible for seeking grants to further the department's Community Outreach Program through the early 1990s. His success led to the establishment of a satellite police office, in cooperation with the Housing Authority, where two officers were assigned to work full-time. The results were remarkable. Criminal activity dropped, community and police relationships strengthened, and a safer Paso Robles gave families increased peace of mind. In 1997, Cassidy was named chief of police, a position he has held since, until his retirement.

During his tenure as chief, Cassidy was instrumental in planning the new Public Safety Center in Paso Robles. This center was put to the test after the San Simeon earthquake in December 2003. This earthquake caused massive damage to Paso Robles and took the lives of two Paso Robles residents. The center immediately served as a staging area as Cassidy and other members of the Paso Robles Emergency Services coordinated initial rescue and recovery efforts. Later, the building was used by many different agencies brought in to assist with recovery.

Chief Cassidy has been in the forefront of exploring new technologies, which has resulted in the Paso Robles Police Department being equipped with innovative technology to help combat crime and ensure the safety of the community and residents. Specifically, Chief Cassidy was responsible for the Department obtaining its Computer Aided Dispatching and Records Management Systems, as well as Livescan fingerprinting and digital in-car video with wireless station-server download capability.

Serving his community is not something Chief Cassidy only does on-duty; he is very involved while he is off-duty. Chief Cassidy is a past commissioner of the Children and Families Commission of San Luis Obispo County, the local agency administering State tax revenue to fund education, childcare, health and other programs for expectant parents and toddlers. He also served as president of the North County Women's Resource Center, which assists women and families against domestic violence and abuse. Finally, he is active as a Paul Harris Fellow in the local Rotary, and a member of the San Luis Obispo Cattlemen's Association.

Chief Cassidy exemplifies how one can answer the call of duty to protect and serve his fellow neighbors, and do it with great passion, strength, and devotion to his community. His shoes will be tough to fill as he raised the police department's level of excellence and outstanding conduct, and has forged a relationship of trust with the community his officers serve and protect. I know Chief Cassidy looks forward to his retirement and spending time with friends and family. I commend his service to the city of Paso Robles and wish him the best as he enters into the next stage of his life.

HONORING THE LIFE OF UNITED STATES ARMY CORPORAL VICTOR TOLEDO PULIDO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to the life of CPL Victor H. Toledo Pulido, who lost his life defending our Nation in support of Operation Iraqi Freedom.

After attending high school in California's Central Valley, Victor joined the Army Reserves in 2005. A year later, he signed up for active duty and was stationed at Fort Benning, GA. Victor was proud to serve in the military.

While serving with the 1st Calvary Regiment based out of Fort Benning, Victor wore his green camouflage uniform with pride. Unfortunately, on Wednesday, May 23, 2007, the vehicle in which Victor traveled was hit with an improvised explosive device. Victor and another solider were killed in the incident.

CPL Victor Toledo Pulido is survived by his mother, Maria Gaspar of Kettleman City, his wife, Cristi Toledo, and brothers, Yosio and Gaston Toledo Pulido. Also surviving is his son, Isak and numerous friends.

It is my belief that Victor's life symbolizes the ultimate sacrifice one can make for his country. His valor, strength, courage and pride in our Nation will forever live in the thoughts and hearts of his family and Americans across the Nation. CPL Victor H. Toledo Pulido's dedication to the principles of freedom and democracy will serve as an example to all of us and for generations to come.

HONORING EDWARD A. NIZIOLEK

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Edward Niziolek for a remarkable 41 years of faithful service to the students of Fairfax, VA.

Mr. Niziolek began his career as an educator in 1964 after graduating from the California State Teachers College with a major in mathematics. Mr. Niziolek joined Fairfax County

Public Schools as a mathematics teacher at Glasgow Middle School in Alexandria, VA. After serving for five years at Glasgow, Mr. Niziolek joined the faculty at Lanier Middle School where he quickly made his mark on both the character and academic development of its students. He sponsored the Lanier Math Team, which frequently finished as one of the top performing teams in the area, including a 2nd Place finish in Mr. Niziolek's final school year. Mr. Niziolek has demonstrated his dedication to education year round, teaching an astonishing 36 summer school sessions.

Mr. Niziolek dutifully served for over four decades and demonstrated a passion for service in a school system with students from a wide array of backgrounds. Throughout his career, he has demonstrated an interest in his students, a desire to help them succeed, and the ability to achieve outstanding results. All students, faculty and parents who have been in one of his classrooms have expressed an appreciation for his dedicated service to our Nation's youth.

Madam Speaker, in closing, I would like to take the opportunity to recognize Mr. Edward Niziolek for his tireless service and contributions as a mathematics teacher for Fairfax County Public Schools. His legacy of success is found in each student who has traveled into his classrooms, taken his tests, and who have moved on to become productive members of the community. I call upon my colleagues to join me in applauding Edward A. Niziolek for his service and wishing him the best in a well deserved retirement.

TRIBUTE TO HAL BROWN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. WOOLSEY. Madam Speaker, it is with great pleasure that I join you here today to honor our colleague, Hal Brown, on his 25 years of service to Marin County. Since 1983 when he was first appointed to the Board of Supervisors to represent the Second District, Hal has demonstrated a caring, thoughtful, and committed approach to addressing the issues facing the residents of Marin.

Hal's priorities have been clear from the start. He focuses on families, education, environment, responsible government and economic vitality. His own vitality and dedication have led him to serve on more than 25 boards and organizations, from the Marin Conservation League to the Rape Crisis Center, from the county Flood Control and Water District to the Disabled Students Advisory Board.

This work has resulted in a long list of notable accomplishments—for example, preserving more than 1,500 acres of open space, promoting free bus rides for students, and authoring Marin's Family Medical Leave law.

After the New Year's Eve flood of 2005, Hal moved to make his district safer by establishing the first regional flood warning system in the Ross Valley. For long-range safety, he has spearheaded efforts for towns and organizations to work with the county, State and Federal governments to implement a comprehensive flood control plan.

"It doesn't make sense to look at just flood control or environmental restoration or water quality issues in isolation," Hal has said. "We need to address the problem with an approach that makes common, ecological and economic sense. A watershed-wide approach could meet the test of all three."

A San Anselmo resident for 35 years, Hal coached various youth sports while raising his two sons, Mike and Chris.

Madam Speaker, I have appreciated working with Supervisor Brown on the many issues faced by the Marin community, and I look forward to continuing our partnership.

Congratulations, Hal, on your 25 years of dedicated service.

DEATH OF THOMAS A. STALLWORTH

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SPRATT. Madam Speaker, for years, Thomas A. Stallworth was a pillar of Presbyterian College in Clinton, SC, serving as chaplain, professor of religion, soccer coach, dean of students, dean of alumni affairs, and after retirement, as interim director of church relations. He died suddenly on May 14, 2007. I offer for the record the following tribute from John V. Griffith, president of Presbyterian College:

TOM STALLWORTH: OUR MAN FOR ALL SEASONS

God's saints come in interesting sizes and shapes. They are agents of God's grace in the most unexpected of ways. So it is with Tom Stallworth.

In the fall of 1951, Tom Stallworth was a freshman at PC from the south side of Atlanta. As an undergraduate he joined and loved the PC choir under the direction of Eduard Patte, was involved in student government, led the Student Christian Association, enjoyed athletics, belonged to Pi Kappa Alpha fraternity, was the leader of The Scottish Highlander Battalion of ROTC, and was enjoyed by his classmates for his sense of humor, love of life, and humble faith.

After graduating from Columbia Theological Seminary and a short stint at the First Presbyterian Church of Rome, Georgia, Dr. Marshall Brown asked Tom to come to the College to teach for two years. Pete Hay was on leave. Tom retired 36 years later, although the way I look at it, Tom worked at or for PC for a total of 56 years. He has been PC's man for all seasons.

In the 1973 yearbook, one of three dedicated to Tom, he wrote prophetic words, which I have come to see as autobiographical . . . "There is an ingredient in and of this community which few miss. It's not obvious. Many take some time to see it. You may not even want to look for awhile. They do not leave the way they came. Look them up three, five, ten years from now. Won't we all be surprised? They will have a plus; it will show!"

Tom's plus showed. In him we saw much of what the College seeks to nurture in the hearts and minds of those who pass our way: a man for God, a man for God's people, and a man for PC.

Jack Edmunds, his senior year roommate remarked on Tom's call to ministry: "It was evident during his college days that Tom would go into ministry, but he was never one to wear his religion on his sleeve. He was not a pious type and that impressed people. He personified what a good minister should be."

Tom served God and served PC by serving God's people in everyday ways . . . everyday: through athletics, through music, through just doing his job . . . all of his jobs . . . whatever hat he was called to wear he served with all his heart and mind. Hello brother . . . T.A. Stallworth . . . hearty, honest, positive . . . direct! T.A. Stallworth . . . pleased to meet you. There wasn't a pretentious bone in his body. What you saw, what you heard, what you learned over time all lined up. T.A. Stallworth. Clear in what he believed . . . courageous in taking a stance on principle . . . available to serve. Thomas Aurelius Stallworth. I believe he liked Aurelius . . . in fact it is the only time I saw a twinge of hubris in the eyes of this saint. Thomas Aurelius Stallworth, God's humble and persistent servant. PC's man for all seasons.

There are so many wonderful stories about this man and his ministry. They have come flooding in from folks near and far, always laced with humor.

Athletics! Tom loved sports and found in them a way to connect with God's people.

He was on the way to lunch on campus and Cally Gault was on the way back. Cally leaned out of his car window and asked, "How would you like to be our soccer coach?" Tom said "I believe they have 11 men on a team, depending on how you count the goalie." Cally said, "You're our man!!"

He was always an athlete . . . in college and as an adult. The last real team he played on was the faculty Intramural volleyball team named the "Good Old Boys." They were very serious about their volleyball and Tom is remembered by teammates Ramsey, Stidham, Weaver, Womble, Gaines, Rischbieter, Hill, Burnside and others as a great "set man" on the court and in life. When asked his most interesting experience he said "playing on a championship volleyball team with an average age of 43 that continually beats teams with an average age of 19 is interesting enough!"

Music! Music is another way Tom praised God and celebrated life. The PC Choir served as his primary social group as an undergraduate. He became a star of stage in 1981 when Dr. Charles Gaines and Dr. Dale Raines recruited him to play the part of Bellamy in the Fantasticks. He and Randy Randall have sung "Never say No" for many audiences since then. It occurred to me that "Never Say No" became the mantra of Tom's life. Never say no to what God calls you to do. To my knowledge, he never said no to PC.

Tom and Chuck Gaines lead the singing at men's prayer breakfast belting out the old favorites in a manner that upstages Gilbert and Sullivan.

Tom sang in an infamous singing group called "The Faculty Four and the Big One" with George Ramsey, Ron Burnside, Ted Hunter, and Ken Orr (the big one). One of their most forgettable songs was Grandma got Run over by a Reindeer, with Dean Thompson playing the banjo. One person said that the group was really good . . . and no one has ever said otherwise . .

Just doing his Job! It is here at PC as a minister of Word and Sacrament that Tom served God's people most fully. The entire PC network was his congregation.

Tom and Major General Jimmy Allen started the ROTC Alumni Association. But Tom always liked to remind Jimmy that

even though Jimmy was a two star general, Tom was his Battalion Commander at PC. And together they set out to save ROTC when it was in danger of being closed by the Army.

Anyone who ever traveled with Tom knows that he did not like to travel on the Interstates or any four lane highway. He knew the back roads and always took them even if it took longer . . . although he always thought his way was quicker. One morning he intervened in my travel up Interstate 26 from Edisto. Due to a traffic jam, I had to take the Dixiana exit and enjoy the scenery along route 176. It was shorter!

''The two years I spent as Dean of Students were the ten longest years of my life,'' Tom told me once. ''I didn't get closer to students; I got closer to meetings and paperwork. I had to go back into the classroom to get back with the students.''

''I never considered myself an ivory tower scholar,'' he reflected on his 31 years as a professor. ''My method was to mix it up with students. I could give them their money's worth in the classroom, but I think my main ability was communicating the information to them in a manner that sunk in, and I enjoyed the give-and-take inside the classroom as well as out.''

Tom has conducted the marriage ceremonies of more PC people than anyone in the history of the College. He knew more PC people and their relatives than anyone I know . . . in every city and every little town across the South.

And through all of this, Mary was his partner. ''One of my most memorable times at PC,'' wrote a 1990s graduate, ''was the Easter weekend I spent writing a term paper at their kitchen table. That was one of the best weekends of my life because of the comfort I felt from Mary and Tom.

Every Homecoming cars are parked outside their house . . . people stopping by to visit and reconnect. ''I think the PC Spirit is an infection I have,'' said Tom, ''whether it is contagious or not I don't know. I'm 150 percent for PC and have tried to answer the call of whatever the College has wanted me to do.''

The Class of 1963 dedicated their yearbook to Tom. Bob Piephoff, the editor, summed up the class's feelings about this good man: ''We come to Presbyterian College and we leave . . . We leave taking a part of Tommy Stallworth with us.''

Anne told me this morning that Tom took Andy and her aside several years ago to talk about this day and his wishes. Tom will be cremated and has asked on some weekday evening at 10:00 p.m. that they, his children, sprinkle his ashes along the walk he took every evening of his college career from the old library, now the administration building, diagonally across the West Plaza to Smythe where he lived.

And so it shall be . . . Mary, Anne, Andy, Becky Mary Frances, Cooper, Max and Katie Brice . . . that Thomas Aurelius Stallworth leaves a part of himself with all those he touched.

Man of God's people, Man for God's people, Man for PC. T.A. Stallworth: PC's Man for All Seasons. Thank God for the life and works of this saint, who walked, played, laughed, sang, preached, and stood next to us each day. Amen!

HONORING SPEAKER NANCY PELOSI ON SERVING 20 YEARS IN THE HOUSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. HOYER. Madam Speaker, on June 9, 1987, NANCY PELOSI was sworn in to represent the people of California's 8th District. This week we recognize and commend her for 20 years of distinguished service in the House of Representatives, where she has served both her constituents and this Nation proudly.

During her 20 years in the House, NANCY has been a true leader on important issues, including promoting human rights, protecting the environment, and expanding health care. She has remained focused on the needs of her district, including preserving the Presidio of San Francisco as the Nation's largest urban national park, fighting for increased funding for HIV/AIDS research, and improving the lives of children.

In the 110th Congress, NANCY has ushered in a new era as the first woman Speaker of the House, setting an agenda that promotes the priorities of the American people and addresses the key challenges present in today's world. Her drive and determination make her a strong leader and legislator, and she has worked tirelessly to represent her constituents and to move our Nation in a new, positive direction.

NANCY has been a devoted public servant, both in California and in the House. She is a devoted wife, mother, and grandmother. It is an honor to serve with her in the House, and I am proud to call her my friend.

INTRODUCTION OF THE HeLP AMERICA ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. UDALL of New Mexico. Madam Speaker, adaptable lifestyle factors such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity account for approximately half of premature deaths in the United States. Spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 75 percent of total healthcare spending and it is estimated that by 2014 our country's total health care expenditures will be $3.6 trillion.

Clearly we cannot continue down this path. We must shift the focus of our nation's health care system to prevention and wellness programs. In so doing, we can reduce health care costs, improve health, improve quality of life, and boost productivity. Unfortunately, a very small percentage of health care spending is devoted to health promotion. The national investment in prevention is currently estimated to be less than 5 percent of annual health care costs. Our nation needs a new approach to healthcare—-one that puts prevention front and center.

That is why I rise today to introduce the Healthier Lifestyles and Prevention America Act, also known as the HeLP America Act. This important bill, which is companion legislation to a bill recently introduced by Senator HARKIN, is designed to reduce health care costs and improve health outcomes by reorienting our nation's health care system towards prevention, wellness, and self care.

The HeLP America Act is a comprehensive approach to prevention and health promotion. It provides tools and incentives for schools to improve their nutrition programs. It provides tax incentives for employers to implement wellness programs. It provides grants for communities to implement activities to prevent and reduce the incidence of obesity, and chronic diseases associated with this condition. It establishes a federal taskforce on childhood obesity to provide a coordinated leadership in Federal effort to prevent and reduce childhood obesity.

These are just a few of the many provisions included in the HeLP America Act, all aimed squarely at attacking the problem of skyrocketing health care costs associated with the increasing rates of obesity, diabetes, and other chronic illnesses.

With a greater focus on prevention, we will be able to greatly reduce the number of individuals who suffer from all types of ailments. It will improve health outcomes, improve people's lives, and help cut down on our exploding healthcare expenditures.

Madam Speaker, as is noted in the findings of this bill, per capita health spending in the United States is 56 percent greater than the median for countries in the Organization for Economic Cooperation and Development. This is unacceptable. We need to get more bang for our healthcare buck and we need to look no further than focusing on prevention. As the saying goes, an ounce of prevention is worth a pound of cure.

I urge my colleagues to join me in seeking a new and more effective approach to curing our nation's ills by cosponsoring the HeLP Act.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. MURPHY of Connecticut. Madam Speaker, on May 24, 2007, I inadvertently missed the vote on passage of H.R. 2317, the Lobbying Transparency Act, rollcall vote 420. It was my strong intention to vote ''Aye'' on passage.

A TRIBUTE TO THE REVEREND EDMUND M. O'BRIEN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the Reverend Edmund M. O'Brien, a resident of Connecticut's Second

Congressional District, who is celebrating his 50th year as an ordained priest.

Devoting his life to the service of others, Father O'Brien has faithfully tended to the people of Connecticut as a pastor, teacher, principal, and friend.

Father O'Brien was ordained on February 2, 1957, after completing his education at the St. John Seminary in Boston. Over the past 50 years, he has served as a dedicated pastor and educator to many Connecticut congregations. Currently, he is pastor of St. Adalbert parish in Enfield and director of the parish school.

He once said of his profession, "a teacher affects eternity." As a counselor and consummate supporter of his students, Father O'Brien embodies the compassionate, nurturing, and dedicated values characteristic of our Nation's greatest educators.

A die hard fan of the celebrated Boston Red Sox, Father O'Brien is well-known for delivering score updates to his parishioners when a game has been inconveniently scheduled during a mass celebration.

I am honored to pay tribute to the Reverend Edmund M. O'Brien. Father O'Brien's dedication to his faith, his community, and the children under his care has been, and continues to be, an inspiration to myself and the residents of eastern Connecticut.

A TRIBUTE TO TEMPLE BETH DAVID

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Temple Beth David, which will be celebrating its 60th anniversary this year. In the past 60 years, the temple has grown into a vibrant community dedicated to the values of Judaism including spiritual discovery, educational richness, and the love and kindness of community and personal responsibility.

Founded by 10 families in 1947, Temple Beth David was the first reform synagogue in the San Gabriel Valley. The original founder, Flora Kahn, is still a member of the congregation. Since its inception, the temple has seen its membership grow to 195 families, spanning the generations. The community welcomes all Jews as well as interfaith couples and encourages non-Jewish spouses to participate in temple life.

Rabbi Alan Lachtman has been with the temple in his current position since 1976. A retired Lieutenant Colonel from the Army Reserves, Rabbi Lachtman has a degree in Marriage Family Therapy and received the Doctorate of Divinity from Hebrew Union College in 1999. He currently teaches at the University of Judaism, and works closely with the American Jewish Committee and the Archdiocese of Los Angeles.

A dynamic and active temple, Temple Beth David encourages congregant participation and offers a wide variety of programs from interfaith programs and social action projects to religious and Hebrew schools. Demonstrating a commitment to all members of the community, Temple Beth David offers not only youth scholarships but also an array of adult education programs for those who seek a greater understanding of Judaism.

Committed participants not only in temple life but in the larger world as well, the members of Temple Beth David have recently joined the interfaith chorus calling for U.S. Government intervention in Darfur. Along with Rabbi Lachtman, the 195 families of the temple, mindful of their own community's history, are activists for the civilians in Darfur.

It is my privilege to honor Temple Beth David on its anniversary of 60 years of active community and fulfillment in Judaism. I ask all members to join me in wishing the Temple Beth David and its congregants continued success.

IN HONOR OF THE CAREER AND ACHIEVEMENTS OF DR. ALBERT J. SIMONE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to celebrate the achievements of a distinguished academic who I am privileged to call my friend, Dr. Albert J. Simone. Dr. Simone has served as the President of Rochester Institute of Technology since September 1, 1992, and during that time I have had the pleasure of working with him as he advanced the university's reputation as a leading career-oriented institution. He is retiring his post this year, and his vision and leadership will be sorely missed.

Before taking the helm at RIT, Dr. Simone served as president of the University of Hawaii System and chancellor of the University of Hawaii at Manoa. He also taught at several well-respected institutions for higher education, including the Massachusetts Institute of Technology, Tufts University, Northeastern University, Boston College, Boston University, University of Cincinnati, and the University of Hawaii. But his achievements go far beyond administration and instruction.

Dr. Simone has authored countless publications, including books and journal articles on the application of mathematics, statistics, and computers to economics and business. He is a founding editor of Decision Sciences and is a past president and fellow of the Institute of Decision Sciences. And, although he is retiring, he will continue to make contributions to academia as he is currently in the process of collecting data for a book he will be writing on higher education.

A true trailblazer, Dr. Simone was the first American university president to officially visit North Korea, Vietnam, and Vladivostok when these regions were closed to the United States except for cultural and educational exchange. He oversaw the launch of three Ph.D. programs at RIT in the areas of microsystems engineering, computing and information sciences, and color science. And, under his stewardship, six bachelor's degree programs have been added to the university's offerings, including programs in information technology, software engineering, chemistry and polymer chemistry, biochemistry, advertising and public relations, and new media publishing. These new programs represent the university's understanding of the needs of the community outside of it, and help distinguish the City of Rochester as a center for innovation and entrepreneurship.

Dr. Simone led RIT's largest capital campaign, raising $310 million which enabled the university to add over 210 new scholarships, name three colleges, add seven new endowed professorships, build nine new campus facilities, add $90 million in new applied research initiatives, and add $34 million to the RIT endowment. This capital campaign enhanced RIT's reputation, made college education more accessible for more students, and gave students and faculty better resources to pursue their academic endeavors.

Thanks to Dr. Simone and the programs he has cultivated at RIT, the university has become a strong partner in regional economic development efforts. His endeavors have consistently reflected his belief that the "'R' in RIT means something." Aside from creating academic programs at the university to address the business needs of Rochester and the surrounding region, Dr. Simone served as chairman of the board of the Greater Rochester Metropolitan Chamber of Commerce, and currently serves on the boards of the Rochester Business Alliance, the Center for Government Research, and the Finger Lakes Partnership for the WIRED initiative. His involvement in these and countless other community organizations has benefited not only the organizations themselves, but also the university and its students by establishing important networking opportunities and using the knowledge from those relationships to inform the direction of the university.

Dr. Simone has been recognized by several organizations throughout Western New York and the Nation for his outstanding leadership and community involvement. He was the recipient of the Entrepreneurial American Leadership Award from Partners or Livable Communities (2006), the YWCA of Rochester and Monroe County Racial Justice Award (2005), the Rochester International Council International Citizen Award (2004), the National Association of Student Affairs Professionals President's Award (2001), and the Rochester Business Alliance Civic Medal among many, many others.

RIT and the community surrounding it owe a debt of gratitude to Dr. Simone, and I am honored today to have the opportunity to pay tribute to his service. His legacy will live on at RIT, and I look forward to seeing the university continue to flourish. I wish Dr. Simone and his wife Carolie, their four children, and five grandchildren the best during his retirement.

TRIBUTE TO JAMES O. RICH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. CLYBURN. Madam Speaker, it is my honor to congratulate one of South Carolina's

most faithful and dedicated church leaders as he retires from the ministry. Rev. Dr. James O. ''J.O.'' Rich is a stalwart in upstate South Carolina where he has been the long-serving pastor of St. Paul Baptist Church and is the co-owner of Rich-Colonial Funeral Home.

J.O. was born in Sumter, SC, where he attended Lincoln High School and went on to earn a bachelor's in divinity from Morris College. His dedication to the ministry led him to earn a master's in divinity from the International Theological Center, Morehouse School of Religion in Atlanta, GA. He completed further study at the Lutheran Southern Seminary, and was awarded an honorary doctorate from Morris College in 1975.

Dr. Rich truly committed himself to the teachings of the church and sought leadership positions to help share his faith with a wider audience. He served as president of Baptist education bodies on the State and national levels including the South Carolina Baptist Congress of Christian Education and the Progressive National Baptist Congress of Christian Education.

Within in his own church, Dr. Rich helped expand the educational outreach opportunities. He oversaw the construction of St. Paul Baptist Church's Educational Center as a testament to the church's investment in spiritual and human growth. The center cost $600,000 to build in 1977, but stands today as a central part of the community and the church's outreach ministries.

Throughout his career, Dr. Rich has been a lecturer and author as well. He has spoken on college and university campuses in South Carolina and across the Nation. He also served as the compilation editor of Foundations of Worship, a developmental meditation for families. Other publications by Dr. Rich include, Help, a study guide for Baptists, BTU Report, and articles in the Quiet Hour, the Worker, and In-Teen magazines.

His work and dedication are not just isolated to the church. Dr. Rich believes strongly in giving back to the community. He did so by serving as president of the Anderson Branch of the NAACP for more than 20 years. He chaired the City of Anderson Community Development Corporation, and is a member of the Alston Wilkes Society, Inc., the South Carolina Christian Action Council, and Alpha Phi Alpha Fraternity, Inc.

Governor Dick Riley recognized Dr. Rich's dedication and honored him with South Carolina's highest honor, the Palmetto Award. Governor Riley also appointed Dr. Rich to serve as the Third Congressional District's representative to the State Council on Maternal, Infant and Child Health. It was a position for which Governor Carroll Campbell re-appointed him.

In 1986, while serving as president of the Baptist E&M Convention of South Carolina, the Ford Foundation awarded the organization a $180,000 grant to fight teenage pregnancy.

Housing issues are also very important to Dr. Rich. He served as the chairman of the Baptist Service Inc., the housing arm of the Baptist E&M Convention. And while serving as the moderator of the Rocky River Baptist Association, Dr. Rich initiated the building of the Rocky River Residential Care Home, a 60–unit complex for the elderly and handicapped in Anderson.

As a result of all his outstanding community service and dedication to the ministry, his alma mater, Morris College, named one of its men's dormitories in his honor. He has also been the recipient of the Mamie L. Duckett Founder's Day Award given by Benedict College, the Jefferson Award conferred by WYFF–TV, the Howard McClain Christian Action Award issued by the Christian Action Council, and the Pastor of the Year Award granted by the Progressive National Baptist Convention.

His leadership of St. Paul Baptist Church has been an inspiration, and his accomplishments there are too numerous to mention. Yet throughout his service, his loving wife, Arabella, their children Stanley and Stephanie, and now their daughter-in-law Phyllis and grandson Stanford, have been fully supportive of his efforts.

Madam Speaker, I ask you to join me in commending Rev. Dr. J.O. Rich for his tremendous service to his faith and his community. He is a living testament to the Bible's admonition ''to whom much is given, much is required.'' Dr. Rich has been given extraordinary talents, and he has used them to honor his faith and his fellow man. I applaud the example he has set for others to follow, and wish him a wonderful retirement and Godspeed.

INTRODUCING A BILL TO ESTABLISH A SUNSET FOR THE AUTHORIZATION FOR THE USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002 (PUBLIC LAW 107–243)

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. PAUL. Madam Speaker, today I am introducing a bill to establish a sunset for the 2002 Authorization for the Use of Force Against Iraq (P.L. 107–243). There are several active pieces of legislation that would rescind the authorization to use force against Iraq, but the approach of this legislation is quite different. This legislation would sunset the original authorization 6 months after it is enacted, which would give Congress plenty of time to consider anew the authority for Iraq.

The rationale for this sunset is that according to the 2002 authorization for Iraq, the President was authorized to use military force against Iraq to achieve the following two specific objectives only: ''(1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.''

It should be obvious to both supporters and critics of our military action in Iraq that our military has achieved both legal objectives. Our military quickly removed the regime of Saddam Hussein, against whom the United Nations resolutions were targeted. And a government has been elected in post-Saddam Iraq that has met with U.S. approval, fulfilling the first objective of the authorization.

With both objectives of the original authorization completely satisfied, Congress has a constitutional obligation to revisit this issue and provide needed oversight and policy guidance. We ignore this obligation at risk to the United States and, very importantly, to our soldiers in harm's way in Iraq.

Unlike other proposals, this bill does not criticize the President's handling of the war. It does not cut off funds for the troops. Nor does this bill set a timetable for our withdrawal. I strongly believe that this legislation will enjoy broad support among both those in favor of our action in Iraq and those who favor ending the war, and I am encouraged by the bipartisan support I have received when seeking original cosponsors. Congress is obligated to consider anew the authority for Iraq sooner rather than later and I hope more of my colleagues will join me as cosponsors of this legislation.

HONORING THE TUSKEGEE AIRMEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor the Army Air Corps' legendary Tuskegee Airmen. On March 29, 2007, in the U.S. Capitol Rotunda, the surviving Tuskegee Airmen were awarded the Congressional Gold Medal, the most prestigious recognition that Federal lawmakers can bestow. Tuskegee Airmen, from Colorado, that received the Congressional Gold Medal include: James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy ''Buck'' Newsum, Marion R. Rodgers, David A. Smith and William A. Walters.

The first African-American airmen unit in the U.S. military trained in Tuskegee, Alabama. A total of 450 Tuskegee Airmen served overseas on various missions. During WWII, the Airmen flew missions over North Africa, Italy and Sicily. Collectively, they flew more than 15,000 combat sorties, shot down 111 German planes, and disabled 150 German planes on the ground. Thirty-three Airmen were shot down and held as POWs, and 66 of the Airmen were killed.

The Tuskegee Airmen got their start in 1941 after the NAACP filed a lawsuit. President Franklin Roosevelt started the Army Air Corps training program as the first African-American training program. The Airmen were segregated from other units and endured blatant racism and discrimination while helping win World War II and change our Nation for the better. Their achievements helped contribute to the eventual integration of African-Americans into the military and also helped lead the way for further desegregation throughout the Nation.

I ask my colleagues to join me in congratulating James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy ''Buck'' Newsum, Marion R. Rodgers, David A. Smith and William A. Walters for their patriotism and service to the United States of America. Their triumph over racism and discrimination, along with their outstanding service, is inspirational, and they are

a source of pride for America and for all of Colorado. I wish them continued health and happiness.

IN HONOR OF OUR FALLEN HEROES IN THE ARMED FORCES

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SHAYS. Madam Speaker, on May 28, 2007, millions of Americans across the country recognized the brave men and women who made the ultimate sacrifice while fighting to protect the citizens and freedom of our great Nation.

In recognition of Memorial Day, LT. Zach Alessi-Friedlander gave an address at a Memorial Day Ceremony at Hillside Cemetery in Wilton, Connecticut. I submit the text of LT. Alessi-Friedlander's remarks to be entered into the RECORD.

We come together on this solemn occasion to commemorate the sacrifice and celebrate the legacy of those Soldiers, Marines, Sailors, and Airmen who have lost their lives while serving our great Nation.

When the leaders of the Wilton Memorial Day parade committee—especially Mr. Toothaker and Mr. Brautigam as well as Mr. Dartley of the VFW—invited me to speak at this ceremony, I embraced the opportunity because it would give me a forum through which to speak with you all about service—a truly timeless value that is integral to the vibrancy of our society. My purpose here today is to provide a Soldiers'-eye-view on the value of service—drawn not only from my own experiences but from those of the extraordinary Soldiers with whom I have had the great privilege of serving alongside.

Nine years ago, I was 17 years old and a week from my high school graduation. To me, the world seemed pregnant with opportunity and possibility. Over much of these last nine years, my personal journey has been largely defined by abstract intellectual pursuits—college, internships, and even a semester of graduate school. But in early 2004, I felt a growing sense of discomfort. So much was unfolding outside the classrooms and libraries in which I spent so much of my time. I was almost 23 and I felt the need to be a part of something that was larger and more important than me. I then made the decision to pursue a commission in the Army. At the time, in response to the queries of friends and family, I could only describe my motivations in an abstract sense. But over the last two and half years, the reasons for my decision to serve have been made clearer through the crucible of experience.

After attending Basic Training and Officer Candidate School, I was commissioned as a Field Artillery lieutenant. Sixty-five years ago, on the conventional battlefields of World War II, I would have been responsible for planning and coordinating the artillery, mortars, aerial firepower, and naval gunfire needed to support my troop commander's scheme of maneuver. However, the battlefields of Iraq are—at this stage of the war—decidedly different from their World War II counterparts. Conventional schemes of maneuver have been replaced with the unconventional strategies and tactics needed to manage an elusive and adaptive enemy within an asymmetric and three-dimensional battlefield. Coalition Forces are grappling with a multi-faceted insurgency—divided along different ethno-sectarian and ideological lines. The fight for key terrain and the push to force the enemy to formally surrender have been replaced with the fight for the hearts and minds of the Iraqi local nationals—the people upon whom the burden of a free and secure Iraq will ultimately rest.

What I'm talking about is our effort to diversify the scope of the ''fight'' in order to create a foundation upon which the Iraqi people can rebuild a society less vulnerable to virulent strands of militant Islam and sectarian antipathy. More specifically, we now complement our combat operations with four additional lines of operation: training Iraqi Security Forces; promoting local governance; restoring essential services; and developing the economy. This is a long, tough, unpredictable process that is at times frustrating and at other times exhilarating. Over the last nine months, my troop has been able to develop our sector through a strategy that depends fundamentally upon earning the genuine trust of the local nationals living within our sector. Many of you, I am sure, have heard about many of these new emphases—especially after the recent appointment of General David Petreaus as the new theater commander in Iraq. However, experiencing it on the ground is a truly perspective-altering experience. My unit's progress—especially over the past 5 months—has been startling. In this period, we have poured several million dollars worth of projects into the small villages dotting our sector—providing services like trash collection and replacing dilapidated infrastructure such as a drinking-water tower and power-line transformers. But our most successful-civil military initiatives have been those which have integrated our Soldiers, members of either the Iraqi Army or Iraqi National Police, and the local nationals into combined community projects. Examples of such initiatives include: Two medical-assistance visits during which our medics and doctors were able to provide medicine, care, diagnoses, and treatment advice to almost 400 local nationals; as well as something called a ''VET CAP'' during which an Army veterinarian was able to treat and de-worm 150 sheep and 20 cows.

But, the civil-military initiatives of which I am most proud are the efforts that have enabled us to promote truly indigenous forms of self-government. In December, when we recognized that local nationals residing in our sector were unwilling to participate in the regional branches of the Iraqi government—called Nahia and Qada councils—we decided to host a series of village-level town-hall meetings. At these meetings, we were able to identify community leaders with the initiative, technical expertise, and will to represent the other members of the villages. These town-hall meetings served as jumping-off points for two major developments. A group of local nationals in our largest village now regularly attend the Nahia council meetings, which allows them to interface with the Iraqi government. But, perhaps more impressively, this same group created a Farmers' Cooperative, whose leaders now represent farmers from throughout our entire area of operations.

But, make no mistake, our unit has been forced to combat an adaptive, innovative, patient, and committed insurgent threat intent on disrupting our efforts through a series of persistent attacks against us and—perhaps more ominously—by casting a specter of fear over the local-national population whom we are attempting to secure and whose trust we are working to earn. Our military has been largely built and trained to fight high-intensity conflicts using technological superiority and mobility to combat nation states. My unit is a cavalry troop composed of field artilleryman, cavalry scouts, and infantrymen—all of whom were initially trained to play specific roles in a conventional fight. But, every day, I am amazed at how our Soldiers have been able to adapt to the changing nature of the fight.

My preceding remarks were an effort to provide the context necessary for you all to appreciate the service of the Soldiers alongside whom I proudly serve. General Robert E. Lee once described duty—the close cousin of service—as the most sublime word in the English language. I would argue that he was trying to explain that duty and service as concepts are impossible to understand in an abstract intellectual sense; rather, in order to wrap our minds around this simple but crucial civic value, we need to discuss specific examples—and that will be the intent of the balance of my remarks.

The key to the success that my unit has experienced has been the influence of our extraordinary non-commissioned officers. For those of you with prior military experience, you know that at troop or company levels, NCOs have dramatically more time in service—and thus experience—than their commissioned-officer counterparts. Therefore, the key to a successful unit is to develop a synergy between the NCO and Officer Corps. Each officer-NCO pair must understand the role that the other plays in training, planning, and operations and must then work to complement their counterpart in every phase of mission preparation and execution. In my troop, the only Soldiers with previous combat experience are the NCOs. Two in particular come to mind: SFC Richardson and SSG Mont-Eton, the platoon sergeant and senior scout for our 2nd platoon—the element whom I would argue has helped to establish the model by which a counter-insurgency must be fought. Perhaps the most illuminating parts of my deployment have come while riding alongside SSG Monty in his truck. Over the course of any given patrol, he spends time instructing his gunner on how to more effectively scan the key pieces of terrain with his optics; teaching his driver on how to scan the road for the command-wire-IED initiators that are carefully concealed alongside the routes in our sector; and positioning his dismount on where he must stand to establish the most effective security when the platoon gets out of the trucks. But SSG Monty's true gift is his uncanny ability to establish rapport with the local nationals upon whose trust the entire troop depends in order to rebuild the communities and counter the insurgent threats. Smoking cigarettes and drinking coffee constantly, SSG Monty can approach any individual in our sector, and, within a matter of minutes, they are exchanging stories about their children or talking about how to improve water flow in a nearby irrigation canal. Never in my life, not at Columbia nor at Harvard, have I ever encountered an individual with more practical intelligence—with the ability to adapt doctrine or theory to a real-world operating environment, which, in our case, carries life and death significance. As for SFC Richardson, he is simply a force of nature. He is the tactical expert upon whom his platoon leader relies to carefully plan any deliberate operation. Riding in the 4-truck, the platoon's trail vehicle, he has managed the evacuation of all

Soldiers injured on patrol with a sense of calm and poise that has allowed the platoon to address potentially catastrophic situations with the speed and efficiency needed to ensure the safety of all involved. The Soldiers in his platoon trust him implicitly and would literally follow him wherever he decided to go. He is the most senior Soldier in the entire troop, with even more years in service than our first sergeant; he has used this seniority to be the forceful and articulate voice on all Soldier issues. When his guys are smoked, he goes to my commander and first sergeant, and tells them the platoon needs a day of refit . . . and they listen. SFC Richardson was the one who insisted upon explaining to the local-national children, who gathered to receive their soccer balls, why Nick's name had been inscribed on each of their gifts. Into his leadership style, SFC Richardson has managed to fold toughness, moral authority, compassion, and intelligence—or, more specifically, the ability to think critically about and to respond swiftly to unpredictable and challenging situations. And then there's the amazing symbiosis that my commander and first sergeant have been able to establish. They are the only command pair in my entire squadron not to have previously deployed to either Afghanistan or Iraq since combat operations began in those places in 2001 and 2003, respectively. However, they have not allowed this relative inexperience to adversely affect our troop's operations. Rather, they have approached our campaign plan with a refreshing open-mindedness, rigorous planning process, and strict attention to detail that have helped to keep our Soldiers safe and our unit mission effective.

I have still only spoken in relatively general terms thus far, but I want to share with you a specific example from our deployment that I believe demonstrates the courage and discipline of our Soldiers and, more generally, illuminates the value of service. In mid-October, after only a month in our sector, our infantry platoon was conducting dismounted night-time reconnaissance of a piece of key terrain. The 8-man dismounted element had just embarked on their patrol when their senior scout, SSG Hurlbutt, stepped on an anti-tank mine. He was blown off the ground and sent hurtling 15 feet through the air into a reed-choked and half-filled irrigation canal. Without hesitating, the dismounted team leader, SGT Love, and one of the other members of the patrol, SPC Conolly, immediately jumped into the canal and extracted—up its steep and slippery banks—their severely injured platoon mate—who, between the weight of his body, protective armor, weapon, and gear weighed more than 300 pounds. While they administered first aid, the platoon leader, lLT Kimes, who was the trail man in the patrol, positioned the balance of the element in a security perimeter and coordinated for the MEDEVAC. (And, this provides me with an opportunity to praise again the technical skill and courage of Chief Reeves and the other MEDEVAC pilots upon us guys on the ground constantly rely.) Some people may be inclined to attribute the way in which the ''rock lizards'' were able to handle this situation to their training, but I am more inclined to attribute it to their courage and commitment to one another. As for SSG Hurlbutt, he is an extraordinary Soldier among many extraordinary Soldiers. Just prior to the deployment, he was given. the option of deploying late or not deploying at all in order to care for his wife, who had only recently recovered from a very serious illness. Despite his concern for his wife, he declined the offer, understanding that his previous combat experience and deep knowledge were essential to helping his platoon transition to operations in theater. And then, in January, when my commander returned to Fort Drum, where my unit is based, for his mid-tour leave, he visited SSG Hurlbutt, who is still recovering from his injuries. In the months between sustaining the injury and my commander's visit, SSG Hurlbutt had received skin grafts to replace the skin and tissue destroyed by the mine's intense heat and he was undergoing excruciating physical therapy to recover from the chunk of flesh and muscle that he lost from his left thigh. Despite all this and despite the fact that he was barely ambulatory at the time of my commander's visit, he amazingly started campaigning to return to sector before we redeployed.

And then there's SPC Jonathan Cadavero. SPC Cadavero was my good friend and we were in the same company at Officer Candidate School. Throughout the first half of the course, he began to have reservations about continuing his pursuit of an officer's commission—but never once questioned his desire to serve. After successfully completing the land-navigation course and receiving top marks on his academic testing and leadership evaluations, he recognized that he had met and exceeded the standards required to become an officer. He then felt that he could leave Officer Candidate School without feeling that he was dodging a challenge. He decided that he preferred to fulfill his obligations to the Army as an enlisted medic rather than as an officer, which meant less pay and decision-making authority; but, he did not care about that; he simply wanted to serve his country in Iraq. I remember having long conversations with him about his decision in our barracks at Ft Benning. I told him that he needed to make the decision with which he felt most comfortable; either way, he would have the opportunity to serve—a motivation we both proudly shared and embraced. The next time we met was at Bradley's, the tailor shop just outside of Ft Drum; we were both having nametapes sewn on our boonie caps, assault packs, and ruck sacks in preparation for the deployment of our brigade. We talked informally about our families; about finally being in the regular Army after more than a year in various Army schools; about the long and challenging deployment that hovered on the horizon. Over the next 6 months, we met randomly on Camp Striker—at the gym, at the chow hall, around our living quarters—each time sharing warm conversation, sometimes about the Army, but usually just about baseball. On February 27th, while acting as the platoon medic for a route-clearance element operating in support of my unit's sister troop, he was killed when an IED detonated under the truck in which he was riding. This device was buried deep under the paved surface of the road on which he was traveling, and, when it detonated, it completely destroyed his truck and killed all of the occupants. I remember seeing his name listed among the casualties. At first, everything seemed to collapse with the pain I felt for his loss, for his family, friends, and fellow Soldiers. And then everything seemed to explode in a rush of memories—wandering through the woods of Ft Benning in our desperate attempts to find our points on the land-navigation course or cracking jokes before the dreaded arrival of our supervisors at the ridiculous light-out ritual each night. I remember his distinctive New York accent, his infectious smile, his wit, his intelligence, his unwavering desire to serve his country as a Soldier during wartime. His sacrifice and sense of duty should be an inspiration to his fellow Soldiers and to the country he proudly served, but these are no comfort to his family and friends. The memory of his loss is still too fresh. The loss of each service member sends ripples of pain throughout communities; those closest to him are touched in a way that is impossible for most of us to imagine. Most can sympathize but not really empathize. This is the fundamental challenge of Memorial Day: once a year, we have the opportunity to congregate as a community and as a society to commemorate their sacrifice—but perhaps more importantly—to celebrate their legacy. I would encourage everyone to find the name of an individual Soldier, Marine, Airman, or Sailor, who has lost their life while serving their country; give that name and the magnitude of their sacrifice specific attention. This will help us to humanize the sacrifice that spans generations. This sacrifice and service connect us all in a tragic but crucial narrative. Ours is a country built upon the value of service and it should be celebrated—even if it must be done with a somber tone and painful heart. I know that on every Memorial Day from this day forward, I'll take the opportunity to reflect on the life and sacrifice of SPC Cadavero.

Rare is this profession of arms for its whole essence is built upon a foundation of specifically conceptualized values that are intended to discipline individual Soldiers into a coherent and selfless team. The only constants that Soldiers will ever have are the support of their fellow Soldiers, the value of their service, and the appreciation of the grateful nation whom they serve. Soldiers have always been asked to sacrifice their comforts and desires for the sake of the team and for the mission. Unlike the civilian world, Soldiers are required to see their commitment through to the end regardless of the extenuating circumstances that may arise after making the oath of enlistment or commission. I am awed by the courage and service of my Soldiers, by their ability to manage their myriad personal and family concerns while negotiating the constant threats to their safety that lurk ominously every time we leave the wire in Iraq. The purpose of Memorial Day is for our nation to recognize and express their appreciation for this service, in general, and the sacrifice of those that have lost their lives while serving, more specifically. I ask only that we, as a community, embrace this opportunity to contemplate seriously what this service and sacrifice have meant in the development of our country and in the expression of our shared values.

HONORING GEOFFREY SEFFENS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Geoffrey Seffens for 32 years of dedicated service to the Fairfax County Public School system.

After graduating from the Cincinnati College Conservatory of Music in Ohio, Mr. Seffens began his career as an elementary band teacher in Northern Virginia. Not one to shy away from a challenge, Mr. Seffens spent his

first 4 years as a teacher engaging students from five different schools. Not only did he rise to this challenge but he pushed himself even further, teaching more than 400 students from nine schools over the course of the next 2 years. Mr. Seffens's hard work was recognized in 1979 when he was selected as the new band director at Lanier Middle School. Ever since joining the faculty at Lanier, Mr. Seffens has continued to guide students towards musical achievement while becoming an indispensable member of the school's community.

As a native of Northern Virginia and a product of the Fairfax County Public School system himself, Mr. Seffens and his successful teaching career stand as a testament to the region's firm commitment to academic excellence. Upon his retirement after years of commendable work, Mr. Seffens will certainly be missed by students and faculty alike.

Madam Speaker, in closing, I would like to take the opportunity to recognize Mr. Seffens's steadfast devotion to raising the standard of musical education and personally thank him for his dedication to the Fairfax County Public School system. I call upon my colleagues to join me in applauding Geoffrey Steffens for his service to our Nation and wishing him the best in a well-deserved retirement.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SHUSTER. Madam Speaker, on Wednesday, June 6, 2007, I could not be present for rollcall votes 431, 432, 433, 434, 435, 436, 437, 438, and 439 because I was attending my daughter's high school graduation.

Had I been present, I would have cast the following votes:

''No'' on rollcall 431, H. Res. 435—Providing for the consideration of H.R. 2446, Afghanistan Freedom and Security Support Act;

''Yes'' on rollcall 432, H.R. 1716—Green Energy Education Act;

''Yes'' on rollcall 433, H.R. 632—To authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy;

''No'' on rollcall 434, H.R. 964—Securely Protect Yourself Against Cyber Trespass Act;

''Yes'' on rollcall 435, H.R. 2446—Kirk Amendment;

''No'' on rollcall 436, H.R. 2446—Kucinich Amendment;

''Yes'' on rollcall 437, H.R. 2446—Motion to Recommit with Instructions Afghanistan Freedom and Security Support Act;

''Yes'' on rollcall 438, H.R. 2446—Afghanistan Freedom and Security Support Act;

''No'' on rollcall 439, H.R. 2560—Human Cloning Prohibition Act.

RECOGNIZING THE OPENING OF THE CENTER ON HALSTED

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. EMANUEL. Madam Speaker, I rise today to commemorate the opening of the Center on Halsted, a new gay and lesbian community center at 3656 N. Halsted, in the heart of the northside of the Fifth District. This new facility will give the surrounding community a state of the art building for youth services, mental health services and community/cultural programming and more.

The Center on Halsted has actually served Chicago's gay and lesbian community for more than three decades. Unfortunately, though, they had to make do with temporary facilities for a number of years. Today, the community has a place to call home.

This grand opening has been a long time in coming, with planning dating back to 2001. I am proud to have worked closely with the leadership at the Center on Halsted, Mayor Daley, Alderman Tunney, and many other local leaders to make the dream of a new center a reality.

The Center on Halsted focuses their programming into three areas: mental health, youth and community outreach, and cultural programming. One of the center's goals is to provide role models for young members of the gay and lesbian community.

The three-story facility is a proud home for a proud community, and the end product is almost as remarkable as the hard work of all the people who made it happen. The roof deck, computer lab, theater facilities, Whole Foods, café, and more will make the Center on Halsted a welcoming location for its neighbors and an engine for economic development on the northside of Chicago.

Madam Speaker, I am thrilled that the Center on Halsted has opened its doors. I want to congratulate everyone involved on a job well done, and I know the center will be an important part of Chicago for a long time to come.

IN HONOR OF THE CAREER AND ACHIEVEMENTS OF DR. ALBERT J. SIMONE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to celebrate the achievements of a distinguished academic who I am privileged to call my friend, Dr. Albert J. Simone. Dr. Simone has served as the president of Rochester Institute of Technology since September 1, 1992, and during that time I have had the pleasure of working with him as he advanced the university's reputation as a leading career-oriented institution. He is retiring his post this year, and his vision and leadership will be sorely missed.

Before taking the helm at RIT, Dr. Simone served as president of the University of Hawaii System and chancellor of the University of Hawaii at Manoa. He also taught at several well-respected institutions for higher education, including the Massachusetts Institute of Technology, Tufts University, Northeastern University, Boston College, Boston University, University of Cincinnati, and the University of Hawaii. But his achievements go far beyond administration and instruction.

Dr. Simone has authored countless publications, including books and journal articles on the application of mathematics, statistics, and computers to economics and business. He is a founding editor of Decision Sciences and is a past president and fellow of the Institute of Decision Sciences. And, although he is retiring, he will continue to make contributions to academia as he is currently in the process of collecting data for a book he will be writing on higher education.

A true trailblazer, Dr. Simone was the first American university president to officially visit North Korea, Vietnam, and Vladivostok when these regions were closed to the United States except for cultural and educational exchange. He oversaw the launch of three Ph.D. programs at RIT in the areas of microsystems engineering, computing and information sciences, and color science. And, under his stewardship, six bachelor's degree programs have been added to the university's offerings, including programs in information technology, software engineering, chemistry and polymer chemistry, biochemistry, advertising and public relations, and new media publishing. These new programs represent the university's understanding of the needs of the community outside of it, and help distinguish the city of Rochester as a center for innovation and entrepreneurship.

Dr. Simone led RIT's largest capital campaign, raising $310 million which enabled the university to add over 210 new scholarships, name three colleges, add seven new endowed professorships, build nine new campus facilities, add $90 million in new applied research initiatives, and add $34 to the RIT endowment. This capital campaign enhanced RIT's reputation, made college education more accessible for more students, and gave students and faculty better resources to pursue their academic endeavors.

Thanks to Dr. Simone and the programs he has cultivated at RIT, the university has become a strong partner in regional economic development efforts. His endeavors have consistently reflected his belief that the '''R' in RIT means something.'' Aside from creating academic programs at the university to address the business needs of the Rochester and the surrounding region, Dr. Simone served as chairman of the board of the Greater Rochester Metropolitan Chamber of Commerce, and currently serves on the boards of the Rochester Business Alliance, the Center for Government Research, and the Finger Lakes Partnership for the WIRED initiative. His involvement in these and countless other community organizations has benefited not only the organizations themselves, but also the university and its students by establishing important networking opportunities and using the knowledge from those relationships to inform the direction of the university.

Dr. Simone has been recognized by several organizations throughout western New York

and the Nation for his outstanding leadership and community involvement. He was the recipient of the Entrepreneurial American Leadership Award from Partners for Livable Communities—2006, the YWCA of Rochester and Monroe County Racial Justice Award—2005, the Rochester International Council International Citizen Award—2004, the National Association of Student Affairs Professionals President's Award—2001, and the Rochester Business Alliance Civic Medal among many, many others.

RIT and the community surrounding it owe a debt of gratitude to Dr. Simone, and I am honored today to have the opportunity to pay tribute to his service. His legacy will live on at RIT, and I look forward to seeing the university continue to flourish. I wish Dr. Simone and his wife Carolie, their four children, and five grandchildren the best during his retirement.

HONORING THE 32ND ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. NORTON. Madam Speaker, I rise to pay tribute to the 32nd Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender, GLBT, communities, their families, and friends.

The Capital Pride Festival has grown from a small block party in 1975 to the current weeklong celebration. This year Capital Pride culminates with the Pride Parade on June 9th and ''The Main Event,'' a street fair on Pennsylvania Avenue in the shadow of the Capitol, June 10th.

I have marched in the Pride parades since coming to Congress to emphasize the universality of human rights and the importance of enacting federal legislation to secure those rights for the GLBT community.

This year's theme, ''Together we can, Together we will,'' holds special meaning for the citizens of the District of Columbia and its GLBT community in particular. Washingtonians live in distinct diverse neighborhoods such as Colonial Village to the North, Fort Drum to the South, Northeast Boundary to the East, and Spring Valley to the West. Together we can unite in our quest for all the rights guaranteed U.S. citizens by the Constitution.

In 1994 the District of Columbia lost the first vote it ever won on the floor of the House of Representatives, the delegate vote in the Committee of the Whole. The Republicans retracted the District's vote when they assumed control of the House and this right was re-established under Speaker NANCY PELOSI. Our city of 550,000 residents, 10 percent more residents than the entire State of Wyoming, who pay more taxes per capita than 49 of the 50 states, remains the only jurisdiction in the United States subject to Taxation Without Representation. Our Nation's Capital is entitled full voting rights in the House and the Senate. On April 19, 2007, the U.S. House of Representatives passed H.R. 1905, The District of Columbia House Voting Rights Act of 2007. The measure is now before the Senate and is an important milestone on DC's road to full and equal representation.

This one success is a reminder of the pending legislation that the 110th Congress must pass: The Clarification of Federal Employment Protections Act, The Early Treatment for HIV Act, The Employment Non-Discrimination Act, The Local Law Enforcement Enhancement Act, The Military Readiness Enhancement Act, The Responsible Education About Life Act, The Tax Equity for Health Plan Beneficiaries Act, and The Uniting American Families Act.

I ask the House to join me in welcoming the celebrants attending the 32nd Annual Capital Pride Festival in Washington, DC, and I take this opportunity to remind the celebrants that U.S. citizens who reside in Washington, DC are taxed without full voting representation in Congress.

RECOGNIZING LIUNA LOCAL 777

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. BACA. Madam Speaker, I stand here today to commemorate a significant milestone and to commend the leadership of the Laborers International Union of North America, LIUNA, Local 777 and its International Union, for their unyielding dedication to fight for the rights of working Americans.

This year marks the 10th anniversary of the county workers in Riverside County joining LIUNA Local 777.

Thanks to the profound efforts and devotion of the original organizing committee and subsequent rank and file leaders, Local 777 has become a powerful, dynamic, and active organization committed to improving the quality of life for workers.

Local 777 continues to grow today. From its humble roots of 57 founding members working for the City of Indio in 1993, Local 777 boasts a current membership of nearly 9,000.

LIUNA's membership, which includes workers in the health sector, construction, mail handlers, school employees, higher education employees, and more, have had a positive impact on the community in Riverside, and throughout the whole state of California.

The organization has remained dedicated to their mission of ensuring hard-working Americans are given fair wages, good benefits, a safe work environment, and a chance to fulfill the American dream.

Besides protecting worker's rights, LIUNA also is very active in communities throughout California. The organization sponsors informative training, education, and safety programs that benefit all citizens.

It is with great pride that I recognize the Laborers International Union Local 777 of Riverside County. On this important anniversary, we rise to thank them for all they do to protect working American families.

TRIBUTE TO MONUMENTS MEN AND WOMEN OF WORLD WAR II

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, on this 63rd anniversary of D-day, I am proud to pay tribute to the men and women who served in the Monuments, Fine Arts and Archives program, MFAA, under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other priceless artifacts in Europe and Asia during and following World War II.

That is why I am proud to be a sponsor of H. Con. Res. 48, which provides much needed recognition to the ''Monuments Men and Women'' who did so much to preserve many of the world great cultural treasures.

Without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II.

I wish to give special thanks and appreciation to the ''Monuments Men'' for establishing the precedent of protecting cultural property in the event of armed conflict, and by setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

In 1943, the United States Government established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas to promote and coordinate the protection and salvage of works of art and cultural and historical monuments and records in countries occupied by Allied armies during World War II. The chairman of the Commission was Supreme Court Associate Justice Owen J. Roberts.

In connection with the establishment of the Roberts Commission, the Monuments, Fine Arts, and Archives program, MFAA, was established under the Civil Affairs and Military Government Sections of the United States Armed Forces.

The Roberts Commission and the MFAA provide an example for other countries, working in conjunction with the United States, to develop similar programs. More than 100 foreign MFAA personnel, representing at least 17 countries, contributed to this international effort.

The MFAA was comprised of both men and women, commissioned officers and civilians, who were appointed or volunteered to serve as representatives of the Roberts Commission and as the official guardians of some of the world's greatest artistic and cultural treasures.

Members of the MFAA, called the ''Monuments Men,'' often joined frontline military forces and some even lost their lives in combat during World War II. For years following the Allied victory in World War II, members of the MFAA worked tirelessly to locate, identify, catalogue, restore, and repatriate priceless works of art and irreplaceable cultural artifacts, including masterpieces by Da Vinci, Michelangelo, Rembrandt and Vermeer, that had been stolen or sequestered by the Axis powers.

The heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated. It set a moral precedent and established standards, practices, and procedures for the preservation, protection, and restitution of artistic and cultural treasures in future armed conflicts.

Members of the MFAA went on to become renowned directors and curators of preeminent international cultural institutions, including the National Gallery of Art, the Metropolitan Museum of Art, the Museum of Modern Art, the Toledo Museum of Art, and the Nelson-Atkins Museum of Art, as well as professors at institutions of higher education, including Harvard, Yale, Princeton, New York University, Williams College, and Columbia University.

Other members of the MFAA were founders, presidents, and members of associations, such as the New York City Ballet, the American Association of Museums, the American Association of Museum Directors, the Archaeological Institute of America, the Society of Architectural Historians, the American Society of Landscape Architects, the National Endowment for the Humanities, and the National Endowment for the Arts, as well as respected artists, architects, musicians, and archivists.

Madam Speaker, it bears repeating that the heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated. It established the standards, practices, and procedures for the preservation, protection, and saved for the world artistic and cultural treasures of inestimable value.

I salute the ''Monuments Men and Women,'' who by their example provide further proof of why we call theirs the ''Greatest Generation.''

MENTAL HEALTH CARE FOR OUR WOUNDED WARRIORS ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Mental Health Care for Our Wounded Warriors Act of 2007. This important legislation will address the significant mental health care issues faced by our brave service men and women.

According to recent reports from the Government Accountability Office, 22 percent of returning OEF/OIF service members were referred for further mental health evaluations for post-traumatic stress disorder (PTSD) and an estimated one in six service members will receive a diagnosis of PTSD.

As a member of the Armed Services Personnel Subcommittee, I have been working hard to understand how mental health issues, especially PTSD, are affecting our service men and women. We know that PTSD and TBI are the signature injuries of this war.

Unfortunately, the DoD has neither the facilities nor the personnel to meet the needs of returning service members with mental health care diagnoses. We have no research clearinghouse to study and facilitate mental health services and develop effective mental health care policies.

The Mental Health for Our Wounded Warriors Act, a companion to legislation introduced by Senator LIEBERMAN, will establish Centers of Excellence within the DoD to research strategies to prevent, identify and treat combat related mental health injuries.

Equally as important, each center will seek to develop strategies to counter the stigma that surrounds PTSD and mental health in general in the military.

The bill will also include language on treating mental health professionals who are exposed to combat related stress, as well as study the unique needs of female service members serving in combat situations.

The military needs help dealing with this very complex issue. We cannot expect our service members to go out and do the job they do without providing adequate mental health services we know they will need.

The battle against combat-related mental health injuries will be an ongoing issue. It is our obligation to provide the resources necessary to address the absence of a designated center to study the mental health care needs of service members and to provide a solution to the shortage of DoD mental health professionals.

TRIBUTE TO WILLIAM KLING, SR.

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. CRAMER. Madam Speaker, I rise today to pay tribute and celebrate the life of Huntsville businessman, Mr. William Kling, Sr.

Madam Speaker, Mr. Kling and his wife Margaret Anne ''Peggy'' Rothschild moved to Huntsville in 1950 and formed the Valley Pride Packing Company. Prior to his retirement in 1966, Mr. Kling served as president of the Alabama Meat Packers Association and as a member of the board of directors for the Alabama Cattlemen's Association and the American Meat Institute.

In addition to his leadership in state and local business communities, Mr. Kling shared his kindness and vision to help nurture the cultural development of our region. After his retirement, Mr. Kling became the first individual to serve 3 consecutive years as president of the Huntsville Symphony Orchestra Board of Directors. Under his leadership, the Von Braun Center, a world-class concert hall and entertainment center, was constructed. For more than 25 years, the Von Braun Center has hosted numerous internationally acclaimed musical performances and events.

Mr. Kling also served as a member of the first Huntsville-Madison County Airport Authority. During his time with the authority, he played an influential role in the establishment of the Huntsville International Airport. This airport has since become an economic engine for north Alabama and it continues to support our region's remarkable growth.

Madam Speaker, Mr. Kling passed away in November 2006. He was a successful businessman, humanitarian, and civic leader. His willingness to help others and dedication to his community is an inspiration for all in north Alabama and across the country to follow. I rise today to celebrate his life and honor his achievements, which continue to have a profound impact on north Alabama today.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SHAYS. Madam Speaker, on May 17 through May 22 I missed votes due to my being out of the country to conduct oversight of our operations in Iraq.

Had I been present for rollcall 378, the Bachus Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 379, the Hensarling Amendment No. 29 to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 380, the McHenry Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 381, the Kanjorski Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 382, the Roskam Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 383, the Garrett Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 384, H.R. 698, the Industrial Bank Holding Company Act, I would have voted ''yes.''

Had I been present for rollcall 385, H.R. 1425, the Staff Sergeant Marvin Rex Young Post Office Building, I would have voted ''yes.''

Had I been present for rollcall 386, the Feeney Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 387, the Price (GA) Amendment No. 8 to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''yes.''

Had I been present for rollcall 388, the Sessions Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''yes.''

Had I been present for rollcall 389, the Brady Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 390, the Price (GA) Amendment No. 9 to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 391, the Doolittle Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''yes.''

Had I been present for rollcall 392, the Hensarling Amendment No. 30 to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 393, the Neugebauer Amendment to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 394, the Neugebauer Amendment No. 4 to H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 395, on the Motion to Recommit H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''no.''

Had I been present for rollcall 396, on final passage of H.R. 1427, the Federal Housing Finance Reform Act, I would have voted ''yes.''

Had I been present for rollcall 397, S. 214, I would have voted ''yes.''

Had I been present for rollcall 398, H.R. 2264, the No Oil Producing and Exporting Cartels Act, I would have voted ''yes.''

Had I been present for rollcall 399, S. 1104, I would have voted ''yes.''

Had I been present for rollcall 400, H.R. 2399, the Alien Smuggling and Terrorism Prevention Act, I would have voted ''yes.''

Had I been present for rollcall 401, H.R. 1722, the Leonard W. Herman Post Office, I would have voted ''yes.''

Had I been present for rollcall 402, a motion to table H. Res. 428, I would have voted ''no.''

IN HONOR OF BIG BROTHERS BIG SISTERS OF SANTA CRUZ COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. FARR. Madam Speaker, I rise today to call attention to the 25th anniversary of Big Brothers Big Sisters of Santa Cruz County, founded in 1982. Big Brothers Big Sisters is the oldest and largest youth mentoring organization in the United States, and its Santa Cruz County chapter has served over 3,000 children in the last 25 years.

For more than a quarter century this organization has created and nurtured one-on-one mentoring relationships between children and carefully screened adult mentors. The shared experiences between a Big Brother or Big Sister and his or her Little Brother or Sister have a documented Positive outcome in the child's life.

Research and anecdotal evidence show that Little Brothers and Sisters are less likely to do drugs, drink alcohol, skip school, or engage in acts of violence. They have greater self-esteem, more success at school, and better relationships with their friends and family.

In their testimonials, Big Brothers and Big Sisters also report a positive impact on their life. They say that they find a sense of purpose and satisfaction by helping and mentoring a young child through the difficulties of growing up. They value their experiences as highly as we value their service to the community. Thus, these relationships benefit everyone involved, including the mentor, the child, the family, and the community.

Through its One-on-One Mentoring Program and After-School Enrichment and Mentoring Program, Big Brothers Big Sisters nurtures children as they grow up both socially and academically. The After-School Enrichment program assists children in their academic life by providing after-school tutoring in an array of topics including math, science, and writing. Additionally, the program brings in guest speakers to discuss issues involving academic, social, and leadership development.

I would like to thank the many volunteers and staff who give their time and commitment to this wonderful program. Without their support, this program would not have been able to achieve the level of success it has over the past 25 years.

Madam Speaker, on this joyous and historic occasion, it gives me great pleasure to present the congratulations of my colleagues in the House to Big Brothers Big Sisters of Santa Cruz County.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA LOAN REPAYMENT EQUITY TECHNICAL AMENDMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. NORTON. Madam Speaker, today I introduce the ''District of Columbia Loan Repayment Equity Technical Amendment Act of 2007.'' This bill will ensure that undeserved communities in the District of Columbia have access to adequate health care services in selected health professional shortage areas, HPSAs, identified by the Secretary of the Department of Health and Human Services under the State Loan Repayment Program, as Congress intended. This bill does not involve any new funds. It will make the District eligible to receive assistance through the Public Health Service Act grants system, as would already be the case if the District had a matching program. Until 2006 there was no matching program in the District thus making it ineligible to apply for assistance. This bill is revenue neutral. Adding the District of Columbia to this program will not have any effect on federal funding because the District will be required to compete for the Federal funds exactly as every other State competes for the grants.

The State Loan Repayment Program, SLRP, was implemented in 1987 in response to Section 3381 of the Public Health Service Act, which authorizes the Secretary, U.S. Department of Health and Human Services to make grants to States to help recruit and retain primary health care professionals in HPSAs. Under the State Loan Repayment Program, clinicians provide primary care health services in HPSAs in exchange for funds for the repayment of their qualifying educational loans. These individuals are fully trained and licensed primary health care clinicians dedicated to meeting the health care needs of medically underserved communities.

Under the State Loan Repayment Program, grants are made to States to operate their own loan repayment programs. Primary care health professionals who are providing a minimum of 2 years of full-time clinical services in public or non-profit facilities located in HPSAs are eligible to apply for a loan repayment. The State Loan Repayment Program is a collaboration of Federal, State, and community efforts. The Federal Government provides up to 50 percent of the funds to make loan repayment funds to primary health care professionals. The remaining 50 percent of the funding comes from State and local community resources.

The District of Columbia has 13.8 percent underinsured residents compared to 15.7 percent of individuals that are uninsured across the country. Approximately 17 percent of nonelderly adults and l0.4 percent of children are uninsured.

Today, millions of Americans lack access to health insurance. In 2005, more than 46 million persons were uninsured for the entire year. There are several reasons for the lack of health coverage for Americans among all uninsured persons under age 65, more than half were underprivileged and 34 percent lacked health coverage.

Improving the health care system is a huge priority for Congress. The Institute of Medicine found that the insurance status of parents affects the amount of health care that their children receive. By amending the Public Health Service Act, this bill would provide eligibility to the District of Columbia for the State Loan Repayment Program. It is extremely important that underserved populations have access to primary health services regardless of their low-income status. I urge my colleagues to support this important measure.

SABINOSO WILDERNESS ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce the Sabinoso Wilderness Act of 2007. New Mexico is filled with extraordinary landscapes and, as a representative of this beautiful State, it is an honor to work to conserve these scenic and historic areas for future generations. One of New Mexico's special places is the Sabinoso Wilderness Study Area. Last year, I had the opportunity to explore this unique area on horseback. While traveling through deep canyons covered with indigenous trees such as piñon-juniper, cottonwood, willow, and ponderosa pine, it was evident that Sabinoso is an exceptional setting that deserves to be protected and accessible to all. That is why I am introducing legislation to designate as wilderness the lands in and near the Sabinoso WSA.

The Sabinoso WSA comprises approximately 20,000 acres and is situated in San Miguel County, 40 miles east of Las Vegas, NM, and 25 miles northwest of Conchas Dam State Park. Roaming the canyons last year, I was struck by the ecological, scenic and recreational values of the area. Sabinoso overlays a thick section of colorful sedimentary rocks, typical of desert rock formations throughout the West. The area's scenic and densely vegetated landscape is also home to

a rich diversity of wildlife, such as red-tailed hawks, western scrub-jays, broad-tailed hummingbirds, mule deer, bobcats, and gray foxes. All of these natural resources will provide outstanding opportunities to hunt, hike, horseback ride, take photographs, and simply experience the unspoiled lands of our ancestors.

During the 2007 session of the New Mexico State Legislature, House Memorial 53, which calls on the New Mexico congressional delegation to support the establishment of the Sabinoso Wilderness Area, was introduced by State Representative Thomas Garcia and passed unanimously by a vote of 66–0.

Unfortunately, this beautiful piece of land is currently inaccessible to the general public. Designating the area will help open it to everyone and provide access to all of these activities. Opening Sabinoso will also create important new economic development opportunities for the surrounding communities. Madam Speaker, I urge my colleagues to join me in passing this legislation and creating the Sabinoso Wilderness Area so that everyone will be able to experience its natural and unique beauty for generations to come.

RECOGNITION OF ARNOLD ''NUB'' PORTERFIELD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. RAHALL. Madam Speaker, I rise today to honor the memory of Arnold G. ''Nub'' Porterfield of Bluefield, WV. Arnold was a special and caring man whose commitment to his community could only be rivaled by his commitment to his family. He was a loving son, a loving husband, brother, and uncle. He was, in short, a loving man.

Anyone who knew Arnold, or ''Nub'' as those closest to him referred to him, could not help but be touched by his generous and caring nature. He took a special interest in the lives of others, and he often made those lives a part of his own. He had an uncanny ability to connect with people, to make them feel comfortable in his presence. He was a good friend and a great man.

Arnold was very dedicated to his country and his community. He served in the U.S. Marine Corps and served with distinction in both World War II and the Korean war. He served the city of Bluefield, WV as a postmaster, a fireman, and as the chief of police. His commitment to his community exemplified the motto of the Marine Corps, ''semper fidelis'', always faithful.

After retiring from this distinguished career, Nub dedicated his life to spreading his love of books and opened the Appalachian Bookstore in Bluefield. He was a man who loved to read and had a deep desire to share that passion with others. When Nub decided to retire, he donated the contents of his bookstore, an estimated 40,000 volumes, to a very grateful Concord College Foundation.

Madam Speaker, in closing, I want to ask this great body to reflect for a moment to honor the life of a great man, faithful husband and father, and an honorable American. As the Lord called his servant home; his generosity, compassion, and commitment to his community will live on forever in the memories of all who had the high honor knowing Arnold ''Nub'' Porterfield.

TRIBUTE TO THE 440TH AIRLIFT WING BASED IN MILWAUKEE, WISCONSIN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize the 440th Airlift Wing's long and distinguished history. It was formed in 1943 at Baer Field in Indiana, but has been based at General Mitchell International Airport—Air Reserve Station located in the Fourth Congressional District, since 1957. The airport and Air Reserve Station are both named in honor of Brig. Gen. William Mitchell, the Milwaukeean who is considered the ''father'' of the modern Air Force.

After moving to Milwaukee, the 440th Troop Carrier Group became the 440th Airlift Wing and in 1967, underwent another name change becoming the Reserve Tactical Airlift Wing. The 440th has received many honors including: the Air Force Association's Outstanding Reserve Unit during 1963, 1964, 1966 and 1968; the Republic of Vietnam Gallantry Cross with Palm, 1968: 14 Feb—11 Mar for airlift operations to the Vietnam Theater; the Air Force Outstanding Unit Award for the period Oct 1985—30 Sep 1987; the Air Force Outstanding Unit Award for the period 2 Oct 1992—2 Oct 1993; the Air Force Outstanding Unit Award for the period 1 Jun 1997—30 Sep 1998; and in 1998 received the highest score for a Reserve Unit in two years. In 1989, the 440th was equipped with eight new C–130s. The first C–130H was dubbed ''The Spirit of Wisconsin.''

The 440th has performed admirably in virtually every US combat theater and tactical operation including: the Cuban Missile Crisis; Vietnam Conflict; Operation Desert Storm and Desert Shield in the Persian Gulf States; and was the first wing unit to deploy members on Anti-Terror Operations after the September 11, 2001 assault on America. In fact, ''The Flying Badgers'' have been constantly available to provide airlift support, superb aircraft maintenance and security training and support.

In 2006 the Base Realignment and Closure Commission (BRAC) ordered the 440th to be reassigned to Pope Air Force Base in North Carolina. Flight operations in Milwaukee will end in June, 2007 and will resume at the Wing's new location at Pope AFB.

Madam Speaker, for these reasons, I am honored to pay tribute to the 440th for their stellar performance, dedication and service to my district and to the nation.

HONORING THE SERVICE OF ARTHUR C. NERIANI

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. MURPHY of Connecticut. Madam Speaker, as we celebrate the 63rd anniversary of the D-Day invasion, I rise today to honor the service and valor of all veterans, and especially the contributions of Arthur Neriani, who served bravely in World War II.

The son of two Italian immigrants, Arthur Neriani grew up in Avon, CT, when Avon was still considered a farm town. As a young man, Art spent much of his time with a group of 15 boys from the same neighborhood. Organized by Gildo Consolini, the boys played softball on a local team called the Avon Tigers. Bonded through friendship and love of country, 14 of these young men went on to serve their country during World War II.

At the age of 21, Art's name was at the top of the list at the Draft Board 2B in Unionville. As the first from the Farmington Valley to be drafted, Art's unique status was covered in the Hartford Courant. In 1940, Art joined the National Guard, Company M, 169th Regiment, 43rd Division in New Britain. In 1941, the division was federalized and sent to train in Camp Blanding in Starke, FL. After his year of service was almost complete on December 7, 1941, it was soon made clear he was not going home. Soon after Pearl Harbor, all of the soldiers at Camp Blanding were asked to sign up for Officer Candidate School. It was not Corporal Neriani, but rather a friend, who signed Art's name in for consideration. Of the 26 candidates who stepped forward, only 2 were accepted—one of which was Art Neriani. After completion of candidate school, Art arrived on the beaches of Normandy as the 2nd Lieutenant of the 8th Infantry Division on July 4, 1944, referred to as D plus 28 (28 days after D-day).

In 1945, after the gruesome battle in Huertgen Forest, Germany, Officer Neriani received a battlefield promotion from 2nd Lieutenant to 1st Lieutenant. When he was awarded the Bronze Star medal for his leadership and courage in battle he refused it. He felt he had not earned the decoration. To him, this type of honor and recognition was better served in honoring the other men—the ones who paid the greatest sacrifice with their lives.

1st Lt. Neriani battled through Europe, liberated German and Polish political prisoners from Nazi concentration camps, and reached the end of the war when meeting with Russian allies in May 1945. Of the 14 servicemen from Avon that were sent to war, all but one returned home—Gildo Consolini. It is in honor of him that the Avon's Veterans of Foreign War Post is named.

A man of honor and courage, Captain Neriani saw many battles, lost friends and brothers, and was one of many to bring freedom to Europe. We owe our veterans, those here and now gone, this country's greatest debt of gratitude. I call on my colleagues to join me in paying tribute to men like Art Neriani—to the dedicated men and women in our military our proudly serve this Nation and protect our freedom.

THE JUBILEE ACT OF 2007

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. WATERS. Madam Speaker, I am proud to introduce the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007. This bill will expand existing debt cancellation programs for the world's poorest countries and ensure that the benefits from debt cancellation will not be eroded by future lending to these impoverished nations.

Existing debt cancellation programs have freed up resources to reduce poverty in some of the world's poorest countries. Cameroon is using its savings of $29.8 million from debt cancellation in 2006 for national poverty reduction priorities, including infrastructure, social sector and governance reforms. Uganda is using its savings of $57.9 million on improving energy infrastructure to ease acute electricity shortages, as well as primary education, malaria control, healthcare, and water infrastructure. Zambia is using its savings of $23.8 million to increase spending on agricultural projects and to eliminate fees for healthcare in rural areas. However, there are many needy and deserving poor countries that have yet to benefit from the cancellation of their debts.

The Jubilee Act will make 67 of the world's poorest countries eligible for complete debt cancellation by the United States, the World Bank, the International Monetary Fund (IMF), and other bilateral and multilateral creditors. In order to receive debt cancellation, the governments of these countries will be required to allocate the savings from debt cancellation towards spending on poverty-reduction programs. They will also have to engage interested parties within their societies, including a broad cross-section of civil society groups, in the spending allocation process; produce an annual report on this spending; and make it publicly available.

Countries would be excluded from receiving debt cancellation under the Jubilee Act if they have an excessive level of military expenditures; provide support for acts of international terrorism; fail to cooperate on international narcotics control matters; or engage in a consistent pattern of human rights violations. Countries also would be excluded if they lack transparent and effective budget execution and public financial management systems to ensure that the savings from debt cancellation would be spent on reducing poverty.

The Jubilee Act will establish a framework for responsible lending in order to preserve the benefits that debt cancellation has provided to poor countries and their people. The Jubilee Act requires the United States Secretary of the Treasury to take action to end the predatory practices of ''vulture funds,'' private investment funds that buy up the debts of poor countries at reduced prices just before these countries receive debt cancellation and then sue these countries to recover the original value of the debts plus interest. Finally, the Jubilee Act will require the Secretary of the Treasury to develop and promote policies to prevent bilateral, multilateral and private creditors from eroding the benefits of debt cancellation through irresponsible or exploitive lending.

The Jubilee Act will expand debt cancellation to all needy and deserving poor countries and preserve the benefits that debt cancellation has provided to impoverished people worldwide. I urge all of my colleagues to support this important legislation to reduce poverty through much needed debt cancellation reforms.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. HOLT. Madam Speaker, because I was voting in elections in the State of New Jersey I was not in attendance on June 5th. Had I been in attendance, I would have voted ''yea'' on rollcall No. 426, ''yea'' on rollcall No. 427, ''yea'' on rollcall No. 428, ''yea'' on rollcall No. 429, and ''yea'' on rollcall No. 430.

IN HONOR OF FREDERIC ''BUZZ'' EDWARD RAINER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. FARR. Madam Speaker, I rise today to honor Frederic ''Buzz'' Edward Rainer, an exceptional teacher and coach who passed away May 11, 2007. Buzz lived his life to its fullest and fought with passion. I offer his wife Barbara, sons Ted and Scott, and daughter Grace, my sincerest condolences.

Buzz grew up in Claremont, CA, and graduated from Claremont High School. He met his wife of 54 years, Barbara, in the 6th grade and they were later married in 1952. Buzz attended the University of Southern California where he earned a Bachelor's Degree and Master's Degree in Education. He was active in sports, especially track, where he set school records. After gaining his Master's, Buzz and Barbara moved to Carmel, CA, where Buzz began a long and passionate career as a teacher and coach. Buzz taught at Carmel High School for 33 devoted years and 8 years at The York School in Monterey. He coached a range of sports at Carmel High including football, track, basketball, and golf.

Buzz's teaching career was extensive and was not confined to the Monterey Bay. In 1963 he took a one year sabbatical to Cambridge University in England and later in 1978 he spent a year at the University of Edinburgh in Scotland. Taking a 2-year leave of absence from Carmel High School in 1967, Buzz taught English at the American Community School of Athens in Greece. His love for teaching was truly a gift and he was often caught saying ''I never really worked a day in my life.''

He had a passion for using his gift of poetry to motivate school spirit and its athletic teams. I remember, during my school years, Coach Rainer getting all the ''jocks'' in his class and turning them into English majors. He knew how to put passions to words, and meaning to learning, that no one ever forgot. He was a teacher who challenged students to think and to commit their thoughts to action.

Not only was Buzz an extraordinary teacher and coach, but he was also an involved figure in the community. He was an active member of the Diogenes Club, the Knights of the Vine, and the local International Club of Carmel. Serving as a volunteer for the Carmel Highlands Fire Dept. was just another hobby of Buzz's and he was later appointed to their Board of Directors.

However, Buzz's greatest gift and passion in life was his love for literature. He composed hundreds of poems and recited them to his many friends. A great accomplishment of Buzz's was having one of his beautiful poems published in a book illustrated by Eldon Dedini. He had been writing two books as well. One of the books was about the joy he received from being a teacher; inspired from hundreds of letters he's received from past students describing the impact he's made on them.

Madam Speaker, Frederic ''Buzz'' Edward Rainer lived a life that we can all be envious of. Through his admirable life, our community grew greater and stronger with every person that Buzz came in contact with. His love of life, and of people, will be remembered by all. Buzz may no longer be with us but his memory will carry on in all those whose lives that Buzz touched. I am honored to have been able to have had him as my coach at Carmel High School and to have known such an extraordinary person.

TRIBUTE TO CRAIG C. MELLO, Ph.D., 2006 NOBEL LAUREATE IN PHYSIOLOGY OR MEDICINE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. McGOVERN. Madam Speaker, as the House prepares today to vote on final passage of S.5, the Stem Cell Research Enhancement Act, I am again reminded of the extraordinary contributions one of my constituents has made to the life sciences. Dr. Craig C. Mello of Shrewsbury, Massachusetts won the 2006 Nobel Prize in the field of Physiology or Medicine for his revolutionary discovery of RNA interference and the gene silencing process. Earlier this year, the University of Massachusetts Medical School honored its most famous faculty member with a tribute that I was regretfully unable to attend. However, on May 2nd I had the distinct privilege of introducing Dr. Mello at a luncheon for all of the 2006 Nobel Laureates hosted by my colleagues and the Science Coalition here in the Capitol.

It seems only fitting on this historic day in the United States House of Representatives that I humbly submit for the RECORD my introduction of Dr. Mello at that recent program. I do this not only to highlight his achievement but to also to emphasize the fact that this vitally important research is being led by America's most brilliant, thoughtful and committed scientists who are dedicated to improving the lives of all people everywhere.

CONGRESSMAN JAMES P. MCGOVERN—INTRODUCTION OF CRAIG C. MELLO, PHD.

Good afternoon. I want to begin by thanking all of my colleagues who are here today and, in particular, Chairman Bart Gordon and Congressman McNerney for their work in organizing this Nobel Laureate Luncheon as well as the House Resolution honoring our distinguished guests. I also want to thank the Science Coalition for their assistance in coordinating this program and all of the activities our Nobel Laureates are participating in today.

You know, if you work in this building long enough you come in contact with some very impressive people; world leaders, movie actors, artists, authors and every kind of celebrity.

Well, I've now worked in this building for more than half my life—fourteen years as an aide to the late Congressman Joe Moakley and ten years as a member of Congress myself—and I'm here to tell you that few people have impressed me more than Dr. Craig Mello. That's not just because he is my constituent and works at the finest medical school—public or private—in the world, the University of Massachusetts Medical School in my hometown of Worcester. It is also not just because Craig Mello and I have so much in common. We are both tall with full heads-of-hair as you can tell. Notwithstanding these similarities, I am—in all seriousness—very proud to be here today to introduce and congratulate Dr. Mello for far less obvious but much more important reasons.

He and his colleague, Dr. Andrew Fire, have blown open a whole new field of biomedical research with their revolutionary discovery of RNA interference and the gene silencing process. Together, they have brought renewed hope to millions of people who are suffering from countless debilitating diseases and genetic disorders. The potential for new therapies for cancer, heart disease, and diabetes among several other diseases has never been greater as a result of their extraordinary achievement.

In fact, their research may one day even have the added benefit of helping one of Dr. Mello's own children who is diabetic. I can't even imagine how gratifying that must be for Dr. Mello and it is surely a source of pride that extends even beyond the prestige of winning a Nobel Prize. It is also a poignant reminder for all us in public service about how deeply personal and incredibly important it is for this research to continue.

You know, I'm not aware of any other Nobel Laureates in my congressional district but that's not to say it hasn't been home to other distinguished figures in our nation's history. Horace Mann, widely regarded as the father of the American education system, served first in the Massachusetts Legislature and later as a member of this House, was born in Franklin, Massachusetts—in my congressional district.

After serving in Congress, Horace Mann ended his career as President of Antioch College and in his final valedictory address to the graduating class of 1859, he said this:

''Be ashamed to die until you have won some victory for Humanity.''

Well, Dr. Mello, there is no doubt that you have scored a triumphant victory for all of Humanity. I am both humbled and inspired by what you have accomplished. And, I am also deeply grateful for all that you've done since winning the Nobel Prize to support funding for public education in Shrewsbury, Massachusetts and elsewhere. Your generosity and commitment to that cause is even further evidence that you are deserving of the accolades you have rightly received.

It is now my distinct pleasure to introduce Dr. Craig Mello, the winner of the 2006 Nobel Prize in Physiology or Medicine and to present him with this resolution.

INTRODUCTION OF THE NORTH MAUI COASTAL PRESERVATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce the North Maui Coastal Preservation Act of 2007, a bill directing the National Park Service to study the suitability and feasibility of designating certain lands along the northern coast of Maui, between Sprecklesville and Paia, as a unit of the National Park System.

The citizens of Maui strongly support preservation of this coast, which provides important open space and public beach areas. Thousands of post cards in support of creating a national park or national seashore along this coast have been sent to me and to my predecessor.

This beautiful coastline is under significant development pressure. Its closeness to major population centers in Maui and its popularity with both visitors and residents makes protecting access a major concern.

Supporters of this park have asked that it be named after Congresswoman Patsy Takemoto Mink, a native of Maui who grew up in the Hamakua Poko/Paia area. While this bill, which authorizes a study, does not direct what the prospective national park would be named, I would certainly support naming it after Patsy Mink, whose commitment to the people of the island and state was without question.

I urge my colleagues to join me in supporting this bill.

RECOGNIZING D/FW INTERNATIONAL AIRPORT'S ''WELCOME HOME A HERO'' PROGRAM

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. EDWARDS. Madam Speaker, I rise today to offer some well-deserved thanks to those involved in the "Welcome Home a Hero" program. These patriotic ambassadors of good will volunteer at the Dallas-Fort Worth International Airport to welcome home the brave service men and women who protect America abroad.

As I travel through my district, constituents ask me what they can do to show appreciation for the service and sacrifices of our military. "Welcome Home A Hero" volunteers at the Dallas- Fort Worth International Airport are great examples of how to give back to the community and help our soldiers start their 2 weeks of rest and recuperation at home on a high note. Because of the compassion and good cheer of "Welcome Home A Hero" volunteers, our troops know that a grateful nation honors their service and respects their sacrifice. You can't put a price on that.

On June 12, as the Defense Department marks the return of the 500,000th soldier home for R&R, it is fitting that D/FW International Airport has been selected to host this celebration, precisely because of the success of the "Welcome Home a Hero" program and the outpouring of support that Texans have shown for our men and women in uniform.

I salute our soldiers, their families, and the great Americans who have volunteered to honor them. Thank you for your dedicated service to country.

MENTORING AMERICA'S CHILDREN ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation strengthening the link between high-quality mentoring and public education in the United States.

The Mentoring America's Children Act of 2007 will improve upon the current efforts to match high-quality and responsible mentors with children in need of a strong role model.

In 2002, the U.S. Department of Education began granting funding directly to community organizations and schools to establish or expand mentoring opportunities. Since then, over $200 million has been allocated contributing to a 20 percent increase in the number of children benefiting from a mentor.

The Mentoring America's Children Act sets out to expand and build upon this success. By increasing the availability and quality of the grants available through the Department of Education, the mentoring program will reach more children in need while enhancing quality.

The bill will also tie mentoring programs funding more closely with the important role mentors can play in improving a young person's academic standing and the learning environment. The legislation would broaden the reach of mentoring to include a number of specific populations of young people who could benefit from a strong role model.

Finally, the legislation also authorizes the Department of Education to conduct high-quality research into successful school-based mentoring programs. Through this research, plus improved data collection and tracking, we will better understand the impact of mentoring and can continue to refine program practices to best meet the needs of children.

Mentoring is a critical element in a child's social, cognitive and emotional development. When it comes to education, a healthy relationship with a mentor plays a key role in improving the learning environment for a young person. Students with a responsible mentor have better attendance and are more connected to their school, schoolwork, and teachers. They perform better in school and are more likely to graduate and go on to higher education.

It is an honor to introduce this legislation with a number of my colleagues on the House Mentoring Caucus and others dedicated to the

noble cause of mentoring. It was also an honor to work directly with the MENTOR/National Mentoring Partnership, Big Brothers Big Sisters of America and the National Collaboration for Youth to develop this legislation.

Madam Speaker, I urge consideration of this legislation.

RECOGNIZING NINA TINARI

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the achievements of Nina Tinari, who was recently selected by Women Making a Difference, Inc. as one of Philadelphia's Next Generation of Women Leaders.

Madam Speaker, Nina began her career in government as an intern in the Press Office of Mayor Martin O'Malley of Baltimore, Maryland. Upon graduation from college, she worked as a volunteer in the campaign office of Mayor Rendell who was running for Governor of Pennsylvania. After his successful bid for Governor, she transferred to Harrisburg to serve as Assistant to the Executive Director of the Inaugural Committee.

Nina was then offered the position of Special Assistant in the Office of Public Liaison. Soon thereafter, she became Deputy Director of Scheduling and Advance in the Governor's Office. She advanced to the position of Deputy Press Secretary and Communications Manager where she served as a liaison between State agencies and the Governor's Office, managed releases and press briefings, and pro actively promoted the policy agenda of Governor Rendell.

Ms. Tinari has a B.A. in Communications with a concentration in Public Relations from Loyola College in Maryland, a Certificate in Non Profit Leadership and Management from the Fels Institute of Government—University of Pennsylvania, and is presently a candidate for a masters in Government Administration from the Fels Institute of Government—University of Pennsylvania.

Madam Speaker, as the first woman Speaker and someone who is extremely proud of her Italian heritage, I ask you and all of our colleagues to congratulate an up-and-coming leader. A woman who is working hard to blaze a trail for her generation—Nina Tinari.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA FOR WINNING THE PINNACLE AWARD

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to congratulate the University of Southern California School of Pharmacy, located in my Congressional district, on receiving the 2007 Pinnacle Award from the American Pharmacists Association Foundation. This national award celebrates innovators who have made significant contributions to improving the quality of medication delivery for patients and caregivers.

Los Angeles County is home to more than 2.7 million uninsured residents, many of whom rely on their local health care clinic for needed health services. USC's Community Pharmacy Group earned this honor for their work to serve patients in eight safety-net clinics in underserved neighborhoods in Los Angeles, including the JWCH Medical Clinic at the Weingart Center located in the heart of downtown Los Angeles' Skid Row.

Recognizing that community pharmacists are often the most accessible health care professionals for many underserved patients, USC has trained pharmacists along with residents and students to provide disease management services to high-risk patients, and has helped community clinics purchase lower-cost medication. USC pharmacists work directly with patients with chronic diseases requiring ongoing medication and lifestyle changes. By implementing pharmacist-based disease management services and education at these clinics, the USC Community Pharmacy Group has demonstrated significant improvements in health outcomes directly attributed to pharmacist interventions.

Prior to the start of the project, none of the eight clinics had a pharmacist available to provide pharmaceutical care to patients in the clinic. Pharmacists have reduced drug costs at the clinics by utilizing patient assistance programs and formulary products. The results were outstanding; patients with chronic conditions increased their use of appropriate medications and improved control of their illnesses.

Madam Speaker, I applaud USC for their commitment to improving health outcomes for low-income patients in Los Angeles. It is my hope that the recognition USC receives through the Pinnacle Award will prompt other communities to try similar successful interventions. Together, through these types of efforts, we can improve the quality of life for millions of underserved Americans in need of quality health care.

RECOGNIZING AND HONORING NORMAN ROSENSHEIN, NATIONAL COMMANDER OF THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I would like to recognize and honor Norman Rosenshein, Commander of the Jewish War Veterans of the United States of America for his tireless efforts and dedication on behalf of America's veterans. Jewish War Veterans of the USA, is the oldest active veterans association in the United States, founded by civil war veterans in 1896. Today, the Jewish War Veterans of the USA is dedicated to those programs that support the needs of our veterans' community; combat anti-Semitism and bigotry; support American youth through scouting, scholarships and anti-drug programs; and assist oppressed Jews worldwide.

Mr. Rosenshein served in the U.S. Army on active duty from December 8, 1964 until December 7, 1966. He joined the Jewish War Veterans of the United States of America in January 1970. Since 1970, he has been an active member of David Blick Post 63 of Elizabeth, NJ. During that time Mr. Rosenshein has held all of the post offices until finally in August of 2006 when he was elected National Commander.

In addition to the Jewish War Veterans, Mr. Rosenshein is active in his congregation, having served as their Vice President. Because of his expertise, Mr. Rosenshein was appointed to the New Jersey Healthcare System Veterans Stakeholder Advisory Group in 1995 and presently serves on their committees. I applaud Mr. Rosenshein's whole hearted commitment to the Jewish War Veterans. He has proved himself a tenacious advocate and his continuous contribution for their welfare and wellbeing is truly commendable.

FIRST PRESBYTERIAN CHURCH OF MARQUETTE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. STUPAK. Madam Speaker, I rise to honor faithful people and an important historic landmark in my district, the First Presbyterian Church of Marquette, Michigan. For a century and a half, the First Presbyterian Church of Marquette has served as a place of worship for the residents of Marquette and surrounding communities in Michigan's Upper Peninsula (U.P.). Throughout its rich history, the church and its congregation have served as an anchor to the community and offered important social services to those in the area.

In October of 1855, a small group of people met and considered putting together an organization for a Presbyterian Society in Marquette. A month after this initial meeting, this small group purchased a piece of land on which to erect a church. Called the "Session House," the building originally stood on the corner of Baraga Avenue and Fourth Street in Marquette. In June of 1857, the original 18 members of the Presbyterian Society called a meeting and elected its first elders. The Reverend Jonathan A. Woodruff was named the first temporary pastor. During these early years of the church, a Sunday School was started and common functions such as baptisms and marriages were performed.

By 1865, the size of the First Presbyterian Church's congregation had increased dramatically and the congregation determined that a larger church was necessary. In 1867, a large brick and stone structure was erected on the corner of Front and Bluff Streets in Marquette, Michigan. In the summer of 1868, a horrific fire swept through the downtown area of Marquette, destroying practically every building in the area. Nonetheless, the structure of the First Presbyterian Church survived and the church was finished and dedicated in November of 1868.

Sadly, this structure was destroyed in a second fire that occurred in 1931. Nonetheless, the congregation of the First Presbyterian Church remained united in their faith and continued to hold services in various locations. Two faithful church members left a bequest, allowing the church to be rebuilt in 1935. The 1935 structure exhibits the architecture of the English Gothic period and stained glass windows inspired by 13th century churches. The 1935 building still stands today.

Throughout its history, the church has provided not only a place to worship, but a valuable center of social services to the entire Marquette community. In the late 1970s, an adult day care center was started at the church for elderly community members in rooms furnished to meet a variety of needs. The program remains active today and serves approximately thirty people a week, providing vital services to some of the most vulnerable members of the Marquette community.

The genesis of the adult day care center stemmed from another valuable program at the church, the ''Lunch Bunch,'' a social event at the church targeting elderly residents. Members of the congregation cook lunch and make it available to anyone who wishes to attend, primarily elderly members of the community.

One of the church's newer programs, ''Stephen Ministry,'' was brought to the church in 1984. The program trains congregation members in pastoral counseling. Individuals undergoing emotional stress due to bereavement or divorce can seek a Stephen Ministry counselor and receive confidential one-on-one advice. In short, the program has enlisted members of the First Presbyterian Church of Marquette to counsel friends and neighbors during difficult times in their lives.

By organizing and hosting panel discussions, the church has also served as a forum where social problems in the community can be debated and discussed. In some cases, these discussions have yielded important innovative solutions. For example, one panel discussion resulted in the founding of the Medical Care Access Coalition, a collaboration of physicians and pharmacists throughout the area willing to offer free services to uninsured residents in Marquette County.

Madam Speaker, on Saturday, the First Presbyterian Church of Marquette will celebrate 150 years of dedicated service to the Marquette community. The church and its congregation have been blessed with dedicated pastors who have demonstrated great vision in building upon the teachings of Jesus Christ and the principles found in the Bible to offer a place of worship as well as critical social services to their brothers and sisters of Marquette County. I would ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in saluting the First Presbyterian Church and its faithful congregation upon its sesquicentennial celebration.

RECOGNITION OF SPC JEREMIAH ''JEREMY'' DAVID COSTELLO

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the life of Army Specialist Jeremy Costello. Spc. Costello was a motor transport operator who was recently killed by an improvised explosive device while fighting for freedom in Iraq.

Costello was a 22 year-old from Carlinville, Illinois who was assigned to 5th Battalion, 82nd Field Artillery Regiment, 4th Brigade, 1st Cavalry Division out of Fort Bliss, TX.

Costello is survived by his 4-year old daughter of Alton. I am proud of the service this young man gave to our country and the service his fellow troops perform everyday. Not enough can be said about Spc. Costello. Some of his awards and decorations speak to what a great soldier and man he was; the Combat Action Badge and Driver and Mechanic Badge. It is troops like Costello that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. My best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless him and may God continue to bless America.

HONORING THE ACCOMPLISHMENTS OF ANDREA WATKINS AND DENISS QUINTANILLA-CERON

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend two outstanding seniors at Eastside High School in Paterson, Andrea Watkins and Deniss Quintanilla-Ceron. These young people are this year's recipients of the Nathan LeBron Scholarship Fund for their commitment to their education and to their futures.

Eastside High School may sound familiar—it is the school featured in the 1989 movie, Lean On Me. Many of the young men and women who attend that school face a wide variety of challenges and must overcome much to achieve their goals for a brighter future. The LeBron scholarship is one way that the community can demonstrate its support for their endeavors. Both Andrea and Deniss possess the brilliance of spirit that will turn this small show of support into an extraordinary future.

The scholarship is given in partnership with the Michelle Mitzvah Group of Beth Haverim. Both are named for people who exemplify perseverance and love of life. Nathan LeBron was a cancer survivor. Michelle was a young girl he met before she succumbed to leukemia. Nathan came from a troubled home, but with the love and support of Michelle's father, Marc Appelbaum, he went on to graduate college, earn a masters at Harvard, and head the IT operations at the Baseball Hall of Fame. The Mitzvah group seeks out opportunities to make the community a better place, with particular emphasis on brightening the lives who really need it—much as Marc Appelbaum did for Nathan LeBron in his youth.

I commend the men and women who work with this scholarship fund and who make the social action mission of the Michelle Mitzvah Group come to life. And, I commend Andrea and Deniss for their accomplishments. There is little doubt that they, in turn, will do tremendous things to brighten the lives of others as well.

RECOGNIZING MINNA ZHOU OF WOODBURY, MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2007

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Minna Zhou of Woodbury, Minnesota, who was recently chosen as a 2007 Young Woman of Distinction by the Girl Scouts of the United States of America.

Minna has proven herself to be an outstanding young woman through her involvement in Girl Scouts, for which she has received their highest honor, the Gold Award.

She has also become involved. in her community by developing and teaching biweekly classes to adopted Chinese children focusing on Chinese language, culture, holidays, music and dance.

At the same time, Minna has published a newsletter sharing this information with her students' parents, to create a mutual understanding and appreciation of their children's background, and helped her students organize a recital showcasing their knowledge.

Madam Speaker, I applaud the important goals of Minna's classes, and I am extremely proud of Minna's dedication to volunteerism in her community. She is a remarkable young leader, and I hope my colleagues will join me in recognizing her accomplishments.

RECOGNIZING BORDEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I rise today to join Borden as they celebrate their 150th anniversary.

For those who are not familiar with Borden, it was founded in 1857 by Gail Borden and was originally known as the New York Condensed Milk Company. Borden invented the innovative process of condensing milk, allowing for the first time, milk to be kept pure and storable without refrigeration. This allowed for milk to be safely distributed over long distances. Borden's condensed milk played an intricate role in sustaining the Union Army during the Civil War.

Borden revolutionized the dairy industry again in 1900 with the ''Dairyman's Ten Commandments,'' which taught dairymen how to

better care for the cows and the milk they produce. These methods formed the foundation for modern health regulations.

Borden's lovable spokesman, Elsie the Cow, was created in 1938 by David William Reid. Through appearances in magazines, newspapers and tours around the country Elsie gained popularity, rivaling Mickey Mouse, and she made her film debut in the classic Little Men. Today, she ranks in the top 10 advertising icons of the 20th century.

In 1995 Borden Inc. was sold to the investment firm of Kohlberg Kravis Roberts & Co. Then, in 1997 the Borden brand and Elsie's image were bought by Mid-America Dairymen Inc., which would eventually merge with other cooperatives to form Dairy Farmers of America.

Madam Speaker, I proudly ask you to join me in recognizing Borden on their 150th anniversary and their many accomplishments and contributions to the dairy industry over the years.

RECOGNIZING TYLER FREDERICK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Frederick, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 69, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Frederick for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE CHILD LABOR PROTECTION ACT OF 2007

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Ms. WOOLSEY. Madam Speaker, the Child Labor Protection Act of 2007 is a narrowly drafted bipartisan bill that amends the Fair Labor Standards Act, FLSA, to increase civil penalties for those who violated child labor provisions. Specifically, it would: Increase penalties from $11,000 to $50,000 for violations that cause death or serious injury; provide that the penalty can be doubled when the violation causing death or serious injury is repeated or willful; and provide that the $50,000 penalty can be assessed for each violation.

This legislation does not make the impositions of penalties mandatory—whether or not to assess a penalty is still discretionary with the Secretary of Labor—but it would provide the Department of Labor with a much needed enforcement tool to address the most serious child labor violations, deter repeat occurrences and further strengthen its enforcement of laws that protect children.

There is much that must be done to strengthen our child labor laws, and this bill is the foundation for future action that I hope my Subcommittee on Workforce Protections of the Committee on Education and Labor will take on these issues.

CHARLES T. ORTMAN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles T. Ortman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and by earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many Scout activities. Over the years Charles has been involved in Scouting, he has earned 28 merit badges and held numerous leadership positions, senior patrol leader, patrol leader, den chief, Order of the Arrow representative, and instructor. Charles is also a member of the Tribe of Mic-O-Say. Charles is also a Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Charles poured a concrete sidewalk around the side of Pine Ridge Presbyterian Church.

Madam Speaker, I proudly ask you to join me in commending Charles T. Ortman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CHARLES CROWE FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Crowe, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and by earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many Scout activities. Over the years Charles has been involved in Scouting, he has earned 33 merit badges and held numerous leadership positions, serving as assistant senior patrol leader, assistant patrol leader, patrol leader, quartermaster, and librarian. Charles is also a member of the Tribe of Mic-O-Say. Charles is also a Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Charles removed weeds and debris and planted bushes at a cemetery in Weatherby Lake, MO.

Madam Speaker, I proudly ask you to join me in commending Charles Crowe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ZACHERY R. BODE FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachery R. Bode, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and by earning the most prestigious award of Eagle Scout.

Zachery has been very active with his troop, participating in many scout activities. Over the years Zachery has been involved in scouting, he has earned 32 merit badges and held numerous leadership positions, serving as assistant senior patrol leader, assistant patrol leader, patrol leader, and chaplains aide. Zachery is also a member of the Tribe of Mic-O-Say and a Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Zachery placed safety signs and evacuation procedures throughout the church and school at Pine Ridge Presbyterian Church and School.

Madam Speaker, I proudly ask you to join me in commending Zachery R. Bode for his accomplishments with the Boy Scouts of America and achieving the highest distinction of Eagle Scout.

SEAN TYLER COWDEN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Tyler Cowden, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and by earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many scout activities. Over the years Sean has been involved in scouting, he has earned 29 merit badges and held numerous leadership positions, serving as assistant patrol leader, patrol leader, den chief, and historian. Sean is also a member of the Tribe of Mic-O-Say and Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Sean painted house numbers on the street of a local housing division.

Madam Speaker, I proudly ask you to join me in commending Sean Tyler Cowden for his

accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

200TH ANNIVERSARY OF THE TOWN OF CICERO, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in recognition of the town of Cicero's 200th anniversary. Located on the southern shore of Oneida Lake, the town of Cicero serves as a northern suburb of metropolitan Syracuse. The town was named after the great Roman orator Marcus Tullius Cicero.

The town of Cicero was one of the townships of the former Central New York Military Tract. The CNY Military Tract was land reserved for soldiers who served in the American Revolution. Cicero became a part of the town of Lysander when Onondaga County was formed in 1794. The town of Cicero split from the town of Lysander in 1807. The town of Cicero also included the town of Clay until 1827 when the township was divided.

The town contains a rich history on involvement within Central New York. The town of Cicero was crucial to the building of the Erie Canal. The construction of the canal brought many settlers into the town, expanding its growth. The town of Cicero was also extensively involved within the salt industry. The salt industry provided many people with jobs, either making barrels or in furnishing lumber. When the salt mines dried up, the town's residents turned to the agriculture and dairy industries.

Over its history, the town of Cicero has changed drastically. From a small farming community, Cicero has transformed into one of the fastest growing suburbs of the region.

It has been an honor for me to represent the town of Cicero and its citizens for close to 20 years. The town of Cicero has provided the Central New York region with a prime example of a successful township filled with great people. The residents of the town of Cicero should be proud of their rich heritage. I congratulate them as they celebrate their first 200 years, and wish them nothing but the best for next 200 more.

RECOGNIZING SHANE DARWIN POPE II FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Shane Darwin Pope II, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 946, and in earning the most prestigious award of Eagle Scout.

Shane has been very active with his troop, participating in many scout activities. Over the many years Shane has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Shane Darwin Pope II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING WILLIAM PAYNE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Payne, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Payne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE LIFE OF ROLAND KELLY OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of Roland Kelly, a 16-year member of the South Bend Common Council, World War II veteran, and beloved member of the community. Mr. Kelly lost his battle with a strep infection on May 26, 2007.

Born and raised in Port Chester, New York, Mr. Kelly enlisted in the United States Navy at age 17 to serve in WWII. He graduated from the University of Notre Dame in 1950 and remained in South Bend to work in broadcasting until 1972. At WSBT–TV, Mr. Kelly served as the news anchor and the news director. Though a natural in front of the camera, Mr. Kelly began a new career at the local bank where he served as the Vice President and Director of Marketing, and he would retire as the Director of Business Development. Throughout his life, he dedicated himself to bettering the community through volunteering and mentoring.

Mr. Kelly was a member of many boards and committees, but most notably he sat on the South Bend Common Council as Vice-President until his death. Described as the "peacemaker" by fellow council members, he sponsored an anti-gun ordinance in 1991 and was instrumental in including gay, lesbian, bisexual, and transgender people in anti-discrimination laws. Mr. Kelly was also influential in revamping a tax abatement ordinance which has fostered millions of dollars of new investment in our community. Committees he sat on included the Information and Technology committee and the Community and Economic Development committee, and he was chairperson of the Community Relations committee. For his dedication to the community, Mr. Kelly was inducted into the South Bend Community Hall of Fame in 2001.

Our community has lost a beloved family member, generous friend, devoted father, doting grandfather, and Notre Dame's most enthusiastic fan. He was described as a "ham at heart" and was often seen performing in theatre and music groups. Off-stage, Mr. Kelly never missed an opportunity to share a witty story.

Mr. Kelly leaves behind three children, seven grandchildren, a great-grandson, and countless friends. His ever-present energy and humor will be dearly missed. It is with great pride that I celebrate the life and service of Roland Kelly.

RECOGNIZING THE TRAVIS REGIONAL ARMED FORCES COMMITTEE ON THE OCCASION OF THEIR 10-YEAR ANNIVERSARY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize the Travis Regional Armed Forces Committee (TRAFC) as they celebrate their 10-year anniversary.

The TRAFC is comprised of over 150 business and civic leaders who work together to support the men and women of Travis Air Force Base. The mission of the TRAFC is to "maintain liaison with personnel at Travis Air Force Base, promote the mission of the base to the community, and enhance the importance of the facility as an instrument of national security."

The TRAFC meets monthly on base to receive updates from the Commanders of the 60th AMW, 349 AMW Reserve, and 615 CRW and to recognize airmen from the various wings for going "above and beyond" in their service.

In addition, the TRAFC hosts various events throughout the year to bring the communities surrounding the base and base personnel closer together. Events include the Military Recognition Night, NCO Night, and Commander's Night. The TRAFC also hosts a Contractor's Breakfast to educate businesses about bidding for contracts on base.

Moreover, the TRAFC was instrumental in working with the local community to ensure the Base Realignment and Closure Panel understood the vital role of Travis AFB in securing the Nation.

A great deal of the TRAFC's success is due in part to the leadership of the Fairfield-Suisun and Vacaville Chambers of Commerce and

the Committee's own leadership. Past Presidents include Don Erickson, 1997–1998, Bev Dorsett, 1998–1999, Al Lavezzo, 1999–2000, Len Augustine, 2000–2001, Gary Falati, 2001–2002, Dale Baumler, 2002–2003, Ben Huber, 2003–2004, Bud Ross, 2004–2005, Ray Schoch, 2005–2006, and Foy McNaughton, 2006–2007.

Over the years I have had the opportunity to work with the TRAFC to support Travis AFB, both locally and in Washington, and have had the opportunity to support their nomination as the best base support organization in the Air Mobility Command.

As the TRAFC celebrates their 10-year anniversary, I would like to thank current and past members of TRAFC for their dedication to the men and women of Travis AFB and recognize them for their support of the base and its vital mission.

IN HONOR OF COLONEL RONALD A. RUTLAND

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the accomplishments and career of Colonel Ronald A. Rutland. Colonel Rutland is the commander of the 512th Airlift Wing at the Dover Air Force Base. Colonel Rutland is a distinguished member of the Reserves Officers Association with more than 6,500 flying hours in training, airlift and tanker experience. I commend Colonel Rutland for his years of public service defending our Nation.

Colonel Rutland received a Bachelor Degree of Political Science at Mississippi State University in 1973, and in 1977 attended the Squadron Officer School at Maxwell Air Force Base in Alabama. Colonel Rutland's passion for learning never subsided, and in 1988, he went back to school to receive his Masters of Aeronautical Science at Embry-Riddle University.

Colonel Rutland received his undergraduate pilot training at the Columbus Air Force Base in 1973. From 1977 until the present, Colonel Rutland has served in various areas of command, including Air Training, Strategic Air Command, and Air Mobility Command, at six different Air Force Bases within the United States. Most recently, Colonel Rutland served in Iraq as the commander of the 447th Air Expeditionary Group at Sather Air Base.

Ronald has served as a distinguished member of the United States Air Force for 34 years and has been honored on several occasions for his service. He has received countless awards such as the Legion of Merit, the Bronze Star, the Global War on Terrorism Service Medal, and the Air Force Longevity Service Award with six oak leaf clusters.

I join with the people of Delaware to thank Colonel Rutland for his continued dedication to the Air Force. He has served in a role that can be difficult at times, but is a necessity to the security of our Nation. I commend him for a life of service and thank him for his tireless dedication to Delaware and the United States of America.

HONORING REV. RICHARD P. OLDHAM

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Rev. Richard P. Oldham, an exemplary citizen and friend from my Congressional District. Rev. Oldham will celebrate his 50th anniversary this month as Pastor of Glendale Baptist Church in Bowling Green, Kentucky.

A native of Louisville, KY, Rev. Oldham began his ministry at the First Baptist Church in Savannah, TN while attending nearby Union University. He later earned an advanced degree from the Southern Baptist Theological Seminary and served various churches in Kentucky, Michigan, and Arkansas.

In 1957, he came back to Kentucky to become pastor of Glendale Baptist Church. During his five decades of spiritual leadership, over 250 young men and women have gone on to serve in the pastorate and in other mission assignments all over the world. He has also presided over an estimated 4,000 baptisms.

Rev. Oldham has remained very active in the Glendale community throughout his tenure including over 30 years as director of the Annual Youth Bible Conference at Camp Joy; numerous speaking roles at the annual Kentucky Baptist Convention; and past service as President of the Kentucky Baptist Pastor's Conference. Rev. Oldham is also the founder of Anchored Christian School in Bowling Green.

It is my great privilege to honor Rev. Richard P. Oldham today before the entire U.S. House of Representatives for his dedicated service to the spiritual needs of members of the Baptist faith and the Warren County community at large. He is an outstanding citizen worthy of our collective honor and appreciation.

RECOGNIZING THE DEDICATION OF JOHNNY W. WELTON

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Johnny W. Welton, as he retires as the director of Contra Costa Special Education Local Plan Area (SELPA), after 40 years of serving students in special education.

Johnny W. Welton's career in special education encompasses 12 years as a classroom teacher, 3 years as a resource teacher, 8 years as a site and central office administrator and 16 years as the Director of the Contra Costa SELPA.

In his role as director of SELPA, Welton established a Resource Parent Program, initiated Facilitation Skills training for staff IEP teams, and introduced Solutions Panel mediation training. Throughout his career, Johnny W. Welton has worked for equity, quality, reforms, and results in special education and conflict resolution.

On many occasions during his illustrious career, Johnny W. Welton received national, State and local awards and recognition for his service to the children of Contra Costa County.

Among these are: the first "Peacemaker of the Year Award" from the California Department of Education; the "Outstanding Administrator of the Year Award" presented by the Association of California School Administrators; a certificate of Appreciation awarded by Contra Costa Children and Adults with Attention Deficit Hyperactivity Disorder; and the first Alternative Dispute Resolution grant from the California Department of Education in 1993, and in each year to follow.

Johnny W. Welton's outstanding service to special education and dispute resolution more than validates his awards. He assisted in the reorganization and establishment of the California Department of Education Procedural Safeguards Unit, Compliance Monitoring Unit; he built partnerships between Education and other local agencies serving children with special needs; and he chaired the state of California Alternative Dispute Resolution Steering Committee.

As Johnny W. Welton retires, I would like to thank him for his dedication to the quality of education of the children of Contra Costa County, and his leadership in the field of special education as an exceptional educator and SELPA Director. I wish him the best of luck in his future endeavors.

IN HONOR OF THE 100TH ANNIVERSARY OF MINQUAS FIRE COMPANY NO. 1 OF NEWPORT, DE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to commemorate an important anniversary of service to the Town of Newport and the entire State of Delaware.

On May 21, 1907, concerned citizens met in the historic town of Newport to discuss the formation of a fire company. At the time, there had been numerous fires which destroyed properties before the already established fire companies in Wilmington, New Castle and Newark could arrive and fight the blazes. After much discussion and debate, Lt. Governor John M. Mendinhall suggested to the 68 founders that the company should be named the Minquas Fire Company No. 1 commemorating a tribe of Native American Indians who traded with early settlers along the Christiania River.

From its genesis, the Minquas Fire Company has taken great pride in providing volunteer fire rescue and emergency medical services to the citizens of greater Newport. They began by purchasing property in the unit block of North James Street. Several extensions and expansions have taken place over the years the most recent being the erection of an ultra modern facility in 2005.

Minquas' first President Howard P. Weldin and Chief Thomas Bullen oversaw the original

building project and the construction of the first fire house. In 1908, a horse drawn chemical engine was purchased from Radnor Fire Company of Pennsylvania for $1,000 and put in service at the brand new station.

Today President Curtis Clifton and Chief Michael Saggione command the Fire Company. Through their leadership, Minquas has continued to acquire the latest fire, rescue, ambulance apparatus and equipment to respond to the emergency service needs of their community. The Company's Motto ''We go where duty calls'' exemplifies the volunteer spirit of the men and women of the Minquas Fire Company No. 1.

I am proud of the contributions the volunteers of Minquas have made to Delaware over all these years and I congratulate them on this important milestone of 100 years of service.

IN TRIBUTE TO SAM CARMEN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a leader and volunteer from the Fourth Congressional District, Sam Carmen. Mr. Carmen is a recognized leader at the national and local level for his work in the area of educational innovation and reform. Mr. Carmen is retiring from the Milwaukee Teacher's Education Association (MTEA) after 28 years of faithful service.

Sam Carmen graduated from Cornell University with a bachelor's degree in Industrial and Labor Relations. Following graduation, he worked for both public sector and private sector unions in various capacities.

Mr. Carmen joined the staff of MTEA in 1979. In 1986, he became MTEA's chief spokesperson in contract negotiations with the Milwaukee Public School (MPS) Board. While he was serving as chief negotiator, MTEA developed a portfolio of educational reforms that were incorporated into the collective bargaining agreement and became national models. For example, Mr. Carmen negotiated an interview process for filling teacher vacancies replacing the traditional seniority model. MPS utilizes this process to select teachers who best fit their needs with the input of teachers, administration, and parent representatives.

In 1994, Sam Carmen was selected as the MTEA Executive Director while continuing as the chief negotiator. As Executive Director, he was a leader in the successful establishment of the MPS/MTEA Teacher Mentor Program, the Joint Teacher Evaluation and Mentoring Program, the Milwaukee Teacher Education Center (MTEC), and the Milwaukee Partnership Academy. Most recently, Mr. Carmen was instrumental in the development and implementation of a collaborative strategic planning process with MPS and the Greater Milwaukee Committee entitled ''Working Together, Achieving More.''

Sam Carmen has been active in organizations including: Citizen Action of Wisconsin; the Urban Directors' Association, a national network of urban union executives; the UWM School of Education Dean's Community Advisory Committee; and the Holmes Partnership, a network of professional organizations working to improve teaching and learning for all children.

During Mr. Carmen's tenure, the MTEA established annual community outreach activities including: an art show and awards program for MPS students; a scholarship program for MPS graduates, particularly those pursuing teaching careers; and the Food for Our Future partnership with Hunger Task Force, a food drive and advocacy program.

Madam Speaker, for these reasons, I am honored to rise and pay tribute today to Sam Carmen's contributions to educational reform in the Fourth Congressional District.

HONORING THE 46TH ANNUAL YMCA YOUTH GOVERNOR'S CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. SESSIONS. Madam Speaker, I rise today to honor the 46th annual YMCA Youth Governor's Conference that began in Washington, DC, this past weekend and continues throughout this week. I am pleased to have the distinct honor of being one of the congressional hosts for the YMCA Youth Governor's breakfast with my House colleagues this Wednesday morning.

The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nationwide program that allows thousands of teenagers to simulate State and national government.

Madam Speaker, I would like to personally recognize each of this year's YMCA Youth Governors for their dedication and service to America's youth:

Lillian Wilson of Alabama, Emile Gordon of Arizona, David Murdter of California, Alex Chandler of Colorado, Samantha Free of Connecticut, Anna Galati of Delaware, Bradley Pough of Florida, Kristin Graham of Georgia, Tiana Maruyama of Hawaii, Elise Marchant of Idaho, Sean Tompkins of Illinois, Martin Turman of Indiana, Will Webb of Louisiana, Jay Gobeil of Maine, Arnell Limberry of Maryland, Alexis Morin of Massachusetts, Trenton Swank of Michigan, Dilara Uskup of Michigan, Eric Kunkel of Minnesota, Josh Travis of Missouri, Olaniyi Solebo of the Model United Nations Program, David Colaco of New Jersey, Matthew Scarvie of New Mexico, Matthew Vigliotta of New York, Tucker Piner of North Carolina, Stuart Downey of Oklahoma, Gregory Murray of Oregon, Jeff Mitch of Pennsylvania, Neel Mehta of South Carolina, Matt Robinson of Tennessee, Tyler Thomason of Tennessee, Dave Harris of Texas, Marco Leung of Virginia, Erik Ashida of Washington, Damien White of the District of Columbia, Caroline Kitchens of Wisconsin.

I wish all of the 2007 YMCA Youth Governors a very successful conference here in Washington, and encourage them to continue their sincere devotion to leadership and public service in this and their future endeavors.

ON THE PASSING OF THE HONORABLE JUDGE RALPH M. BURNETT

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. BARTLETT of Maryland. Madam Speaker, I rise today in honor and memory of a great constituent of the 6th District of Maryland—The Honorable Ralph M. Burnett, Jr. Ralph M. Burnett was a Maryland district court judge and pioneer in the fight against prostate cancer. Judge Burnett died from the disease on May 9, 2007 at the age of 64.

Judge Burnett was born in 1943 in Seneca Falls, NY, to the late Ralph M. Burnett, Sr., and Betty Burnett. He graduated from St. Paul's High School in 1961 and earned a BA from Dickinson College, in 1965. A Vietnam Veteran, Judge Burnett was sent to Korea and served as First Lieutenant in the U.S. Army until 1969. He then enrolled in the Baltimore School of Law and received a degree in 1972.

Judge Burnett began practicing law in Oakland, MD, and served as Garrett County's State Attorney from 1974–1978. In December of 1993, he was appointed an associate district court judge. He was also a member of the Executive Committee of the Maryland Judicial Conference, and served on the Editorial Board of Justice Matters until his passing.

Diagnosed with prostate cancer in 1996, Judge Burnett became a devoted advocate for the prostate cancer community. He served as chairman of the National Prostate Cancer Coalition, NPCC, from 1999–2001. Under his leadership, federal funding for prostate cancer research doubled and the NPCC tripled in size.

After stepping down as chairman, Judge Burnett stayed on as a board member and doggedly pursued more prostate cancer treatment options for patients. He was also an advocate for the Johns Hopkins University's Specialized Program of Research Excellence and served on several panels within the Department of Defense where he worked to leverage the DOD's investment in prostate cancer research and participated in discovering the lethal phenotype that causes the disease.

Judge Burnett is survived by his former wife, Lucy Burnett, a son, P. Chase Burnett and his wife Jaime, three grandchildren, Ian, Eli, and Sophie Burnett, a daughter, Catherine Burnett, and one sister, Clara Tordella.

Ralph M. Burnett's funeral was held on Saturday, May 12, at St. Paul's United Methodist Church in Oakland.

On behalf of the residents of the Sixth District, I am honored but humbled to offer this token of appreciation for the distinguished service of Ralph M. Burnett to others and his many accomplishments. I hope that this simple testament provides some comfort to ease the grief of his family, neighbors and friends over his loss.

IN HONOR OF JUDGE DAVID F. LEVI

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Ms. MATSUI. Madam Speaker, I rise today in honor of Judge David Levi, one of our Nation's respected judges and a true friend. After 17 years of service on the Federal bench Judge Levi is retiring to become the next dean of Duke University's Law School. As his colleagues, friends and family gather to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant.

The son of Edward and Kate Levi, Judge Levi was born into a distinguished family that valued pubic service and the pursuit of knowledge to serve others. His father was the President of the University of Chicago and served as the United States Attorney General under President Gerald Ford, while his mother was equally committed to a variety of worthy pursuits. In 1972, Judge Levi graduated from Harvard, magna cum laude, with a degree in history and literature. Upon graduating from Stanford Law School in 1980, he clerked for Judge Ben Duniway of the Ninth Circuit Court of Appeals and followed that by clerking for Supreme Court Justice Lewis Powell.

After his tenure with Justice Powell ended, Judge Levi returned to California and began a renowned career with the U.S. Attorney's Office in Sacramento. From 1983 to 1986 he served as Assistant United States Attorney and worked in the office's criminal division. In 1986 Judge Levi was appointed by President Ronald Reagan as the United States Attorney for the Eastern District of California. As the U.S. Attorney, Judge Levi led one of the most successful public corruption prosecutions in the state's history.

In 1990 Judge Levi was nominated by President George H.W. Bush to become a U.S. District Judge of the Eastern District of California. Since 2003, he has served as the Chief Judge of the District. After over a decade and half on the federal bench he has earned a reputation as one who still approaches each case, large and small, with a commitment to tirelessly examine all of the facts and treat each case with the utmost of importance.

Judge Levi also is a national leader on legal reform. Recognizing his keen intellect, former Chief Justice William Rehnquist appointed him to the Advisory Committee on the Federal Rules of Civil Procedure in 1994, which Judge Levi chaired from 2000–2003. Four years ago, Justice Rehnquist named Judge Levi as Chairman of the Judicial Conference Committee on Rules of Practice and Procedure. In these roles he has revised and brought a much needed dose of reform to the rules of procedure in federal courts, making the courts more efficient, accurate and fair.

Madam Speaker, as Judge David Levi leaves the bench to become the dean of Duke University's prestigious law school, I am truly honored to pay tribute to a friend and dedicated public servant. I ask all of my colleagues to join with me in wishing David, his wife Nancy and their sons William and Joseph continued success and happiness in all of their future endeavors.

HONORING THE ALFRED E. ZAMPELLA SCHOOL

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. ROTHMAN. Madam Speaker, I rise today in recognition of the Alfred E. Zampella School, whose outstanding work has been rewarded with the Heart of Gold Award for the Second Kindest School in New Jersey for the third year in a row.

The Kindness is Contagious program began in New Jersey several years ago as a way to encourage students, teachers, parents, and the community to work together to perform "acts of kindness." At the beginning of the school year, students are taught about the values of compassion and generosity; they are then given journals to record their individual acts of kindness at home and at school while teachers, administrators, school personnel, and parents recognize and reinforce these acts. By the end of the school year, these important values are integrated into the daily education of students.

The students in the Alfred E. Zampella School—from the Pre-Kindergarten class to the Eighth Grade—have performed 53,926 acts of benevolence, empathy, thoughtfulness, and compassion in the past school year. It is clear by the sheer number of acts, that kindness is truly contagious in this school. These individual acts ranged from picking up a piece of trash in the cafeteria to a school-wide penny collection to raise money for leukemia research. The students not only learned how to improve their school community but also discovered the valuable life lesson of doing good works for other people—not for the recognition, but because it makes another person's life better.

Madam Speaker, I ask my colleagues to join with me today in commending Principal Sandra Frierson, the staff, and students of the Alfred E. Zampella School for the tens of thousands of acts of kindness they have performed. They are a great credit to our country and its steadfast spirit of generosity and goodwill.

TRIBUTE TO ALICE R. BARHAM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to pay tribute to the late Alice R. Barham, a warm and wonderful person who passed away on Tuesday, June 5, 2007.

Her family and friends will memorialize her at a "going home" celebration to be held on Saturday, June 9, 2007 at Mt. Tabor Baptist Church in Miami, FL.

Mrs. Barham was a mother, grandmother, sister, and nurse. However, more than that, she was one of the most caring people I have ever met. Born on July 17, 1938 to John and Ruth Stephens, of Atlanta, Georgia and christened Alice Ruth.

Alice Barham was one of the most caring people I have ever met, and so it was natural for her to choose a profession in which she could help people in pain and in need of comfort, and in a very personal way. She began her career in nursing at Jackson Memorial Hospital in the Pediatric Nursing Unit in the Skaggs and Woodard building. Later in her career, she became a Public Health Nurse for the Miami Dade County Health Department and worked in Liberty Square and James E. Scott housing projects providing health services to the underserved residents in the community. Alice was also employed at Mt. Sinai Hospital before eventually going to the Miami Dade County Public Schools System as a Public Health Nurse and biology teacher and retiring.

Mrs. Barham had the ability to soothe people who were hurt, calm people who were worried and bring comfort to people who were afflicted. Children were naturally attracted to her, as was she to them. She had a remarkable gift, and she was generous in sharing it so freely with so many people in our community. I could not begin to estimate the number of people whose lives she touched and whose path she made a little easier.

Mrs. Alice Barham was also my dear friend, and a dear friend to my family, and she played a very instrumental role in the lives of my children. I am deeply saddened by her passing, but I am grateful for having had her in my life. My heart goes out to her family and I thank them for sharing this phenomenal woman with us. Indeed, the legacy she leaves behind will live on in the people she helped throughout her career and life.

HONORING THE WORK OF DEBRA STEINBERG, RECIPIENT OF THE NATIONAL ETHNIC COALITION OF ORGANIZATIONS' 2007 ELLIS ISLAND MEDAL OF HONOR

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. NADLER. Madam Speaker, I rise today to congratulate Debra Brown Steinberg for her reception of the 2007 Ellis Island Medal of Honor.

Through its Ellis Island Medals program, the National Ethnic Coalition of Organizations (NECO) honors United States Citizens whose life and work show dedication to community service and the preservation of ethnic heritage. Ms. Steinberg joins an elite group of medalists, who represent several industries and come from many different backgrounds.

Debra Steinberg is an accomplished attorney who has devoted time in her professional life to advancing civil rights. Most commendable is her pro bono representation of families of 9/11 victims. Determined to protect the rights of this group in need, Ms. Steinberg assisted in drafting The September 11th Family Humanitarian Relief and Patriotism Act, H.R.

1071. I am proud to be an original co-sponsor of this bill. As a founding member of ''Project 9/11,'' a consortium of lawyers formed in October 2001, Ms. Steinberg provided legal services for families of victims of the September 11th attacks, including those seeking citizen status. Collectively, these lawyers devoted many hours of their lives to this fight.

Once again, I offer my heart-felt congratulations to Ms. Steinberg at the time of this venerable distinction, the 2007 Ellis Island Medal of Honor. As representative of the 8th Congressional District of New York, I am honored to have such a distinguished citizen working in my district to improve the lives of all Americans and their families.

HONORING THE LIFE OF COLONEL OWEN A. HEETER OF ROCHESTER, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of COL Owen A. Heeter, who faithfully served our country in the United States Air Force for 30 years. Colonel Heeter passed away on February 17, 2007.

Colonel Heeter was born in Athens, Indiana in 1936. He graduated from Rochester High School in 1954 as an accomplished athlete and went on to attend DePauw University in Greencastle, Indiana. At DePauw, Colonel Heeter played baseball and was a member of Phi Gamma Delta Fraternity. However, it was his experiences in the Reserve Officers Training Corps that led him to a career dedicated to serving our country.

After graduation in 1958, Colonel Heeter joined the United States Air Force, becoming one of our country's most successful pilots. He was stationed at various bases within the United States and overseas, including Spain, Thailand, and Panama. Some of his most notable accomplishments include becoming the first pilot to fly an HH–53 helicopter across the Pacific Ocean, flying rescue missions over Vietnam, and recovering bodies from the mass suicide in Jonestown, Guyana.

Colonel Heeter received numerous awards in recognition of his outstanding service during his tours of duty. Included in these are the Bronze Star, the Silver Star, the Legion of Merit, the Distinguished Flying Cross, the Defense Meritorious Service Medal, the Meritorious Service Medal with Four Oak Leaf Clusters, the Air Medal with Four Oak Leaf Clusters, and the Air Force Commendation Medal.

After retiring from the Air Force, Colonel Heeter was a member of the international sales department at Bell Helicopter in Fort Worth, Texas. After retiring 10 years later, he returned to Rochester, Indiana, eventually marrying his high school sweetheart. In the last decade of his life, Colonel Heeter was an active member of Grace United Methodist Church, the Kiwanis Club, the LeRoy Shelton American Legion Post #36, and many other organizations. He enjoyed working on his golf game and spending time with his grandchildren.

Colonel Heeter represented the best that this country has to offer. His selfless dedication to the United States, to his community and to his family will always be remembered. It is with great pride that I celebrate the life and service of COL Owen A. Heeter.

TRIBUTE TO BILL AND BETH HANKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. DUNCAN. Madam Speaker, I rise today to recognize Bill and Beth Hanks on the occasion of their 50th wedding anniversary, which they will celebrate June 15.

The story of Beth Ballentine Hanks and William ''Bill'' Franklin Hanks is one of love at first sight and the American Dream. Beth grew up in South Carolina and Bill grew up in Charlotte, North Carolina. The couple met while attending Furman University in Greenville, South Carolina.

At Furman, Bill, a sophomore at the time, spotted Beth, a freshman, waiting in line for the freshman orientation tea. He knew she was the one. Bill and his fraternity brothers showed up at the freshman dance to see Beth. He had his friends continually cut in on Beth and her date so that they never had the opportunity to dance together. Eventually, her date got mad and left. This was when Bill made his move. Bill and Beth were married on June 15, 1957 in Beth's hometown of Walterboro, SC. Today, the couple splits their time between homes in Knoxville, TN and Fripp Island, SC. They enjoy attending UT football and basketball games and spending time with friends and family. The Hanks have 4 grown children, Linda, William, Wallace, and Lucille, and 10 grandchildren. After 50 years, Bill and Beth are very supportive of one another and still do their daily devotion together before they go to bed, no matter how late or how tired they may be. Madam Speaker, in closing, I am pleased to honor Bill and Beth's Golden Anniversary and urge my colleagues to join me in celebrating this very special milestone.

TRIBUTE TO PAT LOOMES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Pat Loomes, upon her retirement from Girls Inc. after 30 years of distinguished service to girls in Alameda County, California. This fall, Ms. Loomes will retire from Girls, Inc. leaving an organization that now serves more than 7,000 girls, has more than 90 staff members and a $5 million budget.

While feminists across the country marched to demand equal rights in the workplace, in the classroom, and at home, Pat Loomes realized that improving the quality of women's lives meant empowering them in their most formative years, when they were girls. Although many of her friends disagreed, arguing that advocating for girls weakened the women's movement, she followed her heart. Her commitment to leveling the playing field for girls laid the foundation for Girls Incorporated of Alameda County and contributed to the organization's impressive growth.

Pat Loomes saw Girls, Inc. as a vital opportunity to set girls' lives on the right track and give them the skills needed to lead productive and fulfilling lives. Among her first accomplishments was a grant from the Department of Labor that allowed girls to learn about carpentry, construction and other non-traditional jobs from women already in the industry.

Soon, she realized that girls' programs received far fewer funds from United Way than boys' programs and embarked on a campaign to end the discrimination. She recalls, '' I wrote a letter every week to the president of the board asking to increase funding until I got a response.'' Pat Loomes' campaign led to equitable funding, not only for Girls Inc. of Alameda County, but also for other girls' programs such as Campfire Girls, YWCA and the Girl Scouts.

In 1983, she created a formal program to treat child victims of sexual abuse. When government funds were discontinued for pregnant teens across the country, Girls Inc. moved to fill the gap and provided sex education and life options beyond high school, such as college, work, and travel.

Ms. Loomes achievements and success with the myriad of programs at Girls, Inc. have been recognized by numerous organizations, such as United Way and then, Seaton Manning Outstanding Agency Professional Award for her leadership and advocacy on behalf of girls.

I join the community in thanking Pat Loomes for her outstanding legacy. She has molded and shaped the girls' movement in a profound way that will be felt for generations.

CONGRATULATIONS TO MR. JAMES DETHERAGE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. BOEHNER. Madam Speaker, I rise today to congratulate, thank, and recognize my constituent Mr. James Detherage for 35 years of service and 30 years as Chief with the West Chester Fire Department.

As a husband, father and Fire Chief, James has given outstanding service and support to the people of West Chester. His lengthy and tireless work in West Chester over three decades is a constant source of pride and unconditional praise. As Chief of the West Chester Fire Department, James has seen the department grow from a volunteer staff to its current state of 40 full-time firefighters. Outside of his post as Chief, he has also served as President of the Butler County Fireman's Association, President of the Southwest District of Ohio Fire Chiefs Association and President of the Butler County Fire Chief's Association.

James' attitude, fierce determination, and community spirit are a source of energy for all

those around him. So much of James' work is done quietly and without reward and it is my honor to take this moment to say thank you and congratulate him on his new position as West Chester Township Public Safety Director.

TRIBUTE TO BOOKER T. DOZIER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. DINGELL. Madam Speaker, I rise today to honor Mr. Booker T. Dozier, of Inkster, Michigan, on the occasion of his 90th birthday.

Mr. Dozier is a pillar of the Inkster community, where he has lived for over 50 years. Time and again, Inkster has turned to Mr. Dozier for guidance, organization and leadership. In 1993 he led the effort to create Inkster's Memorial Day parade, culminating in a successful annual event which continues today. His organizational skills were put to use again when he was called on by the Mayor of Inkster to spearhead a successful effort to raise $100,000 for young man in need of a heart transplant.

There are also many different organizations which have benefited from Mr. Dozier's guidance. He has been involved with the Inkster Summerfest Festival Committee; the Because Inkster Cares Committee; the Optimist Club; the Inkster Dance Club; and the Inkster Goodfellows, who work to ensure that there will be "no child without a Christmas." Mr. Dozier also served as the Chairman of the Inkster Commission on Aging for over 20 years and has been a member of the Wayne County Board of Directors for Meals on Wheels for the elderly.

Booker T. Dozier has consistently served his community. His efforts to improve Inkster have not gone unnoticed, as one of the most well known and used facilities within the city is the Booker T. Dozier Recreation Center. I thank Mr. Dozier for all of his efforts to better his community and I congratulate him on the milestone of his 90th birthday.

HONORING THE 75TH ANNIVERSARY OF LOCAL 318 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 75th anniversary of Local 318 of the International Union of Operating Engineers, headquartered in Marion, IL.

1932, our Nation was mired in the depths of the Great Depression. Prices were low. The average new car cost $610 and you could fill up the tank for 10 cents a gallon. However, few could afford the car or the gas as employment was over 23 percent nationally with over 13 million Americans having lost their jobs since the beginning of the Depression in 1929. It was in this time of economic distress that Local 318 was founded in Harrisburg, IL.

Local 318 covers 14 counties in the southernmost area of Illinois and is comprised of 900 skilled operators. Their commitment to providing the highest quality of labor to their hundreds of signatory contractors extends to a strong training program, both at the apprentice level and upgrades for Journeymen as well.

The members of Local 318 are also contributing members of their respective communities and, through their local, they support a number of area charities and provide a scholarship fund to support their dependents who attend college.

With union membership struggling in many areas of the country, Local 318 boasts a 98 percent union membership for their covered trades. This speaks well of the benefits that the members realize through their union membership and also the increased productivity for the contractors who use the skilled workers of Local 318.

In 1996 Local 318 moved its headquarters to Marion, IL. They continue to provide quality representation for their members and, through their training and community involvement, they are a positive example of organized labor in southern Illinois.

Madam Speaker, I ask my colleagues to join me in congratulating the leadership and members of Local 318 of the International Union of Operating Engineers as they celebrate their 75th anniversary.

TRIBUTE TO ELEANOR McGOVERN

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to introduce legislation honoring the life of Eleanor McGovern by officially designating the post office in her home town of Woonsocket, South Dakota, as the Eleanor McGovern Post Office.

The wife of Presidential nominee and United States Senator George McGovern, Eleanor made headlines of her own while campaigning solo across the country for her husband. Eleanor engaged crowds on the campaign trail with her eloquence and frequently participated in network television and radio discussions concerning national and international policy. Her high profile helped transform public perception of the role and value of women in politics.

Aside from politics, Eleanor worked as a tireless advocate for children and families. She served on the boards of directors for Dakota Wesleyan University, the Psychiatric Institute Foundation, the Child Study Association, the Erickson Institute of Chicago and Odyssey House of New York. She founded the Martha Movement and was a development officer for the Child Development Associates Consortium. Eleanor and her family also established the McGovern Family Foundation in Washington, DC, to raise funds for alcoholism research.

Madam Speaker, I urge all Members to support the passage of this legislation that honors the life of Eleanor McGovern.

IN RECOGNITION OF RABBI JEROME DAVIDSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the retirement of Rabbi Jerome Davidson after nearly 50 years of dedicated service to the community of Great Neck, New York.

Rabbi Jerome Davidson is no ordinary rabbi. He has successfully fused his life as a religious leader and a Jewish mentor together with his commitment to a life of civic engagement and Tikkun Olam, or repairing the world. Throughout his years of service, Rabbi Davidson has effectively transcended the walls of Temple Beth-El of Great Neck in Nassau County, New York, establishing himself as an inspirational leader for both his congregation and community.

Jerome Davidson joined Temple Beth-El, a member congregation of the Union for Reform Judaism, as an assistant rabbi in 1958, and became its senior rabbi in 1971. Rabbi Davidson soon impressed the congregation with his dynamic sermons, driven enthusiasm and compelling sense of humor. Rabbi Davidson's brilliance and erudition were key in shaping the congregation's future. The educational opportunities presented by the Temple's comprehensive library and historical museum were central to Rabbi Davidson's success in teaching his congregants. Under his devoted tutelage, Temple Beth-El grew to become a thriving beacon of Jewish life in Great Neck; an arena of countless Bnai Mitzvah, weddings, other life-cycle events and social affairs.

Rabbi Davidson also laid the foundations of a successful Religious School and Early Childhood Education Center that addressed the needs of the diversified and growing congregation. Rabbi Davidson's exceptional creativity and boundless imagination confirmed Temple Beth-El, with its impressive membership of over 1200 families, as one of the most innovative and energetic Reform congregations in America. His uncoupled wisdom and unbridled inspiration served as a source of strength and encouragement in the aftermath of a devastating fire that struck the Temple in 1991.

Rabbi Davidson's steady rise to Jewish national iconography is no surprise considering the unique leadership qualities he demonstrated in serving Temple Beth-El. Rabbi Davidson's service as President of the Synagogue Council of America, as well as past president of the Rabbinic Alumni Association of Hebrew Union College–Jewish Institute of Religion only cemented Rabbi Davidson as a true Jewish leader.

Madam Speaker, Rabbi Davidson's commitment to Reform Judaism informed and complemented his involvement in pluralism and social justice. Rabbi Davidson's multiple terms as President of the Great Neck Clergy Association, and his groundbreaking efforts in developing interfaith dialogue, have served to better the lives of those around him, successfully realizing his lofty goals of building a community of tolerance and understanding. Rabbi

Davidson's exemplary interfaith achievements, coupled with his involvement as a founding member of the American Jewish World Service, led the New York Board of Rabbis to honor him "Rabbi of the Year" in 1994.

More recently, Rabbi Davidson has been a trailblazer in formally welcoming the gay and lesbian community into Jewish life. He has likewise advocated for religious pluralism in Israel. Today, Rabbi Davidson continues to serve on the faculty of the Hebrew Union College-Jewish Institute of Religion and as a member of its Board of Governors. Rabbi Davidson also serves on the Advisory Board of the Tanenbaum Center for Interreligious Understanding, and is deeply involved in a plethora of other local and national Jewish organizations. Rabbi Davidson's adept ability for translating his values into action by positively affecting the world around him is truly an inspiration to all of those whose lives he has touched.

Madam Speaker, the accolades bestowed upon Jerome Davidson for his almost 50 years of outstanding service to the Long Island community are well deserved. I ask all of my colleagues to join me in honoring Rabbi Jerome Davidson for his outstanding work and wishing him many more years of success as he becomes Rabbi Emeritus of Temple Beth-El of Great Neck, New York.

TRIBUTE TO 1ST LT. KEITH HEIDTMAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. COURTNEY. Madam Speaker, today I rise in tribute of an American patriot and fallen Connecticut son. A native of Norwich, 1st Lt. Keith Heidtman was killed in Iraq on Memorial Day, May 28, 2007 while piloting a helicopter north of Baghdad.

I spent Memorial Day in Iraq with the troops and witnessed firsthand the dangers they face every minute. To later learn that the day of my visit would also be the same as Keith's passing was particularly painful.

Keith was a 2001 graduate of Norwich Free Academy where he was an all-conference baseball player, talented basketball player, and honor student. He then attended the University of Connecticut where he participated in ROTC, graduating cum laude in 2005 with a bachelor's degree in resource economics.

After graduation, Keith joined the army. At the top of his class, he chose to attend the United States Army Aviation Warfighting Center where he became a helicopter pilot. He was deployed to Iraq in December as part of Task Force Lightning.

Keith Heidtman represents the promise of America. A talented and dedicated young man, he laid down his life to serve his country. While his smile may no longer brighten the lives of those around him, the memory of his life shall always endure. Young men and women are serving our Nation with honor and distinction every day. They are on the frontlines, defending those in need of help. There is no job nobler. Keith understood this great responsibility and volunteered for service to protect his country and its citizens, strangers and family members alike.

At his funeral, I was moved by the incredible outpouring of support demonstrated by his friends and community. Hundreds of people came to pay their respects and salute this American hero.

I recently had the chance to meet Keith's mother and stepfather, Maureen and Arthur, at their home in Norwich. After meeting them it was clear to me where Keith developed his penchant for service—his mother. As an employee for the Connecticut Department of Children and Families, Maureen has dedicated her life to helping those in need. Keith carried on her legacy in the U.S. Army where he bravely served his country and made the ultimate sacrifice.

Madam Speaker, please join me in honoring 1st Lt. Keith Heidtman and his service to our great Nation. Keith and his sacrifice will forever be remembered by me, a mourning Connecticut, a grateful Nation, and family members who will never forget.

HONORING DR. MANUEL LOPEZ'S 80TH BIRTHDAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to Dr. Manuel (Manny) Lopez as he celebrates his 80th birthday. Dr. Lopez has served the Oxnard community as a doctor, an activist, a community volunteer and as an elected official. I am pleased to recognize Dr. Lopez on this special day.

Born in Oxnard in 1927, Dr. Lopez attended local schools through high school, attended Ventura Community College and went on to attend DC Berkeley for his undergraduate education and as a student of optometry. He returned to his community and has practiced Optometry in Oxnard since 1962.

Before serving on the Oxnard City Council for 12 years and then serving as mayor for 14 years, Dr. Lopez was involved with the Oxnard Planning Commission, the Housing Authority, the Redevelopment Agency, the Community Relations Commission and the Economic Development Commission. While serving as a Member of the Council and as mayor, Dr. Lopez represented the city on a number of local and regional committees dealing with such issues as transportation planning, wastewater treatment, local airport policy and agricultural land preservation. He has also participated in many community groups such as the Oxnard Chamber of Commerce, the Hispanic Chamber of Commerce, the Oxnard Optimist Club, the Oxnard Boys and Girls Club and many others.

As a result of his dedication to his community, Dr. Lopez was chosen as the 1991 Oxnard Distinguished Citizen of the Year and, in 1992, he received the Patrick Henry Award. In 2006 Dr. Lopez was the Grand Marshal of the Oxnard Christmas Parade. It is my honor, Madam Speaker, to recognize and commend Dr. Manuel Lopez for his ongoing service to his community on this joyous occasion of his 80th Birthday.

IN CELEBRATION OF NATIONAL MINORITY CANCER AWARENESS WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize National Minority Cancer Awareness Week. This week of awareness gave us the opportunity to highlight the issues and concerns that minority cancer patients and their families face on a daily basis. It is important that we acknowledge the challenges present for minorities who suffer with cancer so that we can take the necessary steps to alleviate these barriers.

Cancer patients endure chemotherapy, radiation therapy, surgical operations and other forms of medical treatment to fight the numerous types of cancer. The medical community continues to conduct research to find cures for cancer and develop more effective ways to treat individuals struggling with the disease. Unfortunately these medical advances are out of reach for many minorities dealing with cancer. The American Cancer Society has documented that the advances in cancer prevention, early detection, and treatment has evaded minority groups:

Minority populations often face numerous obstacles receiving equal access to prevention, early detection, and quality treatment and tend to receive lower quality health care than white patients even when insurance status, income, age, and severity of conditions are comparable.

Racial and ethnic minorities may lack health insurance, earn lower incomes, and experience language barriers, racial bias, and stereotyping which can affect interactions between patients and physicians and contribute to miscommunication or delivery of substandard care.

Eighteen percent of African Americans and 35 percent of Hispanic/Latinos are uninsured, while only 12 percent of whites lack health insurance.

I applaud the American Cancer Society and the American Cancer Society Cancer Action Network for bringing national awareness to the issues faced by minority cancer patients and for their efforts in celebrating National Minority Cancer Awareness Week.

IN RECOGNITION OF SERGEANT BRANDON HADAWAY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. ROGERS of Alabama. Madam Speaker, Sergeant Brandon Hadaway, 25, of Valley, Alabama, died on May 30, 2007, in Afghanistan. Sergeant Hadaway was assigned to the 3rd Battalion, 82nd General Support Aviation

Brigade, 82nd Airborne Division stationed in Fort Bragg, North Carolina.

Sergeant Hadaway was serving on his third tour when his helicopter took fire from enemy combatants, He was a proud graduate of Valley High School and will be dearly missed in his community. As a testament to his sacrifice, the City of Valley has already declared a flag day in his honor.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sgt. Hadaway, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, like those who have served before him, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our nation. Thank you, Madam Speaker, for the House's remembrance at this mournful occasion.

FREEDOM FOR ANTONIO RAMÓN DÍAZ SÁNCHEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Antonio Ramón Díaz Sánchez, a prisoner of conscience in totalitarian Cuba.

Mr. Díaz Sánchez, an electrician by profession, is a member of the Christian Liberation Movement and a peaceful pro-democracy activist who desires to exercise his basic human rights and who supports freedom, democracy and the Rule of Law for the people of Cuba. Unfortunately, the nightmare that is the totalitarian regime continues to oppress the men and women of Cuba, especially those who work to shed light on the vicious crimes committed against the Cuban people by the tyrant.

In March 2003, as part of the tyrant's condemnable crackdown on peaceful, pro-democracy activists, Mr. Díaz Sánchez was arrested simply for expressing his opinions. Mr. Díaz Sánchez was subjected to a sham trial where he was "sentenced" to 20 years of confinement in the infernal totalitarian dungeons of the brutal regime.

Mr. Díaz Sánchez has continued to advocate for freedom and justice while locked in the hellish squalor of the dictatorship's gulag. He has participated in various hunger strikes to draw attention to the horrific conditions that political prisoners are subjected to in the gulag. He is routinely denied medical treatment although he currently suffers from painful colitis and has been denied a biopsy for a rapidly growing tumor on his prostrate.

According to Mr. Díaz Sánchez's nephew, NGOs have offered Mr. Díaz anti-inflammatory medications to relieve his symptoms but as of yet neither he nor his family have received any such medications to relieve his symptoms. The burden of the cruel treatment he has received and the physical strain of the subhuman conditions in which Mr. Díaz Sánchez is forced to live have completely drained him of his desire to nourish himself. He survives on barely on a few spoonfuls of putrid food each day.

In the face of such horrific mistreatment, the regime's henchmen refuse to provide Mr. Díaz or his family with medical diagnoses. Madam Speaker, let me be very clear, Mr. Díaz Sánchez is suffering at the whim of a monstrous regime just 90 miles from our shore, although he has done nothing other than desire that his children and the long-suffering people of Cuba live in freedom with fundamental human rights and dignity.

Madam Speaker, Mr. Díaz Sánchez has courageously risked his life in order to bring a semblance of humane treatment to those confined in the nightmare that is the totalitarian gulag. His example shines a light of courage on the abominable disregard for human rights in that oppressed island. My Colleagues, we must demand the immediate and unconditional release of Antonio Ramón Díaz Sánchez and every political prisoner in totalitarian Cuba.

HONORING BOB PERKINS FOR ADVANCING JAZZ THROUGH HIS BROADCAST AND WRITING CAREER

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. FATTAH. Madam Speaker, I rise today to recognize and commend Bob Perkins, an outstanding Philadelphian who has devoted more than four decades as a radio host and commentator to the advancement and enjoyment of Jazz.

"B.P. with the G.M." has been the radio signature for Bob Perkins bringing the Good Music of Jazz to grateful Philadelphia listeners for the past ten years from WRTI–FM, the Temple University flagship station.

Bob Perkins has entertained and informed listeners for 42 years as a radio newscaster, commentator and jazz host, 37 of those years in Philadelphia, while writing opinion pieces and jazz commentary for numerous local publications.

Bob was born and raised in South Philadelphia, where he listened night and day to the radio that was on constantly in the Perkins household. His career took him briefly to Detroit, but by 1969 he was back in Philadelphia at WDAS as newscaster, news director and editorial director. Meanwhile he was hosting a popular Saturday night Jazz program on public radio's WHYY–FM.

Ten years ago Bob moved to WRTI–FM, where he shares his encyclopedic knowledge of Jazz, and the men and women who perform it, with his devoted audience. It is programming that brings prestige and listeners to WRTI–FM while keeping alive this unique and indigenous American art form.

Bob Perkins has been the deserving recipient of more than three dozen awards for journalistic, broadcast and community excellence. He is the recipient of a Mellon Jazz Community Service Award and the Kal Rudman Milestone in Radio Award. In 2003, he was inducted into the Philadelphia Broadcast Hall of Fame. He and his wife Sheila live in Philadelphia's West Oak Lane section.

At age 73, Bob continues his weeknight and Sunday broadcasts, offering his insights, his stories, and his love on "the G.M." And so I rise in recognition for a lifetime of achievement. On behalf of all your grateful fans, thank you Bob Perkins, native son and Philadelphia civic treasure.

AGRICULTURAL PRODUCERS VALUE-ADDED INVESTMENT TAX CREDIT ACT OF 2007

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. McHUGH. Madam Speaker, I rise today to introduce the Agricultural Producers Value-Added Investment Tax Credit Act of 2007, which is designed to give agricultural producers an incentive to invest in value-added enterprises. Through such investment, agricultural producers would not only realize a greater share of the profits generated by their products, but would also further economic development efforts, particularly in rural areas like my Central and Northern New York Congressional District.

Specifically, the Agricultural Producers Value-Added Investment Tax Credit Act would provide a 50-percent tax credit, up to $30,000 annually, for producers who invest in value-added enterprises. To allow for the cyclical nature of farm incomes, this legislation would allow the tax credit to be applied over a 20-year period. In the case of a farmer-owned entity, the credit would be allocated on a pro rata basis among eligible persons holding qualified interests in the entity.

Sadly, American farmers often get the smallest portion of the profit generated by the raw product they produce. As the agricultural product is transported, processed, and marketed before it arrives on the grocery shelf, several middlemen cash in on the product. By offering this tax credit, we can provide farmers and farmer-owned entities with an added incentive to produce value-added products and move toward greater financial independence. They will be able to earn more by reaching up the agricultural marketing chain to capture more of the profits their product generates. In addition, producer investment in value-added enterprises will help American farmers adapt to the challenges of marketing their products in an increasingly global economy.

Finally, the Agricultural Producers Value-Added Investment Tax Credit Act would further economic development efforts in and help stem migration from rural areas. This aspect of the legislation is very important to all of my constituents as seven of the 11 counties I represent have poverty rates greater than the national rate of 12.7 percent. In addition, 5 of my constituent counties have experienced a decrease in their populations since 2000.

Thus, it is my hope that my colleagues will join with me to enact this important legislation. It not only would help American farmers, but it would provide yet another tool in our effort to further economic opportunities and increase the quality of life in our nation's rural areas.

INTRODUCTION OF THE GREENHOUSE GAS ACCOUNTABILITY ACT OF 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. ENGEL. Madam Speaker, I rise today to announce the introduction of the Greenhouse Gas Accountability Act of 2007. This legislation can serve as an essential first step in a comprehensive policy to combat climate change.

When constructing a comprehensive, economy-wide global warming policy, what is the first thing we have to know? It is what we are currently emitting, who is emitting it, and data on where in the economy it makes sense to regulate. The biggest mistake the EU made in creating its cap and trade system was distributing credits without having a good idea of its emissions first. This resulted in power companies being given more credits they needed. In turn these power companies were able to sell their excess credits and gain a windfall rather than being forced to reduce emissions.

This comprehensive registry will give us all the data we need to craft future legislation and intelligently decide how to allocate credits. I am not suggesting that this legislation act as a substitute to a cap and trade program, however. Speaker PELOSI, Chairman DINGELL and Chairman BOUCHER have all pledged to bring a comprehensive cap and trade bill to the House floor by the end of this year. I applaud these efforts and that is why I am a cosponsor of two of the most prominent cap and trade bills in the House today. At the very least I hope the Greenhouse Gas Accountability Act can become an amendment to one of these worthy cap and trade proposals.

Not only will this bill lay the groundwork for future legislation on climate change, but the bill will serve other important functions as well. For instance, by requiring greenhouse gas reports by entity and by facility investors will be able accurately assess the risks and opportunities of various companies. Currently all investors know that carbon regulation is coming. But despite heroic efforts by the Carbon Disclosure Project, many companies still do not disclose their carbon emissions to their investors. This bill will require all large publicly traded companies to finally let their investors know what they are doing about the climate.

Further, the public will be able to hold companies accountable for their actions to address global warming. Just as we saw with the successful Toxics Release Inventory program, many companies will see the light once they truly become aware of their own impacts. This increased awareness will almost assuredly lead to reduced emissions.

Perhaps the most important aspect of the legislation is that it would require international companies who trade on American stock exchanges to report their emissions abroad as well. No longer will we be in the dark about how foreign operations in developing countries are adding to the world's accumulation of greenhouse gases. This means that we could finally have a window into what the true emissions of greenhouse gases are in countries that are rapidly developing such as India and China. The disclosures would also provide a strong disincentive for multinationals to relocate facilities abroad just to avoid disclosure or future regulation.

Madam Speaker, in closing I would like to say that we need to accomplish something this Congress to get us on the path toward mandatory emissions cuts. I truly hope that we enact a strong cap and trade bill, but unfortunately the President has made quite clear that he will veto any efforts to enact such legislation. If the President insists on such an unwise decision I hope that at the very least he would consider backing the Greenhouse Gas Accountability Act. Global warming is simply too important for us to play politics with this issue.

INTRODUCING THE EARLY CHILDHOOD EDUCATOR LOAN FORGIVENESS ACT OF 2007

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce the Early Childhood Educator Loan Forgiveness Act of 2007.

We have paid a lot of attention to reauthorizing the No Child Left Behind Act so far this year. One of the disturbing things we often hear in these discussions is how far behind our students are when compared with their peers around the world. Another problem we have talked a lot about is the persistent achievement gap between well-off, White children and everyone else in this country.

Last month Speaker PELOSI hosted a National Summit for America's Children, where we heard from leading child development experts about the importance of providing high-quality early education opportunities to boost success in school and in life.

Science shows definitively that a majority of brain development occurs in the first few years of life, and that influences—positive or negative—in these formative years can last a lifetime. We were reminded at the summit that "getting it right" in the early years is "far more advantageous than trying to fix things later."

Kindergarten teachers know from first-hand experience what scientists know from their research: Often when 5 year olds enter school, there is already a noticeable achievement gap between those students from more privileged backgrounds and those from disadvantaged households.

Too often, working families cannot afford to send their children to a high quality preschool, so the youngsters end up spending their formative years in the care of family members—often untrained in early childhood development. The resulting hours in front of a television certainly do not stimulate the positive neural activity needed for healthy brain development.

Not only does this experience limit the child's potential for success in school, it also hurts our country. Children without a high quality early education experience are less likely to contribute to the economy, more likely to commit crimes, and more likely to experience poverty and the poor health that goes with it.

Scientists, economists, teachers, and parents tell us that we must invest in our country's future by funding increased access to high-quality early childhood education.

And yet, time and time again, I hear from the early education community in Hawaii that even with more classrooms and more money, they could not make real progress toward serving every family who wants to send their children to preschool because they don't have enough qualified teachers.

We know that a highly qualified teacher makes a huge difference for children. We owe it to them to have a teacher who knows what he or she is doing. Unfortunately, there are strong economic barriers to increasing the number of qualified early education workers. When students are choosing a career, it is unlikely that they will decide to take on the thousands of dollars in educational debt for a job that will pay so little. The average preschool teacher makes less than janitors, secretaries, and many other workers with only a high school diploma. As the saying goes, "it just doesn't add up."

We can change the equation. We can start by providing loan forgiveness to students who get a degree in early childhood education or a related field and then teach in low income communities, where the real need is, for 5 years. This bill will do just that.

Cost is not the only prohibitive factor for prospective early education teachers. In some places there are simply no training programs available. Our teachers' colleges are not prepared to turn out the number of quality teachers we will need if we are to make a real investment in early education. Further, even with a more robust workforce, States would not have the money they need to implement high-quality early education standards, build the facilities, and run the programs. I am working with Chairman MILLER and others on the Education and Labor Committee to address these problems in other pieces of legislation.

But while we work on all the other issues, we cannot wait to pass this bill. It is a necessary first step because its benefits will not accrue immediately—training new teachers will take time.

I urge my colleagues to support this bill so that we do not miss a chance to make real progress toward closing the disturbing achievement gaps our children face—both amongst themselves and when compared with their peers around the world.

INTRODUCTION OF THE BLAIR HOLT FIREARM LICENSING AND RECORD OF SALE ACT OF 2007

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 2007

Mr. RUSH. Madam Speaker, today I introduce the Blair Holt Firearm Licensing and Record of Sale Act of 2007.

I introduce this bill in tribute to a brave young hero, Blair Holt, who sacrificed his life in an attempt to protect the life of a friend.

Blair was fatally shot and killed by a young man possessing a deadly firearm and a reckless disregard for human life.

Madam Speaker, the proliferation of guns in our community impacts us all. My son lost his life back in 1999 due to senseless gun violence and my nephew sits in jail today, convicted of fatally shooting someone.

I am sick and tired of shooting and the loss of innocent lives over and over again in our neighborhoods.

In Chicago, since the beginning of this school year alone, over 31 children have lost their life by violence, and the great majority were killed with guns.

This bill will assist law enforcement in tracking the flow of guns and require those who possess guns to be trained in gun safety, handling, and storage.

The purpose of this bill is to restrict the availability of firearms to criminals, youth, and gang members, and to protect the public against the unreasonable risk of injury and death associated with the unrecorded sale and transfer of guns.

I know that the powerful gun lobby will attack this bill for restricting the availability of guns, but all of us who live in the inner cities where our children and family members are losing their lives on a weekly or daily basis understand the need to implement a common sense federal law that will inform law enforcement of where the guns are and who is possessing them.

This bill will implement the same type of system that we have in place for licensing drivers and registering cars. No sensible individual can argue with the fact that with over 200 million guns in the United States, we need a uniform system to keep track of these weapons. Mayors and law enforcement officials across the country have been calling for this type of legislation for years and I hope that we will be successful in making Blair's Bill federal law.

Madam Speaker, the future of our children, our families, and our communities is at stake. I encourage my colleagues to join my efforts to increase accountability in our firearm policy and support H.R. 2666—the Blair Holt Firearm Licensing and Record of Sale Act of 2007.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 12, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs, Department of Defense, and Department of Labor cooperation on employment issues.

SD–562

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider S. 1257, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, H.R. 1254, to amend title 44, United States Code, to require informationon contributors to Presidential library fundraising organizations, S. Res. 22, reaffirming the constitutional and statutory protections accorded sealed domestic mail, S. 967, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, S. 1046, to modify pay provisions relating to certain senior-level positions in the Federal Government, S. 1099, to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance, S. 597, to extend the special postage stamp for breast cancer research for 2 years, H.R. 1255, and S. 886, bills to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, and S. 381, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies.

SD–342

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

Business meeting to markup proposed legislation making appropriations for Military Construction, Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2008.

SD–124

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

SD–419

Appropriations

Homeland Security Subcommittee

Business meeting to markup proposed legislation making appropriations for Homeland Security for the fiscal year ending September 30, 2008.

S–128, Capitol

JUNE 14

9:30 a.m.

Armed Services

Business meeting to markup an original bill entitled ''Dignified Treatment of Wounded Warriors Act''.

SR–325

Small Business and Entrepreneurship

To hold hearings to examine the impact of rising gas prices on America's small businesses.

SR–428A

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public safety and competition issues, focusing on the 700MHz auction.

SR–253

Judiciary

Business meeting to consider S. 535, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, S. 1145, to amend title 35, United States Code, to provide for patent reform, S. Res. 105, designating September 2007 as ''Campus Fire Safety Month'', S. Res. 215, designating September 25, 2007, as ''National First Responder Appreciation Day'', the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and possible authorization of subpoenas in connection with the investigation of the legal basis for the warrantless wiretap program.

SD–226

Joint Economic Committee

To hold hearings to examine importing success, focusing on work-family policies from aboard make economic sense for the United States.

SH–216

2 p.m.
Appropriations
Business meeting to markup proposed legislation making appropriations for Military Construction, Veterans Affairs, and Homeland Security for the fiscal year ending September 30, 2008.
SD–106

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JUNE 19

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Juvenile Diabetes Research Foundation and the federal government, focusing on a model public-private partnership accelerating research toward a cure.
SD–106

10 a.m.
Judiciary
To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.
SD–226

JUNE 20

2:30 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

JUNE 26

10 a.m.
Judiciary
To hold hearings to examine pending executive nomination.
SD–226

JUNE 27

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SD–562

POSTPONEMENTS

JUNE 13

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider original bills entitled, ''The Higher Education Access Reconciliation Act'', and ''The Higher Education Amendments of 2007'', and other pending calendar business.
SD–628

SENATE—*Tuesday, June 12, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, Your promises are sure. Bless our lawmakers in all their undertakings. In their friendships, keep them faithful and true. In their emotions, keep them calm and serene. Free them from anxiety and care. In their material things, give them contentment and generosity. In their spiritual lives, deliver them from doubts and distrust. In their work, give them guidance and success. And if misfortune comes, use the trials to bring them closer to each other and to You. Let nothing shake their certainty that You alone are sovereign over their lives.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 60 minutes. The Republicans will control the first half, the Democrats the second half. Following this period of morning business, the Senate will resume postcloture debate on the motion to proceed to H.R. 6, the Energy bill.

We have consent to move to the bill itself after the caucuses end at 2:15 today. The motion to proceed will be agreed to, and the Senate will begin consideration of the energy legislation. Senators BINGAMAN, DOMENICI, we understand BOXER and INHOFE and INOUYE, or his designee, and STEVENS, will come and talk about this bill. Hopefully, they will do it this morning to lay the groundwork for this very important piece of legislation.

As with the competitiveness bill, this is a bipartisan bill. I remind everyone, matters that the Energy Committee reports out of their committee on a bipartisan basis are part of this bill. The same applied to Commerce; the same applied to the Environment and Public Works Committee.

Those matters the chairmen wanted out of those committees that were not bipartisan are not part of this bill. This is truly a bipartisan bill. There will be amendments offered to weaken the bill, to strengthen the bill—of course, the understanding of those words is in the eyes of the beholder.

I hope this will be a good, strong debate. I hope people will offer amendments. We have a limited amount of time to complete a lot of work. If there are long delays, people not offering amendments, I know the managers will be saying we have to end this some way, and the ''some way'' that we are always forced to look at is whether we want to have a bipartisan cloture vote on ending debate.

Let's have people who want to offer amendments do it as quickly as possible. I have asked the managers of the bill, rather than wait around for people who say: I don't know if I want a vote on this, we need more time—after there has been a reasonable amount of time discussing one of these amendments, the managers should move to table the amendment. If it is not tabled, nothing is lost. We need to move along and get this legislation completed as quickly as possible.

Gas prices are going down. They have dropped a few cents the last week or two, which is good. The cost of oil coming into this country has gone up. It is now at $67 and people are saying it is going up higher, which will mean there will be an increase at the gas pumps a month or so after the cost of oil importation increases.

Remember, we have an obligation with this legislation. This legislation, which some people say is not strong enough, if it passes, will cut the amount of oil we use per day in this country by 4 million barrels. Think about that, 4 million barrels a day. This is a step in the right direction. I hope we can do this.

The setting for this is, among other things, we use 21 million barrels of oil every day. We import 65 percent of that. As I said yesterday in illustration of how much this is, it is a ditch 150 feet deep and 11 miles long filled with oil. That is how much we use every day.

We have an obligation to the American people to lessen our dependence, to make that ditch shorter and not nearly as deep.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ENERGY

Mr. MCCONNELL. Mr. President, with regard to the Energy bill the majority leader was speaking to, we have a pretty good sense on this side what important amendments will need to be disposed of. We hope to move forward on those amendments early in the process. Provided we are given fair treatment on getting up our amendments and voted on, I certainly agree with the majority leader this is an important issue, an issue that needs to be disposed of in the very near future. We will be working with him to get that bill to conclusion at the earliest possible time.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, equally divided between the two leaders or their designees, with the first half of the time under the control of the Republicans, the second half of the time under the control of the majority, and with Senators permitted

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to speak therein for up to 10 minutes each.

The Senator from Texas is recognized.

ENERGY

Mr. CORNYN. Mr. President, a story in today's Los Angeles Times states that the approval rating of Congress is the lowest in a decade. The poll reported in today's Los Angeles Times says 27 percent of Americans approve of how Congress is doing its job, and most see business as usual. After Congress has diverted its attention from what I consider to be the most important domestic issue confronting the Nation today; that is, fixing our broken borders and actually enforcing our immigration laws, in order to have a vote of no confidence on the Attorney General in what is clearly a political exercise rather than anything that would produce a meaningful result, we now turn our attention to an important issue and one I hope Congress will embrace in order to address energy concerns in this country.

Of course, we all know—all we have to do is to drive up to fill up our gas tank—the price of gasoline has gone through the roof. While it is true that Congress can pass laws and Congress can even repeal laws that have been passed by previous Congresses, what Congress cannot do is repeal the laws of supply and demand.

It is important as we look at this legislation before us that we look at whether this legislation is, in fact, designed to fix problems. One of the questions I suggest we need to look to is, Does this bill increase supply? In a global economy we know there is going to be more and more competition for oil and gasoline. We know we are competing, not only in the United States, but literally with China and India, each of which have 1 billion people. Their economies are growing, and the number of people driving and their economic activity is directly related to access to a reasonably priced energy supply. We need to look to see what we are doing at home to try to increase supply.

We all know we are dangerously reliant on imported oil from dangerous parts of the world or from places such as Venezuela, governed by the likes of Hugo Chavez. Current energy policy in this country does nothing but make our enemies richer. It does nothing but line the pockets of people like Hugo Chavez or somebody like President Ahmadinejad in Iran—countries pursuing weapons of mass destruction.

We have to eliminate the schizophrenia that has characterized our energy policy in the past and look at what commonsense steps Congress can take in order to improve the supply of oil and gas, preferably from our own domestic sources at home, so we are less reliant on these dangerous rulers in other parts of the world for the very lifeblood of our economy.

By any measure, the bill that is now before us is an incomplete bill. It deals nearly exclusively with the demand side of the energy equation. While it is worthwhile to aggressively pursue better efficiencies and alternative sources of energy to meet our future energy needs, the provisions in this bill fail to address much of our current energy needs. It is a matter of simple economics. This bill will do nothing to deal with our current energy needs without addressing supply.

I fear this bill will also end up being even more expensive for consumers. Both the provisions in the bill and some of the expected amendments from the majority set up unreasonable mandates for renewable and alternative energy sources, which are more expensive. I do not question our need to produce more of our energy from clean and renewable sources, but I believe the winners and losers should be determined by the market, not by the Government. Indeed, this bill determines for Americans which fuels we will use, how much, and at what time. That is the last thing we need the Federal Government to dictate—to determine which fuels we will use, how much, and at what time—when public confidence in Congress under this new majority is at a 10-year low. The last thing we need to do is say: Give us the power to determine what fuels you will use, how much, and at what time.

I do believe there is great promise in renewable energy. I am proud that my State, Texas, continues its energy leadership. As a traditional oil and gas State, it now is the largest producer of wind energy in the country—2,749 megawatts as of last year. We are also the largest producer of biodiesel, an industry that has grown rapidly in just the last few years.

It is also unwise to turn away from proven and developing technologies to meet our Nation's clean air goals. For example, nuclear energy has the lowest impact on the environment, including land, air, water, and wildlife, of any energy source because it does not emit harmful gasses. It isolates its waste from the environment and requires less area to produce the same amount of electricity as other sources.

I wouldn't necessarily hold out other countries as a model for America when it comes to their energy policies, but I must say a country such as France that generates 80 percent of its electricity by nuclear power does represent a goal that I think the United States ought to strive for, particularly when nuclear power is cheap. It is conducive of a good environment, and it requires a lot less for us to produce in terms of cost and other collateral issues. I think this is one area where we clearly ought to be encouraging greater use of nuclear power, particularly when it comes to our electricity supply.

I want to say a word about coal. Coal should also continue to play an important role in our energy future. There are clean coal technologies being developed that could enable us to continue utilizing this abundant domestic resource and—this is important—improve air quality. Coal is also expected to remain one of the lowest cost fuels available.

I do believe with Federal investment in programs such as FutureGen, which is a $1 billion investment in clean coal-burning technology, we can use this 300-year supply of coal in our country in a way that is compatible with a good environment and allows us to maintain the diversity of our energy sources which are essential to the growth of our economy, as well as our national security, from the standpoint of depending less and less on people who are trying to do us harm for the very energy we need.

It is ironic at a time that we are engaged in the global war on terror that many of the state sponsors of terrorism, many of those areas that are in unstable regions of the world, from the standpoint of the global war on terror, are the very ones being enriched by our current energy policies, which puts a lot of our domestic resources here at home out of bounds and depends, as I say, too much on imported oil and gas.

It is important to note there are some differences between the approaches of those of us in this Chamber on how we achieve that sort of energy self-sufficiency in this country, which I believe ought to be our goal.

It is important that we, as I said a moment ago, increase supply and that we not inadvertently or otherwise create disincentives for those currently exploring and producing oil and gas. On this side of the aisle, we support increasing America's energy supplies while reducing consumption.

For example, the bill we passed in 2005, under Republican leadership, provided incentives for domestic exploration of potential new natural resource supplies and aided the production of affordable domestic energy. Now we are seeing the new majority threaten to overturn several of those successful provisions.

Then when it comes to trying to increase supply of gasoline in this country by enhancing capacity of refineries, we have seen those efforts blocked by our friends on the other side of the aisle in the last Congress. Now the majority leader will be offering a substitute amendment, we are told, based on S. 1419 to H.R. 6.

This amendment by the Democratic majority leader contains some positive provisions. But, unfortunately, it is promise that is being oversold. Very simply, the legislation produces no new energy and may actually end up raising

prices, not lowering them. The Reid substitute, in my opinion, does not produce a viable energy policy for the United States.

As a matter of fact, many of the proposals we will hear from the other side of the aisle may actually increase energy prices. For example, we are likely to hear a proposal for a 15-percent renewable portfolio standard which ignores clean energy sources such as nuclear power.

This proposal would cost consumers billions of dollars because States simply would not be able to meet it. The majority leader's substitute amendment will also, it looks like, ignore the need for domestic energy supplies and ignores the problem of refining capacity, which experts say is a leading cause of high gas prices; again, simply a matter of supply and demand.

With the static supply not catching up to demand, you are going to see gas prices go up. That is what we have all experienced at the pump. This bill makes no effort to increase domestic production and reduce our reliance on foreign oil.

This bill also does not pay enough attention to clean alternatives, attempting to mandate energy production solely from renewable sources. While alternative and renewable energy has made a great start in reducing our foreign imports needed for energy, it will be decades before we can produce enough alternative fuels to replace oil and other carbon fuels.

It is important we support efforts to increase the use of renewable and alternative fuels, but we should not be sold on unrealistic proposals that will suggest that somehow, in the short term, we are going to be able to replace our dependence on oil and gas, particularly in the transportation sector, where there is not any other viable alternative. It is unrealistic to think we can address our current dependance without producing as much of America's energy as we can here at home.

Overlooking sources of new clean energy demonstrates, once again, we are not paying enough attention to our domestic energy supply. Of course, gas prices are up to record levels, particularly since the new majority took over in November.

The Reid substitute does nothing to reduce them. We have seen gasoline prices increase almost 50 percent during the last 5 months. Now, when our friends on the other side of the aisle were put in control in last November's election, the price of gasoline was about $2.20 a gallon. Today it averages $3.15 a gallon. The proposals in this bill do nothing to reduce high gasoline prices. In fact, some of the amendments I am told that our friends on the other side of the aisle are considering would actually increase energy prices for the consumers.

Neither the Federal Trade Commission nor any State agency that has explored the issue has found any evidence that there has actually been price gouging. I am told there will be proposals to prohibit price gouging, which is already illegal I might add, but by new and vague standards which are impossible for anybody to determine whether their actions are covered, unless perhaps it is too late.

This is a diversion from the real energy problems. We all oppose price gouging. I know of no one who supports price gouging. But it is important we understand we need to find new ways to increase our domestic supply and particularly our refining capacities here at home. We see nothing but roadblocks thrown up every time we introduce proposals to try to encourage expansion of refinery capacity, which is the only way we are going to make more gasoline to keep up with the demand and hopefully keep prices down.

Now we will see alternatives offered during the course of this debate that will lead to increased domestic production of oil, streamlined refinery processes, and greater investment in research and development and clean vehicles. I think this is an important debate.

But we need to be careful about what we are doing again to make sure we do not oversell and underdeliver when it comes to energy policy, because, frankly, I think when it comes to the way the Congress has approached our energy needs, it has been more than a little schizophrenic. The consequence, I think we can all see, is that gasoline prices are too high because refinery capacity is too low. We have actually increased the danger, in terms of our security, by continuing to rely too much on imported oil and gas from dangerous parts of the world, enriching our biggest enemies. At the same time, we have put out of bounds too much of our domestic reserves.

So I hope as this debate goes forward, we will have a full opportunity to debate amendments and offer constructive solutions to this problem. That is why I think our constituents sent us here. If we do that, then hopefully this poll I mentioned at the outset, reported in today's Los Angeles Times that reflects 27 percent of Americans approve of the way Congress is doing its job, hopefully those numbers will go up as we produce constructive solutions to the problems that confront the American people and we do the job we are sent here to do by our constituents.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, may I inquire how much time is available to me.

The ACTING PRESIDENT pro tempore. There is 13 minutes 40 seconds.

Mr. BENNETT. I listened with interest to the Senator from Texas. I wish to discuss basically the same thing, perhaps putting a slightly different twist on it. People look at the economics of energy and make this point. They say it costs something like a dollar a barrel to lift the oil in Saudi Arabia. That is the elevating price, a dollar, a dollar and a half, whatever. It doesn't sound like very much when oil is selling for something like $60 a barrel.

They look at the difference between the lifting cost and what we are paying, and then they look at the difference between the cost for a barrel of oil and the cost of a gallon of gasoline and they say: Somebody is making an awful lot of money here, and there has to be something wrong. There has to be someone hiding in the weeds who is profiteering off us. If we can find that ''someone'' and stop him from doing the profiteering, then everything would be fine, we would have plenty of oil, we would have lower prices at the pump, everything would be fine. There is a conspiracy going on. There is somebody somewhere who needs to be discovered, exposed, and attacked, and then everything will be fine.

Well, unfortunately, the real world does not operate like that. In the real world, there are reasons, valid reasons, for prices to be where they are and for the situation to be as it is. The fundamental fact, with respect to retail prices, that people forget, if indeed they even know, is this: The retail price is not set on the basis of what it costs to put a gallon of gas into the pump that you go to when you fill up your tank; the retail price is set by what it would cost to replace the gallon of gas once it is gone out of the tank and into your gas tank.

That means whoever is setting the price is concerned with uncertainties that are there in the marketplace that will determine the future replacement cost. If there is a geopolitical uncertainty, Iran, Iraq, unrest in Saudi Arabia, instability in Venezuela, whatever it might be, the marketplace will say: We have to have the uncertainty return, we have to have a premium on what it would cost to protect us against the uncertainty because it may well be that supply is suddenly disrupted around the world, and if we are going to have an additional gallon of gas in that service station tank in the future, we are going to have to pay for that uncertainty there, so we will charge an uncertainty premium now.

This is the working of the marketplace. As I have said often, and expect to say again, we cannot repeal the law of supply and demand. We think we can. In Congress we keep passing laws that say we are going to set prices here and there. But whenever we try, all we do is produce one of two results. When we try to repeal the law of supply and demand, when we try to interfere with market forces, we either create a shortage or a surplus.

When we set the price artificially too high in the market, we create a surplus, as everybody wants to get in on the very good price, people want to sell for the highest price. We did that in Congress with respect to silver. We wanted to have silver mined in the United States. So the United States said: We are going to pay so much for silver. It was above the price the market would pay. We opened up silver mines, the Government ended up with a huge surplus of silver piling up in warehouses because we set the price higher than the market would put it.

When we set the price too low, as we have done with gasoline, with oil windfall profits, set the price too low, then we get a shortage; nobody wants to produce for that low price. So we can tell ourselves how wonderful we are. We can say we have the power to set prices by legislation, but if we set them in the wrong places, if we go away from where the market is, the market either gives you a surplus of things we don't need or we create a shortage.

We saw the impact of the shortage during the Carter administration. We all remember the long lines, where we were lined up to get gasoline. There was a shortage. It was artificially created. When Ronald Reagan became President, he said: No, we are going to let the market work. The shortages all went away. The lines went away. Interestingly enough, the prices actually came down in many areas of energy as the market then responded to the reality of demand.

Our problem now is we do not have sufficient supply to bring the prices down. One of the reasons, as the Senator from Texas made clear, one of the reasons is we do not have the refinery capacity we need. It is all very well and good to pump oil out of the ground, but the oil you purchase out of the ground cannot be put into your car. The oil pumped out of the ground has to be refined into gasoline. If it is not, it sits there accumulating until the refinery capacity can be brought on line.

We know that very well in Utah. We have a tremendous amount of production going on in eastern Utah now. As oil is available, it can come out of the ground. At the worldwide prices for oil now, even though it might be more expensive than $1.50, with oil selling at $60 a barrel, $70 a barrel on the international market, there is money to be made. There is oil to be produced in eastern Utah, but it is sitting there. It is not ending up in anybody's gas tank. It is not helping bring down the price at the pump. What is the matter? We don't have the refinery capacity to refine that particular kind of oil. There are refineries in Salt Lake City. They are operating at 90 percent capacity plus. They are refining oil that comes from Canada, because that particular kind of oil is easier to refine than the oil coming out of eastern Utah. If we could build a refinery in eastern Utah—and the economics are there to justify it—we could bring down the price of gasoline at the pump, because all of that oil would be turned into gasoline.

So why aren't we building new refineries? The regulations that come from the Federal Government are restricting refineries. People who own refineries are doing everything they can to expand them. The refinery capacity is up fairly dramatically, but the number of new refineries has not gone up dramatically. We are pushing to have the limit our ability to refine oil in the refineries we now have.

We are still told the real reason prices are up is because there is a conspiracy. There is price gouging going on. Last week the Washington Post commented on this issue about conspiracy and the people who are deliberately driving up the price of gasoline. If I may quote from the Washington Post editorial entitled ''Myths About That $3.18 Per Gallon'':

> Multiple investigations by the Federal Trade Commission since 2000 have come up, well, dry. Conspiracy theorists say this lack of evidence is proof that the regulators are in bed with the oil companies. But last year, California's Energy Commission undertook its own investigation of a May 2006 price increase—and found no smoking gun indicating market manipulation. Today's high prices are the result of a collision among consumers' increasing demand for gas, the shortage of oil-refining capacity and 50 states with different regulations that make it hard to trade gas across state lines.

That is the reality. It is a collision of increasing demand for gas, static oil refining capacity, and different State regulations. We should be dealing with that reality. Why aren't we? Back to the editorial:

> So why protect consumers from this vaporous phantom? Politics. More than 80 percent of Americans believe that high gas prices are the result of oil company shenanigans rather than market forces, according to the Opinion Research Corp. So passing legislation against gouging is a bit of theater that allows the political class to avoid the hard work of getting Americans to use less gas.

We engage in political theater all the time around here—that is our business—but occasionally, I would hope we would recognize reality, we would understand the price of gasoline is set by market forces that look at what it will cost to replace that gasoline.

I will make a last point. There would be more certainty about what it would cost to replace that gasoline if President Clinton had not vetoed legislation opening ANWR, making that oil available to us for our domestic supply. One of the things that was said at the time was, that is so far away in the future, that is 10 years away.

Well, it has been more than 10 years since he vetoed that bill. If he had not, we would now have the supply coming down from Alaska, saying we can mitigate the geopolitical uncertainties of oil in foreign countries by having this supply of millions of barrels available in the United States. The manufacturers of gasoline, refiners of gasoline, would say: We have a stable source of supply here within the United States. We need not charge as high an uncertainty premium as we might otherwise do.

There is no question it would have a significant impact on lowering gas prices, if only we had done it. The Congress did it. The President vetoed it. Now the leadership of Congress continues to oppose ANWR. One of the arguments is: That is more than 10 years away.

We did it more than 10 years ago. We need to do it now for the advantage of people 10 years ahead.

This is not to denigrate the good things in the Energy bill before us. This is not to say conservation is not important. This is not to say alternative sources of energy are not important. But this is to say we need to look at the whole picture and recognize we cannot conserve our way into a solution. Just because conservation is a good idea doesn't mean increasing the source of supply is a bad one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak about the energy legislation that will be the topic of the Senate this week. It is critically important. I congratulate the cochairs of the Energy Committee, particularly Senators BINGAMAN and DOMENICI, for the work they have done, along with other committees, including Commerce and the Environment Committee on which I am privileged to serve.

We are dealing with a critical national crisis. In some ways, if we can adopt bipartisan, strong energy security legislation, we will have dealt with the most serious challenge facing our country. Because in dealing with our dependence on foreign sources of oil and reducing that dependence, we can make our economy more secure, protect American consumers from the painful price spikes in the cost of gasoline and home heating oil and other fuels they have become accustomed to, and that not only drain individual budgets but hurt our national economic growth potential and reality.

Second, we will make our Nation more secure. Because no matter how strong we are militarily or even economically, if we end up depending so much on foreign sources of oil, our independence can be compromised. We cannot tolerate that.

Here is the reality. Ninety-seven percent of transportation in the United States is fueled by oil we buy from a unified global oil market. Saudi Arabia holds 20 percent of the world's oil reserves. Iran has 10 percent, led by a man who today repeatedly says to crowds in Iran, imagine a world without America; 10 percent of the world's

oil reserves are in Iran. Venezuela, led by a virulently anti-American president, holds 6 percent of the world's oil reserves; Russia has 4.5 percent; Libya, 3 percent; the United States today has 1.5 percent of the world's oil reserves. We cannot leave our national and economic security dependent, therefore, on a resource that lies largely in the hands of others, including other nations that are either volatile or undemocratic or aligned against the United States.

H.R. 6, which combines the work of three or four different committees, contains many significant provisions that would reduce our Nation's oil consumption. I truly commend the heads of these committees, the chairmen and ranking members, for bringing this legislation forward. This may be the only opportunity we have in the 110th Congress, certainly the only opportunity we will have in this first year of the 110th session, to confront our energy dependence and deal with it. Therefore, it is very important that we work hard to make this bill as strong as we possibly can and, of course, as bipartisan. Our constituents, our Nation just watched the Senate unfortunately grind itself into gridlock over the comprehensive immigration bill. Let's not turn that show into a double feature with stalemate over energy security legislation as well, certainly not as prices soar and American consumers sour.

I want to speak briefly in favor of a bipartisan consensus amendment I and others will introduce as part of this debate. I am speaking on behalf of a bipartisan and geographically diverse group of Senators led by Senators BAYH, BROWNBACK, SALAZAR, COLEMAN, and many others. We will offer an amendment to replace the gasoline savings goal of H.R. 6, the underlying legislation, with title I of our so-called DRIVE Act. DRIVE, in the strange world of acronyms, stands for Dependence Reduction Through Innovation in Vehicles and Energy. This is the successor to an earlier version—which title didn't make a good acronym, but which title I loved—which was the Set America Free Act, because right now we are not free. We are dependent on others for our energy. The DRIVE Act's title I, which we will introduce as an amendment, would direct the executive branch of Government to identify within 9 months and to publish within 18 months Federal requirements that will achieve a 2.5 million barrel-per-day reduction in U.S. oil consumption by 2016, a 7 million barrel-per-day reduction by 2026, and a 10 million barrel-per-day reduction by 2031. That is about 50 percent of the per-day oil consumption of the United States today.

This amendment would also direct the Office of Management and Budget to publish an analysis identifying the oil savings projected to be achieved by each requirement to be created and demonstrating that the listed measures will, in the aggregate, achieve the overall specified oil savings.

Finally, the measure includes specific requirements for the executive branch to evaluate, review, and update the action plan so we can achieve these critical national goals.

The targets for savings in H.R. 6 are expressed in terms of American gasoline consumption. The amendment would express them in terms of what we think is a more relevant standard which is overall oil consumption, because reducing gasoline use can be achieved by increasing the use of diesel which, of course, is also made from oil. So oil consumption reduction is, in our opinion, the more appropriate goal for this law, and that is why we are going to introduce this as an amendment to H.R. 6. The gasoline savings goal in H.R. 6 amounts to about a 20-percent reduction in projected oil consumption by 2030, 23 years from now. The oil savings requirement in our amendment amounts to a 35-percent reduction in projected oil consumption in 2030. That is a significant increase in reduction and one we can achieve, if we set the goal as high as it should be, high enough to cut our dependence on foreign oil and free America from that dependence.

I believe there is broad bipartisan support in the Senate for these stronger targets. Indeed, the fuel economy and renewable fuels provisions already found elsewhere in H.R. 6 will themselves go a long way toward achieving the stronger targets. The DRIVE amendment's cosponsors believe that we need targets that will keep the pressure on the Executive branch to use the authorities Congress has provided to achieve robust oil savings.

The DRIVE Act has 26 cosponsors, including 6 Republicans. Thus, the language of our DRIVE amendment is bipartisan and consensus-based. I hope my colleagues will adopt it overwhelmingly.

I would like to explain my opposition to an amendment that I understand will be offered, an amendment that—while intricately drafted—has the sole purpose of opening the Arctic Wildlife Refuge to oil drilling.

Most of my colleagues have been through enough Senate debates over this issue to know that it is highly controversial and deeply divisive. I believe that if an Arctic drilling amendment were added to this bill, it would prevent Senate passage of otherwise bipartisan legislation that could reshape—but not despoil—our energy landscape.

I myself filibustered the last bill to which an Arctic drilling provision was attached.

Let me just repeat a fact that I stated at the beginning of my remarks: The United States holds just 1.5 percent of the world's oil reserves. Oil is a global commodity—like wheat or corn, gold or copper—that essentially has a single world benchmark price.

That means we could drain every last drop of oil from U.S. territory, despoiling our last stretches of wilderness in the process, and U.S. production still would amount to no more than a trickle in the stream of global supply.

We would do irrevocable damage to our natural heritage without having an appreciable effect on the price that Americans pay for oil, and without reducing our crippling oil addiction by one iota.

It is time we face up to the fact that we cannot drill our way out of this problem. The only effective and permanent solution to high gas prices—the only effective and permanent solution to energy dependence—is to dramatically reduce our oil consumption. H.R. 6 takes an impressive step in that direction. The DRIVE amendment would lengthen that step to a stride. But adding an Arctic drilling provision would kill the entire enterprise, leaving us in the same, unacceptable situation we find ourselves in now. So I respectfully ask that my colleagues vote ''yes'' on the DRIVE amendment, and ''no'' on any measure that would open the treasured Arctic National Wildlife Refuge to drilling.

The American people are energized on this issue. Let's not let them look to the Senate and think they have hit a dry well of gridlock.

Mr. President, I note the presence of one of my colleagues on the floor who I know wants to speak during this half hour of morning business, so I will say, very briefly, we have an opportunity to do something right for the American people, if we can work across party lines—and none of this should be partisan—to get this done.

Again I note in that regard, with some regret, some of my colleagues have indicated an intention to once again introduce an amendment that would open the Arctic Wildlife Refuge to oil and drilling. Obviously, they have a right to do so. This has been debated often in the Senate. My only word of caution is I fear such an amendment, if it is attached to this bill, may doom the overall bill; therefore, we would all lose as a result of it.

I say to my colleagues, we have a fresh opportunity here, a kind of fresh start. This institution is in need of a bipartisan agreement that solves some real problems, such as the cost of gasoline and home heating oil and other fuels the American people are facing. So it is not just that the institution would benefit in its credibility with a bipartisan agreement on this critical issue; the country needs us to show leadership on this issue. I am confident, as we begin this debate, we can rise to the opportunity.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

SOMALIA

Mr. FEINGOLD. Mr. President, later this week, Somalia's fragile Transitional Federal Government, also known as the TFG, is expected to convene a National Reconciliation Conference originally intended to negotiate genuine power-sharing arrangements, establish a credible political process, and prevent Somalia from descending back into chaos and lawlessness.

Unfortunately, this conference has been postponed again—for the third time. Equally disappointing is the failure of the TFG to take the critical steps needed to broaden its base and ensure genuine negotiations occur when, or if, the conference actually takes place.

I have been watching Somalia closely for quite some time and I am deeply concerned that the small window of opportunity we saw earlier this year is closing quickly—if it has not already closed. To date, the power struggle between the Ethiopian-backed TFG and various clan-based and extremist militias in Mogadishu runs parallel to a brutal crackdown by Ethiopian and Somali troops that led to enormous civilian deaths and displacement. The increasing prevalence of suicide bombings and other guerilla tactics is a serious setback for Somalis, and for our own national security interests on the Horn.

The United States should be encouraging and supporting efforts to facilitate a government in Somalia that is widely perceived—internally and externally—as legitimate. Unfortunately, this effort is complicated by the Aministration's flawed and self-defeating approach to counterterrorism. By bringing long-term stability to Somalia, we can help root out global terrorists who thrive on instability and weak or failed governments. Pursuing individual terrorists is not a substitute for addressing the conditions that allow safe havens to persist.

There is no quick and easy answer to Somalia's problems. But there are a few things we can, and must, do better if Somalia is not to descend further into a bastion of instability with potentially dire consequences for our national security and that country's future. We must redouble our efforts and work with international and regional communities—and in particular with the Ethiopians—to ensure this National Reconciliation Conference not only occurs, but that it brings together a broad range of actors to create a framework for a government that is capable and committed to overcoming divisive clan dynamics, protecting human rights, and isolating and eliminating elements of extremism.

The United States has been forthcoming with financial resources for this conference, as newly appointed Special Envoy to Somalia Ambassador John Yates recently reported. Indeed, we are supplying half of the conference's budget through the United Nations Development Program. These resources are significant, and while I encourage other donors to step up to the plate before it is too late, financial assistance is not the only deficit Somalia's political project faces.

Equally worrisome is the lack of consistent messages from the international community as to what this conference is expected to achieve. I am concerned that the focus on getting the conference up and running—while critical—has nonetheless sidelined the need for it to produce the blueprint—the blueprint—for rebuilding Somalia.

Along with appointing a new diplomat and providing substantial funds, this administration, as well as the broader international community, needs to set clear expectations for the TFG to make sure recent history in that country is not repeated.

It is important to note that these are only the latest efforts to cobble together a viable political path for Somalia. Over the past decade, there have been approximately 14 other similar initiatives, all of which have failed. If the fragile political space created by the TFG closes, we are going to be stuck back at square one with the same disastrous results we have been dealing with for more than 10 years.

The upcoming reconciliation conference is only one benchmark of steps forward for the TFG. It is critical that all Somali stakeholders are included and that they own the process, that international organizations are invited to observe and offer advice, and that an outcome document laying out a roadmap for a sustained and pervasive process is produced.

Even if this public event meets all these goals—which remains far from clear—to be truly successful, it must also set the stage for what will be needed down the road, including the restoration of infrastructure and institutions required in a functioning state, the provision of services and security to citizens, and the weaving of Somalia's complex social fabric into a viable civil society.

The road to peace and security in Somalia is long and riddled with obstacles, but we must not stray from the goal. This most recent postponement illustrates the consequences of insufficient influence and inadequate policy coordination by the U.S. and the international community.

Accordingly, we must strive to produce a cohesive policy and effective action by clarifying our objectives, coordinating closely with our allies, and creating benchmarks with consequences. The United States and others—especially Ethiopia—must use whatever leverage they still possess to demand and work toward demonstrable progress towards a sustainable political solution for Somalia.

Mr. President, I certainly thank the Senator from Washington for her courtesy in letting me go first.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I come to the floor, like many of my colleagues today, to talk about the direction—I should say new direction—we need in our energy policy. I know the President of the United States is coming up to meet with my Republican colleagues for lunch today and to talk about both immigration and energy policy. I hope the President will emphasize how important it is we get an energy bill but certainly that we get an energy bill that sets a new direction in America.

Obviously, the history and strength of our Nation lies in our ability to continually invent new ways of doing things. We are great as a nation in doing that. Whether it is building the most reliable electricity grid in the world, laying down a massive Interstate System, or helping to create the Internet, our people have marched forward in new, breathtaking directions. These achievements have historically provided our Nation with immense prosperity and a quality of life we all cherish.

The problem is our basic energy and transportation system is 50 to 100 years old. Today, we are faced with two choices: whether we are going to continue to operate the energy system that is a relic of the past century or we are going to create a new roadmap for the future that will allow Americans to again be global energy leaders. It is that simple.

Some will say our energy and transportation system is working fine and we should leave it the way it is. We have a lot of special interests swirling around Washington, DC, right now hoping we do not make much progress. But I would say we do not have to look any further than the pocketbook of Americans to know we are feeling severe impacts on our economy and our environment, and that doing nothing is not an option.

We are selling out too much in saying we cannot make aggressive change. We are shelling out too much to fill up our gas tanks, and our local communities are losing too many jobs. All the while, we sacrifice more and more what is an engine to the U.S. economy; that is, affordable energy supply.

We cannot continue to drive forward only looking in the rearview mirror and saying we are going to be dependent on foreign oil. We need to do better.

Over 100 years ago, many of our homes were lit with kerosene. If you think about the early days, we traveled not by automobile but by foot or on horseback. Then a new industrial revolution took place, and it was, as the Presiding Officer knows, driven by newly invented coal-powered steam engines. It played an incredible part in our country's history.

Then a number of scrappy entrepreneurs came along, people such as Colonel Drake in Pennsylvania, who drilled the first oil well. Americans went on to capitalize on that new fuel to power our industry and provide great mobility for our people in this Nation.

Other entrepreneurs, such as Thomas Edison and his colleagues, were working on ways to harness electricity for light, sound, telephones, and transportation.

Shortly after that, Charles Baker and his daughter switched on the first electric power generation in the Northwest—something that still provides cheap, affordable electricity to us in the Northwest.

Well, today it is time for a set of new, scrappy entrepreneurs, those who are going to lead in industry and help us get ready for a new energy infrastructure, and to take our country in a new direction. Improvements and changes are desperately needed to retain our standard of living and to make the United States an energy leader again.

Just like 100 years ago, these entrepreneurs are working today throughout our Nation. Farmers, such as those in Minnesota, are now supplementing their income from farm products by putting wind generation on their farms. A California professor is inventing new technology to enable the manufacture, in any industrial park, of new alternative fuel from simple plant material. In Spokane, WA, energy investors are focused on building a smart electricity grid that is going to allow consumers to save more.

What the Government did at the dawn of the last century was to help in the energy transformation. What we need to do today is to enable this energy transformation to take our country in a new direction. We need to embrace the new technologies that keep more energy dollars in America's pocketbook. The next chapter in American's energy story needs to be less about record oil profits and more about how we are going to help the American consumer keep energy dollars here in America and grow the American economy.

It is time Congress and the Federal Government start leading. The longer we put up with the status quo, the farther and farther behind our people and businesses are going to fall, and the more unconscionable the profits oil companies and foreign interests make, the more challenging it is for the United States environmentally, internationally, and economically. America's goal—here on the floor of the Senate, our role as a Government entity—should be to set the goals where our Nation needs to go and how our constituents will benefit.

We should not pick technology winners or losers, but we should make sure there is a level playing field so there is new investment in energy strategies. We are here to put those elements in place that will help catapult America into being an energy leader.

I know many of my colleagues have talked about energy independence. But we are talking about keeping energy dollars in America's pocketbook. I say that because so many Americans are feeling the price at the pump. Right now, they are feeling that price at the pump because America spends $291 billion per year on importing foreign oil. Over 60 percent of our total consumption is coming from foreign sources, and that is only going to increase.

The production of 36 billion gallons of biofuels by 2022 would help us reduce foreign imports by over 1 million barrels a day. That is why this underlying legislation is so important.

But what should our goal be? Our goal should be a 20-percent reduction in gasoline consumption by 2017. That is what this underlying bill gets at, and that would help consumers achieve a $2.50-per-barrel reduction in world oil prices because the United States would get into the homegrown fuel business. But we have to do more than just alternative fuel; we have to become more fuel efficient. That is why this legislation is so important, because it would actually help us save $25 billion annually to consumers from raising the fuel efficiency standard of automobiles from the current 25 miles per gallon today to 35 miles per gallon.

I know this will be one of the most contentious votes on the Senate floor: whether we have the will to raise fuel efficiency standards for our entire automobile fleet in the United States. But it is the fuel efficiency that will help deliver America that $25 billion in annual savings to consumers and help us achieve that 20 percent savings in foreign oil consumption.

We need to keep putting more energy dollars into America's pocketbook by other means of efficiencies. The efficiencies in this legislation push for standards for appliances, to help make a smart electricity grid that will help us in delivering distributed generation; that is, generation closer to home, so we are not building a new powerplant and transporting that energy supply across several States or across sections of America but, instead, getting generation built and delivered in the closest areas to the consumers. Smart electricity grids and efficient technology will help us save $12 billion in improved efficiency for the U.S. household, which will save U.S. consumers about $100.

These are important improvements. They may not sound like the sexiest parts of our energy package, but there are real dollars and real savings here for America in the long run. If we just take what California did as a State over the last several years—they, by mandating building codes and energy efficiency, reduced their energy consumption by about 20 percent and have one of the best energy efficiency systems in the Nation, and we in the Federal Government should follow.

We should follow as a Federal Government by also achieving energy efficiency for the taxpayers because the U.S. Government is our largest energy user. The fact is, we have over 500,000 buildings in the United States. Making them more energy efficient would give us a 30-percent reduction in the Federal energy use. The President should lead that charge. But we are making sure in this underlying bill that we are mandating new energy efficiency titles led by my colleagues, Senator BOXER and Senator BINGAMAN, to make sure the taxpayers will get almost $4 billion in annual savings if we achieve these Federal energy efficiencies.

Also, we must protect the consumers from price spikes. We all know that consumers have paid an increased price at the pump and that gas prices are at an alltime high related to where they were just 5 years ago. This underlying bill makes price gouging—the manipulation of energy prices—a Federal crime. To try to manipulate supply and artificially impact markets is something that should have strong criminal penalties, and that is what this underlying legislation does.

We also make sure we are making the right technology investments. I said earlier that technology could help the United States achieve greater efficiency and keep more energy dollars in America's pocketbook. We believe that over $700 billion in increased economic activity can be the result of investment in good energy technology. It could also create more than 5 million jobs here in the United States by 2025. But that means taking the investments that are given to the oil industry now, which is making record profits, and instead investing them in new energy technology that will lead to job creation and energy savings. I know that in the Finance Committee we will be discussing these ideas in the very near future, and I hope they can be implemented with the underlying bill we are going to be considering in the next 2 weeks.

But we have to keep in mind, as we look at the alternatives for creating energy, that we have to be smart about protecting our environment. We want to keep more energy dollars in the pockets of the American consumers

and American businesses, but we will not achieve that if we look for solutions that are actually going to add to our CO_2 problems in the United States.

Let's be clear: There are great technologies that will help us in reducing greenhouse emissions. There are others that will be less appealing. I know it will be hard for my colleagues in areas where technology has not yet reached this point to be a market driver. More work needs to be done. But we should not be, in looking at our incentive policies, chasing technology that will not help us achieve the leadership the United States would like to see in fuel technology.

We know that cellulosic ethanol, which is the goal of this underlying bill—and I was proud, in the 2005 act, to write the cellulosic mandate as part of the underlying legislation. Cellulosic—plant-based ethanol—plant-based ethanol from gasoline today would be a 90-percent reduction in our CO_2 footprint. We want to go in that direction as a nation, using plants to create a fuel source for America. We want to do that not only for what it achieves for us in reduction of CO_2 but because it also doesn't compete with our food source in America and drive up food prices.

Biodiesel, another great reduction in greenhouse impact at 67 percent, is an area in which we can, for our large industrial users, provide an alternative fuel to help our economy grow. Sugar-based ethanol, at 56 percent, as the country of Brazil is doing, is again a reduction in the CO_2 and an opportunity to scale a technology to help an entire nation.

We also know that for us, electricity, or plug-in hybrids, could see a 46-percent reduction.

We know we will have a very interesting debate on the Senate floor about corn-based ethanol, and we will have to be honest about where corn-based ethanol can take us in the future. It is not the alternative fuel that will help drive our economy.

We know corn-based ethanol will not be the technology that continues to have the opportunities for us that these other advanced fuels do. So we need to be smart about the investment strategy.

I need to say a little about the coal to liquid or carbon sequestration issues. That technology does not yet exist for the breakthrough we would like to see. It will actually add—add—to our CO_2 emissions if people deploy this technology today as a solution for us in trying to get off foreign oil.

So we need to be smart about our plans. We need to make sure we are keeping more energy dollars in America's pocketbook. We need to make sure we get on to this next chapter in American history and make sure we are not continuing 3 years from now to talk about record oil prices but about how American consumers are paying less at the pump, getting more alternatives, and that new jobs are created by the new direction in an energy economy we are about to see unfold.

I thank the Chair, and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak for a period of up to 20 minutes on the legislation and that following my remarks, Senator ALEXANDER speak for a period of up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise today to praise the progress this body is making toward reducing our dependence on foreign oil. In 5 short months, we have assembled and advanced a package of energy proposals that will strengthen the foundation of a new, clean energy economy for our Nation.

Senator BINGAMAN and Senator DOMENICI have led us to where we are today, as have the chairman and ranking member of the Finance Committee, the Environment and Public Works Committee, and the Commerce Committee. The bill before us today, H.R. 6, is a product of many minds and many good ideas.

The extraordinary progress the Senate has made in the last 5 months responds to a seismic shift in how Americans are thinking about energy and about our world. At no time in our history—at no time in our history—has energy been so clearly a matter of national security, of economic security, and of environmental security. The issue before us is fundamentally about the security of the United States of America.

Think back to 2000. At that time, it seemed that the threat of Islamic radicalism was confined to foreign soil. Few understood the urgency of combating climate change at that time. Gas prices at that time were $1.20 per gallon. That price cloaked the real costs and the real danger of our dependence and our addiction to foreign oil.

Today, this is all different, and fortunately, today, the people of America and this Senate are recognizing it is all different. In every corner of American society, the conventional wisdom about our energy policy has changed. The fact is, our dependence on foreign oil affects the lives of Americans each and every day. It touches our security, our pocketbooks, and our conscience.

Most strikingly, oil has become a major factor in global security. Our dependence—our dependence—our overdependence makes us vulnerable and weakens our standing in the world. Since 2001, China and Russia have partnered to lock up oil in central Asia, rolling us out of that region. Venezuela has wielded its resources to buy off its neighbors and to divide our hemisphere. Iran has used its oil resources to court Russia and China, convincing them to oppose our diplomatic efforts to stop Iran from building nuclear weapons.

Countries that wish us harm know about our addiction. They know any disruption in supply sends gas prices through the roof and slows our economy. They are happy—they are happy—our enemies are happy to profit from our addiction. Oil money lines the pockets of terrorists, extremists, and unfriendly governments. It funds the Hezbollah rockets and militias in Lebanon today. It reaches bin Laden, it reaches al-Qaida, and it finances the militants in Nigeria who kidnap and terrorize westerners.

The sad truth is that today we are funding both sides of the war on terror. We spent over $100 billion last year to fight the extremists in Iraq and Afghanistan, extremists who are funded indirectly through the oil revenues we finance out of this country and around the world. This situation is absolutely crazy.

To make matters worse, our oil dependence is causing economic pain for Americans. With gasoline over $3 a gallon and holding, $50 and $80 visits to the gas stations for family members to fill their cars are straining family budgets and frustrating small business owners. Across my State, the farmers and ranchers whom I fight for every day here are budgeting for the harvest, and they are having to budget for numbers that are astronomical that they never saw before. The question they ask themselves as they go to bed every night is whether they are going to be able to make enough money to pay off their operating line at the end of the harvest season.

Americans want affordable alternatives at the filling station.

So far they have few. We must move forward in providing those alternatives.

The third reason we are on the floor today with this legislation is our bill will help jumpstart a new energy economy. That new energy economy is based on the environmental security threats we see from global warming. Climate change now stands as one of the greatest moral challenges of our time. It is an issue we are obligated to confront.

The desperation and disaster brought by Hurricane Katrina, Hurricane Rita, and a series of prolonged droughts, floods, and fire storms over the past several years have driven climate change to the center of American consciousness. We cannot afford to leave our children a legacy of an environmental disaster. We need to begin to work on that problem now, and this legislation begins to do that with respect to carbon sequestration.

This is not the beginning of our efforts here. In 2005, this Chamber, with most of the Members who are still here today, worked in a bipartisan fashion to pass the 2005 Energy Policy Act. The bill before us today is a significant step forward toward tackling the national security, economic security, and environmental security implications of our oil addiction. The 2005 Energy Policy Act was a first step in moving us in that direction.

We approached the 2005 Energy Policy Act much as we have this proposal today. It was a work Senators DOMENICI and BINGAMAN did—Senator DOMENICI was chairman and Senator BINGAMAN as ranking member, and now their roles are reversed. They said we have an energy problem and we can craft a better energy policy, and that received nearly 80 votes in the Senate. It is that same bipartisan approach that they have taken to this legislation. Other committees also contributed to the legislation before us today and have also taken that kind of approach. That is why, at the end of the day, we will succeed in moving forward with energy legislation in the Senate.

The bill in the 109th Congress, the 2005 Energy Policy Act, was perhaps the most important energy legislation passed in 20 or 30 years in this country. During that time, I traveled to all 64 counties in Colorado and spoke to the people of my State about that bill. By and large, they appreciated the balanced approach we took to the 2005 act. The bill kick started a renewable energy economy, made big investments in technologies, took a cut at consumption with smart efficiency measures, and it made sensible additions to our domestic oil and gas supply.

There remains much to be done, and that is why we are here today. We should not forget our bipartisan work of 2 years ago, which planted the seeds for our new energy economy; and today, in the week ahead, and in the following week, we will have an opportunity to build on the success of 2 years ago.

The new energy economy is in fact taking root. I don't think you will find a better example of how quickly Americans can change their approach to energy than in my State of Colorado. We have sparked a renewable energy revolution in Colorado in just 2 years, and the benefits have already touched every corner of my State. Our farmers and ranchers are leading the charge. In Weld County, Logan County, and Yuma County, which are remote and far away from Denver, we are seeing biofuel plants spring to life, creating new markets and new opportunities for our rural communities. So the ''forgotten America,'' in fact, is having new opportunities created for them because of the fact that we are embracing the clean energy revolution. Today, we have three ethanol plants that are already in production, where there were none 2 years ago. We have several others that are under construction and are being planned.

But it is not just biofuels. In the San Luis Valley, where my family has lived, ranched, and farmed for five generations, Xcel Energy just broke ground on the largest solar plant in North America. More and more wind turbines are turning on the plains of southeastern Colorado, powering front range homes, while providing incomes for the ranchers who own the land. Indeed, the current program with respect to the construction of wind energy farms in Colorado will mean that very soon we will be producing the same amount of electricity that is produced from three coal-fired powerplants in Colorado. That is enormous progress in a very short time.

How did we spark that renewable energy revolution in Colorado? The Energy Policy Act of 2005 helped, but it is not the only force of change. The National Renewable Energy Lab in Golden is the crown jewel of our labs, and it is a hub for innovation for our clean energy future. The President of the United States has visited NREL. Many colleagues in this Chamber have visited NREL. We do all we can here to support the work that the researchers are doing there today. We have created the Colorado Renewable Energy Collaboratory, which binds the National Renewable Energy Laboratory in Golden with the Colorado School of Mines, Colorado State University, and the University of Colorado. The collaboratory is an engine for ideas, technologies, and talent, and making sure those technologies are being deployed out into the private sector.

I have held a renewable energy summit in Colorado in each of the last 2 years. We have tried to connect the business community and those people with the ideas to make sure that deployment occurs. These summits have been a huge success and were attended by the business community, environmental interests, farmers, and ranchers. This last year, we had over a thousand people who attended that summit, which was sponsored by the Governor of Colorado, Governor Ritter, as well as mayors and other leaders throughout the State.

In Colorado last year, 2007, we actually moved forward in enhancing our renewable energy standard, our renewable portfolio standard for our State. The renewable energy revolution underway in Colorado makes me all the more excited about the bill we are considering today. Its provisions are sensible and, by and large, they are bipartisan and should be noncontroversial.

The bill includes 3 key components. First, it dramatically increases production and the use of biofuels. The bill will quintuple the existing renewable fuels standard to 36 billion gallons by 2022, 21 billion of which must be advanced biofuels such as cellulosic ethanol. That is more than enough to offset imports from Saudi Arabia, Iraq, and Libya combined. I will say that again. The 21 billion gallons of advanced biofuels, combined with what we produce from corn ethanol, will get us to 36 billion gallons. That amount of production from alternative biofuels is enough to offset our imports from Saudi Arabia, Iraq, and Libya combined. I make that point to underscore the importance of the biofuels and alternative fuels title in this legislation.

Second, H.R. 6 also helps us reduce our dependence by making better use of what we have. The transportation sector accounts for a full two-thirds of our oil consumption. It offers the cheapest and best opportunities for saving fuel. The bill helps automakers retool their vehicles by providing items such as loan guarantees for hybrids and advanced diesels. The bill will also make a reasonable increase in CAFE standards. The bill increases and incentivizes the engineering capabilities of our automakers.

Finally, the bill before us also begins to address the environmental consequences of our energy policy. The debate about how to tackle the threat of global warming will have few easy answers. It will be a difficult challenge for us when we get to specifically addressing the issue of global warming later in this Congress. But one thing we can do today is to determine how we can store the carbon we are currently putting into the atmosphere. Carbon sequestration technology is neither new nor complicated. It has been around in the oil fields in America for 50 years. We need to take that technology and refine our techniques for storing it and determine where we can store the carbon that is currently being emitted from powerplants and other sources around our country. This bill will help start us in that direction.

Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. SALAZAR. Mr. President, I want to say I am very proud of this bill. I know a lot of work has gone into this bill. It is an impressive and thoughtful next step toward reducing our dependence upon foreign oil. In the coming days, I hope we can find ways to strengthen this legislation in some specific ways.

I want to speak very briefly about four amendments that several of my colleagues and I will be offering in the several days ahead.

The first amendment I intend to offer is the 25x'25 resolution, which establishes a national goal of producing 25 percent of America's energy from renewable sources, like solar, wind, geothermal, and biomass, by 2025. That resolution is a vision for where we want to get as Americans. It is sponsored by a great group of bipartisan Senators, including Senators GRASSLEY, HAGEL, HARKIN, LUGAR, OBAMA, and the Presiding Officer, Senator TESTER. That legislation was introduced earlier this year as S. Con. Res. 3, and it has received widespread backing. It is endorsed by 22 current and former Governors and many general assemblies from across the country. Nearly 400 organizations, from the Farm Bureau and the Union of Concerned Scientists, to John Deere, to the Natural Resources Defense Council, have embraced 25x'25 and the vision incorporated in that amendment. I hope we can include that in this legislation.

The second amendment, which I will mention briefly, incorporates provisions from S. 339, the DRIVE Act. That is legislation which Senators BAYH, LIEBERMAN, BROWNBACK, SESSIONS, and 23 other Senators have been working on for a long time. It has a robust mandatory oil savings plan. The DRIVE Act aims to increase our Nation's energy security by cutting 2.5 million barrels per day from our Nation's oil use by 2016, and 10 million barrels per day from its oil use by 2031. I am hopeful these provisions will also be added to the bill.

Third, Senator BINGAMAN and I and others will be introducing an amendment to create a national renewable energy standard. Many States, such as Colorado, already have a renewable energy standard and are reaping the benefits. I know there will be debate and discussion about how exactly we move forward with the renewable energy standard. But I believe the time has come for our Nation to adopt a renewable energy standard in the same way many States have done, including my State of Colorado.

For example, a renewable energy standard of 20 percent by 2020 will reduce emissions of carbon dioxide by an estimated 400 million tons per year. That is equal to taking 71 million cars off of America's roads, or planting 104 million acres of trees. While we look at this renewable energy standard, I know we will have a debate about whether we can improve upon what we have done here. I look forward to that debate.

Finally, the Presiding Officer, Senator TESTER, from Montana, and I will be introducing an amendment to make better use of America's vast coal resources. Coal is to the United States what oil is to Saudi Arabia. The vast resource of coal from the great States of Montana, Colorado, Wyoming, West Virginia, and throughout our country, is something we need to use. But as we use our coal resources, we need to make sure we are using them in a smart way so it doesn't damage our environment.

The amendment we will introduce will provide loan guarantees to build coal gasification facilities. We also will have standards in there with respect to life cycle greenhouse gas emissions from those facilities to make sure they are 20 percent lower than emissions from petroleum fuels. I appreciate the great work of my colleagues who have worked on that amendment.

How we improve our energy security and reduce our dependence upon foreign oil is the central national security, economic security, and environmental security challenge of the 21st century. It will determine whether we will continue to be entrenched in conflicts over resources in every corner of the world. It will determine whether we will triumph in our fight against oil-funded extremists and terrorists. It will determine whether our economic fortunes will hinge on the price of oil that OPEC sets, or whether the United States will stand proudly and independently as the world's innovator for clean energy technologies; and it will determine whether we will succeed in leaving our children and grandchildren a world wrought with environmental dangers, or whether we can correct our path in time.

I thank my colleagues for their great work on this bill, and I look forward to a productive and thoughtful debate and a successful conclusion to energy legislation in the days and 2 weeks ahead.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Colorado for his courtesy in arranging for me to speak next. The Senator from Colorado and I and the Senator from New Mexico, Mr. BINGAMAN, who is here, the chairman of the Energy Committee, Senator DOMENICI, the ranking member, and Senator LIEBERMAN, who has already spoken, were at breakfast this morning at our usual Tuesday morning bipartisan breakfast. And Senator BINGAMAN expressed the hope, as I am sure he will on the Senate floor when he speaks, that we can make the kind of progress this year that we made 2 years ago on the Energy bill. And I hope so too.

He talked about how difficult it was and how impressive it was for four committees, plus the Finance Committee, all to make a contribution and how we might be able to make progress with alternative fuels, with energy efficiency. The more we learn about energy efficiency, such as with appliances and lighting, and the more we can do in accelerating research on how to recapture carbon, the better off we will be.

Earlier this morning, Senator LIEBERMAN of Connecticut said in that spirit of bipartisanship that he hoped one amendment would not be added to this bill, and that would be an amendment calling for the drilling for oil in the Alaska wildlife area. That is a controversial piece of legislation.

I want to make a similar suggestion in the spirit of bipartisanship. I note my friend from New Mexico is on the Senate floor, and I hope the Senate would not agree to and maybe we would not even have to debate, the amendment that Senator BINGAMAN offered before in the last Congress and which he plans to offer again which would require a 15-percent so-called renewable portfolio standard in every State. I wish to spend a few minutes this morning talking about why I believe it is important that we not adopt that amendment.

I am reminded of a story about a Tennessee mountaineer who was convicted of murder, and the judge sentenced him and told him his choice was to be hanged or be shot.

The defendant thought a minute and said: May I ask a question, judge?

The judge said: Of course.

My question is, Do I have another choice?

Mr. President, we Tennesseans feel the same way about Senator BINGAMAN's proposed renewable portfolio standard which would require us to make 15 percent of our electricity from renewable fuels, mostly wind power. That would raise our taxes, it would raise our electric rates, it would run away jobs, and it would ruin our mountaintops. That is not the kind of choice we like to have.

Forcing Tennesseans to build 40-story wind turbines on our pristine mountaintops or pay billions of dollars in penalty taxes to the Federal Government amounts to a judge giving a defendant the choice of being hanged or shot.

In Tennessee, the wind simply doesn't blow enough to produce much electric power. Residential homeowners cannot afford these new taxes, industries will take their jobs to States with cheaper power, and tourists will spend their dollars where they can see the mountaintops instead of giant wind turbines.

There is, in this case, a better choice, fortunately, and that choice is for clean, reasonably priced energy in the Tennessee Valley from conservation and efficiency, from nuclear reactors—a new one of which just opened within the last few weeks in our region by TVA—and by clean coal. Because of its nuclear and hydro plants, Tennessee is already on the honor roll, ranking 16th among States in production of carbon-free electricity. But we are one of 27 States that would not meet the standards under Senator BINGAMAN's amendment, which he expects to offer during this debate.

This is real money. The Tennessee Valley Authority suggests that by the last year that this new standard is in effect, it would cost Tennesseans at least 410 million new dollars a year.

What could we do with that kind of money? If the goal were clean air, we could give away 205 million in $2 fluorescent lightbulbs per year, producing energy savings equal to the combined output of almost two of the three units of TVA's Browns Ferry nuclear plant. In other words, the $410 million could buy enough fluorescent lightbulbs to equal two nuclear reactors. Or the $410 million would be the equivalent of 3,700 megawatt wind turbines that would span a 550-mile ridge line, more than twice the distance from Bristol in the northeast part of Tennessee to Chattanooga, which is about the only place in Tennessee that wind power could actually go, along those ridgetops. Or with $410 million, we could pay the $100 per month electric bill for Tennessee's 2.5 million residential TVA customers for 1½ months each year. Or if the goal is simply clean air, it would be better, I respectfully submit, to spend the $410 million purchasing one new scrubber each 9 months to clean emissions from TVA's coal-fired powerplants. I strongly back renewable power wherever it makes sense. In our State, I have worked hard to expand solar energy. The solar energy industry gave me an award last year for that work. I was the principal sponsor of the tax credit for homeowners to put solar panels on their homes. I have worked with the Tennessee Farm Bureau to encourage the use of biomass as a renewable energy. But this—and I will try to be a little bit more specific in the next 10 or 12 minutes—this proposal amounts to a wind portfolio standard which simply does not fit the Tennessee Valley nor, I submit, any other part of our region. It simply does not work in the Southeast.

Why is there a wind portfolio standard? There are other forms of renewable energy, of course, but they don't all fit in the definition, nor do all types of clean, carbon-free energy fit within the definition. Seventy percent of our carbon-free electricity in America comes from nuclear power. About 33 percent of TVA's power is carbon-free nuclear power. That doesn't count within the Bingaman definition. Neither does the existing 7 percent of clean, completely clean power that comes from hydro, from dams.

That makes about 40 percent of TVA's electricity carbon, sulfur, mercury, and nitrogen free, ranking it 16th among all the States in terms of producing carbon-free energy. As I said, Tennessee is on the honor roll. Yet we Tennesseans would still be subjected either to these taxes or putting these wind turbines along our scenic mountains, which I will discuss.

According to the Energy Information Agency assessment of the Bingaman proposal, 4 years ago, wind and, to a lesser extent, biomass are projected to be the most important renewable resources stimulated by the renewable portfolio standard.

There is some other evidence that biomass will be stimulated, but I think it is a fair comment to say that this is mostly a wind portfolio standard. And my argument is, that may be fine in North Dakota—which the Senator from North Dakota says is the Saudi Arabia of wind—maybe it works there, and maybe North Dakotans want to see the wind turbines there, but it doesn't work in Tennessee and in most of the Southeast because the wind simply doesn't blow enough to produce much electricity.

The National Academy of Sciences says 93 percent of potential wind energy capacity occurs west of the Mississippi River. We can see on this chart that in this white area, that is where there is the least amount of wind. There may be plenty of it somewhere else but not in Tennessee and not in the South. There is only one wind farm in this entire southeastern part of the United States. That is a TVA wind farm on Buffalo Mountain, which I will show in just a moment.

TVA had hoped that the wind on Buffalo Mountain would blow to produce electricity about 35 to 38 percent of the time. They have been disappointed that it only blows about 19 to 24 percent of the time. And in August, when we are sitting on the porches sweating, perspiring, and wanting our fans on and air-conditioning on, the winds on the only wind farm in the southeast—Buffalo Mountain—blew just 7 percent of the time. That is not an estimate. That is an actual count from TVA and the wind farm.

So the only places in the southeast region, if we can go to the next chart, that have wind resources are the ridges and the crests. Maybe unlike Iowa and North Dakota where they can have large wind farms, maybe even in Colorado they can have large wind farms, but in Tennessee, the only places that wind possibly works are on the ridges and the crests. In addition to being the places with the most wind, the ridges and the crests are also in the most visited national park in the United States, the Great Smoky Mountains National Park. Those are the highest mountains in the Eastern United States. They run up through Pennsylvania as well. They are the Great Smoky Mountains and the mountains around them. They are the reason most of us live in those areas.

It is quite a sight to see when you put wind turbines on top of those mountains. It is a sight that I would rather not see. Here is West Virginia, which is north of the southeastern part of the United States. Basically it cuts off the whole tops of those mountains. In my opinion, it makes strip mining look like a decorative art. These are 400- or 300-feet turbines. These are not your grandmother's windmills. They are white and large and have flashing red lights on top of them. You can see them for 10, 12, 14 miles away.

Then, since they are on remote ridgetops, they have to dig large power lines down through whomever's backyard to get there. It is quite a dislocation in the scenery. So one would think there would have to be a big payoff before we would take some of the most beautiful parts of the United States and basically ruin the mountaintops.

Here is what it looks like in Tennessee. You can get a little sense of how big these turbines are. In Tennessee, we like football and we can put things in perspective, sometimes putting things in football terms. Each of these wind turbines is twice as tall as the skyboxes at Neyland Stadium, which is the second largest football stadium in the United States. Penn State has one, I guess, about the same size. These rotor blades, which go round and round, stretch from the 10-yard line to the 10-yard line. I can see these turbines from the Pellissippi Parkway in Tennessee from about 14 miles away. This is at about 3,500 feet. These are some of our most beautiful vistas in Tennessee.

The problem is, even here, which ought to be a prime spot—this is the reason TVA put the turbines here—it didn't work very well. It was a disappointment. As I mentioned, in August, the wind turbines only operated 7 percent of the time. Wind tends to be strongest during the winter months and at dawn and dusk, but demand for electricity is highest during the summer and during the day. Basically, when we need the wind, it doesn't blow. And a point that many people often miss is that you can't store it. Unlike more conventional forms of power, you use it or you lose it. So it is of minimal help.

Also, it is more expensive. I have a chart showing the expense. Let's take nuclear power which produces 70 percent of the carbon-free electricity in the United States today, and wind, which is also carbon free. Actually, both are completely free of carbon, sulfur, mercury, and nitrogen, which are

the problems for clean air in the Tennessee region. Let's compare a 1,000-watt nuclear plant reactor and a 1,000-megawatt capacity wind farm. The 1,000-megawatts is about the size of a new nuclear reactor. The new Browns Ferry plant in Tennessee that opened the other day is 1,280 megawatts. This column is the number of hours per year for both nuclear and wind. And this second column is the capacity factor.

In plain English, this is how much they operate. For TVA, its nuclear powerplants, which produce about one-third of our electricity and most of our carbon-free electricity, the nuclear powerplants operate 92 percent of the time. The wind turbines operate, at best, 24 percent of the time in the Southeast, in the area we know about. Remember, there is only one wind farm in the Southeast. We have it, and that is what it does.

The cost of electricity is up to twice as much for wind over nuclear. That is what people in the utility industry call the all-in cost—that is, including the cost of building the facility and the cost of operating the facility.

So the brief analysis is that wind is more expensive, on a per unit energy generated basis, and produces much less energy than nuclear power, for example. In addition to that, if we build the wind turbines, we still have to build and operate the nuclear powerplant because, as we pointed out, the wind turbines only operate about 22 percent of the time.

My hope would be that we would not have a one-size-fits-all national mandate on States that are seeking to create clean energy. Tennessee wants to do its part. As I said, nuclear power creates 70 percent of the carbon-free energy in the United States. It produces 33 percent of the carbon-free energy in the Tennessee Valley through TVA, and TVA just opened a new reactor and they are planning more. Why would we impose on a State which is already leading the country in terms of helping to produce clean energy, carbon-free energy—why would we impose a mandate on that State that would raise its rates or impose new taxes and drive away jobs from industries that cannot afford to pay the higher rates and at the same time put on our mountain tops, from Bristol to Chattanooga, these huge wind machines that destroy the view?

We have 10 million people every year who come to Great Smoky Mountains National Park, nearly three times as many as come to Yellowstone. They come to see the mountains; they don't come to see the wind turbines. I guarantee, if we continue to provide incentives and mandates to put up these 300-, 400-, 500-foot-tall wind turbines with red flashing lights, that is all the visitors will see when they come to Tennessee. They will not be able to see anything else.

I am eager to work with Senators BINGAMAN and DOMENICI on the Energy bill. I had the pleasure, the last 4 years, of serving with them on that committee. I admire the way they work together. They made a point 2 years ago of saying that when we go too far in either direction, we will pull back a little bit so we can make sure we have a good, strong bill. I believe the bill in 2005 was underestimated. I believe the bill produced in 2005, produced by Senators DOMENICI and BINGAMAN and the Senate working with the House, literally set America on a different course in terms of producing large amounts of reliable, affordable, clean energy. It helped us do that in a way that would keep the costs of natural gas down, which was very important to us at that time and still is today.

I ask unanimous consent to have printed in the RECORD a letter from the Southeastern Association of Regulatory Utility Commissioners expressing the same views I have just expressed, that such a mandate would cause us to end up paying higher electric prices with nothing to show for it. I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Finally, I would like to reiterate what we could better do with the money. I see the Senator from North Dakota here. I mentioned a little earlier that he has said North Dakota is the Saudi Arabia of wind, and I admire North Dakota for that, I admire him for his outspoken advocacy of that, and I hope all the giant wind machines go to North Dakota. That is where I would like them to be, just not in Tennessee—not just because of how they look but because in our neck of the woods they do not work. They raise our taxes, or they raise our rates, or they destroy our mountains, or they run away jobs from industries and tourists who do not want to be part of that. I would rather see us look for better ways to spend those dollars.

As I suggested earlier, we could take the same amount of money we would be taxed, if we choose not to build these, by providing 205 million $2 light bulbs, which would be the equivalent energy savings of almost 2 nuclear reactors, or it would be the equivalent of 3,700 of these wind turbines, which would run along the ridge tops from Bristo to Chattanooga, or it would pay the monthly electric bill for Tennessee's 2.5 million TVA residential customers, every Tennessee residential customer, for a month and a half, or it would put a new scrubber on TVA's coal-fired powerplants every 9 month period.

I am afraid this is an idea looking for a problem to solve. It may solve it in North Dakota, it might solve it in New Mexico and perhaps it does in Colorado, but it does not in Tennessee. It raises our taxes, raises our rates, ruins our mountains, and it sends jobs away, runs them away.

I hope, in a spirit of bipartisanship, perhaps the Senator from New Mexico, one of our most thoughtful Senators, the leader of this debate, will decide there are other things we can focus on rather than a one-size-fits-all mandate which may work in some States but does not in my State.

I yield the floor.

EXHIBIT 1

SOUTHEASTERN ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
Little Rock, AR, May 31, 2007.

DEAR SENATORS BINGAMAN AND DOMENICI, AND CONGRESSMEN DINGELL AND BARTON: The undersigned state utility commissioners are writing to express our concerns about the nationwide, mandatory federal renewable portfolio standard (RPS) being discussed/introduced by Senator Bingaman. As state regulators, we are responsible for ensuring that retail electricity consumers receive affordable, reliable electric service. We are concerned that a uniform, federal RPS mandate fails to recognize adequately that there are significant differences among the states in terms of available and cost-effective renewable energy resources and that having such a standard in energy legislation will ultimately increase consumers' electricity bills.

The reality is that not all states are fortunate enough to have abundant traditional renewable energy resources, such as wind, or have them located close enough to the load to render them cost-effective. This is especially true in the Southeast and large parts of the Midwest. Even in regions of the country that do have access to wind energy, there is frequently stiff local opposition to building huge wind turbines, significant costs for the additional transmission needed, and reliability concerns. As a result, some wind renewable energy projects do not get built, while others take years to build. The availability of other renewable energy resources, such as geothermal, is even more limited.

Because of the limited availability and cost-effectiveness of traditional renewable energy resources, we are deeply concerned that our utilities will be forced to buy renewable energy credits from the federal government or from renewable energy generators in other regions of the country. Correspondingly, our retail electricity consumers will end up paying higher electricity prices, with nothing to show for it.

Renewable energy resources may be able to make a significant contribution to energy production in those regions of the country that have abundant renewable resources. In fact, over 20 states and the District of Columbia have already seen fit to approve their own RPS programs based on the resources available to them. Moreover, those states have included a wider array of energy resources in their definitions of eligible renewable resources than the proposed federal RPS mandate, Some states consider power produced from municipal solid waste, small hydroelectric facilities or coal waste to be renewable energy. Other states count expenditures on demand-side management or alternative compliance payments toward meeting the state RPS requirements. None of these alternative renewable energy resources, however, would receive credit under the Senate version of a federal RPS program.

While state public service commissions and energy service providers should certainly consider available and cost-effective renewable energy resource options as they make long-term decisions for incremental energy needs, the imposition of a strict federal RPS mandate, as contrasted with a state-driven cost-effectiveness determination, will only result in higher electricity prices for our consumers. Because the availability and cost-effectiveness of traditional renewable energy resources varies so widely among states and regions, we believe that decisions regarding renewable energy portfolios should be left to the states. If, however, the Congress desires to address renewable energy objectives in the upcoming Energy Bill, we urge you to expressly allow each individual state to determine the extent to which renewable energy can be reliably and cost effectively utilized within that state.

Sincerely,

(Signed by Members of the Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee commissioners.)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I see my colleague from North Dakota wishes to speak.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I am pleased to be here supporting a piece of legislation which I think advances this country's energy interests. I am a member of the Senate Energy Committee. I have worked with Senator BINGAMAN and Senator DOMENICI not only on the previous Energy bill in 2005 but on this Energy bill, and I think this is a good bill. We are going to improve it some on the floor of the Senate, but it came out of the Energy Committee as a bipartisan bill and one I think will improve the energy policy in this country.

Energy is a very important policy. We don't think about it much. I know most all of us get up in the morning and we just flick a switch someplace in our house. That switch turns on lights and we turn on the television set, it turns on all the things we use all day. While we are sleeping, the air-conditioner is running. We have all these conveniences, and we do not necessarily understand that all of it comes from somewhere beyond a switch. So energy has been pretty easy for this country. Now we are running into some interesting questions and challenges. We have to develop a more thoughtful, more sensible energy policy for the long-term future.

There is an airplane which is now parked in a museum. I believe it was tail No. 27,000, an old 707 that used to be Air Force One. It was the Air Force One that flew President Reagan around, and others. It was the Air Force One that was in Dallas, TX, in fact, the day John F. Kennedy was assassinated. One of its last trips before it was retired to a museum was a trip to Asia. I was a member of that delegation, going to meet with the President of China and others.

In a cabin on that little old airplane flying over the Pacific one night, about 10 or 11 o'clock at night, one of our Senate colleagues, John Glenn, was sitting there with us. I was peppering John Glenn with questions about his circling the Earth as an astronaut back 40 years prior to that time. I was a young kid and I had been listening to the radio that day, and I listened to this account of this astronaut circling the Earth. The whole world was focused on what this astronaut, up alone in *Friendship 7*, a tiny little capsule, was doing.

I asked him a lot of questions about it that evening. I had the opportunity as a new Member of the Senate with my colleague John Glenn to pepper him with a lot of questions. One of my questions was this. I said: My understanding back then was that the city of Perth, Australia, when you were orbiting the Earth that night, turned on every light in the city as a signal to the astronaut flying alone orbiting the Earth. Do you remember the ability to look down and see the lights from Perth, Australia?

He said: I do, I do. I remember this brilliant light coming up from Perth, Australia, where all the citizens decided to shine up a light to this astronaut flying alone on *Friendship 7*.

The only evidence of life on Earth as he orbited the dark side of the Earth was energy, light—human beings turning on a light switch and lighting a city to light the way for an astronaut orbiting the Earth.

Energy is a significant part of our lives every single day and virtually in every way. As I said, we take it pretty much for granted.

Let me talk about the challenges, if I might. One of the significant challenges is oil. We have this big old planet of ours. We have roughly 6.5 billion neighbors on this planet. We circle the Sun. We have this prodigious need for oil, so we stick straws in the earth, called drilling rigs, and suck oil out of the earth. We suck about 84 million barrels of oil a day out of this planet of ours—84 million barrels a day we suck out of this earth.

We use 21 million barrels in this country alone. In this little patch of ground called the United States of America, we have built an unbelievable economy, dramatically improved the standard of living over a long period of time, and we have an unending thirst for oil. So one-fourth of all of the oil used on this planet is used in this country, this place on the globe.

Unfortunately, a substantial amount of the oil is under the sands of the Middle East and in unstable parts of the world. Here is what happens. When we import oil, here is what we use the oil for: 67 percent is used for transportation. So nearly 70 percent of the oil we use in this country is used in the vehicle fleet or for transportation. One of the things we are discussing here in the Energy bill is this issue of trying to make these vehicles more efficient. If we use 70 percent of the oil in this country for transportation and we have had very little change in efficiency of vehicles, then the question should be and is, Should not we make vehicles more efficient?

Here is an example. This is a chart you can't see particularly well: Auto Fuel Efficiency Versus Performance. Do you see what has happened on the blue line, performance—zero to 60 in a nanosecond? Increased performance, more power, more speed. What has happened with respect to miles per gallon? Just like that, right flat across.

Part of that is the consumer. The consumer wants to buy big, heavy cars, fast cars. I understand that. In fact, here is a survey. I was very surprised. CNW Research pointed out that overall fuel economy—this is a couple of years ago—is No. 12 in concern by consumers. I am sure it has changed now. But cupholders and sound systems ranked above the issue of overall fuel economy. I expect that is not the case now when you are driving up to the gas pump and in some vehicles putting in $40, $50, $60 or $70 worth of gasoline into that vehicle. So perhaps that has changed.

But this legislation does a lot of things with respect to energy. It requires an improvement in the efficiency of vehicles. I know automobile companies came here last week. I had a chance to talk to the CEOs of the three big U.S. auto companies. I know they are taking the same position they have always taken—not now, not us, not today.

The fact is, we must, it seems to me, insist that our vehicle fleet be more efficient. Because nearly 70 percent of the oil we use in this country is being used in our vehicles, the only way we are going to try to extract ourselves from being addicted to foreign oil is to begin to make changes in a range of areas, and that includes making cars more efficient. That means a higher mileage per gallon standard.

We have a circumstance, as I indicated, where a substantial part of the oil is put in one place on this planet and the dramatic need for oil is in another place. Much of where we get our oil is in very troubled parts of the world. We could, one day, wake up with terrorists attacking a refinery somewhere and a shutoff of the oil to this country from foreign sources, and this country would be flat on its back. This country would have its economy in tatters. That is why we need to be much less dependent, we need to find a way to be independent of the need for oil from Saudi Arabia and Kuwait, Iran, Iraq, Venezuela—all the places in the world that are unstable, where we have a great reliance on oil. That is at least part of what this bill is about.

I am going to talk about several other things as well, but I, along with my colleague, Senator LARRY CRAIG, a Republican—I am a Democrat—we joined in introducing something called the SAFE Energy Act, Securing America's Future Energy. The Energy Security Leadership Council is a group of really interesting people including some CEOs of major corporations and flag officers in the U.S. military. They studied these issues for several years and put together a plan.

That plan is recommendations to the Nation on Reducing Oil Dependence; trying to make this economy of ours less oil intensive.

I introduced a piece of legislation with Senator CRAIG that implements most all of these recommendations. I would commend it to my colleagues because I think it makes a lot of sense. It talks about expanding the supply of energy, especially renewable energy; also talks about finding additional supplies. We believe we ought to be able to explore and drill more in expanded areas, particularly in the Gulf of Mexico, because there are substantial reserves of oil and gas in the Gulf of Mexico that are attainable without ruining anybody's view or creating other problems.

We believe that in addition to renewable energy and the production of renewable energy, all of the biofuels are necessary. We believe that CAFE standards, or at least automobile efficiency standards, are necessary as well. This piece of legislation brought to the floor of the Senate includes all of them.

Let me continue to talk about oil for a moment and say that when I was a little boy, I remember they drilled one oil well near my hometown in southwestern North Dakota. I lived in a town of 300 people. There wasn't a lot to do, obviously, in a town of 300 people.

So when they brought in a drilling rig and constructed a drilling rig and started to drill for oil about 3 miles from town, I will never forget as a little boy going out there in the evenings in my parent's car. We saw all these lights on the oil rig at night. We sat there and looked at it. That was entertainment.

We did that night after night. We figured at some point they were going to strike oil. We didn't want to be too close to the rig, because the movies showed that when you strike oil, you get a gusher.

But we watched. We would drive out there and park, the whole town would go out there and park. We would watch that oil well. Nothing was happening, of course, nothing you could see. We saw the lights. That was a whole lot more than was going on in town.

Well, it turns out it was a dry well; never drilled another one. But that was my experience. As a young boy, my father also managed a gasoline station. So I pumped a lot of gas as a young boy. Some say that my occupation hasn't changed so much being in the Senate, but I contest that, of course.

My point is this: Oil is central to our lives and will remain central to our lives, but we need to find a way to reduce our dependence on the sources of oil that come from very troubled parts of the world.

In North Dakota, for example, in western North Dakota, we now have what is called the Bakken Shale, which could, we hope—the U.S. Geological Survey will determine this—but it could contain dramatic amounts of recoverable oil.

Incidentally, I was in western North Dakota visiting with Marathon Oil that is now drilling. It is unbelievable what they are doing. They drill 2 miles down—2 miles down—then take a giant bend and drill 2 miles out. One drilling rig. They go down 2 miles and then bend it and then drill 2 miles out. It is unbelievable technology.

We hope there is additional production here in this country. That is one way to be less dependent on foreign sources of oil. We can take a look at where you can get additional oil. I mentioned the Gulf of Mexico is a substantial opportunity for us as well. But there are a lot of things for us to do and do well, if we are going to be less dependent on foreign sources of oil, also, if we are going to have an energy policy that has much more credibility than our current policy.

Now, the Congress passed what was called the Energy Policy Act of 2005. We did a number of things there. I was one of the Members of the Congress who, at that time and since that time, one of I guess four or five of us in the Senate who tried to open up what is called Lease 181 in the Gulf of Mexico. We succeeded in doing that. It is a smaller tract than we had hoped, but that also will contribute to the production of additional energy here at home.

Some say our energy strategy for the future must be ''digging and drilling.'' I call that yesterday forever, digging and drilling. Yes, we are going to dig and, yes, we are going to drill. But if that is all we do, we lose. Everything we use in this country every day needs to be more efficient. Our refrigerators, our air conditioners, our vacuums, everything needs to be more efficient. That is No. 1.

We have had very big debates on strange-named things such as SEER standards. I mean how many people have heard of SEER 13 standards for air conditioners. But it makes a big difference in the number of powerplants you have to build in this country based on the standards for efficiency for all the things we use with respect to appliances.

In addition to all that, we at the same time have to rely on other sources and other types of energy; wind energy as an example. Well, my colleague from Tennessee apparently does not like wind energy. God bless him. He has a right not to like wind energy.

It seems to me it makes a lot of sense with a turbine, the much more improved turbines and technologically capable turbines, to extract the energy from the wind and turn it into electricity. Yes, it is an intermittent source of electricity because you do not produce it when the wind is not blowing. But in some States, my State in particular, which is ranked by the Department of Energy as having the largest wind energy potential, taking energy from the wind and producing electricity with that energy makes a lot of sense.

We have an exciting experiment going on in North Dakota that I have been involved in: taking energy from the wind through a wind turbine, turning that energy through a turbine into electricity, using electricity through the process of electrolysis to separate hydrogen from water. You use an intermittent energy source to produce hydrogen and store the hydrogen. That is pretty unbelievable. Yet we can do that. We can do that, and it is going make us less dependent on foreign sources of energy.

Now one of the proposals that will be offered by my colleague, Senator BINGAMAN, which I intend to be here and support, and I believe several have spoken in opposition to it, is what is called a renewable portfolio standard. Not a very sexy name, in fact we should rename it, renewable energy standard of some type.

But it is simply this: With respect to electricity that we are creating in this country, 15 percent of that electricity should come from renewable sources. Establishing a national standard, a goal, what is it we want to meet? Where do we want to go? An old saying: If you don't care where you are, you will never be lost.

Well, I mean, if we do not care where we are, we will never have a standard that we will miss. But how about ascribing a standard for this country that forces us to reach a little bit and says that, for every kilowatt hour of electricity we are going to use, 15 percent of what we produce is going to come from renewable sources of energy.

Once again, it relieves and begins to withdraw our heavy dependence on foreign sources of oil because a substantial amount of our electricity now comes from fossil fuels, from natural gas and coal and so on.

Now, the issue of the renewable portfolio standard, I understand, is going to be controversial because some do not want the Federal Government to be involved in requiring something such as this. But, frankly, I don't think we have much choice. The other issue that will be involved in with this bill, which I support, is a renewable fuels standard. That renewable fuels standard is

one that calls for 36 billion gallons of renewable fuels by 2022. Now, I helped write the last renewable fuel standard. It was the first one we ever established. It was 7½ billion gallons by 2012.

We are going to be at 10 billion gallons, exceeding that standard in a year or two. We believe we should aspire to achieve much more; a renewable fuels standard, using the biofuels; yes, the production of ethanol; growing energy in our farm fields on a renewable basis, you can do that year after year; the ethanol that can come from cellulose that I believe has great capability in our future. All of that is good for this country.

It is good for our farmers, good for our consumers, it is good for beginning to reduce our dependence on foreign sources of oil. Now, we have a lot of issues we are going to be discussing, some controversial, some perhaps not, but my hope is that in the coming week and a half or so we can finish this Energy bill.

I wish to show a couple of charts again. First of all, the amount of oil we use in this country. Those are million barrels per day. I mentioned we suck 84 million barrels of oil out of this little planet of ours. Look at what we use in the United States. Our population uses one-fourth of all the oil that is taken out of this planet every single day.

I mean, that is an oil intensity for our economy that, in my judgment, needs to be changed. Then, finally, let me say again, if 70 percent of that oil, nearly 70 percent is used in that vehicle fleet. If in that vehicle fleet we have seen all those improvements in acceleration, for example, and no improvement with respect to miles per gallon, then we better figure out how we address this in a different way.

One other item I am going to talk about for a moment is something called SPR. One of the problems with this life is there are so many acronyms and so many shorthand names for things, the Strategic Petroleum Reserve. We are doing something that makes a lot of sense to me. We are taking oil and sticking it underground and saving it for a time when we might need it, a security reserve of oil. The Strategic Petroleum Reserves makes sense to me. In fact, we increased the amount of that SPR authorization in the 2005 Energy Policy Act. But with respect to our original goal, we are 97 percent there—97 percent. I do not think it makes any sense at this point to increase it, despite the authorization, I do not think it makes any sense, when the price of oil is where it is, very high—the price of gasoline is extraordinary—I do not think it makes sense to be taking any oil out of the supply chain and sticking it underground.

Yet our Government continues to do that. I know we have not been purchasing oil at this point. They suspended that through the summer driving season. But we are still taking about 8 or 9 million barrels of oil and putting it in SPR as part of the payment for royalties in kind. I do not support that either.

The President is asking for a near doubling of SPR in the next appropriations cycle. I am not going to support that. I am going to write the bill. I will be writing the bill as chairman of the appropriations subcommittee that funds that. I am not going to increase that because I think at a time when gas prices are going through the roof, the last thing we ought to do is take oil out of the supply, because all that does is put upward pressure on gas prices. So I believe that is another thing we might wish to consider in this discussion.

Finally, the issue of energy is one that I know consumes perhaps less attention from time to time than others, because we take it for granted. We turn the light switch on, we get in our car, we do all these things, all of it powered as a part of our energy need, and we do not think much about it. But if, God forbid, somehow all of it were turned off, and we had an example a few years ago, I think we were out of energy in the capital region for 5 or 6 days, then all of a sudden we understood what energy means to our daily lives.

If ever we would see gas lines around the block again, we would understand what this addiction to oil means for our daily lives. Now, I said earlier that if our entire approach with respect to energy is digging and drilling, that is yesterday forever. I do not mean we will not continue to use fossil fuels, I believe we will. Fossil fuels will be a significant part of our future.

That means oil, coal, and natural gas. I am going to spend a lot of time and money as chairman of the appropriations subcommittee dealing with this issue of clean power and clean coal technology because we have to be able to continue to use that resource. But it is also the case that we have so much more to do. Because for decades we have been told that you cannot do renewables, renewables are a pat-on-the-head sort of thing. If you are talking about renewables, good for you, God bless you, but you ought to go to a library someplace and visit with your two or three friends about these things; it does not matter to America's future. That is total nonsense.

Renewable energy is very important for this country. It is long past the time that we get about the business of dealing with it. Yes, it is hydrogen and fuel cells, which I feel very strongly about. It is wind and solar. It is geothermal. It is a wide range of issues dealing with renewable energy that I believe will contribute to this country's energy security. I believe it will give us a much better and a much stronger energy policy.

I see my colleague from Idaho is here. As I indicated earlier, he and I have introduced a piece of legislation that a fair part is included in the bill that was reported out of the Energy Committee. I am also on the Commerce Committee, which has reported a portion of this bill as well.

I believe we need do a lot of things well in order to make this country less dangerously dependent, as we now are, on foreign sources of energy. That is our goal.

I believe our plan does that. I believe the bill that is brought to us from the Energy, Commerce, EPW, and Foreign Relations Committees advances this country's interest.

My hope is, in the coming week or two, perhaps a week and a half, as this is being considered, we can improve the bill even more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from North Dakota and I over the years have coalesced around a variety of issues we have been successful on on some occasions in causing to become public policy. Earlier this year—and Senator DORGAN has already mentioned it—we coalesced around three concepts we thought were critically necessary in a current and future energy portfolio and, therefore, the public policy that drives it. We recognized that efficiency would be and must be a part of the equation, that clean energy, the biofuels, must be a part of the equation for the future to make us less dependent. But also something that must be a part of the equation is production of current known and future sources of hydrocarbons. In other words—I will quote the Senator from North Dakota—you can't conserve or drill your way out of the current $3-plus gas we have and the greater dependency we have on foreign nations to supply us, but a combination of both into the future brings us to where this great country ought to be from the standpoint of a national energy policy.

The Reid bill, the Bingaman bill that has been introduced on the floor, S. 1419, is about the future. You can stand on a hilltop and see it out there 25 or 30 years into the future. But the man or woman of the American economy today who is at the gas pump and filling his or her car or truck wants to know about tomorrow and next week and next year. Are gas prices going to continue to go up? What is the problem here? Why isn't this great Nation more self-sufficient? And for those who study energy a good deal and see a 60-percent reliance on foreign production, shouldn't we be worried about national security? Shouldn't we be worried about the emergence of petronationalism, about a little dictator down in Venezuela jerking the tail of a great country because he supplies 17 percent of our total foreign imports? Yes, we ought to be concerned about that. We ought to be angry about it.

The reason we grew complacent, the light switch would always produce a light or the gas pump would always produce inexpensive fuel, is because it has always been there. What a large part of Americans didn't know is that politically and in a public policy way we began to set in place a series of things over the last 20 years that flattened production, made it less profitable, created self-reliance, and didn't compete and keep up with the amount of consumed energy we were requiring of a growth economy. As a result, we hit the wall. The wall is $3-plus gas. All power bills are going up. Energy is a part of America's disposable income and is becoming an increasingly bigger part. Americans are sitting now scratching their heads and saying: Are we going to have to change our lifestyles because energy is going to cost a lot more?

My wife and I and a group of Senators, the week before last, traveled in Europe. As we landed at Andrews Air Force Base, got in our cars and headed home, I turned to my wife and said: I see we are back in the land of the big cars.

That is part of our addiction. We love our big cars. We had been traveling in Luxembourg, France, and Italy, and by definition, it is the land of the little car. Why? Because gas over there from a gallonage point of view is about $7.50 a gallon. It is at least double plus a little more of what we are currently paying today. As a result, Europeans significantly over the last 20 years have changed their lifestyles because they couldn't afford the energy. I am not going to apologize because America consumes a lot of energy. We are nearly 26 percent of the world economy. We consume 26 percent of the energy base. Why? Because we are 26 percent of the world economy. It takes energy to produce jobs, to produce products, to create an economy. We are driven by energy. It is going to cost more to stay at 26 percent if we don't develop good public policy that gets us through tomorrow and takes us into the future in a way that the consumer can understand and appreciate.

Consumers are angry today, and they have a right to be. They look at very large profits on the part of the oil companies and say: Look, it is their fault. Those profits are driven by demand and the ability to supply. There are no gas lines today because there is energy at the pump, but we are paying more for it. The Senator from North Dakota is right, the politics of this issue would change again if there were long gas lines at the pump and they were paying $3-plus a gallon. So the supply is there in the current form, but 60 percent of it comes from a foreign nation somewhere in the world. Most of those supplies and those foreign nations are in very precarious political situations. It is a very unstable world out there from whence these supplies come. As a result, the futures market anticipates that and builds a margin in to offset the risk to deal with the demand.

What am I saying here? I am saying to the Senate today that S. 1419 is a piece of the total, but it isn't where we ought to be tomorrow. Tomorrow ought to be about energy security and energy production. You don't talk green, although you have to talk green and should talk green. You don't talk cellulosic ethanol being in production in 10 years at a rate of 15 billion gallons a year because it won't be, because the technology isn't there, although we are driving there. Energy efficiency, a CAFE standard, is a place we ought to go. I for the first time join with the Senator from North Dakota in a 4-percent mandatory efficiency. That takes us down the road. But that is out in the future. What about tomorrow? What about knowing where our current oil reserves are, the 15 or 20 billion barrels or more of oil that is in the Outer Continental Shelf that may be very accessible in a clean and environmentally sound way? What about expanding our refinery capacity? Because in this transitional period of the next two-and-a-half to three decades, where more cars will be electric, more cars will be hybrid, we will be producing 20 percent of our liquid transportation fuels from corn-based ethanol, cellulosic-based ethanol, to get to the 30 to 32 billion gallons a year. What about all of that? That is our future.

My consumers in Idaho want to know about tomorrow. The Reid-Bingaman bill has nothing to do with tomorrow. We simply cannot ignore the next 10 or 15 years and jump into the future. We have to continue to produce and we need to produce. We have to continue to refine the hydrocarbons to supply the gas, and we need to expand that capability. It better be on shore. It better not be in Venezuela or in Kuwait or Saudi Arabia or someplace else that is at this moment, at best, politically unstable, let alone Iran and Iraq. That is where our dependence lies today. To fail to address that in the Senate is to fail to address the No. 1 question of a great nation: How do we stay great? How do we stay at 26 percent of the world GDP? How do we stay generous to the rest of the world? We produce and push a lot of new technology, and that is in part what the Reid bill is about. That is all going to be transparent and giveable to the rest of the world. When we lead on energy in all aspects, the rest of the world benefits because we share it.

Therefore, as this bill comes to the floor, there is a great deal that has to be done. We need a new RPS, renewable portfolio standard, wind, solar—a great idea, an old concept. Today's energy world is about cleanliness. Why not a new standard? Why not a clean portfolio standard instead of a renewable portfolio standard? Include wind, include solar, include sequestration of carbon, include efficiencies, include nuclear, include hydro. Let's get on with the business of being clean. If Senator REID wants to come to the floor and talk about climate change, then he ought to be talking about all of those other things that drive the economy toward a cleaner energy future, not command and control but incentives, creativity, bringing off the laboratory shelf and into production the kind of things we know are already out there.

Coal to liquids, what is wrong with that? Some environmental groups are wringing their hands and saying: There might be a problem there. We know it will burn 90 percent cleaner. That is not a problem. It is only in the mind of some idealist that it isn't perfect. How do you get to perfection? You start by adjusting and changing and improving. Today we are tremendously proud of our ethanol production in corn. But it has been 20 years in refinement and development to the distillery that is set up tomorrow somewhere in the Midwest. It is going to be so much better than the distillery that went into production a decade and a half ago. That is what this bill ought to be about, and it isn't there today.

What about the tax incentives, and what is the Finance Committee going to do? None of that is there.

This chart illustrates the problem. Here is the line for demand; here is supply. This is the hydrocarbons. That is pretty simple. Where does this margin come from? Offshore, foreign countries. High risk, less national security. Why do a lot of military leaders and those who look in broader terms support what BYRON DORGAN and LARRY CRAIG did today in the SAFE bill and those three factors about production, efficiency, and biofuels? They support it because of national security, taking this out of the equation, getting us back into production.

You have heard me talk a lot over the past about the Outer Continental Shelf and the billions and billions of gallons of oil that is out there. We have allowed States to say no even though it is a national, Federal resource. Last year we picked up a little bit right here in lease sale 181, but here in the eastern gulf are phenomenal resources, billions and billions of barrels of oil that are very accessible, achievable in a sound environmental way, and we are still saying no. We are still saying, let a tinhorn dictator in Venezuela jerk us around.

Here is another problem. The Cubans have said: Come drill us. The world is coming. The world is drilling in Cuba today. Vietnam came in last week. Spain, Norway, Malaysia, and Canada are 45 miles off our shore drilling for oil, but we can't drill. It is the ultimate ''no'' zone of politics. The ''no'' zone went up decades ago when the

technology wasn't there to achieve the environmental standards upon which we demand and insist. The technology is here today. But the politics of Florida won't allow us to touch this. So the American consumer simply says: OK. I am going to pay more. I am going to pay another 50 cents a gallon so Florida can have its political way or anywhere else, for that matter, along the eastern seaboard or as it relates to this equation over here, the western coast, Alaska. Or have we come to a turn in the road where technology allows us to go there in a clean way and bring down that dependency, allows us to thumb our nose, if you will, at the foreign sources?

Here is the other side of the equation. Nearly $300 billion a year leaves our shore to go to another country to buy their oil, and some of those countries are buying guns and shooting at us. How smart we aren't to allow that policy to continue to prevail.

That is part of the debate in the coming weeks as it relates to 1419. It is not a complete package. It is way out into the future. It is not about tomorrow. It is not about national security. It is not about production. If we don't have those factors in a bill, this Senate will not serve its public and the American consumer in a responsible way in sustaining and building a great nation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The majority leader is recognized.

MOMENT OF SILENCE TO HONOR AIRMEN, SOLDIERS, SAILORS, AND MARINES LOST IN IRAQ AND AFGHANISTAN

Mr. REID. Mr. President, we have reached another tragic milestone in the Iraq war: 3,500 American troops have now been lost. Every one of those 3,500 is a hero. But every brave man and woman who continues to serve and protect us is a hero as well.

This is a somber time. At a somber time such as this, words betray our grief and our gratitude. So I ask my colleagues to join me in a moment of silence to honor the memory and sacrifice of every airman, soldier, sailor, and marine we have lost in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will observe a moment of silence.

(Moment of silence.)

Mr. REID. Thank you very much, Mr. President.

Mr. President, would the clerk report what is now before the Senate or what should be before the Senate.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the motion to proceed to the consideration of H.R. 6 is agreed to and the motion to reconsider is considered as having been made and laid on the table.

Under the previous order, the Senate will proceed to the consideration of H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1502

(Purpose: In the nature of a substitute.)

Mr. REID. Mr. President, I have amendment No. 1502 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1502.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Monday, June 11, 2007, under ''Text of Amendments.'')

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I have come to the floor to discuss one of the provisions of this Energy bill that is now before the Senate. This is the provision that would increase the fuel efficiency of our Nation's fleet of vehicles. These provisions were approved by the Commerce Committee with substantial bipartisan support. They are known as the Ten-in-Ten Fuel Economy Act.

I come to the floor in place of Chairman INOUYE, who is ill today and has asked me if I would mind describing the provisions of this legislation, and, of course, I am delighted to do that. The legislation is supported by a bipartisan group of Senators, including Senators STEVENS, SNOWE, DORGAN, COLLINS, DURBIN, BOXER, CANTWELL, CARPER, KLOBUCHAR, and KERRY.

The basic premise of the legislation is to increase the fuel economy of cars, SUVs, and light trucks by 10 miles per gallon over 10 years—that is the ''10 over 10''—and to do this by 2020. But the bill does do more than that. It continues beyond 2020 and increases fuel efficiency by 4 percent a year through 2030. This is with the addition of the Dorgan legislation which the Commerce Committee added to Senator SNOWE's, Senator INOUYE's and my 10-over-10 bill in the Commerce Committee.

Some would have liked this legislation to go further, perhaps to 40 miles per gallon or more. Others do not want any significant increases. But I think this legislation strikes the right balance, and it sets forward a significant, achievable standard for the future.

It would be the first major fuel efficiency increase in the past 25 years. Can you believe it? With all the talk and all the discussion in the past 25 years, nothing has been done to increase fuel efficiency. I have been working on this legislation in one form or another—first, it was with Senator SNOWE as an SUV loophole closer. We have been doing this for more than a decade now.

But the simple truth is that today the technology exists to accomplish the goals of this legislation. It can be done without reducing safety and with significant benefit to our economy and our environment. It does so in a way that gives auto manufacturers the flexibility and the time they need. I hope they listen to this because I think they have a misimpression of the bill. This is not according to just us, but it is according to the experts—the National Academy of Sciences, the International Council on Clean Transportation, and experts at Lawrence Berkeley National Laboratory. So it is time to break the logjam.

We all know our Nation faces stark energy challenges. Gas prices have risen to above $3 a gallon—more than doubling in the past 5 years. Global warming is real, it is happening, and it is having an impact on the world around us. The United States needs to address the transportation sector's emissions of carbon dioxide. Transportation, in 2004, accounted for 28 percent of U.S. greenhouse gas emissions. With a war in Iraq and tense relations with Iran, we need to move away from our dependence on foreign oil. Through this legislation, we believe we can have a significant impact in each of those areas.

By 2025, increases for cars and light-duty trucks would save 2.1 million barrels of oil per day. That is nearly the amount of oil imported daily from the

Persian Gulf, so it would be a savings, by 2025, of about what we import each day now. That is consequential. It would reduce carbon dioxide emissions—which is the primary global warming gas—18 percent from anticipated levels in 2025. That is the equivalent of taking 60 million cars off the road in a year. And—and this is a big ''and''—it would save the consumer, the driver, the family, a net $69 billion at the gas pump. That is based on a $3.08 a gallon gas price. That is the recent average price nationwide. So with gas costing $3.08 a gallon, the net consumer savings—if this bill were in place—would be $69 billion. This would mean, if you go to the individual or the individual family, it is a savings of $700 to $1,000 a year for families with children, depending on the price of gas. So the time has come to act.

Now, here is what the measure would do. I hope people will listen. It would set achievable fuel economy standards for all vehicles, increasing fleetwide average fuel economy for all cars, SUVs, and trucks by 10 miles per gallon over 10 years—or from 25 to 35 miles per gallon by model year 2020. So 25 to 35 miles per gallon by 2020, and it is 2007 today. It would provide for an additional 4-percent annual increase after that until 2030. It would require the Department of Transportation to improve the fuel economy of medium and heavy-duty trucks over a 20-year period—not tomorrow, not today but over a 20-year period—for the first time in history addressing this particular area of concern.

America, do something about your heavy trucks, and over the next 20 years try to see if you can't make them more fuel efficient.

The key to this bill is it changes the way automakers are allowed to meet these standards in fairly substantial ways. I wish to describe them.

The provision provides the time and the flexibility needed for automakers, we believe, to meet these standards. This is where Detroit does not listen. We believe—we sincerely believe—it creates a level playing field for all automakers. Let me describe how.

Under the existing CAFE system, each automaker must meet a 27.5 miles-per-gallon standard for their particular fleet of cars. This current system disadvantages American companies that build larger cars with lower gas mileage. So we admit the present system disadvantages American automobile makers.

But under the newly proposed system contained in this bill, the National Highway Transportation Safety Administration would have broad discretion to divide vehicles into classes based on their attributes, such as size. So a small car in a small-car class is evaluated against other small cars—not a small car evaluated against a Navigator or a Cadillac but class-by-class evaluations. This requirement would no longer apply to each automaker. This is additional flexibility. Different automakers will meet different standards, depending upon the mix of cars they choose to make.

From 2011 to 2019, the National Highway Transportation Safety Administration must set fuel economy standards that are the maximum feasible and ratchet these standards up at a reasonable rate.

By 2020, the total average must meet the 35 miles per gallon—the total average. Some cars will be below it, and some will be above it—as long as the total average meets the standard. This gives Detroit the flexibility they say they need. I do not know why they will not understand it.

This effectively gives the automakers 13 years to get the job done, and it means fuel economy will increase across all classes—from the smallest sedans to the largest SUVs. It may be different by the class, but, nonetheless, it would increase, so that the average fuel economy would be 35 miles per gallon. At the same time, the measure establishes a credit trading program under the direction of the National Highway Transportation Safety Administration, known as NHTSA. NHTSA would design, run, and operate this credit trading program.

The provision was strongly recommended by the National Academy of Sciences in 2002. It would give an automaker a financial incentive to exceed the standards. If it does, it could sell credits to another automaker and profit from having a more fuel-efficient fleet. So that an automaker that makes a car that attains 37 miles a gallon can sell that differential to someone who cannot quite make it.

It would also allow the banking of these credits for up to 5 years—insurance if a company falls below the standard in a later year. If an automaker cannot meet the standards in a given year, they can purchase these credits, use bank credits, or borrow from projected surpluses from future years. So the bottom line is this is a practical, workable system which ensures substantial increases in fuel efficiency. Quite frankly, it is a major improvement over the current system, which has a much more rigid approach.

I want to say something. In all the time I have been working on this legislation, nobody from the automaker community has ever come to me to say: Look, we like this, but we don't like this. If you just changed it this way, it would appeal to us.

We have bent over backward to try to accommodate a bill to meet what for the past years—every time this comes up on the floor, I hear them argue: You can't evaluate small cars against big cars. Well, we don't do that in this bill.

Another thing we have done—and this was pursuant to Senator STEVENS' request and interest in the committee—this measure provides an off-ramp in 2020 in the unlikely event that there are substantial unforeseen costs.

The measure would give NHTSA the authority to set a standard lower or higher than the 35 miles per gallon in 2020. The authority could be invoked only if a thorough review of the costs of putting new technologies in our automotive fleet exceeds the agency's best estimate of the value to the Nation of setting the standard at this level. So that is the off-ramp. There can be an evaluation, a kind of cost-benefit look at the situation, and there would have to be clear and convincing evidence that the costs exceed the benefits. Obviously, we wanted to make it somewhat difficult—not a rollover so everybody could get out of it—somewhat difficult.

NHTSA would have to take into consideration billions of dollars in fuel savings, national security implications of reducing our dependence on foreign oil, the effect of global warming and air pollution, and, on the other side of the scale, additional costs to manufacturers and consumers. Given all of the clear and meaningful benefits, we believe automakers can and will be able to meet these standards, actually with little difficulty, but the provisions give NHTSA discretion in the event it becomes clear automakers cannot meet the standards down the road.

So that is what the bill does. The fact is, this legislation is past due. Our Nation has seen gas prices skyrocket over the past 5 years. It now costs $50, $60, or $70 to fill up a tank with gas. In my State of California, this is a big deal. People often have to use at least 2 tankfuls of gasoline, so instead of a tank at $20, if it is a tank at $70, instead of 4 times 20, which is $80, it is 4 times $70, just to drive to work.

In the long term, a key to reducing gas prices is to reduce demand for gasoline. By increasing fuel efficiency, we can reduce consumption and thereby reduce demand. Americans understand this. That is why, in poll after poll, the American people overwhelmingly support increased fuel efficiency. A poll published in April of this year by the New York Times and CBS shows that more than 90 percent of Americans favor legislation for acquiring more fuel efficient vehicles. Ninety percent. That is amazing. People want more fuel-efficient vehicles. A poll commissioned by the National Environmental Trust shows that more than 80 percent of truck owners favor higher fuel economy standards. That was done between April 28 and May 1 of this year. These results are consistent all across ideologic and geographic divides. Simply put, Americans by large majorities want improved mileage on their automobiles.

Now, some question whether the standards in this legislation are

achievable. You have only to look at what other nations are doing to see that, in fact, they are. Canada has proposed raising its fuel economy standard to 32 miles per gallon by 2010—32 miles per gallon by 2010. Australia's fuel efficiency averages 29 miles per gallon and is expected to rise to 34 miles per gallon by 2010. Europe's fuel efficiency currently exceeds 40 miles per gallon, and that is expected to increase over the next few years. Japan's fuel efficiency averages 46.3 miles per gallon and is expected to rise to 48 miles per gallon by 2010. Even China will have a new vehicle fleet averaging 37 miles per gallon—not in 10 years, not in 5 years, but next year. So these standards have to be met by American automobile manufacturers manufacturing in China next year. They will have to meet 37 miles per gallon.

In the United States, it is 25 miles per gallon. This is really unacceptable. These higher standards are being met abroad by the same automakers who claim it is impossible to do it here in the United States. This includes BMW, DaimlerChrysler, Ford, General Motors, Porsche, Volkswagen, Honda, Mazda, Nissan, Subaru, and Toyota. All have agreed to push fuel economy well above 40 miles per gallon in Europe but say they cannot achieve these standards in the United States. Does that make sense to anybody in this body? I think not. Does it make sense to anyone in America? I think not.

Now, also, the simple truth is that the technology exists to achieve a 35-mile-per-gallon standard by 2020. Existing technology can do it. So as Detroit complains it can't do this or it can't do that, the National Academy of Sciences says it can.

This is what they tell us:

> We can increase the fuel economy—

This is what they say can be done, the National Academy of Sciences—

> of mid-sized SUVs to 34 miles per gallon with existing technology, large cars to 39 miles per gallon with existing technology, minivans to nearly 37 miles per gallon with existing technology, and large pickups to nearly 30 miles per gallon with existing technology. When you average all of this together, you will find that the fleet could achieve 37 miles per gallon, 2 miles more than this measure envisions.

This is a conservative estimate. The National Academy of Sciences study measured cost-effectiveness based on $1.50 per gallon as opposed to today's $3 per gallon. So now you can see how conservative it is. The academy didn't consider hybrids and other emerging technologies such as the popular Toyota Prius, just the standard American automobiles. So it is quite possible that even greater increases in fuel economy could be achieved.

Now, how can this all be done? By using existing technology and simple design improvements. Let me give my colleagues some of the things for which the technology already exists: better aerodynamics, alternater improvements, engine friction reduction, using more efficient transmissions, electric power steering, electric water pump, reduced engine friction, and using only engine cylinders that are necessary. These changes still could be made to great effect.

A 2006 study by the Canadian Government concluded that the cost-effective technologies identified by the 2002 National Academy of Sciences report remain available and more cost-effective than ever. Our current fleet is more powerful, accelerates more quickly, and brakes more effectively. But with all of these advances, there is one critical design feature we have not improved at all in 25 years: Today's cars get the lowest number of miles to the gallon since 1988. That is 20 years ago—the lowest number of miles to the gallon since 1988. This has to change.

I would say to all of those who want to fight this because they think it is too strong and because Detroit objects to it that the handwriting has been on the wall for a long time and Detroit has not come in and made a suggestion. All of this scientific evidence indicates that Detroit can meet these standards, that the technology exists to meet these standards, that they are doing it in other countries but for some reason they have buffaloed the Congress of the United States into believing you can do it in China, you can do it in Europe, but you can't do it in the greatest economic power on Earth—the United States of America.

Some also say we can't increase fuel economy without reducing safety, but this also is simply not true. A recent study by groups, including the International Council on Clean Transportation, has concluded that no tradeoff—no tradeoff—is required between fuel economy and vehicle safety. The conclusion of this report is consistent with the conclusion of numerous other studies. Let me quote directly from the report:

> Vehicle fuel economy can be increased without affecting safety, and vice versa.

That is on page 2 of their report.

> Advanced materials allow vehicles to be both bigger and lighter, providing multiple ways to improve safety and fuel economy without sacrificing functionality. Fuel economy can be dramatically improved without compromising safety. Safety can be bolstered without sacrificing fuel economy.

That is on page 17 of their study.

There is technology in place today to be used to increase safety without sacrificing fuel economy. Let me just give my colleagues a few examples: seatbelt reminders, window curtain airbags, lower bumpers, electronic stability control, improved body structure, seatbelts that tighten if a vehicle were to roll over. It seems to me that is such a simple thing, that if automobile manufacturers wanted to improve safety, they would do that.

We saw what happened to a former colleague of ours who was not wearing a seatbelt. Nobody can challenge that seatbelts don't make one of the biggest safety improvements in the history of the automobile. When the Governor's crash took place, everybody else essentially was OK in the car except for Governor Corzine, and he didn't have his seatbelt on. If anything is clear evidence of the safety of seatbelts, this is it. So safety can be improved without an effect on fuel economy.

This legislation includes a provision that will help improve safety. It directs the National Highway Transportation Safety Administration to issue a rule that seeks to reduce incompatibility between SUVs and passenger vehicles. This could be done through measures which ensure that bumpers hit bumpers in the event of an accident. I just saw this coming to work today, where a Sedan had rear-ended an SUV, and you saw the difference because of the inequality of the bumpers. This happened just a few blocks away.

In response to the bombing of Pearl Harbor, the Ford assembly plant in Richmond, CA, switched from making cars to assembling Jeeps, tanks, and armored cars. By July 1942, just 6 months after the bombing, the Richmond Tank Depot and the women who worked there were supplying our Armed Forces with the best military hardware in the world.

Technology, paired with American ingenuity and hard work, helped us prevail in that struggle and has been a key ingredient of America's unprecedented wealth and security.

Today, we face a much different threat. It is the threat of our Nation's addiction to fossil fuels—to oil—and what that will do to our economy, to our environment, and to our foreign policy if we don't change our ways.

These are serious questions and they deserve a serious response. Increasing fuel economy is not a silver bullet. I am the first one to say that. It won't solve problems by itself. However, it is a major piece of the puzzle. We have the best universities in the world, the strongest financial system, and the best workers. We can do this. We can make these improvements. We can lead the way. We have only to find the political will.

I am very proud the bill before us now contains this legislation. I believe, as I have tried to describe—and I apologize for the length of this statement—that it is compatible with the needs of Detroit; that the legislation is drafted to respond to those needs by the class-to-class comparison, to avoid what always has been in every discussion on this floor the greatest threat to Detroit, which is to compare a small car to a large car and, therefore, make it difficult for them to manufacture large cars. This will not do that. I hope it will be voted on.

I very much thank the Chair. I know Senator SNOWE was going to come to the floor and, hopefully, she will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1505 TO AMENDMENT NO. 1502

Mr. INHOFE. Mr. President, I call up amendment 1505 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1505.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. INHOFE. Madam President, I want to explain this amendment, but first I will yield to the distinguished ranking member of the committee, the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I thank Senator INHOFE for yielding to me. I am going to take a very few minutes. I have not had a second round on this. I assume both of us will. I have to leave the floor shortly for another meeting. I will stay here up to the last minute. I want to make a couple statements about the bill, as introduced, and what it does in terms of the transportation, gasoline, and diesel consumption in the country.

We have just had the Senator from California explain an amendment that is no longer an amendment; it is in this bill. The Senator expressed in a very profound way, in a very lengthy explanation, this provision which the Senator from California originated. But we must understand that, today, it comes to us from the Commerce Committee, wherein the Feinstein proposal is encapsulated in the bill that was managed in committee by Senator INOUYE and Senator STEVENS.

I believe Senator FEINSTEIN would join us in giving our appreciation and thanks to the Commerce Committee for the courage they showed. They met to try to help us put together a bill that would address the energy problems of our country and, obviously, immediately we ran into provisions of the law, or matters of law, that had to be changed, which were not part of the Energy and Natural Resources Committee.

The big one out there is what do we do about CAFE standards. What happened before is we had a big hoopla on that, and we will probably still have it, so the Senator from California ought to be ready. Obviously, even though she did not amend, it is in the bill. Those who don't like it will offer an amendment to the bill striking or modifying that provision of the CAFE standards of America that is in the bill.

Over all these years, we have been going back and forth, never getting anything done—until this year. Clearly, this bill before us, which took the CAFE standards and finally said we are going to adopt the changes recommended in the Feinstein bill, which have been bantered around—we are going to adopt it in the language of the Commerce Committee and send it over to the leader, and it will be incorporated in the bill. So when the bill comes over, it has whatever was done in the Energy and Natural Resources Committee, to save our consumption of gasoline and related products. It has the CAFE standards and a couple of other provisions. I want to say that I believe the bill before us includes the CAFE standards we have spoken of, which were put in the bill by the Commerce Committee, headed by Senators STEVENS and INOUYE.

In addition to that, which is by itself one of the biggest modifications of our gasoline usage in this country and, obviously, it has a ways to go because it might not clear the Senate later today, or tomorrow, or whenever we figure out that the Senators who want their amendments finally come up. But as before us, this is the largest transportation savings of fuel in history. CAFE standards all by themselves would have been a very big achievement. Everybody knows that. That is in the bill. So there is one.

Secondly, we adopted just about what the President spoke of in his State of the Union Address with reference to biofuels and a new standard for those set forth in the 2005 Energy bill; that is, the big bill. We started down the path of biofuels, but all we had in there was corn-produced biofuels. What we have done in this bill is mandated 21 billion gallons which has to come from cellulosic ethanol by 2022. So the total biofuel required in our bill is 36 billion gallons. Let's hope—I think it will—that we will produce the little, tiny, remaining technology breakthrough, which we are putting everything in, and if that works, we will be on our way to the breakthrough that will permit us to use the cellulosic ethanol I have been speaking of. That will permit us to reach this new high standard of 36 billion gallons.

Remember, we get the CAFE standards, which have been explained, which reduce the amount of gas and diesel used, and then we have this gigantic breakthrough that we expect, and this tremendous amount of fuel that will come from biomass, which I stated to you was 36 billion gallons. Then this bill has a giant set of mandated efficiencies, increases in efficiencies, the biggest we have ever had. In fact, $12 billion will be saved by our consumers from the efficiency provisions, the big items you buy at your hardware store or big chain store, the items you use in your kitchen and that you wash your clothes with—those big items have the new efficiency standards, and we have been toying with them for years. Senator BINGAMAN has been trying to get them done. They are in this bill.

People might still take them out in the next week, but I don't think so. I think this bill will stay as it is. It is bipartisan. The provisions I am talking about, so far, came out of the Committee bipartisan. CAFE did not come out of our committee, but it came out of Commerce bipartisan, with a very huge majority.

I am pleased that right away when we finish that, we get on with the next thing the bill ought to have in it, and that is some new production. That brings the Senator from Oklahoma in, who has been for a long time trying to get us to do something about the refining situation in our country. I am not even totally familiar with the Senator's amendment. He has given it to us and submitted it to the Senate. Senator BINGAMAN and his staff are looking at it. We will be looking at it. I don't know when we will vote on it. With his permission, I assumed he would not be upset if we set it aside and go on to some other work and then call it up in due course in the Senate. We will do that after the Senator is finished. We don't think we are going to vote on it right away because we have to study it, and the Senator would not have wanted it otherwise. Senator BINGAMAN wants to look at it.

There is another matter that was also in this Commerce bill. It has been packaged. We have Energy matters, Commerce matters, and I note that Senator CANTWELL is standing on the floor. She had something to do with an amendment in the Commerce Committee that has to do with trying to—if there is gouging taking place out there in the hinterland of America, this amendment she and I will talk about when we are finished with Senator INHOFE's amendment will tell everybody what is in the bill about antigouging that the distinguished Senator worked on. It is mostly hers. Others might have added something, but we will talk about it, so that we put together what will be the package we can all understand—that is, the Energy and Commerce package, plus whatever else came in through the Environment and Public Works Committee—a smaller portion. Put all that together and it is a pretty good bill.

With that, I yield the floor and thank the Senator from Oklahoma for having given me a chance to speak.

Mr. INHOFE. Madam President, reclaiming my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I appreciate having had the opportunity to yield to the Senator from New Mexico for his explanation. I think it is very important that we understand there are a lot of good things we are looking at in this bill. But he so accurately points out that the big problem we have today—not 10 years from now—is supply. We need to do something about the supply. The bill doesn't adequately address that.

The amendment I have called up, No. 1505, is essentially the same amendment we considered in my Environment and Public Works Committee during the years I served as chairman. It is one of these things where it is very difficult to figure out why anyone could vote against it, because it is permissive, it allows States to do things; it doesn't mandate.

I was pleased to hear the majority leader recognizing that the United States has become too reliant on foreign sources of energy. Unfortunately, the majority's bill presently doesn't improve the situation. Indeed, it could actually worsen it. The fact is that Americans are paying more at the pump because we don't have the domestic capacity to refine the fuels consumers demand. So we are talking about two ways to resolve the problem of supply. One is production, and the other is you can have all the production in the world, but if you don't have the refining capacity, you cannot get it refined and into use.

Some Members' answer is more hybrids than SUVs, but that ignores the profound impact high fuel prices have on our economy. According to the Department of Labor's recent numbers, about 3 percent of the Nation's inflation is directly attributed to high fuel prices. That means whether your constituent drives a gas guzzler, a hybrid, rides a bicycle, or walks, they are paying the same for high fuel prices.

In order to lower those prices, we have two options. We can increase the capacity at home or import more from abroad. The LA Times wrote in May 25, 2007, that ''gas supplies are tight because the United States lacks refining capacity, and every time a refinery shuts down for maintenance, or because of an accident, prices rise. Americans are starving for affordable energy, and the majority's bill tells them to go on a diet. That is good. We want to have these things to help with our consumption. But the Energy bill really does nothing today in terms of taking care of the supply problem we have.

The good news is it is not too late to do something to improve the situation. It is in that good faith to improve the energy security position of our country that we are offering the Gas Price Act. The lack of domestic refining capacity is not new to many Members, the public, or even to the Federal Reserve. In May of 2005, Chairman Alan Greenspan stated:

> The status of world refining capacity has become worrisome and the industry is straining to meet markets which are increasingly dominated by transportation fuels that must meet ever more stringent environmental requirements.

While chairman of the Committee on Environment and Public Works, I held a series of hearings to look into this issue. The very same month I held one of those hearings, the senior Senator from California, who was on the Senate floor speaking a moment ago, Mrs. FEINSTEIN, made this statement in a letter to the Governor of California. It says:

> I can see where the cumbersome permitting process, with uncertain outcomes, would make it difficult to plan and implement projects . . . I encourage you to improve the speed and predictability of the permitting process, and believe that this will allow business and government to focus on their limited resources on actions that most benefit the environment.

That is the statement Senator FEINSTEIN made in a letter to Governor Schwarzenegger. I wholeheartedly agree with that statement.

The amendment that Senator THUNE and I are offering today will improve the energy security of the United States, and it will do so in complete compliance with environmental laws and in concert with State interests.

In her letter to Governor Schwarzenegger, the senior Senator from California was correct in recognizing much of the permitting decisions are by States and not by the Federal Government. That is why we work very hard to recognize the importance of State and local groups in making those decisions.

The Environmental Council of States, which represents State departments of environmental quality, said as much. Keep in mind, this is the council that represents all the different State departments of environmental quality, as well as noting that the Gas Price Act does not weaken the environmental laws.

Similarly, the National Association of Counties stated:

> It goes a long way in addressing the concerns of local governments during a refinery siting, ranging from the importance of considering local needs, concerns, and honoring a county's land use authority.

It is important to point this out because it seems that time and time again, some of the Members of this body hide behind the vague concerns over the environment in defending their failure to improve U.S. energy security. After working with a variety of stakeholders, this bill achieves both goals. It increases energy while preserving local governments and environmental quality.

The fact is, like it or not, the United States needs to increase its domestic refining capacity if we are to solve the economic struggles facing every family.

The amendment we are offering today redefines and broadens our understanding of a refinery to be a domestic fuels facility. Oil has and will continue to have a role in the U.S. economy, but the future of our domestic transportation fuel system must also include new sources, such as the ultraclean synfuels derived from coal and cellulosic ethanol derived from homegrown grasses and biomass.

Expanding the existing domestic fuels facilities or constructing new ones is a maze of environmental permitting challenges. This is what the Senator from California was talking about a few minutes ago in trying to encourage Governor Schwarzenegger to streamline this permitting process.

This amendment provides a Governor with the option of requiring the Federal EPA to provide the State with financial and technical resources to accomplish the job and establishes a certain permitting process for all parties. The public demands increasing supplies for transportation fuel, but they also expect that fuel to be good for their health and for the environment.

To that end, the amendment requires the EPA to establish a demonstration to assess the use of Fischer-Tropsch diesel and jet fuel as an emission-control strategy. Initial tests found that Fischer-Tropsch diesel significantly reduces criterion pollutants over conventional fuels and could easily be transported with existing infrastructure.

It should be noted that the ongoing tests at Tinker Air Force Base in my home State of Oklahoma found that Fischer-Tropsch, or coal-to-liquid aircraft fuel, reduced particulates 47 to 90 percent and completely eliminated the SO_X emissions over fuels that are used today.

I might add, this is a technology that is here. It needs to be improved upon. We are currently flying a B–52 that has eight engines using this type of fuel.

Good concepts in Washington are bad ideas if no one wants them at home. As a former mayor of Tulsa, I am a strong believer in local and State control. This is something that is controversial in Washington. There are a lot of people in this body who don't think any decision is a good decision unless it is made in Washington. I am the opposite. I feel closer to the people. They should be more involved, and that is why we structured it the way we did.

The Federal Government should provide incentives rather than mandates on local communities. Increasing clean domestic fuel supplies is in the Nation's security interest, but those facilities can also provide high-paying jobs to people in towns in need.

Our amendment provides financial incentives to the two most economically distressed communities in the Nation, towns affected by BRAC and Indian tribes, to consider building both liquids and commercial scale cellulosic

ethanol facilities. Here we are talking about people who have gone through the BRAC process, people who have in their States facilities that were military facilities that were closed during the base realignment and closure process.

I am very proud my State of Oklahoma is the leader in the development of the energy crops for cellulosic biofuel. The key now is to promote investment, and nothing would speed the rapid expansion of the cellulosic biofuels industry more than investments by the Nation's traditional providers of liquid transportation fuels.

We have in the State of Oklahoma the Noble Foundation, Oklahoma State University, and Oklahoma University—all very much involved in the development of cellulosic biofuels. It is a technology that is coming. We know it is. I guess what we need to do is understand, while it is coming, we still need to run this great machine called America.

Many integrated oil companies have formed and substantially expanded their biofuels divisions within the past year to prepare for the eventuality of cross-competitive cellulosity biofuels. Oil companies invest in exploration because their stock prices are affected by their declared proven reserves. Creating a definition of renewable reserves would create a similar incentive for them to invest in cellulosic biofuels.

The Energy Policy Act of 2005 directed the Department of Energy to accelerate the commercial development of oil shale and tar sands. Given the country's interest in developing renewable alternatives to fossil fuel, it is logical that the SEC would develop criteria in cooperation with biomass feedstock sources in its hierarchy at the same time.

This is Congress's least expensive way to jump-start the cellulosic biofuels industry. Increasing capacity to produce clean fuels at home is critical in making America more secure. Passing the Gas Price Act would be a material and substantive action toward this majority's stated goal of energy independence. To vote against it underscores something altogether. They like higher gas prices at the pump.

What we are talking about is something that is permissive. It allows States to opt out, if they want, and it streamlines the permitting process. It requires EPA to establish a demonstration to assess the use of Fischer-Tropsch diesel and jet fuels. It will help in our refining capacity, if we are talking about refineries for petroleum or refineries for biofuels or any other kinds of refineries.

To have a comprehensive Energy bill, we need to do what we have done, what we have already done in this bill, but the problem is here today, as was pointed out by the Senator from New Mexico. We have a supply problem, and that supply problem is here and now. The gas price amendment to expand our refining capacity would dramatically and immediately relieve that problem.

Mr. DOMENICI. Will the Senator yield?

Mr. INHOFE. Again, there are two supply problems—one in production and one in refining capacity.

I will be glad to yield.

Mr. DOMENICI. Madam President, I told Senator BINGAMAN that I have to leave the floor for about 20 to 25 minutes, and I need somebody here.

Mr. INHOFE. I will be happy to do it. Let me repeat what I told Senator BINGAMAN privately. I have no intention of bringing up this amendment for a vote now. We will set this amendment aside for other amendments and then hopefully we will have several lined up tomorrow. I think tomorrow we will start these votes.

Mr. DOMENICI. That is what I wanted to tell the Senator. Madam President, can the Senator from Oklahoma stay in my stead?

Mr. INHOFE. Madam President, I will stay in his stead.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I know there are others waiting to speak. I don't want to delay the proceedings greatly, but I do have some concerns. I would like to ask a couple of questions of the amendment sponsor, if I can.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. BINGAMAN. Yes, I am glad to yield.

Mrs. BOXER. Because there is so much concern about this amendment from within this committee and others, I would like to have a vote on this amendment. I don't want to take a lot of time. But I am wondering if my friend will propound some type of unanimous consent request so that the Senators on the floor can respond to the presentation by Senator INHOFE, but then give him time. I just think it might make for a more even flow.

Mr. BINGAMAN. Madam President, let me respond. I think the simpler thing would be to have the Senator from California, who is the chair of the committee of jurisdiction, go ahead with any statement she wants, and I will withhold my questions at this point. I know there are others wishing to talk about CAFE standards.

The Senator from Oklahoma has indicated a willingness to set his amendment aside. He is not pushing for a vote at this time. Why doesn't the Senator from California go ahead and speak in response to the amendment at this point, and then perhaps we can have the other Senators who want to talk about CAFE standards talk about that issue, and we will see what other amendments we can also line up.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, of course, I support Senator INHOFE's right to offer this amendment, but, to me, it is a disastrous amendment because it is a taxpayer giveaway to the oil companies. And I will explain why it is a total taxpayer giveaway to the oil companies that are making more money now than ever in history.

It doesn't do one thing to expand energy supply—not one thing. It shortcuts many environmental laws, which I will not go into at this time, but if we get further time, I will do that. It shortcuts many environmental laws that protect the air quality which is so important to our families. In California, 9,900 people every year die of particulate matter in their lungs. We cannot afford to say we are going to forget about air quality. That is a disaster. We don't want to become a China where they don't care about their people and their people suffer. We don't want to go there.

In the Energy bill in 2005, oil companies got a huge break, and it was made very attractive for them to open new refineries. My staff informs me that not one company has taken advantage of this break. So there is nothing that I think suggests that even going as far as Senator INHOFE goes, which is a total giveaway, will result in increased energy supply.

This bill never made it out of our committee when the Senator was chairman. It was never offered in the committee since I have been chairman. And if it were to be offered, it would go down.

Let me tell a story about Bakersfield, CA, where Shell Oil owned a refinery. We were all saying how important it was to continue the production of gasoline. In California, 2 percent of our gasoline supply came from this particular refinery.

Guess what. Shell Oil announces they are shutting down the refinery.

We were stunned, and we said: Why?

They said: We are not making a profit.

Guess what we found out. They were making a huge profit.

Then they said: We can't find a buyer.

We said: Really?

We went to the attorney general. We said: Can you help us?

He got involved. At that time, it was Bill Lockyer. Guess what. Somebody stepped forward to purchase the refinery.

Shell Oil wanted to shut down the refinery because they wanted to manipulate the supply. It is as simple as that—more money in their pocket, vertical integration. These are the people we want to reward with the Inhofe amendment? I think not. I think quite the opposite. I think we ought to agree

to Senator CANTWELL's antigouging amendment. I think we would want automatic investigations by the FTC. That is what I think we would need.

I wish to address some other aspects of this bill. As I understand it, there is an aspect of this bill which I want to make sure my colleagues understand before they come to vote on it, if, in fact, we have a vote. When I say this is a taxpayer giveaway, I mean what I say. There are expedited permits, waiver of all kinds of environmental laws, there is access to Federal lands, free. I say to my friend from New Mexico, can you imagine any other industry that gets free access to Federal lands? Not only do they not have to pay for the land, but they get 88 percent of the costs of the refinery if they are on Federal land and 100 percent reimbursement if they are on Indian land. What a situation—at a time when oil company profits are going through the roof and CEOs are coming before us and putting their heads down as we look at the amount of bonuses they are getting—into the tens of millions of dollars. This is the time to give them Federal land for refineries, which they have shown they are not interested in building? Waive all environmental laws to the detriment of the health and safety of America's families? Reimburse them for 88 to 100 percent of the cost of building their plant? What a deal. If people vote for this, I have a little piece of land in a very rocky part of California I could sell you. This makes no sense at this time.

I say to my colleagues, it is very important that we have supply. I am supporting this new fuels mandate. I see wonderful opportunities in the area of cellulosics that I think are fantastic, very exciting. I am willing to invest in research so we can use coal in a clean way. These things are all exciting. This is an opportunity for business. We don't have to give away the store to the oil companies to build these refineries when, again, I have experience that tells me they are actually shutting down refineries.

In California, the case in point is the Shell oil refinery in Bakersfield, one of the biggest scandals we had there, with nontruths coming after nontruths.

''We don't really want to close it down, but we have to because it is not profitable.'' Oh, yes, it turned out it was profitable. They just want to manipulate the supply.

''We can't find a buyer, we are looking high and low and can't find a buyer.'' In 3 weeks, the attorney general found them a buyer.

Here is the point about this Energy bill which Senator BINGAMAN is managing. It is the product of three or four different committees, and the bills that are included in the majority leader's package are bills that came out of committee. They have gone through the committee. They have been debated, they have been discussed, and they have been voted out. This particular plan of my friend's—he has every right to offer his amendment. I defend his right to offer it. But it never passed our committee even when the Republicans were in control. It certainly would not pass out of committee today. It is a taxpayer giveaway with absolutely no proof that refineries would be built.

I stand so strongly against this bill, on behalf of the American taxpayer as well as in behalf of the American families who want their health protected and do not want us to waive every single environmental law that protects the quality of the air they breathe inside their bodies.

I yield the floor. I will be back to respond to the comments of my good friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me respond.

I am not sure what bill the Senator from California is talking about. She didn't really describe this bill at all. Let's go through very quickly her four points, if the Senator from California would like to listen.

First of all, the EDA portion provides grants to local communities, not oil companies. This is not grants going to oil companies. Maybe the Senator from California has not gotten emotional in experiencing what has happened when there are BRAC closings and some of the bases have had to close. But when that happens, the EDA does have the function, and the EDA in this case can provide grants if local communities apply for these grants. If they do not want to apply for them, they do not have to do it. The fund seeks to promote development of future fuels, coal to liquids, cellulosic biomass, not just oil.

This is not the same amendment, I might add, as we tried to pass unsuccessfully by a one-vote margin in the Environment and Public Works Committee.

Second, this idea that there is a rollback in environmental laws—the association representing the environmental concerns of every State, the Environmental Council of States, clearly states this will not do any such thing. Here is the Environmental Council of the States. Every State belongs to this, including California. It says in here:

> This bill does not weaken the standards and allows each State to choose its best course on most of the matters detailed in the bill.

So there you have it. On this matter, the organization that represents all the environmental groups is strongly supporting this.

Will do nothing to increase energy independence? The reason the United States is vulnerable, in a vulnerable position, is because we don't have an adequate supply to meet the demand. Supply—that is what I have been talking about since we started talking here. Reducing demand is only one part of the equation. We want to reduce demand. We also want to increase supply.

I would say probably the most damaging thing that has been stated by the junior Senator—here is a quote by the senior Senator from California. When she talks about streamlining permitting, yes, that is one of the big problems. So I used a quote by Senator FEINSTEIN in a letter to Governor Schwarzenegger. I will read it again because I think maybe the junior Senator wasn't in the Chamber when I talked about this. This is a quote out of the letter:

> I can see where a cumbersome permitting process, with uncertain outcomes, would make it difficult to plan and implement projects . . . I encourage you to improve the speed and predictability of the permitting process, and believe that this will allow business and government to focus their limited resources on actions that most benefit the environment.

That is exactly what we want to do. That is a very acute observation by the senior Senator from California.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I was not aware that Senator FEINSTEIN was supporting your amendment. Is that what you are suggesting?

Mr. INHOFE. This is a quote. Would you like me to read it again?

Mrs. BOXER. I would like you to read it again.

Mr. INHOFE. I will read it again.

Mrs. BOXER. I would really like that because you are implying that she supports your amendment.

Mr. INHOFE. No, no; I am saying she is concerned about the permitting process.

Mrs. BOXER. We all are. That doesn't mean we support your amendment. Go ahead, read it again.

Mr. INHOFE. ''I can see where a cumbersome permitting process, with uncertain outcomes, would make it difficult to plan and implement projects . . . I encourage you to improve the speed and predictability of the permitting process, and believe that this will allow business and government to focus their limited resources on actions that most benefit the environment.''

This is exactly what this bill does. We have a section in here that allows States, if they want to do it—and there is nothing wrong with allowing States to do what they see is in their best interests. I agree with Senator FEINSTEIN that this would allow States to overcome this cumbersome permitting process, as she states in her statement.

Mrs. BOXER. Madam President, if I might say, I appreciate hearing that. It has nothing to do with this particular amendment, which, basically, is a giveaway to the energy companies at a time when they are making a fortune.

We have a Federal Clean Air Act. We have it for a reason: Air goes from one State to another, one region to another. That is what we have. It is a Federal Clean Air Act. This was passed under Republican and Democratic administrations, over and over again. This is what the people want.

Do they want streamlining of permits? Yes. We all do. I was a county supervisor. I did a lot of my work streamlining permits. That doesn't mean backing off on protecting the people you represent and making sure you have an adequate timeframe to ascertain what are the pollutants that are going to come out of the smokestacks here. What are the diseases that could follow if these pollutants get into the lungs of the people?

This is an amendment which hides behind the word ''streamlining.'' But what it really does, it waives environmental laws.

Yes, I know a lot about this particular amendment. I have to say, the Senator from Oklahoma talks about these local redevelopment authorities—you could have 10 people from oil companies on those redevelopment authorities. You could. So you cannot stand here and tell me this is protective of the public interest.

We have an amendment which has been offered as some kind of a fix to the lack of refineries. You take a look at our refineries. I think the Senator from Washington is aware of this. They remind us a lot of the problems we had with Enron. They keep taking power offline, shutting down the refineries for so-called maintenance, at higher and higher levels. And when Shell Oil had a chance to expand a refinery or keep it going, they chose to shut it down.

My friend doesn't think the refinery companies, I guess, are making enough money. They are making record profits. He wants to give them land for nothing. He says it goes to a redevelopment agency. Yet there is no protection for the public there. At the end of the day, these companies are getting it for free, whether they are getting it from the Federal Government directly to them or the Federal Government through a redevelopment agency. Environmental laws are waived. People in this country will not be protected. It is a backdoor way to repeal part of the Clean Air Act at a time when people are dying of particulate matter.

Now, if you are on Indian land, you get that land, and you get reimbursed 100 percent for the plant. So my friend can get up and say: I didn't read it. And he could read me a quote from my friend, Senator FEINSTEIN, who, as far as I know, is not supporting his amendment. I mean, it is a very tricky thing. I can hold up a statement from Senator DOMENICI and say: Look at this statement.

I can hold up a statement from every Republican from a speech they made saying how important it is that the people be protected from lung cancer. That has nothing to do with this amendment. It is a good debating tactic, but at the end of the day this amendment failed in the Environment Committee when the Senator from Oklahoma had the gavel, and this amendment would clearly have failed in the committee when I was holding the gavel.

So the fact is, what we are trying to do in this particular legislation is gather around amendments that have been voted out of committee in a bipartisan fashion, that were not contentious, like this one; that are not argumentative, like this one; and that are very unclear and are going in uncharted waters, like this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me respond again. The distinguished junior Senator from California can say over and over and over again as many times as she wants that it is giving money to oil companies. It is not.

Specifically, the EDA portion provides grants to local communities if they want them. If the local community doesn't want them, they don't have to have them.

At this point in the RECORD I want to have printed a letter from the EDA that says:

No for-profit entity is eligible to receive EDA assistance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION,
Washington. DC, October 21, 2005.

Hon. JAMES M. INHOFE,
Chair, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INHOFE: This letter responds to the Committee on Environment and Public Works' request on October 19, 2005 for clarification on the Economic Development Administration's (''EDA'') mission and entities that are eligible to receive EDA assistance, as well as additional information on EDA's past involvement in base realignment and closure (''BRAC'') rounds.

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. To implement this mission, EDA is directed by its authorizing statute, the Public Works and Economic Development Act of 1965, as amended (''PWEDA''), to foster economic growth by ''empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private capital investment'' (Section 2(a)(3)(C) of PWEDA).

EDA is authorized to provide assistance only to an ''eligible recipient,'' as that term is defined in PWEDA. An ''eligible recipient'' means a(n) (1) economic development district; (2) Indian tribe; (3) State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities; (4) city or other political subdivision of a State; (5) institution of higher education; or (6) public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State (Section 3(4)(A) of PWEDA). No for-profit entity is eligible to receive EDA assistance with one exception: EDA may provide a grant to a for-profit entity under its Training, Research and Technical Assistance program (Section 3(4)(B) of PWEDA). However, this relatively small program is not applicable to the provision of EDA assistance for the reuse of former military installations.

For the most recent BRAC round, beginning in FY 1994, Congress (Commerce-Justice-State appropriators) began adding a Defense Economic Adjustment line item to EDA's annual appropriations. In FY 1994, EDA received $80 million in defense economic adjustment funding. The high-water mark of this round came in FY 1995, with BRAC '95 underway, in which EDA received an appropriation of $125 million in defense economic adjustment funding that was subsequently slightly reduced due to an across-the-board rescission that year. Defense economic adjustment appropriations then slowly declined through FY 2001. The table below depicts actual EDA Defense Economic Adjustment appropriations (after any rescissions or adjustments) for the most recent BRAC round.

[Dollars in millions, after rescissions, if any]

Fiscal year	Defense Economic Adjustment appropriation
1994	$80
1995	120
1996	90
1997	90
1998	89
1999	84.8
2000	77.3
2001	31.4

Defense Economic Adjustment appropriations have been allocated among EDA's six (6) regional offices based on a variety of factors, including the number of major installation closures located within the regional office's designated region, the number of military and civilian personnel dislocations resulting from base realignments, the number of affected defense installation contractors (not relevant to the current round), and the relative economic distress level of the affected area.

Each fiscal year, EDA's regional offices have awarded assistance to BRAC-affected communities based on the policies and procedures in place at the time of each award. These policies and procedures are published in the Federal Register each year in EDA's Federal Funding Opportunity (''FFO'') notice. The FFO also specifies EDA's Funding Priorities for the funding available during that fiscal year. Funding Priorities include such items as investing in transportation, communications, or other sector-specific infrastructure enhancements. In no instance has any one funding priority utilized all of a regional office's defense economic adjustment allocation. Rather, investments are made across different priority areas based on the needs of the local and regional economy.

EDA Defense Economic Adjustment investments made during the most recent BRAC round, covering the period from FY 1994 through FY 2001, are depicted in the enclosed tables. As requested, the tables include the

investment recipient, location, EDA grant dollars, and jobs and private investment realized when available.

Thank you for this opportunity to explain EDA's mission and its policies and procedures related to BRAC, and to provide additional information on EDA's past BRAC-related investments.

If you have any additional questions, please do not hesitate to contact David T. Murray, EDA's Director of Intergovernmental Affairs, at (202) 482–2900.

Sincerely,

BENJAMIN ERULKAR,
Chief Counsel.

Mr. INHOFE. Then, also, the permitting process is a small part of this amendment, but it is a very important part. It is a part that we have, subtitle A, about 4 pages, talking about trying to make the permitting process more streamlined. And that is where I used the statement from Senator FEINSTEIN, who certainly agrees when she says: I can see where a cumbersome permitting process with uncertain outcomes would make it difficult to plan and implement projects.

Well, that is just one of the many things that we are trying to correct with this bill. Again, I have responded to all of the other statements that were made. I would repeat in terms of the environment, I am going to go ahead and submit for the RECORD at this point, along with the letter on the EDAs, a letter from the Environmental Council of the States, when they state very specifically: The bill does not weaken the standards and allows each State to choose its best course for most matters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL COUNCIL OF THE STATES,
Washington, DC, October 25, 2005.

Re S. 1772 Gas PRICE Act.

Hon. JAMES M. INHOFE,
Chairman, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. JAMES M. JEFFORDS,
Ranking Member, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN INHOFE AND SENATOR JEFFORDS: I am writing to provide comments on behalf of the Environmental Council of the States (ECOS) on the above bill. ECOS is the national, non-partisan association of the States' environmental agency leadership.

We appreciate the Senate's desire to address the shortcomings of the nation's refinery processes exposed by the recent hurricanes and hope our comments assist you.

States implement most of the federal environmental statutes on behalf of the federal government, including most programs that regulate the nation's refmeries. These include the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act. States issue most of the environmental permits pursuant to these Acts, as well as conducting the inspections, monitoring and enforcement.

While each State's opinions may vary over the details of the bill, we can agree that the bill takes an approach that we would like to see in more legislation. I speak here of the ''opt-in'' feature.

In this approach, the Governor of each State decides whether the benefits the bill provides are appropriate for the State. This includes the streamlined permits approach, the judicial review of such arrangements (Title II), and the fuels waiver (Title IV). Some concern remains about the special fuels provisions. We appreciate that within Title IV a state would be held harmless under section 110 to account for the emissions from a waiver granted by the Administrator at the request of that State. We would not expect such emissions to significantly contribute to another state's air quality issues, but would note that the protection afforded should be limited to that extent.

ECOS has long emphasized the need for the flexibility that allows each State to tailor its environmental programs according to its needs. This bill does not weaken the standards and allows each State to choose its best course on most of the matters detailed in the bill.

Our primary reservation is that the bill, if passed, not be conferenced with the recent Gasoline Security Act of 2005, passed by the House.

Sincerely,

STEPHANIE HALLOCK,
President.

Mr. INHOFE. I think there is a basic, as I said before, problem in disagreement on the floor of this body when there are a lot of people who do not think that decisions, good decisions, are made unless they are made in Washington, DC.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I just have one last response. I don't know how many of my colleagues ever sat on a redevelopment agency. I happen to have done so when I was on county board of supervisors. And it is disingenuous to say it is the redevelopment agency that gets the benefit. The redevelopment agency is the conduit to the private sector, and that is where the benefit goes.

Now, in many cases it is totally fine. When I sat on the redevelopment entity, it was because we had a very rundown part of our county that needed support. And so whatever it was we could give to them, any benefit in the Tax Code, et cetera, that is what we did.

But how about this? The benefit goes to the particular businesses now that are making record profits. I would tell you, the American people looking at this debate are going to say: Why aren't you protecting us from price gouging like Senator CANTWELL suggests? That is the bill that is in the package, not this bill which essentially says we are taking away clean air protection, we are going to have 50 different standards here, 50 different permit processes. What a nightmare. We are giving away the money of the taxpayers to the biggest corporations in America that are making the most money ever—not only giving them the land but paying them back for all of their costs.

To me, to put this in this package will doom this package. I just hope if and when this does come up for a vote, there will be a resounding no. It was voted down in the committee, and it ought to be voted down on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I would observe that the junior Senator from California is not going to support my amendment. However, I would also observe that you can't keep saying the same thing over and over and over again and make it true.

We have quoted the Environmental Council of the States. They all say there is nothing in here that is going to be damaging to the environment. Anyway, it is my understanding that I am going to be willing to set this aside for other amendments, so we can perhaps get in the queue and have several votes tomorrow, whenever the appropriate time is.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I wanted to follow my colleague, Senator BOXER, to talk just a bit about the automobile efficiency standards that are in this bill. I played a role in the Commerce Committee in helping to write a portion of that.

Before I do that, let me say it is often the case that a piece of legislation brought to the floor of the Senate dealing with an important issue is described as something that is very significant, earthshaking. And in most cases it does not turn out to be quite that significant.

My dad once told me: Never buy something from someone who is out of breath. There is always kind of a breathless quality to reform packages that are brought to the floor of the Senate. I must say, however, that I think what we have on the floor of the Senate, perhaps with some amendments, is a significant change with respect to an issue that we should address; that is, energy.

Let me talk about the automobile efficiency issues and the issues of renewable fuels and renewable energy. Now, I noted that the OPEC countries have weighed in the last few days. This is dated June 7. It says: OPEC—that is the cartel—those are the countries that have formed a cartel. They produce a substantial portion of our country's energy, the world's energy. About 40 percent of global oil production comes from the eight OPEC countries.

Here is what OPEC says. OPEC, on Tuesday, warned Western countries that their effort to develop biofuels as an alternative energy source to combat

climate change risks driving the price of oil, ''through the roof.''

The Secretary General of the Organization of Petroleum Exporting Countries said: The powerful cartel was considering cutting its investment in new oil production in response to moves by the developed world to use more biofuels.

So let me say again what this is. This is the OPEC cartel, which, of course, would be illegal in our country, getting together and saying to the United States: If you begin to produce more biofuels, ethanol and so on, we may well cut our production of oil, which would have the capability of then putting upward pressure on oil and gas prices; almost certainly it would do that. An interesting and I think also disturbing message from the OPEC countries.

But this underscores why we need an Energy bill. I mean we are held hostage by a group of people sitting in a room, called OPEC ministers, deciding how much they are going to produce, at what price they want to produce it. They close the door, make judgments in secret in a secret cartel that would be illegal in this country. They say to us: Oh, by the way, if you want to get out of this box that you are in, by producing more of the energy yourself in the form of renewable fuels, good luck. By the way, tough luck, because we may well decrease our own production.

Well, if I might just point out that this bill itself, it has some titles. Let me read the titles of the bill. I am sure my colleagues have done that: Title 1, Biofuels for Energy Security, it is a very important title; title 2, Energy Efficiency, there is substantial energy to be gained in the efficiency standards; title 3, Carbon Capture, Storage, Research and Development; title 4, Cost-Effective, Environmentally Sustainable Public Buildings. All of this is important.

With respect to the biofuels, I was thinking as I was sitting here, about a young guy who came up to me one night. He was about 21 years old. He came up to me at a community meeting in North Dakota and said: I just came in from the west coast. I drove a pickup truck from the west coast on vegetable oil. He was fueling his pickup truck using vegetable oil.

Here is a kid that is working for alternative fuels groups out on the west coast someplace with stars in their eyes and dreams about finding alternative fuels that work.

I said: Well, how does it work when you use vegetable oil?

He had modified his engine in his pickup truck and drove across the Northern Tier using vegetable oil. He said: It worked great until they got to Montana, by the way, no offense to the Montanans here. He said it worked great until we got to Montana when it got kind of cold. Then the viscosity of that vegetable oil thickened up and they could not quite use it for a while.

But the point is, there are a lot of people doing inventive, interesting, fascinating things fueling their vehicles, creating modifications to vehicles. We are talking about creating a very substantial and aggressive standard for what are called biofuels, particularly ethanol and cellulosic ethanol, and so on.

Now, my colleague from California talked about automobile efficiency, and the automobile efficiency standards that we have created. Let me make the point first that there has been no change in 25 years to these standards. None. I have actually been persuaded in years past by those who say: Well, let's have NHTSA, the National Highway Traffic and Safety Administration within the Department of Transportation, develop these new standards.

The fact is, that is an excuse for doing nothing. It is pretty evident to me now that nothing will happen if that is what we continue to do. So we, as a Congress, on a bipartisan basis, have said: We need more efficiency with respect to our vehicles.

We use about 145 billion gallons of fuel a year in this country, 145 billion gallons of fuel. If we blended every gallon with ethanol, that would be a market of 14½ billion gallons of ethanol. We have created a renewable fuel standard of 7½ billion gallons of ethanol by 2012. I was one of the authors of that just a couple of years ago. We are going to exceed that very quickly. We are probably at that level now, and going to be at 10 billion gallons in 2 or 3 years.

So now we are going to go to 36 billion gallons of renewable fuels. The OPEC countries say: Oh, this is awful. The roof is going to come in. We may decrease production of oil if you decide you are going to move in another direction.

Even as we do that, believing that with 70 percent of the oil that we import into this country being used in vehicles. And, understanding then we must make the vehicles more efficient if we are going to become less dependent on the OPEC countries and less dependent on foreign sources of oil from whom we now get over 60 percent of our oil, then we have a CAFE standard in this bill.

Now here is the result of the CAFE or the automobile efficiency standard in my State's newspapers, and I assume others by the auto industry. This is the Alliance of Automobile Manufacturers. They are putting full-page ads in the newspapers, and they are also doing direct mail to constituents: Say no to extreme fuel economy increases. Make sure you don't pass these increased automobile efficiency standards.

Well, that is what they have been saying for 25 years, and nothing has changed. I have told this story repeatedly, and I will again because I think it is important. The first car I purchased as a young boy in high school was a 1924 Model T Ford for $25. It had been sitting in a grainery for decades. A guy sold it to me for $25. I spent 2 years trying to get it to run.

I restored that old Model T Ford. What I discovered was you put gasoline in a 1924 Model T Ford exactly the same way you put gasoline in a 2007 Ford. Everything else about the vehicle has changed. Everything. There is more computing power in a 2007 brand new car than there was on the lunar lander that put the astronauts on the moon. Everything about these vehicles has changed except you still have to stick a gas hose in the tank and start pumping.

We did that in the 1924 model car, and you do it today in a 2007 model car. I would like to see us move and pole-vault to a new future. I happen to believe we ought to move to a hydrogen fuel cell future, where you have twice the efficiency of power to the wheel and put water out the tailpipe.

What a wonderful thing that would be. And hydrogen, of course, is ubiquitous. It is everywhere. You can take wind energy, produce electricity from the wind, use the electricity through the process of electrolysis, separate hydrogen from water, store hydrogen for vehicle transportation.

There are so many things we can do, but let's start, let's at least start, with the current vehicle fleet, saying to the automakers that we intend and expect you to produce more efficient automobiles.

The CAFE standards we have created that are in this legislation are called ten-in-ten. It is not unreasonable to believe that we should expect greater efficiency in these vehicles. Yes, we know the improvements that have been made in vehicles: better cupholders, more adept sound systems, all of the wonderful things that come with all of these new cars. But what about more efficiency? Nothing has changed.

A friend of mine looked at an identical vehicle they purchased 10 years prior. They loved the vehicle. So 10 years later they are ready for a new vehicle. They looked at the sticker on the window and discovered that in 10 years, the efficiency of that vehicle had not changed by 1 mile per gallon, not 1.

That describes the failure. We ought to certainly expect better than that.

Let me say also, in addition to supporting the automobile efficiency standards we will be voting on—standards that are bipartisan, standards that are reasonable, standards that have an off ramp so if they are not achievable, the industry will not have to meet them—they will have to demonstrate they are not capable scientifically of doing so.

In addition to that issue, which is so important, I wish to mention the issue of fossil fuels. We are, in fact, going to use fossil fuels in our future—coal, oil, and natural gas. I am a big supporter of renewable energy sources and renewable fuels. I believe that strongly. Whether it is wind, biomass, geothermal, renewable fuels, all of those are critically important. We will continue to use fossil fuels. It is important to me that we find ways to unlock opportunities to continue to use coal in a way that doesn't degrade the environment.

We have now finally come to an intersection. That intersection includes energy policy and climate change. We need to find a way, through clean coal technology and other issues—I will be working on that in the appropriations subcommittee which I chair—to continue to use those resources, particularly coal.

My colleagues have included, with my support, the efficiency titles of this legislation which are very important. Everything we do every day, from turning on a light switch to using appliances, everything we do every day and in every way uses energy. There are dramatic advances in lighting and dramatic savings to be had with respect to lighting standards in this bill. We fought for a long while about an obscure term called SEER 13 standards for air conditioners. We fought tooth and nail. The requirement for SEER 13 standards on air conditioners is very important and will require us to build fewer new energy plants because of the savings and the conservation that comes from that efficiency standard.

There is a lot to commend in this legislation. The next important step will be an amendment offered by Senator BINGAMAN that I will cosponsor with others called the renewable energy standard which will require 15 percent of our electric energy to come from renewable energy. That is an important standard and one I hope the Congress will embrace and support.

I am going to be speaking on other amendments as well. I again commend Senator BINGAMAN and Senator DOMENICI. We have a good start. I come from not only the Energy Committee but Senator STEVENS and Senator INOUYE on the Commerce Committee on which I serve, Senator BOXER and Senator INHOFE and others who have worked on this legislation. We are off to a start that can be a very important policy change and a new direction for the country in energy policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut

AMENDMENT NO. 1508 TO AMENDMENT NO. 1502

Mr. LIEBERMAN. Madam President, before the Senator from North Dakota leaves the floor, I would like to clarify something he said. He indicated his first car was a 1924 model car. I wanted to clarify that he did not purchase it in 1924.

Having done so, I now call up amendment No. 1508.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Mr. BAYH, for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mrs. LINCOLN, Ms. CANTWELL, Mr. KERRY, Mr. DODD, Mr. KOHL, Mr. REED, and Ms. COLLINS, proposes an amendment numbered 1508 to amendment No. 1502.

Mr. LIEBERMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the publication and implementation of an action plan to reduce the quantity of oil used annually in the United States)

Strike section 251 and insert the following:

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1)

shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be allowed to speak for not more than 7 minutes on this amendment and then Senator SALAZAR be allowed to speak for up to 7 minutes also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, this is the amendment I spoke about during morning business. I am proud to cosponsor it with Senator SALAZAR, as well as Senators BAYH, BROWNBACK, COLEMAN, FEINSTEIN, LINCOLN, CANTWELL, KERRY, DODD, COLLINS, KOHL, and REED of Rhode Island. It is a broadly bipartisan group.

This amendment would replace section 251 in the underlying bill which is the topic of our interest today. Section 251 in the bill sets forth gasoline savings targets as part of our move to help make America energy independent. We instead would put in title I of the DRIVE Act, which many of us introduced earlier this year, which sets oil savings plan requirements that are more ambitious and appropriately so.

We all know America is a nation addicted to oil and that addiction is hurting us and our people in many ways. It is saddling consumers with high gas and oil and other fuel prices. It is compromising our foreign policy. It is diminishing the quality of our environment. It is leaving our economy and our very national security subject to political instability in faraway places and to the malicious whims of foreign leaders of oil-producing nations, such as Ahmadinejad of Iran and Chavez of Venezuela. The only real and permanent solution to this problem is to substantially reduce the amount of oil consumed by our transportation sector, which consumes virtually all the oil, certainly the greater part of it, we consume as a nation.

The underlying bill before the Senate, managed by the chairman and ranking member of the Energy Committee but containing parts that came out of the Commerce Committee, the Environment and Public Works Committee I am honored to serve on, under the leadership of Senator BOXER, is a very admirable and responsive piece of legislation, a real act of leadership by this Congress, a bipartisan act of leadership. This is an institution, after the problems we had last week with the immigration bill, that desperately needs to show the American people and ourselves we can work across party lines to get things done, to solve problems that are real and present every day in the lives of our citizens. There are few one could say that would be more true of that than the energy crisis and challenge.

The savings targets in section 251 of the underlying bill are expressed in terms of American gasoline consumption and reduction of it, not oil consumption. The problem is gasoline usage can be reduced by increasing the use of diesel, but diesel is also made from oil, and oil is the substance to which we are addicted, with all the negative consequences I have described. So reducing oil consumption, in the opinion of those of us who are sponsoring this amendment, should be the express goal of the Senate bill's transportation provisions because oil dependence is what hurts us, is what drains the budgets of America's families and businesses. It hurts our national economy. It compromises our environment and undermines the independence of our foreign policy. This amendment would make that crucial correction from goals reducing gasoline consumption in the underlying bill to goals reducing oil consumption.

The gasoline savings goal in H.R. 6 amounts to a 20-percent reduction in projected oil consumption by 2030, if we try to transfer it to oil. The oil savings requirement in this amendment would amount to a 35-percent reduction in projected oil consumption by 2030. That is significant and would go a long way toward solving the problems we have talked about. I believe there is broad bipartisan support in the Senate for these stronger targets. Indeed, the fuel economy and renewable fuels provisions already found elsewhere in H.R. 6 will themselves go a long way toward achieving the stronger targets.

The DRIVE Act, which is the earlier legislation 26 of us introduced, its title I comprises our amendment to H.R. 6. It would direct the executive branch to identify, within 9 months and then within 18 months, and to publish Federal requirements that will achieve the following real and significant goals: A consistent reduction in U.S. oil consumption by 2016, a 7-million-barrel-per-day reduction by 2026, and a 10 million barrel per-day reduction by 2031. Today we consume somewhat over 20 million barrels of oil per day. That would be significant to cut 10 million barrels off our oil consumption by 2031. The measure would also direct the Office of Management and Budget to publish an analysis identifying the oil savings projected to be achieved by each requirement to be created and demonstrating that the listed measures will, in the aggregate, achieve the overall specified oil savings. So we are setting goals, and we are asking the executive branch to come up with programs to show how existing statutory authority and regulatory authority they have can be used to achieve these goals which will make America much more energy independent or, in fact, to come back and say to us: We need more authority, some new statute to achieve these goals we have set.

The cosponsors of this amendment believe we need targets that will keep the pressure on our Government and on all of us to use the authorities Congress has provided to achieve the robust oil savings America and its people need. The DRIVE Act, which is the act from which this title I amendment is taken, has 26 cosponsors in the Senate, a broadly bipartisan group reflective of every section of the country and every ideology represented in the Congress. It shows there is a consensus of demand for change in savings in oil consumption. That is exactly what this amendment would do.

I urge my colleagues to adopt it overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I first acknowledge my good friend from Connecticut for his good work on the DRIVE Act over the last several years. It is no coincidence that he and a number of bipartisan Senators have been leading the effort to make sure we set America free. In fact, the coalition that helped in writing the legislation Senator LIEBERMAN spoke about calls itself the Set America Free Coalition. It includes conservatives such as C. Boyden Gray and progressives such as former Senator Tim Wirth, who have come together and recognized that setting America free from our addiction to foreign oil is an imperative for the United States in the 21st century.

Similar to the good work that gets done in this Chamber, this is bipartisan legislation. This amendment also has the cosponsorship of Senators

BROWNBACK, COLEMAN, LINCOLN, CANTWELL, KERRY, DODD, COLLINS, KOHL, and REED of Rhode Island, and others. It is a good amendment that reflects the bipartisan composition of this body.

Let me say why I believe this ambitious set of goals for the United States is important. It is irrefutable that today about 66 percent of the oil being used in America comes from abroad. Of the oil we are importing from those foreign countries, 41 percent of it comes from underneath the sands or lands of hostile regimes. So that national security implication is we need to get off the pipeline to those hostile regimes that today essentially allows them to fund the war on terror against the United States and the free world.

The legislation we have before us with this amendment reflects the American dream of a more energy-secure future, with fewer oil imports and a strong renewable energy economy here at home.

We need to set high goals for oil savings because we know we can, in fact, meet them if we set them high—in the same way we set high standards in the 1960s, when President Kennedy said we would be launching an initiative that would get a man to the moon within 10 years, and we were able to do that; in the same way President Roosevelt said we would be able to move forward and develop the Manhattan Project, and we were able to do so within 4 years.

That is the same kind of vision and the same kind of boldness we need to have with respect to oil savings in America today. The amendment we have brought before this body today—which is the embodiment of the oil savings provision of the DRIVE Act—in fact, has that kind of boldness, that kind of courage within it. I, therefore, strongly encourage my colleagues in the Senate to support the amendment we have brought before you.

Let me, once again, say this amendment is broadly supported by both Republicans and Democrats in the Senate. I hope it is one of those amendments that can be adopted by our Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1515 TO AMENDMENT NO. 1502

(Purpose: To establish an energy efficiency and renewable energy worker training program)

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment which is at the desk and ask for its immediate consideration.

Mr. DOMENICI. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I would like to talk to the Senator. We are still on the amendment. What are you asking? That we set it aside for what purpose?

Mr. SANDERS. Madam President, I wish to offer an amendment to create a workforce for sustainable energy and energy efficiency. We are building on what was in the bill originally. We have boilerplate language.

Mr. DOMENICI. Madam President, parliamentary inquiry: We have set aside only one amendment to proceed with another thus far; that is, the amendment of the Senator from Oklahoma was set aside; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Madam President, now he is asking that be done again.

The PRESIDING OFFICER. That is also correct.

Mr. DOMENICI. Madam President, I ask the Senator, how long do you think you would be before we could return to the regular order?

Mr. SANDERS. Fifteen minutes or so.

Mr. DOMENICI. One-five?

Mr. SANDERS. Yes.

Mr. DOMENICI. I do not wish to restrict you. You talk long similar to myself. Would you rather have 20 or 25 minutes?

Mr. SANDERS. Madam President, 15 or 20. I think I can do it in 15.

Mr. DOMENICI. Twenty minutes is all right by me.

Mr. SANDERS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

There being no objection, the pending amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mrs. CLINTON, Mr. KERRY, and Mr. BIDEN, proposes an amendment numbered 1515 to amendment No. 1502.

Mr. SANDERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SANDERS. Let me thank my friend from New Mexico for the opportunity to go forward.

Madam President, I rise to offer an amendment on behalf of myself, Senator CLINTON, Senator KERRY, and Senator BIDEN.

Our amendment would strike section 277 of the Senate substitute, which is very broad language directing the Secretary of Labor to work with the Secretary of Energy to develop workforce training for the energy efficiency and renewable energy sectors, and replace it with a clearer directive regarding workforce development in those same areas.

Before I get too far along in the description of the amendment, I would like to thank Senators Bingaman and Domenici for including section 277 in the underlying bill. I think we all recognize the need to provide more workforce training in the areas of energy efficiency and renewable energy if we are to truly meet the challenge in front of us.

The amendment I offer today simply builds upon the language already included in the legislation we are considering, and so I hope it will receive the resounding support of this body. In other words, we had boilerplate language already in it, and we have built upon that. Up to this point, we have had strong bipartisan support.

This amendment would create a sustainable, comprehensive public program to provide quality training for jobs created through renewable energy and energy efficiency initiatives—an area of our economy that is in tremendous need of expansion to meet the demand for a skilled workforce in these sectors.

Fundamentally, the amendment would do two basic things: One, expand our Nation's capacity to identify and track the new jobs and skills associated with the growing clean energy technology sector; secondly, develop national and State training programs to address skill shortages that have already begun to impair the expansion of clean energy and efficiency technologies.

More specifically, the amendment would authorize funding for national and State research on labor market trends in the energy efficiency and renewable energy sectors. Additionally, the amendment would provide competitive grants for national and State training programs in the renewable energy and energy efficiency areas.

Entities eligible for grants are nonprofit partnerships that include equal participation of industry and labor groups, and there is explicit encouragement for the development of partnerships with other organizations such as community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations.

Some of the target populations for the training programs include those who are veterans of the Armed Forces, those affected by national energy or environmental policies, those displaced by economic globalization, and those seeking pathways out of poverty and into economic self-sufficiency. The eligible industries include the energy-efficient building, construction, and retrofits industry; the renewable electric power industry; the energy-efficient and advanced drive train vehicle industry; the biofuels industry; and the deconstruction and materials use industries.

Some may ask whether we even have reason to believe we need training to increase the number of workers skilled

in the areas targeted by this amendment. The answer is a resounding yes. We know the lack of trained workers is a significant barrier to the growth of the renewable and energy efficiency industries.

A 2006 study from the National Renewable Energy Lab identified the shortage of skills and training as a leading nontechnical barrier to renewable energy and energy efficiency growth. This same study identified a number of critical unmet training needs, including lack of reliable installation, maintenance, and inspection services, the shortage of key technical and manufacturing skills, and failure of the educational system to provide adequate training in new technologies.

All of those issues are addressed in this amendment. I can tell you from talking to the people on the ground, there is a real shortage of trained workers in these areas. In Vermont, if a family wants to retrofit and weatherize their home, it could take a very long time to make it happen because there are simply not enough workers out there trained to do the work. The same thing goes for installation of solar panels or wind turbines.

The widespread adoption of these technologies is being stopped in its tracks because we simply do not have enough people to do the jobs. But instead of talking about a study or listening to my experience from Vermont, let me actually offer testimonials from some of those who are most familiar with the need for the workforce development concepts I am proposing.

Let me quote Tim Michels, from Energy Solutions, Incorporated, from St. Louis, MO:

> We have been saving energy for institutions for over 30 years. We typically find that we can reduce energy use 25+ percent with less than a 4 year payback, so it is very economical and we have lots of case studies to prove it. The limiting factor to our growth as an industry is lack of qualified professionals to perform the analyses.

That is what we are trying to do: find the workers to do those types of efforts.

Lisa Mortensen, the CEO of Community Fuels, of Encinitas, CA, states:

> Currently, we are constructing a 7.5 million gallon per year biodiesel plant at Port of Stockton, California. As a renewable energy start-up we have an intimate understanding of the need for a high quality workforce. Skills in mechanical operations, industrial hygiene and safety, quality control and a wider understanding of energy production are essential to a quality workforce. These skills are not easily learned. With funding opportunities like the one proposed, our company could work with local training institutions to help develop a workforce prepared for the changing U.S. landscape.

Christopher O'Brien, vice president for strategy & government relations, Sharp Electronics Corporation, of Mayway, NJ, writes:

> Sharp Corporation is the world's leading producer of solar photovoltaic equipment and has been the No. 1 producer since 2000. Sharp's solar manufacturing plant in Memphis is the largest solar panel manufacturing facility in the U.S., with annual production capacity of 64 Megawatts, comprised of almost 400,000 solar panels. The 200 solar production workers in Memphis are represented by IBEW Local 474. Sharp supports the proposal for increased Federal funding for worker training in solar and other renewable energy and energy efficiency industries. . . . We have since 2003 trained and certified over 1,681 workers. Additional Federal funding support would help to accelerate the pace of this training and would assure Sharp and other solar manufacturers that there will be a reliable and professionally trained pool of workers to deliver and install solar energy systems on customers' homes and commercial buildings. . . .

Those are a few—just a few—of the testimonials that have come across my desk as I have worked on this amendment, but I do think they do a good job of making this issue real for those of us in the Senate.

Now, my colleagues may wonder why we need a specific program for training in energy efficiency and renewables. The answer is simple: While the renewable energy and energy efficiency industries use many skills that can be transferred from other industries, specific, additional skills are often needed to take maximum advantage of the newer energy technologies.

For instance, investments in training of building maintenance workers and building superintendents and engineers can improve the operation of today's heating and cooling systems by as much as 10 percent in large public and commercial buildings, according to the National Association of Energy Services Companies. Such training could save millions of dollars per year in energy costs in larger public or commercial buildings, not to mention reduce the emission of pollutants that add to global warming. Let me quote from two business leaders about the need for specific training in these areas.

Erik Larson, from Indie Energy, of Evanston, IL:

> We are the first company in the Chicago area to develop geothermal systems for commercial and residential developments using in-house vertical drilling. . . . We recognized right away that the skill sets required for a geothermal operation were not available in current labor markets.

Robert de Grasse, senior vice president of technical standards, AIMCO—America's largest owner of apartment complexes—of Denver, CO, writes:

> I personally support the Energy Efficiency and Renewable Energy Worker Training Program. AIMCO is expecting that properly trained maintenance technicians will have significant and measurable benefits; in particular with HVAC systems and electric motors. Energy User News described the energy and financial savings on HVAC for community colleges in California was estimated from 6 percent to 19 percent of a typical community college's energy bill; a direct result of technical training.

There is no doubt in my mind this amendment could make a tremendous difference in our ability to implement concrete, on-the-ground strategies that help to address our energy challenges. Ensuring we have a workforce trained in the skills needed to implement bold energy efficiency and renewable energy policies will go a long way.

Before I yield the floor, I would like to read the long list of some of the organizations that support the Sanders-Clinton-Kerry-Biden amendment, and I ask unanimous consent that letters from the following groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NAESCO,
Washington, DC, June 7, 2007.

Re business leaders urge vote for Sanders-Clinton amendment to promote workforce training for a new energy economy.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As a business association representing leading companies working to build a new clean energy economy, we strongly urge you to vote ''yes'' on an amendment to the Energy Savings Act of 2007 (SB 1321) that will be vital to our nation's energy security and to the fight against global warming. Offered by Senators Sanders and Clinton, the Amendment would establish an Energy Efficiency and Renewable Energy Workforce Training Program at the Department of Labor to ensure our country trains the workforce needed to ensure continued robust growth of a new, clean energy industry.

NAESCO's current membership of about 85 organizations includes firms involved in the design, manufacture, financing and installation of energy efficiency and renewable energy equipment and the provision of energy efficiency and renewable energy services in the private and public sectors. NAESCO members deliver about $4 billion of energy efficiency projects each year. NAESCO numbers among its members some of the most prominent companies in the world in the HVAC and energy control equipment business, including Honeywell, Johnson Controls, Siemens, Trane and TAC/Tour Andover. Our members also include many of the nation's largest utilities: Pacific Gas & Electric, Southern California Edison, New York Power Authority, and TU Electric & Gas. In addition, ESCO members include affiliates of ConEdison, Pepco Energy Services, Constellation, PP&L, DMJM Harris and Direct Energy. Prominent national and regional independent members include Custom Energy, NORESCO, Onsite Energy, EnergySolve, Ameresco, UCONS, Chevron Energy Solutions, Synergy Companies, Wendel Energy Services, WESCO and Energy Systems Group. NAESCO member companies have been delivering energy efficiency projects to residential, commercial, institutional and industrial customers across the country for the past twenty years.

The companies we represent are developing and deploying a wide range of innovative clean energy technologies, utilizing domestic biomass, wind, solar energy, geothermal power, fuel cells, energy efficient technologies and services, and much, much more. By 2025, these technologies could provide electric power equal to half of all the electricity that our country uses today. By 2030, our industries could replace 30% to 40% of the petroleum our country now imports. By

doing so, our industries could make a significant contribution to curbing global warming pollution, enhancing our nation's energy security, and creating up to 5 million new jobs by 2025.

However, to achieve these goals, we must find enough qualified, trained people to design, manufacture, install, operate, and maintain a host of innovative renewable energy and energy efficient technologies. Across the country, our companies experience workforce shortages as one of the key barriers to growth. Indeed, a recent literature review from the National Renewable Energy Lab (NREL) identified the shortage of skills and training as a leading non-technical barrier to renewable energy and energy efficiency growth.

We believe that the $100 million dollars authorized by the Sanders-Clinton Amendment is urgently needed to develop national and state skill training programs that will prepare workers technically for our emerging industries, as well as to analyze market trends and demonstrate best practices. While the renewable energy and energy efficiency industries use many skills that can be transferred from other sectors, in many other cases, our companies require specific, new skills to take maximum advantage of the newer energy technologies. By establishing a pilot program specifically geared toward the renewable energy and efficiency industries, the Sanders-Clinton Amendment would enable us to build the workforce our industries need to achieve their maximum potential.

Our companies stand ready to help our country with new energy technologies that will make us all more secure, curb the threat of global warming, and create economic opportunity for millions of working Americans. We urge you to vote ''yes'' on the Clinton-Sanders Amendment as a crucial step toward achieving these vital objectives.

Sincerely,

DONALD D. GILLIGAN,
President.

CENTER FOR AMERICAN PROGRESS ACTION FUND,
Washington, DC, June 9, 2007.

Senator BERNARD SANDERS,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.
Senator HILLARY CLINTON,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATORS SANDERS AND CLINTON: I write to express my strong support for the proposed Sanders-Clinton Energy Efficiency and Renewable Energy Worker Training Program that will be offered as an amendment to the upcoming energy bill, and to encourage other Senators to join in support of this provision as co-sponsors. This is a critically important energy and jobs measure that will help to ensure both America's future energy and economic security.

As our nation confronts the twin challenges of our escalating energy dependence and a mounting climate crisis, we are presented by a remarkable opportunity to meet these pressing demands with new more efficient and ever cleaner sources of energy. This ''energy opportunity'' represents a chance to rebuild our communities, to better train our workers, and to reinvest in the basic infrastructure of the nation. This amendment takes a significant step forward in meeting the practical need to ensure that American firms and workers have the cutting edge skills to participate in the growing market for clean and efficient energy, and to capture the jobs of the future.

Even as wind and solar energy experience explosive annual growth rates, the utility industry is facing retirement of half its workers within the decade, while the National Renewable Energy Lab has identified a shortage of skilled workers as a major barrier to deployment of renewable and efficient energy. This amendment strategically invests $100,000,000 dollars into a more robust labor market and skills training that will prepare up to 30,000 workers to jump start these booming industries that America invented. This is a smart investment in a safer, more prosperous, and more competitive U.S. economy.

By enhancing the workforce investment system, and working with state governments, non-profit community groups, and both labor and management, this amendment offers an efficient path forward for the American economy. Targeting workers displaced by shifting energy policies, enhanced skills for returning veterans, pathways out of poverty for those most in need of work, and a reliable labor market for both small business and heavy industry represents a sound investment in the future. This amendment will help build a state of the art economy and expand markets for renewable energy, good jobs in construction and building trades, and job security for the U.S. auto industry. Thank you for your leadership on this issue. The Center for American Progress Action Fund salutes your vision, and offers its full support for this important measure.

Sincerely,

JOHN D. PODESTA,
President and CEO.

JUNE 11, 2007.

Re support the Sanders-Clinton amendment on worker training for the clean energy economy.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As representatives of the environmental, energy efficiency, and clean energy advocacy communities, we urge you to vote for an amendment to the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 (S. 1419) that will train working Americans for high-skilled jobs in the emerging, clean energy economy. Sponsored by Senators Sanders and Clinton, the amendment would create an Energy Efficiency and Renewable Energy Workforce Training Program at the Department of Labor to train workers in the skills our country needs to make the most of new investments in clean, renewable energy and energy-saving technologies.

As Congress advances programs to enhance our energy security and address global warming, workforce shortages have emerged as one of the top barriers to the new energy economy. Indeed, a 2006 study from the National Renewable Energy Lab identified a shortage of skills and training as a leading barrier to renewable energy and energy efficiency growth.

The program established by the Sanders-Clinton Amendment would help ensure that our nation develops the best models for training workers in the new skills required to properly manufacture, install, maintain, and operate clean energy technologies. Grant funding under the program could, for instance, train wind-industry workers in such new skills as turbine siting, airfoil repair, and weather patterns that affect turbine performance. Investments in training of building maintenance workers, superintendents, and engineers could improve the operations of sophisticated heating and cooling systems by as much as 10 percent, saving millions in energy costs each year in large public, industrial, or commercial buildings.

Of crucial importance, the Sanders-Clinton amendment provides working Americans with a clear pathway to earn a family-supporting livelihood in the emerging, new energy economy. We enthusiastically embrace this amendment for signaling that America is, at last, ready to replace the old debate of ''jobs vs. the environment'' by investing in ''jobs for the environment.''

Thank you for considering our request to co-sponsor this vital amendment. If you have any questions about this legislation, please feel free to contact Jessica Maher in Sen. Sanders' office.

Sincerely,

KATERI CALLAHAN,
President, Alliance to Save Energy.
BILL PRINDLE,
Acting Executive Director, American Council for an Energy-Efficient Economy.
DAVID ZWICK,
President, Clean Water Action.
VAWTER PARKER,
Executive Director, Earthjustice.
FRANCES BEINECKE,
President, Natural Resources Defense Council.
JOAN CLAYBROOK,
President, Public Citizen.
CARL POPE,
Executive Director, Sierra Club
KEVIN KNOBLOCH,
President, Union of Concerned Scientists.

JUNE 11, 2007.

Re business leaders urge vote for Sanders-Clinton amendment to promote workforce training for a new energy economy.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As business associations representing hundreds of leading companies working to build a new clean energy economy, we strongly urge you to vote ''yes'' on an amendment to the Energy Savings Act of 2007 (SB 1321) that will be vital to our nation's energy security and to the fight against global warming. Offered by Senators Sanders and Clinton, the Amendment would establish an Energy Efficiency and Renewable Energy Workforce Training Program at the Department of Labor to ensure our country trains the workforce needed to ensure continued robust growth of a new, clean energy industry.

The companies we represent are developing and deploying a wide range of innovative clean energy technologies, utilizing domestic biomass, wind, solar energy, geothermal power, fuel cells, energy efficient technologies and services, and much, much more. By 2025, these technologies could provide electric power equal to half of all the electricity that our country uses today. By 2030, our industries could replace 30% to 40% of the petroleum our country now imports. By doing so, our industries could make a significant contribution to curbing global warming pollution, enhancing our nation's energy security, and creating up to 5 million new jobs by 2025.

However, to achieve these goals, we must find enough qualified, trained people to design, manufacture, install, operate, and maintain a host of innovative renewable energy and energy efficient technologies. Across the country, our companies experience workforce shortages as one of the key barriers to growth. Indeed, a recent literature review from the National Renewable Energy Lab (NREL) identified the shortage of skills and training as a leading non-technical barrier to renewable energy and energy efficiency growth.

We believe that the $100 million dollars authorized by the Sanders-Clinton Amendment is urgently needed to develop national and state skill training programs that will prepare workers for our emerging industries, analyze market trends, and demonstrate best practices. While the renewable energy and energy efficiency industries use many skills that can be transferred from other sectors, in many other cases, our companies require specific, new skills to take maximum advantage of the newer energy technologies. By establishing a pilot program specifically geared toward the renewable energy and efficiency industries, the Sanders-Clinton Amendment would enable us to build the workforce our industries need to achieve their maximum potential.

Our companies stand ready to help our country with new energy technologies that will make us all more secure, curb the threat of global warming, and create economic opportunity for millions of working Americans. We urge you to vote ''yes'' on the Clinton-Sanders Amendment as a crucial step toward achieving these vital objectives.

Sincerely,

BRADLEY D. COLLINS,
Executive Director, American Solar Energy Society.

RANDALL SWISHER,
President, American Wind Energy Association.

DONALD GILLIGAN,
President, National Association of Energy Service Companies.

ROBERT DINNEEN,
President Renewable Fuels Association.

RHONE RESCH,
President, Solar Energy Industries Association.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, June 5, 2007.

DEAR SENATOR: I am writing to request your support for an amendment to be offered by Sen. Sanders to S. 1419 the ''Energy Savings Act of 2007.''

The Sanders amendment would establish the Energy Efficiency and Renewable Energy Worker Training Program to train workers for good-paying jobs in clean energy design, manufacturing, installation, construction, operation, and maintenance. This program would help U.S. workers get good jobs in an industry expected to experience rapid growth as our nation refits and rebuilds its energy infrastructure, and would help the U.S. economy take advantage of emerging environmental technologies.

To ensure that the benefits from new investments in our national energy infrastructure are distributed equitably, the Sanders amendment would give priority to partnerships that train veterans, workers displaced by globalization or environmental policies, and disadvantaged workers and communities. In addition, to allow for the delivery of training unique to specialized geographic and industry needs, the Sanders amendment balances grants between national, regional, and state workforce development programs.

As Congress considers legislation designed to reduce our country's reliance on foreign sources of fossil fuels, we believe it should also invest in the domestic workforce. American workers should have every opportunity to acquire the skills necessary for job opportunities that will be created by new investments in energy efficiency and renewable energy industries.

The AFL–CIO strongly urges you to support and cosponsor the Sanders amendment. To become a cosponsor, please call Jessica Maher in Sen. Sanders' office. If you have any other questions or need any further information, please contact David Mallino in the AFL–CIO's Department of Legislation.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

JUNE 5, 2007.

Re co-sponsor the Sanders-Clinton amendment on workforce development for the new energy economy

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I write to urge you to cosponsor an amendment that Senators Sanders and Clinton will offer during the upcoming debate on S. 1419, the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, that would help America develop the specialized workforce skills needed to ensure robust growth of the renewable energy and energy efficiency industries. The Sanders-Clinton Amendment would establish an Energy Efficiency and Renewable Energy Workforce Training Program to be administered by the Department of Labor (DOL) in coordination with the Department of Energy.

The purpose of this initiative is twofold—to expand our nation's capacity to identify and track the new jobs and skills associated with the growing energy technology sector and to develop national and state skill training programs that will demonstrate best practices in addressing skill shortages that have already begun to impair the expansion of energy technologies that are crucial to national security, economic competitiveness, and curbing global warming.

Industries eligible for training services under the program would include: energy-efficient building, construction, and retrofits; renewable electric power; advanced automotive drive trains; advanced bio-fuels; and the deconstruction and materials use industries.

As Congress advances programs to enhance our energy security and address global warming, workforce shortages are emerging in the utilities sector that could stymie growth of the renewable energy and efficiency industries. According to the American Public Power Association, half of current utility workers will retire within the next decade. However, our nation is not training enough new workers to fill their places. For instance, the number of high school graduates with technical training has declined by 35 percent over the last decade.

Already, the renewable and energy efficiency industries are feeling the pinch. A 2006 study from the National Renewable Energy Lab (NREL) identified the shortage of skills and training as a leading non-technical barrier to renewable energy and energy efficiency growth. In particular, the NREL study identified a number of critical unmet training needs, including lack of reliable installation, maintenance, and inspection services, the shortage of key technical and manufacturing skills, and failure of the educational system to provide adequate training in new technologies.

Leading companies in the renewable energy and efficiency sector experience lack of skilled workers as a key business constraint. According to Steve Cowell, CEO and Chairman, of Conservation Services Group (CSG), a leading provider of building efficiency and renewable energy services, ''the growth of the industry is constrained by the challenges of finding experienced, trained people. . . . CSG has identified this issue as our . . . industry's most significant constraint on growth.''

The program established by the Sanders-Clinton Amendment would help ensure that our nation has the best models for training workers in the many new skills required to properly manufacture, install, maintain, and operate clean energy technologies. For instance, grant funding provided under the amendment could train workers in such substantial new skills as wind turbine siting, airfoils and composite repair, and weather patterns that affect turbine performance.

While the renewable energy and energy efficiency industries use many skills that can be transferred from other industries, specific, targeted skill enhancements are often needed to take maximum advantage of the newer energy technologies. For instance, investments in training of building maintenance workers and building superintendents and engineers can improve the operations of today's sophisticated heating and cooling systems by as much as 10 percent in large public and commercial buildings, according to the National Association of Energy Services Companies. Such training could save millions of dollars per year in energy costs in larger public or commercial buildings.

The Sanders-Clinton amendment is unique among many of the new energy polices that Congress will consider for providing a pathway for working Americans to earn a family-supporting livelihood in our new energy economy. This Amendment honors the sacrifice of our veterans by including them among groups targeted for training. In addition, the Amendment helps to tap the full range of our nation's human capital by offering training opportunities to those displaced by national energy and environmental policy, economic globalization, individuals seeking pathways out of poverty, formerly incarcerated, adjudicated and non-violent offenders who seek to play a constructive role in society, and incumbent workers in the energy field needing to update their skills.

The $100 million authorized by the Sanders-Clinton Amendment is needed to implement programs of sufficient size and scale to achieve the dual goals described previously—enhanced labor market information as well as national and state demonstration training programs. The Amendment would authorize up to $40 million in grants on a competitive basis under a National Training Partnerships program and up to $40 million in grants to states to implement labor exchange and training programs. Preference would be given to states that show leadership in promoting renewable energy, energy efficiency, and the reduction of greenhouse gas emissions. Eligible entities would include non-

profit organizations that are composed of partnerships between industry and labor, taking advantage of established programs in order to ensure the highest-quality training possible. The Sanders-Clinton amendment also provides funding for national and State industry-wide research, labor market information, and labor exchange programs.

Using the average costs of attending a community college, we estimate that funding would be sufficient to train between 20,000 and 30,000 workers per year. These numbers represent just a small fraction of the 3 million workers that would be needed, according to our own estimates, if the country launched an ambitious ten-year Apollo-like effort to build a new energy future. However, we believe it is prudent to begin with a pilot program on the scale proposed by Senator Sanders to ensure we fully understand the kinds of training needed and future workforce trends before investing in a larger effort.

Worker training, we believe, will be crucial to the wider market penetration of innovative renewable energy and energy efficient technologies. With passage of the Sanders-Clinton Amendment, businesses can, for instance, have greater confidence that an expensive solar array or geothermal heat pump will be properly installed, reducing the perceived risks of investing in relatively unfamiliar technologies. As skills improve, costs will come down. That will, in turn, pave the way toward making renewables and efficiency a core component of our country's energy mix.

Thank you for considering our request to co-sponsor this vital amendment. If you have any questions about this legislation, please feel free to contact Jessica Maher in Senator Sanders' office or Dan Seligman, Apollo's National Campaign Director.

Sincerely,

JEROME RINGO,
President, Apollo Alliance.

Mr. SANDERS. Some of those groups are the Apollo Alliance; the Renewable Fuels Association; Wider Opportunities for Women; the Union of Concerned Scientists; the AFL–CIO; the National Association of Energy Service Companies, which includes many businesses and utilities that we all have heard of—Honeywell, Johnson Controls, Trane, and Pacific Gas & Electric, to name a few—the Sierra Club; the Alliance to Save Energy; the Solar Energy Industries Association; Clean Water Action; the American Wind Energy Association; Earthjustice; the American Solar Energy Society; the American Council for an Energy-Efficient Economy; Public Citizen; the Center for American Progress Action Fund; and the Natural Resources Defense Council.

To conclude, this amendment has widespread support from the business community and from organized labor. It has support from the environmental community. What it says is if we are going to go forward in a bold way, breaking our dependence on fossil fuels, moving to energy efficiency, moving to sustainable energy, we are going to need a skilled workforce to help us move in that direction. I have always believed as we move to sustainable energy and energy efficiency, we have the capability of creating millions of new, good-paying jobs. This amendment is terribly important if, in fact, we are going to be able to do that.

I yield the floor and ask for support of this amendment.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I have conferred with my colleague and we are willing to accept the amendment offered by the Senator from Vermont, the one he presented to the Members, the one that is currently pending. Perhaps my colleague wants to speak to that.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, we have reviewed the amendment, and actually we have similar activity already prescribed for in the bill. This modifies some, changes some, adds in other places, but all of it is authorizing to the extent that it expands—it is pretty much the kind of thing the bill contemplated. So we have no objection on our side.

Mr. BINGAMAN. Madam President, I appreciate those comments, and the Senator from California who chairs the Environment and Public Works Committee indicates it is acceptable to her committee as well. So at this point, I think the Senate is ready to vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1515) was agreed to.

Mr. BINGAMAN. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President and fellow Senators, I need now to bother you with a few minutes of time, because some very good Senators have come to the floor to speak in favor of a proposal that was brought to the floor by the distinguished Senator from Connecticut, and he was joined by the Senator from Colorado, Mr. SALAZAR. Between the two, they mentioned and enumerated a number of Senators who favored this—good Senators here who favor this proposal that was brought to the Senate's attention, as it was a free-standing amendment that has been floating around the Senate for quite some time as something that maybe we should consider. Now, it sounds good. Senators who spoke about it spoke eloquently about it, but I would suggest that maybe, just maybe, these goals in this amendment were necessary yesterday—maybe yesterday, Senator BINGAMAN—I am not sure, but maybe.

But I encourage my colleagues to look to the underlying bill and compare it to the goals that are set forth in that amendment. We don't need the goals, because we have already—the amendment they offer sets goals and then directs the administration to figure out how to get where they are supposed to go. I think that is sort of like outsourcing. That is outsourcing of the legislature duties and responsibilities to the executive, and then praising the bill because it tells the executive they have to reach these goals and save all of this oil. Well, if it were that easy, ever since we found out we were greatly dependent upon foreign oil, it would have been a cinch. There would have been nothing to it. We could have come to the floor and said we have an answer.

We want a dream. We want a dream, and the dream is a two-sentence bill that says the executive branch of Government shall have OMB proceed to direct goals that will get us to the point where we are no longer dependent. What a dream they could say that is. I am kind of paraphrasing my wonderful friend from Colorado who talked about the dream, that this was a dream to achieve big things. But you see, this is merely saying to the executive branch: You do what we ought to do, and when you do it, or if you do it, we are going to take credit today, because we told you to get OMB, the Office of Management and Budget, or somebody in your branch of the Government, to set the goals and then tell us how to do it, and then do it.

Let me get back to why we don't need it, if we ever needed it. I would have made this same argument in any event, but I want to say yesterday it was a little more relevant. My colleagues understand we have a bill before us, and we the Congress set goals on gasoline savings and then we set the policies that will attain the goals. They are tough, hard goals. They are not saying to the President: You reach these goals. We reach the goals. In fact, we will vote on this bill and when we do, if we do, and if we have enough courage, we will be voting on changing the automobile standards in a big way. For the first time in decades, we will have changed the standards for automobiles, for new automobiles, and made the automobile manufacturers make cars every year less dependent, more efficient so they use less gasoline.

But we don't say: Executive branch, You do it. Set the goals. And aren't we happy we dreamed big and we said to you, you set the goals for CAFE standards. We didn't say that. We said: Here, we changed them. And if anybody

wants to vote to change the CAFE standards, they are already changed in this bill. If you want to change the CAFE standards and save a huge number of barrels, since they are talking about barrels, a huge number of barrels of crude oil, because all the gasoline for the most part comes from that, you will achieve those savings by voting for this bill. You don't have to vote for an amendment that says to the President: You set the goals, Mr. President, and then you achieve them. And, boy, when that gets done, we will have made a real dream come true.

Now, I figure we should stop dreaming. We dreamed so much on energy and we have been working so hard that today, for the first time in the transportation section, the section of our law that is transportation oriented, we took one big bite out of the use of transportation fuel, and we did not need the amendment I am opposing that was brought here today and that the distinguished Senators from Colorado and Connecticut and others spoke in favor of. We don't need it anymore, because we don't need anybody else setting the goals. We achieved the goals ourselves right in the bill.

In 1972, President Nixon set the goal of being energy independent by 1980. We were about 30 percent dependent on foreign oil at that time. Today, unfortunately, we are 60 percent reliant upon foreign oil. That tells me goals are not enough. We need action. Interestingly enough, this bill that they offer an amendment to is the action. It is the action per se. We have not had any action that makes us less reliant, substantially less reliant, as does this bill. By adoption of the changes in the laws that apply to new cars, we have dramatically reduced what Americans are going to spend on gasoline and diesel fuel in the forthcoming years because we have changed the law and have caused that to happen in a very good way. But we haven't asked anybody to do it for us. We haven't said: Mr. President, would you find in your administration somebody who could set these goals and achieve them? Boy, we have told you how to do it. We have set them very high so we can go home and tell the American people how high we have set the goals and how much we achieved. But we did nothing in the amendment. We did nothing; we just asked the White House to do it.

I know a lot of people have endorsed a bill that does this, that has these goals that asks the President to ask the OMB to achieve the goals, and we have everybody on it. We have people in ordinary life who are great citizens. We have former Senators, former members of White House staff. They all joined this bill. But the bill was nothing more than a set of goals, and it said the White House should go out and achieve them. It was sort of saying: We would like to be President, but we are not. Since we are not, we are going to adopt this amendment and it is going to tell the President that is what he ought to do. But I say that once again, the amendment, which I am going to call the Salazar amendment for a moment, would require the administration to develop a plan to reduce oil consumption by 2.5 million barrels of oil per day during the calendar year 2016, ramping up to 10 million barrels per day during calendar year 2031. But the bill we are considering already includes an ambitious gasoline savings goal. It goes on to achieve the goal. The bill itself achieves the goal by changing the law. Senators are going to be voting—not the President—to get it done. The bill we are considering already includes ambitious savings. The bill sets gasoline savings at 20 percent by calendar year 2017, 35 percent by calendar year 2025, and 45 percent by calendar year 2030.

Now, we did not ask the President to ask staff to come up with a goal and then today brag on the goal because the President is going to do it. What we did in this bill is we adopted these goals and then changed the law to achieve them.

As you know, we changed the law to achieve the savings, by changing the law on new automobiles and other things in this bill. These goals are consistent with what the President articulated in the State of the Union Address. But we didn't wait around to see how he was going to do it and let him call the shots and then brag that he set the goals. We did it ourselves. The President's Twenty in Ten Initiative calls for a reduction in gasoline usage by 20 percent in 10 years, or by 2017.

This bill not only includes these gasoline savings goals but establishes the programs that will put us on track to meet them. In particular, the bill includes an ambitious renewable fuel standard that will displace foreign oil with homegrown renewable fuel.

I urge my colleagues to oppose the amendment. Then we set the policies that attain the goals we are trying to achieve. Outsourcing our authority—we outsource it to the White House in the amendment that was put before us—Senator LIEBERMAN first brought it up. I don't know who takes credit as its author. Perhaps it is the distinguished Senator from Colorado, Mr. SALAZAR, but we all know which three or four Senators first came up with it.

I wish to talk for a moment about this. On the biofuels part of the bill, we save 2.5 million barrels per day by 2017—I have converted some of this to barrels so they won't wonder what we are doing—4.5 million barrels per day by 2025, and 6.5 million barrels per day by 2030. This is just the renewable fuels section. If we add the CAFE standards from the bill, we probably will exceed these goals in practice by passing this bill.

This amendment is unnecessary. The amendment offered by Senator SALAZAR and others here today is unnecessary because we, as a matter of fact, already adopted law changes. We will be the ones who were courageous and did the work. We are not going to just set goals and put numbers there and say, now we have done our job, and say to the President, you go do it, and then come to the Senate and say, won't it be great. We set these goals, and the President will do it.

I don't believe that is the way we are going to do that. If that was the way we were going to do it—I told you about Richard Nixon and how far we were already substantially indebted to the world, 20 percent dependent. We were all trying to get a balanced budget in terms of the energy consumption. He wanted to have a zero difference. He wanted to make everything work, where we didn't have any excess use of oil, and he announced that. But, you see, he was President. He could have done whatever he wanted that was legal. He must have found that the President cannot do it. He didn't achieve it. The Congress tried but could not achieve it with him, and nobody could do it very easily.

We have been doing very well when you consider what we did in the bill we passed 2 years ago, the Energy bill, plus the two things which are in this bill which are gigantic, the likes of which we have never done—the CAFE change, which is giant. You heard the effects from Senator FEINSTEIN. That is not set in stone. That is adopting the changes in CAFE standards, big changes. And then we did the dramatic thing the President recommended in terms of moving ahead with ethanol and beyond ethanol to the kind of cellulosic ethanol, which is going to be truly a magnificent substitute for the oil we are using. But we are not setting a goal; we are going to do it. The bill will do it. By the time we are finished, the bill will achieve almost as much as the Salazar amendment requested in goals.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I want to get it clear in the RECORD who this amendment belongs to. It was introduced by Senator BAYH some time ago. It had as sponsors Senators BROWNBACK, LIEBERMAN, COLEMAN, SALAZAR, CANTWELL, KERRY, DODD, and KOHL. The amendment was also proposed by Senator REID. I now have it straight that these were the Senators on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Madam President, I rise today to speak in favor of the Bayh amendment No. 1508 that is rooted in one of the most basic responsibilities we have as Members of this body, and that is to preserve the security of the American people. For over a year, I have been working with a bipartisan group of Senators, including Senator BAYH, Senator LIEBERMAN, Senator BROWNBACK, and Senator SALAZAR, on a plan that will create oil savings for this Nation.

By the way, the bill before us does that. Senator DOMENICI is right. Congress needs to do the hard work, there is no question about that. This bill has already been strengthened, and there have been provisions with CAFE that will add to the strength of this bill.

The approach we are offering is a more aggressive approach than the savings target in the bill. It is a more aggressive approach than CAFE or other oil savings that we see.

We offer this amendment today to replace the gasoline savings goal in H.R. 6, the underlying legislation we are now considering, with title I of what we call the DRIVE Act, which we have offered as an amendment. It would direct the executive branch of our Government to identify within 9 months and to publish within 18 months Federal requirements that will achieve a 2.5-million-barrel-per-day reduction of U.S. oil consumption by 2016, which is the amount of oil that we currently import from the Middle East. The amendment goes on to achieve a 7-million-barrel-per-day reduction by 2026, and a 10-million-barrel-per-day reduction by 2031. That is about 50 percent of the per-day oil consumption in the United States today.

The amendment would also direct the Office of Management and Budget to publish an analysis to ensure the Government's action plan will achieve the oil savings targets, and the amendment will hold the Government accountable by including specific requirements to the executive branch to evaluate, review, and update the plan.

The question that is probably on the minds of most Americans is, Can we do this? Is America up to the challenge? Can we summon the leadership and resources for a task of this magnitude? The simple answer for us as Americans is: We can because we must.

The handwriting is on the wall. Failure to address our energy dependence will mean a future for our kids which is less prosperous, less safe, and less free.

We should be motivated not by fear, however. We need to dream of the better America we can build.

This bill before us does that. It moves us in that direction. This amendment moves us more aggressively in that direction. It makes sure the Federal Government has all the tools at its disposal, the tools that the underlying text provides.

The American people will make it possible. For every voice of concern I hear about foreign oil dependence, I hear about another instance of Americans' innovative spirit. All I have to do is look at my home State of Minnesota where entrepreneurs are inventing new renewable fuel processes, hydraulic-powered vehicles, new revolutionary energy-saving technologies, the list goes on and on.

The DRIVE Act, upon which this amendment is based, includes a blueprint of a plan for oil independence that centers on three principles: energy conservation, vehicle technology, and renewable fuels. H.R. 6, the underlying text, has included many components of our plan, and, again, I give great credit to both the chairman of the committee, Senator BINGAMAN, and the ranking member, my friend, Senator DOMENICI, for the work they have done and all that they have pulled together to help America lessen its dependence on foreign oil. We need an oil savings target that is bold. We need one that will hold Government accountable to achieving cuts to our foreign oil dependence.

We have the tools, but now we need the leadership. We need to give the leadership direction, and that is what this amendment does. This amendment would express that leadership in terms of what we think is a more relevant standard, one that focuses on our problem—oil consumption. The underlying bill will reduce gasoline use, but it is possible it could result in an increase in diesel which is, of course, made from oil. So our amendment, which is based on oil reduction, is, in our opinion, the more appropriate goal for this law, and that is why we are offering this amendment to H.R. 6.

The gasoline savings goal currently in H.R. 6 amounts to about a 20-percent reduction projected oil consumption by 2030, 23 years from now. But the oil savings in our amendment amounts to a 35-percent reduction in projected oil consumption in 2030. That is a significantly greater reduction, and I believe it is one we can achieve if we set the goal as high as it should be—high enough to cut our dependence on foreign oil and free America from dependence on the oil of tyrants. We put petrodollars—oil is a malleable product. We may not buy directly from Iran, but the fact is, the addiction we have to foreign oil puts petrodollars in the pockets of thugs and tyrants such as Chavez in Venezuela and Ahmadinejad in Iran.

The reality is that 97 percent of transportation in the United States is fueled by oil we buy from a unified global oil market. Saudi Arabia holds 20 percent of the world's oil reserves, Iran 10 percent, and Venezuela holds 6 percent of the world's oil reserves. It is time to stop funding Hugo Chavez and start sending that money to America's entrepreneurs.

Madam President, I urge my colleagues to join me in supporting this bipartisan oil savings amendment. Again, I applaud the chair and the ranking member, the Senators from New Mexico. They have strengthened this bill. There will be a CAFE piece that we know will achieve greater savings. But, clearly, what we are doing is about oil consumption not just about gasoline. I think we should set the higher standards. If we tell Americans this is the goal we have to reach, they will get it done, and we will benefit from it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, we probably are going to enter into an agreement to have a vote this evening, but I didn't want the good Senator to leave the floor without me making three points.

I do not seek now to have an argument about his approach. I will do that before the vote when we set that up. But when the Senator from Minnesota talks about a goal of saving oil and the bill before us has savings of gasoline, I just wonder if he knows that most of the crude oil goes to gasoline in the United States. That is a fact, isn't it? Most of the crude oil we import, that we bring into our country to go to refineries, is turned into gasoline and used by automobiles.

Mr. COLEMAN. Madam President, most of the fuel we consume, I think over 60 percent, is gasoline. But the issue is dependence. Our concern is not just about gas. It is about oil, oil dependence. So we push a little further on the large issue.

I certainly agree with my distinguished colleague from Mexico that gasoline is a major part of what we are consuming.

Mr. DOMENICI. Madam President, I am going to yield the floor in a moment. I just want to say, if my colleague thinks carefully, the amendment that was offered that was spoken to by my good friend sets goals to be achieved by the White House, by the executive department. We have a bill before us that I am so proud of because for the first time, we did it right. We put in the bill the kinds of law changes that will save gasoline and oil because we change the law. We don't have to ask the President to find ways; we did it. When Senators vote for it, they will not be voting for a goal that asks the President to do something. They will

be voting for a change in the law that makes cars more efficient in the future if produced and used in the American market.

That same bill will save tremendous amounts of electricity and whatever is used with electricity because we are going to become so much more efficient on appliances and the like.

And, third, there will be some enormous savings because we are going to make gasoline from something other than crude oil and other than by making it out of corn. We are going to make it out of switchgrass and other products that are part of the biomass approach.

I am proud that just those three will do more than we have ever done, and we won't be asking a President to set goals to achieve, which a President has never been able to do. If they could, they would do it without us asking them. We are doing it in this bill.

I yield the floor and will return when we have a vote on this matter.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, I thank my friend from Minnesota, Senator COLEMAN, who has been very active in the construction of the so-called DRIVE Act. I thank him for his cosponsorship of this amendment. I appreciate very much this is a bipartisan measure.

I say to Senator DOMENICI, if I may, I wish to respond to his statement. The aim of this amendment is to build on—and I mentioned this earlier in my statement—all the extraordinary steps forward that are in the bill that has come out of the Energy Committee and the Commerce Committee.

In other words, we are trying to do basically a couple of things with this amendment. One, it is true we are moving from the goal in the bill that just says gasoline to oil so that it includes all oil usage in the country.

Second, basically, we are saying to the executive branch that over the time ahead, here are some national goals we are setting. You have authority in law, and if this bill passes—thanks to the work that Senator DOMENICI and Senator BINGAMAN have done, and our friends on the Commerce Committee—the Government will have more authority. Put all those authorities together in a package and tell us how you are going to use those authorities to achieve the real goals in this bill.

So this is not in any way intended to undermine the very progressive steps in the committee's proposal, H.R. 6. It is intended to put a requirement on this administration and following administrations to make sure that all the authorities they have in the law are used to achieve these goals. If they don't feel they can do it with the authorities they have, they can come back to us and ask for more.

I yield to my friend from Minnesota.

Mr. COLEMAN. Madam President, I second what my colleague has said. I applaud the underlying work on this bill. It is progressive. It is going to make a difference.

What we are doing is simply building on that foundation and understanding that the issue of oil dependence is about oil dependence, and if we can move the ball forward, if we can give some specific tools to the administration—Congress is going to do the hard work. The Senator from New Mexico has done the heavy lifting. This is a very broad-based bill. There is a lot in this bill. I believe this amendment certainly has some responsibilities, and the executive branch needs to be part of the solution. I believe it is appropriate for Congress to give them this kind of direction. We will all benefit. But it certainly builds on a very steady foundation that the Senator from New Mexico has put forth, and I applaud him for doing that.

Madam President, I yield the floor.

Mr. LIEBERMAN. Madam President, I will add, unless Senator DOMENICI wishes to speak, I will suggest the absence of a quorum but not quite yet.

Senator COLEMAN has a good point. We are supporting the bill. It is a very significant step forward coming out of the committees. Again, I thank Senator BINGAMAN and Senator DOMENICI for their bipartisan leadership on this bill. This amendment sets good, significant goals for savings of oil consumption by America over the next 23 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I ask unanimous consent that the time until 5:45 today be for debate with respect to amendment No. 1508 and the time be equally divided and controlled in the usual form and no second-degree amendment be in order prior to the vote and that at 5:45 p.m., the Senate proceed to vote in relation to the amendment, without further intervening action or debate.

Mr. DOMENICI. Reserving the right to object, what were the last two lines?

Mr. DURBIN. The Senate proceed to vote in relation to the amendment, without further intervening action or debate, at 5:45.

Mr. DOMENICI. I have half the time?

Mr. DURBIN. Yes, you do.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, if there is no one here to speak directly to the amendment at this point, I would like to speak to the bill under this unanimous consent request. I will yield if someone comes to the floor to speak directly to the amendment, No. 1508.

This week in the Senate we are considering an energy bill, the Renewable Fuels Consumer Protection and Energy Efficiency Act of 2007. This legislation is built upon a goal we believe in, the goal to move America in a new energy direction which will enhance our national security and strengthen our economy while protecting the Earth on which we live.

This new energy direction calls upon the strength of America: innovation, ingenuity, creativity. We are calling for improvements in energy efficiency, development of cleaner alternative fuels, investment in research and development for new technology, improvements to fuel economy, and stronger consumer protection.

If we do not take steps to use our energy resources more wisely and instead continue on the path we have followed, we threaten our Nation's future, we risk our economic security, and we fail to protect our country and our children from the growing threats of global warming. If we continue on the path from where we have been, we will be left behind as others around the world who recognize the growing demand for energy make their own advancements in harnessing renewable resources and improving energy efficiency. We will fall behind as a nation and, instead of being leaders of innovation, we will be followers, reliant on others.

Business as usual will not improve our economy or make our Nation more secure. A new energy direction for our country will create jobs and grow our economy. Here are some facts, for a moment, to put it in perspective.

Every day, we consume 20.8 million barrels of oil, 14,000 barrels per minute, over 10,000 gallons per second—25 percent of all the oil produced in the world consumed here in the United States. Over 60 percent of the oil we use is imported. This figure may grow to 70 percent over the next two decades, with about half of the increase coming from members of the OPEC oil cartel, many with whom we have relationships that are shaky at best. The thirst for oil costs us $291 billion annually on oil imports, with 38 percent of this money going to OPEC.

In 2006, the top five integrated oil companies made $119 billion in profits. Making money is not a bad thing, but that is a recordbreaker. Since 2005, when the Senate last considered energy policy, gasoline prices have gone up 45 percent. Since the election of this President, gasoline prices in America have doubled. In my State, 2 years ago, we paid $2.19 a gallon. Today, the average is $3.35; in Chicago, $3.50. The cheapest gasoline I could find 10 days ago in Chicago, $3.75 a gallon. In the past 5 years, we have witnessed a 136-percent increase in gas prices and an 83-percent increase in diesel fuel prices. Think about the added shipping costs, manufacturing costs, and agricultural costs associated with this.

Three factors are at work here: the industry's failure to reinvest enough of

their profits to expand refinery capacity, the increasing global demand for world oil resources, and our failure to reduce consumption. In order to help reduce our dependence on imported oil and break us from these ever-increasing costs, this bill calls for strengthening renewable fuel standards.

A century ago, Henry Ford's Model T was the first flex-fuel vehicle. It could run on both gasoline and ethanol. Ford knew that fuel could be found in many places, even fermented.

Here we are today, a century later, encouraging the production of bio-based renewable fuels in order to displace a portion of our petroleum thirst. This Energy bill calls for an increase in the domestic production of clean, renewable fuels to 8.5 billion gallons in 2012 and 36 billion in 2022. It specifically calls for an increase in advanced biofuels, those not derived solely from corn. This provision would save 1.4 million barrels of oil a day and reduce greenhouse gas emissions. Another provision in this bill will save us 1.5 million barrels of oil a day and also reduce greenhouse gas emissions.

For the first time in 30 years, this bill raises fuel economy standards for cars and trucks to 35 miles a gallon by the year 2020. I offered an amendment 2 years ago that would have called for these higher fuel economy standards. The Senate was not ready for that amendment. I think America was. My amendment did not pass, but it was a starting point for the legislation we have today.

Title V of this bill reflects a true bipartisan compromise and addresses many concerns about CAFE standards. It authorizes NHTSA to establish tailored fuel economy standards based on vehicle size and weight, which removes the disparity between large-car manufacturers and those that produce smaller vehicles.

I would like to say a word about this. I still hear that many of the American automobile companies oppose these CAFE standards. It is truly unfortunate. The time for debate has come and gone. Unfortunately, some of the leaders of these companies have failed to make the right decisions about the products they sell in America. They have failed to invest in the kind of technology that would have brought us better miles per gallon with safe cars, cars that serve our families and the needs of our economy. They failed to do this. Sadly, other automobile companies have not failed. They have stepped in with more fuel-efficient cars that are now extremely popular. There are long waiting lines for hybrid vehicles and other cars that have real fuel economy. It is a sad day for Detroit, and I feel bad for an industry which once used to lead the world, and I feel even worse for the workers who were not part of these management decisions which unfortunately brought them to this moment today, decisions which resulted in cars and trucks that are being sold that do not serve the needs of America and its future as they should.

Now we have to change. We really have to move beyond this. We have to urge Detroit to move beyond their current thinking. Instead of just selling us more of last year's model, bring us fuel efficiency, bring us fuel economy so we can save money at the gas pumps and stop pumping all of these greenhouse gas emissions into the atmosphere, destroying the climate on our planet.

Two years ago, BusinessWeek published a story that said:

> As Congress puts the final touches on a massive new energy bill, lawmakers are about to blow it. That's because the bill . . . almost certainly won't include . . . a government-mandated increase in average fuel economy.

That was 2 years ago. That is when I offered my amendment. That is when it failed. We cannot fail again. If we fail again, shame on this Congress, shame on the Members who will not look to the reality of our future, which is with more fuel economy and fewer emissions from vehicles.

We also need to move for energy efficiency in so many different areas—in the appliances we use and the machinery we build, certainly in the cars and trucks we drive. We have to realize our reliance on foreign oil does not make us safer but, in fact, weaker in a world of real danger. We need to reduce our demand for foreign oil and increase domestic sources so we do not find ourselves drawn into countries around the world primarily because we depend so much on the energy from that country or that region. We have seen it happen over and over again.

A New York Times article from April 20 cited a report issued by 11 retired admirals and generals. This report argued that climate change could be a ''threat multiplier'' in already fragile parts of the world. Rising sea levels could threaten the livelihoods of a billion people living within 45 miles of Asia's coastlines; in Africa, recurring heat waves, causing widespread shortages of food and water. So our dependence on foreign oil and the energy we consume not only sends more American dollars abroad, sometimes to countries that do not share our values, but it tends to change the world we live in, change it in ways that destabilize us and make the world less safe.

We want innovation to be the driver of our future, not oil. We want more American jobs, a stronger economy, and a cleaner environment. We want a secure future for America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, since I last had the opportunity to speak, a unanimous consent was entered to vote on the amendment, No. 1508, which has been introduced by the occupant of the chair, Senator SALAZAR, by Senator BAYH, Senator COLEMAN, Senator BROWNBACK—who is, unfortunately, not here today but is a cosponsor—myself, and others.

I do wish to say that this bill sets strong targets for a reduction of oil consumption by America and the American people and American businesses. It does so by way of breaking what we all agree is a harmful dependence we have.

I wish to make clear that the underlying bill as proposed by the committee includes targets. So we are not doing something different by having a target; we are just saying the target ought to be to reduce oil consumption, not just gasoline consumption, as the underlying bill indicates.

That is because we all know the problem we have in America is an addiction to oil. It is oil dependence, not just gasoline dependence. It is all of the various uses of oil we have. To get a bit technical, if we only talk about reducing gasoline consumption, that might be accomplished by greater use of diesel, but diesel comes from oil. So we would not, even if we went to diesel, decrease our dependence on foreign oil. So we think this is building on not just the targets in the bill but building on all of the good work for energy conservation and energy efficiency in the bill. It would strengthen the bill.

The targets are a bit more ambitious and would, by our calculations, reduce American consumption of oil by 35 percent from what it would otherwise be in the year 2030. That is substantial.

Mr. President, I yield the floor and ask unanimous consent that the time be charged equally to both sides during any ensuing quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators, let me say, we are getting close to the end of a good day on the bill. This is a three-part bill that came to us from the Energy, Natural Resources Committee, the Commerce

Committee, and the Environment and Public Works Committee. Then the majority leader put them together, and I was very proud to be able to come to the floor and tell the Senators and the American people what an outstanding bill this was. We had not heard much from anybody, and people were not quite sure what happened. But people kept saying: We had an energy bill. Well, we can, at the end of the first day, say we still have it. It has not been changed any. We accepted one amendment. It was an authorizing amendment, and it enlarged upon some pieces of the bill. But essentially it is intact.

And, lo and behold, without this amendment that is before us, which I urge the Senate not pass, that they not vote for it—it is harmless, but I do not think we ought to pass it. I wish to tell you all why. To do that I have to talk a little bit about the bill, because the bill changes the law. If all of the things in this bill get adopted, we will save huge amounts of crude oil and gasoline.

The other side keeps mentioning that the bill saves more gasoline and not enough crude oil. But I guarantee you that if we could get the kind of savings that could be forthcoming from transportation fuels, America would be safe, America would be happy, and we would not be dependent, because we would be using much less crude oil also.

So there is no difference. They are almost the same. Nonetheless, the truth of the matter is that never in the history of the Congress have we saved so much gasoline—that is the thing that moves transportation in America: diesel fuel, transportation, and related products. Never have we changed America so much in terms of how much of that fuel we would use. What fuel? The fuel everybody says makes us more and more dependent, the transportation fuel. Right.

Now, what happened is we did not adopt a bill in the Energy Committee or the Commerce Committee, headed by the Senator from Hawaii and Senator STEVENS from Alaska. Those bills that produced that came from these committees and are actually changes in the law.

Let's talk right off and say the biggest change is the CAFE standards. The Commerce Committee, which has jurisdiction, had the courage and the guts to adopt a long-standing amendment sponsored by the Senator from California, Mrs. FEINSTEIN, and it had been regularly known as the bill that changes the CAFE standards. We adopted it. It is in here. The changes we have been yearning for are here. We adopted them, and they are now before us. We don't have to ask anybody to make the changes that will cause the biggest single savings in transportation fuels that we ever did.

Then right on top of that, the Energy and Natural Resources Committee adopted a huge multiyear program to use more ethanol but ethanol that would not be produced by corn but, rather, by switchgrass and come out of that whole area we are now researching and just almost over the hurdle in terms of a new kind of production of ethanol. When you add the two together, it is the biggest reduction in transportation fuel we will ever get.

I wanted to make the point that we did not set any goals; we did not adopt any targets; we did not ask the President to find any savings. We asked the President to sign a bill that will make the savings because we change the law.

When oil savings amendments were offered in the past, people would say this was a hidden CAFE standard. They were correct. When you direct the executive branch to save oil in such a dramatic way, one of the only ways you can do it and reach that goal is to change the CAFE standards. So whenever you were telling the President to make these savings, everybody would say: In transportation, the only way you can do it is to change the CAFE standards. Isn't that interesting? But we didn't do that here today. We changed the CAFE standards and saved oil and gasoline over the next 30 years, calculated as it is in the bill, because we got that done.

We don't need a hidden CAFE in this bill, which essentially is the only way you could get to your targets in oil is to do something to transportation consumption, and that means you would have to do something with the so-called hidden CAFE standards that would be incorporated in your suggested targets. In the bill we have, there are real increases in the CAFE standards that are adopted and they were articulated by Senator FEINSTEIN and talked about at length. Perhaps when we pass this amendment asking the President to save oil, perhaps when we do that—and I know my good friend, the occupant of the Chair, thinks that amendment I am talking about is a great thing because it sets targets and let's us dream, as he says, but I think all the President would have to do, if we adopt and sent to him the Bayh amendment—that is properly the name of it because he was the first name on this many months ago—I would venture to say, without fear or trepidation, if we had the bill we have before us today, Senator BAYH wouldn't be introducing this amendment with these kinds of targets, because he would look down and say: The biggest target for crude oil that is used in gasoline is already done because they have changed the CAFE standards. They don't need another target.

If we continue this way and we adopt the Bayh amendment, then when the President signs our bill, he can send it back to us and say: This is my plan, to do what you asked me to do, because in this bill we have already accomplished the things you were talking about.

Let me say, there isn't any rancor. I am not trying to belittle anybody. The truth is, when you have to set targets and tell the President to achieve the targets, you have accomplished nothing. Because if that is the way you could have saved crude oil in the past, every President would have done it himself, would have taken us out of this crisis by doing just what your targets say, go out and find them and do them. But you can't do them. You have to have Congress. You have to change laws.

I want to sit down for a moment and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, if I could ask a question of my friend and colleague from New Mexico, I am informed that the time on our side of the aisle has expired. Is it possible I could prevail upon him to request 2 minutes, perhaps?

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes 57 seconds. The Senator from Indiana has 1 minute 33 seconds.

Mr. DOMENICI. What do you want, five total?

Mr. BAYH. If I go beyond three, it will have been an imposition.

Mr. DOMENICI. I will say five.

Mr. BAYH. I thank the, Senator. I appreciate that very much.

I want to begin by complimenting you for the excellent work you and Senator BINGAMAN have demonstrated on this bill. I know it is a matter of great concern to you and, frankly, I am pleased to see your cooperation from your State can cross party aisles just as mine with Senator LUGAR crosses the party aisle in my own State.

I thank all of our colleagues, starting with Senator LIEBERMAN for his hard work and leadership. I thank Senator SALAZAR, who occupies the Presiding Officer's chair today; Senator BROWNBACK, who could not be with us. He is in the process of returning to the floor but is supportive and helpful. I thank Senator COLLINS, Senator NORM COLEMAN, and all others who have been instrumental. Our leadership group on this bill extends from Senator BROWNBACK to Senator KERRY. It includes Democrats, Republicans, and even independent Democrats, suggesting the breadth of our support and, more importantly, the justice of our cause.

I don't speak often on the floor. Frankly, I don't find utility in it that often. But the magnitude of this issue is important to our Nation. Its importance to our Nation compelled me to come here today to speak on behalf of this amendment. It is a friendly amendment designed to improve what is a good work product in the underlying bill. We offer this amendment for several reasons.

First, because the issue of oil dependency is one of the defining challenges of our time. Our ability to grapple with this issue will affect our Nation in profound ways. It will affect finances, our economy, our environment and, most importantly, the quality of the world that one day we will leave to our children.

Unfortunately, today we are not doing nearly enough to meet this challenge. We can and must do better. This is brought into stark reality when you realize that since the attack on 9/11, we import more oil to this country today than we did on that day. Clearly we must do better. The expected consumption of petroleum is projected to increase from 20 million barrels per day this year to 26.8 million barrels per day in 2030. This is unacceptable. We have gathered here today to do something about it, to move us as far and as fast as we can to reduce this dependency on imported petroleum.

This is affecting the quality of Americans' daily lives. I was looking at some statistics before coming to the floor. American consumers in the first 6 months of 2006 spent $38 billion more on gasoline than they did in 2005, and $57 billion more than they did in 2004. This is an alarming trend that we don't need to bring to the attention of anyone who is filling up at the pump. Clearly we have to do something about this. Our amendment is designed to be robust and aggressive in doing so.

We have worked with a coalition of 26 of our colleagues to form the DRIVE Act. It spans the ideological spectrum. Our goal is to reduce oil imports by 2.5 million barrels per day over the next 10 years, an equivalent of everything we currently import from the Middle East. Along with the authors of this bill, we propose that we move America in a better direction to find a better future for our children and create a legacy of which we can be proud. I believe we can do that in material ways, getting there further and faster than the underlying bill envisions.

Our approach targets oil, petroleum, not just gasoline. Gasoline is an important subset of the challenge. But dependency on oil and particularly imported oil gets to the heart of the challenge facing our country. That is what our amendment does. We propose an additional reduction of 3.8 million barrels per day, a further reduction in our dependency of 15 percent, a material step in improving our situation. Finally, we hold the administration accountable, requiring the Office of Management and Budget to work with the Departments of Energy and Transportation to come up with a specific plan, not just a goal but a specific plan with concrete steps to achieve that goal and to revisit that plan, to evaluate its effectiveness every 3 years, to make sure we do more than pass this amendment or pass this legislation but, in fact, we translate this legislation into concrete results for the American people.

Let me conclude by saying this is a good bill. It begins to take us in the right direction. But now is the time to do something more than just good steps. Now is the time to take bold, transforming steps to meet the challenges, particularly one of the defining challenges of our time. Now is the time to invest in American ingenuity, to build an American future that is more prosperous, more healthy, and more secure. Now is the time to forge a legacy that will enable our grandchildren one distant day to say that we were both good stewards of our Nation and, most importantly, good stewards of their future.

That is what this bill will accomplish. That is what this amendment will accomplish. That is why I urge colleagues to vote in support of the amendment.

I yield the floor and thank the Senator from New Mexico for his indulgence. He has been very kind.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, that was an eloquent statement and I want to acknowledge it. But I want to make sure those who are worried about America's energy crisis know a mere statement, whether it be verbal or written down on a piece of paper, that says we ought to achieve this doesn't achieve anything. Or we in the Senate think our goal should to be save 3.5 million barrels of oil and then say how proud we are that we are going to achieve this great goal; that doesn't do anything. All you have is, if you have a bunch of targets and goals and they are high and they are big, you can say: We are a better dreamer than the other side, because we have these great dreams about how much we should save and what our target should be. But think for a minute, what do they accomplish?

The truth is, the underlying bill, for a change, saves on crude oil consumption and gasoline, because we have changed the CAFE standards permanently. As anybody in here remembers, every time we were talking about saving large quantities of gasoline, if we could just change the CAFE standards. Remember? Well, we changed them. The biggest way to save on gasoline is to change them. We changed them. We don't need a target in the bill that says we should save on gasoline. Maybe you should say by changing the CAFE standards, but the President can't change the CAFE standards. Only we can, and we did.

They have some auspicious goals, some magnificent targets. They can speak eloquently about what will be required to do them. But the point is, they don't save one single penny's worth of gasoline. They don't achieve 10 cents' worth of savings. They are merely goals, things we wish to do. I guarantee you that the bill they are attaching this amendment to for a change will truly save by changing the CAFE standards permanently. By changing the standard for ethanol and the second generation of ethanol, we will save more on gasoline and then on crude oil, which it comes from, than we have ever done before. So we don't need an amendment to a terrific bill. The bill is something we can be very proud of. Three committees participated. They did it bipartisanly.

Now we have bold and high words about what the President should do because it says the President shall find ways to achieve these goals. That is essentially the plan: Mr. President, we have these goals. Mr. President, you go talk to OMB and you achieve them.

That is it. I do not believe anybody thinks that will work. But I would say, if it passes, I do not know what it does, and I do not know what we would do with it because I do not know how you get any savings from that kind of proposal.

But I kind of know where we are. A lot of Senators and non-Senators got together before we were here with this bill and decided they would introduce a bill that sounded good, that set high goals, and they did. Then we come along with a bill that actually does it, and they want to amend it to get in on the action, which I do not believe would accomplish much.

I compliment the Senators for the way they have worked, and in particular Senator BAYH, whom we do not see very much, but I see him a lot, and I am pleased always to see him. I say to the Senator, I thank you for the way you have responded.

I wish to say again, I don't believe with the bill we need your bill. With the bill that is underlying, we do not need another bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1508.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—63

Akaka	Feinstein	Nelson (FL)
Alexander	Graham	Nelson (NE)
Baucus	Grassley	Pryor
Bayh	Gregg	Reed
Biden	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Kennedy	Salazar
Brown	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Dorgan	McCaskill	Voinovich
Durbin	Menendez	Webb
Ensign	Mikulski	Whitehouse
Feingold	Murray	Wyden

NAYS—30

Allard	Crapo	Kyl
Bennett	DeMint	Lott
Bond	Dole	Martinez
Bunning	Domenici	McConnell
Burr	Enzi	Murkowski
Chambliss	Hagel	Roberts
Cochran	Hatch	Shelby
Corker	Hutchison	Stevens
Cornyn	Inhofe	Vitter
Craig	Isakson	Warner

NOT VOTING—6

Brownback	Dodd	McCain
Coburn	Johnson	Obama

The amendment (No. 1508) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me propound a unanimous consent agreement with regard to tomorrow morning.

I ask unanimous consent that on Wednesday, June 13, when the Senate resumes consideration of H.R. 6, the time between the end of morning business and 11:45 a.m. be for debate with respect to the Inhofe amendment No. 1505, with no amendment in order to the amendment prior to the vote, and that the time be equally divided and controlled between the Senator from Oklahoma, Mr. INHOFE, and the Senator from California, Mrs. BOXER, or their designees; and that at 11:45, the Senate proceed to vote in relation to the amendment without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, last Wednesday I came to the floor and introduced legislation that would place the country in a new direction, a path toward a better energy future, by requiring that 25 percent of electricity be provided by renewable sources in this country. For me, this is not that radical an idea, since my State, the State of Minnesota, just enacted this plan this past year. It was brought into law by an overwhelming majority, a bipartisan majority in a Democratic-controlled legislature, and signed into law by a Republican Governor. In fact, it is even higher for Xcel Energy, which is our largest electricity company. They are bound to a 30-percent standard. In fact, the CEO of that company came and sat in my office and told me that he felt they could meet that standard without increasing rates.

Part of this is that Minnesota has been on the front end of renewables. We have done it with fuel, with biodiesel, and with ethanol—in fact, we have about a third of this country's ethanol that comes right in our State. And we have done it with wind. We have so many wind turbines right now down in southwestern Minnesota, in the Pipestone area, that they have actually opened a bed and breakfast. If you are looking for an interesting weekend, you can go to the bed and breakfast in Pipestone, MN, and wake up in the morning and look at a wind turbine.

But this is serious stuff. I was proud to introduce that 25-by-25 standard, but I also want to say that I support the standard the Senator from New Mexico, Mr. BINGAMAN, is introducing in the next few days, and that is a 15 percent by 2020 standard.

Our current path has led us to record-high electricity and natural gas prices. These prices are not only hurting ordinary families, but they are also hurting businesses that see their own costs going up dramatically. The growth of energy-intensive industries, such as manufacturing, is actually being stunted due to skyrocketing energy costs. We already know the negative impact this situation is having on the environment. It is clear that we need a new direction, that we cannot continue down the energy path we are on anymore. A strong renewable energy policy is good for this country.

Currently, I will say, we do not have a diversified electricity portfolio. Mr. President, 52 percent of our electricity comes from coal, 20 percent is generated using nuclear power, 15 percent natural gas, 7 percent hydro, and only 2.5 percent from renewable energy. A strong renewable electricity standard can actually diversify our energy sources so we are not so reliant on one energy source, such as natural gas, that could be vulnerable to periodic shortages or other supply interruptions.

A strong renewable energy standard can also save the American consumer money. According to several studies, a 15-percent renewable electricity standard will save consumers a total of $16.4 billion on their energy bills by the year 2030. An aggressive national standard will also open the door to a new electricity industry that will bring in thousands of jobs and pump billions of dollars into our economy.

Over the last 20 years, America's renewable energy industries, and the wind industry in particular, have achieved significant technological advancements. The industries for solar, wind, and biomass energy systems are expanding at rates exceeding 30 percent annually, and the clean energy revolution is still in its infancy. So the question is, Does the United States want to be a leader in creating new green technologies and the new green industries in the future? Are we going to sit back and watch the opportunities pass us by?

We are no longer the world leader in two important energy fields. We rank third now in wind production between Denmark and Spain. We are also third in solar power installed, behind Germany and Japan. Ironically, these countries surpassed us by using technology that was actually developed in our own country. We came up with the right ideas, but we didn't have a plan or the standards in place to adequately fund the deployment of these technologies. That is because the Federal Government has been complacent and let the States take the lead. That is good in some ways. The States, as Justice Brandeis noted, are the laboratories of democracy. He always talked about, in that one opinion, how an individual State can have the courage to experiment and bring us new ideas on a national basis. But I don't think he ever meant this should mean inaction by the Federal Government. Sadly, that is what has been happening.

Twenty-two States now throughout the country have already demonstrated the value of establishing renewable electricity standards. As I mentioned, Minnesota has been one of the most aggressive with its 25-by-25 standard.

The way that bipartisan standard was set, with a Democratic legislature and a Republican Governor, should be a model for national action. The courage that we have seen in the States must be matched by courage in Washington. We have an opportunity in the next 2 weeks for the Federal Government to act. It is time for the Federal Government to begin moving toward an aggressive national standard on power with State standards.

We have everything we need, we just need to act. I have talked to many investors and businesspeople, and part of

the issue is we never think in the long term in government. We don't set these standards out because when you set those standards out, the money is going to follow in terms of investment. But they think the standard is going to change or maybe we just set it for the next 2 years instead of setting it out as Senator BINGAMAN has suggested in his amendment for the year 2020, when we get stronger investment confidence in what we are going to be doing in this country and the new direction in which we are going to be headed in this country.

We have the fields to grow the energy that will keep our Nation moving, and we have the wind energy to propel our economy forward right here in the United States. We have the science, we have the universities, we have the technological know-how. We always believe in science.

In my State, we brought the world the Post-it note and the pacemaker. We have always been on the front end in science. That is why the people who are committed to a strong, renewable standard in our State are not just limited to the people who might be investing in it. It is students at the university who see the potential. It is kids who wear little buttons about ''save our penguins.'' It is the city council down in Lanesboro, MN, that recently changed out all of their lightbulbs because they are concerned about climate change. It is farmers who are putting up wind turbines in their backyard because they know it is going to save them money. It is school districts that say: Maybe I will get a wind turbine. It is governments across this land, with mayors and city councils that are installing solar energy, that see the future and see this new direction.

It is our job in the next 2 weeks to lead the new direction. And that is why I support a strong renewable standard. That is why I urge my fellow Senators to support the amendment, which I am already cosponsoring, for a 15-percent renewable standard for electricity in this country. We have to start now.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR CRAIG THOMAS

Mr. SMITH. Mr. President, there is a term that is often used here in the Senate when members refer to one another. That term is ''gentleman.'' No one fit that term better than Senator Craig Thomas. I join with all my colleagues from both sides of the aisle in mourning the loss of Senator Thomas, and in extending our condolences to his wonderful wife Susan and the entire Thomas family.

In the 10 years I was privileged to serve with Senator Thomas in this Chamber, I never once heard him raise his voice, and I never once saw him lose his temper. But that doesn't mean that Senator Thomas was not a fighter for his beloved Wyoming. In fact, he was a very effective advocate for the people of Wyoming and all of rural America. His accomplishments were not the result of shouting. They were the result of perseverance, integrity, and a whole lot of hard work.

I was privileged to serve with Senator Thomas on a number of committees, where I saw firsthand the scope of his interests and his effectiveness. On the Finance Committee, I saw how he was a champion for better health care for rural Americans, and I saw how he worked to open markets for the cattlemen, farmers, and soda ash producers of Wyoming.

On the Energy and Natural Resources Committee, he brought Wyoming's unique perspective to the forefront on the energy debate, and, as chairman and ranking member of the National Parks Subcommittee, he brought the first reform overhaul to the National Parks Service in 20 years—a vital step in a State that is home to the Yellowstone National Park, one of the crown jewels of our park system.

And I served with Craig on the Indian Affairs committee, where the Eastern Shoshone and Northern Arapaho tribes of Wyoming's Wild River Reservation and Native Americans across the country could always count on his commitment to improving their lives.

Although Craig Thomas spent the last 18 years of his life working in the corridors of the U.S. Capitol, he never forgot where he came from. He was a true westerner, a straight-talker, and he was always just ''Craig'' to his constituents. Always at Craig's side was his wife and partner Susan, who is always a remarkable, eloquent advocate for Wyoming. The last several months have been difficult and challenging ones for Craig, and Susan was always there for him.

Mr. President, my wife Sharon joins with me in extending our condolences to Susan, the Thomas family, and the people of Wyoming. I can say without hesitation that the ''gentleman from Wyoming'' will always be remembered by those of us who were fortunate to serve with him, and by all those he served with such diligence and distinction.

IRAQ

Mr. FEINGOLD. Mr. President, I wish to join the majority leader in marking a solemn milestone in the war in Iraq. Three thousand five hundred members of the armed services have died fighting in Iraq. Like those before them who died serving their country, those 3,500 men and women have served honorably. We are all indebted to them for their courage and patriotism, as we are indebted to the 25,950 troops who have been wounded.

It has been just under a year since the 2,500th U.S. servicemember died in Iraq. With the toll of this war continuing to mount, particularly since the President decided to escalate our involvement, we must redouble our efforts to change course in Iraq. We owe it to the troops serving in Iraq. These brave men and women signed up to defend their country, not to police an Iraqi civil war. Many of these individuals chose to join the Armed Forces as a result of the horrific attacks of September 11. Yet they have found themselves fighting in a country that had nothing to do with those attacks. As they endure untold hardship in Iraq, al-Qaida and its extremist network are rebuilding in Afghanistan, northern Africa and around the globe.

As I am sure my colleagues have done, I have been to the memorial services honoring the dead, I have handed the wounded their Purple Hearts, I have spoken to the parents whose children have returned from war with brain injuries they will live with for the rest of their lives. These experiences are a constant reminder of the responsibility we have to the brave individuals who have volunteered to defend their country. We have a duty to ensure that when they are asked to fight on our behalf, it is not on the basis of false premises and shifting rationales. We have a duty not to put them in harm's way when there is no exit strategy. Most importantly, we have a duty to bring them home because we know there is no military solution to the war they are fighting.

We must help the Iraqi people rebuild their country and we must work to build the broad international coalition that is needed to help bring peace and stability to Iraq. But our servicemembers in Iraq have been asked to do the impossible—they have been asked to resolve political and other differences by military force. The Congress has the power to change this misguided policy by forcing the President to redeploy U.S. troops. Measures that express the need for a policy shift, and concern for the well-being of the troops, may be well-intended but they do not go far enough and they will not

help the troops. Only binding legislation requiring redeployment will prevent further brave servicemembers from losing their lives for this administration's failed and self-defeating policies.

Many soldiers serving in Iraq have written to me to express their support for my efforts to end this war. It is with them in mind that I will continue working to end this tragic mistake.

COLLAPSE OF THE BERLIN WALL

Mr. ALLARD. Mr. President, I would like to note that exactly 20 years ago, on June 12, 1987, President Ronald Reagan stood at the Berlin wall, at the Brandenburg Gate, and issued his—issued liberty's—famous challenge to Soviet tyranny:

> General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!

Although that speech was deeply rooted in the Cold War, and is indeed seen as a significant milestone in that war, it also spoke larger truths. President Reagan also said:

> Freedom leads to prosperity. Freedom replaces the ancient hatreds among the nations with comity and peace. Freedom is the victor.

President Reagan was not just addressing West Berlin, and the Soviet General Secretary, he was addressing the world, and posterity. He was expounding on the American ideal of liberty and justice for all. He was not addressing a regional problem, but mankind's aspirations. It was a triumphant moment for Americans and our ideals.

Accordingly, I have previously submitted a resolution, S. Con. Res. 1, calling for an artistic rendering of that moment in time to be painted into the Capitol, along with the other significant scenes of our Nation's past. As we walk through the building today, we can see scenes from the Nation's founding, from the Civil War, our westward expansion, even the Moon landing and *Challenger* astronauts. I would like to also see Reagan at the Brandenburg Gate. I think it would be entirely appropriate to have this image added. It would be an important reminder of the struggle this Nation undertook. It would stand for the millions of Americans who did their part for nearly half a century in that struggle, both military and civilian. And it would testify to the greatness of our Nation, and the greatness of our 40th President.

Today I am adding cosponsors to that resolution. I urge my remaining colleagues to join me as well. This is worth doing.

POLLINATOR HABITAT PROTECTION ACT

Mr. BAUCUS. Mr. President I rise today to speak about S. 1496, the Pollinator Habitat Protection Act, which I introduced on May 24. Pulitzer Prize-winning insect biologist E.O. Wilson said the honeybee is nature's ''workhorse—and we took it for granted.'' That statement sums up the state of the Nation's honey bee.

Our Nation's honeybees are being affected by a phenomenon named colony collapse disorder, and the symptoms are baffling. Since October 2006, 35 percent or more of the United States' population of the Western honeybee—billions of individual bees—simply flew from their hives and disappeared.

We don't know what is causing their disappearance. The honeybee is an active pollinator for both agriculture and native plants. It is used commercially to pollinate crops across the country, and some crops, like apples and almonds, will not produce fruit without the assistance of the honeybee. My home State of Montana is the country's fifth largest honey-producing State. Without bees, Montana would not produce our famous huckleberries.

During busy years, a hive might make up to five cross-country trips, following the crop blooming cycles. Scientists are speculating that the bees are stressed from making cross-country journeys and are being attacked by viruses and parasites. Either way, this is an emergency situation, and we have to do something now.

That is why I am introducing the Pollinator Habitat Protection Act. This bill is simple and it makes sense. It is the right thing to do.

Through the use of the existing conservation programs in the farm bill, agricultural producers would receive incentives to rebuild natural habitat with flowering plants to benefit pollinators such as honey bees. For example, instead of planting straight grass, a producer could plant clover, alfalfa, or other native flowering plants on land enrolled in the Conservation Reserve Program.

Perhaps this bill's most attractive feature is that it does not cost additional money or create a new program. It simply requires existing conservation programs to acknowledge pollinator habitat as a conservation resource and rewards producers whose conservation practices are beneficial for pollinators.

When the budget is tight, it is better to improve existing programs rather than create new ones. This is a dramatic important improvement for our conservation programs.

It is not often we can protect our environment and increase producer's income at the same time. But that is exactly what this bill will do. This is one simple way to help out our honeybee population and give farmers another option to make money on their land.

As a honorary cochair of the Pollinator Partnership, I am honored to introduce this legislation. I thank organizations like the Coevolution Institute which are doing the right thing, by bringing a diverse group of people together from across the country to address this challenging issue.

I urge my colleagues to support S. 1496 the Pollinator Habitat Protection Act.

WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, today, June 12, is the annual observance of the International Labor Organization's World Day Against Child Labor. This is the day we set aside each year to speak out against the fact that millions of children around the globe continue to be trapped in forced and abusive labor, often in extremely hazardous conditions.

For many years, I have been active in efforts to stop exploitative child labor as well as trafficking in child and female slaves around the world. In my travels, I have seen this scourge firsthand. I have come to the floor of the Senate many times to speak about this issue. I have spoken about how shocked I was to see the deplorable conditions under which these kids are forced to work. Many are physically, emotionally, and sexually abused. All of them, every child engaged in abusive child labor, is deprived of a childhood solely for someone else's gain.

Why should we as a nation tolerate children being used in such a manner? We should not. It is a moral outrage and an affront to human dignity. When a child is exploited for the economic gains of others, not only does the child lose, but the family loses, and I think the whole world loses. It is bad economics, and it is bad development strategy. A nation cannot achieve prosperity on the backs of its children, and there must be no place in the global economy for child labor.

This year, the World Day Against Child Labor specifically shines a spotlight on child laborers in agriculture. This has been a special concern for me going back many years. I have been especially concerned about forced child labor in the cocoa industry.

In 2001, the Knight-Ridder syndicate ran a series of articles on forced child labor on cocoa farms in West Africa. According to one of those articles, child laborers in Ivory Coast ''are whipped, beaten, and broken like horses to harvest the almond-sized beans that are made into chocolate treats for more fortunate children in Europe and the United States.''

When I read these articles, I resolved to do everything I could to end this tragic exploitation of children. Together with Congressman ELIOT ENGEL of New York, we engaged the major chocolate companies in lengthy, intense negotiations. The result was what is now called the Harkin-Engel

protocol, an agreement that aims to ensure that cocoa beans are grown and processed in a manner that complies with the International Labor Organization Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

The Harkin-Engel protocol, signed in September 2001, applies everywhere that cocoa is grown and processed. It laid out a series of date-specific actions, including the development of credible, mutually acceptable, voluntary industry-wide standards of public certification by July 1, 2005 in order to give a public accounting of labor practices in cocoa farming. Although I was disappointed that the July 2005 deadline was not fully met by the industry, we have continued to work together and the rollout of the certification system—including monitoring, data analysis reporting, and activities to reduce the worst forms of child labor—will proceed as aggressively as possible in Ivory Coast and Ghana with the goal of covering 50 percent of the two countries' cocoa producing areas by July of 2008. This is, indeed, a milestone on the path toward the ultimate goal of 100 percent coverage in cocoa-producing countries around the world.

The clock is ticking. The corporations and national governments that were party to the Harkin-Engel protocol are moving forward. For example, the Government of Ghana has conducted a pilot project and the results were released. However, the results still need to be independently verified, and I am hopeful that the industry will work with the Ghanaian government to have these preliminary reports independently verified in accordance with the protocol. Additionally, the Ivorian government has only recently begun to conduct a pilot certification process. It is a good start, but that pilot needs to be scaled up in order to give more realistic results for the main harvest season.

The Harkin-Engel protocol marks an important first—an entire industry, including companies from the United States, Europe, and the United Kingdom taking responsibility for addressing the worst forms of child labor and forced labor in its supply chain.

Today the protocol stands as a framework for progress in West Africa, bringing together industry, West African governments, organized labor, nongovernmental organizations, farmers groups, and experts in a concerted effort to eliminate the worst forms of child labor and forced labor from the growing and processing of cocoa.

To further assist in the effort to eradicate child labor, in my capacity as chairman of the Congressional Human Rights Caucus, this past April I convened a hearing to facilitate collaborative efforts by advocacy groups in the child labor field. In light of the International Labor Organization's report last year, the discussion focused on how best to continue the cooperative international effort to eradicate child labor.

The ILO global report, ''The End of Child Labor: Within Reach,'' states that for the first time child labor, especially in its worst forms, is in decline across the globe. Between the years 2000 and 2004, the number of child laborers worldwide fell by 11 percent, from 246 million to 218 million. Even better, the number of children and youth aged 5–17 trapped in hazardous work decreased by 26 percent, declining from 171 million in 2000 to 126 million in 2004. Among younger child laborers, the drop was even sharper at 33 percent.

This is remarkable progress in just 4 years' time. And looking to the future, the report cautiously predicts that, if the current pace of decline is maintained, and if global efforts to stop child labor continue, we have a real shot at eliminating child labor in its worst forms within 10 years' time.

Today, 218 million child laborers—many of whom are trapped in the worst forms of child labor, such as prostitution, armed conflicts, and slavery—are still suffering. While the U.S. Government and international organizations such as the World Bank and UNICEF have programs designed to reduce abusive and exploitative child labor, it will require all of these entities and others working together if we are to reach the goal of ending the worst forms of child labor by the year 2016.

Likewise, in the broader fight against child labor, the ILO report verifies that we are on the right track to eliminate abusive and exploitative child labor. The great work of the ILO's International Program on the Elimination of Child Labor, IPEC, affirms the confidence I placed in this program early on. I secured the first Federal appropriation for the IPEC program back in 1996, and over the last decade, I have secured a total of more than $323 million for the program. Clearly, that money has made a real difference in the lives of children. It has given millions of children an opportunity to get an education and to break the cycle of poverty.

Although there has been a tremendous amount of progress in ending child labor, now is not the time to become complacent. Economic development alone is not enough. We must also focus on human rights and educational opportunities for those in poverty. Social change must go hand in hand with economic development, which requires workers' and employers' organizations. Our keys to success will be mainstreaming child labor efforts with other human rights and development goals, as well as getting national governments, NGOs, and international organizations working cooperatively to end child poverty.

We should not think about these children only on June 12 each year. We should think about this last vestige of slavery 365 days a year. I have remained steadfast in my commitment to eliminating abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States. And I am committed to working with the representatives of the cocoa industry and the national governments to implement the Harkin-Engel Protocol by July 1, 2008 deadline.

In my view, we can make significant progress to eliminate this scourge if we all do our part and redouble our efforts. This means that governments must not merely pass laws but enforce them, while also striving to provide quality free education. Businesses must take responsibility, as well, by not hiring children, and by paying adults livable wages so they can provide for their families. Multilateral institutions must also play a robust role. Together, we can eliminate the worst forms of child labor by 2016.

75TH ANNIVERSARY OF JACOB'S PILLOW

Mr. KENNEDY. Mr. President, this month marks the 75th anniversary season of Jacob's Pillow. Based in Becket, MA, it is the longest running dance festival in the United States. Jacob's Pillow is renowned in the dance world for its commitment to excellence and beloved by audiences throughout the world for the quality and diversity of its programming.

This prestigious organization is one of the most significant cultural groups in Western Massachusetts and it attracts tens of thousands of visitors to the beautiful Berkshire Mountains each summer. Cultural tourism is the second largest industry in Massachusetts, and cultural jewels such as Jacob's Pillow are the anchors of the industry. Year after year, surveys demonstrate that arts, culture, and heritage are among the top reasons for visiting Massachusetts.

With its proud heritage, Jacob's Pillow continues to be one of the most dynamic centers of dance in our State and across the country. As Mikhail Baryshnikov has said, ''Jacob's Pillow is one of America's most precious cultural assets—a haven for choreographers and dancers and an environment that nurtures the creation of new work.''

The site was originally a family farm settled with extraordinary pioneering spirit in the 1700s, and it became a station on the Underground Railroad in the 19th century for slaves escaping to freedom.

In 1933, Jacob's Pillow was established as a dance festival and school. Its mission continues today to support

dance creation, presentation, education, and preservation. Through this work, it broadens appreciation and understanding for classical and modern dance—and it provides an important opportunity for dancers and choreographers to develop their own work and skills.

In addition to its regular programming, Jacob's Pillow also offers over 200 free events each season, including performances, workshops, lectures, and discussions with artists. It maintains a preservation program with rare archives open to the public, a training program for arts administrators, year-round community programs, and a creative development residency program.

Jacob's Pillow also encompasses a professional school training and mentoring program for emerging dancers and is recognized throughout the globe as a center for arts leadership in the world of dance.

It is the first and only dance institution in the United States to be declared a National Historic Landmark for its important part in our country's cultural heritage. It embodies the very best in cultural achievement and has enhanced the causes of the many talented artists who have performed on its stages and enhanced the lives of countless audiences who have enjoyed their exceptional performances.

As President Kennedy said, ''I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or in politics, but for our contribution to the human spirit.''

I commend the many dedicated persons who have made Jacob's Pillow such a remarkable success over the past 75 years. May this treasure of Berkshire County continue to enrich us all in the years ahead.

EXTRAORDINARY CONFERENCE OF CFE STATES PARTIES

Mr. LUGAR. Mr. President, on May 28, 2007, Russia requested an Extraordinary Conference of States Parties to the Treaty on Conventional Armed Forces in Europe—the CFE Treaty—to discuss what Russia identified as ''exceptional circumstances'' that may lead them to suspend implementation of the treaty. Russia complains that most of their former Warsaw Pact allies have now joined NATO, significantly altering, in Russia's view, the ''balance'' of forces in Europe. This Extraordinary Conference is now under way in Vienna, Austria. What happens there will have tremendous implications for the security of Europe and for U.S.-Russian relations. Both sides must avoid actions that could lead to the potential unraveling of a treaty that has served as a cornerstone of European security since the end of the Cold War.

In 1990, the CFE was conceived as a mechanism to reduce post-Cold-War arsenals of conventional weapons in Europe and has evolved into a stabilizing influence through its wide range of agreed verification measures. This treaty should not be relegated to the dustbin of history. That is not in the interest of all European States, including Russia, nor of the United States.

The CFE Treaty was originally designed to limit the possibility of a surprise attack on Europe, when the Soviet Union and Warsaw Pact still existed. It imposes numerical limits on major conventional military weapons—battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters—that can be deployed within Europe. These limits are verifiable through an extensive regime of inspections, transparency measures, and data exchanges. To be sure, since the Cold War ended, most countries, especially in central Europe, have reduced their levels of conventional weapons well below the limits specified by the treaty. Nonetheless, the verification measures that continue in place to the present day provide a level of openness and predictability important to the continued stability of Europe.

The ''exceptional circumstances'' referred to in Russia's request for an Extraordinary Conference of the CFE States Parties are of Russia's own making, and Russia holds the key to their resolution. At the end of the last decade, the CFE Treaty was updated to reflect post-Cold-War realities in Europe. The Adapted CFE Treaty was signed in 1999 at Istanbul, Turkey; however, it has not entered into force. Ratification of the treaty by the United States and its NATO allies will not occur until Russia implements two political commitments it made at the time of the treaty's signing.

In 1999, Russia pledged that it would fully withdraw its forces from the territories of Georgia and Moldova, which were part of the former Soviet Union. One of the CFE Treaty's fundamental tenets is that a nation must give its consent for the stationing or deployment of foreign military forces on its territory. NATO nations have insisted that Russia live up to this fundamental principle and abide by its commitments. In the Senate, we have made clear to administration officials that we would give advice and consent to ratification of the Adapted CFE Treaty's provisions only when and if Russia satisfied these commitments.

Russia has protested that its commitments regarding Georgia and Moldova were not related to the CFE Treaty. However, both the Georgian and Moldovan Governments have said repeatedly that they want Russian forces withdrawn from their territories. This has become a central issue in the CFE Treaty debate. Russia possesses the ability and the means to fulfill these commitments, needing only to close a single, largely abandoned Russian base in Georgia, and to withdraw a few hundred troops and an ammunition storage depot in Moldova. Russia has made progress in Georgia, but very little in Moldova since 2004.

The United States is prepared to find ways to work through its differences with Russia on important security issues in ways that recognize shared interests. Russia's threatened suspension of the CFE does not demonstrate a reciprocal view and could lead to the unraveling of the CFE Treaty itself. Nevertheless, the Extraordinary Conference can serve as an opportunity to modernize the Cold-War-era CFE Treaty in a direction that reflects the current security environment in Europe and one in which all parties can completely fulfill their commitments.

The administration's proposal to multilateralize the current Russian peacekeeping forces in Moldova, perhaps under the auspices of the NATO-Russia Council, merits serious consideration. In Georgia, Russia has already taken significant steps to reduce its troop presence the remaining steps are far less demanding but just as important. The Extraordinary Conference should offer a new beginning, rather than the beginning of the end.

The United States and its NATO Allies believe that the Adapted CFE Treaty offers the best path toward ensuring a Europe united and at peace, one in which Russia honors its commitments. If this were to occur, then, and only then, would the Senate Foreign Relations Committee and the United States Senate be likely to begin a careful, expeditious review leading to U.S. ratification of the Adapted CFE Treaty.

HONORING SENATE CHAPLAIN BARRY C. BLACK

Mr. CARDIN. Mr. President, Maryland is proud to honor its sons and daughters whose accomplishments touch the lives of others. We are particularly elated when an individual's talents and achievements are recognized throughout the Nation and beyond.

Chaplain Barry C. Black is one such Marylander, born and raised with five sisters and two brothers in Baltimore by a prudent and faithful mother, Pearline Black. He has penned his life story in a recent book titled, ''From the Hood to the Hill, '' stating that, ''in spite of unpromising beginnings, my siblings and I bucked the statistics and turned out fine (O)ne of the boys even became a two-star Navy admiral and the first African-American Navy chief of chaplains. Later, he was selected as the sixty-second chaplain of the United States Senate. I am that child.'' These are but a few of the stellar accomplishments in a life that serves as inspiration for us all.

Even though I have only been a Senator for 5 months, I have spent several

mornings opening the Senate's sessions, and I am always inspired by Chaplain Black's serene manner, the conviction in his voice, the faith present in his life, and the ministry he has accepted. In addition to leading daily prayer before each session of the Senate, Chaplain Black and his dedicated staff conduct Bible studies and attend to the spiritual needs of our Nation's leaders and the thousands of staff members who work in the Senate. His invaluable leadership and service to our country are worthy of both recognition and celebration.

Mr. President, this afternoon the Senate Black Legislative Staff Caucus will honor the Reverend Barry C. Black, the Chaplain of the Senate, with a resolution and the presentation of a plaque honoring him for a distinguished career of leadership and service to the Senate and the larger community. I ask unanimous consent that the resolution be printed in the RECORD.

SENATE BLACK LEGISLATIVE STAFF CAUCUS RESOLUTION RECOGNIZING THE SERVICE OF CHAPLAIN BARRY C. BLACK, THE FIRST AFRICAN-AMERICAN CHAPLAIN OF THE UNITED STATES SENATE

Whereas Chaplain Black is a spiritual leader who, through his faith in GOD, overcame many obstacles that profoundly impacted him, taking his humble beginnings and used them to set his feet on higher ground;

Whereas Barry Black was born the fourth of eight children on All Saints Day, November 1, 1948 to parents Pearline Bull Black and Lester Clayton Black in Baltimore, Maryland;

Whereas Barry Black attended Pine Forge Academy and furthered his education, becoming an alumnus of Oakwood College, Andrews University, North Carolina Central University, Eastern Baptist Seminary, Salve Regina University, and United States International University (now Alliant International University);

Whereas Barry Black received Master's Degrees in Divinity, Counseling, and Management, a Doctorate degree in Ministry, and a Doctor of Philosophy degree in Psychology;

Whereas Barry Black married Brenda Pearsall on June 17, 1973, whom he met during his junior year at Oakwood College. They would later have three children: Barry II, Brendan, and Bradford;–

Whereas Barry Black was commissioned in 1976 as chaplain in the United States Navy, eventually to become the Navy Chaplain Corps' first African-American Admiral, Deputy Chief of chaplains in 1997, and Chief of Navy Chaplains in 2000;

Whereas Barry Black was responsible for the spiritual care of servicemen from 190 religious traditions, advised and provided ministry to the Chief of Naval Operations, the Secretaries of the Navy and Defense, and the Commandants of the Marine Corps and Coast Guard;

Whereas Barry Black served in the U.S. Navy for 27 years, retiring on August 15, 2003;

Whereas Barry Black's personal decorations include the Legion of Merit Medal, Defense Meritorious Service Medal, Meritorious Service Medals (two awards), Navy and Marine Corps Commendation Medals (two awards), and numerous unit awards, campaign and service medals. He was also selected from one hundred twenty-seven nominees for the 1995 NAACP Renowned Service Award for his contribution to equal opportunity and civil rights;

Whereas on July 7, 2003, Barry Black was appointed as the 62nd Chaplain of the United States Senate by Senate Majority Leader Bill Frist (R-Tenn.), becoming the first African-American and the first Seventh-day Adventist to serve in this position: Now, therefore be it

Resolved, That the United States Senate Black Legislative Staff Caucus recognizes Chaplain Barry C. Black's exemplary achievements; his leadership and personal integrity in service to the United States Senate and the larger community; and his altruism and commitment to public service, touching the lives of many who bear witness to his spiritual leadership.

ADDITIONAL STATEMENTS

UGA WOMENS GYMNASTICS 2007 CHAMPIONS

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the women's gymnastics team from my alma mater, the University of Georgia, for winning the 2007 NCAA championship for the third straight year.

The Gym Dogs celebrated their threepeat championship and eighth national title as they earned the highest score of the finals in Salt Lake City, UT, on April 27, 2007, and completed their season with a final record of 31–2–1.

As an alumnus of this distinguished university, I am extremely proud of these talented women for all of their hard work and dedication that contributed to the championship scores that sealed their victory. I congratulate all of the team members and the women of the senior class, Adrienne Dishman, Kelsey Ericksen and Ashley Kupets, who gave 4 years of excellence to the Gym Dogs. Their leadership and talents will surely be missed. In addition, sophomore Courtney Kupets won her second straight National Individual All-Around title, and Courtney Kupets, Megan Dowlen, Marcia Newby, Tiffany Tolnay, Katie Heenan, Grace Taylor were all named first team All Americans. This is a remarkable program that will carry on its winning tradition with the outstanding strength of the remaining juniors, sophomores, and freshman members. Furthermore, I would like to extend my appreciation to all the families and fans for their continual support of the Gym Dogs throughout the season.

The success of the team could not have been achieved without the exceptional coaching staff, led by legendary head coach Suzanne Yoculan, the 2006 NCAA Coach of the Year. Coach Yoculan has been the head coach of the Gym Dogs since 1983 and has won 8 national championships, 15 conference championships, as well as being named National Coach of the Year four times.

Congratulations again to all of these young women for their great accomplishments and hard work.•

RETIREMENT OF DR. JAMES A. LAKE

• Mr. CRAIG. Mr. President, I wish to acknowledge a special milestone in the career of one of the truly great nuclear energy luminaries of our time. I am speaking of the retirement of Dr. James A. Lake of Idaho National Laboratory.

During his nearly quarter-century of service to Idaho National Laboratory—and by extension, to all of America—Dr. Lake has applied his exceptional technical and managerial expertise to some of this Nation's highest priority research and development initiatives in the nuclear energy arena. From leading the design team that developed an innovative ultra-high-flux research reactor concept early in his Idaho career, to guiding the establishment of the U.S./Russian International Centers for Environmental Safety later on, Dr. Lake's contributions have had an extraordinary impact.

As the elected president of the American Nuclear Society at the start of the 21st century, Dr. Lake did much to usher in the nuclear renaissance now sweeping the globe. In a single year, he personally visited 11 countries, a dozen universities, and more than 20 nuclear powerplants and nuclear facilities around the world. He also gave countless interviews with major television, newspaper, and magazine journalists—representing CNBC, the Wall Street Journal, the Washington Post, BusinessWeek and others—to help them better understand nuclear power's unique abilities to dependably generate massive amounts of electricity—around the clock, rain or shine—without generating any of the greenhouse gases that are now of such global concern.

Beyond his contributions to INL and the American Nuclear Society, Dr. Lake has also left his indelible mark of excellence on countless other organizations and activities ranging from the American Association of Engineering Societies to the International Nuclear Societies Council. He holds patents on ''An Inherently Safe Fast Breeder Reactor'' and other key nuclear technologies and has more than 35 publications in refereed journals and conference proceedings.

Dr. James A. Lake—scientist, research leader, nuclear energy visionary, and gentleman—leaves a legacy of growth, safety, and success in the nuclear programs at INL, for which the laboratory, the great State of Idaho, and the Nation will be forever grateful. I extend my best wishes to Dr. Lake as he retires from INL and moves on to the next chapter of his remarkable life.•

HOLLOMAN AIR FORCE BASE ANNIVERSARY

• Mr. DOMENICI. Mr. President, today I would like to commemorate the 65th

anniversary of the founding of Holloman Air Force Base near Alamogordo, NM, on June 10, 1942.

Established 6 months after the entry of the United States into the Second World War, Holloman served as a training center for B–17, B–24, and B–29 bomber crews for the duration of that conflict. Over the course of the war, 20 bomber groups trained at Holloman before serving in the European and Pacific theaters of the war.

After the war, Holloman became the primary Air Force base for the testing and development of guided missiles and unmanned aircraft. Holloman was also the site of several notable events, including a 1954 rocket-propelled sled test that reached speeds of 632 miles per hour and earned Dr. John P. Stapp the title of ''Fastest Man Alive.'' Additionally, Holloman was the location of CPT Joseph W. Kittinger, Jr's, 102,800 feet skydive in 1960 that broke four world records and it was there that ENOS, the chimpanzee who made the first American animal orbital flight, received his training.

In 1968, a new era at Holloman began with the arrival of the 49th Tactical Fighter Wing. For the last 39 years, the 49th has called Holloman home and has flown F–4 Phantom IIs, F–15 Eagles and in 1992 became the only Air Force unit equipped with the F–117 Nighthawk, also known as the stealth fighter. Holloman also serves as the home to the German Air Force Tactical Training Center.

Today, Holloman is preparing for another major transition. As the F–117 is retired, the 49th will begin to receive new F–22 Raptors. Since its founding, Holloman has played an important role in the development of new technologies and has been home to the world's most advanced aircraft. Most importantly though, I believe it is the men and women who serve at Holloman who make it one of this country's premier military installations. I would like to thank all those who served and continue to serve at Holloman for their hard work and dedication. I have no doubt the work done at Holloman will continue to contribute to the national security of the United States for another 65 years.●

HONORING ROBERT M. LA FOLLETTE

● Mr. FEINGOLD. Mr. President, today I honor the extraordinary life of Robert M. La Follette, Sr. This week, on June 14, people around my home State of Wisconsin will mark the 152nd anniversary of La Follette's birth. Throughout his life, La Follette was revered for his tireless service to the people of Wisconsin and to the people of the United States. His dogged, full-steam-ahead approach to his life's work earned him the nickname ''Fighting Bob.''

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the House of Representatives in 1884, and he served three terms as a Member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my State as a judge. Upon his exit from Washington, DC, a reporter wrote, La Follette ''is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him.''

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed progressive causes as Governor of Wisconsin and in the Congress. As Governor, he advanced an agenda that included the country's first workers' compensation system, direct election of Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the ''Wisconsin Idea.'' As Governor, La Follette also supported cooperation between the State and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork-barrel legislation. La Follette also advocated electoral reforms, and he brought his support of the direct election of Senators to this body. His efforts were brought to fruition with the ratification of the 17th amendment in 1913. Fighting Bob also worked tirelessly to hold the Government accountable and was a key figure in exposing the Teapot Dome scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said:

> We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for President, La Follette garnered more than 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of U.S. merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the *Lusitania*. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, ''Free Speech in Wartime,'' on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said:

> Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace.

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC, while serving Wisconsin in this body. His daughter noted, ''His passing was mysteriously peaceful for one who had stood so long on the battle line.'' Mourners visited the Wisconsin Capitol to view his body and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert

M. La Follette, Jr., was appointed to his father's seat and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

During the 109th Congress, I was proud to support Senate passage of a bill introduced in the House of Representatives by Congresswoman TAMMY BALDWIN that named the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswoman BALDWIN for her efforts to pass that bill, and I am pleased she is introducing House companion measures of the legislation I am introducing today in the Senate.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the Congress. In his autobiography, Fighting Bob noted that, as Governor of Wisconsin, he:

> made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries.

He went on to call this service ''a model which the federal government and ultimately every state in the union will follow.'' Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the State of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the ''Five Outstanding Senators'' whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a ''ceaseless battler for the underprivileged'' and a ''courageous independent.'' Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and Government reforms he championed.

Mr. President, to honor Robert M. La Follette, Sr., during the week of the anniversary of his birth, today I am introducing two pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Mr. KOHL; the senior Senator from Massachusetts, Mr. KENNEDY; and the junior Senator from Ohio, Mr. BROWN.

I am introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The second bill that I am introducing today would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his State and to his country. I hope that my colleagues will support these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than ''Fighting Bob'' La Follette, and it is an honor to speak in the same Chamber and serve the same great State as he did.●

HONORING PHILIP M. KAISER

● Mr. FEINGOLD. Mr. President, I would like to take a moment to honor the memory of Philip Kaiser, a dear family friend who was also an outstanding public servant. In a career that spanned four decades, he served as an ambassador to four countries and as Assistant Secretary of Labor for International Affairs. He was a man of tremendous accomplishment who was sought out by U.S. Presidents, from Truman to Carter, for his unparalleled diplomatic skills.

While he served as Ambassador to Senegal in the early 1960s, he brokered a critical agreement with the Senegalese President that prevented Soviet aircraft from refueling there during the Cuban Missile Crisis, in case the Soviets tried to use aircraft to break the blockade. Later, when he served as Ambassador to Hungary during the Carter Administration, he negotiated the return of a powerful national symbol in Hungary, the Crown of St. Stephen, to the Hungarians after it had been held for safekeeping in the United States after World War II.

Ambassador Kaiser received his undergraduate degree at the University of Wisconsin and then studied at Oxford as a Rhodes Scholar. Those experiences undoubtedly influenced his career, and, as it turns out, they influenced my career as well. It was because Philip Kaiser went to the University of Wisconsin that he met my father, Leon Feingold. They became, and always remained, good friends. As I grew up, I got to know Ambassador Kaiser, and heard so much about him from my father. As a young man with an interest in public service and foreign affairs, I looked up to Ambassador Kaiser. In fact, one of the reasons I applied for a Rhodes Scholarship was because Ambassador Kaiser had been a Rhodes Scholar himself.

I am proud to have known Ambassador Kaiser and proud of his connection to my family. I am deeply saddened by his passing, and my thoughts are with his wife, his children and grandchildren, and his many friends during this difficult time. He left a lasting mark on this country and the world, and it is an honor to pay tribute to his memory today.●

HONORING KAY AND MARY KRAMER

● Mr. GRASSLEY. Mr. President, I wish to honor two remarkable Iowans. Kay and Mary Kramer of Clive, IA have served their local community, our great State of Iowa, and America well. They have set an example of civic service that all people should be proud to follow.

Mary has a distinguished record of service to our country. She was the U.S. Ambassador to Barbados and the Eastern Caribbean. Additionally, she served on the White House Commission on Presidential Scholars, honoring outstanding high school seniors each year for both their academic and artistic achievements.

Mary has also served her home State of Iowa well. She has done this through her work in the Iowa Senate where she was elected and reelected for more than a decade. While serving in the senate, Mary was chosen by her fellow senators to be President of the senate. Her election to this position of leadership is a testament to the respect Mary has earned from those who know her best.

Mary and her husband Kay make a great, civically-minded team. Kay was named as a West Des Moines Citizen of the Year and is an active volunteer in his community. He served on the West Des Moines Board of Human Services

and is still active as an officer with the West Des Moines Rotary Club.

I am proud to call Kay and Mary Kramer friends, and I am happy to honor both of them here today. I appreciate their tireless efforts to serve Iowa and America. I hope that their good work, and lifetime of service, does not stop any time soon.●

HONORING CLAIRA MONIER

● Mr. SUNUNU. Mr. President, the senior Senator from New Hampshire, JUDD GREGG, and I wish to recognize the considerable achievements of Claira Monier, a Goffstown resident who recently announced her retirement after leading the New Hampshire Housing Finance Authority for nearly two decades.

Claira is a gold standard public servant. A New Hampshire native, she has devoted her life to improving her community, State and Nation. Moreover, in what limited spare time she has, Claira is someone to whom Senator GREGG and I can turn for steady counsel on policy—housing tax credits, bond caps, affordable housing—and politics. She is a rare and irreplaceable friend.

Whether in the classroom or leading efforts to expand access to housing or health care, Claira has demonstrated the highest commitment to service over a 40-year period. Although her record of achievement is well-known in New Hampshire, it is worth repeating here on the floor of the Senate.

From 1967 to 1974, she held teaching and administrative positions at New Hampshire College and St. Anselm College. Claira subsequently served for 5 years as the director of the New Hampshire State Council on Aging, completing her tenure in 1981.

Having demonstrated uncommon competence and creativity in these roles, Claira was selected as Region I Director of the U.S. Department of Health and Human Services. In 1988, she began her legendary career as executive director of the New Hampshire Housing Finance Authority—an organization on which she has left an indelible mark.

While working by day to support affordable housing and home ownership initiatives in New Hampshire, Claira managed to simultaneously bring her leadership skills to a number of nonprofit boards.

She served as a Director of the Federal Home Loan Bank of Boston from 1990 to 1992 and was a member of its Affordable Housing Advisory Council. She also found time to serve for 2 years as chairman of then-Governor Gregg's Commission on Health Care Costs and Availability, leaving the panel in 1991. Claira was board president of the National Council of State Housing Agencies and served as cochair of the Fannie Mae Housing Impact Advisory Council.

The list goes on: past chair of the Manchester Red Cross; former Southern New Hampshire University trustee; 2003 chair of the Heritage United Way Campaign; former chair of the New Hampshire Main Street Center; chair of New Hampshire's chapter of the American Lung Association; chair of the West High School endowment fund; member of the Dartmouth Hitchcock Healthcare System's assembly of overseers; and so on.

It is not exactly clear when, or if, Claira had time to sleep.

But this much is known: Claira is one of those special people who looks at her community and is able to see how she can make it better. She is not prone to idle thoughts. Rather than stand on the sidelines saying how the order of the world should be, Claira enters the arena with vigor and inspires people to achieve difficult objectives.

The results of her work can be seen across New Hampshire. For first-time homeowners in our State—or those who thought they might never be able to own a place of their own—it is likely that Claira's leadership at New Hampshire Housing had something to do with their securing a piece of the American dream. It is difficult to imagine work that is more hopeful.

There is no question that Claira leaves behind a rich legacy at New Hampshire Housing. Her successors, no doubt, share her commitment to that organization's mission and will continue the important work she has started. It should be noted, though, that Senator GREGG and I will certainly miss working with her on critical issues that impact so many New Hampshire residents.

Claira may be retiring from her day job but in no way is she retiring from her community. Her knowledge of New Hampshire, her warm demeanor, and her strong leadership will continue to benefit the organizations she supports. Additionally, candidates—notably those seeking the highest office in the land—will turn to Claira for advice and counsel that only she can provide.

Claira is a good, true and loyal friend. A great citizen of New Hampshire, Senator GREGG and I extend our warm regards to Claira on the occasion of her retirement. We look forward to seeing her in the communities she has served and will serve.●

TRIBUTE TO PEARL D. WILLIAMS

● Mr. VITTER. Mr. President, I wish to acknowledge Councilwoman-at-large Pearl D. Williams of Slidell for being named volunteer of the year by the United Way of St. Tammany Parish. I would like to take some time to make a few remarks on her success and her contributions to Louisiana.

Councilwoman Williams has long enjoyed volunteering with various organizations in order to assist the community, especially needy children, and this award recognizes the hard work and success she has constantly rendered.

Councilwoman Williams has shown tireless dedication to the United Way. Williams has served on the St. Tammany United Way Leadership Council as a progressive, active fundraiser who helped establish various committees and celebrations in order to benefit different charities. She also served on the board of directors for the Children's Wish Endowment and as past president of the Slidell Memorial Hospital Women's Health Alliance, among many other great accolades.

Councilwoman Pearl D. Williams passed away of heart failure at the age of 64 on Thursday, May 17, 2007, at her residence. She is survived by not only proud family members but also the grateful city of Slidell who will never forget Councilwoman Williams' selfless acts of generosity and charity.

Thus, today, I rise to honor Councilwoman Pearl D. Williams so that more people can understand the kind of sacrifices she gave for others.●

RECOGNIZING LAITRAM, LLC

● Mr. VITTER. Mr. President, I wish to acknowledge Jay Lapeyre and Laitram, LLC, of New Orleans for receiving the Recognition of Excellence in Innovation certificate from the Louisiana Technology Council. I would also like to take a few moments to expand on Laitram, LLC, and their continued success.

The Louisiana Technology Council recently hosted their third annual awards council and the first since Hurricane Katrina. This certificate awards local and regional leaders in new technology throughout the United States who have created a new industrial advance or service in the last 12 months, operated a new, original manufacturing process, or have received a patent from the U.S. Patent and Trademark office for a recent technological discovery. More than 60 nominations were submitted from public and private sectors, institutions, and individuals.

J. M. Lapeyre, the designer of the original shrimp-peeling machine in 1946, founded Laitram, LLC, and completely transformed the shrimping industry. Since its inception, his descendants have continued to carry on this tradition of improvement and modernization. Over the past 5 years, Laitram has patented more than 60 new inventions, including 16 in 2006, illustrating Laitram's commitment to innovation and the best quality for its customers and the State of Louisiana. Specifically, the Intralox Series 400 Angled Roller conveyor belt has revolutionized the industry, allowing the replacement of older technology and maintaining Louisiana's package handling applications not only in food but

in other industries as well. Therefore, I congratulate Jay Lapeyre and Laitram LLC on being an inspiration to business owners everywhere, and I wish them success.●

100TH ANNIVERSARY OF BOSSIER CITY, LOUISIANA

● Mr. VITTER. Mr. President, I wish to honor Bossier City, LA, which is celebrating its centennial anniversary, and I would like to take a few moments to publicly recognize their great history.

In the 1830s, the area of Bossier City originally encompassed the Elysian Groves Plantation of James Crane. Due to its proximity to the river, it quickly became a hotbed for trade and activity. By 1850, hundreds of wagons crossed through the vicinity on their way to the West; many settlers also stayed, realizing the land's fertile river valley and abundant farmland. Soon, interstate railway systems boomed, and Bossier became a growing metropolis. The farmers, realizing the area's potential, quickly began to sell plots of land as transportation flourished. Finally, in 1907, with its growing textile industry and expansive transportation system, Bossier City received official status as a city in Louisiana. Throughout its history, Bossier City has endured and survived many impediments, such as the great fire which consumed over half of the downtown area. In the late 1950s, Bossier was named the fastest growing city in Louisiana.

Bossier City began its centennial celebration on April 7 with the biggest birthday party that the city has ever witnessed on the banks of the city's foundation on the Red River. The initial festivities ranged from the opportunity to meet the city's oldest resident to a reception, with a 100-square-foot birthday cake. Throughout the year, the commemoration will continue with events from the American Cancer Society's Relay for Life to Barksdale Air Force Base. Over the year, residents and business owners in the city will be able to attend and plan activities that aid in representing the city's deep southern history and culture.

The centennial memorializes Bossier City's rise to one of the great cities of the State of Louisiana. Today, I want to congratulate Bossier City on the last 100 years, and I wish the residents luck and continued success and progress.●

MESSAGE FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it has passed the act (S. 676) to provide that the Executive Director of the Inter-American Development Bank or the Alternative Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation, without amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 65. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

H.R. 1441. An act to strengthen controls on the export of surplus parts for F–14 fighter aircraft.

H.R. 2356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 12, 2007, she had presented to the President of the United States the following enrolled bill:

S. 5. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 65. An act to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

H.R. 1441. An act to strengthen controls on the export of surplus parts for F–14 fighter aircraft; to the Committee on Armed Services.

H.R. 2356. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2227. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC–2228. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's plan for the future of its workforce; to the Committee on Banking, Housing, and Urban Affairs.

EC–2229. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR Part 436; Disclosure Requirements and Prohibitions Concerning Business Opportunities, 16 CFR Part 437'' (RIN3084–AA63) received on June 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2230. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2231. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2232. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2233. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2234. A communication from the Attorney General, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2235. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–114. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to provide resources to address the colony collapse disorder affecting honeybees; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 76

Whereas, Michigan and the nation's agricultural industry rely on honeybees to pollinate plants and enable the production of our nation's fruits, vegetables, seeds, and nuts. Honeybees pollinate at least 90 commercial crops and account for 80 percent of the nation's pollination services, providing $5 billion to $10 billion of direct benefits to United States agriculture; and

Whereas, honeybees in Michigan and 25 other states have succumbed to a mysterious ailment referred to as Colony Collapse Disorder, where honeybees abandon their hives. In affected states, beekeepers lost up to 50 percent of their colonies last winter, threatening Michigan's $383 million fruit industry and billions of dollars of agricultural production nationwide; and

Whereas, immediate research is needed to determine the cause of Colony Collapse Disorder and assistance to Support our nation's 135,000 beekeepers and the agriculture industry from this potentially crippling threat: now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide resources to address the Colony Collapse Disorder affecting honeybees; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation,

Adopted by the House of Representatives, May 22, 2007.

POM–115. A resolution adopted by the House of Representatives of the State of Michigan expressing opposition to Norfolk Southern Corporation's proposed sale of its rail line between Lansing and Jackson; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 96

Whereas, The Norfolk Southern Corporation is considering the sale of several Michigan lines, including the line that runs between Lansing and Jackson. Traffic on Michigan's rail lines has increased over the past two years. Expanding both freight and passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion. The sale or closure of rail lines could be counterproductive to efforts to improve Michigan's economy; and

Whereas, The Norfolk Southern lines are vital links between Michigan cities and between Michigan and neighboring states. Expanding rail capacity on the Lansing/Jackson line is essential to the future development of this area. New industry, including production plants for coal energy, biodiesel, and ethanol fuel, is proposed for Michigan and the railroad will play an integral role in moving products and supplies. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in Michigan; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of $250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Lansing to Jackson line will almost certainly place the line under the management of a Class Three operator, a rail company earning revenue of $20 million or less annually. A Class Three operator may be far less likely to have the means to maintain the line, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance—grants that are not always guaranteed; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to Norfolk Southern's proposed sale of its rail line between Lansing and Jackson; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate; the Speaker of the United States House of Representatives; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1591. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, and Mr. ALEXANDER):

S. 1592. A bill to reauthorize the Underground Railroad Educational and Cultural Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. CONRAD, Mr. BINGAMAN, Ms. SNOWE, Mr. KERRY, Mrs. LINCOLN, Mr. SMITH, Mr. SCHUMER, Ms. STABENOW, Ms. CANTWELL, Mr. ROBERTS, and Mr. SALAZAR):

S. 1593. A bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, and Mr. STEVENS):

S. 1594. A bill to amend title 46, United States Code, to improve port safety and security for especially hazardous cargos, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1595. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1596. A bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph S. Briscoe, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1597. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COLEMAN (for himself, Mr. ENZI, and Mr. ISAKSON):

S. 1598. A bill to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL:

S. 1599. A bill to amend the National Energy Conservation Policy Act to provide for energy-related regulatory reform, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL:

S. 1600. A bill to establish an energy technologies innovation network, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL:

S. 1601. A bill to lower the effective tax rate on investment in necessary energy infrastructure and credits for renewable energy, and for other purposes; to the Committee on Finance.

By Mr. HAGEL:

S. 1602. A bill to improve the energy security of the United States by promoting diverse energy supplies and energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. LEVIN, Mr. REID, Mr. OBAMA, Ms. STABENOW, and Mr. BROWNBACK):

S. Res. 231. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. Res. 232. A resolution congratulating the University of Colorado at Boulder Men's Cross Country team for winning the 2006 National Collegiate Athletic Association Division I Men's Cross Country Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 57

At the request of Mr. INOUYE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 225

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 225, a bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

S. 242

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 251

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 251, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 455

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 479

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 535

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of nonregular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 696

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 696, a bill to establish an Advanced Research Projects Administration—Energy to initiate high risk, innovative energy research to improve the energy security of the United States, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 773

At the request of Mr. WARNER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 836

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 858

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the names of the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 991

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1078

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1078, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1140

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1140, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1224, a bill to amend

title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1244, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1271

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1271, a bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1357

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1357, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 1382

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1431

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1431, a bill to provide for a statewide early childhood education professional development and career system, and for other purposes.

S. 1448

At the request of Mr. REED, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1448, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1460

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1500

At the request of Mrs. CLINTON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1500, supra.

S. 1518

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1557

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. CON. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Tennessee (Mr. CORKER), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. CRAIG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. WARNER), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Mississippi (Mr. LOTT), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 1, a concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 213

At the request of Mr. CRAPO, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. Res. 213, a resolution supporting National Men's Health Week.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1591. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

Mr. HATCH. Mr. President, today I rise to reintroduce my legislation, the Refinery Investment Tax Assistance Act, aimed at increasing refining capacity in this Nation. No one doubts that U.S. consumers and businesses will face another long hot summer of too high gas prices. There is general consensus among experts that a major bottleneck in U.S. refining capacity is a big part of the reason prices are so high. My bill will help resolve that problem.

As my colleagues know, the Government does not explore for, extract, transport, or refine oil in this country. Our Nation relies wholly on private industry to feed a very large domestic energy appetite. Unfortunately, the Government often stands in the way of industry in these activities. While many refiners would like to expand their capacity to refine oil, they face extraordinary costs from bureaucratic regulations that limit the available funding for such expansion. Because of this and other unfriendly economic factors, not a single new refinery has been built in the United States since 1976. In fact, we have lost nearly 200 refineries over that time period and now we badly need that refining capacity.

I authored a key provision of the Energy Policy Act of 2005, which is currently providing some incentives for new refining capacity. However, due to budgetary constraints, the tax incentives in my proposal were cut in half during the conference between the House and the Senate. I am confident that if we had known 2 years ago just how much of a bottleneck the refinery shortage would present in today's market, the full measure of my incentive would have been enacted.

The Refinery Investment Tax Assistance Act would restore those provisions I originally introduced, but which were later removed for budget reasons. First, it would increase the short-term incentive for the industry to build new refineries or to expand existing ones. As with the 2005 bill, S. 1591 would provide immediate expensing of 100 percent of the cost of new or expanded refineries in certain circumstances. As I said earlier, cost constraints forced us to limit this incentive in 2005 to 50 percent of expensing for refiners that were able to commit to installing new refining equipment before 2008. Under this bill, any added capacity would have to be placed in service by 2012 in order to qualify to write off the full cost of the expanded capacity in the first year.

The second part of S. 1591 would address the 10-year depreciation schedule for refining assets under our current tax law. This 10-year schedule is longer than the write-off period for much of the equipment used in other manufacturing industries, including the petrochemical industry. My bill would eliminate this disparity by shortening the depreciation schedule for refining assets from 10 years to 5. This unfair and unwarranted treatment of our refining industry acts as a long-term obstacle to new investment in increased capacity. I call on my colleagues to help me level the playing field on depreciation for this critically important sector of our energy industry.

I should also point out that this legislation would allow refineries to change only the timing of the depreciation of their equipment, but not the amount. Meanwhile, it would increase the size of our tax base by encouraging industry to build new refineries and increase capacity.

Testifying before the Senate Energy and Natural Resources Committee in 2005, Mr. Bob Slaughter of the National Petrochemical & Refiners Association said that an important solution to the energy crisis would be to ''expand the refining tax incentive provision in the Energy Act [and] reduce the depreciation period for refining investments from 10 to . . . five years in order to remove a current disincentive for refining investment.''

These changes are incorporated in the legislation I am introducing today.

Mr. Slaughter gave this testimony in the aftermath of hurricane Katrina. Every American has felt the effects of the storms on our energy sector. Refineries have been pummeled and, at one point, an unprecedented 25 percent of our Nation's refining capacity was taken offline. The rising gas prices hurt families' budgets, businesses that pay high travel expenses, and even school districts that must fuel buses to transport students. Once again, forecasters are predicting a terrible storm season this summer with hurricanes comparable to those of 2005.

We have learned that when it comes to our Nation's energy security, refining is where we are the most vulnerable. This legislation will help us deal with the energy crisis and make our Nation more secure from the attacks of Mother Nature and terrorists. I hope my colleagues will join me in pursuing the secure and independent refining program that this country truly needs. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1591

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Refinery Investment Tax Assistance Act of 2007''.

SEC. 2. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 179C of the Internal Revenue Code of 1986 (relating to election to expense certain refineries) is amended by striking ''50 percent of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1323 of the Energy Policy Act of 2005.

SEC. 3. PETROLEUM REFINING PROPERTY TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by adding at the end the following new clause:

''(vii) any petroleum refining property.''.

(b) PETROLEUM REFINING PROPERTY.—Section 168(i) of such Code is amended by adding at the end the following new paragraph:

''(18) PETROLEUM REFINING PROPERTY.—

''(A) IN GENERAL.—The term 'petroleum refining property' means any asset for petroleum refining, including assets used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components.

''(B) ASSET MUST MEET ENVIRONMENTAL LAWS.—Such term shall not include any property which does not meet all applicable environmental laws in effect on the date such property was placed in service. For purposes of the preceding sentence, a waiver under the Clean Air Act shall not be taken into account in determining whether the applicable environmental laws have been met.

''(C) SPECIAL RULE FOR MERGERS AND ACQUISITIONS.—Such term shall not include any property with respect to which a deduction was taken under subsection (e)(3)(B) by any other taxpayer in any preceding year.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer has entered into a binding contract for the construction thereof on or before the date of the enactment of this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. CONRAD, Mr. BINGAMAN, Ms. SNOWE, Mr. KERRY, Mrs. LINCOLN, Mr. SMITH, Mr. SCHUMER, Ms. STABENOW, Ms. CANTWELL, Mr. ROBERTS, and Mr. SALAZAR):

S. 1593. A bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, this week, we celebrate Flag Day, and in a few weeks we will celebrate the Fourth of July.

We ask a lot from our men and women in the armed services, and their sacrifices are essential to protecting our freedom here at home. One way to support them is to make the Tax Code a little friendlier to the troops.

That is why I am introducing the Defenders of Freedom Tax Relief Act of 2007. This bill would extend the tax rules favoring the military that expire in 2007 and 2008. It would also eliminate roadblocks in the current tax laws that present difficulties for veterans and servicemembers.

Our troops should fight against our Nation's enemies, not our Nation's Tax Code. Family members of fallen soldiers killed in the line of duty receive a death benefit of $100,000. But the Tax Code restricts the survivors from contributing this benefit into a tax-favored retirement account. My bill would exempt this benefit from the current restrictions on contribution amounts and income limitations. That way, the family members of fallen soldiers could take advantage of tax-favored Roth IRA accounts.

Lower ranking, lower income soldiers do most of the heavy lifting in combat situations. Under the current Tax Code, their income is not counted in computing the earned income tax credit, or EITC. The EITC is a beneficial tax provision available to working Americans. It makes no sense to deny it to our troops. My bill would count combat duty income for EITC purposes, and it would make this change to the Tax Code permanent.

My bill would also eliminate the confusion that surrounds State gifts to servicemembers. Military members should not be caught in the crossfire of competing Tax Code interpretations.

Another hazard facing our troops in the Tax Code is the statute of limitations for filing a tax refund. Most Veterans' Administration disability claims filed by veterans are quickly resolved. But thousands of disability awards are delayed due to lost paperwork or the appeals of rejected claims. Once a disabled veteran finally gets a favorable award, the good news is that the disability award is tax-free. But many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. My bill would give disabled veterans in this situation an extra year to claim their tax refunds.

Our men and women in uniform provide an invaluable service to our country. They, along with their families, make sacrifices and live a demanding lifestyle. The Tax Code should not add to their hardships as they move from assignment to assignment around the globe.

Protecting American interests around the world requires most of our troops to move a number of times during their career. Restricting favorable mortgage bond financing to only first-time homebuyers does not make much sense for them. Therefore, my bill would eliminate this restriction for veterans who served in the active military.

The bill would make permanent a provision that allows intelligence community employees to make use of the exclusion of gain on the sale of their home when they are assigned overseas or 50 miles away from their home.

A soldier's rucksack is heavy enough as it is without piling tax paperwork on top of it. My bill would help reduce paperwork.

My bill would treat differential pay as wages. This would make it easer for employers to contribute to a reservist's retirement plans. And it would eliminate the reservist's need to make estimated tax payments.

My bill would also make permanent certain taxpayer information reporting rules, so that the Social Security Administration and the Veterans' Administration could facilitate the administration of veteran needs-based pension and compensation programs.

A further roadblock for military service men and women is the 10-percent penalty triggered for early withdrawal from a qualified retirement plan. If reservists are called to active duty, the last thing that they should have to worry about is their 401(k) plan or IRA account. This provision would permit penalty-free early withdrawal. And it would give reservists 2 years from the time that they stop active duty to roll over their IRAs or 401(k) plans.

Small business employers are being asked to make sacrifices here at home. My bill would help.

Mobilization of Reserve personnel creates unexpected employee absences. This hits small businesses especially hard. Some employers voluntarily take on the added burden of eliminating any pay gap experienced by their reservist-employees. These employers pay the difference between the civilian salary and the military pay. In recognition of their patriotism, my bill would provide small businesses with fewer than 50 employees a tax credit of 20 percent of the differential pay, up to $20,000, for those small businesses that make differential payments to reservists called up to active duty.

This bill is fully paid for with a change in the Tax Code that makes sure that anyone relinquishing their U.S. citizenship is still on the hook to pay their fair share of U.S. taxes.

We owe the Americans fighting in our Armed Forces an enormous debt of gratitude. These important tax reforms are one small way of saluting them for all that they do. I urge my colleagues to join me in supporting this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1593

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Defenders of Freedom Tax Relief Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title.
Sec. 2. Extension of statute of limitations to file claims for refunds relating to disability determinations by Department of Veterans Affairs.
Sec. 3. Permanent extension of election to treat combat pay as earned income for purposes of earned income credit.
Sec. 4. Treatment of differential military pay as wages.
Sec. 5. Permanent extension of penalty-free withdrawals from retirement plans by individual called to active duty.
Sec. 6. State payments to service members treated as qualified military benefits.
Sec. 7. Permanent extension of disclosure authority to Department of Veterans Affairs.
Sec. 8. Three-year extension of qualified mortgage bond program rules for veterans.
Sec. 9. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 10. Contributions of military death gratuities to Roth IRAs.
Sec. 11. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 12. Revision of tax rules on expatriation of individuals.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS TO FILE CLAIMS FOR REFUNDS RELATING TO DISABILITY DETERMINATIONS BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

''(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

''(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

''(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

''(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and on or before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting ''the date of the enactment of the Defenders of Freedom Tax Relief Act of 2007'' for ''the date of such determination'' in subparagraph (A) thereof.

SEC. 3. PERMANENT EXTENSION OF ELECTION TO TREAT COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 4. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: ''The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 5. PERMANENT EXTENSION OF PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS BY INDIVIDUAL CALLED TO ACTIVE DUTY.

Clause (iv) of section 72(t)(2)(G) (relating to distributions from retirement plans to individuals called to active duty) is amended by striking all after ''September 11, 2001'' and inserting a period.

SEC. 6. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 7. PERMANENT EXTENSION OF DISCLOSURE AUTHORITY TO DEPARTMENT OF VETERANS AFFAIRS.

Section 6103(l)(7)(D) (relating to program to which rule applies) is amended by striking the last sentence.

SEC. 8. THREE-YEAR EXTENSION OF QUALIFIED MORTGAGE BOND PROGRAM RULES FOR VETERANS.

Section 143(d)(2)(D) (relating to exception) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2011''.

SEC. 9. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(b) DUTY STATION MAY BE OUTSIDE UNITED STATES.—

(1) IN GENERAL.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 10. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments

made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual to the extent that such contribution does not exceed the amount received by such individual under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, if such contribution is made not later than 1 year after the day on which such individual receives such amount.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 11. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 450. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

''(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of less that 50 employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

''(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(2) the 2 succeeding taxable years.

''(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end of following new paragraph:

''(32) the differential wage payment credit determined under section 450(a).''.

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''450(a),'' after ''45A(a),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 450. Employer wage credit for employees who are active duty members of the uniformed services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 12. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below

zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the

United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) TREATMENT OF GIFTS AND INHERITANCES.—

''(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

''(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

''(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which—

''(i) the individual's citizenship is treated as relinquished under section 877A(e)(3), and

''(ii) the individual provides a statement in accordance with section 6039G (if such a statement is otherwise required).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4) Section 6039G(a) is amended by inserting ''or 877A'' after ''section 877(b)''.

(5) The second sentence of section 6039G(d) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''section 877(a))''.

(6) Section 7701(n) is amended by adding at the end the following new paragraph:

''(3) APPLICATION.—This subsection shall not apply to any expatriate subject to section 877A.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Mr. KERRY. Mr. President, today Senators BAUCUS, GRASSLEY and I, along with other Finance Committee members, are introducing the Defenders of Freedom Tax Relief Act of 2007. Earlier in the year, Senator SMITH and I introduced the Active Duty Military Tax Relief Act of 2007, which would help those who are valiantly serving their country and the families that they leave behind.

The Defenders of Freedom on Tax Relief Act of 2007 includes several provisions from the Active Duty Military Tax Relief Act of 2007. It also includes additional provisions to help military families and veterans who often struggle financially.

The best definition of patriotism is keeping faith with those who wear the uniform of our country. That means giving our troops the resources they need to keep them safe while they are protecting us. And it means supporting our troops at home as well as abroad.

Currently, there are over 149,700 military personnel serving in Iraq. There are approximately 22,100 U.S. servicemembers in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours.

Most large businesses have the resources to provide supplemental income to reservist employees called up and to replace them with temporary employees. I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January, the Committee on Small Business and Entrepreneurship held a hearing on veterans' small business issues. A majority of our veterans returning from Iraq and Afghanistan are Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact and unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew that they could be called up for an indeterminate amount of time. I am concerned that long call ups and redeployments have made it hard for small businesses to be supportive of civilian soldiers.

The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses to assist with the cost of paying the salary of their reservist employees when they are called to active duty. A similar provision is included in the Defenders of Freedom Tax Relief Act of 2007.

In addition to helping small businesses, the Active Duty Military Tax Relief Act of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to Federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the Defenders of Freedom Tax Relief Act of 2007.

The Active Duty Military Tax Relief Act of 2007 would make permanent the existing provision which allows taxpayer to include combat pay as earned income for purposes of the earned-income tax credit, EITC. Without this provision some military families would no longer be eligible to receive the EITC because combat pay is currently not taxable.

Last Congress, Senator SMITH and I introduced the Fallen Heroes Family Savings Act, which we have incorporated into the Active Duty Military Tax Relief Act. This provision provides tax relief for the death gratuity payment that is given to families who have lost a loved one in combat. This payment is currently $100,000.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. The Active Duty Military Tax Relief Act of 2007 would allow military death gratuities to be contributed to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. A similar provision is included in the Defenders of Freedom Tax Relief Act of 2007.

Our service men and women need to know that we are honoring their valor by taking care of those they leave behind. Helping ease the tax burden on the death gratuity will enable military families to save more for retirement. These changes to our tax laws will help our military families with some of their financial burdens. It cannot repay the sacrifices they have made for us, but it is a small way we can support our troops and their families at home as well as abroad.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, and Mr. STEVENS):

S. 1594. A bill to amend title 46, United States Code, to improve safety and security for especially hazardous cargoes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Maritime Hazardous Cargo Security Act of 2007 along with my colleagues Senators INOUYE, STEVENS, and SMITH. As the bipartisan leaders of the Senate Committee on Commerce, Science, and Transportation and its Subcommittee on Surface Transportation and Merchant Marine Safety, Security, and Infrastructure, we have been working together over the course of this session to evaluate the risks posed by the transportation of especially hazardous cargo in the maritime sector. This bill is the result of exhaustive research and consultation with affected industries and the Department of Homeland Security. Ships bringing liquefied natural gas, LNG, from foreign ports as well as the facilities along America's shores that handle LNG must be better secured against terrorism.

With so much focus on hazardous cargo that is transported on our roads and railways, we must not neglect the much larger shipments of hazardous cargoes that are carried by vessel. Energy supply challenges in our country have led to the proposals for approximately 70 new shoreside facilities in the United States to receive liquefied natural gas via oceangoing tank vessel. Many of the safety and security risks of the transportation of this commodity are known and have been detailed by the Government Accountability Office. Furthermore, other chemicals and petrochemicals can present even greater security risks.

The shipping system for these commodities is international in scope, so our bill would require the administration to work with our international trading partners to develop standards of care to adequately protect those ships, facilities, employees and nearby communities and residents from attacks involving these and other hazardous cargoes. Our proposal would require significant steps to protect the safety and security of our regional and national economies, and the public health, from the potential hazards of high risk cargo transported by ship.

Specifically the Maritime Hazardous Cargo Act of 2007 would: Direct the Administration to work with international partners to develop standards and procedures for the safe and secure handling of especially hazardous cargoes, EHC, for all vessels and port facilities; require successful completion of U.S. Coast Guard Incident Command System, ICS, training for all personnel responsible for the safety and security of a vessel in port; require the Department of Homeland Security to develop regional response and recovery plans for the resumption of commerce after disruption by a security incident; authorize the U.S. Coast Guard to develop cost share plans for security costs associated with high-risk U.S. facilities; authorize assistance to foreign ports that handle and transport EHC's for the purpose of complying with or exceeding current International Ship and Port Facility Code, ISPFC, standards; authorize voluntary third party validation of international port facilities to certify they meet or exceed international safety standards; and require the U.S. Coast Guard to develop a resource allocation plan to show how its proposed budget will be used for EHC security operations and to report to Congress biannually.

In summary, the Maritime Hazardous Cargo Act of 2007 will require strengthening of Federal protections against terrorist attacks on facilities and vessels that transport, handle, and store especially hazardous cargoes, EHC's. The transportation of EHC's by ship can pose a significant risk to the public safety and the economic security of the Nation, particularly the transportation of chemicals and petrochemicals such as anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas and liquefied petroleum gas. Currently, no international standards exist for the safe and secure handling of these chemicals/petrochemicals by ship and limited U.S. Coast Guard resources for EHC security poses a dangerous risk to our communities. Further, I intend to work with my cosponsors and other colleagues to ensure there are sufficient resources in the Federal budget to carry out the provisions of the bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1594

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Maritime Hazardous Cargo Security Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. International committee for the safe and secure transportation of especially hazardous cargo.
Sec. 3. Validation of compliance with ISPFC standards.
Sec. 4. Safety and security assistance for foreign ports.
Sec. 5. Coast Guard port assistance program.
Sec. 6. EHC facility risk-based cost sharing.
Sec. 7. Transportation security incident mitigation plan.
Sec. 8. Coast Guard national resource allocation plan.
Sec. 9. Incident command system training.
Sec. 10. Conveyance of certain National Defense Reserve Fleet Vessels.
Sec. 11. Pre-positioning interoperable communications equipment at interagency operational centers.
Sec. 12. Definitions.

SEC. 2. INTERNATIONAL COMMITTEE FOR THE SAFE AND SECURE TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGO.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70109 the following:

"§ 70109A. International committee for the safe and secure transportation of especially hazardous cargo

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State and other appropriate entities, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, establish a committee that includes representatives of United States trading partners that supply tank or break-bulk shipments of especially hazardous cargo to the United States.

''(b) SAFE AND SECURE LOADING, UNLOADING, AND TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGOES.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and in consultation with the International Standards Organization and shipping industry stakeholders, shall develop protocols, procedures, standards, and requirements for receiving, handling, loading, unloading, vessel crewing, and transportation of especially hazardous cargo to promote the safe and secure operation of ports, facilities, and vessels that transport especially hazardous cargo to the United States.

''(c) DEADLINES.—The Secretary shall—

''(1) initiate the development of the committee within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

''(2) endeavor to have the protocols, procedures, standards, and requirements developed by the committee take effect within 3 years after the date of enactment of that Act.

''(d) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the development, implementation, and administration of the protocols, procedures, standards, and requirements developed by the committee established under subsection (a).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating the section 70109 the following:

''70109A. International committee for the safe and secure transportation of especially hazardous cargo''.

SEC. 3. VALIDATION OF COMPLIANCE WITH ISPFC STANDARDS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70110 the following:

"70110A. Port safety and security validations

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a voluntary program under which foreign ports and facilities can certify their compliance with applicable International Ship and Port Facility Code standards.

''(b) THIRD-PARTY VALIDATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and the International Standards Organization, shall develop and implement a program under which independent, third-party entities are certified to validate a foreign port's or facility's compliance under the program developed under subsection (a).

''(2) PROGRAM COMPONENTS.—The international program shall include—

''(A) international inspection protocols and procedures;

''(B) minimum validation standards to ensure a port or facility meets the applicable International Ship and Port Facility Code standards;

''(C) recognition for foreign ports or facilities that exceed the minimum standards;

''(D) uniform performance metrics by which inspection validations are to be conducted;

''(E) a process for notifying a port or facility, and its host nation, of areas of concern about the port's or facility's failure to comply with International Ship and Port Facility Code standards;

''(F) provisional or probationary validations;

''(G) conditions under which routine monitoring is to occur if a port or facility receives a provisional or probationary validation;

''(H) a process by which failed validations can be appealed; and

''(I) an appropriate cycle for re-inspection and validation.

''(c) CERTIFICATION OF THIRD PARTY ENTITIES.—The Secretary may not certify a third party entity to validate ports or facilities under subsection (b) unless—

''(1) the entity demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with the standards, protocols, procedures, and requirements established by the program implemented under subsection (a); and

''(2) the entity has no beneficial interest in or any direct control over the port and facilities being inspected and validated.

''(d) MONITORING—The Secretary shall regularly monitor and audit the operations of each third party entity conducting validations under this section to ensure that it is meeting the minimum standards, operating protocols, procedures, and requirements established by international agreement.

''(e) REVOCATION.—The Secretary shall revoke the certification of any entity determined by the Secretary not to meet the minimum standards, operating protocol, procedures, and requirements established by international agreement for third party entity validations.

''(f) PROTECTION OF SECURITY AND PROPRIETARY INFORMATION.—In carrying out this section, the Secretary shall take appropriate actions to protect from disclosure information that—

''(1) is security sensitive, proprietary, or business sensitive; or

''(2) is otherwise not appropriately in the public domain.

''(g) DEADLINES.—The Secretary shall—

''(1) initiate procedures to carry out this section within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

''(2) develop standards under subsection (b) for third party validation within 2 years after the date of enactment of that Act.

''(h) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on activities conducted pursuant to this section.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70110 the following:

''70110A. Port safety and security validations''.

SEC. 4. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: ''The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting ''**or facilities**'' after ''**ports**'' in the section heading;

(B) by inserting ''or facility'' after ''port'' each place it appears; and

(C) by striking ''PORTS'' in the heading for subsection (e) and inserting ''PORTS, FACILITIES,''.

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports or facilities and United States territories''.

SEC. 5. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) COAST GUARD LEND-LEASE ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may lend, lease, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

''(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

''(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

''(C) to assist the port or facility in exceeding the standards described in subparagraph (A) and (B).

''(2) CONDITIONS.—The Secretary—

''(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of

the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them; but

''(B) may not provide such assistance unless the facility or port has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards.

''(3) DEADLINE.—The Secretary shall identify ports and facilities that qualify for assistance under this subsection within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act.

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

SEC. 6. EHC FACILITY RISK-BASED COST SHARING.

The Commandant shall identify facilities sited or constructed on or adjacent to the navigable waters of the United States that receive, handle, load, or unload especially hazardous cargos that pose a risk greater than an acceptable risk threshhold, as determined by the Secretary under a uniform risk assessment methodology. The Secretary may establish a security cost-share plan to assist the Coast Guard in providing security for the transportation of especially hazardous cargo to such facilities.

SEC. 7. TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

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

''(E) establish regional response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 942) and section 70103(a) of title 46, United States Code;''.

SEC. 8. COAST GUARD NATIONAL RESOURCE ALLOCATION PLAN.

The Commandant shall develop a national resource allocation plan for Coast Guard assets and resources necessary to meet safety and security requirements associated with receiving, handling, and loading especially hazardous cargo at United States ports and facilities, taking into account the Coast Guard assets and resources necessary to execute other Coast Guard missions. The Secretary shall submit the plan to the Congress at the same time as the President submits the Budget of the United States for fiscal year 2009, together with an estimate of the operational and capital costs required to assure an acceptable level of safety and security under the plan.

SEC. 9. INCIDENT COMMAND SYSTEM TRAINING.

The Secretary shall ensure that Federal, State, and local personnel responsible for the safety and security of vessels in port carrying especially hazardous cargo have successfully completed training in the Coast Guard's incident command system.

SEC. 10. CONVEYANCE OF CERTAIN NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 57102 of title 46, United States Code, is amended—

(1) by striking ''vessel or sell the vessel for cash.'' in subsection (a) and inserting ''vessel, sell the vessel for cash, or convey the vessel under subsection (c) to the owner or operator of a port.''; and

(2) by adding at the end thereof the following:

''(c) CONVEYANCE TO PORT AUTHORITY.—The Secretary, after consultation with the Maritime Administration, may convey a vessel described in subsection (a) to the owner or operator of a United States or foreign port—

''(1) for use in safety or security operations at that port;

''(2) with or without compensation; and

''(3) subject to such limitations on its use and further disposition as the Secretary determines to be appropriate.''.

SEC. 11. PRE-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

''(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—

''(1) IN GENERAL.—The Secretary shall ensure that interoperable communications technology is deployed at all interagency operational centers established under subsection (a).

''(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the technology deployed involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the technology is deployed.

''(3) REQUIREMENTS AND CHARACTERISTICS.—The interoperable communications technology deployed under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources;

''(D) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts; and

''(E) be utilized as appropriate during live area exercises conducted by the United States Coast Guard.

''(4) ADDITIONAL CHARACTERISTICS.—Portions of the communications technology deployed under paragraph (1) may be virtual and may include items donated on an in-kind contribution basis.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed or interpreted to preclude the use of funds under this section by the Secretary for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

SEC. 12. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) ESPECIALLY HAZARDOUS CARGO.—The term ''especially hazardous cargo'' means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance identified by the Secretary of the department in which the Coast Guard is operating as especially hazardous cargo.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

Mr. SMITH (for himself and Mr. WYDEN):

S. 1595. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleague Senator WYDEN, to introduce this important piece of legislation for America's rural hospitals. Our legislation will work to ensure that hospitals in under-served areas, including those in our home State of Oregon, have the flexibility they need to provide care to their communities.

The Critical Access Hospital program, CAH, is an important safety net that ensures that communities have access to health care services in rural areas such as my hometown of Pendleton, OR. Hundreds of hospitals across the United States operate under a CAH designation, 25 of which are in Oregon. In order to obtain this designation, certain requirements, such as being located more than 35 miles from any other hospital, or receiving certification by the state to be a ''necessary provider.'' CAH's also must provide 24-hour emergency care services 7 days a week.

One requirement, however, the 25-patient bed limit, has proven to be too constricting for facilities during times of unexpected, increased need, such as during an influenza outbreak or an influx of tourism to the community.

Leadership for Oregon hospitals have expressed to me that these rules could lead to severe patient safety issues. As hospitals reach their 25-bed capacity, they could be forced to divert those in need of care to a hospital much farther from their home and families. Alternatively, should these small hospitals take the patient in they put themselves at risk of losing their important CAH status. Loss of such status could cause the closing of the facility altogether.

Access to health care remains an issue in our Nation and this bill is one small way in which we can work to ensure that rural hospital doors remain open for millions of Americans living in communities who depend on CAH's for their medical care. This bill will

provide the flexibility necessary for a CAH to choose to meet either the 25-bed-per day limit or a limit of 20-beds-per-day averaged throughout the year. Therefore, during a time of surge, they can care for more patients in need even if the hospital would exceed the use of 25 beds, which they could not do under current law. However, our bill ensures that during times of non-surge these hospitals are meeting the requirements under law that make them a CAH. This new yearly average is set lower than the daily limit to ensure that we are not expanding this program.

We believe that this simple tweak in the current law is critically important to keeping our rural hospitals open and their communities' health care needs served. I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman BAUCUS and other members of the Finance Committee to secure passage of this important bill.

By Mr. VITTER:

S. 1597. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Homeland Security and Governmental Affairs.

Mr. VITTER. Mr. President, I am pleased to introduce today a bill that would go a long way toward ensuring that Federal contracting remains a process of equal opportunity and open competition. Specifically, my legislation would prohibit the practice of attaching restrictive union-only project labor agreements, or PLAs, to Federal contracts.

In short, any contractor or subcontractor who is bidding on a construction project that includes a union-only PLA must agree to recognize unions as the representatives of the employees on that job; use the union hiring hall to obtain workers and apprentices; pay union wages and benefits; and follow the union's restrictive rules, job classifications, and arbitration procedures.

These restrictions would apply at the expense of a contractor's or subcontractor's usual team of workers. They would apply in States that may have low numbers of unionized construction workers, even if it meant denying jobs to local, in-State workers and required bringing in employees from out of State. Finally, the restrictions in a union-only PLA would apply even though only 13 percent of our private construction workforce belongs to a construction labor union, and therefore effectively locking out almost nine of every 10 able, qualified workers.

In my home State of Louisiana, just 7.4 percent of private construction workers belong to a construction labor union. Yet, for example, if union-only PLAs are attached to the Federal construction projects helping rebuild Louisiana after the devastation of Hurricanes Katrina and Rita, Louisianans will be locked out of this important rebuilding process, making it difficult to find work and earn a decent wage; the same jobs and wages that would enable Louisiana families to return to the hurricane-affected areas and rebuild their lives in these communities. Yet, instead of enabling local folks and businesses to come together and participate in their community's renewal, PLAs will ensure that these valuable jobs will go to just a select few, mostly out-of-State union workers. It is inexcusable that local Louisiana firms and their workers would be barred from freely bidding on construction projects in their own town or parish. And this is just one example of the harmful consequences associated with PLAs.

In sum, the Federal Government should not be in the business of taking taxpayers' money to fund projects that exclude more than four out of five workers, making these projects discriminatory, anticompetitive, and unnecessarily expensive. At the very least, taxpayers should be able to bid and work on projects that they are funding with their own hard-earned dollars. Construction workers should have the opportunity to work on projects that benefit their own communities regardless of their union affiliation. The Federal Government should maintain a neutral position and encourage full and open competition in the Federal contracting process.

Contracts should be awarded based on sound, commonsense criteria, such as quality of work, experience, and cost. Union affiliation has no place within the criteria for considering a contract bid. The best bid, by the most qualified contractor or subcontractor, should always be the winning bid.

I urge my colleagues to support this important legislation and to oppose attempts to attach union-only project labor agreements to Federal projects.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1597

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Neutrality in Contracting Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

SEC. 3. PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.

(a) PROHIBITION.—

(1) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(A) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(B) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(i) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(ii) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(2) APPLICATION OF PROHIBITION.—The provisions of this section shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such paragraph.

(b) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(1) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1); or

(2) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in paragraph (1), do not contain any of the requirements or prohibitions described in subparagraph (A) or (B) of subsection (a)(1).

(c) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with subsection (a) or

(b), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(d) EXEMPTIONS.—

(1) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of subsections (a) and (b) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(2) SPECIAL CIRCUMSTANCES.—For purposes of paragraph (1), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(3) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of subsections (a) or (c), if the agency head finds—

(A) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in subsection (a)(1); and

(B) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(e) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(3) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISTORY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. DURBIN (for himself, Mr. LEVIN, Mr. REID, Mr. OBAMA, Ms. STABENOW, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 231

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Mr. DURBIN. Mr. President, today Senator LEVIN and I are introducing a resolution recognizing the historic Juneteenth Independence Day. June 19 is an ordinary day for many Americans but is a significant day for those who know its history. Juneteenth Independence Day celebrates June 19, 1865, when Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free.

Americans across the United States continue the tradition of celebrating Juneteenth Independence Day as an inspiration and encouragement for future generations. This legislation recognizes the historical significance of Juneteenth Independence Day and supports its continued celebration as an opportunity for the people of the United States to learn more about the past and to understand more fully the experiences that have shaped our nation.

As Americans, we must remember the lessons learned from slavery. Juneteenth is a day that all Americans, of all races, creeds and ethnic backgrounds, can celebrate freedom and the end of slavery in the United States. Therefore, I encourage my colleagues to recognize historic Juneteenth Independence Day and support this important resolution.

SENATE RESOLUTION 232—CONGRATULATING THE UNIVERSITY OF COLORADO AT BOULDER MEN'S CROSS COUNTRY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S CROSS COUNTRY CHAMPIONSHIP

Mr. ALLARD (for himself and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas, on November 20, 2006, the University of Colorado at Boulder men's cross country team (referred to in this preamble as the ''Colorado Buffaloes'') won the 2006 National Collegiate Athletic Association (NCAA) Division I Men's Cross Country National Championship in Terre Haute, Indiana;

Whereas the Colorado Buffaloes team of junior Brent Vaughn, junior Stephen Pifer, senior Erik Heinonen, junior James Strang, and senior Billy Nelson won the NCAA Cross Country Championships with a score of 94, which was 48 points ahead of their nearest opponent;

Whereas this championship is the Colorado Buffaloes men's cross country team's 3rd national championship and also their 3rd championship in 6 years;

Whereas the Colorado Buffaloes won the Big 12 Conference Championship for the 11th consecutive year and the NCAA Mountain Region Championship for the 4th consecutive year in 2006;

Whereas senior Erik Heinonen and junior Brent Vaughn were named to the United States Track and Field and Cross Country Coaches Association (USTFCCCA) All-Academic Men's Team;

Whereas Colorado Buffaloes Head Coach Mark Wetmore was named USTFCCCA Men's Cross Country Coach of the Year for 2006;

Whereas Colorado Buffaloes Head Coach Mark Wetmore has successfully coached the University of Colorado men's and women's cross country teams to top 10 finishes in all of his 12 years as head coach; and

Whereas this championship marks the 23rd national title in the University of Colorado's athletic history and the 2nd championship of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) Congratulates the University of Colorado men's cross country team, the Colorado Buffaloes, for winning the 2006 NCAA Division I Men's Cross Country Championship;

(2) Recognizes the achievements of all the players, coaches, students, and support staff whose dedication was instrumental in helping the Colorado Buffaloes win the 2006 NCAA Division I Men's Cross Country Championship; and

(3) Respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) The University of Colorado at Boulder;

(B) The President of the University of Colorado, Hank Brown;

(C) The Chancellor of the University of Colorado at Boulder, Dr. G.P. ''Bud'' Peterson;

(D) The Athletic Director of the University of Colorado at Boulder, Mike Bohn; and

(E) The Head Coach of The University of Colorado at Boulder men's cross country team, Mark Wetmore.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1505. Mr. INHOFE (for himself and Mr. THUNE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

SA 1506. Mr. STEVENS (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1507. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1508. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mrs. LINCOLN, Ms. CANTWELL, Mr. KERRY, Mr. DODD, Mr. KOHL, Mr. REED, Ms. COLLINS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

SA 1509. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1510. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1511. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1512. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1513. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1514. Mr. KERRY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1515. Mr. SANDERS (for himself, Mrs. CLINTON, Mr. KERRY, Mr. BIDEN, and Mr. SALAZAR) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1516. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1517. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1518. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1519. Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. BIDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mr. LIEBERMAN, Mrs. BOXER, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1520. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1521. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1522. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1523. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1524. Mr. SALAZAR (for himself, Mr. GRASSLEY, Mr. OBAMA, Mr. HARKIN, Mr. HAGEL, Mr. LUGAR, Mr. LIEBERMAN, Mr. FEINGOLD, Mrs. CLINTON, Mr. CASEY, Mr. NELSON, of Nebraska, Mr. BROWNBACK, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, Mr. TESTER, Ms . CANTWELL, Mr. THUNE, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1525. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1526. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1527. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1505. Mr. INHOFE (for himself and Mr. THUNE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end, add the following:

TITLE VIII—GAS PRICE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Gas Petroleum Refiner Improvement and Community Empowerment Act'' or ''Gas PRICE Act''.

SEC. 802. DEFINITIONS.

In this title:

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

(2) COAL-TO-LIQUID.—The term ''coal-to-liquid'' means—

(A) with respect to a process or technology, the use of a feedstock, the majority of which is derived from the coal resources of the United States, using the class of reactions known as Fischer-Tropsch, to produce synthetic fuel suitable for transportation; and

(B) with respect to a facility, the portion of a facility related to producing the inputs for the Fischer-Tropsch process, or the finished fuel from the Fischer-Tropsch process, using a feedstock that is primarily domestic coal at the Fischer-Tropsch facility.

(3) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term ''domestic fuels facility'' means—

(i) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other transportation fuel;

(ii) a facility that produces a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(iii) a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term ''domestic fuels facility'' includes a domestic fuels facility expansion.

(4) DOMESTIC FUELS FACILITY EXPANSION.—The term ''domestic fuels facility expansion'' means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(5) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term ''domestic fuels facility permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(6) DOMESTIC FUELS PRODUCER.—The term ''domestic fuels producer'' means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(7) INDIAN LAND.—The term ''Indian land'' has the meaning given the term ''Indian lands'' in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

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

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

Subtitle A—Collaborative Permitting Process for Domestic Fuels Facilities

SEC. 811. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

Subtitle B—Environmental Analysis of Fischer-Tropsch Fuels

SEC. 821. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuels for reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—The program described in subsection (a) shall consider—

(1) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

Subtitle C—Domestic Coal-to-Liquid Fuel and Cellulosic Biomass Ethanol

SEC. 831. ECONOMIC DEVELOPMENT ASSISTANCE TO SUPPORT COMMERCIAL-SCALE CELLULOSIC BIOMASS ETHANOL PROJECTS AND COAL-TO-LIQUIDS FACILITIES ON BRAC PROPERTY AND INDIAN LAND.

(a) PRIORITY.—Notwithstanding section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146), in awarding funds made available to carry out section 209(c)(1) of that Act (42 U.S.C. 3149(c)(1)) pursuant to section 702 of that Act (42 U.S.C. 3232), the Secretary and the Economic Development Administration shall give priority to projects to support commercial-scale cellulosic biomass ethanol projects and coal-to-liquids facilities.

(b) FEDERAL SHARE.—Except as provided in subsection (c)(3)(B) and notwithstanding the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), the Federal share of a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility shall be—

(1) 80 percent of the project cost; or

(2) for a project carried out on Indian land, 100 percent of the project cost.

(c) ADDITIONAL AWARD.—

(1) IN GENERAL.—The Secretary shall make an additional award in connection with a grant made to a recipient (including any Indian tribe for use on Indian land) for a project to support a commercial-scale biomass ethanol facility or coal-to-liquid facility.

(2) AMOUNT.—The amount of an additional award shall be 10 percent of the amount of the grant for the project.

(3) USE.—An additional award under this subsection shall be used—

(A) to carry out any eligible purpose under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(B) notwithstanding section 204 of that Act (42 U.S.C. 3144), to pay up to 100 percent of the cost of an eligible project or activity under that Act; or

(C) to meet the non-Federal share requirements of that Act or any other Act.

(4) NON-FEDERAL SOURCE.—For the purpose of paragraph (3)(C), an additional award shall be treated as funds from a non-Federal source.

(5) FUNDING.—The Secretary shall use to carry out this subsection any amounts made available—

(A) for economic development assistance programs; or

(B) under section 702 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3232).

Subtitle D—Alternative Hydrocarbon and Renewable Reserves Disclosures Classification System

SEC. 841. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Securities and Exchange Commission shall appoint a task force composed of government and private sector representatives, including experts in the field of dedicated energy crop feedstocks for cellulosic biofuels production, to analyze, and submit to Congress a report (including recommendations) on—

(1) modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks); and

(2) the creation of a renewable reserves classification system for cellulosic biofuels feedstocks.

(b) DEADLINE FOR REPORT.—The Commission shall submit the report required under subsection (a) not later than 180 days after the date of enactment of this Act.

Subtitle E—Authorization of Appropriations

SEC. 851. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SA 1506. Mr. STEVENS (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — ENERGY EFFICIENT LIGHT BULBS

SEC. —01. TECHNICAL STANDARDS FOR GENERAL SERVICE LAMPS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF STANDARDS.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall initiate a project to establish technical standards for general service lamps.

(2) CONSULTATION WITH INTERESTED PARTIES.—In carrying out the project, the Secretary shall consult with representatives of environmental organizations, labor organizations, general service lamp manufacturers, consumer organizations, and other interested parties.

(3) MINIMUM INITIAL STANDARDS; DEADLINE.—The initial technical standards established shall be standards that enable those general service lamps to provide levels of illumination equivalent to the levels of illumination provided by general service lamps generally available in 2007, but with—

(A) a lumens per watt rating of not less than 30 by calendar year 2013; and

(B) a lumens per watt rating of not less than 45 by calendar year 2018.

(b) MANUFACTURE AND DISTRIBUTION IN INTERSTATE COMMERCE.—If the Secretary of Energy, after consultation with the interested parties described in subsection (a)(2), determines that general service lamps meeting the standards established under subsection (a) are generally available for purchase throughout the United States at costs that are substantially equivalent (taking into account useful life, lifecycle costs, domestic manufacturing capabilities, energy consumption, and such other factors as the Secretary deems appropriate) to the cost of the general service lamps they would replace, then the Secretary shall take such action as may be necessary to require that at least 95 percent of general service lamps sold, offered for sale, or otherwise made available in the United States meet the standards established under subsection (a), except for those general service lamps described in subsection (c).

(c) EXCEPTION.—The standards established by the Secretary under subsection (a) shall not apply to general service lamps used in applications in which compliance with those standards is not feasible, as determined by the Secretary.

(d) REVISED STANDARDS.—After the initial standards are established under subsection (a), the Secretary shall consult periodically with the interested parties described in subsection (a)(2) with respect to whether those standards should be changed. The Secretary may change the standards, and the dates and percentage of lamps to which the changed standards apply under subsection (b), if after such consultation the Secretary determines that such changes are appropriate.

(e) REPORT.—The Secretary shall submit reports periodically to the Senate Committee on Commerce, Science, and Technology, the Senate Committee on Energy and Natural Resources, and the House of Representatives Committee on Energy and Commerce with respect to the development and promulgation of standards for lamps and lamp-related technology, such as switches, dimmers, ballast, and non-general service lighting, that includes the Secretary's findings and recommendations with respect to such standards.

SEC. —02. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may carry out a lighting technology research and development program—

(1) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(2) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the lumens per watt ratings described in section —01(a).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2013.

(c) SUNSET.—The program under this section shall terminate on September 30, 2015.

SEC. —03. CONSUMER EDUCATION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Federal Trade Commission, shall carry out a comprehensive national program to educate consumers about the benefits of using light bulbs that have improved efficiency ratings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2014.

SEC. —04. REPORT ON MERCURY USE AND RELEASE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

SEC. —05. REPORT ON LAMP LABELING.

Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission, in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall submit to Congress a report describing current lamp labeling practices by lamp manufacturers and recommendations for a national labeling standard.

SA 1507. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 133, between lines 29 and 30, insert the following:

(j) IDENTIFICATION CARD STANDARDS.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109–13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided to assist States to meet such standards.

SA 1508. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. SALAZAR, Mrs. LINCOLN, Ms. CANTWELL, Mr. KERRY, Mr. DODD, Mr. KOHL, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Strike section 251 and insert the following:

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

SA 1509. Mr. CRAIG submitted an amendment intended to be proposed by him the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—THOR KIILSGAARD MEMORIAL GEOLOGIC MAPPING REAUTHORIZATION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Thor Kiilsgaard Memorial Geologic Mapping Reauthorization Act of 2007''.

SEC. 802. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

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

''(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ''homeland and'' after ''planning for'';

(B) in subparagraph (E), by striking ''predicting'' and inserting ''identifying'';

(C) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

SEC. 803. PURPOSE.

Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ''and management'' before the period at the end.

SEC. 804. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ''not later than'' and all that follows through the semicolon and inserting ''not later than 1 year after the date of enactment of the Thor Kiilsgaard Memorial Geologic Mapping Reauthorization Act of 2007;'';

(2) in subparagraph (B), by striking ''not later than'' and all that follows through ''in accordance'' and inserting ''not later than 1 year after the date of enactment of the Thor Kiilsgaard Memorial Geologic Mapping Reauthorization Act of 2007 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking ''not later than'' and all that follows through ''submit'' and inserting ''submit biennially''.

SEC. 805. GEOLOGIC MAPPING PROGRAM OBJECTIVES.

Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

SEC. 806. GEOLOGIC MAPPING PROGRAM COMPONENTS.

Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(III) the needs of land management agencies of the Department of the Interior.''.

SEC. 807. GEOLOGIC MAPPING ADVISORY COMMITTEE.

(a) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(1) in paragraph (2)—

(A) by inserting ''the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,'' after ''Administrator of the Environmental Protection Agency or a designee,'';

(B) by inserting ''and'' after ''Energy or a designee,''; and

(C) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(2) in paragraph (3)—

(A) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(B) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(C) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(b) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

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

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

SEC. 808. FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.

Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

SEC. 809. BIENNIAL REPORT.

Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the Thor Kiilsgaard Memorial Geologic Mapping Reauthorization Act of 2007 and biennially''.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.

Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2007 through 2016.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SA 1510. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 314, after line 2, add the following:

SEC. 708. INCREASE IN CAPACITY OF STRATEGIC PETROLEUM RESERVE.

(a) STRATEGIC PETROLEUM RESERVE.—

(1) POLICY.—Section 151(b) of the Energy Policy and Conservation Act (42 U.S.C. 6231(b)) is amended by striking ''1 billion'' and inserting ''1,500,000,000''.

(2) CREATION.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking ''1 billion'' and inserting ''1,500,000,000''.

(b) FILLING STRATEGIC PETROLEUM RESERVE TO CAPACITY.—Section 301(e) of the Energy Policy Act of 2005 (42 U.S.C. 6240 note; Public Law 109–58) is amended by striking ''1,000,000,000-barrel'' and inserting ''1,500,000,000-barrel''.

SA 1511. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, between lines 5 and 6, insert the following:

SEC. 521. STUDY OF CAFE STANDARDS FOR COMMERCIAL TRUCKS.

(a) STUDY.—The Administrator of the National Highway Traffic Safety Administration shall conduct a study of the anticipated economic impacts and fuel saving benefits that would result from a requirement that all vehicles manufactured for sale in the United States with a gross vehicle weight of not less than 10,000 pounds meet specific average fuel economy standards.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report to Congress that includes—

(1) the results of the study conducted under subsection (a); and

(2) a recommendation on whether the vehicles described in subsection (a) should be subject to average fuel economy standards.

SA 1512. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 215(b), strike paragraph (1) and insert the following:

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out, with respect to a renewable energy project—

(A) a finance feasibility or reconnaissance study;

(B) energy resource monitoring;

(C) construction of the renewable energy project; or

(D) construction or installation of transmission and distribution infrastructure associated with the renewable energy project, including power lines necessary to connect the renewable energy project to a distribution grid for the purpose of distributing energy generated by the renewable energy project.

SA 1513. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. _____. CLARIFICATION OF AUTHORITY.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

''(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

''(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

''(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).''.

SA 1514. Mr. KERRY (for himself and Mr. SANDERS) submitted an amendment intended to be propsoed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	**Minimum annual percentage:**
2009 through 2012	5
2013 through 2016	10
2017 through 2019	15
2020 through 2030	20

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2008, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the

Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable portfolio standard.''.

SA 1515. Mr. SANDERS (for himself, Mrs. CLINTON, Mr. KERRY, Mr. BIDEN, and Mr. SALAZAR) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Strike section 277, and insert the following:

SEC. 277. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c), the following:

''(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) PURPOSE.—It is the purpose of this subsection to—

''(A) create a sustainable, comprehensive public program that provides quality training that is linked to jobs that are created through renewable energy and energy efficiency initiatives;

''(B) satisfy industry demand for a skilled workforce, to support economic growth, to boost America's global competitiveness in the expanding energy efficiency and renewable energy industries, and to provide economic self-sufficiency and family-sustaining jobs for America's workers, including low wage workers, through quality training and placement in job opportunities in the growing energy efficiency and renewable energy industries;

''(C) provide grants for the safety, health, and skills training and education of workers who are, or may be engaged in, activities related to the energy efficiency and renewable energy industries; and

''(D) provide funds for national and State industry-wide research, labor market information and labor exchange programs, and the development of nationally and State administered training programs.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the 'Secretary'), in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (3) to achieve the purposes of this subsection.

''(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

''(i) target populations of individuals eligible for training and other services shall include, but not be limited to—

''(I) veterans, or past and present members of the reserve components of the Armed Forces;

''(II) workers affected by national energy and environmental policy;

''(III) workers displaced by the impacts of economic globalization;

''(IV) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency;

''(V) formerly incarcerated, adjudicated, non-violent offenders; and

''(VI) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

''(ii) energy efficiency and renewable energy industries eligible for such assistance and services shall include—

''(I) the energy-efficient building, construction, and retrofits industries;

''(II) the renewable electric power industry;

''(III) the energy efficient and advanced drive train vehicle industry;

''(IV) the bio-fuels industry; and

''(V) the deconstruction and materials use industries.

''(3) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (2), the Secretary, acting through the Bureau of Labor Statistics, shall provide assistance to support national research to develop labor market data and to track future workforce trends resulting from energy-related initiatives carried out under this section. Activities carried out under this paragraph shall include—

''(i) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(ii) the tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(iii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iv) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

''(v) collaborating with State agencies, industry, organized labor, and community and nonprofit organizations to disseminate successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out national training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a non-profit partnership that—

''(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

''(II) demonstrates—

''(aa) experience in implementing and operating worker skills training and education programs;

''(bb) the ability to identify and involve in training programs carried out under this grant, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help workers achieve economic self-sufficiency.

''(iii) ACTIVITIES.—Activities to be carried out under a grant under this subparagraph may include—

''(I) the provision of occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(II) the provision of safety and health training;

''(III) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

''(IV) individual referral and tuition assistance for a community college training program;

''(V) the provision of customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VI) the provision of career ladder and upgrade training; and

''(VII) the implementation of transitional jobs strategies.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange informational programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

''(I) The identification of job openings in the renewable energy and energy efficiency sector.

''(II) The administration of skill and aptitude testing and assessment for workers.

''(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

''(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—

''(I) IN GENERAL.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

''(II) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(aa) consist of non-profit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(bb) demonstrate experience in implementing and operating worker skills training and education programs; and

''(cc) demonstrate the ability to identify and involve in training programs, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate linkages of activities under the grant with—

''(I) meeting national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(II) meeting State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases.

''(iv) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees, including providing—

''(I) outreach and recruitment services, in coordination with the appropriate State agency;

''(II) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(III) safety and health training;

''(IV) basic skills, literacy, GED, English as a second language, and job readiness training;

''(V) individual referral and tuition assistance for a community college training program;

''(VI) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VII) career ladder and upgrade training; and

''(VIII) services under transitional jobs strategies.

''(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

''(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

''(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this subsection, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $100,000,000 for each fiscal year, of which—

''(A) not to exceed 20 percent of the amount appropriated in each fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (3)(A) and State labor market information and labor exchange research under paragraph (3)(C); and

''(B) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (3)(B) and State energy training partnership grants under paragraph (3)(D).

''(6) DEFINITION.—In this subsection, the term 'renewable electric power' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).''.

SA 1516. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) limiting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of the effect the laws have on the development of combined heat and power facilities; and

(B) a determination of whether a change in the laws would create any operating problems for electric utilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SA 1517. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, insert the following:

SEC. 2____. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

SA 1518. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—OUTER CONTINENTAL SHELF

SEC. 801. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area; or

''(2) the North Atlantic planning area.''.

SA 1519. Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. BIDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mr. LIEBERMAN, Mrs. BOXER, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 1520. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources by calendar year 2017.

SEC. 256. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

SA 1521. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 21, add the following:

SEC. 279. COMPACT FLUORESCENT LIGHTING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) LOW-INCOME HOUSEHOLD.—The term ''low-income household'' means a household with a total annual household income that does not exceed the greater of—

(A) an amount equal to 150 percent of the poverty level of a State; or

(B) an amount equal to 60 percent of the State median income.

(2) MEDIUM BASE COMPACT FLUORESCENT LAMP.—The term ''medium base compact fluorescent lamp'' has the meaning given the term in section 321(30)(S) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(S)).

(3) POVERTY LEVEL.—The term ''poverty level'' has the meaning given the term in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

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

(5) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(6) STATE MEDIAN INCOME.—The term ''State median income'' has the meaning given the term in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(b) COMPACT FLUORESCENT LIGHTING GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and carry out a program under which the Secretary shall provide grants to States for the distribution of medium base compact fluorescent lamps to households in the State.

(2) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section a State shall—

(A) submit to the Secretary an application, in such form and by such date as the Secretary may specify, that contains—

(i) a plan describing the means by which the State will use the grant funds; and

(ii) such other information as the Secretary may require; and

(B) agree—

(i) to conduct public education activities to provide information on—

(I) the efficiency of using medium base compact fluorescent lamps; and

(II) the cost savings associated with using medium base compact fluorescent lamps;

(ii) to conduct outreach activities to ensure, to the maximum extent practicable, that households in the State are informed of the distribution of the medium base compact fluorescent lamps in the State;

(iii) to coordinate activities under this section with similar and related Federal and State programs; and

(iv) to comply with such other requirements as the Secretary may establish.

(3) PRIORITY.—A State that receives a grant under this section shall give priority to distributing medium base compact fluorescent lamps to low-income households in the State.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $50,000,000 to carry out this section.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts made available under this section shall supplement, not supplant, amounts provided under sections 361 through 364 of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6324).

SA 1552. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by

investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—NATIONAL GEOLOGIC MAPPING

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Geologic Mapping Reauthorization Act of 2007''.

SEC. 802. FINDINGS.

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

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

''(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting ''homeland and'' after ''planning for'';

(B) in subparagraph (E), by striking ''predicting'' and inserting ''identifying'';

(C) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

''(J) recreation and public awareness; and''; and

(3) in paragraph (9), by striking ''important'' and inserting ''available''.

SEC. 803. PURPOSE.

Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting ''and management'' before the period at the end.

SEC. 804. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.

Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking ''not later than'' and all that follows through the semicolon and inserting ''not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007;'';

(2) in subparagraph (B), by striking ''not later than'' and all that follows through ''in accordance'' and inserting ''not later than 1 year after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007 in accordance''; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking ''not later than'' and all that follows through ''submit'' and inserting ''submit biennially''.

SEC. 805. GEOLOGIC MAPPING PROGRAM OBJECTIVES.

Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking ''geophysical-map data base, geochemical-map data base, and a''; and

(2) by striking ''provide'' and inserting ''provides''.

SEC. 806. GEOLOGIC MAPPING PROGRAM COMPONENTS.

Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking ''and'' after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(III) the needs of land management agencies of the Department of the Interior.''.

SEC. 807. GEOLOGIC MAPPING ADVISORY COMMITTEE.

(a) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(1) in paragraph (2)—

(A) by inserting ''the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,'' after ''Administrator of the Environmental Protection Agency or a designee,'';

(B) by inserting ''and'' after ''Energy or a designee,''; and

(C) by striking '', and the Assistant to the President for Science and Technology or a designee''; and

(2) in paragraph (3)—

(A) by striking ''Not later than'' and all that follows through ''consultation'' and inserting ''In consultation'';

(B) by striking ''Chief Geologist, as Chairman'' and inserting ''Associate Director for Geology, as Chair''; and

(C) by striking ''one representative from the private sector'' and inserting ''2 representatives from the private sector''.

(b) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

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

''(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and''.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking ''10-member'' and inserting ''11-member''.

SEC. 808. FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.

Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking ''geologic map'' and inserting ''geologic-map''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;''.

SEC. 809. BIENNIAL REPORT.

Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking ''Not later'' and all that follows through ''biennially'' and inserting ''Not later than 3 years after the date of enactment of the National Geologic Mapping Reauthorization Act of 2007 and biennially''.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.

Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2007 through 2016.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2000'' and inserting ''2005'';

(B) in paragraph (1), by striking ''48'' and inserting ''50''; and

(C) in paragraph (2), by striking 2 and inserting ''4''.

SA 1523. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF AUTHORITY FOR ESTABLISHING DISABLED VETERANS MATERIAL.

Public Law 106–348 is amended—

(1) in subsection (b)—

(A) by striking ''The establishment'' and inserting ''Except as provided in subsection (e), the establishment''; and

(B) by striking ''the Commemorative Works Act (40 U.S.C. 1001 et seq.)'' and inserting ''chapter 89 of title 40, United States Code'';

(2) in subsection (d)—

(A) by striking ''section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))'' and inserting ''section 8906 of title 40, United States Code'';

(B) by striking ''or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)),''; and

(C) by striking ''section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)'' and inserting ''8906(b)(2) or (3) of such title''; and

(3) by adding at the end the following new subsection:

''(e) TERMINATION OF AUTHORITY.—Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish a memorial under this section shall expire on October 24, 2015.''.

SA 1524. Mr. SALAZAR (for himself, Mr. GRASSLEY, Mr. OBAMA, Mr. HARKIN, Mr. HAGEL, Mr. LUGAR, Mr. FEINGOLD, Mrs. CLINTON, Mr. CASEY, Mr. NELSON of Nebraska Mr. BROWNBACK, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, Mr. TESTER, Ms. CANTWELL, Mr. THUNE, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, after line 23, add the following:

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SA 1525. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) if life-cycle cost-effective, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.''.

SA 1526. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION AND MODIFICATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.

(a) EXTENSION.—Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) are each amended by striking ''January 1, 2009'' each place it appears and inserting ''January 1, 2013''.

(b) MODIFICATION OF INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''No adjustment shall be made under this paragraph with respect to the 1.5 cent amount in subsection (a) and the 8 cent amount in paragraph (1) for any year after 2007.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to energy produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. ___. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2008'' and inserting ''2012''.

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Subsection (f) of section 54 of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended to read as follows:

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) ANNUAL NATIONAL LIMITATION.—There is a national clean renewable energy bond limitation for each calendar year of $2,250,000,000.

''(2) ALLOCATION BY SECRETARY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(B) LIMITATION ON ALLOCATIONS.—With respect to any calendar year, the Secretary may not allocate—

''(i) more than $750,000,000 of the amount described in paragraph (1) to finance qualified projects of qualified borrowers which are public power entities,

''(ii) more than $250,000,000 of the amount described in paragraph (1) to finance qualified projects of qualified borrowers which are Indian tribes,

''(iii) more than $500,000,000 of the amount described in paragraph (1) to finance qualified projects of qualified borrowers which are government entities (other than public power entities or Indian tribes), and

''(iv) more than $750,000,000 of the amount described in paragraph (1) to finance qualified projects of qualified borrowers which are cooperative electric companies or cooperative lenders.

''(C) PUBLIC POWER ENTITY.—For purposes of subparagraph (B), the term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SA 1527. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ETHANOL TARIFF EXTENSION

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Ethanol Tariff Extension and Caribbean Basin Initiative Investigation Act''.

SEC. ____02. EXTENSION OF ADDITIONAL DUTY ON ETHANOL.

(a) IN GENERAL.—Subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States is amended by striking ''1/1/2009'' in the effective period column and inserting ''1/1/2011''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. ____03. FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Renewable Energy Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as may be transferred or credited to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—Subject to subsection (c), the Secretary of the Treasury shall transfer to the Fund out of the general fund of the Treasury amounts determined by the Secretary to be equivalent to the amounts received into such general fund that are attributable to the duty imposed under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Up to $100,000,000 for fiscal year 2009 and up to $150,000,000 for fiscal year 2010 shall be available from the Fund, as provided in appropriation Acts, for the purposes described in section 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15853(c)).

(2) EXCESS AMOUNTS.—Any amount attributable to the duty imposed under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States that exceeds the

amounts authorized in paragraph (1) for fiscal year 2009 or 2010 shall be returned to the general fund of the Treasury.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. ___04. STUDY AND INVESTIGATION OF ETHANOL FROM CERTAIN CARIBBEAN BASIN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall conduct a study into the source and quantity of ethanol, classifiable under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States, that is imported into the United States from any country that is designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(b) CONTENTS OF STUDY.—The study required by subsection (a) shall include the following:

(1) An identification of all countries that are not beneficiary countries designated under the Caribbean Basin Economic Recovery Act that produce ethanol that is imported duty-free into the United States through a country that is a beneficiary country under such Act.

(2) A determination of the quantity of ethanol on a country-by-country basis that is imported duty-free into the United States through a country that is a beneficiary country under such Act.

(3) Projections of the potential production capacity of all ofthe countries designated as beneficiary countries under such Actto dehydrate and export ethanol that originates in countries that are not beneficiary countries designated under such Act. The projections shall be made without regard to any import quotas relating to such beneficiary countries.

(4) A determination of the impact on the domestic and international marketplace of duty-free treatment for ethanol imported from countries designated as beneficiary countries under such Act with and without the current import quotas.

(5) A determination of the economic impact on countries designated as beneficiary countries under such Act if ethanol were not provided duty-free treatment and whether a stable political and economic climate would exist in the Caribbean region if duty-free treatment were not provided for ethanol.

(c) REPORT.—Not later than 30 days after the Secretary concludes the study described in subsection (b), the Secretary shall report to Congress on the results of that study, including the Secretary's conclusions regarding—

(1) the quantity of ethanol being passed through countries that are designated as beneficiary countries under the Caribbean Economic Recovery Act;

(2) where that ethanol originates;

(3) what the potential production capacity is for countries in the Caribbean region to act as a conduit for foreign ethanol if the current quota system is eliminated;

(4) what the economic impact on the domestic ethanol industry would be if the quota were eliminated; and

(5) whether the current duty-free treatment contributes to the political and economic stability of the Caribbean Basin region.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing before the Committee on Energy and Natural Resources to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities has been rescheduled.

The rescheduled hearing will be held on Tuesday, June 26, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2007, at 9:30 a.m., in open session to consider the following nominations:

Mr. Michael G. Vickers to be Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict;

VADM Eric T. Olson, USN, for appointment to the grade of Admiral and to be Commander, U.S. Special Operations Command; and

The Honorable Thomas P. D'Agostino to be Under Secretary for Nuclear Security, Department of Energy and Administrator of the National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, June 12, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on a recent proposal of the Federal-State Joint Board on Universal Service to limit the amount of universal service funding available to competitive eligible telecommunications carriers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 12, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled ''Examination of the Health Effects of Asbestos and Methods of Mitigating Such Impacts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 12, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Trade Enforcement for a 21st Century Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 2007, at 2:30 p.m. to hold a hearing on foreign assistance and a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 12, 2007 at 2:30 p.m. to hold an open hearing concerning Terrorist Ideology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate, on Tuesday, June 12, 2007, at 2:30 p.m. to conduct a hearing entitled ''Assessing Telework Policies and Initiatives in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that Suzanne Wells

from my office be given the privilege of the floor during the consideration of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jack Wells on my staff for the duration of the debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent that a fellow in my office, Charlie Garlow, be granted floor privileges for the duration of the Energy bill debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE UNIVERSITY OF COLORADO AT BOULDER MEN'S CROSS COUNTRY TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 232, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 232) congratulating the University of Colorado at Boulder Men's Cross Country team for winning the 2006 National Collegiate Athletic Association Division I Men's Cross Country Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas, on November 20, 2006, the University of Colorado at Boulder men's cross country team (referred to in this preamble as the ''Colorado Buffaloes'') won the 2006 National Collegiate Athletic Association (NCAA) Division I Men's Cross Country National Championship in Terre Haute, Indiana;

Whereas the Colorado Buffaloes team of junior Brent Vaughn, junior Stephen Pifer, senior Erik Heinonen, junior James Strang, and senior Billy Nelson won the NCAA Cross Country Championships with a score of 94, which was 48 points ahead of their nearest opponent;

Whereas this championship is the Colorado Buffaloes men's cross country team's 3rd national championship and also their 3rd championship in 6 years;

Whereas the Colorado Buffaloes won the Big 12 Conference Championship for the 11th consecutive year and the NCAA Mountain Region Championship for the 4th consecutive year in 2006;

Whereas senior Erik Heinonen and junior Brent Vaughn were named to the United States Track and Field and Cross Country Coaches Association (USTFCCCA) All-Academic Men's Team;

Whereas Colorado Buffaloes Head Coach Mark Wetmore was named USTFCCCA Men's Cross Country Coach of the Year for 2006;

Whereas Colorado Buffaloes Head Coach Mark Wetmore has successfully coached the University of Colorado men's and women's cross country teams to top 10 finishes in all of his 12 years as head coach; and

Whereas this championship marks the 23rd national title in the University of Colorado's athletic history and the 2nd championship of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) Congratulates the University of Colorado men's cross country team, the Colorado Buffaloes, for winning the 2006 NCAA Division I Men's Cross Country Championship;

(2) Recognizes the achievements of all the players, coaches, students, and support staff whose dedication was instrumental in helping the Colorado Buffaloes win the 2006 NCAA Division I Men's Cross Country Championship; and

(3) Respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) The University of Colorado at Boulder;

(B) The President of the University of Colorado, Hank Brown;

(C) The Chancellor of the University of Colorado at Boulder, Dr. G.P. ''Bud'' Peterson;

(D) The Athletic Director of the University of Colorado at Boulder, Mike Bohn; and

(E) The Head Coach of The University of Colorado at Boulder men's cross country team, Mark Wetmore.

REPEALING CERTAIN SECTIONS OF THE ACT OF MAY 26, 1936, PERTAINING TO THE VIRGIN ISLANDS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 44, H.R. 57.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 57) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 57) was ordered to be read a third time, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JUNE 13, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, June 13; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half under the control of the majority and the second half under the control of the Republicans; that 20 minutes of the majority time be under the control of Senator BROWN or his designee; that upon the conclusion of morning business, the Senate resume consideration of H.R. 6, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. KLOBUCHAR. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 13, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 12, 2007*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 12, 2007.

I hereby appoint the Honorable JOHN P. SARBANES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Kentucky (Mr. DAVIS) for 2 minutes.

HONORING DR. FRED BASSETT

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the work and dedication of a great leader and great educator from northern Kentucky, Dr. Fred Bassett. Since 1996, Dr. Bassett has served as superintendent of the Beechwood School District in Fort Mitchell, Kentucky.

Working as a parole and probation officer early in his career, Fred wondered how he could make a difference in the lives of young people before they got off track. He decided that the answer was in education, and he dedicated his life and his future to investing in children and future generations of this community.

Rising through the ranks in the Beechwood School District, Fred served as a teacher, assistant principal and principal before being named to his current position of superintendent. His success is the fruit of his character, his commitment and his vision.

Fred helped make Beechwood School District an institution known statewide as a leader in academics and as a perennial powerhouse in high school football. I am proud of the success he has had in helping our students excel both in and out of the classroom. I thank him for his service and wish him the best of his luck in his new career at the University of Cincinnati.

Fred Bassett's leadership has planted the seeds of success in thousands of children which will bear fruit for our community, our commonwealth and our country in the decades ahead.

RECESS

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

Accordingly (at 9 o'clock and 5 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 10 a.m.

PRAYER

The Reverend Michael D. Pfingsten, St. Paul Lutheran Church, Harvard, Illinois, offered the following prayer:

Almighty God, You have given us this good land as our heritage. Grant that we remember Your generosity and constantly do Your will.

Bless our land with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil act.

Grant that we, who came from many nations with many different languages, may become a united people. Support us in defending our liberties, and give those to whom we have entrusted the authority of government the spirit of wisdom, that there may be justice and peace in our land. Especially do we ask You to bless this House in all its doings this day.

When times are prosperous, may our hearts be thankful, and in troubled times do not let our trust in You fail; this I ask through Your son Jesus Christ, my Lord.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND MICHAEL D. PFINGSTEN

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

Mr. MANZULLO. Mr. Speaker, I rise today to honor Reverend Michael D. Pfingsten, the U.S. House of Representatives guest chaplain for today.

Mike is a Lutheran pastor of 19 years; and he and his family have joined us from Harvard, Illinois, where Rev. Pfingsten is pastor of St. Paul Lutheran Church.

Rev. Pfingsten earned his B.A. in History at Concordia College and Masters of Divinity in History at Concordia Theological Seminary.

On this day in 325 A.D., Christian bishops gathered to discuss the essentials of the Christian faith at the first Council of Nicaea. I am delighted that Rev. Pfingsten, a man who can truly appreciate the significance of this day, was able to lead us in prayer.

DEMOCRATS FUND RIGHT PRIORITIES

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

Mr. WILSON of Ohio. Mr. Speaker, this week the House will consider the 2008 Homeland Security Appropriations bill, which addresses our most pressing security needs in America.

This legislation makes many of the recommendations of the 9/11 Commission a reality. It puts new emphasis on protecting our ports and our rail and transit systems. Aviation security is also strengthened with improvements to baggage screenings and a requirement that doubles the amount of cargo

screened for explosives on passenger aircraft.

And the bill makes critical investments into border and immigration security as well, by increasing the number of Border Patrol agents to a record 17,800 agents in all.

Finally, Mr. Speaker, this legislation provides for the protection of our Nation while ensuring that taxpayer dollars are well spent by acquiring accountability of our tax dollars.

ACCOUNTABILITY AND TRANSPARENCY

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

Mr. WILSON of South Carolina. Mr. Speaker, this week Democrat leaders will begin pushing their appropriations bills through the House without proper analysis or consideration.

Less than a year ago, the Democrats' top House leader proclaimed that her caucus was committed to restoring integrity to Congress. Specifically, she stated that ''Democrats would bring full accountability and transparency to all earmarks, those in the authorization bills as well as those in appropriations bills.'' Yet today, even Democrat CNN has editorialized that promised reform is not happening.

Last year, Republicans passed legislation to identify all earmarks by the sponsoring Members' names and Members being allowed to challenge individual earmarks on the House floor.

In conclusion, God bless our troops and we will never forget September 11. We will always appreciate the courage of Ronald Reagan who declared 20 years today, ''Mr. Gorbachev, tear down this wall,'' promoting freedom in Berlin and victory over communism.

NAFTA IS FAILED TRADE MODEL

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

Mr. MICHAUD. Mr. Speaker, NAFTA held a great promise to provide workers in Mexico and the United States a livable wage. It simply hasn't lived up to that promise. Illegal immigration has increased.

The number of undocumented Mexican workers who live in the United States has skyrocketed in the NAFTA era from an estimated 1 million in the mid-1990s to about 6 million today.

While many people talk about closing down the U.S.-Mexico border, few care to confront the root cause of this issue: the failure of the NAFTA model to provide sustainable livelihoods for workers in Mexico. Over 1 million Mexican farmers lost their livelihoods due to NAFTA-mandated agricultural policy changes. Wages declined for workers.

These are just some of the reasons why one in ten Mexican citizens have made an often dangerous border crossing to the United States.

NAFTA is a failed model. It is time that we change the model. We can't afford to keep approving models based on the same old NAFTA model. And that is what Peru and Panama are, agreements based on the same flawed principles.

IRAQI NATIONAL ASSEMBLY 2-MONTH RECESS

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

Mr. STEARNS. Mr. Speaker, the Iraqi National Assembly plans to take its regularly scheduled 2-month summer recess starting in July. Taking such an extended break demonstrates a lack of urgency on their part and political will on the part of the Iraqi parliament.

Defense Secretary Gates told a Senate hearing last month, ''I'll be blunt: I told some of the Iraqis with whom I met that we are buying them time for political reconciliation, and that every day we buy it with American blood. For this group to go out for 2 months, it would, in my opinion, be unacceptable.''

Accordingly, I have introduced H. Res. 469, which expresses the sense of the House that the Iraqi National Assembly should cancel or postpone its 2-month recess and work towards meeting political, social and military benchmarks. I urge my colleagues to join with me in sending a message to the Iraqi parliament that they must work to fulfill their obligations.

OPPOSE COLOMBIAN FREE TRADE AGREEMENT

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

Mr. HARE. Mr. Speaker, I rise today in strong opposition to the pending Colombian free trade agreement. Since 1991, over 2,000 labor organizers have been murdered in Colombia. Many of these cases are never investigated, and the perpetrators go unpunished, ready to strike again.

For 13 years I served as the union leader for UNITE HERE Local 617. If I had born in Colombia, there is a strong possibility that I would not be here today fighting for working class people. My effort for higher wages, better working conditions, and a secure pension could have cost me my life.

Many will argue that the labor rights ''fixes'' in the May 10 agreement between the USTR and congressional leadership will be enough to prevent the deaths of union workers, but no worker protection provision comes close to addressing the brutal violations of workers' rights that we see in Colombia.

Mr. Speaker, in good conscience, I cannot support a free trade agreement that rewards Colombia with prized access to American markets as its workers live in constant fear.

□ 1010

SECURE THE BORDERS FIRST

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

Mr. POE. Mr. Speaker, the American people overwhelmingly support border security, but for some reason, some political pandering pundits in Washington, D.C., want to pursue an unwise, open house amnesty policy before dealing with the real first important issue of national security.

It's an issue of trust. I don't think Americans believe our government will really ever secure the border, no matter how many empty promises are made. The reason is too many special interest groups want lax border enforcement for their own political agenda.

Those who want cheap plantation labor and those who want greater political power seem to want the border laws we have ignored. The motives appear to always be about money or power.

However, our government would do well to assume its constitutional responsibility to protect America. The government has the ability, but not the will, to protect the border.

Congress needs to provide adequate resources for border security. The government has the responsibility then to enforce the law and not give in to special interest groups. Then we can deal with the people that are here illegally after the government proves it has the will to secure our homeland.

And that's just the way it is.

ENDING THE WAR IN IRAQ

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

Mr. COHEN. Mr. Speaker, this Democratic Congress has been successful in raising the minimum wage with help from people on the other side of the aisle, and the President signed that into law.

It has also passed stem cell research with some help from people on the other side of the aisle. The President has threatened to veto that bill and that's unfortunate.

The biggest issue hanging over this Congress is the war in Iraq; and while this Congress has made moves to have timetables and benchmarks, it hasn't achieved a consensus that the President will agree to and effectuate policy that brings our troops home.

It will take colleagues on the other side of the aisle, people who have been wedded to this war, President Bush's war, and have been unable to get themselves derailed from that train that's on a collision course. Until Republicans come forward and heed America's call to bring our troops home, more and more Americans will die in Iraq, more and more American dollars will be spent in Iraq where they shouldn't be.

We need to redeploy our troops to fight terrorists in Afghanistan and other places and keep our country safe. I ask my Republican colleagues, Mr. Speaker, to join us.

SENATE BILL IS NOT THE ANSWER TO IMMIGRATION REFORM

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

Mr. PENCE. Mr. Speaker, today the President of the United States will come to the Capitol Building to revive a deeply flawed immigration bill being considered in the U.S. Senate.

One year ago, the President challenged this Congress to find an answer to the crisis of illegal immigration, and, Mr. President, amnesty is not the answer. The core fallacy of the Senate bill would grant unlimited Z visa amnesty to millions of illegal immigrants who simply pay a fine and submit to a background check.

While the Senate bill is not the answer, there is a way forward, Mr. Speaker. I truly believe that after the Senate bill goes away, the House of Representatives would do well to come together across party lines and find a way forward that puts border security first, rejects amnesty and creates a new guest worker system that requires illegal immigrants to leave the country to apply and to learn English once they're here.

There is a way forward. We can achieve immigration reform in this Congress, but the Senate bill is not that way.

CROSS-BORDER PILOT PROGRAM BY DEPARTMENT OF TRANSPORTATION

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today dismayed by the Department of Transportation's decision to rush dangerous Mexican trucks onto American roads.

In the last month, this House voted twice to impose severe restraints on any cross-border trucking program. Three weeks ago, we passed my Safe American Roads Act by an overwhelming, bipartisan 411–3 margin. The supplemental appropriations bill included similar language. It passed both Houses, and it was signed into law by the President of the United States.

But although we have twice loudly and unambiguously rebuked the Department of Transportation, they are simply ignoring the American people. On Friday, they announced plans to launch a cross-border pilot program anyway, in clear violation of both Houses and the will of the American people.

Their actions are deceptive, and they are intolerable. The people's House cannot be sidestepped through bureaucratic trickery. I urge the DOT to put the brakes on this profoundly undemocratic course of action. The safety of our highways is at stake.

HONORING DR. HARLON CRIMM

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

Mr. GINGREY. Mr. Speaker, I rise today to honor Dr. Harlon Crimm, who last week announced his retirement as president of Chattahoochee Technical College.

In the past 24 years, Dr. Crimm's contributions to Chattahoochee Tech have been profound. He quadrupled enrollment, making Chattahoochee the largest technical institution in the State of Georgia. He oversaw the college's accreditation by the Southern Association of Colleges and Schools. He instilled a sense of mission and pride in the institution, helping it gain national prestige.

But Harlon has been molding Georgia's young minds for nearly half a century. He began his career as a high school teacher in Mississippi, later becoming the principal of Lockheed Elementary School in Marietta and director of personnel for Marietta City Schools. My four children attended Marietta, and they benefited greatly from their exposure to Dr. Crimm.

Now in retirement, Dr. Crimm will be able to spend more time with his wife, Jo Ann, a retired Ph.D. educator, and his children and grandchildren.

Mr. Speaker, I ask that you join me in thanking Dr. Harlon Crimm for his years of service educating Georgia's young minds. In fact, Dr. Crimm eloquently summed up his own work when he referred to his past 44 years in education not as a job or a career, but as a calling.

DEMOCRATS LIVE UP TO THE PROMISES OUR NATION MADE OUR VETERANS

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

Mr. CARNAHAN. Mr. Speaker, after years of funding cuts by Republican Congresses and the Bush administration to key education, veterans, college aid and transportation programs, this House is now bringing appropriations bills to the floor that invest in the right priorities, while also remaining fiscally responsible.

This week, Democratic leadership will pass the largest increase in veterans health care funding in history, a critical step in fulfilling our Nation's obligation to our service men and women, their families and our veterans.

The Veterans Health Administration estimates that they will treat 54,000 more troops in 2008 than they did over the last year, including more than 263,000 veterans of the war in Iraq and Afghanistan. This House is going to provide our veterans the health care services they are entitled to.

We also add 1,000 new claims processors to reduce the backlog of benefit claims so that our veterans will get the services they need in a timely way.

Mr. Speaker, this Congress is dedicated to fulfilling our commitment to our veterans in a fiscally responsible way.

SECRET EARMARKS

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

Mrs. MILLER of Michigan. Mr. Speaker, for months we have heard the Democrats' promises that they would make this the most transparent and ethical Congress that our Nation has ever seen, and of course, we all want to see Congress held accountable. We all want the legislative process to be open and be accessible to the American people.

So this week the Democrats get to take a swing at making good on their promises of transparency and accountability, and they're already striking out with their secret slush funds.

By deciding not to include any earmarks in the appropriation bills and instead to slip them in by the dark of night into conference reports, preventing anyone from questioning or challenging their earmarks, they have completely shut off the legislative process to the American people.

Now, let me make it clear that I am not against earmarks. I am more than willing to get up here on the floor and defend each and every earmark that I have ever gotten or tried to get for my district. And I think that all Members should have the opportunity to defend their projects and their requests, but more importantly, tax paying citizens have the right to know exactly how their hard-earned dollars are being spent.

To make this process closed is an insult to taxpayers, and if Democrats have nothing to hide, they should live

up to their promise and open the process back up to the American people and hold themselves accountable for their spending.

□ 1020

DEMOCRATS ARE FOCUSED ON THE RIGHT PRIORITIES AND ARE FULFILLING OUR PROMISE TO VETERANS

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

Mr. MAHONEY of Florida. Mr. Speaker, this year and in years past, the Bush administration has neglected the needs of America's veterans. In his annual budget request, the President did not propose enough funding for the Veterans Administration to meet the growing needs of our veterans.

Fortunately, the new Democratic Congress did not forget about our veterans. This week, we will bring a Military Construction and Veterans' Affairs Appropriations bill to the floor that provides the largest increase in veterans' health care funding in history. Our bill includes $600 million for a new initiative for mental health and post-traumatic stress syndrome, so that we can ensure that our veterans and returning soldiers have the facilities and the care they need. The funding bill also provides essential services that will allow these veterans to transition back into their communities.

Democrats know that the Federal Government must keep its promises to the men and women who have defended our Nation. This bill, I am proud to say, lives up to that promise.

INDEPENDENCE PRIZE

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

Mr. MCHENRY. Mr. Speaker, the disastrous effects of our Nation's dependence on foreign oil are being seen in every new tank of gas and every cent we send overseas to pay for Middle Eastern oil. Rising gas prices are a product of rising demand and not enough supply.

The time is now to revolutionize the way we produce and consume energy. That's why I am proposing a 21st Century Manhattan Project to spur the ingenuity of our American private sector, to deliver free market solutions for our Nation's energy problem.

I am introducing legislation to create a $1 billion prize, the Independence Prize, as I call it, that will go to Americans who develop revolutionary products that substantially reduce our dependence on foreign oil, eliminating our dependence on foreign oil. The Independence Prize provides incentives to American entrepreneurs to get transformational innovation to consumers, and more importantly, put Americans on a path to energy independence. Independence is the key.

I urge my colleagues to support this bill.

DEMOCRATIC HOUSE WORKING ON BEHALF OF AMERICAN PEOPLE WHILE PRESIDENT OBSTRUCTS PROCESS

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

Mr. JOHNSON of Georgia. Mr. Speaker, House Democrats have been working in a bipartisan manner to approve important legislation which will have a real impact on the lives of hardworking American families. Unfortunately, President Bush has expressed his opposition to a majority of the bipartisan legislation we have passed.

Last week, Congress sent the President a stem cell research bill that would provide hope for millions of Americans suffering from diseases like cancer, diabetes and Alzheimer's. The final bill promotes lifesaving embryonic stem cell research by increasing the number of stem lines that are eligible to be used for federally funded research.

I would hope the President would not stand in the way of real medical progress and would reconsider his veto threat to this vitally important legislation. The President also opposes legislation passed by the House that would make prescription drugs more affordable for America's seniors. And he also opposes legislation making more affordable student loans for America's teenagers.

Congress cannot move this Nation in a new direction on its own. It's time for the President to join us, creating a meaningful change for the American people.

LACK OF BORDER FENCE FUNDING

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

Mrs. BLACKBURN. Mr. Speaker, we are hearing illegal immigration is a big debate. There is a lot of passion on this issue.

Last year, Congress took the right step in passing the Secure Fence Act. It was the right thing to do. It puts 800 miles of fencing in place, both physical and electronic borders, on our southern border.

Now, authorizing it is one thing, but paying for it is another matter. That duty has fallen to the new liberal leadership here in the House. Even though they have increased Homeland Security spending by $2.4 billion, a lot of that is going to go into global warming.

They have cut funding for the fence by $187 million, compared to last year's budget. You are going to hear a lot about this as we begin our appropriations process today.

As we work on this Homeland Security bill, they will claim to have budgeted $1 billion for the fence, but they are withholding $700 million of that while we go through bureaucratic red tape. We have got to be certain we don't hurt the environment, all the while 4,500 illegal immigrants cross the southern border every day.

It is disgraceful. Do not delay the fence. Fund it. Take action in the appropriate matter. The hold-on-to-your-wallet Congress is at it. Stand up for the fence.

PRESIDENT REFUSES TO CHANGE COURSE IN IRAQ DESPITE INCREASING VIOLENCE

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

Mr. HODES. Mr. Speaker, last week the President's new war czar told the Congress that the troop escalation plan is failing and that the American people should expect sectarian violence in Iraq to continue.

Finally someone in the administration is making sense of the situation on the ground in Iraq, but honesty does not make up for the fact that President Bush continues to stubbornly oppose any change in war policy.

In the wake of the deadliest 2-month period in the war, 231 U.S. service men and women were killed in April and May. The facts on the ground show an increasingly grim picture.

In fact, a recent internal military assessment shows that the U.S. military's plan to secure Baghdad against a rising insurgency is falling far short of its goal. To date, according to the document, only one-third of the Baghdad neighborhoods are under the control of American and Iraqi security forces. The administration's goal was to have the entire city under control by next month. Clearly, that is no longer possible.

Despite the continued stubbornness of this President, the Democratic Congress will continue to demand that we move this war in a new direction.

HEALTH SAVINGS ACCOUNTS

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

Mr. BOUSTANY. Mr. Speaker, health savings accounts are one of the best ways to put families back in control of their health care destiny. HSAs have expanded coverage, but Congress needs

to make them more practical for working families and patients in poor health, and also remove rules that discriminate against veterans and seniors in Medicare.

This week, I introduced H.R. 2639 to permit larger contributions, allow coverage below the deductible for prescription drugs, and provide tax relief for premiums. The bill removes barriers that make it illegal for families to deposit their own money in an HSA after they receive care through Medicare or the VA. It also helps working families to build intergenerational ''wealth for health'' by allowing adult children to inherit a Medicare HSA in the same way that a spouse may now do.

It makes sense to help Americans save for future medical costs, especially when we consider our Nation's negative savings rate and Medicare's looming financial problems.

I urge my colleagues to support this bill, to expand consumer choice and control it.

DEMOCRATIC HOUSE AND PRESIDENTIAL VETOES

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

Mr. BUTTERFIELD. Mr. Speaker, the Democratic House listened to the American people and has begun moving our Nation in a new direction by passing more than 45 key measures over the last 5 months, most with bipartisan support.

Unfortunately, the President has been a stubborn opponent of progress for the American people. He has threatened to veto much of the House's work this year. This House voted to implement the unfulfilled recommendations of the bipartisan 9/11 Commission, but the Bush administration opposes the bill in its current form.

This House overwhelmingly supported a 3.5 percent pay increase for our troops who are serving in combat, but the President has threatened a veto saying a 3 percent pay raise would be sufficient.

We passed strong price-gouging legislation that sets tough criminal penalties for wholesalers and retailers who attempt to gouge the public. The President's response? Another veto threat.

More often than not, the President is obstructing our efforts to move this Nation in a new direction.

TAX INCREASE PREVENTION ACT

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

Mr. WALBERG. Mr. Speaker, this week I am introducing the Tax Increase Prevention Act, legislation that would make permanent tax relief passed in 2001 and 2003.

My bill simply takes away all the sunset provisions of these tax relief packages that passed Congress and provided American families and job creators the certainty to provide for the future. This tax relief passed by Congress is working, and States are much more likely to take fiscally responsible moves and tighten their belts instead of hiking taxes. States that were once in recession are now brimming with tax revenue.

The few States that are struggling, such as my home State of Michigan, have hope for a turnaround in the future because these tax cuts are creating jobs and leaving more money in the pockets of taxpayers.

Unfortunately, Democrats in Congress are choosing to ignore the advancements made possible by these tax cuts. In their most recent budget bill, the House Democrats' budget plan included a $400 billion tax increase that will cripple current progress in our economy.

By making tax cuts permanent and continuing to grow our economy, this Congress can go a long way in restoring the trust of the American people and build a better, brighter future for our country.

□ 1030

ELECTING MEMBER TO JOINT COMMITTEE ON PRINTING

Mr. BRADY of Pennsylvania. Mr. Speaker, I offer a resolution (H. Res. 478) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 478

Resolved, That Mrs. Davis of California is hereby elected to the Joint Committee on Printing, to rank after Mr. Capuano.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF ROTUNDA FOR CEREMONY TO AWARD CONGRESSIONAL GOLD MEDAL TO DR. NORMAN E. BORLAUG

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 164) authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 164

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on July 17, 2007, for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. EHLERS. Mr. Speaker, I am proud to support H. Con. Res. 164, which authorizes use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

Through a lifetime of research and development aimed at curing world hunger, Dr. Borlaug has exemplified how science and humanitarianism can intersect to address the needs of developing countries that have been ravaged by the effects of hunger and poverty. By introducing high-yield, disease-resistant varieties of wheat to India, Mexico and Pakistan, Dr. Borlaug developed sustainable, renewable food sources that are frequently estimated to have saved over a billion lives.

The results of Dr. Borlaug's research were remarkable, yet not surprising given the commitment of this man of science to find practical, applicable solutions to the world's problems, not, as he put it, chase academic butterflies. Dr. Borlaug's efforts to apply science to stimulate agricultural yield have been frequently credited as being a major milestone of the Green Revolution, and he himself has often been cited as the father of that movement.

In 1970, Dr. Borlaug was awarded the Nobel Peace Prize for his work in India and Pakistan, and for his role in the Green Revolution. When he was advised in October of that year that he had won the enormous honor, Dr. Borlaug was where he spent many of his hours—in the farm fields of Mexico. When his wife drove an hour to reach him in the fields and advise him that the media was waiting for his reaction, Dr. Borlaug declined to return to the house, saying that he and his assistants still had much more work to do, as he continued to record data on his test plots. It was there that the TV camera crews found him 2 hours later.

In addition to the Nobel Prize, Dr. Borlaug has been recognized with the 1977 U.S. Presidential Medal of Freedom, the 2002 Public Welfare Medal from the U.S. National Academy of Sciences, the 2002 Rotary International Award for World Understanding and Peace, and the 2004 National Medal of Science. He has also received numerous honorary degrees from around the world.

Though he has received many accolades, Dr. Borlaug has been quick to point out that his work alone will not be enough to cure world hunger. In 1986, Dr. Borlaug created the World Food Prize, an international award recognizing the achievements of individuals who have advanced human development by continuing to improve the quality, quantity and availability of food in the world.

Mr. Speaker, I am privileged to support H. Con. Res. 164 to authorize use of the Capitol rotunda to honor Dr. Norman E. Borlaug as he receives the Congressional Gold Medal. It is fitting that such an honor be bestowed upon a man who has done so much, for so many.

Mr. BOSWELL. Mr. Speaker, I would like to thank my good friend and Colleague Mr. TOM LATHAM for his leadership on H. Con. Res. 164, which authorizes the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman Borlaug.

I am honored to know Dr. Borlaug. He is a great humanitarian who is credited with saving over a billion lives. No small task but for Dr. Borlaug it was all in a days work.

In 1944, Dr. Borlaug participated in Rockefeller Foundation's pioneering technical assistance program in Mexico. He was a research scientist and worked on high-yield and disease resistance cereal grains.

His work changed production agriculture, as we know it today. Dr. Borlaug is also credited with beginning the 'Green Revolution' in Mexico, Asia, and Latin America.

He won the Nobel Peace Prize in 1970 for his groundbreaking work in world agriculture and his work to end world hunger. Through this he envisioned a prize that would honor others who had made contributions to helping feed the world.

Dr. Borlaug's life is marked with accomplishments; one such accomplishment was founding the World Food Prize, which is now located in Des Moines, Iowa. The World Food Prize recognizes contributions by individuals who have worked to improve the quality, quantity and availability of the world food supply.

Dr. Borlaug is an amazing man and because of him billions of lives have been saved. The implications of his life's work will be felt for years to come. I again thank Mr. LATHAM for helping to ensure this true American hero is properly honored.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the concurrent resolution just adopted.

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

There was no objection.

DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE TWENTY-FIRST CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 459 in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 459

Resolved, That the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida is dismissed.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE TWENTY-FOURTH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 461 in the House.

The Clerk read the title of the resultion.

The text of the resolution is as follows:

H. RES. 461

Resolved, That the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida is dismissed.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE FOURTH CONGRESSIONAL DISTRICT OF LOUISIANA

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 462 in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 462

Resolved, That the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana is dismissed.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE FIFTH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 463 in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 463

Resolved, That the election contest relating to the office of Representative from the Fifth Congressional District of Florida is dismissed.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous matter on the four election contest resolutions just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

NATIVE AMERICAN $1 COIN ACT

Mr. BOREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2358) to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2358

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American $1 Coin Act''.

SEC. 2. NATIVE AMERICAN $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

''(r) REDESIGN AND ISSUANCE OF CIRCULATING $1 COINS HONORING NATIVE AMERICANS AND THE IMPORTANT CONTRIBUTIONS MADE BY

INDIAN TRIBES AND INDIVIDUAL NATIVE AMERICANS IN UNITED STATES HISTORY.—

''(1) REDESIGN BEGINNING IN 2008.—

''(A) IN GENERAL.—Effective beginning January 1, 2008, notwithstanding subsection (d), in addition to the coins to be issued pursuant to subsection (n), and in accordance with this subsection, the Secretary shall mint and issue $1 coins that—

''(i) have as the designs on the obverse the so-called 'Sakakawea design'; and

''(ii) have a design on the reverse selected in accordance with paragraph (2)(A), subject to paragraph (3)(A).

''(B) DELAYED DATE.—If the date of the enactment of the Native American $1 Coin Act is after July 31, 2007, subparagraph (A) shall be applied by substituting '2009' for '2008'.

''(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1) shall meet the following design requirements:

''(A) COIN REVERSE.—The design on the reverse shall bear—

''(i) images celebrating the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States;

''(ii) the inscription '$1' ; and

''(iii) the inscription 'United States of America'.

''(B) COIN OBVERSE.—The design on the obverse shall—

''(i) be chosen by the Secretary, after consultation with the Commission of Fine Arts and review by the Citizens Coinage Advisory Committee; and

''(ii) contain the so-called 'Sakakawea design' and the inscription 'Liberty'.

''(C) EDGE-INCUSED INSCRIPTIONS.—

''(i) IN GENERAL.—The inscription of the year of minting and issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

''(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

''(D) REVERSE DESIGN SELECTION.—The designs selected for the reverse of the coins described under this subsection—

''(i) shall be chosen by the Secretary after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, the Commission of Fine Arts, and the National Congress of American Indians;

''(ii) shall be reviewed by the Citizens Coinage Advisory Committee;

''(iii) may depict individuals and events such as—

''(I) the creation of Cherokee written language;

''(II) the Iroquois Confederacy;

''(III) Wampanoag Chief Massasoit;

''(IV) the 'Pueblo Revolt';

''(V) Olympian Jim Thorpe;

''(VI) Ely S. Parker, a general on the staff of General Ulysses S. Grant and later head of the Bureau of Indian Affairs; and

''(VII) code talkers who served the United States Armed Forces during World War I and World War II; and

''(iv) in the case of a design depicting the contribution of an individual Native American to the development of the United States and the history of the United States, shall not depict the individual in a size such that the coin could be considered to be a '2-headed' coin.

''(3) ISSUANCE OF COINS COMMEMORATING 1 NATIVE AMERICAN EVENT DURING EACH YEAR.—

''(A) IN GENERAL.—Each design for the reverse of the $1 coins issued during each year shall be emblematic of 1 important Native American or Native American contribution each year.

''(B) ISSUANCE PERIOD.—Each $1 coin minted with a design on the reverse in accordance with this subsection for any year shall be issued during the 1-year period beginning on January 1 of that year and shall be available throughout the entire 1-year period.

''(C) ORDER OF ISSUANCE OF DESIGNS.—Each coin issued under this subsection commemorating Native Americans and their contributions—

''(i) shall be issued, to the maximum extent practicable, in the chronological order in which the Native Americans lived or the events occurred, until the termination of the coin program described in subsection (n); and

''(ii) thereafter shall be issued in any order determined to be appropriate by the Secretary, after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, and the National Congress of American Indians.

''(4) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(5) QUANTITY.—The number of $1 coins minted and issued in a year with the Sakakawea-design on the obverse shall be not less than 20 percent of the total number of $1 coins minted and issued in such year.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (n)(1)—

(A) by striking the paragraph designation and heading and all that follows through ''Notwithstanding subsection (d)'' and inserting the following:

''(1) REDESIGN BEGINNING IN 2007.—Notwithstanding subsection (d)'';

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) in subsection (n), by striking ''Sacagawea-design'' each place such term appears and inserting ''Sakakawea-design''; and

(3) in paragraphs (3)(C) and (5) of subsection (p), by striking ''Sacagawea-design'' each place such term appears and inserting ''Sakakawea-design''.

SEC. 4. REMOVAL OF BARRIERS TO CIRCULATION OF $1 COIN.

(a) IN GENERAL.—In order to remove barriers to circulation, the Secretary of the Treasury shall carry out an aggressive, cost-effective, continuing campaign to encourage commercial enterprises to accept and dispense $1 coins that have as designs on the obverse the so-called ''Sakakawea design''.

(b) REPORT.—The Secretary of the Treasury shall submit to Congress an annual report on the success of the efforts described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. BOREN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2358, the Native American $1 Coin Act, requiring the Secretary of the Treasury to mint and issue coins commemorating Native Americans and the important contributions they have made, both as individuals and collectively as tribes to the history and growth of the United States of America.

Mr. Speaker, I thank Chairman FRANK for his hard work in making this legislation a priority and recognizing the importance of memorializing Native Americans who have been instrumental in the evolution of the United States.

I also want to thank Mr. KILDEE for his work on this legislation.

H.R. 2358 calls upon the government to recognize and pay long overdue tribute to Indian tribes and individual Native Americans for their significant contributions to the progression of the United States. This bill would allow for the acknowledgment of such important events as the Pueblo Revolt and the creation of the Cherokee written language; in addition, individuals such as the code talkers, who so valiantly served in our Armed Forces during World War I and II, and Olympian Jim Thorpe who will forever be engraved in the minds of all Americans.

H.R. 2358 ensures that we recognize the many individual Native Americans and Indian tribes who have so significantly contributed to the history and development of the United States.

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

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

Mr. Speaker, I rise in strong support of H.R. 2358, the Native American $1 Coin Act, and urge my colleagues to support the bill.

The Native American $1 Coin Act directs the Treasury Department to mint and issue $1 coins to celebrate the important contributions made by Indian tribes and Native Americans to the United States.

Mr. Speaker, this legislation is a terrific complement to the Presidential $1 Coin Act that I worked to pass last Congress with the gentlelady from New York (Mrs. MALONEY). Like that program and the very popular 50-state quarter program, this bill will provide

an enormous educational opportunity for parents and teachers, while at the same time recognizing the immense and important contributions of Native Americans to the history of the United States.

Implementation of this legislation will save taxpayers more than half a billion dollars over the next decade. When Congress passed the Presidential $1 Coin Act in December of 2005, the bill required one-third of all dollar coins minted each year to bear the design of the Sakakawea coin that was first issued in 2000. The requirement was intended to keep the image and memory of Sakakawea in the public's mind at the same time the Mint produced and issued coins bearing the images of the Presidents.

Unfortunately, through no fault of the design or its subject, there is not a large demand for a dollar coin with a static design. It is that problem we sought to overcome with the Presidential dollar by creating a constantly changing design that encourages the public to look for new coins.

The current law requires the Mint to issue 300 to 350 million of the current design Sakakawea dollars every year, for which there is no evident demand. That would be about $60 million worth of material and labor costs per year, not including the high cost of storing the unused coin yearly.

The innovative legislation was introduced by Mr. KILDEE, Chairman FRANK, Mr. COLE and Mr. RENZI. The bill would keep the Sakakawea design on the front of the coin, but would change the design on the reverse side each year to represent Native American contributions to the United States.

Mr. Speaker, this legislation will both honor Native Americans and create demand for the coins similar to the Presidential dollars. Instead of the Mint spending $50 million or more a year to make coins for which there is no demand, the legislation has the potential to save the Treasury $150 million a year or more. It is rare that we can do something so cost effective this easily. I support the goals of this bill and urge its immediate passage.

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

□ 1040

Mr. BOREN. Mr. Speaker, I yield 2 minutes to the author of the bill, the gentleman from the fine State of Michigan (Mr. KILDEE), home to 12 federally recognized tribes.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

As Democratic chairman of the Congressional Native American Caucus, I am honored to speak in support of H.R. 2358, the Native American $1 Coin Act. I am pleased to be the chief sponsor of this bipartisan legislation.

I would like to extend a special thank-you to my friend and colleague, Chairman BARNEY FRANK, for his support of this legislation.

I would also like to acknowledge the other original cosponsors of this legislation: Congressman BOREN, Congressman RENZI, Congressman COLE, and Congressman CASTLE.

Mr. Speaker, this bill will honor the strength and wisdom of Indian country by authorizing the Secretary of the Treasury to mint and issue coins that commemorate and honor the outstanding contributions of Native Americans by changing the design annually on the reverse of the Sakakawea dollar coin.

This bill establishes a process for selecting designs for the reverse side of this coin. These designs will take the American people through a journey of different experiences of native peoples by exposing them to their unique histories while preserving the memory of Sakakawea, the young Shoshone woman who assisted Lewis and Clark on their expedition to the Pacific Northwest more than 200 years ago.

It is my hope that this coin will one day depict the contributions of the 12 tribes of my own State of Michigan whose historical roots lie with the Chippewa, Ottawa, and Pottawatomi Nations. I can think of no better way to pay tribute to the Native American people than to honor their contribution to the development of the United States and her history.

I urge my colleagues to support this legislation.

Mr. CASTLE. Mr. Speaker, at this time, I yield such time as she may consume to the distinguished Congresswoman from Michigan, CANDICE MILLER.

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of H.R. 2358, the Native American $1 Coin Act, and I applaud my colleague and fellow Michiganian (Mr. KILDEE) for cosponsoring this legislation, and the other cosponsors as well, and for bringing it to the House floor this morning.

Native Americans have played an important role throughout the history of our Nation, so it is certainly appropriate that we honor them and their accomplishments as well. In fact, were it not for some great Native Americans, America as we know it today might look quite a bit different.

Think about Squanto and Somerset, who helped the Pilgrims survive their very first winter in the New World; or Sakakawea, who guided Lewis and Clark across the unexplored North American continent; or Jim Thorpe, the athlete who thrilled millions, really, across the globe with his exploits in baseball and football and the Olympics, where he won a gold medal; or the Navajo code talkers who broke the Japanese code, which was a key moment in the Allied forces prevailing over Japan during World War II.

These individuals and many others like them have made invaluable contributions to the survival and to the character of these United States.

This legislation will require the Secretary of Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development and the history, the very rich history, of the United States.

These coins will serve as an important reminder to all Americans of the important role that Native Americans have played in our Nation's history, the things they are achieving today, and the goals that they will meet in the future. Native Americans will be involved in the design selection process as well, which will also remind them of their important historical contributions.

So I applaud the sponsors and the cosponsors of this legislation for their efforts. And I urge all of my colleagues to support the Native American $1 Coin Act.

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

Mr. CASTLE. Mr. Speaker, in closing, I also would like to thank all of the sponsors of this legislation. I would like to thank the gentleman from Oklahoma for the managing of it here, Mr. KILDEE, for his interest in this, and Mrs. MILLER for coming to the floor and speaking to it.

I think this is a very worthwhile piece of legislation which will move forward something which otherwise would not move forward, and will save the Federal Government a lot of money and make it far more interesting to those who are collecting these coins out around the country.

So for all these reasons, I hope we would all support this legislation.

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

Mr. BOREN. Mr. Speaker, I am proud to represent a State that is home to nearly 40 federally recognized Indian tribes. But Native Americans are not only engrained in Oklahoma's history, they are also richly embedded in the history of the United States and in the history of each individual State.

H.R. 2358 requires the government to do its part to recognize the importance of Native Americans to our country's history and development.

Again, I want to thank the chairman, Mr. FRANK, for recognizing the importance of H.R. 2358 and also Mr. KILDEE for all of his efforts.

Mr. BOREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and pass the bill, H.R. 2358.

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

A motion to reconsider was laid on the table.

CONGRATULATING BARTON COLLEGE MEN'S BASKETBALL TEAM FOR WINNING THE 2007 NCAA DIVISION II CHAMPIONSHIP

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) congratulating the Barton College men's basketball team for winning the 2007 NCAA Division II Men's Basketball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 329

Whereas the Barton College Bulldogs of Wilson, North Carolina, defeated Winona State University of Rochester, Minnesota, the undefeated and defending NCAA Division II Men's Basketball National Champions, 77–75 on March 24, 2007, to become the 2007 NCAA Men's Basketball National Champions;

Whereas Anthony Atkinson of Barton College, the Elite Eight most valuable player, scored 10 points in the final 39 seconds of the game, including a layup at the buzzer, to give Barton College the NCAA Division II men's basketball title and its first NCAA championship in any sport;

Whereas Barton College played and won 9 overtime games during the 2006–2007 season to finish the season 31–5, including winning its last 21 games, a school record;

Whereas Barton College, a school with just 1,000 students, defeated teams during the Elite Eight from schools with much larger student bodies (Grand Valley State, Michigan, 23,000 students, Cal State San Bernardino, 17,000 students, and Winona State University, 8,000 students);

Whereas Coach Ron Lievense of Barton College, who had served as a graduate assistant at Winona State University, summed up the Barton College victory: ''I don't see how any ending could be any better for any team—ever'';

Whereas Barton College continues the long tradition of North Carolina schools winning NCAA basketball championships;

Whereas Barton College was founded in 1902 as Atlantic Christian College and changed its name in 1990; and

Whereas Barton College was named a ''Best Southeastern College'' for 2006 by the Princeton Review: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Barton College men's basketball team for winning the 2007 NCAA Division II Men's Basketball National Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 329 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today to congratulate the Barton College Bulldogs for their win in the 2007 National Collegiate Athletic Association Division II Men's Basketball Tournament.

On March 24, 2007, Barton College won the NCAA Division II Elite Eight Tournament by defeating the defending champions, Winona State University of Rochester, Minnesota. College basketball fans, student athletes, and the general public were treated to an exciting national championship game with one of the greatest rallies in Elite Eight Tournament history.

Barton College had an extraordinary year. The team won all nine of its overtime games, an NCAA Division II record. The team also had a season record of 31–5 and won their last 21 games, which is a school record.

I want to extend my congratulations to Head Coach Ron Lievense, Athletic Director Gary Hall, Barton College President Dr. Norval Kneten, and Barton's student athletes for winning the national championship.

I also want to extend my congratulations to Winona State University of Rochester, Minnesota, on an excellent season. Winona State finished their season with only one loss, which happened to be the national championship game.

Winning the national championship in such a courageous fashion has brought attention to the outstanding athletic program at Barton College. I know the fans of the university will remember this very special moment for many years to come.

I urge my colleagues to join me in passing House Resolution 329, congratulating the Barton College men's basketball team.

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

□ 1050

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I would like to yield as much time as he may consume to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman.

Mr. Speaker, I want to thank the Democratic side and the Republican side and my dear friend, Mr. BUTTERFIELD, for bringing this resolution to the floor.

Mr. Speaker, I join my friend, Congressman G.K. BUTTERFIELD of North Carolina, and many of my colleagues to support H. Res. 329, a resolution to congratulate the Barton College men's basketball team for winning the 2007 NCAA Division II men's basketball national championship.

Years ago, I attended Atlantic Christian College, which changed its name to Barton College in 1990. Mr. Speaker, I, like many of my colleagues in Congress, have had the fortunate opportunity of playing on a championship team. More than 40 years later, I can still vividly recall in my mind the wonderful memory of the night my prep school basketball team at Hargrave Military Academy won the military league championship. No matter what level, winning a championship is something an individual will remember all of his or her life. My prep school basketball team claimed its championship with a final score of 81–79, so I know the firsthand experience of a close game.

How exciting it was to see Barton College basketball make a miraculous comeback from seven points behind in the final 40 seconds to defeat Winona State University of Rochester, Minnesota, an undefeated team and last year's Division II champion, by a score of 77–75. Senior All-American point guard Anthony Atkinson scored the Bulldogs' final 10 points, including a layup at the buzzer; but I am sure that Anthony Atkinson would tell you that the win was a team effort.

In David and Goliath fashion, Barton College, a school with just 1,000 students, defeated teams during the Elite Eight from schools with much larger student bodies, Grand Valley State, Michigan, 23,000 students; Cal State San Bernardino, 17,000 students; and Winona State University, 8,000 students, to claim the school's first NCAA championship in any sport. Again, a student body of 1,000.

The team's confidence and calm under pressure helped it play and win nine overtime games during the 2006/2007 season to finish the season 31–5 and break a school record by winning its last 21 games.

Barton College is located in Congressman BUTTERFIELD's district, yet I share part of the county with Congressman BUTTERFIELD. I join him in congratulating the coaches and all the members of the 2006/2007 Barton College men's basketball team.

Mr. Speaker, at this time I will submit for the RECORD the names of the coaches and the players.

COACHES

Ron Lievense (head), Joel Zimmerman, John Skinner, Mark Pounds.

PLAYERS

Sam Pounds, Jerrett Eason, Brandon Barton, Isaiah Cromwell, Errol Frails, Anthony Atkinson, Bobby Buffaloe, Spenser Briggs, Jeff Dalce, Brandon Raffel, Travis Johnson, Charles Gamble, Darrius Lee, Bobby McNeil, Brian Leggett, Alejo Barovero, David King, Mark Friscone, L.J. Dunn, Mike Flowers.

Mr. Speaker, Barton College is proud of its college basketball history. Now, Barton College is part of North Carolina's rich basketball heritage.

I close by asking my colleagues to support this resolution. And I again congratulate the Barton College Bulldogs for this great victory.

Mr. HARE. Mr. Speaker, at this time, I yield such time as he may consume to my friend from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, first let me thank the gentleman from Illinois for giving me this time to speak on this resolution today.

Mr. Speaker, I ask my colleagues to join my friend, Congressman Walter Jones, and me in recognizing and congratulating this year's NCAA Division II men's college basketball champions from my hometown of Wilson, North Carolina, Barton College.

As Congressman JONES said a moment ago, he and I share Wilson County. And the campus is technically in my district, even though we both legitimately hold claim to that great institution.

In one of the most exciting basketball games that I have ever seen in my life, Mr. Speaker, the Barton College Bulldogs captured its first national title after senior guard Anthony Atkinson scored his team's final 10 points, including a layup at the buzzer, to rally Barton from a 74–67 deficit with just 45 seconds remaining. The improbable come-from-behind 77–75 victory was against a previously undefeated and defending national champion, Winona State University.

Mr. Speaker, the game capped a tournament full of last-second heroics for Barton College, as they won the semifinal game by one point on a last-second freethrow, and the quarterfinal game on a buzzer-beating overtime three-pointer.

The tournament followed an equally exciting 31–5 season in which Barton College became the first team in the history of the NCAA basketball to win four consecutive overtime games. Throughout the tournament and the season, the team showed heart, toughness and tenacity and determination by finding ways to win no matter what the circumstances were. They have had tremendous and deserved support from a community that is so proud of this college and this team. As I was leaving Wilson yesterday, I stopped by the BB&T branch on West 9th Street and there was a large banner in front of the bank congratulating the Bulldogs. We are so proud of this team, and we want our Nation to know of our proud feeling for this team.

It is a great honor, therefore, Mr. Speaker, for me to recognize the success, efforts and achievements of these outstanding young student athletes, and their head coach, a great individual, Ron Lievense, and his staff. Their hard work and dedication to team work is something that we are all proud of in Wilson County and northeastern North Carolina.

I ask my colleagues to rise and join me in paying tribute to the Barton College basketball team.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 329.

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

A motion to reconsider was laid on the table.

CHILD LABOR PROTECTION ACT OF 2007

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2637) to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2637

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Labor Protection Act of 2007''.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

''(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

''(i) $11,000 for each employee who was the subject of such a violation; or

''(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

''(B) For purposes of subparagraph (A), the term 'serious injury' means—

''(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

''(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

''(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

''(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

''(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

''(A) deducted from any sums owing by the United States to the person charged;

''(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

''(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

''(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

''(5) Except for civil penalties collected for violations of sections 12 or 13(c), sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of sections 12 or 13(c) shall be deposited in the general fund of the Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days during which Members may insert materials relevant to H.R. 2637 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2637, the Child Labor Protection Act of 2007.

This bipartisan legislation is designed to address the most serious child labor violations, deter repeat occurrences, and strengthen the enforcement of laws to protect our Nation's most vulnerable workers.

This bill would increase the maximum penalty for child labor violations that lead to the death or serious injury of a minor from the current cap of $11,000 to $50,000 per violation. The bill would also permit the penalty to be doubled to $100,000 if it is determined that the violation was repeated or willful.

Additionally, the legislation amends the Fair Labor Standards Act to reflect the increases in penalties for child labor violations and for minimum wage and overtime violations.

The current language in the FLSA provides limits of $10,000 for child labor violations, $1,000 for minimum wage and overtime violations. These penalties were increased to $11,000 and $1,100, respectively, by the Federal Civil Penalties Inflation Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The legislation before us today would simply conform the language of the FLSA to reflect these changes.

The increase in maximum penalties for violation of child labor laws is an important first step in our efforts to protect the health and safety of the estimated 3.2 million workers under the age of 18. The National Institute For Occupational Safety and Health Administration estimates that every year 230,000 youth under the age of 18 sustain workplace injuries, and between 60 and 70 die from occupational accidents.

□ 1100

This translates into a youth worker injury every 2 days and a fatality every 5 days.

Current penalties do not communicate an adequate level of governmental concern for the health and safety of the working young and do not provide sufficient motivation for employers to ensure a safe and legal workplace for youth.

Given the pervasiveness of youth employment and injuries and the fact that the current maximum penalties are too low to demand compliance with child labor laws, this legislation represents an important improvement in our laws that will help provide a safer occupational environment for young workers

Mr. Speaker, the Child Protection Act of 2007 was proposed by the administration and is supported by Education and Labor Committee Chairman MILLER and Ranking Republican MCKEON, as well as Chairwoman WOOLSEY and Ranking Republican JOE WILSON of the Subcommittee on Workforce Protections. This bill represents an important first step in improving working conditions for our Nation's youth, and I urge all Members to support the legislation.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2637, the Child Labor Protection Act of 2007, and I encourage my colleagues to do the same. I appreciate the work of Chairman MILLER and Chairwoman WOOLSEY, as well as the gentleman from California (Mr. MCKEON) and the gentleman from South Carolina (Mr. WILSON) in crafting this legislation.

There is no one more vulnerable in our workforce than its youngest members. While the employment of young workers is essential to instilling in them the work ethic and the value of a dollar, their collective safety must be the highest priority of our Nation's employers and, indeed, the Nation as a whole.

With this in mind, the measure before us would amend the Fair Labor Standards Act by increasing to $50,000 the civil penalty for any type of child labor violation that causes a death or serious injury of an employee under the age of 18. The current maximum civil penalty is $11,000, and it is low by any reasonable estimation. So this update is both prudent and necessary.

Moreover, the legislation would allow the $50,000 penalty to be doubled up to a maximum of $100,000 for the willful and repeat violations that cause the death or serious injury of any child employed in violation of the Federal child labor standards. Once again, such an increase is both prudent and necessary.

The measure before us is essential for the continuation of the Department of Labor's ongoing focus on workplace safety for youth, and I commend President Bush for his work in this issue.

Earlier this year, the Department submitted draft legislation similar to H.R. 2637, and before that, the Department proposed new labor standards rules to cover nonagricultural occupations for employment of 14- and 15-year-olds, as well as occupations that place the well-being of employees under 18 years of age at risk.

Mr. Speaker, we are making undeniable, bipartisan progress on updating our child labor laws. As the Bush administration continues its work, the Child Labor Protection Act would provide it with additional tools to address serious child labor violations, decrease repeat occurrences and strengthen the overall enforcement of critical child labor laws.

Again, I thank my colleagues for their work on this measure and urge passage of this bill in the House.

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

MR. HARE. Mr. Speaker at this time I am honored to yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the sponsor of this very important piece of legislation.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Illinois and thank our ranking member for making this possible this morning.

As a member of the Committee on Education and Labor and as Chair of the Subcommittee on Workforce Protections, I truly am proud to have brought H.R. 2637 to the floor today.

The Child Labor Protection Act of 2007 is a narrowly drafted, bipartisan bill that increases penalties substantially for violations of child labor protection provisions that actually cause death or serious injury. Although this legislation does not make the imposition of penalties mandatory, it leaves the decision of whether or not to assess penalties up to the Secretary of Labor, and it provides the Department with an additional enforcement tool to address the most serious labor violations.

There is much more that must be done, Mr. Speaker, to strengthen our child labor laws, but this bill is a small first step. It is a beginning.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 2637.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTIONS OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN

Mr. HARE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 474) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 474

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas, when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as a wonderful, caring parent for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Speaker, I rise today to recognize the immeasurable contributions of fathers in the lives of children, especially as we prepare to celebrate Father's Day this Sunday, June 17. While the amount of time a father spends with his child can be quantified, the total contribution to his child's healthy development cannot. Children with involved fathers tend to do better in school, have fewer behavioral problems and demonstrate greater self-control.

Supportive fathers also promote the positive physical, social, emotional, and mental development of their children. Responsible fatherhood can increase the chances children will grow up with two caring parents. Additionally, it can lead to reduction in child poverty and strengthen families as well as communities.

So as we come upon Father's Day, we would like to recognize and thank the fathers throughout this country who play an active role in the lives of their children.

Mr. Speaker, I urge my colleagues to pass House Resolution 474, recognizing the contributions of fathers in the healthy development of children, supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children.

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

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, as a proud father of two, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 474, recognizing the immeasurable contribution of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

William Shakespeare wrote, ''It is a wise father that knows his own child.'' The truism of these words is exceedingly relevant today. The presence of two committed, involved parents contributes directly to better academic performance, reduced substance abuse, less crime and delinquency, fewer emotional and other behavioral problems, less risk of abuse and neglect and lower risk of teen suicide.

The research is clear: Fathers factor significantly in the lives of their children. There is simply no substitute for the love, involvement and commitment of a responsible father.

The fathers of yesteryear thought that merely being a good provider meant that they were good fathers. Fathers today have the responsibility to set aside quality time for their children in ways that may contribute to happy memories that last a lifetime. Fathers realize that their time with children is really an investment in them.

Being an involved father is good for children and good for fathers. And while each father is a unique person who parents in his own way and style, there are some characteristics that good fathers have in common. Good fathers are involved in the lives of their children. They attend their children's school events, games and activities. They also involve their children in their lives and the adult world by taking them to see the workplace, taking them along when the car needs to be repaired or involving them in decisions that affect the family.

□ 1110

Good fathers set limits and are firm. They let their children know their beliefs and expectations but rely on explanations and reasoning rather than force. Indeed, today's lifestyles are changing. More and more fathers are effectively balancing their personal, work, and family times. Both children and fathers are realizing the importance of the father's role, and there are ever-increasing amounts of research being conducted on the father's role in today's families. These findings document the importance of the father's role, the profound influence of fathers in children's growth and development, and the characteristics that good fathers have in common.

Fathers play a significant role in shaping the character of their children. By spending time with their sons and daughters, being stern yet fair disciplinarians, and listening to their experiences, fathers mold and shape their children into the men and women they will become. As advisers and role models, fathers help their children to understand the difference between right and wrong and to recognize how the decisions they make today can affect the rest of their lives. Fathers instill important values that prepare their children for the challenges and opportunities ahead by demonstrating true leadership. Their love and devotion inspire the future generation of Americans to achieve their dreams and demonstrate the true spirit of our country.

A father is one of the most important influences in a child's life. On Father's Day and every day, we honor our fathers and celebrate the special bond between a father and a child. I am honored to rise today in support of this resolution and in honoring all of our fathers for the roles that they play and for the love they give.

I ask my colleagues to support this resolution.

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

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I request 5 legislative days during which Members may insert materials relevant to House Resolution 474 into the RECORD.

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

There was no objection.

Mr. HARE. Mr. Speaker, I yield such time as he may consume to a member of the House Education and Labor Committee, my good friend, Representative DAVIS from Illinois.

Mr. DAVIS of Illinois. First of all, I want to thank my colleague, the gentleman from Illinois, for yielding time, and I also want to commend him for the tremendous leadership that he continues to play, even as a new Member of Congress.

Mr. Speaker, I rise in strong support of H. Res. 474 and take this opportunity to congratulate all of my colleagues who hold the honor and privilege of fatherhood. It is widely understood and acknowledged that the benefits of an actively involved father in the lives of children not only helps but plays a vital role in the formation of successful youth and in the development of contributing members of society. It should come as no surprise that, according to the U.S. Department of Health and Human Services, fatherless children are at a dramatically greater risk of drug and alcohol abuse. We know that fatherless children are twice as likely to drop out of school. Just over 41 percent of fatherless families with children are poor, while only 7 percent of children headed by a married couple are considered poor. Furthermore, over two-thirds of mother-only families live twice below the poverty line.

Our work today and our work in Congress should not only focus on acknowledging fatherhood but it should focus on empowering fathers to have the capabilities and incentives to be more responsible for their children. Barriers to employment, such as a lack of high school or college degree, as well as criminal histories and substance abuse, all contribute to the lack of fathers in the household and the lack of a regular source of income and the ability to contribute to the family. It is not enough to fill this room with words. The only way to improve the ever-increasing number of families without fathers is through targeting the problems that fathers face by going to the source. One way of doing this is through support of the Responsible Fatherhood and Healthy Families Act.

Removing employment barriers for noncustodial parents, which mostly tend to be fathers, would be of tremendous benefit. By funding grants to promote reasonable fatherhood, we are directly promoting the futures of innocent children while concurrently strengthening the family.

Social scientists have for years debated the role of the father in the family. It is consistently among the top interest of psychologists. Leading professionals indicate that fathers provide role models for their sons to learn how to be a man, whereas girls need fathers to learn how to relate to a man in significant ways. Fathers also tend to constrain and correct violent and antisocial behavior better than anyone else, as well as challenge and promote such characteristics as independence, assertiveness, and achievement. But this is not a new phenomenon. George Herbert, the famous medieval poet and orator, understood. He said that one father is more than a hundred schoolmasters. How true that word is today.

I conclude, Mr. Speaker, by remembering the fact that every year I give away scholarships, money that we go out and kind of find for kids to go to college. And on the form, there is an application that says, put down the name of your mother and father, what they do. I must confess that I have been most disheartened, because in some instances children have written on the application form, DNA, meaning that the name of the father does not apply. In some instances they have even written ''unknown.'' Or in other instances they have written ''irrelevant.'' Or ''does not matter.'' If we are to strengthen families, if we are to strengthen our society, then we must find a way to help so many of the individuals who have been out of the picture to cop back in and take on their responsible role of fatherhood.

I thank the gentleman again from Illinois for yielding time. I thank you, Mr. Speaker. And I also use this moment to say thank you to my own father who died 2 years ago, 92 years old. Much of the reason that I stand here today is because of him.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I would like to yield as much time as he may consume to my good friend and fellow Tennessean, Mr. DUNCAN.

Mr. DUNCAN. I want to first thank the gentleman from Tennessee for yielding me this time. I want to also commend the gentleman from North Carolina (Mr. MCINTYRE) for bringing this resolution before us today and commend all of the cosponsors, Mr. DAVIS and others.

Mr. Speaker, some people might think this is an insignificant resolution. I think there is probably very little that we could talk about today that would be more important than fatherhood and the important role it plays in the life of this Nation. This was brought home to me most vividly in January 1981 when I became judge of the criminal court in Knox County, Tennessee, trying felony criminal cases, the murders, rapes, armed robberies, the most serious cases. I was told that first day by Gary Tullock, the chief probation counselor for east Tennessee, 16 counties in east Tennessee, that 98 percent of the defendants in felony cases came from father-absent households. I'm not sure that it is quite that high, but I know it's well over 90 percent. It's the entire crime problem.

I hasten to say that I know many good people have come from father-absent households, but I also know that children cannot raise themselves. And because 96 or 97 percent of the people plead guilty in criminal cases and then apply for probation, I went through over 10,000 cases in the 7½ years that I served as judge. I cannot tell you how many times I read over and over and over and over again: ''Defendant's father left home to get pack of cigarettes and never came back.'' ''Defendant's father left home when defendant was 2 and never returned.''

And so I can say this, that father-absent households not only are the root of our crime problem, all the things like drugs and alcohol and all of that come secondary. I know there are exceptions to everything that you say, but we need to get into the minds of our young people and teach them how important it is that fathers don't desert their children as so many millions of fathers have unfortunately over the years and have gone out of the lives of their children much to the detriment of those young people and to the detriment of this Nation.

I support this resolution and I commend all of those who have brought this to the floor today.

□ 1120

Mr. HARE. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, I am honored to rise today in strong support of H. Res. 474, recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of our children, especially on this coming Father's Day.

I want to thank Chairman GEORGE MILLER, Ranking Member MCKEON, and all of the members on the Education and Labor Committee. And I would like to thank Mr. HARE for supporting this resolution and helping to bring it to the floor this week. I also want to thank the staff of the National Fatherhood Initiative for their assistance with this resolution and their tireless efforts on a year-around basis to promote responsible fatherhood across this great Nation.

Father's Day was first conceived in 1909 by Sonora Dodd in Spokane, Washington. In 1966, President Lyndon Johnson issued a Presidential proclamation designating the third Sunday in June as Father's Day. And in 1972, President Richard Nixon signed a public law making that public designation permanent.

Here in Congress I am grateful we have an opportunity to have a task force on fatherhood promotion that also works on a year-round basis with the National Fatherhood Initiative and with many Members of Congress on a bipartisan basis to support the positive initiatives of involving fathers in their children's lives and honoring those fathers on a national basis who have been upheld for making a difference in children's lives everywhere.

This is a task force that Congressman JOE PITTS and I started 11 years ago when we first came to Congress, and I am thrilled that over the last decade and past year that it has gone well, and we have an opportunity each year to come to the floor with a resolution such as this one.

This Sunday, June 17, Americans will celebrate Father's Day once again. We use this day to honor the contributions made by the estimated 64.3 million fathers in the United States. We also use this day to encourage all fathers to reflect on the responsibility fathering a child requires and the importance of their involvement in the lives of their children.

With two sons of my own, Joshua and Stephen, who have been here often on this floor, I know firsthand the rewards and responsibilities of being a father; and I am grateful, indeed, to my own father, Dr. Douglas McIntyre, back home in Lumberton, North Carolina, for his impact upon my life.

It is only appropriate that Father's Day be a tribute, that we here in the U.S. House of Representatives pass this resolution in recognition of the contributions of fathers everywhere. I strongly encourage all of my colleagues to support this.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, in honor of my own father, Lawrence Davis, I yield back the balance of my time.

Mr. HARE. Mr. Speaker, I just want to briefly close by saying something about my own father.

As the gentleman from Tennessee was talking about his dad, I have three sisters, and I can remember my dad having to work three jobs to make ends meet for our family. I wouldn't be here today if it weren't for him. I miss him terribly. He has been gone a number of years, but today, as we honor fathers, I remember him and thank him.

One thing my dad did every night when we had dinner, when he could make it, was to tell a joke to my three

sisters and myself. He said this world is such a serious place to live in, every now and then you need to laugh and smile. I remember that each and every day. I hope my father gave me sense of humor that sometimes people find a little annoying.

Mr. WELLER of Illinois. Mr. Speaker, I rise today in strong support of H. Res. 474. As we approach Father's Day weekend, it is appropriate for us to recognize the importance of fathers in the lives of their children. Children who live with their fathers do better in school, are less likely to use drugs or engage in other criminal behavior, and are less likely to experience health, emotional, or behavioral problems. In so many ways, involved fathers provide needed support for their children and serve as role models as they develop.

Unfortunately, too many children today do not live with or even frequently see their fathers. This has forced millions of young mothers across the Nation to single-handedly raise their children, struggling to provide them with the love and support needed to succeed in today's world. It is a sad reality that for millions of children, their mother has to play the role of both mom and dad, a task that is not only difficult for the mother but which despite her efforts far too often results in that child living in poverty, among other challenges.

To help address this situation, the 1996 welfare reform law included promoting marriage and family formation and the maintenance of two-parent families as key purposes of welfare programs.

Under the direction of the Ways and Means Committee on which I serve, legislation reauthorizing the 1996 welfare reform law in the last Congress included specific funding for healthy marriage and fatherhood grant programs to improve the well-being of children. These fatherhood grants were designed to promote responsible fatherhood by funding projects developed by public, private, and often faith-based groups to help fathers establish positive relationships with their children and the children's mothers, improve job skills, increase child support payments, and promote marriage among parents. Activities can include counseling, mentoring, providing information about the benefits of marriage and two-parent involvement for children and the prevention of domestic violence and child abuse, financial planning seminars, and education on good parenting practices.

Last October, the U.S. Department of Health and Human Services announced $119 million in awards to 225 grantees for promotion of healthy marriages and responsible fatherhood. These grants are designed to make a difference in the lives of children, fathers, and families by supporting groups already at work trying to help men become better fathers.

As we honor our own fathers this week, we should also thank those who are working every day to help more men become better fathers. The last Congress took concrete steps to support them. In the congressional district I represent, a recent fatherhood event took place that is described in the June 11 Catholic News Service article, provided below. As efforts such as this and those supported by the recent Federal grants take hold, we will be watching for evidence that more children are spending every day, and not just Father's Day, with an involved and supportive father.

[From the Catholic News Service, June 11, 2007]

FATHERS' INVOLVEMENT KEY IN LIVES OF CHILDREN, SAYS CATHOLIC CHARITIES CONFERENCE

(By Paul Storer)

JOLIET, IL. (CNS).—A convicted drug dealer, 28-year-old Exulam Holman knows his actions have caused pain to those closest to him. The father of three young children, former gang member and ex-addict was released three months ago from prison. Today, he is desperately trying to put his life in order.

Holman's painstaking quest to reclaim his life spurred him to take part in a fatherhood conference sponsored by Catholic Charities of the Diocese of Joliet. ''I want to make things right for my kids,'' he told the Catholic Explorer, Joliet diocesan newspaper, during the June 2 event.

''I've messed up,'' he said. ''But I've asked God to help me. I have to get myself right with God.''

About 100 people attended the third annual conference, aimed at getting fathers more involved in the lives of their children, said Ronald Roseboro, site supervisor of early childhood services for Catholic Charities and coordinator of the event.

Fathers of children in the agency's early childhood programs were encouraged to attend the gathering, said Roseboro. Other fathers from Joliet and surrounding communities were also invited to attend.

The presence of two nurturing parents minimizes the possibility their children will abuse drugs or alcohol, join gangs or involve themselves in other dangerous situations, said Roseboro. A father's leadership and guidance has a definite impact on his children's lives, he continued. ''It's like dropping a pebble into a pond and watching the ripples it makes.''

Guest speakers from diverse backgrounds led various workshops during the conference.

A father of five, Rev. Eugene Fears, pastor of Joliet's Redeem Church of God in Christ, spoke of healthy relationships. The no-nonsense preacher relied on his own experiences to build a case for sound communication and devotion between spouses.

''A commitment pushes through adversity,'' he told conference participants. He urged the men to ''learn to make adjustments'' and to avoid ''self-centered'' attitudes. ''We need to learn to give of ourselves,'' Rev. Fears said.

Fathers who leave and don't compensate their families are often called ''deadbeat dads,'' but the reality is they are often simply ''dead broke,'' Warren Cottrell, director of the Joliet branch of the Illinois Child Support Enforcement program, said in an interview with the Explorer. He was on hand to field questions from participants during the conference.

Most fathers understand their responsibilities. They choose to turn their backs on their families, however, when they realize they cannot adequately provide for them. ''It's the male ego,'' said Cottrell.

Applauding Catholic Charities for broaching the topic with the conference, the administrator noted that fathers must be encouraged to do the right thing.

Cottrell said the welfare system in Illinois has many cracks. Jobless fathers are leaving their families so mothers can qualify for government aid. There are countless programs for single mothers in need of assistance. At the. same time, government programs need to be created to educate fathers and provide them with skills to remain with their families, he said.

Darnell Terrell's children participate in the Catholic Charities Head Start program at St. John's Head Start Center in Joliet. The owner of a disc-jockey business and father of six praised the other men who attended the conference. ''It takes a real man to listen to others about fatherhood responsibilities.''

Kenneth White and Donald Waddell, human services consultants and family counselors, shared startling statistics compiled by the National Fatherhood Initiative during their workshop. The findings highlight the fact that the absence of fathers has a serious effect on families.

More than 70 percent of teens who have committed homicide grew up without fathers. Approximately 60 percent of rapists were raised in fatherless homes. Three out of four teen suicides occur in single-parent families. And the list goes on and on, they said.

Substance abuse fuels domestic problems that work to break families apart, according to the two experts in the field. Presenting a workshop on the effects of addiction on fatherhood, White and Waddell described the impact that narcotics and alcohol have on the family unit and discussed some proven methods for combating the problem.

Addiction among parents needs to be addressed and curbed, Waddell told the Explorer, because children of parents who abuse drugs often become addicted themselves during adolescence and later in life. ''We want to break that cycle,'' he said.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 474.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL INTERNET SAFETY MONTH

Mr. BUTTERFIELD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 455) supporting the goals and ideals of National Internet Safety Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 455

Whereas, on May 16, 2007, the United States Senate passed a resolution designating June 2007 as ''National Internet Safety Month'';

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas approximately 80 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;

Whereas approximately 41 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 20 percent of middle school and high school students have met face-to-face with someone they first met online;

Whereas 23 percent of students know someone who has been bullied online;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of recognizing National Internet Safety Month;

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on parents, educators, Internet safety organizations, law enforcement, community leaders, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, June is National Internet Safety Month, and the resolution before us today highlights this designation. As a member of the Commerce, Trade and Consumer Protection Subcommittee of the Energy and Commerce Committee, I want to commend the gentlewoman from Illinois (Ms. BEAN) for introducing this resolution and for her efforts to protect our children from the lurking dangers on the Internet.

It is not hyperbole to say that the Internet is the most powerful tool ever developed for disseminating information to as many people as possible. Not since the invention of radio or, perhaps, since even the printing press, has a technological development so radically altered the means by which we spread information to the general public.

Moreover, the Internet has completely revolutionized the way in which we communicate with each other on an individualized basis. Not since the invention of the telephone has a technology revolutionized the way in which we interact with each other, one on one, regardless of distance or geography.

But, of course, with such great revolutions, there are always drawbacks. There will always be some who take advantage of the profound benefits provided by technology and use it for nefarious purposes. As marvelous as the Internet and the World Wide Web have become as a means of empowering ordinary people to communicate ideas in a manner that was once unimaginable, the Internet has also becoming a breeding ground, yes, a breeding ground for poisonous messages and images. It has become the modern, virtual wild, wild west where cyberbandits and thieves roam to prey on unsuspecting consumers by deception and by extracting from them sensitive private information.

And at its very worst, the Internet and the World Wide Web can be a complete snakepit, full of predators and scum who would prey on the most innocent and vulnerable members of our society, our children.

Mr. Speaker, H. Res. 455 supports the goals and ideals of National Internet Safety Month. The resolution before us recognizes the many national and community organizations that exist to educate parents and children on what steps they can take to protect their families from unsuitable content and from online predators.

The Federal Trade Commission is the crown jewel of the Federal Government's mission to protect consumers, and has played a critical role in this regard. In addition to its ongoing efforts to crack down on cybercrime, the Commission has engaged in a public relations campaign to promote awareness and online safety habits.

The FTC has established a 1–800 number which serves as a help line and as the designee where consumers can file complaints. Moreover, the Commission has set up a special Web site, www.OnGuardOnline.gov—that is www.OnGuardOnline.gov—to provide tips to consumers in protecting themselves and their children from Internet fraud.

Lastly, Mr. Speaker, the FTC is engaged in a public awareness campaign to promote Internet safety through a child-friendly mascot named ''Dewie the Turtle,'' much the same way Smokey the Bear successfully promoted the prevention of forest fires.

In addition to the FTC's efforts, numerous private and community-based organizations exist to educate and empower parents, young children and teenagers to have a safe, wholesome Internet experience.

□ 1130

They all provide a commendable service that parents and consumers should use to help empower themselves against Internet dangers. These organizations are listed on the FTC's Web site, and I will include the list into the RECORD at this point.

FOR MORE INFORMATION

To learn more about staying safe online, visit the following organizations:

Federal Trade Commission—www.OnGuardOnline.gov—The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit ftc.gov or call toll-free, 1–877–FTC-HELP (1–877–382–4357); TTY: 1–866–653–4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

The FTC manages OnGuardOnline.gov, which provides practical tips from the federal government and the technology industry to help you be on guard against Internet fraud, secure your computer, and protect your personal information.

GetNetWise—www.getnetwise.org—GetNetWise is a public service sponsored by Internet industry corporations and public interest organizations to help ensure that Internet users have safe, constructive, and educational or entertaining online experiences. The GetNetWise coalition wants Internet users to be just ''one click away'' from the resources they need to make informed decisions about their and their family's use of the Internet.

Internet Keep Safe Coalition—www.iKeepSafe.org—iKeepSafe.org, home of Faux Paw the Techno Cat, is a coalition of 49 governors/first spouses, law enforcement, the American Medical Association, the American Academy of Pediatrics, and other associations dedicated to helping parents, educators, and caregivers by providing tools and guidelines to teach children the safe and healthy use of technology. The organization's vision is to see generations of children worldwide grow up safely using technology and the Internet.

i-SAFE—www.i-safe.org—Founded in 1998 and endorsed by the U.S. Congress, i-SAFE is

a non-profit foundation dedicated to protecting the online experiences of youth everywhere. i-SAFE incorporates classroom curriculum with dynamic community outreach to empower students, teachers, parents, law enforcement, and concerned adults to make the Internet a safer place. Join them today in the fight to safeguard children's online experience.

National Center for Missing and Exploited Children—www.missingkids.com; www.netsmartz.org—NCMEC is a private, non-profit organization that helps prevent child abduction and sexual exploitation; helps find missing children; and assists victims of child abduction and sexual exploitation, their families, and the professionals who serve them.

National Crime Prevention Council—www.ncpc.org; www.mcgruff.org—The National Crime Prevention Council (NCPC) is a private, nonprofit organization whose primary mission is to enable people to create safer and more caring communities by addressing the causes of crime and violence and reducing the opportunities for crime to occur. Among many crime prevention issues, NCPC addresses Internet Safety with kids and parents through www.mcgruff.org and public service advertising under the National Citizens' Crime Prevention Campaign—symbolized by McGruff the Crime Dog® and his ''Take A Bite Out Of Crime®.''

National Cyber Security Alliance—www.staysafeonline.org—NCSA is a nonprofit organization that provides tools and resources to empower home users, small businesses, and schools, colleges, and universities to stay safe online. A public-private partnership, NCSA members include the Department of Homeland Security, the Federal Trade Commission, and many private-sector corporations and organizations.

staysafe—www.staysafe.org—staysafe.org—is an educational site intended to help consumers understand both the positive aspects of the Internet as well as how to manage a variety of safety and security issues that exist online.

Wired Safety—www.wiredsafety.org—WiredSafety.org is an Internet safety and help group. Comprised of unpaid volunteers around the world, WiredSafety.org provides education, assistance, and awareness on all aspects of cybrcrime and abuse, privacy, security, and responsible technology use. It is also the parent group of Teenangels.org, FBI-trained teens and preteens who promote Internet safety.

The measure before us today, Mr. Speaker, encourages consumers and parents to take advantage of these resources.

Again, I want to thank my good friend from Illinois, Congresswoman BEAN. She's such a champion on this issue. I want to thank her for this resolution, and I hope the House will see fit to pass this measure in expeditious fashion.

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

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

Mr. Speaker, I want to thank my colleague from North Carolina and his comments and obviously thank our colleague from Illinois (Ms. BEAN) for bringing this very important resolution to the House floor. I'm happy to rise in support of this resolution and emphasize, I believe, its important goals for my colleagues today.

As all of us know, the Internet is a wonderful tool for business, obviously for education, and for recreation. However, we have also learned the Internet can be a wonderful tool for not-so-wonderful different people. There are the general mischief makers, hackers seeking a cheap thrill, personal identity thieves that we know about and, most repugnant, stalkers and child predators.

But despite the plethora of information out there, many people are still unaware of the significant dangers the Internet poses to our children. Children themselves are often unaware of the danger, but are of a—well, you know, it won't happen to me—type of thinking.

That mindset can lead to trouble, and we've seen that in the NBC program, ''To Catch a Predator,'' in which we've seen the insidious operations in which these child predators come in looking for the child, the teenager, and they're caught right on camera. So that camera has illustrated the problems that we have with the Internet and the dangers.

Not coincidentally, June is also the month many of our children leave school for 3 months of vacation and recreation. So we need to raise awareness of the danger to our children, to our parents, and that's why June is an appropriate time for National Internet Safety Month.

With less time in the classroom, these children spend more time obviously on computers. Parents are the first and most effective defense protecting our Nation's children. Most of us here in Congress are working parents. Our children are back in the district. We know we cannot look over them all the time, and perhaps the spouse is working also. So while we can't look over our children's shoulder every hour of the day, we certainly should put in place the software and the protection in our computer, as well as awareness of the child, of the insidious nature of the Internet and the evil people that are out there that are stalking our children.

So this resolution is meant to bring attention to the Internet dangers of cyberstalking, cyberbullying and cyberchild predators. In conjunction with our efforts, a number of organizations, both private and government, have launched public awareness campaigns with information related to National Internet Safety Month. I applaud the efforts of the multiple online safety organizations, industry-wide, and the Department of Justice's National Criminal Justice Reference Service for their efforts, and I think the American public should be aware that the National Criminal Justice Reference Service is available through the Department of Justice, and you can go online to the Department of Justice to find out more about this service.

The dangers of the Internet exist year-round and require vigilance in our defense year-round. At the same time, it is important for us to send a strong reminder to parents and children of the very threats of the Internet as our children begin their summer vacations and have more free, often unsupervised, time to explore cyberspace.

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

Mr. BUTTERFIELD. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman from Illinois (Ms. BEAN), the author of this resolution.

Ms. BEAN. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

Mr. Speaker, I rise today in strong support of H. Res. 455, which supports the goals and ideals of National Internet Safety Month. Following the lead of the Senate, I'm proud that the House of Representatives will recognize June 2007 as National Internet Safety Month with passage of my resolution today.

I want to thank Chairman DINGELL and the resolution's cosponsors, Representatives UPTON, GREEN, SHIMKUS, MATHESON, DONNELLY and GILLIBRAND, for their help bringing to the floor this resolution on Internet safety.

The Internet is a wonderful resource for our children. Over 35 million students have access to the Internet and use it every day to expand their knowledge beyond what they can learn in textbooks and in the classroom. In addition, the Internet allows kids to stay connected with their friends when not at school.

The Internet has increased productivity and opened a new world of opportunities for our children; but at the same time, it has opened a world of dangers. These threats, whether it be unwanted online solicitations, Internet scams or cyberbullying, are dangerous and real. In order for our children to be protected from the dangers of the Internet, we must work together to raise awareness of Internet safety.

As noted in today's resolution, 41 percent of middle and high school students do not tell their parents about their Internet communications; 61 percent of students admit to using the Internet unsafely or inappropriately; and of most concern, 20 percent of middle school and high school students have met face-to-face with someone they first met online.

In recent studies conducted by the Department of Justice, one in seven children between the ages of 10 and 17 received a sexual solicitation online and one in 25, or essentially one per classroom, have received an aggressive sexual solicitation when a predator calls them on the phone, sends them gifts, or requests a meeting.

Fortunately, our schools, nonprofits, local, State and Federal governments, and concerned corporate citizens have

been actively engaging children on Internet safety. Programs vary, but all emphasize the importance of protecting personal information, keeping parents informed of Internet actions, and being careful who you talk to online.

For the last 2½ years, I have hosted Internet safety forums for kids and adults in my own congressional district. Having teenage daughters of my own, I discovered while they enjoyed the opportunity to express themselves with popular networking sites, they had no appreciation for the dangers that lurked there. Whenever I meet with students from my district, I always emphasize tips for how to stay online.

We have a little bookmarker that we distribute to children across the district giving them safety tips. Some of those include, number one, not sharing passwords or personal identifying information, and they really don't appreciate that while this is a site that allows them to connect with friends, oftentimes predators are using these sites as online shopping catalogs for potential victims, and by sharing information, they're setting themselves up as just that potential victim.

We also talked to children about while trustworthiness is one of the pillars of character that many schools instill in their own character development programs, that that trustworthiness is not something that anyone they have met on the Internet is deserving of because oftentimes they're not who they say they are, and the 14-year-old from the school across town very well in many cases is a 38-year-old predator from out of State.

We also tell them to avoid posting pictures online. Again, they're sharing pictures of activities and themselves with their friends, but those pictures are often taken out of context and they have no control over how they're used, where they're used, who they're used by. And we also remind particularly our high schoolers that not only colleges but future employers will be looking on these networking sites to see the pictures they have posted; and while they may think these are private or they can take those pictures back, through the use of technology, in most cases they can't. Once they're out there, they can't get those back.

Besides educating children about Internet safety, it's as important to inform parents how to keep their kids safe online. The sad reality is children know far more about the Internet and they're much more comfortable with computer usage than we as parents tend to be, but we have to work at it.

Approximately 50 percent of parents admit that they do not properly monitor their children's Internet activity and they don't use filter, blocking or monitoring software on their home computers. Parents need to be engaged and ask their children what they're doing online.

□ 1140

We all remember, and our children remember, stranger danger. We certainly have all, as parents, encouraged them never to talk to strangers at the playground. The playground has gotten a lot bigger, and now those strangers can come right into our home, and in some cases, our children's bedrooms, which is also why we encourage parents not to put computers in their children's rooms but to put them in a public place.

Finally, install filter blocking and monitoring software to prevent children from visiting dangerous sites.

In addition to today's resolution, I have introduced legislation that will expand the FTC's resources to create public awareness with a national campaign to help kids, teachers and parents protect themselves.

In closing, I urge my colleagues to support H. Res. 455 and encourage them to use Internet National Safety Month as an opportunity to support the efforts of our local, State and Federal government, local and national nonprofit organizations, and concerned corporate citizens in promoting Internet safety.

Mr. STEARNS. Mr. Speaker, I just want to commend the gentlelady for her statistics that she brings forward. I think many of us, when you hear 1 in 25, that doesn't sound too bad, but that one person out of 25 could be your son or daughter, and it would be a tragedy. The statistics bring home to all of us, particularly people that have seen our children grow up and use the Internet.

I would also suggest that she make available to all Members a copy of that bookmark. I think that bookmark is a terrific idea, and I think a lot of Members who have young children certainly could use that bookmark back in their district. Again, I think what she is doing is very important.

In the committee that I am ranking member of, the Subcommittee on Commerce, Trade and Consumer Protection, we have passed out of the subcommittee, the full committee, and in the House recently, the spyware bill, H.R. 964. This bill obviously is about spyware that's used to penetrate your computer and to find out different pieces of information about what you are doing that can be used for cyberstalking.

I want to applaud the House for voting overwhelmingly. I think it was over 360 Members voted for spyware. I urge the Senate to pass the spyware bill and bring it to conference, so that we can get it to the President's desk.

This would go also towards preventing the cyberstalking, some of the things we see here, and which we are seeking with Internet Safety Month.

Again, I thank the gentlelady for her efforts here.

Mr. BARTON of Texas. I am pleased to offer my support of H. Res. 455 offered by my colleague, Representative MELISSA BEAN.

The power of the Internet has revolutionized communications and affected the lives of people in every comer of the planet. It does more good than most of us can imagine. It's also no secret that the Internet also can be dangerous, especially for trusting children who go online without parents or teachers looking over their shoulders.

Studies say that more than a billion people use the Internet, and none of us need a study to know that some of them are wretched predators. In the United States, 35,000,000 children in kindergarten through 12th grade have Internet access. Of those students, 61 percent admit to using the Internet unsafely or inappropriately. As many as 47 percent of parents feel unable to fully monitor and shelter their children from inappropriate material.

We on the Energy and Commerce Committee are acutely aware of the Internet's value to commerce and communication, but we have also seen the evil that people can do when they use the Internet to attract and abuse children. And yet many parents and children are simply unaware of hazards that exist only one click away.

We want our children to feel safe at home, and they do, but that sense of safety can also cause them to let down their guard with the strangers they meet by computer. The consequences can range from unhappy experiences with cyber-bullying to tragic involvement in kiddy porn.

June is National Internet Safety Month, a time used to promote education and awareness of these issues and stress their preventability through an ad campaign. The campaign focuses on advice to parents in educating their children on the dangers of the Internet along with true stories of children succumbing to predators. It also provides important links and information on how to report an offender.

H. Res. 455, promoting National Internet Safety Month, commends national and community organizations for promoting awareness of the dangers of the Internet and providing information and training that develops critical thinking and decision making skills that are necessary in order to safely utilize the Internet. The House also recognizes the continued involvement of parents, educators, law enforcement, and community leaders as vital to the online safety of America's children.

Designating June as National Internet Safety Month reminds us that we should always be on guard to protect our children from potential online threats.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 455, as amended.

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

A motion to reconsider was laid on the table.

TRUTH IN CALLER ID ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 251) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 251

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Caller ID Act of 2007''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

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

''(e) PROHIBITION ON PROVISION OF DECEPTIVE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or VOIP service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, with the intent to defraud or cause harm.

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—

''(A) DEADLINE.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

''(B) CONSIDERATION OF RELATED REGULATIONS.—In conducting the proceeding to prescribe the regulations required by subparagraph (A) of this paragraph, the Commission shall examine whether the Commission's regulations under subsection (b)(2)(B) of this section should be revised to require noncommercial calls to residential telephone lines using an artificial or pre-recorded voice to deliver a message to transmit caller identification information that is not misleading or inaccurate.

''(4) EFFECT ON OTHER LAWS.—Nothing in this subsection shall be construed to authorize or prohibit any investigative, protective, or intelligence activities performed in connection with official duties, and in accordance with all applicable laws, by a law enforcement agency of the United States, a State, or a political subdivision of a State, or by an intelligence agency of the United States.

''(5) SAVINGS PROVISION.—Except for paragraph (3)(B), nothing in this subsection may be construed to affect or alter the application of the Commission's regulations regarding the requirements for transmission of caller identification information, issued pursuant to the Telephone Consumer Protection Act of 1991 (Public Law 102–243) and the amendments made by such Act.

''(6) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided to an end user by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or VOIP service. Such term includes automatic number identification services.

''(C) VOIP SERVICE.—The term 'VOIP service' means a service that—

''(i) provides real-time voice communications transmitted through end user equipment using TCP/IP protocol, or a successor protocol, for a fee or without a fee;

''(ii) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

''(iii) has the capability to originate traffic to, or terminate traffic from, the public switched telephone network.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of this bill which I offer today with an amendment under suspension of the rules. This is a consensus, noncontroversial bill, and it is sponsored by our colleague, Representative ELIOT ENGEL from the State of New York. A similar bill, sponsored by full Energy and Commerce Ranking Member JOE BARTON, passed the House in the last Congress unanimously.

I want to commend Telecommunications and the Internet Subcommittee Ranking Member FRED UPTON for his work and cooperation on this measure, and I commend full committee Chairman JOHN DINGELL for his excellent efforts on this bill as well.

This legislation addresses issues regarding so-called ''caller ID spoofing.'' ''Spoofing'' is when a caller masks or changes the caller ID information of their call in a way that disguises the true origination number of the caller. In many instances, a call recipient may be subject to pretexting through spoofing, which can lead to fraud, personal ID theft, harassment or otherwise put the safety of the call recipient in danger.

On the other hand, lest we think that spoofing always has nefarious aims, we must recognize that there may be circumstances when a person's safety may be put in danger if their true and accurate call origination information is disclosed as well.

For instance, Members of Congress often have direct lines in their offices in order to ensure that such lines do not become generally public and, therefore, remain useful to us. It may be necessary to keep such direct numbers confidential and have the outgoing caller ID information indicate a different number at which offices can be reached for return calls; that gives the recipient a legitimate phone number to call back, but keeps confidential lines that must remain private.

There are many doctors, psychiatrists, lawyers and other professionals who would similarly like to keep direct confidential lines private in this way, who have no intention of misleading anyone.

In addition, there may be instances, for example, when a woman at a shelter seeks to reach her children, when spoofing is important to safeguard someone's safety. Moreover, informants to law enforcement tip lines or whistle blowers have additional reasons for why their calling information should remain private. We should not outlaw any of these practices, and I think the legislation needs some improvement and clarification in these areas.

What we seek in caller ID policy is balance. This has been the case since we held hearings in the Telecommunications Subcommittee in the early 1990s on caller ID, when we sought to take into account emerging caller ID technology in a way that also allowed callers to block their origination number on a per call or per line basis. Technology also allowed call recipients to refuse to receive calls by anyone who is blocking their caller ID information from going through.

This is much-needed legislation. I urge support by all Members of the House.

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

Mr. STEARNS. Mr. Speaker, I request such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 251, the Truth in Caller ID Act of 2007. I thank my good friend, Mr. ENGEL of New York, for his work here; also the ranking member, JOE BARTON of Texas, for his leadership on this very important piece of legislation.

My colleagues, millions of Americans use caller ID in order to secure greater privacy for their families. Yet, as new technologies continue to be developed, caller ID spoofing, as brought out by the gentleman from Massachusetts, has become a problem for both consumers and businesses.

This bill protects consumers by prohibiting the deceptive manipulation of caller identification information, a practice which has been defined and is clearly delineated as ''spoofing,'' ''caller ID spoofing.''

Now, this occurs when a caller masquerades as someone else by falsifying a number that appears on the recipient's caller ID display. The most important point about this discussion is

that caller ID spoofing can make a call appear to come from any phone number the caller wishes. The increasing use of VOIP, which is voice over Internet protocol, that we see in America and other Internet telephone services, has made it much easier for people to make any number appear on a caller ID system.

In addition, several Web sites have sprung up to provide caller ID spoofing services, eliminating the need for any special hardware to replicate this. Although these caller ID spoofing services promote themselves for use in prank calls or for simple entertainment purposes, and that's what they propose only, they say, such services can be easily accessed and used by criminals.

□ 1150

So Caller ID spoofing has emerged as a useful tool for identity thieves and other scam artists. In addition, my colleagues, many business functions, from credit card verification to automatic call routing, depend on caller ID for security purposes, which spoofing can render useless.

So this bill, H.R. 251, prohibits sending misleading or inaccurate caller ID information with the intent to defraud or cause harm. The Energy and Commerce Committee drafted the language in this bill so carefully that it will go after the bad actors but, at the same time, preserve the ability to manipulate the caller ID information for legitimate purposes, such as the protection for victims of domestic violence.

A woman is calling, let's say, from a shelter and she wants to protect her ID, or she doesn't want to disclose, get the phone number disclosed where she is.

A single mother at home, she should have the opportunity to block her phone number so people can't recognize that number and call her, harass her or even use it in a way to bring harm to her.

So my colleagues, this is an important piece of bipartisan consumer protection legislation. I urge all of you to support H.R. 251, the Truth in Caller ID Act.

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

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the sponsor of this legislation, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman and my good friend from Massachusetts for recognizing me.

I'm very proud that this was the first bill that was reported from our Telecommunications Subcommittee this year. We had extensive hearings last year on the bill, and this bill is truly bipartisan.

I want to thank the ranking member, Mr. BARTON, for working with me on this bill, as well as Chairman DINGELL, Mr. STEARNS and of course my friend, ED MARKEY.

When people look at their caller ID, they have a right to believe and expect that the number that is there and the name of the person who is listed there is truly the number and the name of the person calling them. And I was shocked when I first heard that can you manipulate both the name and the number. In fact, there are Web sites, you only have to dial a Web site and pay a fee and you can manipulate the name, the number. And there's even technology where you can change the sound of a person's voice. So a 50-year-old male calling can sound like a 21-year-old female, and the name is different, and the phone number is different. That should not be.

Constituents thought they were receiving calls from congressional offices at one time, and these calls turned out to be far from appropriate.

Think of the mischief that can continue to happen. Unscrupulous people can trick unsuspecting victims to release personal information such as credit card numbers or Social Security numbers. It's easy for someone to pretend to be with Chase Manhattan or Citibank when you take a look and you see it says Chase Manhattan or Citibank and a number, and someone calls and says, well, we just need to verify your Social Security number with your account, and perhaps a senior citizen or someone else would feel that they could trust the caller ID and give personal information. This has to stop.

Having investigated this issue in great depth, I became convinced that what was happening was only a harbinger of things to come. There's a strong possibility that more and more people will use this technology in political campaigns. Imagine calling someone at 2 o'clock in the morning and having the number of the opposite political campaign calling you to say vote for this candidate. So this is ridiculous.

You could have insulting, slanderous, racist, sexist calls, and people would think when they look at their caller ID that it's somebody else calling, not the person who is calling.

Both the gentleman from Massachusetts and the gentleman from Florida pointed out numerous instances. So this is truly a bipartisan piece of legislation, one that is needed, one that the American public is probably not aware that needs to be corrected. People just don't think that this can happen. They believe in what the caller ID says.

So I urge my colleagues to give this important legislation strong support. This is a good step towards protecting our Nation from this emerging technology. And again, the people who use this have to have the intent to defraud in order to come under this statute. So this protects everybody, as Mr. MARKEY pointed out.

There may be some instances, Mr. STEARNS pointed out, where we would want to protect this technology, where we would not want to give the correct ID. This shows that if you have the intent to defraud, you can be prosecuted under this. So it strikes a fair balance. Those were the hearings that we had.

And, again, I urge my colleagues to support this bipartisan bill, and I'm pleased to be the sponsor of this legislation.

Mr. STEARNS. Mr. Speaker, I request such time as I may consume.

The gentleman from New York mentioned about the harbinger of things to come, and I think that's what we are all worried about, so I think this is a great first step forward.

Just recently, my subcommittee, the Commerce Consumer Protection and Trade, which Mr. RUSH chairs and I'm ranking member of, we did a do-not-call reauthorization, which is H.R. 2601. We dropped that bill last week. We urge the conference committee to mark that up and get that forward. It's part of the process here to protect consumers.

In fact, in the committee that I serve, we've done a lot of Internet consumer protection, so I'm very wholeheartedly in support of this, and I encourage some other bills. In fact, the gentleman from Massachusetts' Social Security bill, H.R. 948, is an excellent bill; as well as the Data Security bill, H.R. 958. So I think these are the types of bills we need to protect consumers, and I very wholeheartedly support them.

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

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I'm very pleased to resume my service on the Telecom Subcommittee in this Congress.

I also rise in strong support of the Truth in Caller ID Act, which will prevent acts of identity theft and billions of dollars in consumer losses each year.

I would like to engage the bill's sponsor, Mr. ENGEL, in a brief colloquy to clarify the effect this bill has on other laws relating to national security and law enforcement. The relevant section reads: ''Nothing in this subsection shall be construed to authorize or prohibit any investigative, protective or intelligence activities performed in connection with official duties, and in accordance with all applicable laws, by a law enforcement agency of the United States, a State or a political subdivision of a State, or by an intelligence agency of the United States.''

I'd like to ask the author what the meaning of this language is.

Mr. ENGEL. I want to assure the gentlewoman that this bill does not confer or authorize any new powers for any intelligence or law enforcement agency, nor does it prohibit any lawfully authorized investigative, protective or intelligence activity of a law enforcement agency of the United States, a

State or a political subdivision of a State, or of an intelligence agency of the United States.

Ms. HARMAN. I thank the gentleman for clarifying that. Lawfully authorized national security and law enforcement activities are critical in this era of terror. Legislation designed to improve our Nation's safety and security, like the Truth in Caller ID Act, should not inadvertently impair them, nor should it expand them. This carefully crafted bill, in my view, strikes the right balance. And I would like to commend the author, Mr. ENGEL, Mr. BARTON, Mr. DINGELL, Mr. MARKEY, and Mr. UPTON for their diligent work. I urge my colleagues to support the legislation.

GENERAL LEAVE

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

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

There was no objection.

□ 1200

Mr. MARKEY. Mr. Speaker, I would just conclude by thanking all of the Members, led by Mr. ENGEL; the very, very helpful comments from Ms. HARMAN in clarification of the intent of this legislation; Mr. DINGELL, the chairman of the full committee; along with Mr. BARTON, the ranking member, Mr. UPTON and Mr. STEARNS. This is a completely bipartisan piece of legislation, and we thank them for this cooperation. This is the way telecommunications legislation should be passed.

I would also like to commend the staff: Tim Powderly from the majority staff and Neil Fried and Courtney Reinhard from the Republican committee staff. I also want to thank Pete Goodloe and Gregg Rothschild from Mr. DINGELL's staff; Cristina Batt from Mr. ENGEL's staff; and Colin Crowell on my staff, who has been doing this type of legislation for 17 years, going back to the beginning of the discussion of all of these caller ID-related issues.

And, finally, I would like to thank Johanna Shelton on her last bill on the House floor. Johanna has been incredibly competent, more than competent. She really brings the word ''excellence'' into congressional and legislative service. And this will be her last bill on the floor, and there is lamenting of a magnitude hard to fully measure on the Democratic side that her leaving is creating, although I understand her husband is not sharing that sentiment as she leaves her service here.

And it is that duality that we all have to deal with here in our congressional service. But for my part, there has been no more dedicated public servant that I have met in my time here in Congress, and we will miss her service, and we thank her for all of her great work.

With that, Mr. Speaker, I urge passage of this legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in strong support of H.R. 251, the "Truth in Caller ID Act of 2007," which I co-authored with my friend, Representative ENGEL from New York. This bill protects consumers by prohibiting the deceptive manipulation of caller identification information—a practice is known as caller ID "spoofing."

Caller ID technology is an invaluable tool. Millions of people rely daily on the caller identification information that appears when their phones ring. Unfortunately, criminals are using "spoofing" to perpetrate fraud. "Spoofing" occurs when a caller masquerades as someone else by falsifying the name or number that appears on the recipient's caller ID display. Those who answer the phone and see the number of a legitimate company or charity are far more likely to fall victim to an illegitimate request for money or personal information.

Even worse, the Internet has made "spoofing" easy. Numerous websites sell simple web interfaces to caller ID systems that allow criminals to appear to be calling from any number they choose. Some of these services boast that they do not maintain logs or provide any contact information of their customers. Some even offer voice scrambling services to enable a caller to sound like someone of the opposite sex.

H.R. 251 prohibits sending misleading or inaccurate caller ID information with the intent to defraud or cause harm. The bill is drafted so that it will go after bad actors, but at the same time preserve the ability to mask or block caller ID information for legitimate purposes.

This is an important piece of bipartisan consumer protection legislation.

I urge you to support H.R. 251, the "Truth in Caller ID Act."

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this legislation, and want to thank its sponsor, Mr. ENGEL, as well as Chairmen DINGELL and MARKEY for working with me on an amendment that was added to the bill during the full committee mark-up.

Caller ID is a great benefit to millions of Americans by giving them more control over their telephones and who and when they talk on the phone.

Like many technological advances, caller ID is a benefit, but bad actors can take advantage of it and turn the technology against the people it is supposed to help.

The amendment accepted during full committee clarifies that the standard in this bill—"intent to cause defraud or harm"—covers dirty political tricks that use caller ID spoofing.

Using fake caller ID info to commit identity theft or stalk or harass someone is wrong and should be prohibited.

Using fake caller ID to falsely pretend to be calling from the Democratic Party or the Republican Party or any candidate for office is also wrong and should be prohibited.

We are not limiting anyone's speech, but we are saying that if you choose to contact thousands of people by phone through robocalls, Americans deserve accurate information on where you are calling from.

We are focusing on pre-recorded robocalls because there is no other way besides caller ID to know where they came from since there is no real person on the other end.

Current law requires commercial telemarketers to transmit accurate caller ID, but there is a loophole for non-commercial calls.

We are closing this loophole for non-commercial robocalls which includes political robocalls.

If you are going to send out thousands of robocalls, there is no justification for using false caller ID, regardless of whether you meet the underlying standard in this bill.

Again, I thank the bill's sponsor for working with me to solidify this through my amendment in committee, and I urge my colleagues to join me in supporting this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 251, as amended.

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

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1322

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 1 o'clock and 22 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General

debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2638 in the House pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SLAUGHTER. Thank you, Mr. Speaker.

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

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 473 provides an open rule for the consideration of H.R. 2638, the Department of Homeland Security Appropriations Act for 2008. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except for those arising under clauses 9 or 10 of rule XXI. The resolution also waives points of order against the bill for failure to comply with clause 2 of rule XXI regarding legislating in an appropriations bill and appropriating for unauthorized programs.

During consideration of the bill for amendment, the chairman of the Committee of the Whole may provide priority in recognition based on whether the Member offering an amendment has caused it to be printed in the CONGRESSIONAL RECORD. The rule also provides one motion to recommit with or without instructions.

I am pleased to bring to the floor the first appropriations bill of the 110th Congress under a traditional open rule process. The security of our Nation concerns every American in every State, and it is a priority of every Member of this body. But while the effort to secure our homeland is a bipartisan one, there are clear differences between how the two parties approach it, and the bill demonstrates them.

We have before us legislation that provides more than $36 billion in critical funding needed to address security vulnerabilities identified by the Homeland Security experts. It is a fulfillment of commitments made by Democrats in implementing the 9/11 Commission Recommendations Act of 2007, which passed the House with a bipartisan majority.

With this bill Democrats are increasing funding for homeland security by 7 percent, or $2.5 billion, over the amount appropriated for it last year. In fact, we are providing close to $2 billion more than what the President asked for in his request to Congress. These increases aren't excessive. They are, instead, the result of the Democrats' commitment to adequately fund security programs which in past years have been talked about, but not sufficiently supported.

These funding increases stand in stark contrast to past Republican decisions to cut money for vital security efforts and to impose unfunded mandates on State governments. My fellow Democrats and I have rejected the Republican proposals for across-the-board cuts in these areas. We feel that they would indiscriminately and unnecessarily sacrifice billions in needed funding for rail, transit, and port security, as well as for first responder grants. And, indeed, the sad truth is that these grant programs have suffered funding cuts every year since 2004. Compare that to the fact that this bill provides over $4.5 billion, nearly double the requested amount, for these critical areas.

More specifically, we have provided $400 million for port security, doubling the requested amount. Similarly, $400 million will go towards rail and transit security grants, more than the administration requested. And we will increase spending for firefighter grants by $138 million. The administration had wanted to cut these funds significantly, but we are increasing them.

At a time of heightened concern about our border security, the legislation will help to secure our borders by paying the salaries of 3,000 new Border Patrol agents, and it also improves the benefits package for Customs and Border Patrol officers to ensure higher recruitment and retention rates. After years of a lack of accountability and questionable government contracts, this bill promotes both accountability and oversight through reforms of the contracting process, and this is amazingly important.

I mentioned our borders a moment ago and I want to return to that subject very briefly. As a representative from western New York, the security of our borders is an issue of great concern to me.

□ 1330

Both our northern and southern borders face unique and separate challenges, and the bill addresses each in turn.

The 3,000 new agents funded by the bill will mean over 17,800 brave men and women will patrol our borders by the end of 2008. And at the same time, we will increase northern border funding by 33 percent, and 500 new agents will be placed there. As important as this is, border security efforts must never blind us to the deep connection we share with our neighbor to the north. Ours is a 200-year-old relationship that has benefited both of our nations immensely. In fact, I often say that people of northern border communities don't see Canadian towns and cities as being in another country; instead, we see it as one nation with a river running through it.

The travel and trade which cross the northern border every single day between America and Canada are critical to our economy and to the northern economic security. We must never sacrifice our relationship with Canada in a misguided attempt to increase border security.

I have long said that economic security and physical security are not mutually exclusive; we can and we must have both. Unfortunately, the approach to northern border security currently advocated by the Department of Homeland Security and the Department of State is flawed. The Western Hemisphere Travel Initiative, of WHTI, will choke off legitimate travel and trade and sacrifice local economies unnecessarily by imposing onerous border-crossing requirements. WHTI, while well-intentioned, is simply unacceptable in its current form.

For 2 years, I have been working with fellow border members and concerned local groups and Canada and their government to fix WHTI, and I am proud to say today represents a major step forward in that battle. With Chairman PRICE's help, I inserted language into this bill that will withhold $100 million from the funds required to implement WHTI until a series of our demands have been met, demands that will push both DHS and State in the direction that they need to go, that is, away from requiring expensive crossing documents and towards commonsense, low-cost alternatives, and will keep our

border closed to criminals, but open to the families and the businesses which make it so vibrant.

Additionally, the language will require the completion of a pilot project, which DHS is paying for and has not yet started, involving the State of Washington and British Columbia before WHTI can go forward. We see no point in paying for a project only to ignore it. The project will reveal the feasibility of the passport requirements in WHTI. With the 2008 winter Olympics being held in Vancouver, there will soon be an even greater number of Americans traveling across the border there. And this is a perfect way for us to test the requirements of WHTI before it is put in place nationwide, and we are going to make sure the results of that test are known.

Mr. Speaker, I am proud to support this bill. It demonstrates the Democratic commitment to smart security, as well as to ensuring that the money spent by this government goes where it is needed most and is spent wisely, efficiently, and effectively. These are our priorities. Our constituents deserve no less, and our security can afford no less.

I urge a ''yes'' vote on the rule and on the bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the distinguished gentlewoman from New York, the chairman of the Rules Committee, Ms. SLAUGHTER, for the time. And I yield myself such time as I may consume.

Several years ago, Mr. Speaker, I had the distinct privilege to bring forth the first rule for a Department of Homeland Security appropriations bill. Since then, the Department of Homeland Security has grown and begun to mature under the bipartisan oversight of the Appropriations Committee and of the Committee on Homeland Security. In fact, Ms. SLAUGHTER and I worked together, when I was the chairman and she the ranking member of the select Committee on Homeland Security's Subcommittee on Rules, to make certain that the committee became the permanent standing committee that it is today.

As we know, the Department of Homeland Security was created in the wake of the attacks of September 11, 2001, to help mobilize and to organize the Federal Government to the best of our ability to secure the homeland from further terrorist attacks.

Thanks to our new concerted approach to security, and I think it is important to recognize, to the 180,000 hardworking employees of the Department of Homeland Security, we have not suffered further attacks. But we must not let our guard down. Within the last month alone, Mr. Speaker, we have seen several plans thwarted to attack both Fort Dix and a major airport in New York City. We must not lose our focus. We must continue our efforts to protect the United States from yet another deadly attack.

There is an item in this legislation that helps fulfill a recommendation of the 9/11 Commission and that will provide additional security to districts that many of us represent throughout the country, including the one that I am honored to represent, districts with large airports. In its report, the 9/11 Commission recommended that the Transportation Security Agency expedite the installation of advanced in-line baggage screening equipment.

Miami International Airport, which is in the district that I am honored to represent, is a high-security, category 10 airport on the front line of homeland security defense. Miami International Airport has approximately 1,160 international flights each week, more than any other airport in the United States. Miami International Airport has over 900 flights a week from Latin America, more than all other U.S. airports combined. Miami International ranks third in overall international passenger traffic.

The Miami-Dade Aviation Department, which operates Miami International Airport, is currently building two new terminals at MIA and is incurring over $100 million in in-line Explosive Detection System, EDS, terminal modification costs. In 2005, TSA committed $20 million in Other Transaction Agreement funds which will almost cover the 75 percent Federal share for the south terminal project.

As Miami International Airport begins the installation process of EDS in its north terminal, the airport still requires an additional funding agreement to cover the Federal share of the $79 million modification project. For fiscal years 2007 and 2008, the Miami-Dade Aviation Department is projected to spend $28.8 million on the north terminal modifications, $21.6 million of which falls under the Federal Government's cost share.

I wish to commend the Appropriations Committee for allocating $560 million for Explosive Detection System, EDS, procurement and installations. These funds will help reimburse Miami International Airport in its efforts to complete its EDS installations.

Mr. Speaker, there are still some concerns with this bill, as Ranking Member ROGERS has stated publicly. There is concern about the rapid growth of funding represented by the bill, for example. And although the Appropriations Committee worked in a bipartisan manner to produce this bill, there is concern from many Members of this House about the process. As we know, the Appropriations Committee has announced that earmarks were not included in this bill and will only be added during the conference process with the Senate. It is not until that point that Members and the public will be able to see the earmarks. By adding earmarking during the conference process, Members will not have the opportunity to make amendments to remove or adjust earmarks approved by the majority on the Appropriations Committee.

The announced procedure protects earmarks from what during the opening of the 110th Congress some refer to as the ''disinfectant of sunshine.'' This procedure for earmarks is in effect reversing a traditionally more open appropriations process. I urge our colleagues in the majority to reconsider this procedure and allow for an open appropriations process.

I would like to commend the majority for bringing this important appropriations bill to the floor under an open rule. The House, as Ms. SLAUGHTER mentioned, has historically considered appropriations bills under open rules in order to allow each Member the ability to offer germane amendments without having to preprint their amendments or receive approval from the Rules Committee.

I hope that the majority will live up to their campaign promise of running a transparent House and continue our tradition of open rules with the rest of the appropriations bills this year.

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

□ 1340

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. I thank the gentlewoman from New York for yielding.

Mr. Speaker, I rise in support of this open rule providing for consideration of H.R. 2638, which makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008.

Mr. Speaker, in November the American people asked for a change. They wanted us to do two things: one, change priorities; two, restore accountability to this government.

We began with a down payment by raising the minimum wage; ending the big subsidies for oil companies, instead putting money into renewable energy; requiring pharmaceutical price negotiation instead of giveaways; making college more affordable by lowering interest rates; and we supported small businesses. These were the beginning.

Today, we take up the first of 12 appropriation bills, and in each of these bills we must do what we promised the American people we would do; change priorities and restore accountability.

This bill on homeland security, brought before us on a bipartisan basis, does both. It funds the Department of Homeland Security. It was created largely in response to the tragedy of

9/11. Since its inception, the Department has been given a crucial mission, and that is protecting American soil and American lives, enhancing our overall security. They have a big job, and it is no small undertaking.

This Homeland Security bill addresses priorities and reflects our change, and it reflects accountability, our responsibility to taxpayers.

The priorities that I would like to speak to that are embedded in this homeland security bill are among the following:

One, it establishes as a key priority funding our first responders with the training and the equipment that they need. Each one of us knows that the first responders are the ones who are going to be there, and in each of our districts they need the training, they need the funding. This Homeland Security bill has rejected a $1 billion cut that was proposed by the administration and restores Homeland Security grants in Firefighter Assistance grants.

Second, it implements a key recommendation of the 9/11 Commission by providing improved aviation security. This bill substantially increases efforts to purchase and install the latest explosive detection systems for checked baggage and other things that have been mentioned by the speakers.

Also, Mr. PRICE and Mr. ROGERS both spoke about the need for accountability. The good intentions of protecting the homeland does not give this bill a pass when it comes to accountability. The bill mandates that all grants and contact funds be awarded through full competitive processes.

Finally, I want to thank Chairwoman SLAUGHTER for leading to a sensible approach on the Western Hemisphere Travel Initiative. Thank you, Chairwoman SLAUGHTER.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in reluctant opposition to this rule. As has been pointed out by our distinguished Chair, Ms. SLAUGHTER, and the gentleman from Miami, Mr. DIAZ-BALART, in their thoughtful remarks on this issue, this is an open rule. The problem is, we are still dealing with this problem of the lack of reform in the earmark process. It is for that reason that having voted upstairs, yes, the fact that we haven't brought about the very important reform that is necessary to this horrendous earmark process, that I am going to join with Mr. DIAZ-BALART when he calls for defeat of the previous question and an opportunity that would be allowed by defeating the previous question for us to offer an amendment that would take on this earmark issue.

Mr. DIAZ-BALART very correctly pointed to the fact that in the 109th Congress we were able to implement very important, sweeping reforms for the earmark process. We know that there was understandable, bipartisan outrage that was reflecting the concern of the American people over the abuse of earmarks. There are people who are in prison today because of this, among other reasons. That is why last fall, we stepped up to the plate, and under our Republican leadership, we put together a bipartisan support for earmark reform.

At that time, unfortunately, our colleagues who were in the minority and today in the majority described those reforms as a sham and meaningless. But those reforms, Mr. Speaker, guaranteed accountability, transparency, enforcement, disclosure, things that have been completely thrown out the window unfortunately in the 110th Congress.

So while they described the very important, tough reforms that we had in the 109th Congress as a sham, they have gone right down into the drain and really created potential for little more than abuse of the issue of earmarks.

We have already seen examples of that. Of course, the problem that took place in the clash between the distinguished chairman of the Defense Appropriation Subcommittee, Mr. MURTHA, and our colleague from Michigan, Mr. ROGERS, when it came to the issue of earmarks. Unfortunately, there was no chance whatsoever for us, because of the lack of enforcement that exists now under the Democratic leadership, for us to get at that.

Then when we heard just last week the words that came from the distinguished chairman of the Appropriations Committee, the gentleman from Wisconsin, Mr. OBEY, that we will not see earmarks provided in the appropriations process itself, but instead, what we are going to see is this secret slush fund put into place that allows, in a very secretive process, to ''air drop'' these earmarks into a conference report that could come out at some later point.

Now, Mr. Speaker, that is not what the American people wanted when they called for reform of this earmark process. That is not what they expected. It is not what they got with the reforms that we put into place in the 109th Congress. But unfortunately, well, we had these great reforms, but they have been thrown out the window in the attempt to continue to, in a surreptitious manner, seek these things in there.

We just marked the 20th anniversary of the very famous speech that was delivered by Ronald Reagan at the Brandenburg Gate where President Reagan said, ''Mr. Gorbachev, tear down this wall.'' I have been reminded, I mentioned here last week when we had two votes on different rules to try and bring about reform of the earmark process another famous speech Ronald Reagan gave in the negotiating process with the Soviet Union. He said, and I have now been working on my Russian on this, ''Doveryai no Proveryai,'' which meant ''trust but verify.''

The fact of the matter is, we want to be able to trust our colleagues, fellow elected representatives, to do the right thing when it comes to earmarks. But we feel very strongly that the American people should have the right and the opportunity to verify whether or not those dollars that are being spent can, in fact, stand up to the light of day.

So while I am pleased that we are going to have a truly open rule if, in fact, this thing passes, I am going to urge my colleagues to defeat the previous question. And if we don't succeed, Mr. Speaker, in defeating the previous question, I am going to urge all my colleagues, Democrats and Republicans alike, to vote ''no'' on this rule because of the fact that it does not step up to the plate and allow us to have the kind of reform of earmark abuse that the American people desperately want.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. PRICE), chair of the subcommittee.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the chairwoman of the Rules Committee for yielding, and for her good work along with the ranking member and members on both sides of the aisle in granting this open rule, an open rule for debating of this fiscal 2008 Homeland Security appropriations bill. We requested an open rule, with some necessary waivers. The Rules Committee has granted that, and for that we are grateful, and in just a few moments we will be on our way, debating this bill.

This is a critical bill. It is the first of the 12 appropriations bills that we will be debating this session. So we will lead the pack. We will be telling our colleagues about what we have done, a hardworking subcommittee that has produced, I think, 20 days of hearings and has written a comprehensive bill.

It is going to provide funding to address our country's most pressing security vulnerabilities, with a new emphasis on ports and transit systems. It is going to provide critically needed funding, as the gentleman from Vermont has stressed, to our States and communities to confront terrorist activity threats, but also natural disaster threats.

□ 1350

Thirdly, it is going to help ensure that taxpayer dollars are well spent by requiring management reforms and by withholding funds until some expenditure reports and other accountability measures are in place.

And fourth, we're taking a long-term approach by requiring outside reviews of several major programs and activities to ensure that our long-term investments are being wisely spent.

I appreciate the chairwoman of the Rules Committee's interest in this bill. In particular, she has stressed, as she did again in her statement today, the challenges of protecting the northern border and also the concerns that she and many others have about the Western Hemisphere Travel Initiative. We are directing the Department in this bill to increase by over 40 percent the number of border patrol agents at the northern border. That will comply with the levels called for in the Intelligence Reform Act.

She also expressed particular concerns about the Western Hemisphere Travel Initiative. The bill makes $100 million for implementation of that program unavailable for obligation until Customs and Border Protection reports on its experience with pilot programs, provides detailed information on infrastructure and staffing required, confirms the use of radiofrequency identification technology that has been adequately tested under operational conditions, and describes how it will ensure privacy protection. We worked with the chairwoman in putting those protections in place, and we appreciate the consistent interest she has shown in them and in this bill in general.

So with that, Mr. Speaker, I once again thank our Rules Committee colleagues for an open rule and for paving the way for what we hope and believe will be a productive debate as we consider our homeland security needs for the coming fiscal year.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I do thank the gentleman from Florida for yielding me this time, and I want to say, first of all, that I want to commend the gentleman from Florida and also the gentlewoman from New York, the chairwoman of the Rules Committee, two of the Members in this Congress for whom I have the greatest admiration and respect, and I appreciate the fact that they are bringing this legislation to the floor under an open rule.

But as both the gentleman from Florida and the gentleman from California (Mr. DREIER) just expressed, there are still some concerns about this bill, number one of which is the fact that this bill is $2.1 billion over the President's request and a 13.6 percent increase over fiscal year 2007. That is more than four times the rate of inflation. With an almost $9 trillion national debt and over $50 trillion in unfunded future pension liabilities, we just can't keep giving every department and agency that wants one or four or five times increase over the rate of inflation. As the ranking member, Mr. ROGERS, said a few days ago, even the Department of Homeland Security should be subject to some fiscal discipline.

A few weeks after 9/11 when we had renamed the farm bill that year by adding the word ''security'' to the title, the Wall Street Journal wrote an editorial in October of 2001 and said: ''Any bill with the word 'security' in it should get double the public scrutiny, and maybe four times the normal wait, lest all kinds of bad legislation become law.''

And a few months ago, Secretary Chertoff, the Secretary of Homeland Security, testified before the Senate in a way perhaps no other Cabinet member ever had. He essentially said we are spending too much on security and we should not let overexaggerated threats of terrorism, quote, drive us crazy, into bankruptcy, trying to defend against every conceivable threat.

He went on to say, quote, we do have limits and we do have choices to make. We don't want to break the very systems we're trying to protect. We don't want to destroy our way of life trying to save it. We don't want to undercut our economy trying to protect our economy, and we don't want to destroy our civil liberties and our freedoms in order to make ourselves safer.

That is the Secretary of Homeland Security. I think, Mr. Speaker, we need to take some of those words into consideration. In a short time, later today, we are going to have several amendments to the bill that I think are worthy of consideration by all of our Members and I think should be passed. We just shouldn't blindly pass a bill and pass everything that anybody wants because they attach the word ''security'' to it.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the Chair of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to say that I think this bill being brought forth today is an excellent bill. It will strengthen America's security, and every Member interested in doing that ought to vote for it.

The four security-related appropriation bills which we will bring to the floor, Military Construction, Homeland Security, State/Foreign Operations and Defense, will come in at a level about $2 billion above the President's request. This is a key bill in doing that.

I do want to make a few comments about what I understand was said while I was off the floor a few minutes ago with respect to earmarks. Let us trace what the facts are. The last time the Democrats controlled the appropriations process, I was chairman of the Appropriations Committee. In those days, earmarking was focused on about four subcommittees. There were no earmarks whatsoever in the Labor-Health-Education bill the year that I was chairman. Two years ago, there were over 3,000 when the Republicans were running the show.

When we took over the Congress last year, the Republicans had not passed a single appropriation bill on the domestic side of the ledger. So we had to complete their work for them. And one of the ways we did that was to put a moratorium on all earmarks for the year. We promised at the time that we would try to resurrect the process, provided that we had a process that was more transparent.

Now, I understand someone from the other side claimed that we were going to airdrop these earmarks into the conference with no notice. Not so. What we plan to do is the following. And let me say, we didn't not preclude earmarks by choice. The simple fact is that because we had to deal with last year's Republican budget, because we had to deal with the Iraq controversy which consumed the next 3 months of staff time, because we were under subpoena by the San Diego U.S. Attorney to turn over papers related to Republican shenanigans that occurred last year, we did not have the staff time to focus on the substance of the bills for this year or earmarks. And we finally decided that we need to keep the bills moving, even if that meant that we would have to play catchup later with the earmarks.

So what we are going to do is as soon as the staff can prepare them, and we estimate it will take at least 4 to 5 weeks to screen all of those earmarks, we will submit and put in the CONGRESSIONAL RECORD a description of virtually every earmark that we intend to try to include in conference reports. We will then ask every Member to review those projects. If they have questions, raise questions about them, we will then ask the sponsor of the earmark to respond in writing, so that the person responsible for the request is the person who has to explain to the House what is going on. And then we will use our judgment about what makes sense. If the House thinks that we have got projects in there that shouldn't be in there, they can vote against the bill.

But let me point out there is a big difference between what we are doing and the existing Republican process. It took 2 years after the fact to find out what Duke Cunningham was asking for. The fact is under our process, you will know 30 days ahead of time. It took us more than a year to find out about the Florida road that was evidently inserted in the highway bill by a Republican Member of this House from another State.

□ 1400

That can't happen in our process. Under our process, you will have 30

days to review what they request. That is a sweeping reform in comparison to the absolute, behind-the-scenes operation that existed when the Republicans controlled this House.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I appreciate my distinguished colleague yielding me this time.

Sitting here listening, I am puzzled by some of the things being said. First of all, we are having folks thank the majority party for having them give us an open rule. I find it very unusual that we would have to thank somebody for doing what is right. You ought to thank somebody when they do something that is above and beyond what is the right thing to do.

I also find it very difficult to understand how the appropriations chairman can say that they have had to deal with the Iraq problem for 3 months; and therefore, they have not had time to do their work.

Who is in charge here? You all are in charge. You should have been able to do your work. You let yourself get bogged down for 3 months on something that was totally useless, and here you are blaming the minority party. I find it unbelievable that you don't accept the fact that you are in charge of things. What is the ''existing Republican process''? You all are in charge. You can't blame us.

I want to quote from the Rules Committee chairman on 1–4-07, ''Our rules package requires full disclosure of earmarks in all bills and conference reports before Members are asked to vote on them,'' not 30 days afterwards, but before.

Where are those earmarks, Madam Chairman? I don't see them in here.

The American people were promised transparency, truthfulness, openness in this process. They were sold a bill of goods. They don't want more secrecy, they want less secrecy. The Democrats said, We will have a new day. This is much worse than anything we have ever seen before. We need to restore the earmark rule like the Republicans had it last year.

Ms. SLAUGHTER. Mr. Speaker, I am somewhat puzzled myself over the earmark process as the Republicans had it last year.

Madam Speaker, I am pleased to yield 1 minute more to the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee.

Mr. OBEY. Madam Chairman, the comments of the previous speaker simply indicate how little she understands about the appropriations process.

The fact is that the Iraqi bill we had to deal with was last year's supplemental request. Last year's, not this year's, so we had to clean up your mess on the entire domestic budget; and we had to clean up your mess on Iraq before we could move on our business.

The first week we have been able to turn to our agenda is this week. We have spent the last 5 months cleaning up your spilled milk.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I hope to address several questions more deeply in general debates, as well as with some amendments; but as the ranking member of the Border, Port Security and Global Antiterrorism Subcommittee of Homeland Security, I have been spent much of my congressional career working narcotics, immigration and terrorism issues on the border, particularly as narcotics coordinator in Congress. I worked this even before 9/11.

In the year 2002, we issued the most comprehensive border report ever done by Congress. We had 11 hearings, include many hearings on the north and south borders. In addition, I have visited every major border crossing, north and south border, multiple times and, in particular, the largest southern border crossings many, many times, almost annually.

I have several amendments in this bill related to counternarcotics and terrorism with CBP and with the Coast Guard. But I want to talk briefly here at this point on the border. Thanks to continued funding and the hard work of the people in the Department of Homeland Security, we have made some progress, particularly since 9/11. That said, in case you haven't heard, our borders are still not secure. Not even close.

We have three basic interrelated challenges. And if you can't fix one, you can't fix any: terrorism, contraband and illegal immigration.

Last week we had an irresponsible individual who decided that despite being told not to travel to Europe, he did. Flying home, he flew to Canada and then crossed our border crossing. The screen was absolutely clear. It said, ''Refer to INS secondary.'' Even though all our border personnel had very clear instructions to place mask on subject, place in isolation, well-ventilated room, if possible, subject has multiple resistant TB, public health risk, among other things, he was waved on through after very brief screening. In spite of this, he was waved on through. Now that means we cannot even keep people we have caught.

Then there was this from yesterday: Homeland Security busted three Texas National Guardsmen for smuggling illegals using National Guard vehicles. That was just yesterday.

Last year, when I was subcommittee chairman, we heard horror stories on illegals being deported multiple times and coming back in and committing additional felonies. Yet the President of our country is coming over to lobby the other body about bringing a terrible amnesty bill back to life. There is not a Member in this body or the other body who doesn't understand that we have to deal with the people that are here, with H–1B visas, with the huge challenges we have in this country.

But this bill demonstrates the fraud of the Senate bill because it has unrealistic border controls that we are just asking in this bill, in clause after clause, for them to report on the costs. We cut the money intended for the travel initiative. How in the world can you do a 380-page amnesty bill if you can't even begin to deliver the basics?

Fortunately, the bill before us today starts to address those. The cost is horrendous. I want to go through, item by item, the challenges, the premises behind what the President is arguing.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

This has been an interesting discussion with regard to which system is better in order to challenge earmarks: one in which you can actually come to the floor and challenge specific earmarks in a bill, or in a committee report; or have a situation where the conference report comes to the floor and you have no ability whatsoever, no ability, to bring to a vote any of the earmarks that are in there.

The distinguished chairman of the Appropriations Committee mentioned that it is better to be able to write a letter to the Appropriations Committee and question an earmark than actually bring it to the floor because he mentioned that Mr. FLAKE brought 14 amendments to the floor last year and failed on every one of them.

I actually brought 39, and I failed even more miserably; I failed all 39 times. Nineteen of them called for a rollcall vote. I didn't come close on any on them because as the distinguished Member mentioned, logrolling works pretty well. People will say, I won't vote against your earmark if you don't vote against mine.

But this year is different, partly thanks to the reforms that the Democrats put in place in January of this year following the lead of the Republicans in the fall of last year where you actually said, All right, if you want an earmark, you have to sign your name and claim credit for that earmark.

Of the 39 times I came to the floor last year, most times when I came to the floor I had no clue who had sponsored the earmark I was challenging. Many times we had a vote, sometimes a rollcall vote and sometimes a voice

vote, and I still left the floor not knowing whose earmark that was because we didn't have a requirement that the Members claim credit for them.

That is no longer the case. The Appropriations Committee right now is sitting on more than 30,000 request letters where the Members signed off and said, This is my earmark and it is going to this specific entity. That is something we haven't had before, and I applaud the Democrats for putting that reform in place. The problem is, if we go forward with what has been proposed, it won't mean anything.

But here I can tell you, if I was able to come to the floor with some of those earmarks, knowing which entity it was going to, knowing which Member had requested it, and to have the media and others, the blogging community and other organizations going through and finding out what that private entity was or had that private entity made campaign contributions to that Member, if there was a tie that we didn't know about before, it changes the dynamics incredibly here because them Members have to weigh, Do I want to do that or not?

The Appropriations Committee chairman pointed out there have been problems with Members and earmarks. There have been investigations and Members in jail, and there are other investigations going on.

If you have good information, more information, that gives you power. When you come to the floor and are able to point specifically at earmarks, knowing which entity they are going to and knowing which Member requested them, it changes the dynamics.

I would respectfully disagree with the chairman of the Appropriations Committee when he says that this process that is being put in place is superior to being able to challenge earmarks. Again, let me repeat. Under what has been proposed, we will never have a vote on any earmark; and that is simply wrong.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to engage Mr. FLAKE for a moment.

The chairman of the committee made it really clear that you are going to have 30 days to look at the earmarks, whose earmarks they are, and contact them if they are in the bill. The Rules Committee will decide whether you have the ability to strike them or not.

I yield to Mr. FLAKE.

Mr. FLAKE. I thank the gentlelady for yielding, but we will have no vote. The process of logrolling will work just as it has in the past. There will be no vote, no ability by anybody to challenge specifically those earmarks on the floor of the House.

Ms. SLAUGHTER. I wouldn't want you to believe this is going to be the permanent way this is going to run. Given the vast number, the 32,000 that you mentioned, and the fact that we had no budget last year, no Federal budget last year, there was an extra strain on Mr. OBEY; and I am confident that the next year will be different.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentleman for yielding me this time.

I would say to my colleagues, here we go again with Orwellian democracy, which is alive and here on the floor of the House with the majority party saying one thing and doing another. They promised us a more transparent process, they promised us a process that had greater accountability; and in fact, what we are getting is something completely the opposite.

I would note also that we are coming to the floor now with the first appropriations bill which is 1 month later than when we brought our appropriations bills to the floor last year.

I am sorry that the Chair of appropriations has left the floor. He made the comment that this would be a more responsible earmark process. He said he would take all of the requests and would add, quote, ''virtually every earmark,'' unquote, would be included in the bill. Well, that is interesting.

What that process does is make the Chair of the Appropriations Committee the judge and the jury, the sole judge and the sole jury for every single special project. I would prefer there would be no special projects, but it appears that the Appropriations Chair is going to be the one to determine whether or not your project is worthy.

Those that have already been dropped into bills brought before this Congress give us no comfort. There appears to be significant favoritism that is being played, significant politics being played. And the threats that have been given by a Member on the majority side to a Member on the minority side, if he didn't support an earmark, give us no comfort.

We will get 30 days to review. Well, that is a wonderful thing, with no opportunity, as the gentleman from Arizona said, to have any vote on any earmark.

Mr. Speaker, that is not greater transparency or greater accountability.

The chairman of the Appropriations Committee said, Well, if you don't like an earmark, vote against the bill, with no ability to get to a specific egregious program that so angers the American people.

I would suggest, Mr. Speaker, that is Orwellian democracy at its finest, doing one thing and saying exactly the opposite. This ought to be an interesting period of time as we move through the appropriations bills. It ought to be a very interesting time as we move through a process that has turned into a sham. It ought to be a very interesting time; and I assure you, Mr. Speaker, that the American people are, indeed, paying attention.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time, and I thank all of my colleagues who have taken part in this debate.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question, so we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

□ 1415

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report or manager's amendment includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

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

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote. Without these changes, the new earmark rule, in effect, is nothing more than a fig leaf.

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

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

There was no objection.

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

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

A lot of time has been spent today on the open rule and the open amendment process, and I'd like to give you and anybody else who may be watching some idea of what we can expect.

Some 94 Republican amendments were filed, 16 Democrats. One Republican is responsible for more than 50 percent of that side.

Let me give you a couple of examples of what they are. None of the funds can be used for supporting yoga classes. None can be used to support art classes. None can be used to support dance classes. None can be used under other programs, any program that offers to support a dance class. And my personal favorite, none of the funds can be used for supporting puppet shows.

There isn't anything in the world in any part of this bill having anything to do with these amendments, but nonetheless here we are. We'll be debating this into the night, but I would ask everybody to listen to those amendments and decide which is serious on homeland security.

I urge a ''yes'' vote on the previous question and on the resolution.

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

AMENDMENT TO H. RES. 473 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following new section:

SEC. 3. Clause 9(c) of Rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the bill, joint resolution, or conference report, or amendment described in paragraph (a)(3). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 473, if ordered, and motion to suspend the rules on H. Res. 474.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 16, as follows:

[Roll No. 451]

YEAS—222

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

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)

Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Arcuri
Barton (TX)
Brown-Waite, Ginny
Davis, Jo Ann
Doyle
Edwards
Gutierrez
Johnson, E. B.
Jones (OH)
Lewis (GA)
McHenry
Radanovich
Sessions
Simpson
Stark
Wasserman Schultz

□ 1440

Messrs. RENZI, BILIRAKIS, REYNOLDS and CANNON changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 451, on ordering the previous question on H. Res. 473, my vote did not register. Only after they closed the vote, was I told of that fact.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTIONS OF FATHERS IN THE HEALTHY DEVELOPMENT OF CHILDREN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 474, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 474.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 452]

YEAS—420

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

NOT VOTING—12

Arcuri
Barton (TX)
Davis, Jo Ann
Doyle
Edwards
Emanuel
Gutierrez
Johnson, E. B.
Lewis (GA)
Radanovich
Sessions
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1448

Mrs. BACHMANN, Mr. JOHNSON of Illinois and Mr. TANCREDO changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to House Resolution 460, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo.

As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, the photographer will be ready to take the picture in just a few minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess.

□ 1451

AFTER RECESS

The recess having expired, the House was called to order at 2 o'clock and 51 minutes p.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 110th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair in one or two minutes.

Accordingly (at 2 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1455

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 o'clock and 55 minutes p.m.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2638.

□ 1459

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. FRANK of Massachusetts in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start by saying how proud I am of the work of our subcommittee and its fine staff that has been done over the last number of months.

Through the 20 hearings we have held so far this year, featuring testimony from Department officials, watch dog agencies and outside experts, numerous security vulnerabilities and management problems have been identified and solutions offered. I believe that the bill reported by the committee is well informed by what we learned in these hearings.

I want to express my gratitude to the distinguished gentleman from Kentucky (Mr. ROGERS), both for his leadership as the inaugural chairman of this subcommittee and more recently for his significant contributions as ranking member. Mr. ROGERS established a strong, bipartisan approach to providing vigilant oversight of the Department, and I have endeavored to continue on that path.

I also want to pay tribute to Martin Sabo, the former ranking member of this subcommittee, who is an example to all of us not only for his expertise and leadership on homeland security issues, but also his commitment to public service and to this institution.

And I don't want to go any further without expressing my respect for and gratitude to the professional staff of the subcommittee, both majority and minority. Beverly Pheto has been an exemplary clerk. Her mastery of the issues facing the Department and each of its components has been invaluable. And I cannot underestimate the contributions of Stephanie Gupta, Jeff Ashford, Jim Holm, and Shalanda Young on the majority side; and Tom McLemore, Ben Nicholson, and Christine Kojac on the minority side, as well as Darek Newby of my personal staff. Our subcommittee relies on the professionalism and expertise of these individuals. They are performing an invaluable service to the country.

Mr. Chairman, in total, the bill before us contains $36.3 billion in discretionary funding, which is $2.5 billion, or more than 7 percent, above the funding appropriated in 2007, including funding given an emergency designation in the 2007 bill. That so-called ''emergency'' funding was primarily for border security needs that have necessarily been absorbed into the baseline for fiscal year 2008. The bill contains $2 billion, or 5 percent, more than the amounts requested by President Bush. I hope my colleagues will agree that the country's outstanding homeland security vulnerabilities, including border security, more than justify this level of funding.

This bill does four important things: First, it provides funding to address our country's most pressing security vulnerabilities with a new emphasis on our ports and on rail and transit systems.

Secondly, the bill provides critically needed funding to our States and communities to confront not only the threat of terrorist activity but also natural disasters and the emergency situations that must be dealt with in our community every day. Homeland security requires a faithful partnership among the Federal Government, States, and local communities. And this bill honors that partnership.

Thirdly, the bill helps to ensure that taxpayer dollars are well spent by requiring specific management reforms related to contracting, procurement, and competition. It cuts $1.2 billion below the fiscal 2007 levels and $244 million below the requested amounts for programs and activities that are not performing well or for which increased or level funding has not been adequately justified; and it withholds a total of $1.9 billion for various programs until the Department submits detailed expenditure plans.

And, fourth, the bill takes a long-term approach by requiring outside reviews of several major programs and activities to ensure that long-term investments of taxpayer money are made wisely and productively. For example, we are commissioning studies by the National Academies of Science on the current direction of the BioWatch program and on the Department's risk analysis capabilities and the improvements needed to ensure that investments are well targeted.

The funding increases provided in this bill address the security vulnerabilities identified by numerous expert groups, including the 9/11 Commission and the Hart-Rudman Commission. They also fund security actions mandated in the SAFE Ports Act and the Katrina Reform Act.

Aviation explosive detection systems are funded in total at $849 million, $324 million more than the regular 2007 bill. Air cargo security is funded at $73 million, $18 million more than the 2007 bill. And the bill directs TSA to double the amount of cargo it screens prior to loading onto passenger aircraft.

Transit security grants are funded at $400 million, $225 million more than the 2007 bill. Port security grants are funded at $400 million, $190 million more than the 2007 bill. An additional $40 million is provided for the Coast Guard to implement the requirements of the SAFE Ports Act.

Emergency Management Performance Grants are funded at $300 million, $100 million more than the 2007 bill. Metropolitan Medical Response System Grants are funded at $50 million, $17

million more than 2007. State Homeland Security and Law Enforcement Terrorism Prevention grants are funded at $950 million; that is $50 million more than 2007. Urban area security grants are funded at $800 million, $30 million more than the 2007 bill. REAL ID and interoperable communication grants are funded in total at $100 million, in contrast to no funding provided in 2007. Fire grants are funded at $800 million, $138 million more than 2007. And FEMA management and administration is funded at $685 million, $150 million more than 2007.

Mr. Chairman, I want to highlight a number of other provisions in the bill that are particularly important. We have all heard about contracts and awards from the Department that were not competed. FEMA recently submitted a list of nearly 4,000 contracts that were never competitively bid. This bill mandates that all grant and contract funds be awarded through full and open competitive processes except when other funding distribution mechanisms are required by statute. This approach creates a level playing field and also ensures that there are no congressional or administration earmarks in this bill.

In addition, the bill addresses a major immigration vulnerability that exists today. It requires that ICE contact correctional facilities throughout the U.S. on a monthly basis to identify incarcerated immigrants who are subject to deportation. Although ICE deports some number of these individuals now, it is not systematically identifying and deporting them. There is simply no excuse for failing to identify every deportable alien and deporting them immediately upon their release from prison.

These are undocumented individuals who have served time in jail for committing crimes, and we are now, unfortunately, releasing them all too often back into the population. So asking prisons for information about these individuals so they can be deported should be among the first priorities in our illegal immigration enforcement strategy. This bill provides the direction and the funding to ICE to make this happen.

The bill funds the Secure Border Initiative at the requested level of $1 billion, while requiring the Department to clearly justify how it plans to use these funds to achieve operational control of our borders. For each border segment, the Department will have to produce an analysis comparing its selected approach to alternatives based on total cost, on level of control achieved, impact on affected communities, and other factors.

We are also requiring the Department to seek the advice and support of each local community affected by a border infrastructure project. I want to be clear that this does not give border communities a veto on border projects and it will not result in any project delays if the Department efficiently carries out its responsibilities. The provision simply requires the Department to actively and faithfully consult affected communities to ensure that our border security efforts minimize adverse community impacts. That is reasonable to ask of the Department, and the Department agrees that such consultation is appropriate.

We are also directing the Department to increase by over 40 percent the number of Border Patrol agents on the northern border to comply with the levels called for in the Intelligence Reform Act. In addition, the bill addresses a Customs and Border Protection staffing problem that we heard about on a February congressional delegation to the southwest border.

Because CBP officers are not considered law enforcement officers, despite the increasing role of law enforcement in their duties, they don't receive the same benefits as DHS personnel who are considered law enforcement officers. This has made it extremely difficult to hold on to CBP officers. In a nutshell, the bill would allow eligible CBP officers to transition to law enforcement status beginning in fiscal 2008.

The Transportation Security Administration's loss of the personal data of thousands of its employees is only the most recent example of the privacy problems plaguing the Department. The bill withholds funding for certain DHS programs until the proper privacy protections are in place because security and privacy can and should go hand in hand.

In conclusion, let me mention a few other provisions, Mr. Chairman. First, the bill includes language mandating that stricter State and local chemical security laws and regulations cannot be preempted by the Federal Government. Secondly, the bill mandates that all grant and contract funds comply with Davis-Bacon prevailing wage requirements. Thirdly, the $101 million in the bill for the new DHS campus facility at St. Elizabeth's will not be available until the Department submits an explosive detection equipment spending plan and promulgates long overdue regulations on U–Visas for victims of domestic violence, rape, and involuntary servitude.

This withholding of funds should not be interpreted as a signal of lukewarm support for the development of the St. Elizabeth's campus. On the contrary, the Department and the country would be better served by colocating most of its headquarters components onto this single campus. This is simply our way of signaling that any further delay on an explosive detection plan or on the overdue U–Visa rule is completely unacceptable.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Let me start, Mr. Chairman, by commending the subcommittee chairman on putting together a thoughtful bill, his first as the chairman of this important subcommittee. I must also recognize the chairman's continuation of this subcommittee's bipartisan tradition as well as to state how much I appreciate the chairman's willingness to listen to the concerns on this side of the aisle and accommodate us as much as possible.

I would, however, like to briefly say a few words about some specific items of concern. First, fiscal responsibility.

The 302(b) allocation for the Department of Homeland Security is $36.25 billion. That is $2.1 billion above what was requested of us and amounts to a 13.6 percent increase above fiscal 2007. And that doesn't even include the billions in one-time emergency funding that has been added to the DHS budget over the last year, including the $1.05 billion in unrequested funding just approved in the supplemental last month.

If you include that figure in the increase, it is almost a 17 percent increase over the current year. By comparison, the budget request would give the Department a 7.2 percent increase, and I think that recommendation is more than sufficient, even generous, for the Department.

The public is demanding accountability and fiscal responsibility, and I don't think we can exclude any Federal agency from fiscal discipline, even the Department of Homeland Security. More money and more government do not equal more security.

Therefore, I will offer an amendment later today to limit the budget to a more than generous and responsible 7.2 percent increase over current spending. I am hopeful my colleagues will support that effort.

And when I use the term ''responsible,'' Mr. Chairman, I am also stating that we must ensure DHS has sufficient resources to carry out legislative direction. The bill includes a bold mandate for ICE to contact every correctional facility in the country, over 5,000 of them, at least once a month to identify incarcerated aliens and initiate deportation proceedings against them. That is a laudable goal, and I support the policy and the goal. But, Mr. Chairman, it is going to be very, very difficult to do mechanically and it is unfunded.

□ 1515

We are going to be asking the States and localities to pay, assumedly, for the review of who is in their jails.

Number two, they don't have the authority nor the capability to determine whether or not Joe Blow in cell 18 is an undocumented alien or not. It's not their job, and they don't have the capability to do that. So I don't know what

will be the result of this mandate. It is unfunded, and it is going to be very difficult to put in practice. The Department already surveys routinely the most probable jails where the most probable criminal aliens are being held anyway.

Despite the requirement for ICE to report on the resources needed to carry out this unfunded mandate, I am concerned that the bill presupposes ICE can simply transfer or reprioritize monies from other sources within their budget, for example, the fugitive apprehension program. They are out there trying to catch the criminals on the streets that are loose. It seems to me they are a bigger danger than those incarcerated in the jails.

These enforcement activities involve many duties, duties that include tracking down at-large criminals, investigating smuggling networks, preventing child pornography, preventing the exploit of sensitive national security technology, and taking down employers who are exploiting illegal immigrants to the point of abuse.

From which of these critical missions should ICE take monies in order to comb the Nation's jails and correctional facilities, most of which never have any criminal aliens in them anyway? So to suggest that ICE should refocus its resources almost exclusively on jailed illegal aliens at the expense of trying to catch fugitives on the street who are raping and plundering seems to me as short-sighted as it is potentially very dangerous.

There must be a balance among ICE's many critical missions. And I am concerned this bill falls short in that regard. I am hopeful the Chairman will work with me and others to develop a more realistic implementation of this policy as we move forward.

I have other concerns as well. Any immigration policy starts out with securing the border. If we can't control who crosses our Nation's borders, all other possible immigration initiatives will fail. To address this critical issue, Congress has authorized and appropriated for substantial infrastructure on the southwest border. But the bill contains a number of onerous restrictions on funding for fencing and other tactical infrastructure along our borders until the Department performs certain actions.

At first glance, these individual fencing and tactical infrastructure requirements appear to be based upon sound policy. However, added together, they are a series of obstacles that can potentially impede installation of critical border security systems. I fear that securing the border will be greatly deterred.

While I am pleased with the continuation of robust planning requirements for SBInet, I am absolutely committed to securing our borders as rapidly as possible. We will work with the Chairman to ensure that DHS accomplishes that critical task on time and on budget. There must be a balance between prudent oversight and timely execution of the Department's border security mission.

In addition, Mr. Chairman, the bill removes for the first time the cap on the number of TSA screeners that was put into this bill in 2002, and every year since. That cap was established for very good reasons, reasons that still exist. TSA was created by Congress in 2001. At that time, I chaired the Transportation Appropriations Subcommittee, and we put in this cap because TSA was demonstrating absolutely no discipline in its planning, hiring and use of technology. TSA's mindset was to hire an army of screeners, 70,000 of them, while advancements in research and technology were largely ignored.

By requiring in law that TSA could not exceed 45,000 screeners, TSA was forced to refocus its decision-making. They began to place better, cheaper, and more effective technologies and machines in the airport, x-ray machines and the like, and started to slowly clear out the more expensive, manpower-intensive trace detection machines in the lobbies of airports.

The screener cap, Mr. Chairman, works. Without it, I am fearful that TSA will go back to its old ways of solving screener problems by simply adding more people, a very short-sighted, costly, and dangerous solution. Given these concerns, I plan to offer an amendment to restore the 45,000 screener cap later today.

Finally, Mr. Chairman, I am concerned about the annual expectations we may be setting for State and local grants. These funds are intended to address counterterrorism needs and disaster preparedness, the Homeland Security portion of local first responders' budgets and duties. These agencies are certainly happy, of course, to get these grant funds, and now even expect it. I am concerned that we are transforming the mission and purpose of these grant programs from risk reduction to that of revenue sharing, something it was never intended to be.

Rather than just adding billions to these grant programs, as this bill does, what we ought to be doing is working with the authorizing committees to change the way these grant programs are authorized and administered, and lay out specifically what the Federal Government expects for the grants that we do make.

Grants to States and local communities are intended to reduce our vulnerabilities and are not immune from fiscal discipline, particularly when you consider that there is nearly $5 billion in unspent first responder grant dollars simply laying there waiting to be spent. We should be working on seeing that the pipeline is unclogged. Why put billions more dollars in the hopper when it's full already, waiting to be drained out the bottom in a clogged pipeline?

Mr. Chairman, in conclusion, I believe this bill has the potential to do a lot of good. There are many provisions and funding recommendations that I agree with. I applaud Chairman PRICE's efforts to keep the Department on track to produce results, provide strong oversight, and continuing the subcommittee's tradition of strict accountability.

I look forward to working with him and the Members of the House and the Senate as the bill moves forward.

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

Mr. PRICE of North Carolina. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise to engage in a colloquy with the chairman of the subcommittee to inquire about the language in the report accompanying this bill relating to funding for the capability replacement laboratory that is being built as part of the Pacific Northwest Laboratory complex in the 300 Area at Hanford. This lab is being constructed in order to replace facilities that are being demolished as a result of the environmental cleanup program managed by the Department of Energy. The existing lab provides critical science and technology capabilities to the Department of Homeland Security, including radiation detection and analysis, information, analytics and testing, evaluation and certification capabilities.

To maintain these capabilities, DHS, along with 2 agencies within DOE, has entered into a memorandum of understanding to share the cost for replacing this laboratory complex.

I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I would like to point out that DHS provided approximately $2.25 million in prior years for conceptual design of this project. In addition, the FY07 Homeland Security appropriation bill provided $2 million for the continued design and initial construction of this facility. And I thank the gentleman from Kentucky for his help last year. However, no funds were included in the FY08 budget request from DHS. The MOU calls for $25 million to be contributed by DHS to begin construction. If this funding is not included, the project will likely be delayed into future years, causing both DHS and DOE to lose important laboratory capabilities they need to keep our country safe.

Mr. DICKS. I thank the gentleman for those important points. It is my understanding that there is language in the report to accompany the bill addressing the funding commitment made by DHS in the MOU.

I would yield to the chairman of the subcommittee for clarification.

Mr. PRICE of North Carolina. The gentleman is correct. Language in the report directs the science and technology directorate to fulfill the funding obligation to which it committed itself in the MOU signed last November.

Mr. DICKS. I thank the chairman for his response, and I ask him to continue to work with me and my colleague from Washington to ensure that this obligation is fulfilled by DHS.

Mr. PRICE of North Carolina. I would be happy to work with you and Mr. HASTINGS to ensure that the Department adheres to the direction provided in the report.

Mr. DICKS. Thank you.

I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Thank you for yielding. I thank the gentleman, and I thank the Chair as well, and look forward to working with both of you in this regard.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to a very hard-working member of our committee, Mr. PETERSON of Pennsylvania.

Mr. PETERSON of Pennsylvania. I want to thank the gentleman from Kentucky, Ranking Member ROGERS, for yielding time and for the leadership he and Chairman PRICE have given this committee. It has been a pleasure to serve.

I rise today to speak about an issue of vital importance to me, the infrastructure protection and our energy delivery system protection.

This bill has $532 million to protect the infrastructure of this country. Our transportation system has been a very high focus because that is how we were attacked, the use of our transportation system. But in my view, the vulnerability of America is very much its infrastructure on energy. We lack oil refineries and cannot afford to have any refineries offline from a terrorist attack. We now import 13 percent of our gasoline from foreign countries and often have to bid for it when it's in the ship.

Our natural gas system is struggling to furnish adequate and affordable natural gas for us to heat our homes and run our businesses because we are using huge amounts of it now to generate electricity. We are using large amounts of it now to make ethanol because it is a fuel. Ninety-six percent of all the new ethanol plants use natural gas.

We are finding that natural gas is the mother's milk of this country, and any disruption in our pipeline system, because we are not able to produce adequate amounts of natural gas without any disruption in the current delivery system.

Our electric grid, in my view, we were short on generating capacity; that has been beefed up because we have built a lot of natural gas electric generators. But we have not adequately invested, or in some cases have not been able to build the grid that connects our country. We need to have all of our country criss-crossed with a stronger grid, so that if any portion of it goes down, another portion, we can come in the back door with electricity.

Our dependence on electricity and our use of electricity is growing every day. And in my view, with wind and solar slowly coming online, those are often in areas that we don't have a good hookup to the grid, and we need to build transmission lines to bring that capacity to the system.

I believe the Department of Homeland Security must be more stringently identified as a priority within the Department of Homeland Security. I have said throughout the process of marking up this bill that the vulnerabilities of our electric grid, our pipeline system and our refinery system need to be a higher priority. I am thankful for the language that was accepted in this bill to require the Department of Homeland Security, with input from the Department of Energy, to provide a report on the most critical capacity limit segments of the North American electricity transmission and distribution network. And we probably ought to be doing the same for all of our other energy infrastructures.

It is critical that we identify these segments and also identify if disruption of any of these segments would generate a cascading affect that could cripple the economy of our country. It is vital that we protect our energy infrastructure.

I want to thank Mr. ROGERS and Mr. PRICE for their dedication on this bill and their willingness to work with me on what I believe are the vulnerabilities that need to be beefed up to make sure this country has the energy it needs.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to our colleague on the subcommittee, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in support of this bill and would like to commend Chairman PRICE, Ranking Member ROGERS, and their wonderful staff for their hard work in bringing this bill to the floor.

The bill provides adequate funding for programs that are crucial to the Nation's security, many of which the President chose to underfund or eliminate in his request.

Although we have not suffered a terrorist attack since the morning of 9/11, the threat remains real. Therefore, it is crucial that we provide sufficient resources to support those who represent our first line of defense.

I am pleased that the bill acknowledges this reality and restores proposed cuts to grant programs such as the Metropolitan Medical Response System and the SAFER program, which helps our struggling local fire departments fulfill ever-increasing homeland security missions.

□ 1530

I know that my own City of New York is making good use of all of these grants, including those provided to the Urban Areas Security Initiative grant program.

Beyond helping our States and municipalities, I would also like to express my support for the way the committee handles the balance between the different demands in the different departments and their ongoing missions. These critical missions, such as stopping the flow of illegal drugs and approving visas, have not gone away since 9/11. This bill properly recognizes this reality and provides support.

Finally, I am pleased that the chairman and ranking member chose to address issues related to the treatment and deportation of immigrants. As we work to secure our borders, it is important that we never lose touch with America's enduring spirit as a nation that stands ready to welcome all who come in search of a better life.

Mr. Chairman, in conclusion, I believe the bill does a good job of providing adequate funds for programs crucial to the security of the homeland and strengthens the partnership between the Federal, State and local governments and all the local communities. I truly believe it includes all the ingredients necessary for success.

Therefore, I urge my colleagues to support this bill, and I would ask for their vote.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CARTER), one of the hardest working members of our subcommittee.

Mr. CARTER. I thank the chairman for yielding.

Mr. Chairman, first, I would like to thank Chairman PRICE and Ranking Member ROGERS for the hard work that they have done on this Homeland Security bill. What we are trying to do is secure our Nation with our Homeland Security bill, and this goes a long way to doing that. But I have some concerns about this bill, and I have expressed them.

We have got to secure our Nation, and it is of primary importance to this country that we secure this Nation at every level. We have been working diligently and hard to do that. We have tried to use an open process in the Homeland Security Subcommittee, and that is, we lay all our cards on the table in our appropriations bill. We have historically let all the spending on homeland security be laid out before this House so that the daylight and reality of how we are spending the American people's money is in the bill.

I am concerned, and I wish to express the concern that in the appropriations process this year there is a lot that is going to be done in the dark. In this particular bill, it is a very small item as compared to what is coming down the road at us, but there is $16 million for bridges which we won't know exactly how that is going to be spent for this House to examine it, but it will be ''air dropped'' in in the conference committee. That is an indicator of what we are looking at as we deal with Member-initiated spending with the nickname of ''earmarks'' in the future.

At present, the plan is to set aside the money but not tell us how to spend it, and, oh, by the way vote for it. But I think in the last election the American people told us that they wanted sunlight on this process. They wanted to be able to see how we spend our money, including they wanted our names put on the things that were individually requested. In fact, the Republican House passed such a rule, to put the names on every earmark.

Yet we see in a very small part in this bill, and much expanded in the bills to follow, that there is going to be no sunshine on this process. In fact, it is going to be inside closed doors in the conference committee where there is really not a whole lot this House can do about it.

With increased nonemergency spending of $81.4 billion, these are issues that American people want to know about it. They want their elected Representatives to take a look at it and be able to figure out how the money is being spent. We debated this process the last session of Congress. We made it important to us as individual Members. We talked about it and discussed it and voted on it.

Now, all of a sudden, we have a process that has gone behind closed doors in secrecy, and as we vote these things out, as Members of Congress we are voting a bill which has a fund set-aside which we are not told how that fund is going to be spent. We are told it could be published over the break. This is inexcusable.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), another member of our committee.

Mr. FARR. I thank the gentleman for yielding.

Mr. Chairman, I rise as a member of this committee and want to commend the style of this committee. I don't think any committee has had more hearings with more substantive issues than this Committee on Appropriations for security.

In fact, this bill appropriates a record amount of spending, $36.3 billion. What we tried to do in the committee, and I want to commend Mr. ROGERS and Mr. PRICE, was starting out asking what are the risk issues that we really need to face in the Nation. This whole emphasis has been essentially an antiterrorism effort, when, in reality, in creating this huge, huge bureaucracy and moving the Department of Agriculture and everybody else into it, what we have found from a lot of experts is that you really have to deal with issues such as the first responders would be the same for a terrorist activity as they would be for a natural disaster, and that we really have to base our decisions on risk-based management.

It was no more clear than in a place that we are just sort of throwing money at, which is the border between Mexico and the United States. In testimony, we found that there are more terrorist incidents—in fact, there have been none on the Mexican-U.S. border, but there have been several on the U.S.-Canadian border where we have very little security whatsoever. So if you were acting just on risk management, you would put more assets on the Canadian border than on the Mexican border. But the emphasis here isn't about homeland security; it is more about immigration.

I think hearing all the things put together, this is a really good bill.

One of the things Mr. ROGERS mentioned that I would like to just disagree with, all of our local law enforcement say that the biggest problem they are having is they arrest people who don't have papers and then they release them because nobody from INS will come around and check it out. Everybody on the committee was concerned about the fact that there wasn't enough effort put into what they call ''jail checks,'' and this committee bill addresses that.

Mr. Chairman, I would like to commend the Members, and point out that this is not just a spending bill, because they cut a lot of things and they put conditions on spending.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a very hard-working member of our committee.

Mr. WAMP. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of the subcommittee.

I commend the gentleman from North Carolina for putting together a bill that meets the security needs of this country. As a former member of the Homeland Security Subcommittee, I respect the enormous task the subcommittee has in providing oversight to a department that is still finding its way.

Of particular concern to me are the Department's Infrastructure Protection analysis centers, which provide basic analytic services to the Department of Homeland Security. PSAC, the Protective Security Analysis Center, is one such tool. PSAC is a collaborative effort between a number of Department of Energy national labs and industry partners which exist to collect, analyze and share infrastructure risk information within DHS, as well as with the communities in which the infrastructure is located.

PSAC integrates infrastructure information, risk analysis and data collection through assessment tools to support the process of risk-based decision-making. PSAC also hosts a number of DHS systems supporting chemical facility security and bombing prevention, as well as the National Asset Database, all of which are essential to accomplishing the DHS mission.

It is also important to note that DHS has made a $52 million investment in PSAC over the past 4 years to develop these capabilities and expertise. Without continued support, this significant investment would be lost and DHS would be left with numerous unfunded mission requirements. It is my understanding the committee has approved $78.9 million for identification and analysis.

Chairman PRICE, I ask if you will work with me, please, to ensure that the Department of Homeland Security provides adequate funding for these analysis centers, particularly the PSAC, in FY 08.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman from Tennessee for his kind words on our bill, and I appreciate his interest in the Protective Security Analysis Center, or PSAC.

As the gentleman noted, the bill includes $78.9 million for the Assistant Secretary for Infrastructure Protection to carry out identification and analysis programs. This funding supports the analytical work done by DHS to identify risks to infrastructure and to model the effects of terrorist attacks and natural disasters.

The PSAC is an important part of these activities. I look forward to working with the gentleman to ensure that these important activities are adequately funded in our bill.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), a member of the full Appropriations Committee.

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for his leadership.

Mr. Chairman, I rise today in strong support of this Homeland Security appropriations bill. For too long, this Congress has failed to fund our critical homeland security priorities. I am pleased, however, that this bill today takes significant steps towards addressing these issues.

As a Member who represents the Port of Oakland, I want to just mention port security, which has been long neglected by the Bush administration. In this bill, we make an important commitment to provide at the authorized level $400 million in port security grants, which is $190 million over the President's request.

To protect critical transit infrastructure, this bill provides $400 million in grants, which is $225 million over the President's request.

On the issue of ensuring that first responders are able to communicate between themselves, this bill provides $50 million for essential interoperable communications.

Mr. Chairman, this Congress is making good on its promise to provide a clear and new and realistic direction on homeland security. I urge my colleagues to support this bill.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), a member of the authorizing committee for homeland security in the House.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today to support the Department of Homeland Security Appropriations Act for Fiscal Year 2008. I would like to thank Chairman PRICE and Ranking Member ROGERS for including a solid increase for funding for detection canine teams used by DHS. The bill includes an increase of $17.3 million that will add more canine teams for air cargo inspections. The bill also includes funding for 1,506 canine teams for CBP, which represents an increase of 272 teams over last year's level.

These increases reflect a provision I supported in the Rail and Public Transportation Safety Act of 2007 and H.R. 659, the Canine Detection Team Improvement Act, which I introduced earlier this year.

However, I am deeply concerned about section 527 that would classify instructors at the Federal Law Enforcement Training Center as inherently governmental. This provision would impose a dangerous ban on using non-Federal trainers after a national emergency and the resulting needed times of surge.

I also remain concerned about the ability of DHS to recruit and train an additional 3,000 new Border Patrol agents funded by the bill. Given attrition rates, this means that Border Patrol will need to hire and train approximately 4,400 agents a year. While I support putting more boots on the ground as quickly as possible, I am convinced that the current approach DHS is using cannot meet this goal.

I am also concerned that it continues to cost $187,000 to recruit, train and deploy just one Border Patrol agent. The Subcommittee on Management Investigations and Oversight plans to hold another hearing on Border Patrol agent training costs in its capacity next Tuesday. It is my hope that the findings from this hearing will be considered by the House and Senate conferees on this bill to improve the way DHS recruits and trains Border Patrol agents.

Mr. PRICE of North Carolina. Mr. Chairman, I gladly yield 2 minutes to a very fine Member, the gentleman from Mississippi (Mr. THOMPSON), the chairman of our authorizing committee on homeland security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentleman giving me the time.

Mr. Chairman, I rise in strong support of H.R. 2638. This legislation goes a long way to meeting the Nation's homeland security needs. It also provides funding in a number of areas at the Department of Homeland Security that have repeatedly been shortchanged.

Specifically, the bill before us today provides DHS with $36.3 billion, a $2.1 billion increase over the President's request. Additionally, H.R. 2638 addresses many of the areas identified in the authorization bill that the Committee on Homeland Security developed.

The House overwhelmingly approved the authorization bill in early May. At the same time, it also is shaped by many of the recommendations of the 9/11 Commission, as well as programmatic changes called for in H.R. 1, legislation that I authored and that passed the House in January on a bipartisan basis.

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For instance, this bill includes $78 million to double the amount of cargo screened on passenger aircraft. This would put TSA on the path of inspecting 100 percent of cargo, a key provision in H.R. 1.

Chairman PRICE is to be commended for producing a bill that makes the homeland more secure, especially given the tight budget constraints. We all know that to get border security right, we need to put more trained ''boots on the ground.'' H.R. 2638 provides funding for 3,000 additional Border Patrol agents to bring the number of agents to 17,819 by the end of the fiscal year.

It also makes some major enhancements to the operations of the Department. It mandates that all grants and contracts can only be used for projects that comply with Davis-Bacon. It also allows State and local governments to set chemical security rules that are stronger than those issued by the Federal Government. And it sets information protection standards for vulnerability and security plans for chemical facilities.

I support this bill and urge its passage.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the ranking member on the Border and Terrorism Subcommittee of the Homeland Security authorization committee, Mr. SOUDER from Indiana.

Mr. SOUDER. I thank the distinguished ranking member and chairman of the subcommittee.

Mr. Chairman, I want to point out a tremendous irony that is happening here in the Capitol Building today. In the other body, the President of the United States has come over to lobby for an immigration bill and the other body is considering this. Yet we are debating a homeland security bill where we have had Republicans come down to the floor who say it's too expensive, that it's spending too much money, but if you took this times four on an annual basis for 5 years, you couldn't begin to meet the standards that are in the Senate bill. We have people like Mr. ROGERS of Kentucky pointing out that we're mandating Homeland Security to go check everybody in these detention centers but without any money for it. Unless your intention is complete and pure amnesty, how would you do that if you don't fund programs?

Mr. ROGERS of Alabama pointed out that we don't have a realistic program for training Border Patrol, that it's costing too much. Yeah. Well, how are we going to ramp this up two or three times if we don't have money to do the Border Patrol people?

This bill is an advertisement, a walking billboard for the gaping holes in the bill of the other body. On pages 12 and 13 of this bill, and I agree with all these criticisms as we worked through our subcommittee, it says that they have to define activities, milestones and costs of implementing the program for the Secure Border Initiative. You mean they don't have that? You mean they're promising that we're going to have a secure border and they don't even have the cost estimates? Yes, that's correct.

Number 2 here on page 12 says, demonstrate how the activities will further the objectives of it and have a multi-year strategic plan. You mean they don't have a multi-year strategic plan? No, they don't.

Identify funding and staffing. You mean they haven't done that?

Describe how the plan addresses security needs at the northern border. They don't even have the date set for when they're going to develop a plan for the northern border, yet we're debating a bill in the other body that says that we're supposedly securing our border?

On page 37, it says, complete the schedule for the full implementation of a biometric exit program or certification that such program is not possible within 5 years. Well, I've talked to US-VISIT. They haven't even been talked to about it. Of course they can't meet 5 years. We're talking 10 years minimum.

What are they debating over in the other body? When the American public looks at what's happening in the Capitol Building on the same day and we're passing an appropriations bill that has theoretically looking at a biometric exit maybe in the next 5 years and the other body is acting like it's done, what's going on here?

On page 59, there's a direct challenge to the question of our matching system. Now, the other day we had somebody with TB who had the warning on the screen, one we actually caught and we released him. But what we have is a question of are our lists even valid and there are restrictions on that.

Other parts of the bill are actually going to delay the implementation of the fence by saying that, for example, 75 percent of the land in Arizona is actually either government-owned, Native-American-owned, it's a wilderness area, it's a range; and it says we have to work out each of those things before we can put any fence in.

Another part of the bill says we have to work with State and local governments in their areas. How in the world can the other body be making these promises when this bill points out the gaping holes?

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island who's worked with us on this bill, Mr. LANGEVIN.

Mr. LANGEVIN. I thank the gentleman for yielding, and I want to say that I rise in strong support of the FY 2008 Department of Homeland Security appropriations bill. I want to begin by commending Chairman PRICE's leadership in crafting a measure that will provide an additional $2.1 billion above the President's request and fill many of our remaining security gaps.

As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am particularly pleased that this bill incorporates language I worked on to strengthen chemical security by allowing State and local governments to set chemical safety rules that are stronger than Federal mandates.

Further, this legislation incorporates an additional $307 million for aviation security, an area the 9/11 Commission highlighted as a priority. This bill will allow TSA to install vital explosive detection systems at commercial airports nationwide and will double the amount of cargo screened on passenger aircrafts.

This bill also takes the critical step of lifting the cap on TSA airport screeners, a provision which is of tremendous importance to T.F. Green Airport in my district.

In addition, H.R. 2638 incorporates robust funding to strengthen border protection, including $8.8 billion to fund an additional 3,000 Border Patrol agents for FY08.

Finally, this legislation will help our first responders who place their lives on the line each and every day by restoring funding to the local law enforcement terrorism prevention program and the assistance to firefighter grants program.

Of course, no appropriations measure is perfect and this bill is no exception. I am especially disappointed with the inadequate funding level for R&D for cybersecurity. Cybersecurity poses potentially devastating threats to our Nation's critical infrastructure, and I hope we can improve the bill in this area. I have a later amendment to that effect that I hope to discuss with the chairman.

Overall, however, this is an excellent bill. I again want to commend the chairman and the committee for their outstanding work on this measure. It provides support to many critical programs, and I urge my colleagues to join me in supporting it.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I want to thank, Mr. Chairman, Chairman DAVID PRICE and Ranking Member HAROLD ROGERS for the leadership and bipartisan work that they have done in this bill.

I rise in support of this Homeland Security appropriations bill because I am a Member who represents part of the U.S.-Mexico border and this is strong on homeland security.

One of the things I would like to emphasize is that it allows input from the local communities. I think before a fence is put, that I think it's very, very important that we get the input of the local county officials, city officials, the business sector before any sort of fence is put in there.

The second part of it is we're doing a lot to help Border Patrol, but I think it's also important to provide incentives for customs officers; and by giving them law enforcement officer status, that will improve the Department of Homeland Security to recruit and retain those officers.

The last point is the criminal alien program. By providing extra funding, the $50 million to make sure that we contact the local jails, this is important to make sure that we deport anybody who is in one of the local jails and move them out.

Mr. Chairman, I thank you for the leadership you have provided.

Mr. PRICE of North Carolina. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman has 6½ minutes. The gentleman from Kentucky has 6 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman very much, and I thank the ranking member for their work.

I want to point out particularly in the interest of our subcommittee on the authorizing committee, chairwoman of the Transportation Security and Critical Infrastructure, is the importance of the added amount of dollars for the Transportation Security Administration, a figure that is $307 million above the 2007 request, $6.62 billion. I am hoping that that means that we will begin to look at the entire operations of airports, to ensure that the grounds, the back side of the airport as well, are as safe as the front side, that we will be able to screen all of the employees that come on the airport grounds.

I am very happy to see that the port security grants are there, representing Houston and the Port of Houston. Lastly, let me say that I hope we will be able to work together on ensuring that when we have outreach and security training that we include the neighborhoods surrounding the items that may generate the kind of nonsecure incident that may occur. We must provide security for neighborhoods.

I hope that we will pass this bill and add the issue of securing neighborhoods to the bill.

Mr. Chairman, September 11, 2001, is a day that is indelibly etched in the psyche of every American and in the minds of many throughout the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11 is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the global war on terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Since that catastrophic day, I have put the protection of our homeland at the forefront of my legislative agenda. I believe that our collective efforts as Americans will all be in vain if we do not achieve our most important priority: the security of our Nation. Accordingly, I became then and continue to this day to be an active and engaged member of the Committee on Homeland Security, and chairwoman of the Transportation Security and Infrastructure Protection Subcommittee.

Our Nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12 the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by passing H.R. 2638, which funds the important work of the Department of Homeland Security.

The Homeland Security Appropriations bill makes significant strides forward toward implementing the suggestions of the 9/11 Commission report, as well as addressing the most pressing security issues that we, as Americans, face. In particular, new emphasis has been placed on port, rail, and transit security; on the need to support state and local efforts to prevent and respond to terrorism threats

and natural disasters; on aviation security; and on border and immigration security.

Earlier in this Congress, we passed H.R. 1684, the Department of Homeland Security Authorization Act for 2008. This legislation included many significant provisions I ensured were incorporated either into the base bill or through amendments at the full committee markup, and I am pleased that my amendments are reflected in H.R. 2638, making appropriations for the Department of Homeland Security for FY 2008. These amendments were designed to strengthen and streamline management, organizational, personnel, and procurement issues at the Department to facilitate execution of its homeland security mission. Among these was an amendment to strip the Department's authority to develop a personnel system different from the traditional GS schedule Federal model, known as MAX–HR. In a number of critical ways, the personnel system established by the Homeland Security has been a litany of failure, and my amendment repealed a personnel system that eviscerated employee due process rights and placed in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions.

I also worked with Chairman THOMPSON to incorporate into H.R. 1684 language authorizing Citizen Corps and the Metropolitan Medical Response System programs to strengthen emergency response and recovery efforts. The Citizen Corps Program is a critical program within the Department of Homeland Security that engages the community in emergency preparedness through public education and outreach, training, and volunteer service. My language ensured that funding will enable local Citizen Corps Councils to more adequately provide education and training for populations located around critical infrastructure.

Today, we are here on the floor to ensure that the department entrusted with protecting the security of our Nation is adequately funded. I believe that H.R. 2638 does exactly that, while also requiring specific new accountability and management reforms related to contracting, procurement, and competition. These reforms serve to ensure that American taxpayers get the greatest possible value for the money they provide.

H.R. 2638 provides $4.52 billion in funding for First Responder and Port Security Grant Programs. This figure is $1.97 billion above the President's request, and $863 million above the 2007 funding level. Even though homeland security costs continue to rise, funding levels for these grants have been cut every year since their inception in 2004. These funds are used for grants to train first responders, aid preparedness in high threat communities, and protect critical infrastructure.

This bill also provides $6.62 billion for the Transportation Security Administration, a figure that is $307 million above 2007 funding and $219 million above the President's request. This funding will be used for a number of key programs, including explosive detection systems to protect commercial aircraft, increased and expanded air cargo explosive screening for passenger aircraft, and a secure flight certification program requiring the Administrator of TSA to certify that no security risks are raised by TSA's Secure Flight plans that would limit screening of airline passenger names only against a subset of the full terrorist watch list.

Additionally, this legislation appropriates significant funds for efforts to secure America's borders: $8.8 billion is provided for customs and border protection, including border security fencing and other tactical infrastructure, as well as 3,000 additional border security agents. The committee mark adds $27 million for 250 additional Customs and Border Patrol officers for commercial operations and Customs Trade Partnership against Terrorism validation, verifying that ''trusted shippers'' have in place necessary security measures, as mandated in the SAFE Port Act. Additionally, $4.8 billion is appropriated for immigrations and custom enforcement, including the Federal Protective Service, a figure which is $322 million above 2007 and $15 million above the President's request.

This appropriations bill also funds a number of other crucial programs. It provides $272 million for infrastructure protection, $32 million above the President's request and $44 million above 2007 funding, to be used to identify critical infrastructure, and assess security vulnerabilities.

Additionally, $685 million, $17 million above the President's request and $150 million above 2007, is appropriated for FEMA management, including funding for regional offices responsible for assisting state and local communities prepare for and respond to disasters. This money will fund the necessary improvements to FEMA's management operations, whose weaknesses were laid bare in the shamefully catastrophic response to Hurricane Katrina. This bill provides a further $1.7 billion to assist State and local governments following a declared disaster or emergency, and $120 million for projects that reduce the risks associated with disasters.

In conclusion, I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms.

Mr. Chairman, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The best way to do that is to bolster the efficacy, accountability, and our oversight over the Department of Homeland Security, which we created in the aftermath of 9/11 to protect and preserve our Nation which we all hold so dear. I encourage all my colleagues to vote for this legislation, and to ensure that the Department of Homeland Security can continue its important work protecting our homeland from all manner of threats.

Ms. WOOLSEY. Mr. Chairman, providing our police forces, firefighters, emergency medical service personnel, and public health personnel with the resources they need to effectively confront and overcome the threats posed by terrorism, natural disasters, and other emergencies requires our continued commitment and dedication. Our first responders work tirelessly to protect and aid victims of disasters across our country. It's our responsibility to make sure they have the support necessary to perform their jobs.

The dedicated men and women who serve the people of California's 6th District understand the importance of adequate homeland security resources. Each day, ships arrive to dock in ports throughout the Bay Area, commuters travel across the Golden Gate Bridge and the Richmond-San Rafael Bridge, and travelers fly all over the world. In order to best utilize the well-trained first responders in my District, we need to enhance the security of the Bay Area's waterways, expand our ability to better prepare for disasters, and improve our ability to mitigate their effects once they occur.

In 2004, Congress provided $4.92 billion in grants for port security and our first responders. Since then, the Bush Administration and the last Republican Congress cut funding for these programs every year, despite the fact that the costs of preparing for new homeland security threats have steadily increased. The President has continued to deny the importance of sufficiently funding our first responders by asking for only $2.55 billion for these grant programs this year.

We cannot expect local communities to be the first to respond to an emergency unless we give them the resources to do so. Additionally, we cannot assure safe passage for those traveling into our country, nor that the containers transported aboard the airplanes and ships do not conceal weapons of mass destruction unless we provide adequate funds toward improving the safety and security of both our ports and our airlines.

Fortunately, the Homeland Security Appropriations bill for Fiscal Year 2008 represents an important step in remedying past failures to support our first responders and to strengthen our national security. This bill provides $4.52 billion for first responder and port security grant programs, $1.97 billion above President's request and $863 million above the total these programs received in Fiscal Year 2007. Specifically, it provides $800 million for firefighter assistance grants, $800 million for urban security grants, and $400 million for port facilities and infrastructure security grants. This bill also eliminates the cap on the number of federal airport screeners that the Transportation Security Administration can employ, which will help to improve security at airports nationwide.

In addition to funding measures to address our country's most pressing security vulnerabilities, the Homeland Security Appropriations bill also increases funding for our country's Disaster Relief Fund to $1.7 billion in order to assist state and local governments following a declared disaster or emergency and provides $230 million to modernize over 100,000 flood maps used to determine rates for the National Flood Insurance Program. Additionally, this important piece of legislation will require that all homeland security contracts will be awarded in an open, competitive process, ending the Bush Administration's practice of awarding large-scale contacts to companies with political connections to the White House. Furthermore, this bill will make sure that all funds allocated in this bill can only be used for projects that comply with the Davis-Bacon mandate, requiring that federal contractors pay

workers no less than the local prevailing wage.

Securing our homeland demands a strong partnership between the federal government, state governments, and local communities, and I commend the Democratic leadership and the members of the Appropriations Committee for their diligence in working to strengthen our homeland security. By allocating our country's resources to where they are most needed, we will be able to better prepare for and respond to disasters that that threaten the safety of the American people.

Mr. ROGERS of Kentucky. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose. Those amendments will be considered read.

The Chair wants to make clear that the Committee is considering this bill under the 5-minute rule. Amendments are in order when the appropriate paragraph is read. If Members wish to offer an amendment in a timely fashion, Members should rise and orally seek recognition when the appropriate paragraph is read.

The Clerk will read.

The Clerk read as follows:

H.R. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $102,930,000: *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. CROWLEY:

Page 2, line 9, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 2, line 16, after the dollar amount insert ''(reduced by $35,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 5, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 8, after the dollar amount insert ''(increased by $50,000,000)''.

Mr. CROWLEY. Mr. Chairman, my colleagues, Representatives FOSSELLA, MATSUI, GARRETT, and I are offering an amendment to increase by $50 million the funding for the high-threat, high-density urban area program. If passed, our amendment would ensure that the program receives a total of $850 million in fiscal year 2008.

As many of you know, this initiative, also referred to as the Urban Area Security Initiative, is the only homeland security initiative specifically targeted to assist the cities and States most vulnerable to a terror attack.

The Urban Area Security Initiative was created by myself and my fellow New Yorker, Representative FOSSELLA, in the months following the attack of 9/11. Its creation was a bipartisan effort, and it continues to be a bipartisanly supported program. Specifically, I want to thank Representative PRICE, chairman of the Homeland Security appropriations subcommittee, and the Democratic majority of the Homeland Security authorization committee for their hard work and dedication to the urban area initiative and to keeping Americans safe. Both of these committees understand the threats that America faces, both here at home as well as abroad, and they are working to make the investments that we need to make in order to secure our Nation.

Although the majority of this Congress understands the threats in the world that we face, I believe some of my colleagues do not fully understand them. There are some Members in this Chamber who oppose the urban area initiative and all homeland security grant initiatives, calling them, and I quote, revenue sharing, unquote, or secret earmarks. I think that's nonsense. Would my colleagues prefer we return to the pre-9/11 days? As someone who has known personal loss from that day, I for one do not want to.

The chief role for the Federal Government is to protect its citizens from attack and the Urban Area Security Initiative, like many other of the important domestic security programs in this bill, help to accomplish this. While some on the other side may try to play cute games with words, our Nation's security is more important than word games or photo ops.

I come from the State of New York where my hometown was hit and knows firsthand the act of terror. My own family knows firsthand the striking of terror. That is why I urge my colleagues to join me in strengthening the Urban Area Grant Initiative as a way to maintain our vigilance in the face of continuing threats against America that are both at home and abroad.

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This amendment is about making targeted, smart and necessary investments to keep our country safe. The Urban Area Security Initiative works. It provides needed resources to the communities at greatest risk of an attack, and it helps to keep those who are defending us on our front lines of terror, our first responders, our fire fighters, EMTs, and police officers safe and protected.

This initiative has been a success, and I urge my colleagues to support the Crowley-Fossella-Matsui-Garrett amendment so we can continue to make the right investments in the protection of our homeland.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The committee mark already includes huge increases in grants for the urban areas, and I am opposed to this further increase. I mean, there is only so much money to go around to all of the cities in the country and all that need help.

Just for an example, the urban area grants portion of the bill is increased already over current spending by some $30 million. It is up to $800 million just for the urban area grants.

Port security grants, all of which go to the large cities, increases from $210 million to $400 million in the bill already.

Rail and transit security grants go from $175 million currently to $400 million.

And then the SAFER fire grants, moneys that go to urban area fire departments for personnel costs, goes from $115 million to $230 million, double what it is now. There are huge increases in these grant programs, particularly for the urban areas.

I know the gentleman appreciates that. But we just don't have any more to go around unless you take it from another worthy cause.

I would oppose the gentleman's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. CROWLEY).

I do understand these large urban areas are at high risk from a terrorism event. We have addressed that conscientiously in this bill. This committee is providing $30 million over last year's level of $770 million for the urban area grants.

The gentleman's amendment would increase the Urban Area Security Initiative grants by $50 million. At the same time it would reduce the Office of the Secretary and Executive Management and the office of the Under Secretary for Management. The Office of

the Secretary and Executive Management would be reduced by $15 million, or 14 percent.

Funding for a number of offices is included in this appropriation, including the Secure Border Initiative Office, the Policy Office, the Privacy Office, the Civil Rights Office and the Office of Counternarcotics Enforcement. The bill provides only enough funding to support current on-board staff except for the Privacy and Civil Rights Offices, where staffing levels are increased slightly, and the Policy Office, where additional funding is provided for REAL ID and the Committee on Foreign Investment in the United States.

If funding is reduced, these program enhancements, which are carefully designed and will help ensure privacy and civil rights, could be compromised or largely defunded.

The gentleman's amendment also proposes to reduce funding for the office of the Under Secretary for Management by $35 million, or 14 percent. The total increase in this office is due to $101 million provided for DHS headquarters facilities at St. Elizabeth's. We have already substantially reduced the request coming from the administration. We need to get the Department consolidated in this new headquarters; and of course, this amendment would make even less funding available for this new facility.

So I reluctantly ask for a ''no'' vote.

Ms. MATSUI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Department of Homeland Security made significant changes to our homeland security effort. They announced that for the first time areas such as Sacramento, San Diego and Las Vegas were at risk of losing their UASI grant funds.

Since learning of the changes to the UASI program, my colleagues and I have worked tirelessly to ensure that our most at-risk urban areas receive the funding they deserve. As a result, DHS has modified the UASI grant process. DHS's formula now includes more critical infrastructure such as dams and levees, and has also added a tiered system.

While I am glad that my work has ensured that Sacramento and other at-risk urban areas are eligible to apply for UASI funding this year, I believe my work is not done.

I have spent much of my time in the district working closely with local law enforcement and first responders of homeland security. I have seen firsthand the tremendous efforts to protect the millions of people living in the Sacramento area from a terrorist attack.

In Sacramento, I had the honor of attending the opening of the Sacramento Regional Homeland Security and Training Center. The new center was built using a wide range of Federal homeland security funding, including UASI. The center will improve intelligence sharing by housing all levels of law enforcement in one facility. This is just further proof of the truly unparalleled regional cooperation among Sacramento's law enforcement and first responders.

I have long been impressed by the local law enforcement and first responders in my community, and throughout the country. Now we need to make sure that Congress is giving them the necessary resources to do their job.

And so my colleagues, Mr. CROWLEY, Mr. FOSSELLA, Mr. Mr. GARRETT and I have offered an amendment to add $50 million to the UASI grant program.

While I commend the chairman and the ranking member for adding $30 million to the program, I believe an additional $50 million is warranted. Our first responders and law enforcement tackle impossible tasks daily. This increased funding will help in pursuit of their mission, to keep our country safe and secure.

Finally, I would like to add to what the gentleman from New York (Mr. CROWLEY) has said about the issue of revenue sharing. I, too, don't think this is an appropriate place for semantics. The point is, this grant program and the criteria for receiving funding is predicated on the assessment of risk and a community's vulnerability. I would argue that with the UASI program, the issue is not cost sharing but risk sharing. I think this is an appropriate role for the Federal Government in the post-9/11 world. I urge my colleagues to support this amendment.

Mr. FOSSELLA. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Crowley-Matsui-Fossella-Garrett amendment. I want to thank Chairman PRICE and Ranking Member ROGERS for their work on this legislation.

Time after time we come to the floor to ensure that homeland security dollars are allocated on a reasonable and rational basis, and that is to protect the American people and those who come to our country.

Time after time, we wake up and realize that places like New York City and other high-threat areas are the subject of potential terrorist attack. There are many, including myself, who believe that our homeland security dollars should be based on the threats and the vulnerabilities and the consequences that come with the potential; or, God forbid, an attack itself, as was the case, the catastrophic case, on 9/11.

As has been mentioned, our amendment would add $50 million in funding for the high-risk, high-threat cities to fight terrorism. The additional funding would be directed to the Urban Area Security Initiative, which is the only homeland security grant program which distributes funding based on a risk-based formula, which is a key recommendation of the 9/11 Commission.

The President's budget on the underlying legislation funds UASI at about $800 million, $50 million short, we believe, of the all-time highest appropriation, which occurred in fiscal year 2005.

Despite the fact that America has not been attacked since September 11, our Nation is still at war with an evil enemy. Indeed, just a month ago, law enforcement captured four alleged terrorists on charges that they were plotting to blow up Kennedy Airport in New York City. Their plan was to top the attacks of the World Trade Center, to massacre more people, destroy more property, inflict more damage, and leave our city in ruins.

The threat of terrorism remains very real, making it essential for cities that face the greatest risk to have the tools and resources they need to stop attacks before they occur. The amendment will help our first responders prepare, train and be ready to protect innocent Americans from acts of terrorism.

I believe it will also provide greater consistency to UASI, which has been beset by funding fluctuations of hundreds of millions of dollars from year to year.

It is clear that major cities like New York remain the center of the bull's-eye for terrorists. UASI helps us fight terrorism, and ensures our first responders have the equipment they need to protect the American people.

In a way, just in the last couple of years, a number of attacks have been foiled thanks to the efforts of law enforcement and intelligence gathering, much of it because of the funding that has gone through programs like UASI. Wouldn't it be wonderful if we can keep having the news media focus on foiled terrorist plots rather than counting caskets.

I urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. CAMPBELL of California. Mr. Chairman, I have amendment No. 43 at the desk.

The CHAIRMAN. Is the gentleman aware that the amendment was printed incorrectly?

Mr. PRICE of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Without prejudicing the gentleman from North

Carolina's point of order, does the gentleman from California seek to correct the printing error?

Mr. CAMPBELL of California. I am not aware of what the printing error is.

The CHAIRMAN. The Parliamentarian advises the Chair there was a printing error, so the Clerk will report the amendment at the desk in lieu of amendment No. 43.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of California:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $9,961,000)''.

The CHAIRMAN. Did the gentleman from North Carolina not hear the amendment as read?

Mr. PRICE of North Carolina. No, I did not.

The CHAIRMAN. The Committee will be in order. The Clerk will reread the amendment.

The Clerk read the amendment.

The CHAIRMAN. Does the gentleman from North Carolina wish to continue to reserve a point of order?

Mr. PRICE of North Carolina. Mr. Chairman, I withdraw my point of order.

Mr. CAMPBELL of California. Mr. Chairman, the bill that we have before us today would increase spending. When coupled with the supplemental bill that the President just signed a few weeks back, would increase spending in the area of homeland security by nearly 17 percent. Now, perhaps people on the other side of the aisle have not noticed, but we have a deficit, a very large deficit in this country. And we still are adding to that deficit every year.

Now, I think Members on the other side of the aisle have noticed this because they have talked about their PAYGO and other principles, that we won't be increasing spending without some way to pay for this. However, with this appropriations bill we are doing exactly that. We are increasing spending by billions of dollars, by 17 percent over last year's level, without paying for it in any way, without reducing spending anywhere else, which means that we are adding to the deficit because of the spending, the additional spending that is in this bill.

Let me just give you a sense of what a 17 percent increase is. If someone outside of this building in the world is making $15 an hour, they would have to get a raise this year to $17.55 an hour in order for their income to keep pace with the spending increase in this bill.

□ 1615

Mr. Chairman, I would suggest that most of the people out there making $15 an hour, or any number you want, are not likely to see their bosses come in and say we want to give you a raise of 17 percent from $15 an hour to $17.55 an hour, not something that they are likely to see. But yet to keep and sustain this level of increase in spending, that's exactly what would have to happen or else we just take more and more and more money out of individuals' pockets so we can spend it here.

Now, I'm sure that people on the other side in support of this bill are going to start to talk about how important this bill is to homeland security. Okay. We will have that debate over the next couple of days about what is in this bill, but what this amendment does is deal purely with bureaucracy. We're not dealing here with any program. We're not dealing here with officers in the field. We're not dealing here with equipment that's being used or computers or anything else for homeland security.

What this amendment says is simply that the Office of the Secretary and Executive Management, the office of the Secretary, purely bureaucracy, gave the Secretary of Homeland Security and the people in that person's office, right now this bill gives them an 11 percent increase, when we're trying to get a deficit down, when we want to, at least some of us do, keep taxes low.

What this bill says is you ought to be able to get by on what you had last year. It is not even proposing that we cut the spending of this bureaucracy, not even proposing that we take the Secretary's office and just their bureaucracy in there and cut it, but simply saying get by on the same amount of money you did last year. Now, how many people in America do that every day but somehow the bureaucracy in Homeland Security can't do that?

And by doing that, Mr. Chairman, this amendment saves $10 million. Now, maybe in a $3 trillion budget it doesn't sound like much, but $10 million is still a lot of money. It's a lot of money to everybody out there. It's lot of money to me. It's a lot of money to you. And $10 million and $10 million and $10 million and we will eventually get our spending down, and that, Mr. Chairman, is how we are going to eliminate this budget deficit and that's how we're going to do it without having the largest increase in taxes in American history, which the other side has proposed to do.

And what is that tax increase for? It's for things like this, for things like taking a bureaucracy of people, sitting around doing phone calls and paper and saying we're going to give you an 11 percent raise. We should not be doing that, not in this environment and not in this bill.

So, Mr. Chairman, I would respectfully ask that Members support this amendment, not feed the bureaucracy further and save the taxpayers $10 million.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it's the easiest thing in the world to come to this floor and to rail against bureaucracy, this abstract notion of cutting bureaucracy; but I think it's prudent to ask what exactly do these officials do and what is actually in the bill and why is it there. So let me try to get beyond just the symbolism of cutting bureaucracy and try to answer those very basic questions.

First of all, let me say, I don't know where the figure 17 percent that the gentleman's using comes from. The increase in this bill over fiscal 2007 spending, counting the bill that we passed last year and the emergency spending incorporated in that bill, is 7½ percent. And if you include the emergency funding that we just added to the 2007 bill, then the increase is 4 percent without the Katrina funding, and it is actually a cut of 7½ percent with the Katrina funding. So if you're using the 2007 bill as the baseline, those are the accurate numbers.

Now, let's look at the front office of the Department of Homeland Security. The bill includes, sure enough, $923 million for Department operations, but that's less than the 2007 appropriation. It's less than the President requested by $73 million.

The gentleman has focused on one aspect of front office operations, which is the Office of Secretary and Executive Management, and he wants to cut that by almost $10 million. But there are good reasons for that being increased while the overall front office expenses are being decreased.

This appropriation, the one the gentleman has targeted, the one he has said is purely bureaucracy, included in that appropriation are the Secure Border Initiative office, which many Members on both sides of the aisle have a strong interest in; the policy office; the privacy office, which surely needs strengthening; the civil rights office, which surely needs strengthening; and the office of counter-narcotics enforcement, a critical function as well.

And the bill isn't lavish even in this respect. It provides only enough funding to support current on-board staff except for the privacy and civil rights offices, where staffing levels are increased, and the policy office, where additional funding is provided for REAL ID, a new program that requires some staffing up, and for the Committee on Foreign Investment of the United States, which, as every Member knows, we are trying to also strengthen.

If funding is reduced, these program enhancements, which will help to better ensure privacy, to better ensure civil rights protections, would not be funded. So let's get past the rhetoric about bureaucracy. Let's look at what

the appropriation actually does. I think if Members do, they will reject this amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I join Chairman PRICE in his comments. I think that we come to the floor with two kinds of amendments, one that really tries to do something, that we believe in, and another just for grandstanding and for publicity.

The gentleman speaks about a deficit and speaks about his side wanting to reduce the deficit. Let me just do a few seconds of history.

When the last President left, we didn't have a deficit. We have a deficit now. Why? Because we were involved in a war and we were sent off to war when we should not be at all, and so we spend billions and billions and billions of dollars every week on a war that was built on lies and bad information, and now we try to get out of that war. And instead of getting out of it, we keep spending more, billions and billions and billions.

And if you think this war deficit is a problem, wait till the boys and girls come home and we have to provide them the medical services that some people will want to cut. The deficit would only grow.

Secondly, to be brief, the gentleman speaks about giving somebody a 17 percent pay raise. Yet it was that side that refused to give some people a couple of pennies' increase in a minimum wage. So all of the sudden that side is very concerned about raising people's salaries to keep up with the needed expenses of surviving in this society, but they were not for giving some folks a minimum wage increase.

So let's get it clear. Yes, there is a deficit, but this bill doesn't cause a deficit. The war is causing the deficit. The war on terror is causing the deficit. That's what this is about. This bill, in a very smart way, deals with some issues that we have to deal with.

And, lastly, it is always easy to attack the bureaucrats. Everybody wants services, everybody wants something done, but nobody wants anybody in charge of providing those services. Somehow we expect a computer to run the agency and not have people actually doing the work.

Let's be fair. Let's be honest when we come to the House floor. If we have an amendment that really has a message, present it. If we're just grandstanding, then we should have a disclaimer that says, and by the way, this is the reason that I'm on the House floor today.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word, and I'd yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Texas. The gentleman from New York said that there were two types of amendments, one that tried to do something that you believe in and others that make statements.

I would like to assure the gentleman from New York that I believe in this amendment, and I think a lot of people on this side of the aisle believe in this amendment because we believe that we need to start controlling costs in this government.

And is this amendment all by itself going to do that? No, of course not, but it will begin the process of doing that, and in combination with a lot of other amendments like it, yes, it will start to control the cost of government, and, yes, I firmly believe in what this amendment is about, in spite of what the gentleman from New York suggested.

The gentleman from North Carolina talked about numbers, and perhaps my numbers are incorrect, but this bill is now at $36.254 billion over and enacted last year $31.905 billion which is a 13.6 percent increase.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I think it will be in the interest of the debate the rest of the day to have this straight, so I do appreciate the gentleman's yielding.

It's true, the bill is at $36.3 billion. Last year's appropriation was $34.2 billion. That is counting the emergency spending that was enacted at the same time as the regular bill. That means this year's increase is 7½ percent. And then if you add the 2007 supplemental appropriations, which were just voted by the House, depending on whether you count the Katrina money or not, you either get a 4.2 percent increase or a 7.5 percent decrease from the 2007 funding level.

I appreciate the chance to clarify those numbers.

Mr. HENSARLING. Mr. Chairman, I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from Texas.

To the gentleman from North Carolina, this is something I guess we'll probably need to work out as we go along because I'm not looking at increase over a baseline. We're looking at increase over actual enacted last year, and maybe we can compare notes. But my notes show that that actual last year was $31.905 billion, and then there was the supplemental which has been added on top of this bill itself.

But in any event, one other thing the gentleman from North Carolina alluded to was that this amendment proposes to cut spending in this area in the Office of the Secretary and Executive Management. I want to make that clear. This is a definitional thing which we often have problems with in this House and in this building.

What this amendment proposes to do is to leave the budget for the Office of Secretary and Executive Management equal to what it was in the prior fiscal year. That is not a cut. If you have $10 and I give you $10, I take away $10, give you back $10, that is not a cut. That is the same amount of money you had before. What this does do is it prevents the 11 percent increase that is in this bill.

So let's make it very clear in vernacular that if I make $10 an hour and I want to make $11, if somebody gives me a raise to $10.50, it is still a raise; it is not a cut. And that's what is going on here.

We are not proposing to cut this office. We are merely proposing to tell them, do continue your operations on the same amount of money that you did last year. I don't think that is a great leap to ask of what is clearly an element of the bureaucracy, in spite of the gentleman from North Carolina's admonitions that it is not.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for offering this amendment, and I certainly support his amendment.

In the big scope of the Federal budget perhaps the dollars are not large, but before we can really ever attack spending, we have to attack the culture of spending, and you have to lead by example.

And why can't we ask people in the Federal Government, as we ask families all around the Nation, as our friends on the other side of the aisle have recently passed the single largest tax increase in history, they're expecting American families to somehow do more with less. Can't we expect a few of the administrators of this agency to somehow, somehow get by on the same amount of money they had last year?

I encourage the support for this amendment.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I want to commend the gentleman from California for offering this amendment. I think that at the beginning of this first appropriations bill of the 110th Congress, which I might add is 1 month after the first appropriation bill that we, when we were in the majority last year, that we moved through the House. So the time is without a doubt getting late, but I commend the majority for finally bringing this to the floor.

But I want to commend the gentleman from California because this is the type of amendment that sets the tone about what kind of responsibility we will bring to this House for all of our appropriations processes over the next number of weeks.

□ 1630

I want to commend the gentleman for this amendment. I appreciate the fact that he has identified an area where, yes, it's only $10 million, but $10 million in my area is a fair amount of

money. So I want to commend the gentleman for bringing the amendment to the floor.

I would be happy to yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from Georgia.

To the gentleman from North Carolina, just to clarify again on these numbers, we agreed that it's $36.3 billion in this bill, and the number you threw out, $34.2 billion, I believe, was the President's budget proposal for this, and that the prior year enacted, 2007 enacted, was $31.9 billion.

Do you have different numbers on that?

Mr. PRICE of Georgia. I am pleased to yield to the gentleman from North Carolina for a response.

Mr. PRICE of North Carolina. I am happy to clarify the situation.

The 2007 appropriation, as enacted, was $34.2 billion. That includes the $31.9 billion that the gentleman cited, plus the emergency spending in that same bill, because as you well remember, we needed to address the border and immigration situation. So that was added to the bill.

The spending in the 2007 bill was $34.2 billion, and we are increasing that by 7.5 percent, and then we have recently supplemented the appropriation. The 2007 spending now stands at $39.2 billion, and the 2008 bill is 7.5 percent less than that in nominal terms.

If I may just say further, the gentleman referred to the way we do accounting around here. This is just straight nominal numbers. The departmental operations are cut—are cut—in our bill from 2007 levels by $1.2 million. They are cut from the President's request by $72 million. It's not a matter of adjustments one way or the other for inflation; those are straightforward cuts.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate the gentleman pointing out the increase by 7.5 percent. Again, I would like to just draw the House's attention to the fact that this may just be $9.5 million, but as I mentioned, $9.5 million is a fair amount of money.

I appreciate also the gentleman coming to the floor earlier and talking about broadening this debate. He talked about what he called the war deficit. He brought minimum wage into this debate, brought spending into this debate. That's a wonderful thing. Because, yes, that's what we're talking about. We are talking about spending hard-earned taxpayer money. So no amount of money is too small to discuss and to bring light to.

I would implore my colleagues on both sides of the aisle to, yes, look at the expansive nature of these appropriations bills, to look at the increase in the amount of money that this majority plans on spending over past Congresses.

I also would ask my colleagues to look at the process. Because the debate has been expanded, I think it's an appropriate time to talk about the issue regarding earmarks, special projects. We have now a policy apparently in this House of Representatives, that allows the majority party or, actually, one Member of the majority party, to determine when he decides which earmark, which special project, warrants support by the entire House or warrants the opportunity to even have a vote on a special project.

But can you have a vote on a specific special project? No, no. What we will have, our special projects that are the pet special projects of one individual, brought into a conference report, and no opportunity, no opportunity for any Member of this body to point out that, in fact, that ought to have a particular vote, that we ought to have individuals stand up.

I support the amendment of the gentleman from California.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

We do have some concerns on this side about the legislation put together, as we would have on any large bill that spends billions of dollars, but I want to commend my colleague from North Carolina for his fair work and his hard work on this legislation.

With that, I would like to yield to my colleague from California.

Mr. CAMPBELL of California. I thank the gentleman from North Carolina.

If I can refer to the gentleman, I believe I heard, and maybe we can sort this out, but I think that if you include the supplementals on both sides, that we went from $34.2 billion to $39.2 billion, which would be a 15.2 percent increase, perhaps not the 17 I said earlier, but in either event, frankly, whether it's 17 percent, 15 percent or the 13.6, if you leave both of the supplementals out, it's a lot of money. It's billions and billions and billions of dollars of increase.

Some of that increase is a lot more than inflation, multiple times more than inflation, and it's a lot more than taking the growth in inflation and the growth in population and put it together. Most importantly, it's a lot more than personal income growth.

That's something we need to look at, as we are looking at all these appropriations and all of these spending bills. Because if we increase spending faster than people's incomes are increasing in America, it is unsustainable over time unless you continue to take more and more and more of their hard-earned money away from them.

Now, I know that's what many of you on the other side of the aisle want to do. But, A, we don't; and, B, even if you want to do it, eventually you'll run out of space. Eventually, you'll take it all if you increase at this kind of level.

Once again, this amendment does not ask anybody to cut anything. It simply tells this one element, this one part of the bureaucracy in Homeland Security to do, get by and exist on the same amount of money that you had last year.

I thank the gentleman from North Carolina.

Mr. MCHENRY. I thank my colleague for his comments.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

I felt compelled to say something after the gentleman from North Carolina and the gentleman from New York talked about bureaucracy. It's easy to pick on bureaucracy. I ask any Member of this House that has talked to any constituencies, whether it's about a Social Security issue, a veterans' issue, Department of Homeland Security, FAA issue, to talk about it, and they will tell you that they had trouble with the bureaucracy, that they were having to call your office because they had trouble with the bureaucracy. This government has grown at a pace way beyond our population.

As we know, once somebody gets in a position in government, what they try to do is to expand that position, to get another secretary, to get an assistant secretary, an executive secretary, and so forth, because they are trying to build their power base.

So, yes, you ask any citizen that was affected by Katrina on the gulf coast if we have too much bureaucracy in our government, because a lot of those individuals down there that were hurt by that hurricane have yet to get assistance, or the full assistance they need, because of the bureaucracy in Washington D.C. So don't say that the bureaucracy is just something easy to pick on.

Let me say this. The gentleman from California is very earnest in wanting to get $10 million. Now, $10 million may not sound like a lot to a lot of people, but it's a lot of money. I will tell the gentleman from New York that commented on what was causing a deficit, yes, the war is causing the deficit, some part of the deficit. But what is causing the deficit, this is a moment of truth, is overspending, overspending.

Yes, the public did speak last November, and what they said is, you Republicans who have always stood up and said, government is too big and we have too much spending. Yet we were the ones up here increasing the size of government and spending too much money, it's time for us to reclaim the brand of being fiscal conservatives and watching after the taxpayers' dollars. That's exactly what this amendment from the gentleman from California does.

Our base, the Republican base, does not like to spend money or does not like to see government grow, because we think that the entrepreneurial spirit is that we can take care of ourselves

better than the government can take care of us. The unfortunate side for our base is that the majority base thinks that the government can do a better job of looking after people than people themselves.

So that's the dilemma that we find ourselves in, that we have got one side that's trying to reclaim their brand, trying to make people realize that we really are who we say we are and doing the things that we are supposed to be doing in cutting the size of government and reducing spending. The other side is saying, here we are and here we are to take care of you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 2, line 9, after the dollar amount, insert ''(reduced by $500,000)''.

Page 38, line 17, after the dollar amount, insert ''(increased by $500,000)''.

Mr. KUCINICH. Mr. Chairman, my amendment directs FEMA to conduct a comprehensive study of the increase in demand for FEMA's emergency response and disaster relief services as a result of weather-related disasters associated with global warming.

It will tell us what FEMA can expect 5, 10, and 20 years from now. The assessment will include an analysis of the budgetary material and manpower implications of meeting such increased demand for FEMA services. We have been warned. We have been warned that we should expect to see more extreme weather, like severe rain storms and snowstorms that can come in an El Nino season.

We have been warned that we will see stronger hurricanes and hurricanes with more total rainfall. We have been warned to expect heat waves. We have been told to expect melting glaciers, rising sea levels swallowing low-lying land in places like Bangladesh, Florida, the gulf coast and Manhattan.

We have been warned that rising temperatures will force infectious diseases to move north or upwards in elevation to expose previously unexposed and, therefore, defenseless populations. We have been warned that droughts will intensify and lengthen, straining already strained water supplies and bring crop failures. Droughts also place those areas at greater risk for wildfires.

These warnings come from the most respected, most credible, most well-studied scientists this world has to offer. This was most recently affirmed by the Fourth Assessment Report by the Intergovernmental Panel on Climate Change. Turns out, they were right.

The 11 hottest years on record have occurred since 1994. Two of the three last hurricane seasons have broken records. The polar ice cap is melting even faster than our previous best estimates. Greenland's ice is melting. Permafrost in Alaska is thawing, causing homes to crumble. Residents of low-lying nations like Tuvalu have applied for entry into other countries as climate refugees and have been denied.

West Nile virus from Africa has taken a toehold in the U.S. The European heat wave of 2003 killed well over 15,000 people. Carbon dioxide concentrations in the atmosphere are at levels scientists say have not occurred in 400,000 years.

These effects are directly in line with the warnings we received from the scientific community. Even though it is difficult to attribute all of these effects directly to climate change, some have been able to. A 2006 article in the journal Nature blames half of the risk associated with the European heat on human-induced warming.

The World Health Organization has estimated that 150,000 deaths every year can already be attributed to climate change.

□ 1645

Hurricane Katrina gave us another grim warning, telling us not only what we should expect, but showing us what happens if we're not prepared.

Katrina showed us that when disasters hit, the most vulnerable among us become even more vulnerable because they lack the resources and access to cope. That was made clear as image after image of those hit the hardest were people of modest means and people of color.

In fact, in the Chicago heat wave of 1995, African Americans were twice as likely to die as Caucasians. The elderly, many of whom could not afford air conditioning, made up most of the victims.

Katrina showed us that disasters are expensive. We have so far spent about $77 billion on disaster assistance for Hurricanes Katrina, Wilma and Rita alone. Insurance companies whose very existence rely on their predictive abilities have seen enough to make them drop certain coverage and to conduct campaigns to try to reduce our greenhouse gas emissions. Reinsurance companies in particular, like Swiss Re, have taken a leadership role in promoting action on climate change.

Katrina has showed us that an unprepared FEMA costs time, money and ultimately lives. If past is prologue, we have an obligation to look at the future in order to prepare. We have to allow FEMA to take into account the realities of the challenges that await them.

At this moment we can still choose among policy options. We can deal with the effects of climate change in one of two ways. We can acknowledge the extraordinary challenges before us and prepare for them voluntarily and aggressively, but steadily, predictably and controllably, or we can continue to create policy as if there's no problem and wait for the severe weather to control our pace of adaptation. The choice is ours.

Let FEMA prepare for the task ahead. Vote ''yes'' on the Kucinich amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I want to commend the gentleman for his eloquence, both about the potential threat of global warming and what that may mean for emergencies that we have to deal with in the future, and also for the need to repair and rebuild FEMA so that we have a nimble, responsive agency that can respond to all kinds of disasters all over this country.

I understand that the gentleman will perhaps be willing to withdraw this amendment. I hope that he will do that, but I want to assure him that we understand what he's focusing on, and that we will work with him as we go to conference to make sure that FEMA has the resources that it needs. We have beefed up FEMA's resources a good deal in this bill.

Now, on the question of who should be studying global warming and assessing its future impact, there are legitimate questions, I believe, as to whether FEMA is the agency that's best equipped to do this. Other agencies, such as the National Oceanic and Atmospheric Administration, NOAA, do have expertise in this area, but if that expertise is not being translated into practical preparation, and if there's not adequate coordination between NOAA and the research operations and the operational agencies, then that obviously is a concern that needs to be addressed. I appreciate the Member from Ohio's raising that concern, and promise that we will work with you.

Mr. KUCINICH. Will the gentleman yield?

Mr. PRICE of North Carolina. I will.

Mr. KUCINICH. First of all, I want to thank the chairman for his willingness to work to address this issue of the need for an increase in demand for FEMA's emergency response services. And I think that, as the bill moves to conference, that it could be a service to people in all those areas which are likely to be assailed by adverse weather conditions to make sure that FEMA understands that there's going to be greater demand on their services.

And if the gentleman, as you have indicated, is willing to take this issue up

in conference on behalf of all of us, I certainly would be willing to withdraw the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Without objection, the amendment is withdrawn.

Mr. CARTER. Mr. Chairman, I'd like to move to strike the requisite number of words on this issue.

The CHAIRMAN. The amendment has just been withdrawn.

Mr. CARTER. I believe I have the right to object.

The CHAIRMAN. The time for objection has passed.

If the gentleman just wishes to strike the requisite number of words——

Mr. CARTER. Okay. I'll wait for the bill.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REICHERT:

Page 2 line 9, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 2 line 16, after the dollar amount insert ''(reduced by $11,000,000)''.

Page 4 line 24, after the dollar amount insert ''(increased by $10,000,000)''.

Mr. REICHERT. Mr. Chairman, as the ranking member of the Homeland Security Subcommittee on Intelligence, I rise today to offer an amendment that would restore a cut to the Department of Homeland Security's intelligence function.

This bill cuts the analysis and security's intelligence functions. This bill cuts $8 million from that account from last year, and this bill cuts the analysis and operations account by $8 million from last year, and is $23 million below the administration's request.

I simply do not understand why we would be cutting the intelligence funding. Let's be clear about this. Intelligence is what we use to prevent terrorist attacks. Good intelligence helped prevent the recent plots against Fort Dix and against John F. Kennedy Airport in New York. The Department of Homeland Security intelligence had a role in both of these cases, and, in fact, in the JFK plot the Department of Homeland Security was sharing classified intelligence with the private sector for more than a year before the threat was made public.

My amendment attempts to strike an appropriate balance between response, recovery and prevention. This legislation, in its current form, includes cuts to intelligence and yet significantly increases response and recovery programs.

While all are important to homeland security, I think we can all agree that it is better to prevent a terrorist attack than be forced to respond to one. According to the Department of Homeland Security, this bill would reduce the Department of Homeland Security's intelligence support for border security, terrorist travel, and human smuggling. It would severely impact the Department's ability to assess these threats, and would harm their efforts to focus on homegrown terrorism and violent extremism within the United States.

My amendment simply adds $10 million for analysis operations to that account to help restore the Department's intelligence functions. This would eliminate the cut and provide a modest $2 million increase from last year.

The terrorists only have to be right once, but to defend ourselves, we have to be right every time. Intelligence is the most sound investment we can make as a Nation to prevent terrorism.

I urge my colleagues to vote ''yes'' on this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington, although I want to heartily endorse the emphasis he's given to the importance of the intelligence and analytical functions.

Perhaps I can best begin by making an observation about this bill as a whole. We have closely examined the status of the programs that we're funding, their history of drawing down funds, their unspent balances, their ability to spend the money that has been requested. And so when the gentleman sees a reduction in funding of the sort that he sees in this account, it would be a big mistake to read that as a de-emphasis of this function or some kind of judgment that this function is not important. We think it's highly important. But we do have some observations that are included in the committee report.

I refer the gentleman to page 23 of the report about the rationale behind the, we hope, temporary reductions that we've written into this bill. It's a short section. Let me just read it. ''The Committee has reduced the funding level for intelligence and analysis below the amounts requested. The Committee notes that the Office of Intelligence and Analysis carried over significant unobligated balances at the end of fiscal year 2006, and has shown no signs of an increased pace of obligations during the current fiscal year.''

That is not something we're pleased about, but the best way to create some pressure and some incentives to correct this situation, to get this function moving, is what the committee has done.

The gentleman's amendment would reduce by $10 million the amounts provided to the managerial function and the Border Patrol at DHS and reallocate those funds for the intelligence functions.

But as I said, at the end of 2006 the intelligence program had $50 million remaining unspent, largely because it was unable to hire the staff at the rate at which it was planned. There's been no indication from the intelligence managers of the Department that the pace of hiring has increased, so we fully expect the programs will end this year with significant balances unspent. It's simply imprudent to keep appropriating more money when those sizable balances remain unspent.

Now, as for the offset, briefly, the amendment proposes to reduce funding for the Office of the Secretary and Executive Management by $1 million, or 1 percent. That, as we've said earlier, would nip in the bud our efforts to better ensure privacy and to enforce civil rights. That's the reason there's a slight increase in that function. And the gentleman's amendment would remove that, as well as reduce funding for the office of the Under Secretary for Management, which is tied to the need to consolidate DHS operations in a new headquarters.

So, in the other aspect of the amendment, perhaps even more dangerously, the amendment proposes to reduce CBP salaries, Border Patrol salaries and expenses, by $6 million. That could generate significant vulnerabilities in the Border Patrol's ability to ensure the security of the northern and southern borders.

So the offsets are not good, and the overall increase would, in all likelihood, remain unspent.

So for those reasons, and certainly not for any lack of concern about intelligence and analytical operations, I do reluctantly oppose the gentleman's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address the Chamber and also to commend the gentleman for his excellent amendment.

As the gentleman knows, I come from, hail from the great State of New Jersey where we are all too well aware of why we are here on the floor tonight discussing the issue of homeland security. My district is in the shadows of the Twin Towers.

I commend the gentleman for his opening comments when he stated that we need a balance between response, recovery and prevention. I would suggest, if we're going to strike that balance, that we might want to tip that balance a little bit to the way of prevention.

While as glad as my constituents are, immediately in the aftermath of 9/11, of how tremendous the response was from people, not only from New York City, New Jersey, my State, the entire tristate area, but America in general to what happened on 9/11. That was the response.

And as great as it was, the recovery after 9/11, and putting people's lives back in order as well, the thing that

most New Yorkers and all Americans would agree on is if we could have prevented 9/11 to occur in the first place, how much better that would have been.

Now, we just had another incident in the State of New Jersey as well, I'm sure the gentleman knows, down in the southern part of the State with regard to several terrorists, this time homegrown terrorists trying to get into a U.S. military establishment and shoot up that establishment. In that case we did not have to look at that balance with regard to response or recovery because our government did such a phenomenal job in the area of prevention.

And what does the gentleman's, his amendment do today? He addresses that point of prevention, trying to prevent another 9/11, trying to prevent another incident that could have occurred in the State of New Jersey and the loss of life there.

And what does the amendment do? It tries to restore the $10 million cut that would have occurred should this amendment not occur.

Now, the other side of the aisle, on this amendment and a previous amendment, and I presume for the rest of this evening as well, they will be coming to the floor defending the bureaucracy. They will be coming to the floor defending the bureaucrats. They will be coming to the floor defending the status quo.

I would suggest that we do not want to defend the status quo. We want to improve the situation.

□ 1700

The gentleman's amendment will do that by putting the resources where they should be, in intelligence, which is prevention so that we should never have such an incident in this country again.

I commend the gentleman and encourage my colleagues from both sides of the aisle to support this amendment when it later comes to the floor for a vote.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

I would like to yield to my friend from Washington, someone that is a professional in law enforcement (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I want to just respond to a couple of points that were made. Part of this budget is classified, and we can say one thing, though, in open session, and that is that the Department of Homeland Security disagrees with your assessment. For instance, your report states that the Office of Operations and Coordination has significant unobligated balances. According to the Department of Homeland Security, as of June 7 of this year, OPS has obligated 63 percent of fiscal year 2007's funding and 99.9 percent of fiscal year 2006 carry-over funding.

So let's just be real about this bill. If you are serious about intelligence, why are we cutting it by $8 million over last year's budget, $23 million over the suggested administration's budget?

This is what it does: It will reduce our ability to deploy personnel to the southwest and northern borders to support border enforcement efforts. It will reduce our ability to identify and assess threats to the security of the Nation's land, air, and sea borders. It will reduce our ability to analyze the threat of homegrown terrorism and domestic terrorism. It will reduce our ability to provide an alternative perspective to terrorist threats. It will reduce our ability to collect intelligence and support those intelligence owners and operators of the Nation's critical infrastructure. And it will reduce our ability to analyze terrorist travel trends and methods.

I have 33 years of law enforcement experience in the Seattle area, was the sheriff of Seattle before I came here, now serving in my second term in Congress. I understand the balance between response and prevention. I understand the balance of civil liberties and protection of the public against criminal activity. I understand the balance there. This bill puts this balance way out of whack.

One million dollars taken from management in the Secretary's office, $11 million taken from the Under Secretary's office. They still receive a $79 million increase. The committee's recommendation in this report remains intact; therefore, civil liberty funding and privacy, counternarcotics funding levels remain intact. They are not part of our offsets. Also not a part of our offset is CBC.

Mr. WESTMORELAND. Mr. Chairman, reclaiming my time, I want to thank the gentleman for offering the amendment.

You want to listen to somebody that has expertise in this. And I don't think anybody has more expertise in intelligence than a local sheriff does, somebody that has been involved in trying to find some criminals. And the gentleman from Washington has certainly done that. He has brought his professionalism here to Washington. And I think it is good advice that the Members vote for this amendment and recognize that we are listening to somebody that has got the experience and not bureaucrats that think they know how to do a job and they have never actually even been in the field.

Mr. MCHENRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to urge my colleagues to support my good friend from Washington's amendment. It is a good amendment because, as a sheriff, he knows, firsthand, homeland security. And what he also knows is the most important thing we can be doing in this time of war is funding our intelligence capabilities domestically and internationally. And what this legislation does is reduce our capacity to gather intelligence through this homeland security appropriation.

Mr. Chairman, I think what my colleague from Washington has offered is a very sensible thing. This bill actually has $23 million less in funding for intelligence resources than the President requested. And what my colleague does is restore the funding level to the prior year's funding for the intelligence-gathering resources of the Homeland Security Department.

I think overall what we have to discuss as a Congress is whether or not we are going to fight an offensive war. Are we going to do the necessary things, the intelligence gathering that we need to do as a country and as a nation to make sure that we are safe and secure when we are dealing with these very complicated threats both internationally and domestically.

We saw what has happened over the last few years with intelligence-gathering capabilities that during the 1990s were decimated. Our intelligence-gathering capabilities were decimated. And what we have to do as a nation is make sure we have the proper funding so we don't have those threats, we don't have those scares, that we don't have that level of war here at home.

So, Mr. Chairman, I commend my colleague for offering this amendment. I urge its adoption. And I think we can do this on a very bipartisan basis to ensure that we have a strong homeland and have the proper intelligence-gathering resources funded by this United States Congress.

Mr. Chairman, I would be happy to yield to my colleague from the great State of New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the gentleman's yielding.

And I just want to reiterate a point that you made at the end, and that is to take a brief look at history to see where our intelligence apparatus, if you will, has been in this country.

I was going to step up to the floor a little earlier on a previous amendment when one of our colleagues from the other side of the aisle began to give a history as to the budget process and the deficits and the like, and I was going to say at that time, we really shouldn't be looking back on some of these issues. But I think you raised a point that we need to look back to, and it brings us to the point of 9/11 and why we got there in the first place. And that was, we went through a time, following the collapse of the ''evil empire,'' as Ronald Reagan called it, the Soviet Union, the breakup of the Soviet Union and the Eastern Bloc, the end of the so-called Cold War. And there were Members from the other side of the aisle in this House and the

other House, but specifically in this House who said, we do not need an intelligence apparatus in this country anymore.

I remember one of my colleagues from the other side of the aisle said that we can even get rid of the CIA because we no longer need such an apparatus in a world free of the Soviet Union and the like. That was impetus during a previous administration, back during the Clinton administration.

The dollars of investments were not made during that period of time, and what was wrought because of that? What became because of that? Well, not just 9/11, which we are all familiar with. Something that people are less familiar with or already forget was the first bombing of the World Trade Center, when at that time the towers did not come down, collapsing upon the neighbors and the people in the area; but you may recall that bombing in the cellars and the trucks.

What it led to also was bombing of U.S. interests around the world as well. In each instance it was because of a lack of dollars and investment in apparatus, invested in our intelligence community, in the CIA and other apparatus, National Security Agency and the like. Because of that those things came about.

So the gentleman is absolutely correct in this case of looking back to see where we did not make the investments in the past and where our colleagues on the other side of the aisle would say continue that wrong philosophy of not investing in intelligence but instead just looking to the recovery and the response.

We believe that we must be looking to the prevention, as the author of this amendment said at the very outset, that we must look to the prevention, and that has come about through the investment of our intelligence.

So I just want to reiterate that point that the gentleman raised. Look back to history. Look at which party led us to the problems that we have today and what we need to do about it today. Look back at history.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise in support of this piece of legislation. This bill has particular significance for all Americans concerned about promoting the necessary and difficult objectives of protecting our homeland.

As a member of the Appropriations Subcommittee on Homeland Security, it has been a pleasure for me to work with Chairman PRICE on adding language and enhancements that will make the bill stronger and generally more effective.

As a Member who represents a district that comprises 700 miles along the Texas-Mexico border, I am distinctly aware of the challenges that confront frontline law enforcement officers charged with upholding criminal laws such as drug and human trafficking. In recognition of these inherent dangers presented to law enforcement officials, also to private landowners as well as elected officials concerned about border issues, and the statutory requirements imposed by the Department of Homeland Security to erect a fencing barrier that spans 370 miles along the southwestern border, I was pleased to work with the chairman, who was working with me on these two distinct issues.

My first and most important objective that I would like to address is regarding homeland security grants that would hopefully help the border cities and the law enforcement personnel that are on the border such as the police and the sheriff, the first responders, for stemming the tide of drug and human trafficking along our border. Chairman PRICE was instrumental in working with me and helping us to obtain $15 million for funding for Operation Stonegarden, a program that this administration failed to seek funding for and which had previously been funded in 2006.

Operation Stonegarden began as a successful pilot program in 2005 and helped 14 border States on these issues. The initiative gave the States the flexibility that the Department grants provided to enhance coordination among not only the States but local community and Federal law enforcement agencies that are drastically needed. This pilot program resulted in an estimated 214 State, local, and tribal agencies working 36,755 man-days on various public safety as well as border security operations on the border.

The budgetary constraints imposed on the committee precluded more funding in this area, but the bill language sends a clear message that programs such as Stonegarden are viable and will serve as a funding aid to the law enforcement communities along the border.

Stonegarden did not receive funding last year. The funding assists local authorities with operational costs and equipment purchases that contribute to border security. The funds are intended to be used for operations involving both narcotics and human trafficking.

The second objective regarding the fencing and the barriers that are necessary, I want to thank the chairman also for working with us in making sure we provide these types of barriers in an appropriate manner.

I believe that the bill reported by the full committee and under consideration by the full House represents the most viable approach that can be utilized. I want to thank the chairman for allowing us to be able to present this bill. And as you well know, Mr. Chairman, this is a bill that is critical, an area that we have been lacking in this country where the administration has failed to provide the appropriate resources on the border. So I want to thank the chairman for allowing us to do that.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $79,000)''.

Mr. KING of Iowa. Mr. Chairman, this amendment would reduce the Chief of Staff account in the Office of the Secretary and Executive Management to the fiscal year 2007 level. It represents a $79,000 reduction, and it would go from $2.639 million to $2.56 million.

The bill's current funding level is a 3 percent increase over fiscal year 2007 as enacted. There has been at least $105.5 billion in new Federal spending authorized by the House Democrat leadership this year. The current Federal debt is $8.8 trillion, roughly $29,000 for every U.S. citizen.

□ 1715

And it grows by over $1 billion a day. Entitlement spending, being Medicare, Medicaid and Social Security, is out of control and within a generation will force either significant cutbacks in services or benefits or massive tax increases.

The Congressional Budget Office and the Government Accountability Office have been warning Congress that the growth in direct spending, and that is spending that's on autopilot outside the annual spending process, is occurring at an unsustainable rate due to well-known demographic trends and other factors. Discretionary spending has also grown exponentially and must be brought under control.

This amendment is the first step of many necessary steps in forcing fiscal discipline and sanity upon the Federal Government and out-of-control Federal spending. We must restore fiscal discipline and find both commonsense and innovative new ways to do so, and we need to find ways to do more with less.

I have often speculated as to how this Congress would react if we brought a budget down here and presented a budget that would actually be a balanced budget without increasing taxes.

We were on a trajectory to do that. And many of the things that have happened so far here in this 110th Congress have reversed that opportunity that we've had and made it far more difficult for us to be able to get to the point where we can balance this budget again.

Most of us will look back and remember that at the time of the beginning of this current administration, we were caught in a real flux, we had a dot-com bubble that was an unexpected growth in our economy. It brought in Federal revenues that surpassed the anticipated revenue stream and actually surpassed the ability of Congress to react to increasing spending with the Federal revenue increase. So, when the bubble burst, it slowed down our revenue, and at the same time, since we hadn't anticipated the increase, we ended up with some surplus in this budget, and we paid down some debt.

That was a good thing, and I would hope we could find a way to get back to that good thing, but the good thing didn't last very long because, at the same time we had the bursting of the dot-com bubble, we also had things we knew about that had to do with some corporate corruption. That was difficult on our economy and our adjustments. And nearly the same time, and from a national historical perspective it was the same time, we had the September 11 attacks, which in the end generated the very subject matter that is the appropriations of the Department that this bill appropriates. All of those things added together turned this increase or spending and slowed down our revenue increase. Now we've seen the growth in this economy. We have seen unprecedented growth in our Dow, for example. And we have a strong economy that surpassed my anticipation. It went beyond my optimism and exceeded that, Mr. Chairman.

So, what I would submit is that this Congress needs to have the discipline every step of the way, wherever we have the opportunity discretionarily, to take us back down to the level where we can one day come to this floor, Democrats and Republicans, and offer a balanced budget and then talk about how we spend that money within that balanced budget without increasing taxes. That's the key, and that's the thrust, and that's the message, Mr. Chairman, that I bring with this amendment that simply reduces the COS office by $79,000.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to indicate that we will accept this amendment, but I want to explain my reasoning, if I might, and explain it very carefully.

For 2 hours now we have sat in this Chamber and have heard Republican Members railing against the Bush administration. Member after Member after Member has risen in this Chamber to condemn Bush administration bureaucrats in unsparing terms, and not one voice on that side of the aisle has been raised in opposition, not one.

So, we are asking ourselves, how long are we going to defend a very carefully crafted bill that deals with the administration's legitimate needs to administer its Department?

Now, I don't care how many times people get on this floor and claim that we have made lavish increases. The fact is, and I will say it one more time, this bill cuts departmental operations. It cuts them below the President's request, and it cuts them below 2007 levels. And that is not a matter of inflation adjustment. It is a real cut in nominal terms.

Now, within that overall cut there are some adjustments. Some accounts are cut more, some are increased. They are not increased for frivolous reasons. If we have made an increase, it has been because there is a good rationale for that increase. A couple of the earlier cuts targeted the account that includes the Privacy Office, the Civil Rights Office, offices that need work and need to be strengthened.

So we have scrubbed this bill very carefully. We have basically provided only for current staff on board, and, in a few instances, for staff that we knew needed to be augmented to perform very specific functions. So, we have been conscientious within the context of overall reduction.

Of course, the easiest thing in the world is to rail against the front office or the Department, to rail against the bureaucrats, to say these are abstract, invisible cuts. Let's just cut away, and then beat our chest about how tough we are fiscally. I tell you, we've been tough fiscally, but we have not been irresponsible. We have tied, in each case, our funding recommendation to specific needs of the Department, specific functions that need to be continued or need to be augmented. So we are asking, why should we be the ones to stand up for this administration?

Now, I know not every Republican is in line with the sentiments that have been expressed here. I know there are Members on both sides of the aisle who understand that you need some reasonable level of funding to run a department. And in past years, we have provided that reasonable level, and we have done it again this year. But we are not going to sit here and simply hear all this and then be alone in our defense. So we accept the amendment.

Mr. OBEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would like to follow through on the comments made by the distinguished chairman of the subcommittee. And I think for Members who aren't here, which is approximately 90 percent of the body, for Members who are watching in their offices or perhaps not watching at all, I should make clear what is happening here and what is not happening here.

We are not having a real debate on a real bill. What is happening is a debate, it is really ''filibuster by amendment.'' It has been made quite clear by the opposition leadership that the opposition party intends to bring this institution to a halt today. And the way they intend to do that is by offering amendment after amendment after amendment. There are about 120 amendments pending. And as the gentleman from North Carolina has indicated, we are trying to responsibly deal with a budget from an administration of the other party.

The easiest thing in the world for us to do would be for us to gut and slash the administrative accounts in the bill for any department, because, after all, the administration is Republican and we are Democratic. But what we have tried to do instead is to meet our responsibilities. We tried to tie administrative budget levels to the actual needs of the agencies, and we have tried to deal with those agencies in a bipartisan manner.

But we have a series of amendments not taking any meaningful reductions out of these agency budgets. We have a series of very tiny nicks being taken out of these budgets. And these amendments, in my judgement, are designed more to take up the time of this body than they are to produce a different financial result. And as the gentleman from North Carolina indicates, we have been, for the last 2 hours, trying to defend an administrative budget for the other party's administration.

Now, we may not be the smartest folks in the world, but we haven't exactly fallen off a turnip truck. And I also think that we are not exactly cut out to be suckers. And so, I don't think that we can allow our friends on the other side of the aisle to assume that we will simply serve as punching bags, and that we will simply stand here continuing to defend administration operation accounts.

And so, as far as I am concerned, if the administration and if the minority party's leadership can't control their own Members in terms of these budgetary attacks on these agencies, then who are we to stand in the way? So, I think what happens to these administrative levels will be pretty much up to the administration's own party. It will be very interesting to watch.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

It is asked, you know, why are we doing what we are doing, and why are these amendments coming to the floor, and why are these Members saying what they are saying? There is a big picture involved here, Mr. Chairman, and I would like to speak to that.

Number one, this isn't just about increasing spending in one particular program or one pet project, this is about the now majority increasing spending everywhere, on virtually

every program and virtually every pet project at almost every opportunity. Six months into the new majority, $6 billion on the omnibus appropriations, $17 billion in non-war-related emergency spending supplemental, $21 billion more on top of discretionary spending above the level at which we realize the veto threat is going to occur.

Each of these appropriation bills is representing an installment on a plan to increase nonemergency spending by more than $81 billion over last year. That is a spending increase of 9 percent, three times the rate of inflation.

Now, I will be the first to acknowledge that when our party was in the majority, we made similar mistakes. We made similar big spending increases. I recall my first term in 2000, coming at the end of the Clinton administration, an 11 percent increase in discretionary spending. That got built into the base, and what happened? Our budgets got thrown through the loop forever. We went into deficit. It was a big mistake at the time, that we should not have done that.

But there are four specific problems I have with this particular bill before us, Mr. Chairman, which the gentleman from Iowa's amendment does some things to help fix.

First, the President's budget called for an increase of 7.2 percent. This budget calls for an increase of 14 percent. So it raises the ante. So, instead of doubling the spending at the rate of inflation, we're going four times the rate of inflation on this bill.

Number two, this bill takes advantage of prefunding. They have already used the 2007 war supplemental to prefund over $1 billion in fiscal year 2008 Homeland Security appropriations. That lets us free up the cap for more spending. So, it's really more than a 14 percent increase from one year to the next.

Third, and this is my biggest concern, Mr. Chairman, earmark transparency. We have come a long ways on earmarks. The former majority party made mistakes on earmarks. Let me say this one more time. Republicans made mistakes on earmarks. And good thing Republicans, last session, began fixing those mistakes. Last session we brought to the floor and passed in the rules new earmark transparency rules, new earmark accountability rules, giving the public the ability to see the earmarks, see who the author is, and giving Members of Congress, there as the people's representatives, the ability to come to the floor and challenge those earmarks. To the Democratic Party credit, they extended those earmark reforms. And you know what, Mr. Chairman? They built upon them. They improved upon those earmark reforms. The Democrat majority improved upon the Republican earmark reforms when they came into power at the beginning of this year.

Where are we now? What has happened? We went three steps forward, and now we went six steps back, Mr. Chairman. Now, in instead of giving the public the ability to see these earmarks, instead of giving Members of Congress, the people's representatives, the ability to challenge them, to vote on them, to have scrutiny on them while we consider these appropriation bills, what are we doing? They are airdropping them in the conference report.

Okay. What did that just mean for those people who don't know our lingo? This means we're not going to see the earmarks while we are considering this legislation as they go through the House and the other body, the Senate. They will be conveniently put in the bill at the end of the process so that no amendment can address the issue, so that the public will have very little time to see these earmarks, so that no Member of Congress can challenge the worthiness of a pet project. When we have come to the time where Congress is putting in thousands and thousands and thousands of these earmarks, raking up to tens of millions of dollars, one of the bills we are going to consider this week has something like $20 billion slated for earmarks in just one bill.

□ 1730

No vote, just $20 billion, empty money to be spoken for, later inserted in the conference report by a couple of people in the majority, namely the chairman of the Appropriations Committee, the dean of my delegation. No transparency, no public accountability, no ability for the people, Representatives, to come to the floor and challenge these earmarks.

That is not earmark reform, Mr. Chairman.

We need real earmark reform. Let's not go backwards. And what is worse about all of this is, these bills are coming in far above where they ought to be from a funding level. We are going to have a veto at the end of the year and a train wreck.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to build on the comments by my colleague from Wisconsin, but I also want to talk a little bit about this amendment and the previous amendment. I tried to talk about it, but did not get recognized by the chairman, unfortunately.

Mr. Chairman, I am very much concerned about the need for us to restore fiscal discipline to this House. I have only been here a little over one term. I am in my second term. I came here with the notion that Republicans would be people who cared about fiscal discipline. We did not care about fiscal discipline as much as I would have liked for us to, but we made a start in the right direction, and I was pleased about that.

Now what we are trying to do is bring more fiscal discipline to this House and to spending. We do have a broken process.

I find it really interesting that the gentleman on other side of the aisle, the chairman of the Appropriations Committee, is talking about our trying to shut this place down. I think that he has a very funny definition of this open process and this open rule and our being able to offer amendments. That is the way I thought a democracy operated.

Saying that we are trying to ''shut the place down'' by doing our jobs is a little disingenuous, I think. I think that is coming because in the last 5 months you all have become so used to ramming things through with no opportunity for amendments that you find this a very unusual process. Well, we intend to use the opportunity available to us to offer amendments every chance we get.

He also made the comment that we are taking up the time of this body to do frivolous things. Well, again, this is the job that we are elected to do. We are not taking up the time of the body. We are doing what we are supposed to be doing.

You spent 3 months dealing with what we considered a frivolous exercise in talking about not funding our troops serving overseas, trying to protect us so we can do the very things that we are doing; and you didn't want to give them the money that they needed in order to be able to do that. That is where a lot of time was wasted, as far as I'm concerned.

I want to also talk about some comments that have been made by members of the other party that show that there were some people who made promises that have not been kept.

This quote is from 1–5–2007 from the gentleman from Alabama. ''Today, we made a strong commitment to returning fiscal responsibility to Congress. It is vital that Congress improves its stewardship of the taxpayers' money so we do not pass along today's spending tabs to our children and grandchildren.''

That is a Democratic Member from Alabama. That is what we are talking about here today. We want to make cuts in this unnecessary spending so that we're not passing along these bills to our grandchildren and children.

From the chairman of this very subcommittee, ''This bill mandates that all grants and contract funds be awarded through full and open competitive processes, except when other funding distribution mechanisms are required by statute. This approach creates a level playing field and also ensures that there are no congressional or administration earmarks in the bill.''

Well, that is very different from what we know is going to be happening on this bill, where these earmarks are

going to be ''air dropped,'' as we say, later on, after the bill has already been passed, and people don't get a chance to react to those earmarks.

Another Member from Arizona: ''The American people deserve nothing less than a government that is fully accountable and completely transparent. They need to know that their elected Representatives are focused on the public interest, not the special interests and not the lobbyists' interests.''

In the last amendment that was offered, we wanted to do more to increase what is happening in national security. No. You all prefer to spend a lot more money on bureaucracy.

I am very pleased that you are going to take this amendment offered by my colleague from Iowa. I think that is a step in the right direction. But we need to do a lot more of that. We need to cut funding here, and we need to make sure that you fulfill the promises that you made so strongly last fall and at the beginning of this session.

Let's make this earmark process transparent. Let's know what is going to be funded in these bills. Let's put it all out there. And let's have the open debate that you promised we would have.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

The chairman of the Appropriations Committee mentioned that this debate is really not about the bills that we are debating this week, and in a sense, he is right. Unfortunately, that is the case. Particularly later this week, we will be debating three other appropriation bills, some of which have headroom or a placeholder for tens of millions or hundreds of millions of dollars that we don't know what that spending is. It is put in place for earmarks to be added later.

So we really are not debating the real bills, and that is unfortunate. We should be. How can we as a legislative body decide whether this is appropriate spending or not when we don't know what is in the bill, when that will be added later?

I am well aware of the plan to have Members request and that these earmarks later on will be somehow made public. But that is the legislative equivalent of appointing an ombudsman. Why does a body like this need something like that? We are not potted plants. We should be able to see what is in the bills. These are earmarks that should be transparent.

The Appropriations Committee has before it right now some 30,000 earmark request forms that could be made public. Other Members could see them. We could see if these earmark requests are appropriate or not. But we are not allowed to see them. We won't be allowed to see them. We will only be allowed to see those few that the leadership decides that we can see, the ones that are approved later; and then once we do see them, we will have no ability whatsoever to have an up or down vote on the individual earmarks. None.

That is not a legislative body. That is saying that we can't handle it, so we are going to appoint an ombudsman, in this case maybe a couple of members of the Appropriations Committee, and hope that they will sufficiently scrub these earmarks. That is simply not acceptable.

To the other point, that we are simply defending what the President has done or what the administration has done, let me just take one program here that we are discussing today, and that is the State Homeland Security grant program.

This program is being plussed up by, I think, about $50 million, a significant plus-up. Yet the chairman of the Appropriations Committee, I think very wisely, in the committee report indicated several areas where this grant program is being misused, where there are several frivolous programs going on. Let me just name a few of them.

A $3,000 grant was given under the State Homeland Security Grant Program to the city of Converse, Texas, for a trailer used to transport lawn mowers to lawn mower drag races. For a fire department in Wisconsin, $8,000 for clown and puppet shows. That is under the Assistance to Firefighters grant program.

Under the State Homeland Security grant program, $202,000 was spent on ''downtown'' security cameras for a rural fishing village in Dillingham, Alaska. Now, ''downtown,'' there is a population of 2,400. This is 300 miles from Anchorage. There are no roads linking that city to anywhere. So $202,000 for security cameras in a remote fishing village in Alaska.

Keep in mind, we are plussing up spending for State Homeland Security grants by $50 million. Why in the world are we doing that?

Just a few others. $3,500 for small crates and kennels to hold stray animals. This is in Modoc County, California.

There are some even in my own State and in my own district; I think we are spending $100,000 or so for synchronization of traffic lights in Apache Junction, Arizona, in my district. That money shouldn't come from the Federal Government. We are making local governments dependent on the Federal Government.

Why are we plussing up funding for the State Homeland Security grant program by $50 million in this bill with this kind of wasteful spending?

As I mentioned, the chairman of the Appropriations Committee wisely pointed out some of these abuses. I will offer amendments to strike some of that funding. I hope that we have the support of the majority here.

This is not frivolous time being spent here. We are spending far too much money. We can ill afford it. If we can't do it here, when will we do it?

As I pointed out, we are not discussing a lot of the funding that is in the bills. It is off limits. We don't know what it is. It will be added later. It is secret at this point, secret from us, the Members.

So I applaud my colleagues for bringing forth amendments, and I hope that we will have more time to debate it.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I too want to comment on some of the comments made by the Appropriations Committee chairman, the gentleman from Wisconsin.

There are two things we are doing here. One was just very eloquently presented by the gentleman from Arizona. We are trying to say and trying to insist that when these projects, when these earmarks, when these sorts of things appear in these bills, that there is sunshine, that people know what they are, that they can see them and that they are subject to an up-and-down vote, rather than these big slush funds that appear in this bill and others as they are currently constructed.

The other thing we are trying to do here is very simple, and that is saving the taxpayers $21 billion. There is $21 billion more that has been proposed to spend in the Democrats' appropriations bills than what the President proposed to spend.

Now, I might add that I am one of the 160 people who voted for a budget to spend $20 billion less than the President has proposed. It is not like what the President proposed was a flat budget. It is not like the President proposed a budget that didn't increase spending; it did. But what you have done is taken the President's proposals for spending increases, accepted all that, and added to it in most cases.

I think it is very interesting that the chairman of the Appropriations Committee seems so surprised that the amendments that some of us are offering, including the one that I offered just about an hour or so ago, that these were reducing spending that was actually proposed by the administration.

It may come as a surprise to people on the other side of the aisle, but we don't really care who proposed it, whether the President proposed it, a Democrat proposed it or a Republican proposed it. If it is spending more money than we believe should be spent, if it is increasing spending that increases the deficit, if it is further putting pressure, further trying to create a reason to enact the largest tax increase in American history that you all want to do, then we are going to want to stop it. And that is what we are doing.

Now, there was a comment also made by the chairman of the Appropriations

Committee that there were 120 amendments, I believe he said, on this bill. We are talking about a lot money. I would bet there are a lot more than 120 earmarks that get put in here by the time things are done. I know there is at least $21 billion of more spending in all of these appropriations bills, and specifically on this bill itself a nearly $5 billion increase in spending over last year. So, for $5 billion and countless thousands of earmarks, 120 amendments is not a problem.

It may be many more than that. It could take many more than that.

□ 1745

These are big issues. These are important things. This is about whether we are going to start to arrest spending where we can, or whether we are going to let it continue to grow and grow and grow. Whether we are going to allow Americans to keep at least the amount of their own money that they keep now, or whether this government is going to continue to tax them and tax them and take more of it. If it is 120 amendments or 240 amendments or 480 amendments, we will stand here and we stand ready to do that.

I would hope that the message would get across at some point to the other side of the aisle that what they are doing is not right, and that these amendments are processes by which we are getting to what is right, which is not increasing spending on everything, not increasing all of these things and trying to keep it under control and making sure that when we do spend the taxpayers' money, we are up front about what it is, about who requested it and why. And that people have an opportunity to challenge that request.

Mr. Chairman, we have begun some amendments and we have a lot more. This is not a joke. This is not silly, this is not something that we don't believe in. This is something we believe in very deeply, and it is something that is important and that's why we are engaged in this fight and will continue to be engaged in this fight.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

I have absolutely the highest respect for the chairman of the Appropriations Committee, Mr. OBEY. He has worked very hard on this, along with Ranking Member LEWIS, on the overall appropriations process.

The conversation he had with this House a few minutes ago concerns me in that I think Mr. KING, what Mr. KING has proposed, it is small but it is frugal. It is trying to set a tone. As our chairman points out, we have offered, there have been offered over 100 amendments to this bill. What does that tell us? That tells us there are people who are looking at this in detail and trying to see if we are doing things wisely. We are exposing this bill to scrutiny.

I think the message that we are trying to send to the Congress and to the process is that it is good to lay out before the world honestly how we spend our money. And, in turn, it is a way to show concern for a process that has been created by the chairman which will not disclose how we are going to spend special project money as we debate these bills.

Two of the previous speakers have raised this concern. Quite frankly, the chairman mentioned we are trying to shut down the House. Well, if examining the work of the House is shutting down the House, examining it in detail, then, yes, I guess we are trying to shut it down. But I don't think that is the way you shut it down. That is the way you open it up. You let sunlight come on the process and let everybody look at it and decide: Is it worth that extra $79,000 or not? That is what this process is all about.

But in the earmark process that is being proposed in appropriations this year, there is no sunlight upon that process. This process is in the dark. In fact, we are being asked over the next couple of weeks to vote on numerous bills that have billions of dollars set out in some sort of unidentified account that tells you we are going to spend this money, we will let you know how.

I am sure my beloved wife, whom I love dearly, would love to have that deal; and I am sure there are a lot of other people who would love to have that deal. Here is the pot of money; I will let you know how I am going to spend it later, but I am going to spend it.

In this particular process, it is going to be done behind a closed door. And behind that closed door, and the Members of Congress, who by the way in this Republic were sent here to do just what we are doing here today, examine this spending in detail, we were sent here to take a look at this spending on the earmark process. But we are being excluded. And if we have an objection that we think is offensive to America, we should be able to have a process to stop that.

But when you ''air drop,'' as has been described, secretly drop into a conference committee the earmark process determined by one or more small groups of people without the 435 Members of Congress looking at it, too, I don't think that is any sunlight at all. That seems to be a dark, dark room where legislation is taking place. And it will only be exposed when you get a ''take it or leave it'' proposition back on the floor of the House. Take it or leave it. You can't amend it; you can't deal with it. Take it or leave it.

Really, we are showing what it means to put sunlight on a procedure. We are going to try to continue to put sunlight on this procedure because the American people have raised the issue to us at the polling place that we spend too much money. So let's let them see how we spend it.

I commend those who have examined this bill in detail and are willing to come in and make such delicate surgical cuts so as to say, this guy doesn't deserve an extra $79,000. You know, that is the kind of thing that is going to save this Republic. If we can just get the earmark process to be done out in the open, in the sunlight for all of us to see, it would be a better process.

Mr. MCHENRY. Mr. Speaker, I move to strike the last word.

I appreciate the opportunity to speak before the House, and I appreciate the fact that we are taking this amendment up under an open rule which allows for a wide-ranging debate on the important issues of the day.

Now, this amendment is very simple. It saves the taxpayers money. It saves the taxpayers money, Mr. Chairman, and I think that is what is very important for us to understand here on this House floor. If we do not spend this money in the appropriations bill, it will reduce our deficit.

As the chairman of the full committee said in his speech here on the floor a few minutes ago, he believes Republicans are simply filibustering. Well, he is in the wrong Chamber for filibustering; it is across the hall in the Senate.

What we are doing here today is bringing out the fact that we as Republicans, our side of the aisle, we actually want to reduce spending and balance the budget. We have had some tough times since 2001, since this war began, when we were attacked in 2001. But, Mr. Chairman, what we have to do is understand as a nation, we have to cut this deficit and balance this budget and start paying down the national debt. We have to make sure that we have a balanced budget.

How do we begin that process for a balanced budget? It is not by raising taxes, which the other side of the aisle already proposed and actually adopted through their new budget that they put in place this new Congress. They made it clear that they want to roll back to the prior level of taxation, the very high level of taxation that we as Americans faced.

But what we believe in as conservatives, and on this side of the aisle especially, is that the way we balance the budget is not by raising taxes on the American people. We have plenty of income coming into the government, but we have a spending problem here. So with this amendment we are taking a small step, a very small step, but a step nonetheless, that will help us reduce spending.

The chairman of the full committee said they have been very busy spending for the Iraq war, the supplemental vote. Well, as we well know, within that Iraq war funding bill they have plenty of pork barrel spending, plenty of earmarks. Well, we believe over $20 billion in earmarks was in that final

version of the bill. They were too busy spending on special interest projects to actually put in the details of this legislation so the American people can see what kind of pork barrel projects they have tucked into the legislation before us.

So first of all, the process is wrong.

Second, the spending is too high. The American people understand that, and they want us to do something about it. As conservatives, we need to take that first step. That first step is offered by my colleague from Iowa, Mr. KING, who has offered a very reasonable, very simple, very straightforward amendment that is good for the taxpayer and is good for Americans.

We all care about homeland security, Mr. Chairman. We believe it is in the interest of our government to fund homeland security and national defense effectively, but not blindly. Not simply because a number is put forward, do we have to accept it. And that is what the debate is about here today, about whether or not we are simply going to accept a high level of spending and look the other way while the deficit increases, while the American people are asked to spend more on government through their taxes.

But we have to take that first step. A small step, but a very good, very important step, nonetheless. I will be proud to vote for the King amendment when we get that chance here in a few minutes.

Mr. Chairman, I urge my colleagues to come forward with a consensus that these important spending matters deserve an open, honest, fair debate. It is not simply about getting it done quickly. We know that legislation takes awhile to craft. We should have an open debate and allow a real exchange of ideas about how to best spend our homeland security dollars.

Mr. Chairman, the American people understand that their government costs too much. So let's support my colleague, the gentleman from Iowa (Mr. KING), his amendment here today, that allows us to take a step in the right direction.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I want to commend the gentleman from Iowa (Mr. KING) for his amendment, drawing attention once again to the amount of spending in this and, I am certain, in other appropriations bills as we go forward.

I think it is important for the Chamber and for all of those who might be watching to appreciate that spending is, indeed, the disease that infects Washington. It is the disease that makes it so that Americans all across this Nation no longer trust this Congress to do the right thing when it comes to being good stewards of their hard-earned taxpayer money.

In fact, this Congress so far has increased spending, authorization for spending, by over $50 billion already. And instead of being more responsible with the appropriations bills they are bringing forward, in fact we find tens of billions of dollars in more spending.

Now, the consequence of that is somehow you have to pay for that. What we have seen by our friends in the majority is adopting a budget that will be, if not the largest tax increase in the history of the Nation, the second largest tax increase, depending on how you do the numbers, but hundreds of billions of dollars.

Mr. Chairman, I know we have good friends who talk about the new direction that they brought to Washington, given the last election. Mr. Chairman, I am here to tell you, that new direction is backwards, and it is backwards to a time of tax and spend that, frankly, the American people don't favor.

One of the things the American people do favor, however, is sunshine. And they favor it for all of the activities that we engage in here in Congress, sunshine in the processes that we have, and sunshine in making sure that votes are recorded in committee, sunshine in terms of the debate that goes on. And, yes, Mr. Chairman, sunshine in terms of the money that this Congress spends, which is why it is so distressing that we have a new policy on behalf of the Appropriations Committee and the majority that allows for hidden spending, less transparency, less accountability when it comes to something that the American people care dearly about; and that is earmarks, special projects, or ''pork projects,'' as many people know them by back home.

□ 1800

We have been harping on this because it is such a change, such a remarkable change in policy and in procedure here on the House floor and within the House of Representatives.

And it's not just our opinion. It's not just our opinion. There are newspapers that have provided their opinion all across this Nation, that have agreed. They have said that the process that's been adopted, which would allow for one individual, one individual in this Chamber, to determine which special projects would be supported and to determine which projects would be included in a conference report, not brought to the floor in the usual appropriations process, not so that my colleagues here can stand up and say, I don't think we ought to be spending hard-earned taxpayer money on that project. In fact, I think I feel so strongly about that that we ought to vote on it, and people ought to be held accountable.

It's the kind of vote that when we were in the majority we allowed because it's an appropriate vote to allow, and we even went further in the last Congress and adopted a rule that said if earmarks, if special projects were put in in a conference report, when you only get to vote on the overall bill itself, you can't pick out individual projects. If they were put in that conference report, then a Member of the House on either side of the aisle could raise a point of order and say, we ought not be taking that up because it violates the rules of the House, and had an opportunity to highlight, to bring a specific vote for a specific measure.

Well, Mr. Chairman, that apparently is no longer the case, from what we hear by Members in the majority party now, and it's not only our opinion that it's the bad way to do the House's business, it's the opinion all across this Nation.

The Wisconsin State Journal recently wrote an editorial and said, with this maneuver, it will prevent the public and most lawmakers from questioning earmarks until it's too late. That means you can't do anything about it.

St. Louis Post-Dispatch said, But in a slick maneuver, they will keep them hidden from public scrutiny. In a slick maneuver, they will keep them hidden from public scrutiny.

Mr. Chairman, that's not the kind of leadership that the American people want. That's not the kind of responsible spending of hard-earned taxpayer money that the people want. That's not what they voted for in November. They didn't vote for more hidden rooms. They didn't vote for less scrutiny.

I urge my colleagues to adopt this amendment and to adopt any amendment that decreases spending in this appropriations bill.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, you know, it is amazing that the liberal leadership in the House is living up to the moniker of the hold-on-to-your-wallet Congress, and we see that they can't even get out of paragraph 1, Title I, of the bill without spending more money.

And I want to commend the gentleman from Iowa for offering his amendment. Sounds really simple, $79,000, make a reduction of $79,000 in spending and make it out of the Office of the Secretary and Executive Management. It's the right type thing to do.

In my district in Tennessee, people don't like what the Federal Government spends, and we are hearing from our constituents. They are looking at this bill, $36.3 billion, 6 percent more than was requested, 13.6 percent more than last year. And in the middle of all this money, we can't find a way to fund the fence, which is one of the things that people want to see, securing our southern border?

Now, my constituents are upset about that. They know that this is hypocrisy. They know that people are trying to skirt around the edges. They have caught on to this secret slush

fund and going back to the way they were and the way things used to be done. And quite frankly, Mr. Chairman, it's something that they don't like, and they are hopeful that we are going to be down here making certain that we put some sunlight on what is taking place.

When you've got a group that is so addicted to the taxpayer dollar that they cannot get out of paragraph 1, Title I, of that bill without spending more money, you've got a problem. And my constituents know that that problem is not that the taxpayers aren't sending enough money up here. My constituents know that the problem is the Federal Government who has a spending problem. They know that it is the bureaucracy that has too much power over how that money is spent, and they know that it is the government that has a ceaseless and insatiable appetite for their hard-earned dollars.

So I commend the gentleman from Iowa. I commend him for being diligent and reading the language in this appropriations bill. I commend him for being diligent and making certain that he goes through this bill to find ways to reduce what would be spent, to cut out the waste, to look for areas where it can be pulled in and tightened up and reductions can be made.

You know, I know a lot of people in this House didn't like the Deficit Reduction Act, when we made a step in the right direction, reducing, cutting in that 2006 Deficit Reduction Act, cutting more than $40 billion, and poof, it all goes away with one stroke of their budget pen. Given the opportunity, they're going to spend more, and they're going to hide it and not tell you exactly where it is.

And the issue of earmarks, Mr. Chairman, it comes up in nearly every conversation that we're having in our districts. Let's have a way to evaluate those earmarks. Our constituents deserve to know before that vote takes place rather than after that bill comes out of conference committee.

In order to fund all this fun that the leadership is having, we face the single largest tax increase in American history. It is certainly, certainly inappropriate, and going in here and beginning to find places to make cuts, as the gentleman from Iowa has done, is the right type way to go.

If you cannot find $79,000 out of a $36.3 billion budget, you've got a problem. If you can't reduce some out of a 6 percent increase more than was requested, 13.6 percent more than last year, then you've got a problem. It is a spending problem. It is something that needs to be dealt with by the Federal Government.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I'd like to associate myself with the comments of the gentlewoman from Tennessee. I, too, appreciate the leadership of the gentleman from Iowa in offering this amendment.

Again, the dollars may be small but the principle is large, and frankly, Mr. Chairman, I really somewhat object to those who somehow suggest that after a budget was passed in this institution, representing the largest single tax increase in American history, that somehow amendments to try to save the people's money are somehow dilatory, are somehow frivolous, are somehow not worthy of debate in this democratic institution.

We spent months, months debating one spending bill on whether or not to support our troops in Iraq, months, and now we hear protests from the other side, hours into a regular appropriations bill. Somehow after hours we've grown tired of that particular process.

Mr. Chairman, I'm worried about this largest single tax increase in American history and what it means to people in my district, the Fifth District of Texas, how it impacts their ability to send their children to college, how it impacts their ability to start a small business, how it impacts their ability to pay their health care premiums. Every opportunity we have to try to get some of that money back to them is an important use of this body's time, a very important use.

And so there are several amendments that have a very simple proposition behind them, and the simple proposition is in this particular Department, can't you level-fund from one year to the next year just that group administering the programs. All over America, after passing this single largest tax increase in the history, we're asking American families to somehow do with less, and all we're asking these people to do is do with the same amount that you had last year. That's all that we're asking, Mr. Chairman.

But there are bigger issues involved here besides the roughly $2,600, $2,700 per family in the Fifth District of Texas who are going to have to pay that single largest tax increase in history.

But we look to the future, and we know what happens if we don't take the first few steps towards fiscal sanity. Already we have been warned by the Congressional Budget Office, we've been warned by the Office of Management and Budget, we've been warned by the Comptroller General what is going to happen to this Nation if we don't do something about entitlement spending, something that our friends on the other side of the aisle refuse to engage in. Social Security and Medicare, in their budget, there's nothing about that.

We've heard from Federal Reserve Chairman Ben Bernanke: Without early and meaningful action to address the rapid growth in entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost. Too much expenditure of the people's money impacts the people's security.

We've heard from Comptroller General Walker: The rising costs of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.

How are we going to pay for future homeland security bills if we don't take the first few steps towards fiscal responsibility now? Simply level-fund, level-fund, not cut, level-fund the administrative function and lead by example. Lead by example.

Mr. Chairman, we haven't even talked about the secret earmark slush fund yet, which, again, I don't understand. I would think if there was any party who would heed the lessons well of the last election, it would be the party that has become the majority party. They know the people are outraged at earmarks, at the process, and so instead of taking this forward, the new majority is taking us backwards.

Now, Mr. Chairman, I don't want to necessarily personalize debate, so I will paraphrase here, but recently the Wisconsin State Journal, and I paraphrase, said the Democrats are now dodging the very reforms they helped to generate, and that with this new secret slush fund, and I paraphrase once again, it would prevent lawmakers from questioning earmarks.

Mr. PENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the King amendment, and I'm grateful for the opportunity to call for this apparently Draconian cut in the Office of the Chief of Staff of the Department of Homeland Security.

Mr. Chairman, I come to the floor today in the context of having, like you, served in the Congress before September 11 and before there was a Department of Homeland Security. And I'll never forget in the hurried moments that would follow 9/11 how we dealt with the immediate issues, funding, reconstruction and recovery efforts in New York and at the Pentagon, how we put together to the best of our ability transportation security for our country.

But I will never forget coming to this floor and feeling a great and ominous sense of foreboding as we created a Department of Homeland Security. I couldn't help but feel then that we might be unleashing, however well-intended, on the American taxpayers a behemoth of a new bureaucracy that we would someday find ourselves arguing over on this floor in the way we argue over every other bureaucracy.

But it was not meant to be the case. To be candid with you, Mr. Chairman, I thought this day might come decades from now, when the bureaucratic instinct would overtake even the wisdom

and the clarity that would be derived on September 11, that made us focus a new department on the specific purpose of protecting our people from a real and present threat of terrorism.

And yet as I look at the watch, it is less than half a decade from that horrific day, and here we are with the party in the majority opposed to keeping bureaucratic and administrative staff funding levels at their previous year. It's really extraordinary to me; $8.8 trillion of national debt, and the majority comes to the floor of this Chamber with a 13.6 percent increase in the Department of Homeland Security.

□ 1815

The current budget, $31.9 billion, the proposed budget, $36.2 billion, more than 50 percent larger, or is $2 billion larger than the President's request. It's astonishing to me. I just have to wonder, as the American people look in on this issue, if they aren't just scratching their heads just the same.

But here we are, having these typical and predictable arguments on the floor of the Congress about bureaucracy and levels of bureaucracy when we are talking about homeland security. We are also doing it very much without, as most of my colleagues have said, without the daylight and the sunshine and the accountability of knowing what will ultimately be in this legislation.

I mean, it is extraordinary to me that a Democrat Congress seems so opposed to practicing democracy on the floor of the House of Representatives. To bring a bill to the floor of this Congress with the promise that Member projects, so-called ''earmark projects,'' will be added long after we have had the opportunity to challenge them.

The Democratic process on this floor is breathtaking to me. Again, it bespeaks of the embrace of a bureaucratic, big-government attitude even where our own homeland security is involved.

We ought, rather, in this process, to know what Members have requested what projects, and we ought to be having a thoughtful and focused discussion on this floor and calling votes one after another on those individual projects to decide what will keep our cities and our people and our families and our children safe. We ought to be having that discussion in the context of a full and open debate.

But, instead, we are told that we don't have time to do that. We are told the public will be made aware of these projects some day in the future.

That's not democracy, that's not the process.

Mr. WEINER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today, first of all, to express my gratitude to the chairman for crafting a bill which tries to do what we want to do, which is to take seriously the admonition by former Department of Homeland Security Secretary Tom Ridge that homeland security starts in our hometowns, and tried to officially get homeland security funds to our neighborhoods.

Congressman CANTOR and I were going to be offering an amendment on the floor to address a program that has been funded in the last couple of years, albeit inefficiently, by the Department of Homeland Security, to deal with the problem that local neighborhood nonprofit organizations, churches, synagogues, civic institutions, are being visited by local law enforcement all the time saying, here are the things you need to do to make your institution more hardened for the challenge of homeland security.

Yet, with all the things they are being told to do, unlike a business that can pass along its expenses to stockholders, or unlike a government entity that can raise taxes or make choices on what they want to allocate, these nonprofit organizations really have no way to find the funds for things like security cameras, for emergency escape hatches, for communication devices within their facilities.

The nonprofit Homeland Security grants have done that. They have done it in a relatively efficient way. You haven't read the stories about great waste because they are relatively small amounts of money to pay for the things like I described.

This section of the bill, the administrative section, was where we thought maybe we could take some of the money to allocate for the nonprofit grants. The other body, an earmark, is going to take $20 million and allocate it for that purpose. It's only a $25 million program that we have allocated for the past couple of Congresses. I think that, frankly, the knowledge that this is going to be worked out in conference is comforting.

But we need to realize that one of the things we need to do, and frankly, it's a program that has been administered in a remarkably democratic, with a small D, way. It has been distributed to small towns, big cities, nonprofit organizations. They get visited by local law enforcement: These are the things you do to become more safe. They have gone out and done it. They have made applications to the States that have then funded these programs as they see fit.

We are not going to be offering the amendment, although I am grateful for the bipartisan work that we have done on this. I would like to ask the chairman, as this moves forward to committee, in the interest of time in moving the program forward, I just want to make sure that you are mindful of our concerns about making sure that these nonprofit grants continue to see the light of the day.

I yield to the chairman.

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for his strong advocacy for these nonprofit security grants. I, too, have constituencies concerned about these grants, about their continued availability, and have convincing testimony as to the importance of this resource.

We did not have a specified account in our bill, but I am aware that the Senate does, and we will be going to conference. I am glad to assure the gentleman that we will have an open mind about dealing with this in conference. I appreciate that he is not offering the amendment tonight, but we will be very, very happy to work with him going forward.

Mr. WEINER. If I could reclaim my time, I would express my gratitude to the chairman and also to the gentleman from Virginia (Mr. CANTOR) who has been so helpful with this.

Mr. PUTNAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the sponsor of this amendment.

This is a defining moment, an illustrative debate about priorities for this Nation. To set the stage for this debate, we have to look at the original blueprint for the Nation's spending that the Democratic Congress has produced for the American people.

That blueprint sets the priorities for our Nation, and that blueprint includes the second largest tax increase in American history, second only to the tax increase that was proposed the last time the Democrats controlled the Congress. So the revenues that are being counted upon to be spent in these appropriations bills come from increased burdens on the American taxpayer.

The other interesting thing about that defining document, that budget of the new Democratic majority, is that it includes provisions that would make Enron accountants blush, because it funds priorities like the farm bill and other major authorization measures and other reforms. It funds those with these IOU accounts called ''reserve funds,'' but there's nothing actually in the reserve funds.

So this document raises taxes, spends all that money. Then, that's not enough, so they include these phony reserve funds to spend even more.

As we enter the appropriations process to actually get down to the nuts and bolts of spending and allocating those dollars to the various programs, we also see explosive growth in the amount of money that they are spending and, again, to borrow from the accounting model that was Enron, more slush funds, more secret slush funds, stepping away from the important reforms that were passed in the last Congress that shed light on the process whereby Members could direct appropriations.

But under the process in the last Congress, it was open to public scrutiny, it was transparent to the press

and to the public eye; and a point of order could be brought to this House floor if there was not disclosure and if it were air dropped in the moonlight of a conference.

All that's gone. All those reforms have been swept away by the new majority and replaced by a system whereby one person, one individual, will be the sole arbiter of what is or is it not appropriate public spending, relegating the other 434 Members of the House of Representatives to a state about as useful as an appendix.

One individual has deemed himself the sole determinant of where hard-earned Federal dollars will be spent, and that will be done at the last possible moment in the earliest possible hour of the wee hours of the morning without the press, without the public, without the taxpayers' involvement.

That is not acceptable.

Today's debate marks the beginning of an appropriations season where the Republicans will insist on transparency, insist on full disclosure, and insist on maximizing value for America's hard-earned dollars and how they are spent in this Federal Government. It may be $79,000 at a time, as this amendment is; it may be into the millions or the tens of millions or the hundreds of millions.

But we will not tolerate having a $2.7 trillion budget rammed down our throats without disclosure, without debate, without consideration.

The CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. PUTNAM was allowed to proceed for 1 additional minute.)

Mr. PUTNAM. It will not be done without appropriate deliberation, and these Members are here to ensure that every American tax dollar is spent as wisely as humanly possible. We will not accept the largest tax increase in American history without a fight, and the ruination that it will do to this economy.

It is important that we review each and every one of these issues, that we consider them thoughtfully, and that we consider each and every one of these amendments that these individually elected Members of both parties have brought to this floor to work through the democratic process.

That's how this institution was intended to run. That's how we will insist on its being run, and we will do so in a way that brings credit to this institution and not one that forces hundreds of millions of dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. LAMBORN:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $300,000)''.

Mr. LAMBORN. Mr. Chairman, this would reduce by $300,000 the money appropriated by the Office of Secretary and Executive Management.

Instead of $6.3 million, it would be $6 million, and this would be in accordance with last year's spending. This appropriations bill in its entirety would increase spending for homeland security by more than $2 billion; that's more than what the President requested, and it will increase spending by more than $4.2 billion over the fiscal year 2007 Homeland Security appropriations bill.

We should show restraint by reducing the amount that the Federal Government spends, rather than increasing the amount. It is simply not prudent.

We are at a time when the Federal Government faces an $8.8 trillion national debt. It's important, and this is a step in the right direction. Just as the last amendment saved us some hard-earned taxpayer dollars, this would save hard-earned taxpayer dollars as well.

So we can be fiscally disciplined and reduce the deficit if this money is not spent elsewhere. Increasing the size of government or the amount of bureaucracy, as this bill would otherwise do, is not going to help in this reduction effort.

I look forward to the debate on this amendment. I hope it's as productive and successful as the debate on the last amendment.

Now, by reducing the Office of Public Affairs in the Office of the Secretary and Executive Management account to the fiscal year 2007 level, that is a $300,000 increase, or a 5 percent increase over the amount of last year's budget.

□ 1830

That's more than the rate of inflation. So this amendment would be the first step of many necessary steps in forcing fiscal discipline and sanity upon the Federal Government.

Now, this is part and parcel of a larger issue, Mr. Chairman, that's very concerning to many of us on this side of the aisle. We have an earmark process that is not subject to sunshine, not subject to sunlight. It is said that sunlight is the best disinfectant. And I'm disturbed.

You know, I'm a freshman coming in here, Mr. Chairman, and I expected the better of Congress. I thought that we would have the opportunity to debate earmarks, and I'm very, I'm deeply disturbed about that because apparently we're starting down a road of appropriations bills where the earmarks are going to be saved for the conference committee.

By the way, that'll be in August when we're going to be in recess. We're not even going to be here. And apparently there's going to be a list printed, and you get the bill out of conference committee, and you're just going to have to take it or leave it. That's not what I expected when I came here to Congress, Mr. Chairman. I expected better than that. And I'm sorry that we're going down this road. I hope that it can be changed at the last minute, and course can be reversed.

The bills that are just scheduled this week would increase spending by $20 billion over last year. Twenty billion dollars is significant, Mr. Chairman, and this is one of the four bills that would contribute to that $20 billion increase.

I'm also disturbed, Mr. Chairman, I've heard some reasons thrown around why this might be happening. I can only speculate, but what I've heard is that, for one thing, the Appropriations Committee was just too busy to look at the many, many, many earmarks that were requested of it. However, that reason doesn't really hold water, I don't think, because we just frittered away 3 months going through the Iraq war supplemental process, and ended up where many of us said it should have started out in the first place, and would have ended up and started out that way if we had just applied a little common sense at the beginning, and we would have saved those 3 months, and maybe we would have had time for the Appropriations Committee to look at some of these earmarks.

I've also heard it said, Mr. Chairman, that for those Members who vote against this bill, you know, they can pretty much write off any chance of getting an earmark. And I'm not planning on offering any myself. That's probably good. And I'm planning on voting against this bill from everything I know about it so far. But I just think that that kind of retaliation is beneath the dignity of the People's Body, and I think that, once again, that's something I as a freshman am coming in and seeing for the first time, and I'm deeply disappointed by it.

Mr. PRICE of North Carolina. Mr. Chairman, for the reasons I explained earlier, we accept the amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise again in support of the amendment. Again, we're being asked to approve a bill that increases spending over the President's request by more than $2 billion.

The majority party wisely, I believe, in the report accompanying this bill, explained that there are several misuses in spending; that there is money that is being misspent. How in the world can we, then, appropriate $2 billion more than was requested by the administration?

If we believe in fiscal discipline, we should act like it, and we simply can't afford to spend this much more money.

I would also, again, talk about the earmark process. It seems to me that if we have a transparent process, or we require Members to actually put their names next to earmarks and to indicate the entity that the earmark goes to, that that ought to mean something, that we should be able to do something with that information.

Last summer, during the appropriation process, I offered I believe it was 39 earmark amendments, and I got beat on every one of them. I was beat like a rented mule. I never got more than, I think, 90 votes, and most times under 50 for those that we called a roll call on. It was because of the process of log rolling. I'll vote against your earmark or amendment if you'll vote against the others. And so it goes.

But we never had the luxury of actually knowing whose earmark that was. Sometimes, when the earmark was questioned on the floor, the author of the earmark would come to the floor and defend it. Sometimes they wouldn't. Sometimes we'd have the debate. We'd have a vote, roll call vote even, and we still had no idea who requested that earmark or what entity it really went to, because the language was very vague in the bill or the committee report.

Now we actually have that information. We would have a different dynamic. If you came to the floor and said, I'm going to strike funding for this amendment, or, I'm sorry, for this earmark, because it goes to a project that is duplicative, it's wasteful, and besides, it goes to a project that maybe this Member is a little too close to, maybe that Member is getting campaign contributions that are linked to that earmark. Those are things that you can find out if you actually have the information.

That information now sits at the Appropriations Committee. More than 30,000 request letters sit there right now, and we have no access to them, nor will we. We'll only have access to those few who are approved by a very few Members. And then we have the luxury of actually writing a letter and asking about the project and having the Member supposedly respond.

But then to what effect? We can take no vote on it. It's all an academic exercise because we'll have one vote, up or down, on the bill and no ability to strip the earmark. So this process is simply wrong.

It's been said that the majority is backsliding on commitments made on earmarks. We've seen that, unfortunately. I was pleased to see the reforms that happened in January. I have said more than once I think there were more effective reforms, more comprehensive than we did as the majority party last year.

The problem is your rules are only as good as your willingness to enforce them or use them, and that's where we've fallen down. That's where we're not only backsliding, but I would submit we're actually cutting and running the other direction. And unfortunately, a process in which you have some transparency but no accountability is an unacceptable process.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 28 years ago I first took to this floor as a newly elected Member of Congress from the State of California. At that time we were spending more than we were taking in.

At that time I was one of those who joined others, oftentimes, in voting against appropriation bills because we were not taking seriously enough the direction of the people that we represented to, yes, spend money where necessary, but get our financial house in order.

During those first 10 years I served in this House, many times I was on the short end of spending votes. I recall during the 8 years of Ronald Reagan supporting him oftentimes on vetoes. And we managed to bring some of the spending down that was presented to him on occasion, but we still didn't do a good enough job.

I left this House for 16 years, and when I returned, I thought maybe we would see another day. Well, I was doubly disappointed because my party, then being in power, was not doing that which I thought was necessary, again, to bring our financial house in order.

And as much as I worked hard to ensure that my party would retain the majority status in both Houses, the people spoke otherwise. And I thought maybe this would give us an opportunity to finally get our fiscal house in order, because I had watched as we had dropped the banner of fiscal responsibility. I had watched, during the election, my friends on the other side of the aisle picking it up and suggesting that if they were put in charge, they would do what we had promised to do in the past.

And alas, I thought that we had some suggestion that that might be the case as the majority party took over and, in adopting the rules, took the rules that we had on some reform of earmarks and actually built upon them, suggesting to all of us and to the public at large that we would, in fact, be more transparent; that we would, in fact, be more accountable; that we would, in fact, have greater responsibility for all Members individually, and in this body, collectively.

And then I look at the very first bill that is presented here for this fiscal year from the Appropriations Committee, and I must register deep disappointment. In the first instance, this is an important bill, the appropriations for Homeland Security. There is probably no other appropriation bill that is more worthy of consideration, except perhaps the DOD, because, fundamentally, we are responsible for providing the security of the people who send us here.

And yet, while the people tell us that is what they want us to do, they also suggest that we need to get our fiscal house in order.

So how do we balance that? It seems to me we have to be honest with ourselves. If we get rid of all waste, fraud and abuse, we still won't get our fiscal house in order.

We have to have the courage to look at important bills such as this bill and say, are we spending wisely? Is every dollar spent here necessary? Do we need to have a 13.6 increase over nonemergency appropriations from the previous fiscal year?

And I would suggest that unless we look carefully at bills such as these, which are the most important bills that we have before us, we will never do the people's work appropriately.

And I'd just ask, how is it that we say we are going to be more faithful to our commitment to the people, to give them a sense of responsibility, when we are told that we won't know what earmarks there are when we vote on the bill because they won't be there then, but they will somehow be dropped in in the conference report? I don't understand how that increases transparency.

Now, I was just a lowly English major, and so I'm burdened by looking at the dictionary. And transparency means that you see better; that you see through things; that it is more obvious to you, not obscured. And for the life of me, I can't understand, if I'm denied the list of appropriations that are going to be put into that bill at the time I'm voting for it, how that fits the simple dictionary definition of transparency. Perhaps I can be aided by the other side to explain this to me, because I cannot understand it.

The CHAIRMAN. The gentleman's time has expired.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask unanimous consent for 1 additional minute.

Mr. FILNER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

And I'm sorry some thought that after we spent 120 days getting to a single bill on spending for our troops, and

after we spent Monday voting on important things such as changing the U.S. Code to recommend that people fly their flag on Father's Day, that someone thinks allowing me to speak an extra minute is somehow offensive. I'm sorry that that is the kind of courtesy that is missing on this floor.

I thank the gentleman for yielding. And I would just like to conclude by saying this. If we truly want to get our house in order, Democrats and Republicans alike, we have to understand that it is when we're dealing precisely with those things that are most important that we find the courage to make sure that every dollar is spent wisely so that we can then move on to things such as waste, fraud and abuse. But unless we have the guts to do this, we're never going to get our fiscal house in order.

I rise in support of the gentleman's amendment. I support the idea of funding the Department of Homeland Security appropriately, but question whether a 13.6 percent increase over nonemergency appropriations in the previous fiscal year shows either that we have exercised that proper authority with respect to spending, and whether or not we have been discreet enough in our decisions.

And I thank the gentleman for yielding.

Mr. ROGERS of Kentucky. Reclaiming my time, and I would like to ask the gentleman a question, or ask his comment.

At the end of the bill, in the general provisions, I'll be offering an amendment to cut, across the board, 5.7 percent of the entire bill, across the board.

□ 1845

Even with that so-called ''cut'' in the increase, it will still be a 7.1 percent increase over current spending, taking the budget request that came to us from OMB.

Would the gentleman feel compelled to support that type of an approach?

Mr. DANIEL E. LUNGREN of California. I would feel compelled to support that type of approach.

And, Mr. Chairman, if the gentleman is criticized at that time for having a cut through his amendment, I would suggest that those of us who want to lose weight should follow that kind of argument. Because we could say, instead of gaining 50 pounds, we only gained 30 pounds, and, therefore, we managed to lose weight.

Mr. ROGERS of Kentucky. Well, at the end of the bill, Mr. Chairman, I can't do it now and I would like to have done it at the outset of the debate, under our rules, it can only be offered at the end of the discussion. But at the end of the bill I will be asking Members of this body to reduce the increase for homeland security from its 16 percent level to 7.1 percent, which is the President's request; and, number two, thereby avoiding a veto.

I desperately want this body to pass a responsible funding level for the Department of Homeland Security and not have it vetoed. There is a veto threat there. If you want to prolong this agony over the bill, we need to pass a responsible funding level for the Department, which I think the President's proposal is responsible and even generous. But this Department, like all other departments in the government, is still subject to fiscal responsibility.

I am for a strong homeland defense, like all the rest of you, and for a number of years I chaired this subcommittee and I think we have done a good job of holding spending in line. But this increase is not needed. It is wasteful and it must be controlled. And the overall cutting amendment that I will offer at the end of the debate will be the responsible way to do it. And I would hope the gentleman and all of his colleagues in the body would support that when the time comes

Mr. DANIEL E. LUNGREN of California. If the gentleman would yield, I will be proud to vote for your amendment to have a 7.1 percent increase, which, as I understand, is more than double the rate of inflation over the previous year.

Mr. ROGERS of Kentucky. The gentleman is correct.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Colorado for offering this amendment, and I want to thank him for his leadership in this body, particularly on matters of fiscal responsibility. And I know his district is proud to have him as their Representative.

Mr. Chairman, this is a very serious matter that we discuss this evening. Like many Members of Congress, I commute. I work in Washington, but I live back in my district. And I have two small children that happen to be visiting this particular week, and I think about threats to my children and I know the threat of radical Islam. It is one of the most serious threats that they face. So I take the debate on this bill on homeland security very seriously.

But, Mr. Chairman, I see other threats to my children's future and my Nation's future. And another threat I see is a Federal budget that has grown beyond the ability of the family budget to pay for it. And, Mr. Chairman, I am afraid if I look at a bill that calls for roughly a 14 percent increase from one year to the next, almost twice the level of what the President requested, I question what this is going to do to the future of my children and the future of my country.

Because don't take my word for it, Mr. Chairman; look again at what the Congressional Budget Office has told us, the Office of Management and Budget, the Secretary of Treasury, the Federal Reserve, both conservative and liberal think tanks. They have told us that the present spending patterns that we have, if we don't begin to change the way we spend the people's money, if we don't reform out-of-control entitlement spending, the next generation will face one of two perils. Either, number one, we will actually see their taxes doubled, just to sustain this rate of growth in spending, their taxes will be doubled; otherwise, we will have a Federal Government that consists of little more than Medicaid and Medicare and Social Security.

I mean, Mr. Chairman, that is what is almost ironic about this debate; that as we talk about plussing up this account by 14 percent, if we don't change the way we spend the people's money, there won't even be a Department of Homeland Security for the next generation. So, again, what we are doing here in this bill is, we are kicking the can down the road, I fear.

And as I look at how money is spent, it reminds me, it is not always how much money you spend. It is how you spend the money. And I don't know if it is the President's fault, Democrats' fault, Republicans' fault, everyone's fault, nobody's fault. But when I see the Department of Homeland Security money somehow ending up helping fund lawn mower races, as the gentleman from Arizona brought to our attention, fund puppet shows, how is that a critical mission within the Department of Homeland Security? That is beyond me. That is beyond me.

So I think we have to look very carefully at how the money is spent. And I am afraid that throwing this much money at this situation is just going to exacerbate this kind of spending.

Now, in my home district, I am very happy when every volunteer fire department in every small community in my district gets a new pumper truck. I am happy to announce that. I wonder, though, with the challenges we face for the next generation if it is really mission critical.

And I am very concerned, as the gentleman from Arizona has spoken, as many others have risen on the floor today, about what is happening in the earmark process. Again, it is not so much always how much money you spend; it is how you spend the people's money.

So the new majority that promised us earmark reform is now telling us that they are going to do something completely opposite. They are going to take away the ability for Members, Members who are on the floor today, with the exception of one, I suppose, to offer amendments to strike these earmarks to get at spending perhaps like the lawn mower races. This is moving in the complete opposite direction of what the majority promised when they took office.

The American people will not stand idly by.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was just back in the cloakroom getting a little bit of the news of the outside world. And the outside world is focusing on what we are doing here.

There was a long segment on Fox News about the issue that we are discussing here today. And they actually did a fairly good job of characterizing what is happening here. They talked about the fact that, as a result of a lot of discussion about the plans by the majority to take away our opportunities to have transparency in the earmark process, one person is going to be making those decisions as to whether or not the earmarks are right. We are not going to be able to vote on them.

They said, I think very correctly, that that is not what the American people were promised last year. And one of them, not known as a flaming conservative, I have to say, said what the American people wanted was maximum scrutiny and maximum sunshine on the process.

And I again want to bring some quotes to our discussion to remind people of some of the things that were promised. The Speaker of the House said last December, ''We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve.''

Well, I don't think the American people deserve what they are being given by the majority party. I call it the ''house of hypocrisy'' and an ''attitude of arrogance.'' The attitude of arrogance is so pervasive on the other side that it has become something that even the press is talking about. We don't normally get that kind of coverage on what is happening here in the kind of detail that they are coming out with, and I think it is good for the American people.

Another quote by the majority leader: ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night . . . We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on.''

Earlier this evening the chairman of the Appropriations Committee accused us of simply wanting to slow down the process by our bringing up amendments and raising the issues about what this bill does. And yet his own leader says, ''Democracy works if people know what's going on.''

But the majority party wants to keep the people from knowing what's going on. They have an attitude of arrogance. They know best. The people don't know best. Our side of the aisle doesn't know best. Only one or two people know best in here.

Some other Members, some of the freshman Members actually, who were elected last year on the basis of openness in government and reform in government, the gentleman from New York: ''Mr. Chairman, we have a responsibility to the American people to spend their hard-earned tax dollars in a fiscally responsible way.''

Some of my colleagues have just outlined the deficit problem that we have and how pretty soon almost all the Federal dollars are going to be spent on Medicare, Social Security, and Medicaid, with nothing left. We are spending ourselves into a terrible deficit situation.

Another freshman, this time from Florida: ''Congress will not reestablish its credibility and trust with the American people until accountability and oversight is established in Washington.'' A grammatical error there, but that is the quote.

That is what the American people want. That is what they were promised last fall. They are not getting it.

Ms. GIFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intended to offer a clarifying amendment to the underlying bill. As currently constituted, funding is appropriated for Customs and Border Patrol to construct, renovate, equip, and maintain buildings and facilities necessary for enforcing our immigration laws.

My amendment would have added the word ''structures'' in addition to facilities and buildings. This minor change would have made it clear that the Customs and Border Patrol can focus on the physical infrastructure needs of our border security apparatus with the funds appropriated by this bill.

Securing our borders, as we know, requires a multifaceted approach. We need to do more than just maintain facilities and buildings. We need to build fences. We need to deploy sensors, and we need to take advantage of all the advanced technology and equipment that is being developed right now.

Currently, the Tucson sector that I represent has more apprehensions than all other sections of the border combined. Every single day our Border Patrol apprehends, on average, about 2,000 individuals and over 2,500 pounds of drugs.

□ 1900

This is the most porous part of the U.S.-Mexico border.

While most illegal immigrants come here to look for work and opportunities, approximately 10 percent are involved in criminal activities. So, border security must be strengthened, and all options for accomplishing this must be on the table.

Nationally, the Border Patrol arrests about 1 million illegal immigrants annually, seizes about a million pounds of marijuana and 15 to 20 tons of cocaine. Smugglers' methods, routes and modes of transportation are potential vulnerabilities that can be exploited by terrorists attempting to bring weapons into our Nation. The Border Patrol must be allowed to deploy and sustain an appropriate mix of personnel, equipment, technology and border infrastructure in order to protect our Nation.

As Congress moves forward in this process, I urge my colleagues to allow the Customs and Border Patrol to take the necessary steps in order to secure our border and to secure our citizens. This would expand the opportunity for Customs and Border Patrol to secure our Nation and protect our communities.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the amendment from my colleague from Colorado. I think it is important that we remind those participating in this debate what that amendment would do. That amendment would strike a grand total of $300,000 from the public affairs budget of the Department of Homeland Security. It would hold the Department's public affairs budget to the same figure that they are living with this year. I would suggest that that is not a shocking proposal. It is one that I am happy to support, and one that I think illustrates the kind of thing we can do in this Congress on this floor to demonstrate to the American people that we get it, that we understand that as a Nation we are overspending. We are spending not our money, we aren't even spending our children's money; we are spending our grandchildren's money. And they, the American people, have told us they do not want us to do that. They want us to stop that practice. They want Republicans to stop that practice, they want Democrats to stop that practice, they want conservatives to stop that practice, they want liberals to stop that practice. They want us to live within our means and to be reasonable.

The ranking member of this committee has spoken earlier today that the bill increases spending by 13.6 percent. I want to ask, how many Americans, how many people in this room, how many Members of Congress, how many of your children who have gotten a job this year will get a 13.6 percent raise this year? I suggest virtually no one can answer that question and say they will get that kind of staggering raise.

Instead, the ranking member has proposed a reasonable solution which is, in fact, quite frankly, generous in and of itself, and that is a 7.2 percent increase. Not exactly a tiny, not exactly a squeaky cheap amount; a pretty darn generous raise, a generous raise that probably any American would take. And yet, that is not enough.

I also rise to express my objections to the earmarking practices that are being condoned and that are proposed to be implemented in this body.

The reality is that earmarking has its defenders and can, in fact, do some good. The reality is that earmarking is also susceptible of outrageous abuse and can lead to scandals. Many of the scandals in this body which were talked about by the minority in the last election are scandals that relate to earmarks. And yet, in the face of promises that we would have more sunshine, in the face of promises that the American people would get to see where their money is being spent, that they can hear about it, that it could be challenged and debated on this floor, that it could be vetted and viewed, I happen to believe in sunshine. I came out of the Arizona Attorney General's Office, and we had the most open sunshine laws in the Nation because we believed sunshine would bring cleanliness, sunshine would allow people to see what government was doing. And here we propose to hide that. We propose to hide tens of thousands, I guess the chairman of the committee says 36,000 earmarks are going to be air-dropped into the legislation at the end of this process. That is simply unacceptable to me, and it ought to be unacceptable to the American people.

The gentlelady just spoke of the importance of securing the Arizona border, and I believe that is extremely important. But let's talk about one provision of this bill that simply not only makes no sense, it is hypocritical, and it will clearly violate the U.S. Constitution.

In this bill we say point blank we are appropriating $1 billion for new high-tech security. And I certainly agree with my colleague from Arizona that every dime of that $1 billion for high-tech security on our border is needed. If we are to secure that border, we need that money. But this legislation says, we appropriate $1 billion, but then $700 million, almost three-fourths of $1 billion, is reserved and cannot be appropriated until a committee in the Congress says so. That is unconstitutional.

Mr. PENCE. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Lamborn amendment, Mr. Chairman, for many of the reasons that have been expressed more eloquently by my colleagues, including the gentleman from Arizona.

It does strike me that at a time of an $8.8 trillion national debt, that we should be able to ask the Department of Homeland Security to get by on last year's public affairs budget, which is really all the Lamborn amendment does, by my way of thinking, is it asks the Department of Homeland Security to stay at the $6 million level for a public affairs budget as opposed to moving to a $6.3 million.

As my friend from Arizona just expressed, this legislation overall will allow for a 13.6 percent increase in a single year. And as other amendments have illuminated, much of those increases are simply going for the same kind of bureaucracy that we will argue over in every other aspect of government.

But I go back to my previous point, Mr. Chairman. I thought for sure when we created the Department of Homeland Security that it would be different. And I have to say, that is probably a naive thought. We excluded it from many of the public employee protections. We gave the President of the United States greater flexibility because we said, you know, very much like the military, the Department of Homeland Security will have a special and unique mission. It would not just be another Cabinet agency that we would be feeding from the trough here on Capitol Hill in the appropriations process every year. But here we are. Here we are with a Democrat majority that is opposed to even our willingness, with the outstanding leadership of the ranking member, to let this Department get by a 7 percent increase next year as opposed to 13.6.

I also would renew my objection expressed in much of the procedure that is happening on the floor today and well into tonight, and perhaps well into the rest of the week; that is, it is astonishing to me that a Democratic Congress is against democracy when it comes to providing for accountability in the spending process in the United States Congress. I mean, to simply say that there are tens of thousands of specific so-called earmark projects that have been requested of the committee that are in some filing cabinet here in the Capitol Building, but that were not able to be added to this bill in a timely fashion so that the democratic process and the accountability of this open rule could serve as that antiseptic that it is supposed to function is quite beyond me.

It is quite beyond me that the Democrat majority would think that the American people would be willing, having clamored loudly in the last election for fundamental reform in the way we spend the people's money, fundamental earmark reform, with the infamous ''bridge to nowhere,'' would now allow and stand idly by while the Democrat majority brings about earmark reform that says we will only bring earmarks when they can no longer be removed from bills. We will presumably make them public during the month of August so people can look at them, but we will give Members of Congress absolutely no power to challenge those earmarks in the legislative process. That seems to me to be a breathtaking step backwards from the earmark reform that the American people demanded in 2006.

And so I renew my support for the Lamborn amendment, Mr. Chairman, but I also renew my objection to the fact that we are seeing appropriations bills, starting today, coming to the floor with, shall we say, room to grow, room to add earmarks at a time in the legislative process when they cannot be challenged, and therefore, the interests of the American people and the accountability they demand cannot be served in the ordinary legislative process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 21 by Mr. CROWLEY of New York.

Amendment by Mr. CAMPBELL of California.

Amendment by Mr. REICHERT of Washington.

Amendment by Mr. KING of Iowa.

Amendment No. 32 by Mr. LAMBORN of Colorado.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. CROWLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 174, not voting 19, as follows:

[Roll No. 453]

AYES—244

Abercrombie	Berkley	Braley (IA)
Ackerman	Berman	Brown, Corrine
Allen	Biggert	Buchanan
Andrews	Bilbray	Burgess
Baca	Bishop (NY)	Capps
Baird	Blumenauer	Capuano
Baldwin	Boren	Carnahan
Barrow	Boustany	Carson
Bean	Boyd (FL)	Castor
Becerra	Brady (PA)	Chabot

Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Fattah
Feeney
Ferguson
Filner
Forbes
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McDermott
McGovern
McHugh
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Poe
Porter
Price (GA)
Pryce (OH)
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Space
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—174

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Christensen
Coble
Cole (OK)
Cooper
Courtney
Cramer
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
DeLauro
Dingell
Dreier
Duncan
Ehlers
Emerson
Etheridge
Everett
Fallin
Farr
Flake
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gillmor
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas
Mack
Manzullo
Marchant
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Snyder
Souder
Spratt
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Udall (NM)
Visclosky
Walberg
Walden (OR)
Wamp
Welch (VT)
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—19

Arcuri
Bordallo
Conaway
Costa
Davis, Jo Ann
Deal (GA)
Doyle
Edwards
Faleomavaega
Goode
Gutierrez
Hastert
Kuhl (NY)
Lewis (GA)
Linder
Miller (FL)
Platts
Sessions
Westmoreland

□ 1935

Messrs. LARSON of Connecticut, SPRATT, CUELLAR, BOSWELL, and ROHRABACHER changed their vote from ''aye'' to ''no.''

Messrs. INSLEE, GINGREY, CRENSHAW, PASTOR and BILBRAY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COSTA. Mr. Chairman, on rollcall No. 453, had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 15, as follows:

[Roll No. 454]

AYES—201

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

NOES—221

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)

Frelinghuysen
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Arcuri
Bilirakis
Conaway
Davis, Jo Ann
Deal (GA)
Doyle
Edwards
Faleomavaega
Gutierrez
Hastert
Kuhl (NY)
Lewis (GA)
Rangel
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1942

Mr. BARROW changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 205, not voting 14, as follows:

[Roll No. 455]

AYES—218

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

NOES—205

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

NOT VOTING—14

Arcuri
Conaway
Doyle
Edwards
Faleomavaega
Franks (AZ)
Gutierrez
Hastert
Hobson
Issa
Kuhl (NY)
Lewis (GA)
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are exactly 2 minutes remaining.

□ 1949

Mrs. BACHMANN and Mr. LARSEN of Washington changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 379, noes 45, not voting 13, as follows:

[Roll No. 456]

AYES—379

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

NOES—45

Baird
Boucher
Brady (PA)
Carson
Christensen
Clarke
Cohen
Dingell
Engel
Fattah
Grijalva
Hinchey
Holden
Hoyer
Jackson (IL)
Kanjorski
Kucinich
Larsen (WA)
Lee
Mahoney (FL)
Markey
Marshall
Matsui
McCaul (TX)
McNerney
McNulty
Meehan
Mollohan
Murphy (CT)
Murtha
Nadler
Pascrell
Payne
Ryan (OH)
Sherman
Skelton
Slaughter
Stark
Sutton
Thompson (CA)
Waters
Weiner
Welch (VT)
Wilson (OH)
Woolsey

NOT VOTING—13

Arcuri
Conaway
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Hastert
Kuhl (NY)
LaTourette
Lewis (GA)
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1956

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MR. LAMBORN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 41, not voting 15, as follows:

[Roll No. 457]

AYES—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack

Maloney (NY)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—41

Baird
Boucher
Brady (PA)
Clarke
Costello
Dingell
Engel
Farr
Fattah
Grijalva
Hinchey
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Kanjorski
Kucinich
Larsen (WA)
Lee
Mahoney (FL)
Markey
Marshall
Matsui
McNerney
McNulty
Mollohan
Murphy (CT)
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sestak
Sherman
Skelton
Slaughter
Stark
Sutton
Thompson (CA)
Towns
Waters
Weiner
Woolsey

NOT VOTING—15

Arcuri
Conaway
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Hastert
Kuhl (NY)
Lewis (CA)
Lewis (GA)
Oberstar
Sali
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 2002

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Ms. FOXX:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $1,241,000)''.

Ms. FOXX. Mr. Chairman, this amendment would reduce the Office of General Counsel in the Office of the Secretary and Executive Management account to the FY 2007 level representing a $1.241 million reduction from $14 million to $12,759,000. The bill's current funding level for this office represents a 10 percent increase over FY 2007, enacted.

There has been at least $105.5 billion in Federal spending over 5 years authorized by the House Democrat leadership this year. The current Federal debt is $8.8 trillion, roughly $29,000 for every U.S. citizen.

This is growing by over $1 billion a day. We know that because every day we walk down the halls of these buildings here, and we see the signs that the Blue Dogs have put out, which remind us what the current Federal debt is and how much it is for every single U.S. citizen.

Spending on the programs, Medicare, Medicaid and Social Security, is out of control, and within a generation will force either significant cutbacks in services and benefits or massive tax increases. We know that is already happening because the Democratic majority has already recommended the largest tax increase in the history of this country through their budget they adopted earlier this year.

The Congressional Budget Office and the Government Accountability Office have been warning Congress that the growth in direct spending, for instance, spending that is on autopilot and outside the annual spending process, is occurring at an unsustainable rate due to well-known demographic trends and other factors. That spending, subject to the annual spending process, has also grown exponentially and must be brought under control.

This amendment is one step of many necessary steps enforcing fiscal discipline and sanity upon the Federal Government and out-of-control Federal deficit spending. We must restore fiscal discipline and find both commonsense and innovative new ways to do more with less. The Federal budget must not grow faster than American families' ability to pay for it.

We have been hearing a lot here tonight about fiscal responsibility and spending, taxes and deficits. There was a lot of talk about these things during the last election. I think there is a lot of confusion and misinformation out there right now, and I want to take a few minutes to give people a heads-up on what's going on.

This debate and all this talk need some context and some simple facts. Speaker PELOSI said on September 12, 2006, ''Democrats are committed to ending years of irresponsible budget policies that have produced historic deficits. Instead of piling trillions of dollars of debt onto our children and grandchildren, we will restore pay-as-you-go budget discipline.''

If you want to know exactly what's not going to happen to the Federal budget under this Congress, listen to that statement. PAYGO will not touch a cent of the trillions of dollars with which we have saddled our children and grandchildren. Furthermore, new spending will be proposed and taxes raised to pay for it.

That's what we are seeing here, and that's what this debate is all about. The plan is to spend more than ever, repeal tax relief and allow the trillions of dollars of unfunded liabilities to go on unreformed, all under the veneer of fiscal responsibility called PAYGO.

I am down here now because I want people to know this, and to know what it means. I want to put this debate in context.

This bill and the others we will debate in the coming weeks mean that the Federal Government is going to cost you more. You are going to pay more than you ever have before in taxes. I think we need to talk about that.

People can deny it and spin it any way they want, but the cost of the Federal Government is going to increase under the current fiscal plan. This is in spite of the fact that Americans already pay a staggering amount of money, but Democrats want more. They always do and they always will, even though the average American worked about 125.6 days in 2005 to pay for Federal, State and local spending.

Guess where the largest part of it went. To the politicians right here in Washington. In 2005, the average American worked about 83 days to pay for Federal spending. Guess what, it's not enough. These numbers are set to increase as far as the eye can see.

Now, let's just put Federal spending into context.

The CHAIRMAN. The gentlewoman's time has expired.

Ms. FOXX. Mr. Chairman, I ask unanimous consent, since the House was not in order, for another minute.

The CHAIRMAN. The gentlewoman will have another minute, but the Chair will, for the edification of all Members, point out that the very able timekeepers do stop the clock when Members are interrupted.

Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Let's just put Federal spending into context. Do you know that the United States Federal Government is on track to spend more money

next year than Germany's entire economy in 2005? Germany is and has been the third largest economy in the world.

There are only two countries in the world with entire economies larger than the U.S. Government budget, the United States itself and Japan. Do you know that next fiscal year, the fiscal year we are considering now, the U.S. Government is on track to spend $700 billion more, $700 billion more. That's more than the entire Chinese economy in 2005.

We are on a spending spree that needs to stop. It's called a tax-and-spend policy. That's the model. It hasn't changed.

So I urge my colleagues to vote ''yes'' on this amendment and make a very small dent in this unsustainable fiscal policy.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to accept the amendment, but I want to make clear that we are doing it in the spirit that we accepted earlier amendments. That is, if no one on the other side of the aisle is willing and able to defend the Bush administration and their budget request and their departmental operations, then it's not clear to us why we should take that on. We have had a steady stream of invective tonight, a lot of ideology, a lot of bureaucratic bashing, and not very much attention to the specifics of this very carefully drawn budget.

Now, you wouldn't have known it from the last presentation, but let me tell you what this amendment does. The amendment cuts the funding for the general counsel in the Department $1.2 million below President Bush's request. Now, it's not about earmarks. It's not about the history of the parties and their ideologies. It's about cutting $1.2 billion below President Bush's request for the general counsel in the Department of Homeland Security.

Now, Members can make their own decision about whether that's wise. But as for us, we don't intend to oppose the amendment.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to clarify again that the gentleman from North Carolina just said that this amendment proposed by Ms. FOXX cuts $1.24 million from the President's request.

It is true that, in fact, it proposes to spend less on the Office of General Counsel, which is the attorneys, than what the President has proposed. But that does not make it a cut. Because what it proposes to do is leave the spending for the Office of General Counsel, for the attorneys, in the Office of the Secretary and Executive Management at exactly the same level they had last year.

I really have a hard time understanding how it is always a cut when it is less of an increase than you want it to be, or than somebody wants it to be, in this case, I suppose, than the President wants it to be. But we are not looking at this as Republican spending or Democratic spending, we are looking at it as spending.

The reason, I am not sure that it's been made quite as clear as perhaps it ought to be, that in the Democrats' budget that you all passed a month or so ago, where you moved towards a balanced budget, and I take you at your word that it's your intention to, at some point, get to a balanced budget, but you did it by enacting, proposing, I guess it's the second largest tax increase in American history, which means that as you increase spending on things, you intend to then balance the budget by increasing taxes.

That is clearly what you are going to do. That is what your budget does, and you have made it very clear through your PAYGO provisions what you intend to do. When you increase spending, going to balance the budget will increase taxes.

So with this amendment and with every other amendment we are looking at, we are saying here that we are not going to increase spending in the Office of General Counsel by $1.2 million. That is $1.2 million of additional spending that will not occur if this amendment passes.

But that means it is $1.2 million of taxes that you all won't raise if this amendment passes. Now that works on this amendment, it works on various other amendments that will be coming up through the evening. So it's more than just an academic exercise about whether or not a certain department's budget should be increased.

□ 2015

It, in fact, affects, Mr. Chairman, people at home today now watching this. Is this $1.2 million that you want to see your taxes increase to spend? I think not. I think most of the people on this side believe not; and that is really what we're talking about, because if you say, as you did in your budget, that you will increase whatever taxes you need to to get to a balanced budget, then this $1.2 million is $1.2 million of money that you will take out of Americans' pockets that you're not taking now.

And it's really more than that, because if this were to go in, then next year there's a new base, and it's a higher base, and if you increase it another 10 percent beyond that, then it's another $1.22 million; and if you increase it again, it's another $1.44 million. And it goes on and on, and so that over a 5-year period this $1.2 million magically turns into about $6 million or so of people's money that gets spent, and which you will propose, undoubtedly, to increase taxes to cover so that you can balance the budget.

We can balance this budget, and we can balance it without taking any more money out of Americans' pockets. And we can balance it by passing amendments like this and simply asking government to live with the money they have now. This is not a cut, just live with the money you have now.

Can't this General Counsel's Office, can't these attorneys operate for another year on the same amount of money that they got last year? I think they can.

Mr. DAVID DAVIS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentlelady from North Carolina for offering this amendment. Any time we can save $1.2 million, I think we ought to do it.

We have Americans sitting across our great fruited plain tonight listening to this debate. They've just gotten up from their dinner tables, trying to make decisions on how they can balance their own budgets.

When we first came to Congress, I'm a new Member of Congress. I came out of the Tennessee Legislature. When we came here, we talked about open government and transparency, and we're going to be the most honest government in Congress ever; also talked about gas prices are going to be brought down rather than go up. Those are just some of the things that were promised.

Well, American families are sitting around their dinner tables tonight trying to decide how they're going to balance their own budget, and they're looking to us here in the Congress to make sure that we don't put an extra burden on them by raising their taxes and raising these appropriation requests.

I came to the Congress out of the Tennessee Legislature, as I said, and I was known for open government and transparency. That's one of the ways I was able to win my election. And that's exactly what people want in this Congress. They want a Congress that they can feel good about, that we're going to be honest with them and we're going to spend their tax dollars wisely.

Ronald Reagan once said, we don't have a $1 trillion debt because we don't tax enough. We have a $1 trillion debt because we spend too much. And anything we can do to help control those tax dollars and that spending is exactly what we need to do.

We need that transparency and that accountability as we move forward, and we don't need secret slush funds. We don't need to come in after we pass bills, later on, and then drop in pieces of legislation called earmarks. That was another promise that was made during the last elections, that those would be open and transparent. We don't need to drop those in later, where the American people don't have an understanding.

They understand they've got to make their house payments. They understand they've got to fill up their vehicles and their cars with this gas that was going to have lower gasoline prices. They understand that. But they certainly need to understand, as well, what we're voting on. We need to be open and accountable.

It's interesting to me, just looking back at some of the things that were said by the Democrat leadership. Back on September 14 of 2006, the Speaker of this House said, this is a place where we really need to throw up the shades and pull back the curtains. We have to have the fullest possible disclosure. It has to be on earmarks and appropriations and authorizations and on taxation, and it has to be across the board with no escape hatches.

Well, I stand in support of this amendment, so we can make sure that we throw up the shades and make sure that we're held accountable.

I'd like, again, to thank the gentlelady from North Carolina for her leadership on this amendment.

And with that, I'd like to yield my time to the gentlelady from North Carolina.

Ms. FOXX. Mr. Chairman, I want to say that I thank my colleagues for coming and supporting my amendment tonight. I thank them for the points that they are bringing up.

The gentleman from Tennessee is doing an excellent job in his first year here in the Congress.

I also want to thank my colleague from California who made a really excellent point that is something that needs to be made over and over again. When we try to cut back additional spending, it is always a cut, not raising money. Not raising spending is a cut to Democrats. And I think that's a point that needs to be made over and over again. Not increasing spending is a cut. That's not the way the general public sees it.

I also want to point out the fact that we are working very hard to bring us to the point where we could have a balanced budget.

Americans do have to live with a balanced budget. Individual Americans have to. They have to live with the money they have now. But Congress doesn't do that. And this Congress particularly is looking for every way it possibly can to spend additional money and to tax the American public, which is certainly taxed enough.

This seems like, to the majority party, that this, again, is a cut. But Everett Dirksen, one of my heroes, said, a million here and million there, and pretty soon you're talking about real money. That was during the time when they were not billions.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do appreciate your patience as some of us exercise our frustration and try and make a point or two. And I want to commend the gentlelady from Virginia for offering this amendment to cut $1.241 million from the Office of General Counsel and the Office of the Secretary and Executive Management account from the fiscal year 2008 level that's being proposed here.

It would still be an increase, but there's two areas that I want to highlight with my frustration, and one is, with an overall level of antagonism and kind of vitriolic partisanship that's occurring here, and I think a lot of it's a frustration or results from our frustration.

For example, in the last year or so, as our friends in the now majority, then minority, were bringing up and talking about how we were spending so much and that we were out of control, and I've got to tell you, I voted against some of our appropriation bills because I thought that they were too high.

The interesting part is when people in my district would come up, having bought into this rhetoric, I said, but you don't understand that we're fighting with them every day to keep it as low as it is. I said, if they're in charge, just wait.

Well, here we are with the first bill, and it's a 13.6 percent increase over last year's appropriation. And we had a speaker up here earlier that talked about building that base. You increase it 13.6, and then next year, when you increase it 13.6, just the exponential increases in the budget.

When you look at those that we passed last year, we are barely above the inflation rate in these discretionary accounts, but yet we were criticized by the now majority for being too ''spendy.''

So I see the irony, and most of it was, you know, we tried to tell people last year that this is just their campaign nasty rhetoric. But it seems odd to me that just their first bill they're going to increase it so dramatically.

Now, I'll tell you another area of my frustration was coupled with the criticism from the now majority last year about earmarks and the process. And we passed a bill last year that altered the process for earmarks, and it was one that I thought was very appropriate because it dealt with earmarks by spreading sunshine on the process. And I really believe that sunshine is always the best disinfectant. So we adopted a process that embraces sunshine. What it means is that somebody had to have ownership for an earmark request, and that the earmark request had to go through what we would deem regular order, which means you submit it to the appropriations subcommittee staff, then I would go and testify in front of that subcommittee on my earmark; we could have give and take and an intellectual conversation about that, and it would be then voted upon by that subcommittee, which would then raise up to the committee level where that earmark or that Member request would then be reviewed again.

The most important part of the process is when you get it out of the appropriations arena and bring it to the House floor where everyone can then see it and determine whether or not there should be an amendment to strike that particular provision from the appropriation bill. This is when everyone then gets to be part of the process of making sure that it's a valid, well, whatever is determined to be valid, but whether it's not, you know, a rainforest in Iowa City or some type of pet project like that.

I remember last year we voted probably almost on every appropriation bill at least a dozen amendments to strip out these type of really pet projects that just really didn't mean much for the Nation, but certainly may have meant something for a neighborhood. Now, most of those failed, although I voted in favor of most of them.

Mr. NEUGEBAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentlewoman's amendment. You know, I think sometimes we get a little crass around here and we think, oh, it's just $1 million, it's just $1.2 million. But the people back in the 19th District of Texas still think that $1.2 million is a lot of money. In fact, it's their hard-earned money that we're debating on the floor of this House tonight. I think sometimes we forget that.

One of the things that I am very proud of is the fact that our economy has been growing at a very strong rate for the last few years. We found a novel idea about leaving more of the American taxpayers' money in their pocket, and what happened? The economy started getting better, more jobs.

More people today, Mr. Chairman, own a home than any other time in the history of this country. More people working today than any other time in the history of this country. And why is that? Because we're creating jobs. And who are creating those jobs? Businessmen all over this country.

And one of the things that concerns me about this budget process that we've gone down, and it's been alluded to tonight, is really what we're talking about tonight is tax increases, because we know that this budget is going to be financed with more taxes.

□ 2030

And, quite honestly, the people in the 19th District of Texas believe they are paying enough taxes. In fact, they believe that Congress doesn't have an income problem. It has a spending problem. And it is one that they are looking to our leadership to begin to solve. As was alluded to a while ago, you cannot spend your way out of a deficit.

One of the things that concerns me most about this budget process is, we are also going to be asked to vote on things we can't see right now, but we are going to trust somebody. In other words, what we are going to do is, we are going to be asked to vote on these appropriation bills, and then in August the chairman of the Appropriations Committee is going to tell us what we voted on.

You know what? The people in the 19th District of Texas voted to send RANDY NEUGEBAUER to the United States Congress to review legislation, review appropriations, determine whether they think that that is in their best interest, and vote on it. And they kind of think that it would be a good idea, before I voted on something, that I knew what was in that piece of legislation. But yet we are going to have appropriation bills where we are going to vote on those, and then earmarks are going to be airdropped into those bills and mysteriously are going to be revealed to all of us.

Can you imagine being in your home district and the paper calls you up and says, ''I see what you voted on.'' And you say, ''I'm sorry. I haven't read the paper this morning. I haven't seen what I have voted on,'' because the earmarks were not disclosed in the bills that we are considering. Now, I don't know about in your home district, but in my home district that doesn't make a lot of sense.

What we need is transparency here. We have a lot of very smart people in Congress, and while the chairman may believe he is a very smart person, and he may be, I don't know, but I believe that I know more about the 19th District and some of the priorities in that community than the chairman of the Appropriations Committee. And the people in the 19th District are relying on RANDY NEUGEBAUER to make sure that that interest is represented here.

Now, one of the things that we have to begin to do is to do what we said we were going to do. And this group, when they got the leadership, they ran on a platform of we are going to be more transparent, that people are going to get to see all of the spending bill at one time, that they are not going to be in pieces and parts, and there are not going to be deals cut in conference; that when these spending bills are brought to the floor of the House of Representatives, we are going to know what is in those bills. And that should be the way it is.

But now, as we get into this process, we find out that, no, that is not the way it is going to be; that we have a new rule, and the new rule is that we will let you know when it is time for you to know.

Well, you know what? The people in America think that the time for a United States Congressman to know what is in a bill is not after he has voted or she has voted on that bill, but while and before they voted on that bill.

We said we were going to come down and bring these bills onto the floor. We were going to look at them, peruse them, that we were going to have time to look at them. And we have not kept that promise, and that is a shame. It is a shame that the American taxpayers are getting rooked with this appropriation process.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been here in this Chamber for a long time, and I was here in the minority back in the early 1980s when my colleagues over there were running this place. They ran this place for 40 years. For 40 years they ran this place, and they ran the budget right into the ground and raised taxes and spent more money.

But they became reformed, like some ladies of the evening are reformed. And they changed their spots and said, we have got to do something about spending in the Congress because the Republicans took over for 12 years, and they didn't like the way we ran this place. They said we were spending too much money, and they went on a tirade time after time, saying that they needed to be back in power because they were going to be fiscally responsible, and they were going to control spending, and they were going to do everything they did not do for 40 years when they had control.

I used to walk past my colleagues' offices when we were in charge, and they had big signs out in front of their offices: Today the national debt went up this much and today spending went up this much, and it is all because of the Republicans, they were implying.

Well, they got control back and what has happened? They have authorized $105.5 billion in new spending over the next 5 years. And they complain because we want to cut $1.241 million out of this bill. Just $1.241 million, not billions but a million. And you don't like that. And we are keeping the spending at last year's level.

My colleagues on this side of the aisle do not want to vote for a balanced budget amendment. They will tell you they want to balance the budget. But when a balanced budget amendment comes to the floor, they almost all vote against it because they know where their power lies, and that is in spending and taxes, spending and taxes; and that is what they are going to do.

The tax cuts that President Bush and this Congress, back in the early part of the Bush administration, put in place, they want those tax cuts to expire. And in Indiana alone, that means that most of the people in my State will have a $2,200 per person tax increase because the tax cuts expire. They want those to expire. They want to spend more money like they are doing right now. They want to extend spending over the next 5 years by $105 billion. And yet they are the fiscally responsible people in this body.

I would just like to say to my colleagues and anybody else who is paying attention that they really ought to look at history. They really ought to look at what the Democrats said before they took power, and then they ought to look very seriously at what they are doing right now. They want more taxes. They want more spending. They want more control. And that is exactly what they did the 40 years they had control before the Republicans took office and the Bush administration.

There is no question that when we were in charge, we spent too much money. But compared to them, we are pikers. And the American people are going to find out once again how much these people spend and what big spenders they are and what big taxers they are. It is going to happen.

Hopefully, the American people will get the message and put the right people back in charge.

Mr. TIBERI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentlewoman from North Carolina's amendment, and I too will echo the words of the gentleman from Indiana that it is disappointing to see what we are doing here tonight; when the American people spoke loud and clear last November for transparency, for more openness in government, and what we have is less transparency and less openness in government.

I think you will see tonight and tomorrow a series of amendments that will try to strike that balance that the American people spoke so loudly about in November.

Tax and spend is back. Today is just the beginning. I believe what we will see in the next 11 appropriation bills is a lot more spending that the American people are going to be very surprised about.

With that, Mr. Chairman, I would like to yield to the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, I appreciate my colleague from Ohio's yielding to me, and I appreciate the comments that he made.

I want to also echo how much I appreciate our colleague from Indiana, who has been in the House for several years and came through a time when the Democrats were in the majority. And as he points out, they were in the majority for 40 years, and they did spend this country almost into a situation where we could not get ourselves out of it. And I appreciate his bringing that up again. We need to do it over and over and over again, reminding the American people what they did.

I, frankly, thought that when they took the majority this time that they would act differently as they had promised in the election. But we now have

what we know is a house of hypocrisy because they promised a lot to the American people and they have not fulfilled those promises.

I have been particularly disappointed in the Blue Dogs. As somebody has said, there are these charts all over our office buildings, and they tell us over and over and over that the current Federal debt is $8.8 trillion, roughly $29,000 for every United States citizen, and growing by $1 billion a day. But where are those Blue Dogs when we need them? Where are they, calling for fiscal restraint? They are going right along with their leadership, going ahead and increasing the deficit every day and doing all that they can to increase the deficit. I would like to know where they are and why they aren't being responsible, as they promised they would be.

And I want to give us another quote to tie into what my colleagues have been saying. This is from Speaker PELOSI in a floor speech she made on January 7: ''After years of historic deficits, this new Congress will commit itself to a higher standard: pay as you go, no new deficit spending. Our new America will provide unlimited opportunity for future generations, not burden them with mountains of debt.''

And yet, as has been pointed out over and over and over again, there has been at least $105.5 billion in new Federal spending over 5 years that has been authorized by the House Democrat leadership this year. That doesn't sound to me like we are committed to a higher standard of ''pay as you go, no new deficit spending.''

I am also concerned about what this is doing to the American public and how cynical it is making the people. They can't count on the Democrats to do what they said they were going to do.

We have also heard tonight that we are trying to slow down the process, and I checked about that in terms of what happened last year on this bill. It took 2 full legislative days to debate this bill last year during this process, and the Democrats offered over 70 amendments to that bill. I find it really ironic that the chairman of the Appropriations Committee now says to us, as the Republicans, that we are trying to slow down the process when we are exercising our responsibility as American citizens to try to slow down this incredible spending that the Democrats want to do, increase the deficit, increase taxes. They are saying to us, you are trying to slow down the process.

They wanted this week to do four complete appropriations bills. They frittered away their time for 3 months, blamed it on the minority, saying they are not in control of what is going on here.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight to talk a little bit about what we as Members of the House owe the American public, what the people who elect this House deserve and expect.

The first thing they deserve and expect is honest conversation. They deserve fiscal responsibility. They deserve openness and transparency. They deserve fairness from us.

Now, the bill in front of us, the appropriation bill in front of us tonight, spends about $4.3 billion more than the same type of bill last year. That is almost a 14 percent increase. If you look at where the increase is, about $4 billion is in first responder grants. Now, that would seem on the surface of it to be adequate and fair. That is something that the American people might like. The first responders do expect and deserve good treatment.

But when we understand from the past appropriation processes that there is almost $5 billion left in this fund for first responders to draw from that they have not yet taken out from past appropriations and we go ahead and add $4 billion on top of it now, it causes the American public to say, Why? What is it that we are getting?

The American public will stand for things that seem right and seem justified, but in order to get the $4 billion to put into this fund, our friends on the other side of the aisle are increasing taxes, the second largest tax increase in American history.

Now, how is that important?

□ 2045

I will tell you that the Governor of New Mexico said it best: Lowering taxes creates jobs. The corollary of that is also true; raising taxes depresses jobs. Raising taxes stagnates the economy. It does away with the vitality that any country is looking for.

So, when Ireland wanted to improve its economic state, it began to lower taxes. When it lowered taxes on internal corporations, they had a surge of growth. But when they lowered taxes on external corporations, companies began to move to Ireland and create a grand, booming economy and new jobs in Ireland, and for the first time in the Irish history they have moved their economy tremendously forward because they cut taxes.

Now, what we are doing in order to create the $4 billion in just this one appropriations bill is to raise taxes. We are going to stagnate the American economy. We have created an about 7.7 million jobs in the past 2 or 3 years. It has been an excellent economy, one that started off in a recession, the recession that started at the end of the Clinton years, and that recession then moved forward. And 9/11 shocked us into the recession again; the Global Crossing scandal, the Enron scandal, the WorldCom scandal that shocked us into recession even further. But the Bush administration and this Congress passed two successive tax cuts which began to revitalize the economy, and that revitalization is now at risk because of the way that the Democrats in this Congress are willing to put $4 billion into this one fund that has a surplus of over $5 billion in it.

Now, the lady from North Carolina is taking a small attack on this whole increase. She's saying, quite simply, let's just don't pay the attorneys $1.2 million that they received. A $1.2 million increase is not needed for attorneys. The people in this country need good-paying jobs, they need a good economy, they need a sound economy and a good government, and that good government is being denied in the guise of providing another $4 billion into a fund that still has a surplus of over $5 billion to it.

So, tonight I would recommend that we all look carefully at the lady from North Carolina's amendment, and that we support it as the first increment of many in reducing the cost of this particular bill.

The deficit spending for the government doesn't occur one large lump at a time, it occurs one small piece at a time. And the lady from North Carolina has adequately stated, let's just not do it. Let's level fund. Let's fund at the same amount that we gave last year.

That is a reasonable thing for the American people to want to see. The American people deserve and expect this fiscal responsibility, for us to spend the money as if it were our own because they are trusting us with it. They put us in a position of stewardship over that money, and yet here we are throwing the money into a fund that is not being spent adequately yet. And in order to get more money to put in there, we are raising taxes.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Well, we are right back doing what we said we were going to do because we think it's important. We are talking about cutting back the level of administrative costs that we had last year. And you know, for a whole year, almost 2 years, the now majority, then minority, told us what a lousy job the Department of Homeland Security was doing, and in some ways I agreed with them. Well, I don't give raises to people who do lousy jobs. I don't think that's the way you ought to do it. I don't think you just automatically get a raise in this world, that your department should automatically give an increase if you're not doing the job. And in some areas I think a message needs to be sent that you hold the line and do the job we paid you to do, and you will be doing what we want you to do, and then we will talk about what your needs are for the future.

But I think the present, going back to the 2007 budget numbers, is the proper thing to do. I support the

gentlelady's amendment. It is about telling the American people that we are ready to tighten the belt and show fiscal responsibility. We are not willing to push spending levels so high, as this process is doing in the Democratic plan, to where, once again, if you look at their budget, and it has been talked about tonight over and over, if you look at it, it is an inevitable road to a massive tax increase, which, quite frankly, as my friend from New Mexico was saying, is not good for the United States.

So, once again, let's let the sunshine in. As the sun rises over the mountain, let it shine on this appropriation bill. And let this appropriation bill be open to all in the United States. And how do we do that? Well, one thing we've got to do is we've got to talk with the chairman; he has got to be convinced to put some light on the process of earmarks.

And I want to make something very clear, Mr. Chairman, nobody on this side of the aisle is fighting for their earmark. We are asking clearly, whatever the process may be, we want to be able to see it so we can do something about it. The American people told us, do something about earmarks. We wrote a law that would work, the Democrats agreed, and now all of a sudden the whole process is behind closed doors. And somebody, and I am not sure exactly yet who, will be behind those doors to make the decisions of how Member-initiated projects will be funded.

This debate is not about Member-initiated projects. The debate is about letting us see, while we still have a chance to do something about it, and don't airdrop this into committee where it can't be done. I don't think this is hard to figure out. I think this is an easy process, and that is a process that the chairman can work with us on and come up with a solution for.

It is important, Mr. Chairman, that we have sunshine upon the earmark process. And if we get that, I think we will have what the American people asked us for in the last election. It is very critical.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

You know, I tried listening to this debate and coming to a conclusion that we were discussing something important. But here's my feelings: If I was a highly paid Republican consultant, although that's redundant, but if that's what I was, I would say to you guys you are making a terrible mistake; somebody misinformed you on what bill this is. This is not the Labor-H bill, where you would go after labor unions, which you always do, where you would not care about funding programs for education, which you always do, where you would leave children behind for a long, long time.

I could understand if you did it there. If this was the VA–HUD bill, I could understand all these desires to cut because, what the heck, you send people to war, and then you don't want to fund the Veterans Hospital Administration. I understand that. You don't want to do housing. I understand that. If this was any other bill, I would understand the strategy. But this is the bill that every right-winged radio talk show host says you're the best on, homeland security, protecting the homeland, making sure that there is never another terrorist attack. And this gentleman from North Carolina (Mr. PRICE) gives you a well-thought-out bill that takes care of the needs for protecting the homeland, and you spend the last X amount of hours trying to tear it apart because we are spending too much time, and it is driving up the deficit.

Now, I don't know how many people were around when I spoke the last time, and I reminded you that there is a deficit; a deficit created by going into a war that was built on lies and bad information; a deficit created by refusing to bring the troops home now, or soon, like we had suggested, but keeping this war going and spending a lot more money; a deficit created by reducing the taxes of the richest people in the country, while squabbling over giving the little guy a minimum-wage increase.

So, all I want to tell you today, as a friendly person and kind, gentle-hearted person that I am, is that someone has given you some bad information. This is not any of those other bills that you are known for bashing. This is not the one that will leave children behind. This is the one that is supposed to be the hallmark of your existence as a party. This is national security. This is protecting the homeland. How could you cut this bill?

But you know something? Mr. PRICE is right. If you are not going to protect your administration's programs, then we are certainly not going to waste a lot of time over here trying to debate you on it. So, go ahead and destroy protecting the Homeland Security Department. Go ahead and turn your back on securing the motherland. Go ahead and do it all. We will just stand here and wait it out. It may take days, but there's where you're heading.

POINT OF ORDER

Mr. MCHENRY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MCHENRY. Mr. Chairman, I make a point of order that the rules of the House state that all discussions must be directed towards the Chair.

The CHAIRMAN. That is true.

Mr. MCHENRY. And Members should be reminded that discussions of debate on the floor should abide by decorum and direct their comments to the Chair.

The CHAIRMAN. The gentleman's point of order is correct. Many Members today have failed to live up to that rule. Members should be reminded that remarks are to be directed to the Chair.

Mr. MCHENRY. I thank the Chair.

Mr. MCCOTTER. Mr. Chairman, I move to strike the last word.

I greatly appreciate the compassionate concern of the previous speaker for the well-being of the Grand Old Party. It seems that compassionate conservatism these days is far more contagious than many expected and even I would have hoped. I will also tell you that prolonged exposure to the speeches of Ronald Reagan will quickly cure you of that.

I would also like to point out to the gentleman, through the Chair, that he points out the rich Republican lobbyists that this town is so awash in. Well, I have good news for him and bad news for the rich Republican lobbyists that are more highly paid these days than the Democrats, as they are now in the majority, which is why you will see so many foreign cars driving around with Kerry-Edwards bumper stickers on them in our Nation's Capital, if not in the Motor City where the UAW might find them.

I was told that we are antilabor. As the grandson and son of union members, whose voting record was better on CAFTA than 13 Members of the new majority, I take umbrage at that statement. As the son of schoolteachers, who has a good voting record on education matters, I take umbrage at that. And in terms of voting to send our troops to war and then not voting to fund our veterans, I would point out that in the new majority there are those who voted to send our troops to war and then voted not to fund our soldiers. So let us be careful with our accusations and how we impugn one's motivations.

Interestingly, we are not content with the war overseas, and now we see a case where we are going to engage in class warfare over here at home at a very time when we should be united.

It is these types of situations that, when I try to explain government and what I do to my wife and I's 10-year-old daughter Amelia, that I spend a lot of time scratching my head, which would explain my balding pate, because I find this place very frustrating.

To the gentleman, I know the majority has tried very hard to work on this bill, and it has been called a ''delicate, well-thought-out document.'' If that were the case, how can $1.2 billion be accepted in such a facile fashion at the drop of a hat to simply pacify a minority and to get them to stop addressing this bill? $1.2 million remains a lot of money. And it would be, I would hope, wrong of people to perceive that $1.2 million could either be taken from or put into a bill simply for reasons of convenience and operations of the floor of the United States House of Representatives.

But these are the problems that tend to come with governing, as my own party found out. We got to sit in power for 12 years, some of us for far less than that, and we watched and we watched and we watched as the spending and the debt continued to mount and our Nation's taxpayers and families and our party was no longer entrusted by the American people to govern. But I remember at the time I would point out that a lot of those appropriation bills that so many people decried throughout that election were vastly bipartisan exercises in governance, and that there were many votes on this side of the aisle for the excessive spending, and many votes on the other side of the aisle for excessive spending.

□ 2100

The rub then came when the majority party at the time, our Republican Party, was accused of spending too much on too many things and for deficit spending.

Today we flash forward, and what do we find? We find a situation where we have just recently passed a budget. I didn't vote for it. None of my Republican colleagues voted for it. But it was duly passed.

What did that budget do? That budget promised billions in new spending in reserve accounts. Billions in new spending. What else did it promise? What else did it promise? It promised the largest tax increase in American history to pay for it.

Now, today, as we go through this appropriation process, we see that some of the promises they are attempting to keep in the new majority. That would be the billions and billions in new spending. Does one not believe that they are going to do everything they can to go through and have the largest tax increase in American history to pay for it, or, in the alternative, they will continue to see the deficit and the debt mount?

Mrs. BACHMANN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentlewoman from North Carolina for her wonderful amendment this evening.

Mr. Chairman, I am new to this body, and one thing I found is that in Minnesota, we have a little bit different definition of ''transparency.''

''Transparency'' in Minnesota means an individual stands on one side of a divide, and they can look through to see something on the other. Here in the case of this bill, you have the taxpayer and you have Members of Congress trying to look through a divide, and what they see on the other side is a very interesting definition of ''transparency.''

Mr. Chairman, the first thing that they see is a slush fund for earmarks. And this is something I don't quite understand; the Democrat majority, they are leaving lump sums of money without a specified purpose in legislation being considered by this House and then later authorizing those funds for earmarks in a closed-door conference committee. It is just a real interesting definition of transparency, because the Democrats have created now, Mr. Chairman, a slush fund for earmarks which will be funded by the largest tax increase in American history. This is just so interesting to me, this new definition of ''transparency.''

Also a part of this definition is that earmarks will no longer be allowed to be challenged here on this House floor because under the Democrats' rules, Members will be prohibited from challenging individual earmarks in bills on the floor or debating their merit as long as there is a list of earmarks in the bill.

But what is interesting, Mr. Chairman, is that it won't matter if this list is flat-out wrong, if it is incomplete, or whether the earmark which is one that a Member would like to debate is missing from the list. It is just a real interesting definition of ''transparency.''

The ''truth in labeling'' that we are seeing in this bill is also interesting, Mr. Chairman, because earmark-laden bills can now be certified as earmark-free. Real interesting. I guess it depends on what the meaning of ''free'' is.

Democrats will be allowing their bills to be certified by the majority as earmark-free even if they contain earmarks. So as long as you take a magic wand, Mr. Chairman, and wave it over the bill, you can just say, ''Voila, it is now earmark-free.'' It is kind of like having fat-free french fries. It is something we would all love to have, but it just isn't possible. As long as any bill is certified by Chairman OBEY as earmark-free, then, under the House rules, it is earmark-free.

This rule was exploited earlier in February, Mr. Chairman, by the House Democrats when they passed their continuing resolution that contained hundreds of millions of dollars in taxpayer-funded, hidden earmarks, kind of like those fat-free french fries.

The largest tax increase in history, Mr. Chairman, is in the budget that was passed by the House Democrats, and that will likely be the story. Even though the majority likes to claim otherwise, they will raise taxes by at least $217 billion, Mr. Chairman, in all likelihood most likely $392 billion, and will raise marginal rates, except for the 10 percent rate, and capital gains rates and dividend rates and prevent a full repeal of the death tax, items the American public have indicated they are not for.

Speaker of the House PELOSI had said earlier that the budget should be ''a statement of our National values.'' Well, not only is this budget, Mr. Chairman, the largest in American history, it will sanction the largest tax increase in history upon more American families, because people in Minnesota, Mr. Chairman, my home State, will be paying an average of more than $3,000 a year more to this town, Washington, D.C. Again, a very interesting definition of ''transparency.''

The budget is going to trigger more tax hikes, and it will greatly increase domestic spending. It will increase nondefense appropriations by $23 billion above what we spent in 2007. That is in addition, Mr. Chairman, to the $6 billion that the Democrats have already added to the omnibus bill and more than $20 billion in the war supplemental.

The American people, Mr. Chairman, are very concerned as well about the unlimited emergency spending, because the Democrat budget is going to abandon the emergency set-aside that was established in last year's budget resolution and change what Congress can call an emergency, unlimited exemption, exempting the Senate spending bill from any limits.

This is really, Mr. Chairman, putting the next election above the next generation, something that none of us should want to do. The Democrats in this bill, unfortunately, have ignored the warnings of the entitlement crisis. Let's not forget, we have heard from the Comptroller General David Walker.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. BACHMANN was allowed to proceed for 1 additional minute.)

Mrs. BACHMANN. Mr. Chairman, the Democrat majority has once again ignored the dozens of experts, including Chairman Greenspan, including the Federal Reserve Chairman Ben Bernanke, and also the Comptroller David Walker, who have pleaded with us, pleaded, Mr. Chairman, with the Congress and given us repeated warnings about the unsustainable rate of entitlement spending.

This is our upcoming economic tsunami, Mr. Chairman. Their budget has turned a blind eye to the impending crisis that is coming upon this next generation. Who among us can look in the eyes of the next generation, knowing what we know of the bill that will be handed to them for the party that we are all having today? Unfunded net liabilities. And yet we can stand here and do nothing to address the concerns and put off any major reform for at least 5 years?

Now is the time, Mr. Chairman, to have true transparency, and I am sad to say that this bill does none of that.

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of our colleagues on the Democratic side of the aisle, and I have been listening to this debate for the last 5 hours, have lamented our efforts to highlight objections to not only this bill, but also the underlying process by which all of the

appropriations bills, 11, and then 12 later on, will be brought to the House floor this year.

I believe it is crucial that we take this opportunity to register our strong opposition to the process, while I rise in support of the gentlewoman from North Carolina's amendment to cut $1.2 billion out of this homeland security appropriations bill, and that is not a small chunk of change. But it is a process which we believe is neither fair nor open nor in the best interests of the American taxpayer.

Late last year the new majority in this House assured the American public that it would bring transparency and openness to the appropriations process and specifically to this practice which we and the general public very well know now, as they campaigned on this issue last fall, the practice of earmarking.

At a minimum we believe that this commitment, and I think the American people believe as well, or they wouldn't have gained the majority, that it would equal that of the Republican majority in the last Congress, that the sponsors of earmarks would be identified in the bills themselves, whether they were authorizing bills, appropriations bills, indeed even in narrowly drawn tax bills, so that Members could debate and challenge those earmarks if they were found to be egregious on the House floor. Apparently the Democratic majority has very different definitions of ''transparency'' and ''openness'' than we do and than the American people do that elected them to this new majority.

The respected chairman of the Appropriations Committee, the gentleman from Wisconsin, how long has he been in this body, 39 years? I think he is going on his 20th term. He has been a former member of and chairman of the Appropriations Committee. He is one of the most respected Members, one of the most knowledgeable Members. He clearly knows what he is doing in regard to not putting these earmarks in the appropriations bill, which he knew would be coming to this floor under an open rule so that we could have a free, a fair, an open debate.

We would accept some earmarks. They are not all bad. Certainly they are not all bad. But the ones that are egregious, that we should have an opportunity to debate on both sides of the aisle and strike.

Now, the chairman has said, well, you know, we are going to go ahead after we finish all these bills, these 11 bills, we are going to publish all of the earmarks that we are considering airdropping in the conference report. They are going to have transparency. They are going to see the light of day, because we are going to put them in the CONGRESSIONAL RECORD 2 months from now, in August.

But that does not give the Members of this body on either side of the aisle an opportunity. Yes, you can see them, and maybe it will remove the opportunity for the Senate to use a point of order to strike some of these amendments that have been airdropped because all of a sudden they have been published in the CONGRESSIONAL RECORD. That is not the same as having the opportunity, Mr. Chairman, on the floor to debate and to vote up or down some of these egregious earmarks.

Now, what I want to suggest in my time remaining, I want to suggest to the chairman of the Appropriations Committee, why don't you simply then in August bring a bill?

The CHAIRMAN. As the Chair held in response to the gentleman from North Carolina previously, Members must address the Chair and not other Members. In the same vein, the Chair must correct the gentleman from Georgia.

Mr. GINGREY. I thank the Chairman.

Mr. Chairman, what I would suggest is that very easily a package of these earmarks, I don't know how many are going to be put in the final conference report; if there are 30,000 earmarks, maybe 15,000 of them in the aggregate in these 11 bills will be published in the CONGRESSIONAL RECORD and then eventually airdropped in the conference report.

Well, it seems to me, Mr. Chairman, that a bill or resolution through the Appropriations Committee could come to the floor of this House under an open rule, and let us at that point take each one of those earmarks, maybe specified for each of the 11 appropriations bills, and then have our opportunity to vote up or down.

I have been listening to the debate, again, like I said, for a couple or 3 or 4 hours, and nobody has made that suggestion. So I want to try to improve the process, Mr. Chairman, and I want to make that suggestion to the Democratic leadership and to the chairman of the Appropriations Committee. It is not too late to do the right thing. We feel like you have done the wrong thing and shut the process down. It is not what the people want, but it is not too late to see the error.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GINGREY was allowed to proceed for 1 additional minute.)

Mr. GINGREY. Mr. Chairman, again, the comments that these are dilatory amendments, the subcommittee chairman from North Carolina saying, well, you want to strike a little bit of change here and there, and you are just trying to slow the process down. In some cases, yes. In some cases, like the amendment that we are discussing right now, the gentlewoman from North Carolina, the gentleman from Washington Mr. REICHERT, who is a ranking member on the subcommittee, these are not dilatory amendments. These are important policy amendments.

But we are outraged by the policy. And to take my time and make the suggestion of what you can do to correct this, I hope you will take that to heart. I hope the chairman, Mr. Chairman, will take that to heart and give us an opportunity, if not now, at least in August, to vote on these earmarks. That is exactly what you promised the American people, and you need to deliver on that promise.

The CHAIRMAN. The Chair wishes to remind Members, as the gentleman from North Carolina pointed out, that remarks are to be addressed to the Chair.

The Chair will admonish Members not to direct remarks to other Members, to the Democratic leadership, or anyone other than the Chair. It is not that the Chair wants all of the attention, but the gentleman from North Carolina has insisted on the rules, and the Committee will abide by them.

□ 2115

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I appreciate the opportunity to weigh in on this issue, and I commend the gentlewoman from North Carolina for presenting this issue.

The hour is getting late, but I think it is extremely helpful and extremely clarifying for those watching to appreciate that there is a distinction between the different folks rising this evening and drawing attention to the amount of spending.

The gentleman who is presenting this bill said in all sincerity that this bill wasn't about earmarks and it wasn't about ideology. Well, Mr. Chairman, I would beg to differ. It is all about ideology, and it certainly has a lot to do with earmarks.

The ideology we talk about being present in this bill and every other appropriations bill that I have seen that has been filed so far is that there is one side that believes that spending ought to increase to a fare-thee-well. And there is the other side which believes there ought to be responsibility to that spending.

We have already seen the majority party, so far this year, increase authorization for spending by over 50 billion new dollars. We have already seen the new majority adopt a budget which has, depending on who you talk to, the largest tax increase, or the second largest tax increase, in the history of our Nation. That tax increase is to pay for the spending.

So, yes, Mr. Chairman, it is all about ideology. It is also about earmarks because what we have been presented is a new policy by the majority party that allows for a slush fund, a slush fund for earmarks in virtually any appropriations bill that comes to the floor.

So I commend my colleague from Georgia who spoke just before me and

offered a solution, an opportunity to bring greater sunshine and greater light to those earmarks. I think that was a well-thought-out proposal.

I suspect there are people watching and saying, what is it that we desire? Why is it that we are drawing attention to what we believe to be an egregious rule? Well, Mr. Chairman, I would suggest what we desire is a decrease in irresponsible spending. It is that irresponsible spending that is causing tax bills for Americans to mount up to unacceptable levels. And, consequently, we believe the slush fund for earmarks ought to be done with, ought to go away. The American people ought to know who is spending their hard-earned tax money, and they ought to be able to hold those folks accountable.

I would suggest, Mr. Chairman, that the solution to the dilemma in which we currently find ourselves is to have the chairman of Appropriations or somebody in leadership on the majority side say, we won't do that, we won't bring about any earmarks in a conference committee that aren't agreed to by each and every Member of the House individually. Individually, that's what we proposed. In fact, that is what we enacted in our own bill, in our own rules last session.

Mr. Chairman, there is a solution to this. There is an opportunity for us to move onward and make it so the American people are able to have their say, to have each and every one of their Representatives have their say about the kind of spending that is going on here in Washington.

And it is not just our side. If you take the words of the Members of the new majority from the not-too-distant past, after the recent election, when the the majority leader said, ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night, and the public and other Members can see what is being done.'' That is a quote.

Here is another quote. ''Words will not do it. I have a good relationship with Representative ROY BLUNT. I have a good relationship with Representative JOHN BOEHNER. We'll work together. We'll include them in decision-making.

''To the extent that we create an atmosphere of mutual respect, the American people will feel more comfortable with Congress.''

Mr. Chairman, I suspect you know what I know, and that is that the recent data on the respect with which the American people hold this Congress and this majority is at an all-time low. And I would suggest, Mr. Chairman, that one of the reasons that it is at an all-time low is because of the kind of policies that are being put into place by this majority that make it so that light cannot shine on the amount of spending that is being done in this Congress.

I urge adoption of the amendment. I urge a change to the earmark policy.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

First, I want to thank the gentlelady from North Carolina for her amendment. And I want to say, Mr. Chairman, I am very disappointed by some comments I have heard from the other side of the aisle that somehow this is not a worthy debate. I believe one of my colleagues said, I thought I would come to the floor and find us debating something important.

How we spend the people's money, how much money we take from hardworking Americans is a very important matter. How much of the bread we take off of the table of that hardworking teacher in Malakoff, Texas, is a very important matter. How much money we take from the fireman, the fireman in Crandall, Texas, who is working to ensure our safety, and how much of the bread we take off of his table is a very important matter, Mr. Chairman. And not just how much money, but once we take that money, how we spend that money.

We know that the people, the people, decry how the practice of earmarks has been practiced in this House. And I wished when the Republicans were in the majority we would have done a better job. I was often disappointed. I, myself, don't request earmarks, although I know there are many that are worthy.

But at least when this party was in the majority, they woke up and heard the voices of people and said, we need reform. We need accountability. We need transparency. And Members were given that ability to focus sunlight, sunshine, on those earmarks, and they were allowed a process by which to strike them from the bill.

Now I read a number of quotes from our new Democrat majority leadership. The Speaker said, ''I would just as soon do away with them,'' referring to earmarks. She said shortly after becoming Speaker, ''We have placed a moratorium on earmarks until a new reform process is in place to ensure the integrity of every earmark that is funded.'' A new reform process.

So now we discover, Mr. Chairman, that the new reform process is to take it out of the sunshine, hide it in the darkness, take away Members' ability to strike it from the bill, and give that, albeit apparently, to one individual who apparently is all knowing, all seeing, and all powerful when it comes to these earmarks.

I do not believe, Mr. Chairman, that the American people will sit idly by for this practice. Already the Third Estate is letting the people know what is going on. I don't want to personalize the debate, but let me paraphrase from the Wisconsin State Journal. I won't talk about individual Members, but I will talk about the majority.

The Wisconsin State Journal: The Democrats are, and I paraphrase, ''now dodging the very reforms they helped to generate.'' This will ''prevent the public and most lawmakers from questioning earmarks until it is too late.'' Wisconsin State Journal, June 7.

The Cleveland Plain Dealer, ''Five months after,'' and again I paraphrase, the Democrat majority, ''took control, the promises remain unfulfilled.'' And what we have, ''That's a secretive process, and its final product gets a 'yes' or 'no' vote in each Chamber. This means earmarks will sail through before the press or even most Members of Congress can examine or challenge them.'' The Cleveland Plain Dealer of June 10.

The Mobile, Alabama, Press Register. ''Democrats work ATM,'' automatic teller machine. ''But now that they control the ATM, the Democrats are finding all sorts of excuses to keep the earmark dispenser open for business. Democrats are reneging on their vows of fiscal responsibility just a few months after they won their chance to load the ATM.'' The Mobile Press Register, June 8.

And the list goes on and on and on.

Mr. Chairman, there ought to be a message loud and clear from the last election. The people want to reform earmarks. This bill, this Democrat majority, this process, takes us in the exact opposite direction, and it is one more reason we need to support the gentlewoman's amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think at this time of night, it is good to remind those who might have been watching or listening why we are here. First, this bill is $2 billion over the President's request. So it is spending that we simply cannot justify moving forward with.

The second reason we are here debating and still on, I think, the first paragraph of the bill is that the majority has decided to keep earmarks secret until this bill passes and until we get to the conference report when it will be too late to amend or to strike or to challenge those individual earmarks. That is why we are here.

The distinguished chairman of the Appropriations Committee has said that if this process does not go well, we may just have to get rid of earmarks completely. That would be wonderful. I would gladly sit down for the rest of the appropriations season if we were to do that.

But if we are not going to get rid of earmarks completely, at least we should have a process that even the majority party has said that we need, one that has transparency, one where we actually know what is in the bills, one that has both transparency and accountability.

If you have transparency, if you have Members' names next to earmarks and

an indication what entity that earmark is to support, that is a good thing. That is an element of transparency, and it is a good thing that the Democrats put that in their reform bill in January. It was a good move, and I think all of us applaud them for it.

But what good is transparency if you don't have accountability with it? What good is it to know which name is next to an earmark if that request letter is just buried over at the Appropriations Committee? And none of us have seen them; there are some 30,000 earmark request letters sitting over in the Appropriations Committee.

The distinguished chairman said last year that we simply had gotten out of control with earmarks and there is no way, with the staff that we have, to police these earmarks. He was right. He was right. If you don't believe him, you can ask a couple of the Members who are in prison today. We simply haven't policed that process very well.

I would submit it is beyond reason that the Appropriations Committee and its staff can alone police 30,000-some earmark requests. It is simply impossible. So why not release those letters and let the other Members see them? Some 30,000, if you do the math, that amounts to 73 earmarks or so per Member. You can't expect the Appropriations Committee to police those earmarks. It is beyond them.

I think they make a valiant attempt, and that is great, but it is simply beyond reason that you can police that many earmarks. So release them. Let others see them. Let outside groups and others help in that regard instead of keeping those earmark requests secret, and keeping earmarks out of the bills until those bills pass and then drop them in at a time when it is too late to challenge them.

If you want transparency, that's great. Let's have it. Let's also have accountability. That is what we want with this process, and that is why we are here tonight. That is why we are only on the first paragraph of this very large bill.

I would suspect until we reach an agreement that either we will have no earmarks, which would be the best in my view, until we reach that kind of agreement; or we will proceed under a different fashion, we will say we are going to have real accountability, real transparency,

I think we are going to have this same kind of activity.

□ 2130

Because I think that this institution deserves better. Certainly the taxpayers deserve better than the process that they have been given over the past several years.

So I'm pleased that the gentlewoman has offered this amendment. I do support it. There will be many more amendments, I believe, tonight. I plan to offer others myself.

Mr. MCHENRY. Mr. Chairman, I move to strike the requisite number of words.

We've had a long discussion tonight about my colleague from North Carolina's amendment. I certainly thank her for offering it. I think we've had a healthy debate about the size and scope of government.

I think what the American people understand, Mr. Chairman, is that we should have this debate on the House floor. Mr. Chairman, our colleagues should have this grand debate about whether or not to increase the size and scope of government, even in areas of grave national importance. This is a serious debate. This is a very serious debate, and I think the American people should be proud of the kind of debate we're having today on the House floor.

As a conservative, I can see that there's waste, fraud and abuse in all areas of government, even in the Department of Homeland Security. I think we should be wise with how we spend the taxpayer dollar, even in the Department of Homeland Security.

Even if this President requested tons more money, billions more money, as a conservative I would say, no, Mr. President, we don't need those billions of dollars in new spending. And I must tell you, as a conservative I've been outspoken, trying to hold this President accountable when it comes to spending.

Yet my Democrat colleagues, Mr. Chairman, would say the President requested money, more money for the Department of Homeland Security. I think that was valid in this time of war, in this time of great national security issues.

The President requested more money for intelligence spending; yet this Democrat majority in this House, Mr. Chairman, said no to the President's increase when it came to intelligence spending. Instead, Mr. Chairman, the majority decided to spend intelligence money on this debate about climate change, about global warming. I'm not exactly sure, Mr. Chairman, what this majority was thinking when they allocated intelligence resources, intelligence money to the debate on global warming, but they did. They said that was just.

When the President requested more money for homeland security, a $3 billion increase over last year's funds, the Democrats said that is not enough, and they went $2 billion over that. Mr. Chairman, even in Washington, D.C., $2 billion is a lot of money.

We know that the Department of Homeland Security's well funded, and what we're having a debate on here today, tonight, Mr. Chairman, is whether or not we should lard up the Department of Homeland Security with more bureaucrats at the top level; not people that are screening the airports at the lowest level, not people who are out gathering intelligence at the lowest level, but they're larding it up for the Secretary's budget, for the management's budget. They're not allocating money to get it out on the streets. They're allocating money for more bureaucrats here in Washington, D.C. And as a conservative, even if it's a Republican in the White House and a Republican administration, I will say no to that. We don't need more bureaucrats here in Washington, D.C.

We need more agents out on the streets tracking terrorists. We need more intelligence capabilities out in the streets, catching the bad guy, finding out what they're doing, how they're plotting and planning against us. That's the debate we should have here on this House floor, Mr. Chairman. That's the debate the American people want and deserve.

Mr. Chairman, this is an important debate about how we're going to allocate our homeland security dollars. Should we put it with more bureaucrats sitting in an office in Washington, D.C., or should we spend that money in a better way, to make sure when you go to the airport you have an airport screener, somebody to get you through that line effectively, people that are well-trained to track the bad guys through our intelligence capabilities, that actually have good plans in place if, God forbid, heaven forbid, we have another attack? We don't need more money for bureaucrats in Washington. We need more funding to get the bad guys.

Mr. Chairman, we have a serious debate here tonight, and I think this has been a very worthy debate of this House. My friends and colleague, Mr. Chairman, have all stated their opinions tonight, and I think there's a good consensus from the American people, good consensus from the American people that we need to cut spending to a greater degree.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the 110th Congress now under Democrat leadership, we're 6 months into this Congress now. If you think about it, that's one-quarter of the way toward the completion of this term. The American public at home should be thinking, what has this new Democrat leadership wrought in many different areas?

What has it wrought? The largest tax increase in U.S. history, the breaking of promises during the campaign of openness, the repealing of transparency that the previous majority had instituted, repealing of the openness in the area of earmarks and budget process reform.

And now on top of that, on top of the largest tax increase in history, on top of the repealing of transparency and openness, slush funds, slush funds in

the very appropriations bills that the majority campaigned on that they would bring a new air of relief to this House.

The other side has said they were trying to slow down the process, that the amendments that we make are not about the bills. Well, Mr. Chairman, this bill is a homeland security bill, and as long as I have breath, I will come to this floor and speak about trying to improve homeland security in the legislation that passes this House.

I represent a district that was tremendously impacted by 9/11. I do not go to a county in my district where I do not meet victims of 9/11 or family members or people who did business with or are related with victims of 9/11.

While the rest of the world and the rest of this country may see 9/11 as something that is going by year after year and less and less part of their lives, mine is a district that remembers it every day. Mine is a district that remembers it every year still on its anniversary.

So, homeland security legislation, and amendments such as this one which work to try to improve that legislation, are incredibly important to me. And more important than that, it is incredibly important to my district.

This piece of legislation that's before us deals with the financial aspect of homeland security. Quite candidly, this is not just a matter of dollars and cents when we talk about dollars and what we spend here in Washington. What we spend here impacts upon the Federal budget, but more important than that, it impacts upon the family budget.

What the average family in Bergen County, Sussex County, Passaic County, Warren County have to do every day in their lives in order to get by is impacted by what we do on this floor and what we will do on this amendment later on tonight on how much we spend. It may be vast numbers here in Washington, but it is dollars and cents back at home.

I have the honor to serve on the Budget Committee, and on that committee for the 4-plus years that I've been here, I felt there was one thing that both sides of the aisle generally agreed to, I thought, and that was that we have a problem in this country with regard to our deficit. The difference, however, is on how to resolve that issue.

The one side, as we see now in control, sees that problem and continues to exacerbate it by spending more, more than the President asked for, more than this side of the aisle would suggest is needed, more than the American public would think that we should be spending on the American Federal budget.

We had looked to the other side after this last election to give us relief and give us reform, and what did they give us instead? The largest tax increase in history and significant spending on top of that. I guess the two really go hand in hand. If you are going to enlarge budgets without end, well, you're going to have to look back to the American public and ask them to dig ever deeper into their pockets, into their wallets and send it here to Washington. You're going to have to ask the American public to send their hard-earned tax dollars to Washington to spend on bureaucrats in offices and other such matters as opposed to allowing the American public to keep it for themselves, for their health care need, for their children's education, for their food and their housing.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GARRETT of New Jersey was allowed to proceed for 1 additional minute.)

Mr. GARRETT of New Jersey. Mr. Chairman, I commend the gentlewoman for her amendment, even though the amount that she's looking to reduce in the scheme of things is merely a de minimis amount as we look at it here in Washington.

But let me tell you when we get home and we are able to tell them that we were able to start the process of returning the dollars back to you, the American taxpayer, and still provide the significant and essential homeland security that is vastly important to the people in my district, they will say to this side of the aisle and to the other side of the aisle as well that they agree with us; job well done.

AMENDMENT OFFERED BY MR. MCHENRY TO AMENDMENT NO. 33 OFFERED BY MS. FOXX

Mr. MCHENRY. Mr. Chairman, I offer a second-degree amendment.

The Clerk read as follows:

Amendment offered by Mr. MCHENRY to amendment No. 33 offered by Ms. FOXX:

Strike ''$1,241,000''

Replace with ''$8,961,000''

Mr. MCHENRY. Mr. Chairman, the amendment before us today is a second-degree amendment to my colleague from North Carolina's amendment to the bill.

This second-degree amendment is very simple, very straightforward. Instead of striking $1,241,000 from this legislation in the Secretary of Homeland Security's personal budget for his office, we've increased that number to actually $8.9 million.

What this amount difference is a result of the debate we've had here on the floor. What is very good is that we've had an open debate, an open rule, one of the rare that we've had in this new Democrat majority, Mr. Chairman. This open rule has allowed a free form of debate, which has allowed all my colleagues to engage in this discussion about decreasing the size and scope of government and curbing the excess of the growth of bureaucracy here in Washington.

As a result of this debate, I've analyzed the last amendment debates we had. My colleague from California (Mr. CAMPBELL) offered an amendment that would take the Secretary's budget back to the 2007 level. His amendment would reduce the spending by $9,961,000. Well, that amendment failed, unfortunately. I'm very happy, though, that my colleague from California offered it, though, because the House got to vote on fiscal discipline, and 201 Members of this body voted in favor of striking that $9,961,000 from the bill. Unfortunately, though, 221 voted ''no,'' so the amendment failed.

Well, watching the last series of votes, I also noticed that our colleagues voted to strike $79,000 from the Secretary's budget, as well as $300,000 from the Secretary's budget, which through this debate I really analyze that. I really had to think about those votes and see what the will of the body was on restraining government spending and the rise in growth and the bureaucracy here in Washington.

□ 2145

What I realized is that maybe my colleagues weren't ready to cut $9.9 million. But perhaps, just perhaps, we could try this out and see if my colleagues would cut $8.9 million. Now, it's not quite as much as I would like to cut from the fat of the Secretary's budget, but it's close. It's a savings to the taxpayers.

So let's try this out. Let's have a vote on this; let's have a debate on whether or not we can cut $8.9 million from a budget, if I may state, from a budget as proposed in this Chamber of $36 billion, if I have that correct. Can we cut $8.9 million from a $36 billion budget?

Well, my colleagues, 221 of them said ''no'' to this cutting $9.9 million. Let's see if they will cut $8.9 million; it's close, and it's $1 million. The American taxpayers understand the difference in $1 million. But if we could cut $8.9 million, I think we would be happy. It would be a step in the right direction.

I hope my colleagues concur.

My colleagues would say ''yes'' to cutting $300,000 from this $36 billion bill. They cut $300,000. They cut $79,000. But I wonder if my colleagues would, instead of cutting $1.2 million, which my colleague from North Carolina seeks to do, if they would cut $8.9 million.

Let's try this out. Let's have a debate on whether or not $8.9 million is enough money to cut from this $36 billion bill. Let's see if we can return that money to the taxpayers. Let's see if we can reduce the deficit so we can balance this budget. Let's see if we can cut spending so we can continue the tax cuts and continue the economic growth that we have seen over the last 5 years. Let's see if we can make sure that the American taxpayers get to

keep more of what they earn. Let's see if we can cut off some fat, even just a little fat from the Department of Homeland Security. Let's see what we can do to reduce bureaucracy here in Washington.

I am not sure if $8.9 million is the right amount, but I would like to hear from my colleagues to see if they agree or if they disagree.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MCHENRY was allowed to proceed for 1 additional minute.)

Mr. MCHENRY. I would like to hear from my colleagues on whether or not $8.9 million, $8,961,000 is the right amount to cut from this $36 billion bill. I'd love to hear this debate. Some may say it's 10 million, others may say it's 6 million. Let's have this debate. It's only 10 minutes till 10:00 tonight.

We have plenty of time to continue this debate. The American taxpayers can watch us here on C–SPAN and see what good work we are doing here in Washington and see if we are being effective with their dollars.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to offer a modest reality check. I hope that's helpful.

The gentleman from North Carolina gives an impression of great precision in wanting to cut $8,961,000, and he suggests that we might want to debate tonight whether that's exactly the right figure. He suggests that without indicating, as far as I can tell, any fact or any premise on which this very precise number is based. So we will await that with interest, exactly why this much and no more and no less.

Let me offer a little reality check in the form of the language from the committee report. Our committee recommended $14 million for the general counsel.

By the way, that's the start of understanding this. This isn't about bureaucracy, in general. It's not about government fat, in general. It certainly has nothing to do with entitlements. It's not even about the Secretary's office, in general. This is about the general counsel's office at the Department of Homeland Security. This figure was arrived at after close consultation with that office. We recommended $14 million for the Office of General Counsel.

Now, we didn't give them everything they wanted. President Bush requested $1.2 million above this. We cut that. We did not grant that full amount.

Now, 77 staff, 77 is what that appropriation pays for or would pay for. That's equal to the current on-board strength. We do say in the report, and maybe the gentleman disagrees with this, that as vacancies arise in the office, the committee directs the Department to fill the vacancies with positions dedicated to CFIUS reviews and fiscal law.

Now, CFIUS, you might remember, is the Committee on Foreign Investments in the United States, better known by reference, perhaps, to the Dubai ports deal. You will remember a great deal of discussion in this body on both sides of the aisle on how CFIUS needs to be beefed up and do a better job. We don't want to have another Dubai ports deal.

That's what we are responding to in consultation with the Department. They need some positions dedicated to those CFIUS reviews so that we do them right. Is there something wrong with that? Is there something wrong with the number 77?

That's the rationale. Since nobody else has provided it, I will. That's the rationale for what the committee has done here, as we said, not granting everything that the administration wanted, but trying to make certain that the staff has the strength they need to fulfill their present obligations and to move in this new direction which CFIUS has provided. I hope that's helpful.

Mr. TERRY. I move to strike the last word.

I do appreciate the gentleman's secondary or second-degree amendment. The good chairman stood up and gave an eloquent argument about what the primary and secondary amendment is not about. But what it is about, in my opinion, is the hypocrisy in two different areas, the hypocrisy of having boards out front of their offices talking about the mounting debt and then the first appropriation bill increasing the discretionary spending by 13.6 percent. Then, also, the hypocrisy of talking about a culture of corruption and how it spills over to earmarks.

Well, the way to cure that is transparency. The first appropriation bill out of the block hides them so we can't debate them on the House floor. That's what this is about. This is why we're upset and coming to the floor and discussing this issue. I'm very frustrated with this process of hiding these earmarks.

Well, they are not being hidden, they are just not being included in this bill so they can be dropped in at a later date, at a time when we don't have an opportunity to review them and determine them on an individual basis, the merits or lack of merit for any specific project listed. That's atrocious.

What's mostly atrocious and frustrating and hypocritical about it is the fact that these folks campaigned on reforming that, and they were the ones to throw out all the good forms of transparency so they can hide them from us.

That's wrong, and that's why we're down here. That's why we're down here, to show our frustration with blowing the lid off the spending now and hiding these earmarks at a time when the people want to know what we're doing with earmarks here. They want them to stop. At the very least, they want to make sure that they're valid ones and not Members' pet projects.

Now, the gentleman from North Carolina with the second-degree amendment, you indicated you wanted to expand what Chairman PRICE mentioned as well.

I yield to the gentleman.

Mr. MCHENRY. I thank my colleague from Nebraska for yielding.

Let me answer the chairman's questions, because I do appreciate my colleague's leadership, and he has crafted, largely, a good bill.

My disagreements are oftentimes with my Republican administration, my colleague in the White House who is of my same party. What they have requested here is a good bit more bureaucracy at the top.

Let's face it, they have mismanaged the Department of Homeland Security. Look at the response to Katrina. I agree wholeheartedly with my Democrat colleagues. But I am of the opinion that simply because they have mismanaged does not simply mean you add to their budget.

I appreciate my colleagues' clapping. I appreciate my colleagues on the other side of the aisle clapping for me. That is so wonderful. I am excited about that. I am hopeful they will vote for my amendment, especially my good friends back there.

But let me tell you something. What I am attempting to do is get the numbers back to last year's spending level, to make sure we maintain this. My colleague from North Carolina said he spoke with the administration and realized that they wanted this amount of money. I have spoken with the taxpayers. They want some more of their money back. They don't want to deal with tax increases.

We need to get back to closer to last year's spending levels on management of the bureaucracy. We saw how the border is still porous. Let's put that money into the border.

We see how FEMA was mismanaged. Let's pour that money into getting people out there with supplies when catastrophic events come. But let's not spend on our bureaucracy here in Washington. Let's bring those numbers back closer to last year's budget levels.

Mr. TERRY. Thank you for your explanation. I think, coming here with amendments that cut the amount of this bill, even if we can reduce it from 13.6 to 13 percent or down to something reasonable like the rate of inflation, 2 or 3 percent or 4 percent, then at least that puts it in the realm of what's reasonable. But this hypocrisy is just really frustrating me.

Mr. ISRAEL. Mr. Chairman, I move to strike the last word.

I was watching this debate on my television in the office. I am not sure whether I was watching C–SPAN or the Twilight Zone.

When I hear some of our colleagues come to the floor and express their

concern over earmarks, my question is, what is so important? I will yield to anyone on the other side. What is so important about any specific earmark that you have that it has to be rushed to passage tonight, that it cannot stand the scrutiny of this body?

If you can tell us what specific earmark you have requested that should not be studied, if my colleagues will remember, the problem was not that we studied earmarks; the problem is that they were bulldozed to passage without proper scrutiny, without proper vetting.

Well, guess what, we are running an intervention here. We are going to save you from yourselves. We are not going to allow you to continue to bulldoze these earmarks.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. ISRAEL. Mr. Chairman, we are not going to allow them to continue to rush these earmarks to passage without the proper scrutiny and to make sure the American people never again have to read headlines of Members who are incarcerated because of abusive earmarks. We will not tolerate those abuses.

So I would ask, I would yield time to the gentleman if will tell us specifically what earmarks he feels so passionate about that he has requested that should be passed tonight rather than being scrutinized by the professionals of the Appropriations Committee and debated.

Mr. MCHENRY. Mr. Chairman, I would be happy to entertain this question. I thank my colleague for yielding.

I would say this. We have no idea what the earmarks are in this bill, because they are not in the bill.

Mr. ISRAEL. I reclaim my time. I will yield to the gentleman if he can publicize for us tonight what specific earmarks he has requested.

Mr. MCHENRY. You are asking the same question. We are asking because we don't see any earmarks in this bill because you intend to drop them in during a private meeting.

Mr. ISRAEL. I reclaim my time.

I will yield to the gentleman if he can answer this question. Does the gentleman know what earmarks he submitted to the committee?

□ 2200

Mr. MCHENRY. Yes, none.

Mr. ISRAEL. Does the gentleman from Nebraska know what earmarks he's submitted to the committee?

Mr. TERRY. Yes. I did not submit any.

Mr. ISRAEL. I reclaim my time. The gentleman has requested no earmarks in any appropriations bill on any appropriations bill? I'll yield to the gentleman. Ever.

Mr. MCHENRY. Yes, I have, and I publicized it at home. I publicize the ones I do ask.

The CHAIRMAN. The gentleman from New York has the time.

Mr. ISRAEL. I will reclaim my time. The gentleman who has railed about the evil of earmarks has just acknowledged that he has requested earmarks. I would ask the gentleman what earmarks has he requested that are so important that they should not be studied by the Appropriations Committee so that we avoid the abuses of the last Congress? I yield to the gentleman.

Mr. MCHENRY. I ask for full public scrutiny, not just a private meeting between party leaders in this body.

Mr. ISRAEL. Mr. Chairman, I reclaim my time. The gentleman still has not told us what earmark that he has requested is so vitally important that it should not be scrutinized.

Mr. BACHUS. Would the gentleman yield?

Mr. ISRAEL. I will yield to the gentleman if he can answer my question about what specific earmarks he has requested that are so important that they cannot be scrutinized. I will yield to the gentleman.

The CHAIRMAN. The gentleman has just declined to yield to the gentleman from Alabama. He has said he would yield to the gentleman from North Carolina.

Mr. MCHENRY. Has the gentleman yielded?

Mr. ISRAEL. I am yielding to the gentleman if he can answer my question.

Mr. MCHENRY. Mr. Chairman, his question is impossible to answer. Under the rules of this House that the Democrats have written, they do not publicize the earmarks requested by Members.

Mr. ISRAEL. I reclaim my time, Mr. Chairman.

Mr. Chairman, I am asking the gentleman to tell us, despite what he may, his interpretation of the rules, whether he knows what earmarks he has requested. He said he does know what earmarks he has requested.

I then asked him, Mr. Chairman, to share that information and explain why these should not be studied to avoid the kinds of abuses and jail sentences that occurred in the past, Mr. Chairman.

I will yield back to the gentleman.

The CHAIRMAN. The gentlewoman from North Carolina (Ms. FOXX) is recognized on the secondary amendment. Having not spoken on the secondary amendment, the gentlewoman is entitled to recognition for 5 minutes.

The gentlewoman yields to the gentleman from Alabama.

Mr. BACHUS. I thank the Chairman, and let me attempt to answer the question.

The question is really not whether the gentleman from North Carolina objects to an earmark. It's not whether the gentleman from New York is for an earmark.

Really, this is the people's House, and it's really up to the people to make the final judgment on each and every one of these earmarks, and the people simply don't know what these earmarks are. This is the people's House, and we've been told there are earmarks in this bill, there will be earmarks added in conference. We're told that the professionals on the Appropriations Committee are reviewing these earmarks. They're making a determination. That's what it's about.

I grew up in Birmingham, and there was a Scripps Howard newspaper in Birmingham, and it had a searchlight on the front page. I'm sure some of you had a Scripps Howard newspaper in your community, and that was the truth going out, the light.

The gentleman from North Carolina says he doesn't know anything about these earmarks. I don't know anything about these earmarks. The gentleman from New York may know all about them. The chairman of the committee may know about them. But really, the truth is that who ought to know, and who has a right to know and a right to make that judgment in each and every case is the people we represent, the people of the United States. It's their money. It's not our money.

And that's what's so wrong with this process tonight. We are arguing among ourselves that this Member doesn't have the right, or this Member knows more than this Member, when the truth is it's the American people that have the right to know. They have the right to disclosure. This is their House. This is their money. And they have the right to make decisions about each and every one of these earmarks that some of us know about and some of us don't know about.

Now, I would say this. The American people don't know how many earmarks are in this bill or how many earmarks will be in this bill. We're going to be asked to pass, we represent, we each represent, 6-, 700,000 citizens, and we're going to be asked tomorrow or the next day to vote on this bill, to vote ''yes'' or ''no.''

We've already been told there will be earmarks added to the appropriation bill, but it won't be until all the bills are passed that they'll go to conference, and a few select Members, representing probably 10 percent of the American people, they will add the earmarks. The American people will not ever know what these earmarks are until they're passed into law.

Now, you know, I will tell the gentleman from New York, I don't care if you tell me about the earmarks.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. BACHUS. I care about the American people. They have a right to know. They have a right to disclosure.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Let me, once again, not that anyone on the other side of the aisle is interested in listening to facts, but let me, once again, cite what the facts are. We keep hearing this mythical, robotic claim from the other side of the aisle that somehow these earmarks are going to be dropped in in conference.

Well, it is not our fault that you couldn't finish the budget last year and we had to finish your work. It is not our fault that you couldn't finish the work on the Iraqi bill for 2007, so we had to spend the last 3 months cleaning up your mess on that one.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. OBEY. It is not our fault that we had to spend at least 60 days answering questions from the San Diego prosecutor about shenanigans that occurred on your side of the aisle in the last year. That occupied the staff for an incredible amount of time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members have listened very courteously all evening. Members will not interrupt and heckle, on either side, the speakers.

The gentleman may proceed.

POINT OF ORDER

Mr. PRICE of Georgia. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Georgia. Has the Chairman not said——

The CHAIRMAN. The gentleman may state a point of order. A point of order is not a question. Does the gentleman have a point of order?

Mr. PRICE of Georgia. I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Georgia. The gentleman who is currently possessing the time has violated the rules by addressing Members other than the Chair.

The CHAIRMAN. Yes. The Chair has tried to remind Members on both sides of that. The gentleman will address his remarks to the Chair.

Mr. OBEY. Mr. Chairman, I won't say, I won't direct it directly to them. I will simply direct it to you.

It is not our fault that the San Diego attorney subpoenaed records from our committee relating to shenanigans that were conducted on the other side of the aisle in the previous Congress under Republican control.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I will not yield until I finish my statement. I would appreciate the same courtesy I've shown you.

Now, let me point out, the process that they've invented is not one that we have requested. What we have said is that, because of the urgency of substance, we decided we were going to leave pork projects behind for the moment. And what we've decided instead was to focus on oversight and producing substantive bills.

We've now also said that in order to assure that there is review of every project, that we are going to be filing, before the August recess, every single earmark that we expect to place in the appropriation bills. And Members will then have over 30 days to look at the process. They can complain about any earmark they want.

We are going to ask that it be open, not hidden, behind-the-scenes telephone calls. We're going to ask that people file in writing if they have an objection. We're going to ask the sponsor of the amendment to then respond in writing so that we can make a decent judgment about those earmarks.

Now, let me make another point. For people who are squawking about the fact that these earmarks aren't going to be in the bill originally, the Republicans did the same thing on the Labor-H bill in 1998, in 1999, in 2002, in 2004, in 2005. They did not have any earmarks in the Labor-Health-Education bill until the bill was in conference. The only difference was those earmarks were never reviewed ahead of time. These will be. Those earmarks were never in public view. These will be.

They also did the same thing in 2002 and 2003 when they couldn't even get a Labor-H bill through the House, and so they went directly to conference in an omnibus.

The difference between our process and the one they've been following is that there will be an opportunity ahead of time to know who has asked for these earmarks, and you'll be able to ask questions about it.

And I would assume that the leadership of both parties would take a look at the project list for both parties so that they protect this institution from the outrageous scandals that we had because of their mismanagement when they were running the show.

And I will stack my record on congressional reform against anybody on that side of the aisle any time. My entire career here has been defined by reform, and I don't intend to change it now.

Mr. BLUNT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just suggest that our former speaker does know the rules. He does put his time in on the work here. But by pointing out the exceptions, he also points out the vast majority of the time that the projects we had in the bill were in the bill. They could have been debated.

In the long process that the gentleman has now suggested we would go through, Mr. Chairman, the one thing that is not included in that process, where apparently people can file responses, they can do this, they can do that, they will not have the chance to debate on the House floor.

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

MOTION TO RISE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLUNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 221, not voting 26, as follows:

[Roll No. 458]

AYES—190

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

NOES—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Baca
Baird
Baldwin
Barrow

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

NOT VOTING—26

Arcuri
Bordallo
Braley (IA)
Clarke
Clay
Conaway
Culberson
Davis, Jo Ann
Delahunt
Doyle
Edwards
Faleomavaega
Filner
Fortuño
Gutierrez
Harman
Hastert
Hunter
Lewis (GA)
Norton
Pence
Peterson (PA)
Pomeroy
Radanovich
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 2234

Messrs. DEFAZIO, SHULER, PALLONE, ALTMIRE and DOGGETT, Ms. WATSON and Ms. ESHOO changed their vote from ''aye'' to ''no.''

Messrs. KINGSTON, WALSH of New York and WICKER changed their vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The pending business is the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the second-degree amendment of the gentleman from North Carolina (Mr. MCHENRY) in regard to cutting something like $7.5 million out of this section of the bill.

The gentleman from North Carolina, Mr. Speaker, the chairman of the subcommittee, spoke a little earlier in the evening and questioned the logic, you know, why that amount. Well, if you do the math and you look at that section, Mr. Chairman, that cut is about 7 percent. That amount reflects the same amount of overspending in this bill. The $2 billion is about 7 percent more than the President requested, and actually a 14.5 to 15 percent overall increase. So I think that the gentleman from North Carolina (Mr. MCHENRY) is absolutely appropriate in asking for a reasonable, fiscally responsible cut in a $120 million spending category.

Mr. Chairman, another North Carolinian was heard by me to say this morning, after the chairman of the Appropriations Committee had spoken and said what we are trying to do, what the Republican minority is trying to do is shut down the process. Mr. Chairman, what the gentleman from North Carolina, Mr. Robin Hayes, said was, we're not trying to shut down the process, we are trying to clean up the process.

Just a few minutes ago, before the last motion, the distinguished chairman of the Appropriations Committee said, and I paraphrase, it is not our fault that the former majority couldn't get their work done in the previous Congress. Well, I would say to him, Mr. Chairman, it is not our fault that the new majority and the Appropriations Committee spent 3½ months debating an emergency supplemental for funding of our troops with benchmarks and timelines, Mr. Chairman, that would call for the withdrawal of our troops at a date certain, no matter what the situation was. Indeed, Mr. Chairman, there were a number of amendments in that process to bring the troops home immediately and not to give victory a chance. And, Mr. Chairman, it is not our fault that they refused to listen, this new majority, and insisted on milking this process for every ounce of political fodder that they could get out of it, knowing full well that in the final analysis they had a losing proposition. And they did lose that debate before we went home for the Memorial Day recess. So, that is not our fault.

So, Mr. Chairman, if the chairman of the Appropriations Committee says, you know, we weren't able to put these earmarks in the appropriations bill under the sunshine and the light of day, as always has been done, because we ran out of time. And, Mr. Chairman, I have heard it said that the chairman of the Appropriations Committee feels very strongly that he wants to get all these bills done before the 4th of July recess to do just as good a job as our distinguished former chairman of the Appropriations Committee Mr. LEWIS did last year and the year before that in the 109th Congress.

Mr. Chairman, it is not our fault that the new majority wasted 3½ months and were not able to get these earmarks together in time to put in these bills like they should have done. That's not our fault.

The CHAIRMAN. The gentleman's time has expired.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the last word.

Mr. GINGREY. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman's time had expired, at which point the Chair recognized the gentlewoman from California.

Mr. GINGREY. Mr. Chairman, I have a privileged motion at the desk.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GINGREY. Mr. Chairman, I have a privileged motion at the desk.

The CHAIRMAN. The Chair had recognized previously the gentlewoman from California.

Mr. GINGREY. Mr. Chairman, I move that the Committee rise.

The CHAIRMAN. Members will suspend.

The gentleman from Georgia's time had expired. The Chair announced that his time had expired and recognized the gentlewoman from California.

Mr. GINGREY. Point of order, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentlewoman from California rise?

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise to strike the last word.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

MOTION TO RISE OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGREY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 218, not voting 30, as follows:

[Roll No. 459]

AYES—189

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

NOES—218

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

NOT VOTING—30

Becerra
Berkley
Bordallo
Boucher
Christensen
Clay
Conaway
Culberson
Davis, Jo Ann
Delahunt
Doyle
Edwards
English (PA)
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hunter
Johnson, E. B.
Kilpatrick
Lewis (GA)
Miller (NC)
Norton
Pence
Peterson (PA)
Radanovich
Sessions
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2259

Mr. PETERSON of Minnesota and Mr. CUELLAR changed their vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 2300

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thank you for your work on this bill. As you know, I chair the Border, Maritime and Global Counterterrorism Subcommittee of the Homeland Security Committee, and I have been working on port security issues for many years, and I was extensively involved in the SAFE Port Act that was signed into law last year.

One important provision of the SAFE Port Act was the requirement that the Coast Guard implement a long-range vessel tracking system. More than 60,000 vessels traverse the world's oceans annually, and more than 8,000 deep-draft vessels call on United States ports every year.

Implementation of a long-range vessel tracking system is critical to ensure that maritime operations are conducted in a way that keeps our Nation safe and secure. In addition, it will make international commerce more efficient for our Nation's port operators.

Chairman PRICE, while your bill does not allocate a specific amount of funding for the implementation of the required long-range vessel tracking system, I have noted that there is a funding stream of $40 million for activities mandated by the SAFE Port law, and I want to clarify your support for the implementation of the long-range vessel tracking system required in the SAFE Port law and that part of the $40 million in funding could be used towards meeting that mandate.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentlewoman for her inquiry and for her leadership on the Homeland Security authorizing committee.

As you stated, the SAFE Port Act established many new requirements related to port security. I agree that the implementation of a long-range vessel tracking system should be a priority, and that part of the $40 million in additional funding could be used to meet the long-range vessel tracking system mandated in the SAFE Port Act.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, thank you for that clarification and for your strong support for improving port security and the security of our country.

Mr. BACHUS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a question I think the American people would like answered. It is a question that has not been asked tonight. We know Chairman OBEY, and we know he has taken a position that he is not going to publish or disclose these earmarks. He has expressed his opinion.

What we don't know, Mr. Chairman, is, the Speaker is not sitting in the Chair and we don't know where the Speaker stands on this whole procedure. We do know that the majority leader said that all earmarks would be published, there would be complete transparency. We know that he said in committee they would be debated. We know that the Speaker on a number of occasions, I think we have all seen

those quotes, we have heard a few tonight, the Speaker make it clear during the campaign and after the campaign that all earmarks would be disclosed prior to any vote on the House floor.

So, Mr. Chairman, I believe it is incumbent on the Speaker to come before this body and address the body and tell the body whether or not the procedure that we are witnessing, whether it is chairman of the Appropriations Committee has taken this on himself, whether he is doing it on his own accord, whether he has polled the Democrat Members to see where they stand.

But more important, we want to know where the Speaker stands. We want to know whether the Speaker consulted with the chairman, whether she has blessed this. We know what she said in USA Today. We know what she said in the Christian Science Monitor and what she said in a news conference just last month. We know that in a press conference on March 13, 2007, she specifically said that all earmarks would be made public before a vote on the House floor. We know that, so it is a mystery to us why we are going through this process.

Now, the chairman of the full committee said back in 1999 there was a bill, one bill, that the Republican majority did not publish the earmarks before the vote on the floor. We know that is part of his reason for doing this. But we also know that the Speaker of the House told the American people that this would never happen as long as she was Speaker. And she, as a late as a month ago, said there would be no votes on the House floor on an appropriations bill where earmarks were not published.

In fact, the gentleman from Illinois, the majority whip, says, if possible, we are going to put them on the Internet weeks before we vote on them on the House floor. They are not on the Internet. We don't know how many earmarks there will be, what earmarks are under consideration, the total amount of those earmarks.

But more importantly, we do know one thing, Mr. Chairman, we know that the Speaker of this House, the Speaker of this House said that this wouldn't happen. She said it many times on many occasions, both during the campaign when she asked the American people to turn the Republicans out and put the Democrats in.

And we know that from exit polls that many people went to the polls on election day with that promise in mind; and they voted for Democrats who now serve in this body under the assurance that this wouldn't happen, and it is happening.

Now, we know that the chairman of the full committee, we know his position. He said we just have to do. He talks about what we have done and what they have done. The important thing is the American people.

In fact, earlier tonight on one of the news network, it was not Fox, they asked: Where does Speaker PELOSI stand on this? The American people are asking, where does the leadership of the majority stand on this issue?

That is my question, Mr. Chairman. I would ask that before we proceed in this body, that the Speaker of this House come before this body and not tell, I don't care if she tells Republicans, I don't care if she further explains to Democrats, I want her to tell the American people why, only 3 weeks after promising that earmarks would be fully disclosed both in committee and on the floor of this House, that we backed away from this.

The CHAIRMAN. The time of the gentleman has expired.

MOTION TO RISE OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 220, answered ''present'' 1, not voting 29, as follows:

[Roll No. 460]

AYES—187

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

NOES—220

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

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—29

Bordallo	Doyle	Jones (OH)
Boucher	Edwards	Kilpatrick
Clay	English (PA)	McMorris Rodgers
Coble	Faleomavaega	Norton
Conaway	Fortuño	Peterson (PA)
Conyers	Gutierrez	Rangel
Culberson	Harman	Sessions
Davis, Jo Ann	Hastert	Stark
Davis, Lincoln	Holden	Westmoreland
Delahunt	Hunter	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2327

Mr. GOHMERT changed his vote from ''aye'' to ''present.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

POINT OF ORDER

Mr. MCHENRY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MCHENRY. Mr. Chairman, under House rules, only a Member can speak one time on each amendment.

The CHAIRMAN. The gentleman has spoken on the secondary amendment. He has, however, not spoken on the primary amendment, which is still pending.

The gentleman from Wisconsin is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. MCHENRY. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman may state it.

Mr. MCHENRY. The secondary amendment is before us here now. That is the operational motion.

The CHAIRMAN. That is correct.

Mr. MCHENRY. And so, therefore, since he has already spoken on the secondary amendment, he may not speak a second time on the secondary amendment.

The CHAIRMAN. The underlying amendment remains subject to debate, and the gentleman is entitled to speak on the underlying amendment.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I am opposed to both the underlying amendment and the substitute amendment, and let me tell you why. I think it's important to put that amendment in context.

We had crocodile tears expressed here about the number of earmarks and what will happen to earmarks. Let me cite the record.

In 1994, the last year when Democrats controlled the House, earmarks were primarily concentrated in four appropriation bills. They were project-oriented bills like military construction, energy and water, Interior and general government. This Homeland Security bill had not even come to pass yet because it was before 9/11.

In the Labor-Health-Education appropriation bill the last year that the Democrats controlled, we had zero earmarks. The last year under Republican control that we had earmarks in the Labor-H bill, we had over 3,000.

In the Transportation bill, the authorizing bill, from 1956 through 1995, we had 20 separate highway bills pass this House containing a total of 739 earmarks. Do you know how many we had, Mr. Chairman, in 2005 under Republican control in just one bill? Five thousand.

□ 2330

Then we all remember the infamous 3-hour vote on Medicare part D.

I would ask my colleagues on this side of the aisle to keep this civil. If the other side wants to turn it into a circus, fine, but I think we ought to behave.

Let me say, we remember Medicare part D when the Republican leadership kept the vote open for 3 hours. Meanwhile, the newspaper stories told of how they promised earmarks in the transportation bill in return for votes on Medicare part D.

Last year, we had three major scandals. We had the Cunningham affair, then we had the bridge-to-nowhere, which caused a lot of heartburn around the country; and now, just recently, we have another story suggesting that the committee chairman then, the gentleman from Alaska, inserted a project for Florida.

Under Republican rules, as they existed then, nobody knew about any of that until about 2 years after the fact. Under the proposal that we are proposing for earmarks, you would know about that 30 days before they went into effect. That is a huge difference.

Let me also point out, in 1994, the four biggest appropriation bills that's Commerce-Justice, Labor, Transportation and VA–HUD. The last year the Democrats controlled the House, in 1994, the four major appropriations bills, Commerce-Justice, Labor-Health, Transportation and VA, we had a total of 764 earmarks. Those same bills, just one fiscal year ago, had 8,600 earmarks.

With all due respect, I don't want to hear any crocodile tears on the other side of the aisle with respect to the issue of earmarks. They have exploded under their operation of this House, not under ours.

In terms of what's going on tonight, I should make quite clear that the gentleman from California (Mr. LEWIS) told me in January that the minority party would give us no procedural cooperation because they didn't like the way we had handled a continuing resolution. They wanted us to have a straight CR rather than thinking our way through priorities. Now they have simply moved on to another excuse.

So I would simply say, whether you vote for the underlying amendment or for the amendment to the amendment, these are not real amendments. It is clear to me that they have only one purpose, to bring this House to a halt, and they are looking for any excuse they can find.

They got a mighty weak one, but we are going to stay here until the job is done. This is the people's business. We are not going to be diverted by their trying to play Trivial Pursuit on this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

I have voted every time to continue our process against my leadership. I was not going to say anything, but when you referred to the bridge-to-nowhere as a scandal, when you voted for it four times, most of the people in this room voted for it four times. It was always transparent. I was always proud of my earmarks. I believe in earmarks, always have, as long as they are exposed.

But don't you ever call that a scandal.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will direct his remarks to the Chair.

Mr. YOUNG of Alaska. That's hard to do.

I would suggest respectfully, again, let's keep our facts straight. Every one of you in this room, maybe, six or eight people, never voted for the bill that you are talking about. But you voted for it four times.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will direct his remarks to the Chair.

Mr. YOUNG of Alaska. It was transparent, as it should be tonight.

Mr. SHADEGG. Mr. Chairman, I move to strike the last word.

It seems to me we are in some danger of forgetting what we are here about. We are here about the second-degree amendment of the gentleman from North Carolina (Mr. MCHENRY). I rise in strong support of that amendment because it would restrain the excessive spending in this bill.

But it's more important that we talk about what we are really here about. What we are really here about is the people's business. What we are really here about is how we spend their money.

What brings us here tonight, in the middle of the night, is that the majority has proposed a procedure for handling earmarks which is inconsistent with what you told the American people. It is indefensible, and it cannot stand. You can recognize that. You can accept that fact tonight and change that procedure; you can accept that fact tomorrow.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will direct his remarks to the Chair.

Mr. SHADEGG. You can accept those facts tonight and change the procedure. The majority can accept that fact tomorrow and change the procedure. The majority can accept that fact next week and change the procedure, but the procedure will change.

I have the greatest respect for the chairman of the Appropriations Committee. I admire his energy, his tenacity and his passion. I understand that he believes he has proposed a fair system. I understand that he has just recited for us a history lesson about how earmarks were handled in the past.

But I would suggest to you that time moves on. The American people now understand earmarks in a way they did not understand. The American people understand earmarks, and they understand this process, and they cannot be fooled. You cannot take the process for disclosing earmarks and make those earmarks public after the bill has been debated.

There is not a constituent of yours that believes that makes sense. The American people understand that some people in this body believe earmarks are very good, and some people in this body believe earmarks can be very bad and very corrupt.

They are in unanimity on one point, and that is, they want to know what's in those earmarks. That means those earmarks have to be debated on this floor.

Now, I understand that the gentleman who is the chairman of the Appropriations Committee believes that he can just vet them, and he can post them in August, but that obviates the most important part of this process. We do not engage in this process by adding language to bills, critical language to bill language that the American people don't get to see or know about after debate has occurred.

We didn't tell the American people that we would make the process open this year, that we would disclose every earmark and allow every earmark to be debated, because we don't run the place.

You run the place. You're in the majority.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. Members will remember to address their remarks to the Chair.

Mr. SHADEGG. The majority party told America that these earmarks would be openly revealed, and that means they have to be debated.

It doesn't matter. You can relent now, or you can go on and defend this practice through the press tomorrow and tell them that you want secrecy. You do not want a Member over here to be able to debate an individual earmark. You do not want that earmark revealed to the public today.

You do not want that earmark revealed to the public today. You want to put its being revealed off to some point later, when no Member can raise it or object to it, but the American people get it. The history lesson is nothing more than a history lesson.

Earmarks in this body must now be disclosed because the Speaker said she would disclose them. That's all we are asking for. We are asking that they be disclosed so the American people can see them, so that our constituents can see them, and so on this floor we can debate them and discuss them. The good ones will pass, and the ones that are corrupt or inappropriate will fail.

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

MOTION TO RISE OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHADEGG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 216, not voting 33, as follows:

[Roll No. 461]

AYES—188

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

NOES—216

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

NOT VOTING—33

Bordallo
Boucher
Buyer
Clay
Coble
Conaway
Conyers
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
Delahunt
Doyle
Edwards
English (PA)
Faleomavaega
Fortuño
Gutierrez

Harman	Norton	Souder
Hastert	Peterson (PA)	Stark
Holden	Rangel	Van Hollen
Hunter	Sessions	Weldon (FL)
Myrick	Smith (TX)	Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in the vote.

□ 2356

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. FALLIN. Mr. Chairman, I move to strike the last word. And I yield the balance of my time to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, there's been a lot said tonight by the chairman of the Appropriations Committee about how the numbers of earmarks have gone up over the years, or went up over the years that Republicans were in charge. But nary a word has been said about the fact that the Democrats were getting a large proportion of those earmarks. So I think we ought to talk a little bit about the fact that Democrats were getting some of those evil earmarks that they campaigned so hard against last year.

For example, actually, in 1996, the first year that Republicans were in charge and did the budget, the number of earmarks actually went down. The last year that the Democrats did their budget, the earmarks were 1,439. The first year that Republicans were in charge, the earmarks went down to 958. Of the 958, the Democrats had 40 percent, 383.

Now, it is true that the number of earmarks went up over the years. In 1997 they went to 1,596. Democrats had 638 of those earmarks.

In 2005 the number did go up to 13,996, and Democrats had 5,599 of those. So if they were so evil in those days, it's hard to understand how you could have been claiming such a large proportion of them.

Obviously you all missed the point in the debate about these earmarks. Many Republicans believe in earmarks. We think that it is the right of the Congress to appropriate money to certain projects. That's not the issue.

The issue is you campaigned on transparency and changing the system.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentlewoman will direct her remarks to the Chair.

Ms. FOXX. Mr. Chairman, the Democrats campaigned on transparency, and I will give you a quote again from Speaker of the House. ''We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve.''

Majority leader: ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of the night.'' And I think we're in the dark of the night right now.

We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on.

Homeland Security Appropriations Subcommittee Chairman DAVID PRICE, the bill we're debating tonight: ''This bill mandates that all grant and contract funds be awarded through full and open competitive processes, except when other funding distribution mechanisms are required by statute.''

□ 0000

''This approach creates a level playing field and also ensures that there are no congressional or administration earmarks in the bill.''

Again, we don't know what is here.

The Rules Committee chairwoman: ''Our rules package requires full disclosure of earmarks in all bills and conference reports before Members are asked to vote on them,'' House floor remarks, January 4, 2007.

Folks, there is some hypocrisy going on here, and that is what we are calling you on. You promised a different process.

The CHAIRMAN. The gentlewoman will direct her remarks to the Chair.

Ms. FOXX. Mr. Chairman, the majority party promised a new process. We are not getting that new process.

Mr. Chairman, I move that the Committee do now rise.

I yield back the balance of my time.

The CHAIRMAN. The gentlewoman may not offer that motion on another Member's time.

Mr. WEINER. Mr. Chairman, I move to strike the last word. Mr. Chairman, it is——

Mr. PRICE of Georgia. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The gentleman will suspend.

The gentlewoman from Oklahoma did not complete her 5 minutes and no one yielded back. The Chair then recognized the gentleman from New York.

POINT OF ORDER

Mr. PRICE of Georgia. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Georgia. A precedent motion was offered after the gentleman moved to strike the last word. The motion was that the Committee do now rise.

The CHAIRMAN. The gentleman had been recognized. The motion is renewable, but the motion cannot interrupt someone who has been recognized.

POINT OF ORDER

Mr. GOHMERT. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. GOHMERT. Mr. Chairman, the point of order is that this woman is the one who had the time. She did not yield it back. It was not appropriate to go to someone else until she had yielded back her time. That is the point of order.

The CHAIRMAN. No one had made a motion who was able to make a motion.

The Chair will not try to explain the rules in the midst of an uproar.

Mr. GOHMERT. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order

Mr. GOHMERT. Mr. Chairman, this point of order did not ask for an explanation. It asked that the rules be followed, not explained.

The CHAIRMAN. The Chair is following the rules.

The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, it is gratifying to hear so many of my colleagues express their understanding of what happened in the campaign of 2006 and why a majority party on that side turned into a minority party. They are right. Some of it was because of the abject abuse of the earmark process. Some of it was about the abject abuse that resulted in people being indicted and people going to jail.

But that was only part of it. We on this side of the aisle got that message. That is why we have a transparent process that is going to open up all the earmarks to scrutiny. But that was only part of it.

The fact that some commentators have referred to the previous leadership of the party of this House as the most ethically bankrupt in our Nation's history, that was only part of the reason that the American people rejected the Republican mission.

They also rejected it because they ran up the largest deficits in recent memory. They rejected the Republican rule because there was a war that was being prosecuted without any oversight on that side of the aisle. The fact that wages were stagnant and the minimum wage hadn't been raised; that it was more and more difficult for the middle class and those struggling to get into the middle class to send their kids to college.

Well, on the Democratic side, we said we are going to work late into the night past the dilatory efforts of our colleagues because we are here to fight for the American people.

You say, one way or another you are going to get your way by doing motion after motion after motion.

I have got to tell you something. It is worth it. It is worth it. This fight is important enough that we are prepared to stand here and try to get a Homeland Security bill to protect the American people. We are prepared to do it. We are prepared to stay here all night for a transparent process that allows us to assess some of these thousands of

earmarks submitted by both sides of the aisle.

Mr. Chairman, do you know how I know with certitude that we are going to pass this bill to protect the American people by having a Homeland Security bill that is sound? Because we said we were going to make it easier for parents to send their kids to college, and we did it. We said we were going to raise the minimum wage, and we did it. We said we were going to crack down on these oil companies getting tax breaks for doing nothing more than gouging the American people, and we did it. We have done the things the American people have sent us here to do.

The only way that my colleagues on the other side can think from stopping us to achieve the agenda of the American people is every couple of minutes saying, We want to go home. We have worked hard enough. We want to rise.

We are not going anywhere. You can do it again and again and again. And we will wait you out.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. WEINER. Mr. Chairman, tell them this. We will wait. We will wait because this is too important, if you want to trivialize the process.

I don't blame you for not wanting to debate this bill because the leadership of the previous Congress was shameful. There was no oversight. There was no questioning. There was no sense of what the responsibility is of this Congress. And your vision, or absence thereof, was rejected by the American people.

Now, my colleagues on the other side, the colleagues that my back is facing, are destined to be in the permanent minority because the American people want us to achieve things. We are committed on this side of the aisle to doing it. And if you think that you have problems with this bill, make an amendment to it. Make 10 amendments. Make 30 amendments.

We are going to be here because we believe in something else: Having an open rule to allow you to do this.

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. WEINER. Mr. Chairman, we think that more and more it is becoming clear that we have a good portion of this institution that wants to solve these problems in a bipartisan way if we can, and as Democrats alone if we must. But one way or another, if you think, as one of the previous speakers said, ''You are going to do it our way or we are going to keep making motions to rise,'' keep doing it. We are not going anywhere. We are here to fight for the American people for 2 years, and we are not giving up.

There are people making much bigger sacrifices than we are. What we are here to do is to try to honor their sacrifice, honor the things the American people are going through. And that is why the American people turned to a Democratic House; a Democratic Senate; and in a matter of months, a Democratic President of the United States.

Mr. MCCOTTER. Mr. Chairman, I move to strike the last word.

Granted, I cannot bring you the histrionics and gesticulations because I am not from a big city like New York. I'm just a simple country lawyer from Detroit.

But I am reminded of a phrase that Ralph Waldo Emerson used in one of Robert Kennedy's favorite poems. It's called ''Fame.'' And he used the phrase ''Being for Seeming bravely barter.'' And that is what this has become an exercise in.

The reason that we are here is not because we want to rush this bill. I think you would be quite pleased if we were in a hurry to leave. I think, Mr. Chairman, that the majority would be very happy with us if we were willing simply to take whatever was offered and move on, as much of what happened during the first grand and glorious 6,000 minutes where if they had the votes, the minority services were not required.

The reason that we are here today is so that we can seem to be doing our work. If you pass an appropriation bill, your constituents are going to come back to you and say, Okay, tiger, what was in the appropriation bill? And we will then say, What? Well, I don't really know, but I did my work.

It is akin to being on an operating table where the doctor opens you up and knows he has to put something inside of you, and then shoves you off to outpatient therapy saying, Well, don't worry. We will figure that out later and don't think about it because we still haven't decided what is going to go back in you.

We are trying to bring transparency to a system that does not have it because it wants to put perception over policy. That is what we are fighting for. It is not our way. It is the American way. We are trying to make sure that we do our work in the sunlight, not in the dark of night, so that America knows we are appropriators, not vampires.

As a country lawyer from Detroit, I am reminded that this appropriation process is much like closing the barn door after the horse has left, and when you watch that fine steed leave, you know the rear view is not all that it is cracked up to be.

We have learned a painful lesson as a former majority. We did not realize, I think, the historic opportunity we had to lead this Nation to transformational times, but at least we tried to be honest about the process, certainly more honest than the new majority has portrayed themselves to the American people.

Mr. Chairman, ''Those who do not learn the lessons of history are condemned to repeat them.'' I sincerely hope so, because you are repeating so many of the mistakes we made, I can hardly get to sleep at night, I am so happy to see it. Except for one thing: The American people deserve better. Give them the process that allows them to weigh their determinations that we make here in a fair, full, and honest manner. Give them the government they need so that you do not become an empty majority as this new minority once was.

And I wish to close with this. Prove me wrong. Because as of today, as of tonight, I know two things: My party stalled moving America forward, but right now you have stalled moving America backward.

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

MOTION TO RISE OFFERED BY MR. MCCOTTER

Mr. MCCOTTER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOTTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 216, not voting 33, as follows:

[Roll No. 462]

AYES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)

Murphy, Tim
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

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

NOT VOTING—33

Bordallo
Boucher
Carson
Clay
Coble
Conaway
Conyers
Davis (AL)
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gordon
Gutierrez
Harman
Hastert
Holden
Hunter
Myrick
Norton
Paul
Peterson (PA)
Rangel
Sessions
Smith (TX)
Souder
Stark
Van Hollen
Wamp
Weldon (FL)
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 0030

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address this distinguished House and yield to the distinguished gentleman from Wisconsin (Mr. OBEY), who has done a terrific job tonight in hoping to bring comity and understanding to this great, august body.

Mr. OBEY. Mr. Chairman, I would like, if I could, in a calm atmosphere to simply walk Members of the House through some of the facts so that they understand exactly what it takes for the staff to prepare earmarks for consideration by the Congress.

Yesterday, we were told in the Appropriations Committee by our Republican friends, at least by some of them, they would ask me, what is the hurry? Why can't you slow down these bills until you can attach the earmarks? Today, our colleague from Georgia, Mr. PRICE, said on the floor, these bills are already 1 month late, implying that the Republicans last year were able to move the bills to the floor faster.

That is right. They did.

I want Members to understand why if we started tonight it would take a good 3 to 4 weeks to prepare all of the earmarks that Members are requesting. Let me explain why.

Our staff doesn't just have to wade through these requests. Some of these requests that we receive propose to place earmarks on programs such as the National Institutes of Health, for instance, which have never before been earmarked, earmarks which the Members on both side of the aisle strongly oppose. So we have to work with those Members to reshape those earmarks.

Some requests come in, but they are duplicative. You may have four or five Members propose the same earmark, but they describe it differently, and the staff has to wade through and reconcile them so they understand it is really the same item.

Some earmarks that are requested fail to make clear which programs the requested funds are supposed to come from, so we have to plug in with Members to get answers to that.

Some requests ask that funds that are earmarked within a specific program be used for purposes which are not authorized by the underlying authorization, so again we have to go back to those Members and review those projects and rework them so that they are eligible.

That is why it is an immense job for the staff to review, especially when we have 32,000 requests.

There is another reason why we have lagged on earmarks, and that is because we chose to do substance over worrying about pork. What we did, after almost 5 years of virtually no oversight by this Congress, we chose to intensify oversight and devote our staff time and Member time to that, rather than people's boodle. As a result, we held 224 hearings, as opposed to 117 last year under the Republican regime.

That is why we have come to the House with the proposition to make certain that we do have transparency, that we will have names attached to every earmark whenever they appear in the process, and we are following a process which has been engaged in by the majority party on the major domestic appropriation bills of each year, and the majority party engaged in this same process for 7 out of the last 12 years. The only difference is, they didn't provide 30 days' notice before those bills went to conference with those earmarks, and our process would.

I know it is late in the evening and I know that Members like to score partisan points, but the fact is, Members, especially those who are not on the Appropriations Committee, are owed the courtesy of at least understanding what it is that the staff has to go through in order to prepare earmarks for everybody.

Now, I don't have a Republican list of earmarks.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. BOEHNER, and by unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I thank the gentleman for his courtesy.

Mr. Chairman, let me simply say, I don't have any idea what earmarks our Republican friends would want to see included in, for instance, the Labor-Health-Education bill.

But the fact is, there is one other protection that we want to have in our process: Unlike the past, when some Appropriation subcommittees simply said Democrats, you look at yours, Republicans look at yours, and then do whatever you want, what we are going to try to do is to make certain that you get to see ours and we get to see yours so that we have that safety valve built into the system. That will protect

the taxpayer and that will protect the reputation of this institution, and I think Members know it.

Mr. Chairman, I would urge Members to remember that our job tonight, after all, is to try to pass a Homeland Security bill, which has traditionally been virtually without earmarks.

Mr. Chairman, I thank the gentleman for the time and I thank the gentleman for his courtesy.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some of my colleagues probably are wondering why at 20 minutes to 1 we are still in the House Chamber debating this issue. I think all of us understand that there is a difference over the amount of money being appropriated in this bill and what is being allocated to all of the appropriation bills.

If we go back and review the bidding on the spending levels over the course of this year, we spent an additional $6 billion in the CR back in February. We spent an additional $17 billion over and above the President's request for the supplemental spending bill for Iraq, Katrina, and a whole host of other issues that many Members did not support.

When we look at the appropriation bills for the fiscal year 2008 beginning in October, we see that we are going to spend an additional $20 billion. So if you add those numbers up, you can see that we are spending tens of billions of dollars, well above what the President requested for not only this current fiscal year, but the next fiscal year.

If that isn't bad enough, let's also remember that this Congress in this first 5 months has already authorized some $105 billion of new spending in their proposals that have been brought to this floor and passed. So for many of us, at some point we have to say, enough is enough when it comes to spending.

The second issue involves the transparency and accountability with regard to earmarks. Last year I went through hell and high water to put into effect an earmark reform proposal that dealt with appropriation bills, that dealt with authorization bills and dealt with tax bills. It required full disclosure, it required names to be attached, and it allowed Members of this House, both on the floor of this House with an appropriation bill or authorization bill or tax bill, or a conference report with regard to an appropriation bill, tax bill or authorization bill, to move under a point of order or to strike that amount of money.

There are 435 of us in this Chamber who are well-equipped to deal with bringing the accountability into this process that all of us want. The Democrat majority in January, when they adopted their rules, gutted the earmark reform proposal that we put into effect last year, while at the same time saying that they were making it stronger.

The fact is, Members do not have access to these earmarks in these bills. We have all heard the stories tonight about what the chairman expects to do after we pass the appropriation bills, with these slush funds included in them, secret slush funds, which will later be allocated based on the decision of one person, one of the 535 of us. It is not right, and the gentleman from Wisconsin knows it is not right.

Now, the gentleman from Wisconsin says we haven't had time to do this. I can tell the gentleman from Wisconsin over the last 3½ months we have, as he has often said, posed for holy pictures over the fight over funding our troops in Iraq and Afghanistan and around the world. We had plenty of time to look at those earmarks, but we didn't do it because we were busy posing for holy pictures.

I can tell the gentleman that to bring a bill forward with no earmarks in it with a promise that we will all see them later is not good enough. I think the Members on our side of the aisle want real disclosure, want real transparency, and I think what the American people want most is real accountability.

Now, let me get to the last issue. For 6 years the gentleman from Wisconsin had the 10 o'clock rule. When we were doing appropriation bills, the majority on our side was not allowed to work after 10 o'clock.

Now, I happen to agree with the gentleman from Wisconsin, because I think working after 10 o'clock is not in the best interests of our Nation. For the nine out of 10 times that we have tried to work after 10 o'clock at night, my colleague from Wisconsin refused to operate after 10 o'clock and threatened all of us that if we worked after 10 o'clock, we would have all of these procedural motions, motions to rise, and we would not be here.

Now, I told the gentleman, I agree with the gentleman from Wisconsin. I go to bed at 10 o'clock. I don't think good work happens after 10 o'clock at night. So what I told the majority earlier today is that we weren't going to work after 10 o'clock at night because we were going to impose the Obey rule on the institution.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Let me point out there is one critical difference between last year and tonight: Last year, you agreed that we would shut down at 10 o'clock because we agreed to put time limits on all of the amendments so we could finish the bills.

I cooperated procedurally so that you could move every single bill through the House, even though I disagreed with some of them.

The key was that we each got something. You got to finish the bills, and we agreed that because we were setting time limits on amendments, that, therefore, there would be no need to work in the evening. You haven't been willing to agree to time limits.

Mr. BOEHNER. Mr. Chairman, reclaiming my time, Mr. OBEY, I will say this: I will be happy to abide by the 10 o'clock rule if you will give real transparency and real accountability to the American people on earmark reform.

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

MOTION TO RISE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 213, not voting 37, as follows:

[Roll No. 463]

AYES—187

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

Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—213

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

NOT VOTING—37

Bordallo
Boucher
Capuano
Carson
Carter
Clay
Coble
Conaway
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hunter
Lantos
Lowey
Murphy, Patrick
Myrick
Norton
Paul
Peterson (PA)
Rangel
Schakowsky
Sessions
Shimkus
Smith (TX)
Stark
Taylor
Towns
Waxman
Weldon (FL)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LARSON of Connecticut) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 0100

Mrs. MALONEY of New York changed her vote from ''aye'' to ''no.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. EMANUEL. Mr. Chairman, I move to strike the last word.

The minority leader brought up two essential points which were basically, at that point, why we were here at a quarter to 1 in the morning. The first point dealt with the issues of fiscal responsibility and spending, and the second issue dealt with earmarks and the procedure or transparency and the questions that the minority had.

On the first issue of fiscal responsibility, he said that they were tired of the amount of spending that was going on and how basically flagrant spending had happened under Democrats.

After 6 years and $4 trillion of new debt run by a Republican President and Republican Congress and Republican Senate, I do appreciate your conversion on the road to Damascus as it relates to fiscal responsibility and spending. And I do believe that after we've seen the highest increase in the Nation's debt in the shortest period of time under a Republican Congress and a Republican President, adding $4 trillion to the Nation's debt, that you have decided enough is enough when it comes to a piece of legislation on homeland security, 5 years after the strike on 9/11. I think it's ironic that it's on this bill that you have decided the spending issue you want to debate.

Now, the minority leader did offer, and he has said as recently as a couple weeks ago, when we have certain debates on the war in Iraq, protecting America, to always be conscious that people from around the world are watching this debate. So I do believe as it relates to homeland security, as we try to protect our borders, as we try to protect our ports, and as we try to protect our cargo, I'm sure the terrorists around the world are quaking in their boots on the motions to rise. You've given them nothing but fear as that issue emerges. That is your right.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. EMANUEL. Mr. Chairman, and since it's often noted on the politics of what has happened in the last election, which is the issue of earmarks, as it relates to the motion to rise, you are long on process and short on policy.

What does this bill actually do? And it's ironic that it's the Republican Congress that basically has enacted, for lack of a better term, a filibuster in name that prevents us from considering 3,000 new border agents.

It's ironic that it is the Republicans in the minority who have dealt with, for the first time we're dealing with adding funding for nuclear material detection, you're preventing that to be voted on.

It's the Republican minority who is dealing with, as it relates to our port security, adding 100 percent new equipment and radiation detection to deal with radiation coming into the port which we know from all the intelligence is an attempt by those who are trying to hurt and harm America, and there's also an increase in our cargo protection.

We've increased funding for our police and fire equipment and fire departments; grants to study and make sure urban areas know how to deal with an emergency; transit grants in case terrorists try to strike our areas in major urban areas; fire grants; communications equipment for police and firefighters; port security funding; explosive detection system; air cargo explosive screening; customs and border agents, adding, as I said, 3,000 new agents for the border, 250 additional customs agents; law enforcement efforts for customs officers; fence requirements all for our border, all this to make sure that our borders, our cargo system, and our ports are secured.

Anytime you want to have that discussion, as long as you want to have that discussion, we are ready to have that discussion of what it takes to secure America, but after 5 years of the strike on America, I find it somewhat poetic that this would be the bill that on procedural grounds you would decide to bring the Congress to a halt.

And I do appreciate since there are no earmarks in this legislation, you seem to be making an argument about earmarks on this issue that fully funds our efforts to secure America.

To the minority leader's second point on earmarks, the question is, and it's a legitimate question for us to debate, have we lived up to our rhetoric?

The CHAIRMAN. The time of the gentleman has expired.

Mr. EMANUEL. I request an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MCHENRY. I object.

The CHAIRMAN. Objection is heard.

Mr. GOHMERT. Mr. Chairman, I move to strike the requisite number of words.

With regard to the remarks just made, Mr. Chairman, I think what is happening here from the Republican side is not an objection to funds for national security; it's the secret funds for

Democratic security we're concerned about.

So we've also heard discussion from the chairman of the committee about a circus. We heard the term ''circus'' numerous times, and that's what got my attention. It got me to thinking about a circus. Most of us have been to circuses. Let me tell you about a circus.

A circus, it's not the most expensive circus, but it's one where you have some trained dogs, maybe they're yellow, maybe they're blue, but you have some trained dogs who get in a line and run in a circle, jump through hoops when the ringmaster tells them; they sit when the ringmaster tells them. These blue, yellow dogs, whatever color dogs, they stand on their hind legs and dance when the ringmaster tells them. They do what the ringmaster says, and it's against their instincts for their own security, it's against their instincts for their own well-being and their family's well-being, but it's all to please the ringmaster. Now, that is a circus.

Now, regarding earmarks, we did have earmark reform last year, and when I heard all of the promises from the other side about there was going to be even greater earmark reform, I thought, you know, that really could be a good thing. But the old saying around Washington is that no matter how cynical you get, it's never enough to catch up, and I'm beginning to see there's something to that because all those promises about taking our earmark reform and going much further went out the window.

As the minority leader said, we had earmark reform. We went directly after the airdropped earmarks so there could be no airdropped earmarks that would not be out of the shadows. Out of the shadows, we're told illegal immigrants need to be brought out of the shadows; they're out on the street marching. The only thing that seems to be in the shadows is these secret earmarks, and that is what we're about.

Now, it would have been a great improvement if we could have moved further, but the truth is there were dozens of us in the Republican side last year that went to our leadership and said, we're not voting for appropriations unless you give us some earmark reform, and what we got was reform on airdrop. I wasn't leader of that, but I was sure proud to be part of it. We had MIKE PENCE, JEB HENSARLING, we had JEFF FLAKE leading the charge on those things, and because a few dozen, and I tell this, Mr. Chairman, through the chairman and hope that people across the aisle, whatever color dogs they may present themselves to the public to be, will understand that a few dozen people talking to their leadership that they're not voting for a bill until there's some earmark reform gets the leadership's attention. We got it on this side, and the Democrats can get it on their side once they get on their own hind legs when they're not instructed by the ringmaster.

Now, there is a cloud of corruption that has been over this body. We dealt with it early on when we thought there was going to be minimum wage reform, and then we found out there was a secret exception, and then some said that it actually benefited someone or a business in the Speaker's own district, and we never heard the Speaker address that.

Some said, well, there's a problem in the carbon footprint we're creating. Then we find out, well, some are saying there's an excessively large jet, and these kinds of questions arose.

We find that a Democrat's indicted, and only then, even though months and months ago we see an 80-page search warrant affidavit with all kinds of information, it's only after indictment that the majority moves forward.

We also know that there's an investigation ongoing, and the question has been raised is it appropriate for someone under investigation by the Justice Department to actually control the Justice Department's budget. There are all these kinds of things.

We have had a chairman of a committee who had an earmark question, and then it's never been a denial that he threatened somebody that raised an issue. Did we bring that earmark into the sunlight? No. We not only didn't bring it into the sunlight, the person that tried to do that was threatened. And when he brought up the threat and the violation of ethics rules, then that was tabled.

Mr. FARR. Mr. Chairman, I move to strike the last word.

I rise as a member of the Appropriations Committee subcommittee. I want to give you a little bit of background of how this whole thing started.

Homeland Security was an agency created after 9/11, and as admitted by many Members on the other side of the aisle, the agency itself was the biggest bureaucracy created. As you remember, it just took employees from all different agencies, including Department of Agriculture, and put it into one agency called Homeland Security. And we created an appropriations committee and essentially just funded it with what it asked, without all the first instance.

And I remember Mr. ROGERS, who was the first chairman of that committee, bringing to the Appropriations Committee the bill last year and indicating this is a huge bureaucracy. It has almost 200,000 people in it, very hard to wrap your hands around it, just sort of hold your nose and vote for it. There were no earmarks in the bill, as there aren't any earmarks here tonight, and we adopted it.

What happened with the new chairmanship with Mr. PRICE is that first thing he did was ask, we better look at what this is all about. Homeland security for what? Security, what are we fighting? So we invited in all these experts to sort of give us an overview of what is risk, what is fear, what should we be looking at, and it was very sensible.

What they suggested is that you're talking about people that are going to respond to incidents, and in an incident like Katrina, an incident like a disaster, like a terrorist act, you're going to need to prepare responders, people in the Intelligence Community, people on the ground in local communities. And in essence what they said is that homeland security is really hometown security, and you need to have your towns prepared for this, and you need to do it on a risk management basis; just don't throw money at everything.

And Chairman PRICE went on CODELs seeing what disasters were like, going to Katrina, going to New Orleans and later along the border, where we put a lot of money, and what we learned in the committee, ironically, was that the only terrorist that was ever apprehended or found evidence of was not on the border that we've all been looking at, which is the Mexican-U.S. border, but, in fact, on the Canadian border where we were doing very little, if anything, on homeland security. The committee found that very interesting and put a lot of money and assets and said let's start securing the northern border as well as the southern border.

The chairman took a bipartisan CODEL along the whole border from Tucson to San Diego, every inch of it, flew it, saw all the assets we have. My God, you'd think that we had the entire war in Iraq being fought on the Mexican border. We have everything from aircraft of all kinds, helicopters, we have ATVs, we have dogs, we have horses, people on horseback. We are covering that border like you can't believe.

□ 0115

In San Diego, we even found a Border Patrol out on the boats in San Diego Harbor. It was everything. We saw fences, all kinds of fences, vehicle fences, human fences, and areas that it's just unbelievable, as far as the eye can see. This border is longer than the distance between Washington and San Francisco.

What we found is that we had better do this thing wisely. Let's listen and let's use some smart risk management.

It all comes down to this bill tonight. What this bill is all about is, this is the best Homeland Security bill this country has ever had. We are spending all this time just on procedural delays.

It's ironic that you are going to be hoisted on your own petard, because this process that Mr. OBEY and the leadership has put in the process requires each one of you, when you ask

for something that's called an earmark, some people call it pork, it's essentially that thing that you think is important. You have to disclose why you are asking for it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will address remarks to the Chair.

Mr. FARR. Mr. Chairman, we had to fill out forms that were never, never ever in the history of the U.S. Congress asked for more disclosure and everything.

The committee rightfully has stated that this is not the bill to attack earmarks, because there haven't been earmarks in this bill. So if you want to continue to delay this, rather than getting to the point of adopting an appropriations bill to allow the Department of Homeland Security to do its job, then let's get on with it.

I think this has been a night of ridiculous waste of time on something that is very, very important on a bill that is very important, the first appropriations bill we have had here, one that must pass if, indeed, we are going to have homeland, hometown security.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take you back, because I know as you are sitting there today you have an independent recollection of what it was like to come here in your first term. Many of us in this Chamber came just in January, took the oath of office, and now what we find is that every week is a new week, all new process we are learning.

So we come in, those of us who are not appropriators, we come into our conference, and we hear this is the appropriations week. Wow, sit down with our staff, staff gets us up to speed, and we hear about earmarks, heard about them a lot in the campaign, and start to get the staff briefing on what are the tools that we have in earmarks.

I heard a lot about them. If you talked to people in Illinois' Sixth Congressional District tonight, and they are awake, and you asked them about earmarks, you would get their attention. They would focus. It was a symbol of an abuse of the process.

So when you sit down as a freshman and your staff comes in, they say, Congressman, this is what you do. You can offer amendments. You can argue with these things. You can challenge them on the floor. As iron sharpens iron, so one makes another better.

So that process, that winnowing process, is what this is all about. That's what every Member has the right to do, except now, because now what ends up happening is our staff tells us, oh, no, but there is this new process, Congressman.

What you get to do is you get to write a letter. Oh, yes, you get to write a letter to the chairman of the committee; and the chairman of the committee is going to open up that letter, and he's going to make a decision about the merits of you, an independent elected Member of Congress. That is who you get to talk to.

You don't get to argue on the House floor. You don't get to light up 435 people. You don't get to talk to millions of people. You get to write one letter. That's where you get to go.

You know, if you think about that, that's absurd. There are all kinds of great things in this bill. No doubt about it. My prior colleague from the State of Illinois articulated many good things in this bill. It's my hope that we can come together and drive towards those things.

But to act as if the earmark process is insignificant is really patronizing. It's patting people on the head and saying, off with you, be lively, you get to write your letter to the chairman, and the chairman will make a declaration on whether it's a good idea or a bad idea.

Well, one of our colleagues on the Internet recently said this. He said, to his constituents, he said, I will remain no one's Congressman but yours. Doesn't that sound great? I mean, that's great stuff, that's rich. You know, that is rich in the Chamber of Commerce meetings; that's rich in front of the Rotary groups; that's rich in front of the coffee groups. And you go door to door, I'm going to be your Congressman.

But you know what? You end up ceding that responsibility. You end up ceding that opportunity to one person, and that's only if you are lucky enough that he reads your mail.

Well, I say ''no'' to that.

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

MOTION TO RISE OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 214, not voting 34, as follows:

[Roll No. 464]

AYES—189

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

NOES—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern

McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—34

Baird
Bordallo
Boucher
Carson
Clay
Conaway
Conyers
Davis, Jo Ann
Dingell
Doyle
Edwards
Faleomavaega
Fortuño
Gutierrez
Harman
Hastert
Holden
Hooley
Hunter
Jones (NC)
Lantos
Miller, George
Moran (VA)
Myrick
Norton
Paul
Peterson (PA)
Rangel
Sessions
Shimkus
Smith (TX)
Stark
Weldon (FL)
Westmoreland

□ 0138

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. ARCURI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a freshman, I find myself at somewhat of a disadvantage in terms of listening to people speak from both sides of the aisle talking about the history of this institution and the way that things have been done over the past several Congresses and over the past several years. And I find that to be somewhat of a disadvantage.

But I also find it to be somewhat of an advantage. And I find it to be an advantage in that you get an ability to look at things from a different perspective, from a new perspective, from a perspective not jaded by how things were done in the past, but looking at it on how things should be done.

And one of the things that I can't help but notice as a former district attorney, when I used to try cases and I would listen to opening statements, you can always get a sense of how good your own case was by listening to the opening statement of the other side. And when they talked about everything, when they talked about the facts, you knew they had a good case. But when they talked about everything but the facts, you knew they didn't have much of a case.

That's what we hear happening tonight. We're not hearing anything about this bill. We're not hearing discussion of the facts. We're hearing everything but what this bill is about.

Earlier this week we had, in Rules Committee, a very good debate on this bill. And one of the points that was brought up on this bill was an issue that I think was very important, and that was the requirement that this bill would have to require ICE to reach out to local institutions, whether it were State, local or Federal, where people were being held that could be deported, and that would be on a monthly basis, to make a determination whether or not those people should be deported.

And Ranking Member ROGERS raised a very good issue during that debate, and he and I had some discussion on it. And he said, well, I believe that what we should be doing is spending more of our priority on the people who are not incarcerated, and I think this bill spends too much time worrying about the people who are incarcerated. My response to which was, as a former DA, the last thing we want to do is let somebody who is right under our nose get away from us. We need to stay focused on the people that are incarcerated. They are right there. They are under our nose, and we need to stay focused on it.

That's what this bill does. But the point, the real important point of that debate was, it was a substantive debate. It was a debate based on the issues. It was a debate based upon the content of the bill itself, not about everything else, not about what happened in the past, not about how things were done or what is going on. It was based upon the substance of the bill. And I think that's what this debate should be focused on.

I think it is a good bill. I think this debate is a good debate when it stays focused on the substance of the bill. And that's what I believe, as a former DA, this bill is a good bill because it deals with important issues that make our communities safer places.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the remarks of the gentleman from New York, and I do agree with him that it would be best, certainly, if the debate could center around the substance of the bill, the legislation.

That's why we're here tonight; the fact that we will have 12 appropriation bills coming up, and we can't focus on much of the substance of that legislation because it won't be included in that legislation. We'll have to wait. We'll have to write to the committee and ask for a request or request for a response back.

You know, a lot of us receive letters from Boy Scouts who are writing for their Citizenship in the Nation merit badge. I'm wondering if we'll qualify for the same thing by writing to the committee.

I think we're entitled to a little more than that as Members of Congress. I think we're entitled to actually debate this on the floor.

The other gentleman from New York who talked a bit earlier said that we're standing with the American people. I would suggest, you may want to go in and log on and see how this is being debated in the blogosphere or in the newspapers tomorrow.

Let me just read a bit of one editorial in tomorrow's Roll Call, for example, and see how they're playing it. Roll Call is not exactly a bastion of the right.

It mentions here, it says, ''So, on Monday, he,'' meaning the chairman of the Appropriations Committee, ''announced a new policy: Earmarks will be fully disclosed prior to the August recess after House voting, but before House-Senate conference, and may be challenged by writing a letter to the Appropriations Committee. After considering defenses from their sponsors, the chairman of the Appropriations Committee will decide whether to put earmarks into conference reports. There will still be no votes on the issue.''

The chairman of the Appropriations Committee ''reiterated this system was necessitated by time constraints that made it impossible to vet 32,000 earmark requests before upcoming votes on appropriations bills. Asked if he would revert to a policy of full and early disclosure next year, he said that he wanted to but couldn't rule out the possibility that specific circumstances would arise.''

This is what they say. ''This simply isn't good enough. The chairman of the Appropriations Committee should not only be disclosing all earmarks before House voting, but all earmarked requests. Earmarks should be open to public vetting, full debate and floor challenge.''

I have the utmost respect for the chairman of the Appropriations Committee. He calls himself a reformer, and I believe that. I've had the opportunity to debate him over the past several years on these earmarks, and I know that he is troubled by them, as well he should be. And I know that he struggles with a way to deal with them.

I simply believe, and I think people across the country feel that we're better served with real transparency. And real transparency is not keeping these earmarks secret until the point at which you have no ability to challenge them on the floor, when you can simply write a letter and ask for a response.

□ 0145

We are legislators; we are not potted plants here. We are here for a purpose. We are here to legislate. And to be relegated to just writing a letter and asking for a response is simply not sufficient.

So I simply would say, Mr. Chairman, if the majority party thinks that they are with people across the country, I would beg to differ and I would ask them to reconsider that and wonder if people across the country really want a process where earmarks are kept secret until people in this body whose job it is to legislate don't have an opportunity to legislate.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

And I know he is serious on this issue, and I respect his integrity on this issue and I also respect his consistency. But let me ask the gentleman one question.

Our job is to try to develop a process. It is not a pro forma process of review but one that is actually effective.

The gentleman has offered a lot of motions in the past 2 years to strike earmarks. Could I ask him how many of them have been successful?

Mr. FLAKE. Not one. I came to the floor 39 times and was beaten like a rented mule every time.

Mr. OBEY. Mr. Chairman, if the gentleman would yield further, that is not the gentleman's fault. He has genuinely tried to ferret out what he thought to be troublesome earmarks and occasionally some of mine.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. FLAKE was allowed to proceed for 2 additional minutes.)

Mr. FLAKE. Mr. Chairman, I thank the gentleman for his courtesy.

One thing that I didn't have when I came before, I never had the ability to know whose earmark I was challenging. Many of those 39 times I came to the floor, debated, even asked for a vote, and still had no clue, after the vote was called and it was lost, whose earmark that was. That wouldn't happen today, and I commend the Democrats for doing this, because of the rules put in place for disclosure. That is great. That is good transparency. But with that transparency, we have to have accountability.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. FLAKE. I would.

Mr. OBEY. Mr. Chairman, I agree we need accountability. And I want to simply say I don't regard your failure to pass any of your amendments as a personal failure on your part.

Mr. Chairman, I think the gentleman has done his dead level best. The problem is that the system is not conducive to producing real results because, as the gentleman himself has said on this House floor, Members look at these motions and they say, I am not going to vote for the Flake amendment because I have got earmarks hanging out there and I don't want to have my endangered. The result has been that nothing has happened. That is why we have had some of the problems we have had. We could have an honest disagreement about what will be the best system, but I would hope that the gentleman would recognize, even though he might disagree with it, it is an honest effort to develop a system which is far more forthcoming than the one we have had in the past.

And I would simply point out that while the majority leader indicated that he had adopted transparency proposals last year, they conveniently arranged them so that they didn't apply to any of the appropriation bills that they passed last year. That is not the gentleman's fault. But it is the responsibility of the minority leader.

I thank the gentleman for the time.

The CHAIRMAN. The gentleman's time has expired.

MOTION TO RISE OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 312, noes 82, answered ''present'' 1, not voting 42, as follows:

[Roll No. 465]

AYES—312

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Christensen
Cole (OK)
Conyers
Costa
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schmidt
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—82

Abercrombie
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Butterfield
Capuano
Carney
Chandler
Clarke
Cleaver
Clyburn
Cooper
Costello
Crowley
Delahunt
Etheridge
Fattah
Filner
Gonzalez
Green, Gene
Grijalva
Hall (NY)
Hastings (FL)
Holt
Inslee
Israel
Jones (OH)
Kind
Kucinich
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Lynch
Maloney (NY)
McCarthy (NY)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mitchell
Mollohan
Moore (WI)
Nadler
Neal (MA)
Olver
Pascrell
Pastor
Perlmutter
Rahall
Rodriguez
Ross
Ruppersberger
Salazar
Schakowsky
Schiff
Schwartz
Scott (GA)
Sestak
Shea-Porter
Sherman
Slaughter
Stupak
Sutton
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)

Waters	Watt	Woolsey
Watson	Welch (VT)	Wu

ANSWERED ''PRESENT''—1

Cohen

NOT VOTING—42

Baird	Fortuño	Myrick
Bordallo	Gutierrez	Norton
Boucher	Harman	Paul
Carson	Hastert	Peterson (PA)
Clay	Holden	Pickering
Coble	Hooley	Radanovich
Conaway	Hulshof	Rangel
Culberson	Hunter	Sessions
Davis, Jo Ann	Johnson, Sam	Shimkus
Dingell	Jones (NC)	Smith (TX)
Doyle	Kilpatrick	Stark
Edwards	Lantos	Udall (CO)
Ellison	Meehan	Weldon (FL)
Faleomavaega	Moran (VA)	Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 0207

Ms. SLAUGHTER changed her vote from ''aye'' to ''no.''

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. FRANK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2638.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2642, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–189) on the resolution (H. Res. 480) providing for consideration of the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–190) on the resolution (H. Res. 481) providing for consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM STAFF MEMBER OF HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Carter Ellison, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

Washington, DC, June 7, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CARTER ELLISON,
Congressional Aide.

COMMUNICATION FROM STAFF MEMBER OF HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

Washington, DC, June 7, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BRISTOL,
Congressional Aide.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ARCURI (at the request of Mr. HOYER) for today until 4:00 p.m.

Mr. EDWARDS (at the request of Mr. HOYER) for June 11 and June 12 on account of attending a funeral in the district.

Mr. WAMP (at the request of Mr. BOEHNER) for June 11 on account of travel delays.

Mr. CONAWAY (at the request of Mr. BOEHNER) for today after 3:00 p.m. and until 8:00 p.m. on June 13 on account of attending the funeral of U.S. Army Sgt. Bacilio ''Bozzy'' Cuellar.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 10 minutes a.m.), the House adjourned until today, Wednesday, June 13, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2145. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. FSIS-2006-0045] (RIN: 0583-AD05) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2146. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for Certain Ceiling Fan Light Kits (RIN: 1904-AB54) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2147. A letter from the Deputy Assistant Administrator, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Lisdexamfetamine Into Schedule II [Docket No. DEA-301F] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2148. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components [Docket No. NHTSA-2006-23882] (RIN: 2127-AH34) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — New Car Assessment Program (NCAP); Safety Labeling [Docket No. NHTSA-2006-25772] (RIN: 2127-AJ76) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2150. A letter from the Executive Director, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees in Part 381 Annual Update of Filing Fees (March 10, 2006) [Docket No. RM06-15-000] (RIN: 1902 AD-18) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2151. A letter from the Director, Defense Security Cooperation Agency, transmitting

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-26, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2152. A letter from the Secretary, Department ofthe Treasury, transmitting a six month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2153. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2154. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to General Order No. 3: Expansion of the General Order and Addition of Certain Persons [Docket No. 070523152-7153-01] (RIN: 0694-AD99) received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2155. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulations: Policy with respect to Somalia [Public Notice:] received May 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the Government of Japan (Transmittal No. DDTC 042-07); to the Committee on Foreign Affairs.

2157. A letter from the Secretary, Department of Education, transmitting the fifty-fourth Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period October 1, 2006 through March 31, 2007 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2158. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2159. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2160. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

2161. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2006 inventory of commercial and inherently governmental activities; to the Committee on Oversight and Government Reform.

2162. A letter from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Oversight and Government Reform.

2163. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2164. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 to March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2165. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2166. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for October 1, 2006, through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2167. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2168. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2006 to March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2169. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Record Disclosure and Privacy (RIN: 3245-AF20) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2170. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Year 2006 A-76 Inventory of Commercial Activities for FY 2005; to the Committee on Oversight and Government Reform.

2171. A letter from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Service, transmitting the Service's annual report for fiscal year 2006, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2172. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2007 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

2173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XA40) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less then 60 Feet (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bearing Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA25) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Experimental Permits for Reusable Suborbital Rockets [Docket No.: FAA-2006-24197; Amendment Nos. 401-5, 404-4, 405-3, 406-4, 413-9, 420-3, 431-2, 437-0] (RIN: 2120-AI56) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 061128313-6313-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2177. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Measurement, Science and Engineering Grants Programs; Availability of Funds [Docket No.: 061222340-6340-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2178. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — NIST Center for Neutron Research (NCNR) Neutron Research and Neutron Scattering, and Sample Environment Equipment Financial Assistance Programs; Availability of Funds [Docket Number: 070309054-7055-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2179. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Precision Measurement Grants Program; Availability of Funds [Docket Number: 061128312-6312-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2180. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — NIST Consortium/Consortia for Post-Complementary Metal Oxide Semiconductor (CMOS) Nanoelectronics Research Program; Availability of Funds [Docket Number: 070419095-7101-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2181. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Advanced Technology Program Notice of Availability of Funds and Announcement of Public Meetings (Proposers' Conferences) [Docket No.: 070320063-7064-01] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2182. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

2183. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — FEES FOR CUSTOMS PROCESSING AT EXPRESS CONSIGNMENT CARRIER FACILITIES [CBP Dec. 07-29 USCBP-2006-0015] (RIN: 1505-AB39) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2184. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIALS FROM PERU [CBP Dec. 07-27] (RIN: 1505-AB79) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Filed June 13 (legislative day of June 12), 2007]

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

Mr. WELCH of Vermont: Committee on Rules. House Resolution 480. Resolution providing for consideration of the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–189). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 481. Resolution providing for consideration of the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–190). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GEORGE MILLER of California (for himself and Mr. HINOJOSA):

H.R. 2669. A bill to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008; to the Committee on Education and Labor.

By Mr. KING of Iowa (for himself, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. PAUL, Mr. SESSIONS, Mr. SOUDER, Mr. TANCREDO, Mr. WICKER, and Mr. PENCE):

H.R. 2670. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. MICA, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. PUTNAM, Mr. KLEIN of Florida, Mr. WEXLER, Ms. CASTOR, Ms. WASSERMAN SCHULTZ, Mr. CRENSHAW, Mr. BOYD of Florida, Mr. MACK, Mr. MAHONEY of Florida, Mr. STEARNS, Mr. FEENEY, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Florida, and Mr. WELDON of Florida):

H.R. 2671. A bill to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Nebraska (for himself, Mr. DOOLITTLE, and Mr. PAUL):

H.R. 2672. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for the cost of attendance at an eligible educational institution; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 2673. A bill to amend title 49, United States Code, to facilitate the resolution of disputes between the Administrator of the Federal Aviation Administration and employees of the Administration in the course of collective negotiations; to the Committee on Transportation and Infrastructure.

By Ms. ROYBAL-ALLARD (for herself, Ms. WOOLSEY, Mr. GRIJALVA, Mr. CUMMINGS, Mr. WEXLER, and Ms. DELAURO):

H.R. 2674. A bill to amend the Fair Labor Standards Act of 1938 to increase penalties for violations of child labor laws, and for other purposes; to the Committee on Education and Labor.

By Mr. BOREN:

H.R. 2675. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Natural Resources.

By Ms. PRYCE of Ohio (for herself, Mrs. CAPPS, Mrs. MYRICK, and Mr. ISRAEL):

H.R. 2676. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mrs. LOWEY, Ms. GRANGER, and Mr. RAMSTAD):

H.R. 2677. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 2678. A bill to prohibit the use of funds appropriated to the Department of Agriculture to approve for human consumption animals that do not stand and walk unassisted; to the Committee on Agriculture.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. SENSENBRENNER, Mr. KIND, Mr. PETRI, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, and Mr. KAGEN):

H.R. 2679. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. SENSENBRENNER, Mr. KIND, Mr. PETRI, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, and Mr. KAGEN):

H.R. 2680. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Ms. CORRINE BROWN of Florida:

H.R. 2681. A bill to provide for the maintenance, management, and availability for research of assets of the Air Force Health Study; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. BISHOP of Georgia, Mr. CULBERSON, Mr. ADERHOLT, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. BONNER, Mr. SESSIONS, Mr. CONAWAY, Mr. WAMP, Mr. HAYES, Mr. TERRY, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. SOUDER, Ms. GRANGER, Mrs. BONO, Mr. GARRETT of New Jersey, Mr. MARKEY, Mr. NEUGEBAUER, Mr. POE, Mr. BOOZMAN, Mr. PENCE, Ms. PRYCE of Ohio, Mr. EDWARDS, Mr. RADANOVICH, and Mr. MARCHANT):

H.R. 2682. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. MAHONEY of Florida):

H.R. 2683. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require in the annual report of each defined benefit pension plan disclosure of plan investments in hedge funds; to the Committee on Education and Labor.

By Mr. CHANDLER:

H.R. 2684. A bill to authorize an independent review of the Federal Aviation Administration's aviation safety-related research programs, and in particular those programs related to air traffic control and runway safety, and for other purposes; to the Committee on Science and Technology.

By Mr. HILL (for himself, Ms. HERSETH SANDLIN, Ms. HARMAN, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. CARDOZA, Mr. ROSS, Mr. BARROW, Mr. COOPER, Mr. BISHOP of Georgia, Mr. TAYLOR, Mrs. GILLIBRAND, Mr. TANNER, Mr. MELANCON, Mr. CHANDLER, Mr. HOLDEN, Mr. SALAZAR, Mr. WILSON of Ohio, Mr. BERRY, Mr. MCINTYRE, Mr. MICHAUD, Mr. THOMPSON of California, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. MATHESON, and Mr. BOYD of Florida):

H.R. 2685. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. MOORE of Kansas, Mr. SHULER, Mr. MELANCON, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARROW, Mr. MATHESON, Mr. TANNER, Mr. BOYD of Florida, and Mr. ROSS):

H.R. 2686. A bill to amend the Balanced Budget and Emergency Control Act of 1985 to extend the pay-as-you-go provisions through fiscal year 2012; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD:

H.R. 2687. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. GOHMERT, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. BARTON of Texas, Mr. CULBERSON, Mr. BRADY of Texas, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. THORNBERRY, Mr. PAUL, Mr. HINOJOSA, Mr. REYES, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. GONZALEZ, Mr. SMITH of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. DOGGETT, Mr. BURGESS, Mr. ORTIZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARTER, and Mr. SESSIONS):

H.R. 2688. A bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph S. Briscoe, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. RODRIGUEZ (for himself, Mr. KENNEDY, Mr. SIRES, and Mr. PEARCE):

H.R. 2689. A bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TIERNEY (for himself, Mr. GEORGE MILLER of California, Mr. HINOJOSA, Ms. MCCOLLUM of Minnesota, Mr. BISHOP of New York, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. EMANUEL, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HIRONO, Mr. HOLT, Mr. JEFFERSON, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 2690. A bill to address rising college tuition by strengthening the compact between the States, the Federal Government, and institutions of higher education to make college more affordable; to the Committee on Education and Labor.

By Mr. WALZ of Minnesota (for himself, Mr. PETERSON of Minnesota, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, and Mr. BOSWELL):

H.R. 2691. A bill to amend the Internal Revenue Code of 1986 to provide additional incentives for facilities producing electricity from wind; to the Committee on Ways and Means.

By Mrs. GILLIBRAND (for herself, Mr. BARROW, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. CHANDLER, Mr. COOPER, Mr. LINCOLN DAVIS of Tennessee, Mr. ELLSWORTH, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. HILL, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. ROSS, Mr. SALAZAR, Mr. TANNER, Mr. TAYLOR, Mr. THOMPSON of California, and Mr. WILSON of Ohio):

H.J. Res. 45. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FILNER:

H. Con. Res. 168. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania:

H. Res. 478. A resolution electing a member to the Joint Committee on Printing; considered and agreed to.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, and Mr. CANTOR):

H. Res. 479. A resolution to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. GALLEGLY (for himself, Mr. WEXLER, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. KING of New York, and Mr. NEAL of Massachusetts):

H. Res. 482. A resolution expressing support for the new power-sharing government in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ:

H. Res. 483. A resolution recognizing the 63rd Anniversary of Big Bend National Park, established on June 12, 1944; to the Committee on Natural Resources.

By Mr. SHULER (for himself, Mr. CHANDLER, Ms. HARMAN, Mr. BARROW, Mr. CARDOZA, Mr. COOPER, Mr. COSTA, Mrs. GILLIBRAND, Mr. MOORE of Kansas, Mr. ROSS, Mr. TANNER, Mr. TAYLOR, Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. SALAZAR, Mr. SCHIFF, Mr. MELANCON, Mr. BOYD of Florida, Mr. MCINTYRE, Mr. MICHAUD, Mr. HILL, Mr. ELLSWORTH, Mr. MATHESON, Mr. BISHOP of Georgia, Mr. PATRICK MURPHY of Pennsylvania, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, and Mr. MAHONEY of Florida):

H. Res. 484. A resolution amending the Rules of the House of Representatives to strengthen the budget process; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 2692) for the relief of Lucrecia Ramos-Chamana de Zevallos; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 135: Mr. DAVIS of Illinois.
H.R. 169: Mr. COBLE.
H.R. 180: Mr. CLAY.
H.R. 241: Mr. STEARNS.
H.R. 272: Mr. STEARNS.
H.R. 369: Mr. ROTHMAN and Mr. GORDON.
H.R. 410: Ms. BERKLEY.
H.R. 526: Mr. HASTINGS of Florida.
H.R. 549: Mr. GERLACH.
H.R. 551: Mr. GENE GREEN of Texas.
H.R. 566: Ms. SUTTON.
H.R. 618: Mr. JONES of North Carolina.
H.R. 642: Mr. ORTIZ and Ms. NORTON.
H.R. 643: Ms. HIRONO.
H.R. 676: Mr. THOMPSON of Mississippi.
H.R. 695: Mrs. MILLER of Michigan, Mr. MILLER of North Carolina, Mr. THOMPSON of Mississippi, and Ms. WASSERMAN SCHULTZ.
H.R. 719: Ms. FOXX, Mr. FOSSELLA, Ms. GIFFORDS, Ms. BERKLEY, Mr. BURTON of Indiana, Mr. FORTUÑO, Mr. FRANKS of Arizona, Mr. KLEIN of Florida, and Mr. CALVERT.
H.R. 724: Mr. STEARNS.
H.R. 726: Mr. PALLONE and Mr. PAYNE.
H.R. 736: Mrs. MUSGRAVE.
H.R. 782: Mr. JOHNSON of Georgia and Mr. STEARNS.
H.R. 788: Mr. GEORGE MILLER of California, Mr. CLAY, and Mr. MCGOVERN.
H.R. 821: Mr. KANJORSKI.
H.R. 840: Mr. RYAN of Ohio and Mr. SCOTT of Georgia.
H.R. 906: Mr. BARTLETT of Maryland.
H.R. 923: Mr. MILLER of North Carolina.

H.R. 934: Mr. GOODE.
H.R. 970: Mr. PETERSON of Minnesota.
H.R. 971: Mr. PRICE of Georgia.
H.R. 980: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, and Ms. LORETTA SANCHEZ of California.
H.R. 1043: Mr. ABERCROMBIE.
H.R. 1063: Mr. STEARNS.
H.R. 1076: Mr. MILLER of North Carolina, Mr. PITTS, and Ms. BALDWIN.
H.R. 1104: Mr. CONYERS.
H.R. 1108: Mr. KUCINICH.
H.R. 1125: Mr. LINCOLN DAVIS of Tennessee, Mr. HINOJOSA, Mr. EMANUEL, Mr. HINCHEY, Mr. BISHOP of Utah, Mr. TOWNS, Mr. REHBERG, Mr. NEUGEBAUER, and Mr. SIRES.
H.R. 1134: Mr. BAIRD, Mrs. BACHMANN, Mr. UDALL of Colorado, Mr. FILNER, Mr. BARROW, and Mr. ABERCROMBIE.
H.R. 1188: Mr. POMEROY.
H.R. 1222: Ms. GIFFORDS.
H.R. 1228: Mr. FORTENBERRY.
H.R. 1236: Mr. CARNAHAN and Mr. LATHAM.
H.R. 1237: Mr. WEINER.
H.R. 1279: Mr. KENNEDY, Mr. FORTUÑO, Mr. SOUDER, Mr. MICHAUD, Mr. KUCINICH, and Mr. PETERSON of Minnesota.
H.R. 1293: Mr. UDALL of Colorado, Mr. DICKS, Mr. NADLER, Mr. CLEAVER, Mr. GONZALEZ, Mr. BERRY, Mr. GINGREY, and Ms. BEAN.
H.R. 1295: Mr. SAM JOHNSON of Texas and Mr. DOOLITTLE.
H.R. 1303: Mr. HILL.
H.R. 1308: Mr. LEVIN.
H.R. 1318: Mr. ARCURI.
H.R. 1338: Mr. YARMUTH.
H.R. 1342: Mr. TANCREDO.
H.R. 1371: Mr. DINGELL.
H.R. 1395: Mr. CRENSHAW.
H.R. 1399: Mrs. MILLER of Michigan, Mr. REYNOLDS, Mr. WICKER, and Mr. BURTON of Indiana.
H.R. 1415: Mr. RANGEL and Ms. ESHOO.
H.R. 1416: Mr. RANGEL and Ms. MATSUI.
H.R. 1418: Ms. HERSETH SANDLIN.
H.R. 1421: Mr. PENCE, Mr. TIAHRT, Mr. REICHERT, Mr. PUTNAM, and Mr. PICKERING.
H.R. 1422: Mr. COSTA.
H.R. 1426: Ms. PRYCE of Ohio.
H.R. 1461: Mr. DAVIS of Illinois and Ms. HIRONO.
H.R. 1472: Mr. UDALL of New Mexico.
H.R. 1474: Ms. LINDA T. SÁNCHEZ of California, Mr. COOPER, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. CAPUANO, Mr. REHBERG, and Mr. DEFAZIO.
H.R. 1498: Ms. NORTON.
H.R. 1509: Mr. MEEK of Florida.
H.R. 1514: Mr. BOOZMAN.
H.R. 1524: Ms. SLAUGHTER, Mr. HODES, Ms. HERSETH SANDLIN, Ms. SUTTON, Mr. RAHALL, and Mrs. BOYDA of Kansas.
H.R. 1534: Ms. SOLIS and Mr. KUCINICH.
H.R. 1540: Mr. PAUL, Mr. TOM DAVIS of Virginia, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1542: Mr. MCDERMOTT.
H.R. 1554: Mr. ABERCROMBIE.
H.R. 1556: Mr. ROSKAM, Mr. PICKERING, and Mr. ELLSWORTH.
H.R. 1567: Mr. ORTIZ.
H.R. 1589: Mr. PAUL.
H.R. 1613: Mr. WALBERG.
H.R. 1614: Mr. SERRANO, Mr. WEINER, Mr. LOEBSACK, Mr. MCNERNEY, Mr. YARMUTH, Ms. HIRONO, and Ms. KAPTUR.
H.R. 1663: Mr. WEINER and Mr. TIERNEY.
H.R. 1682: Mr. PATRICK MURPHY of Pennsylvania and Ms. SHEA-PORTER.
H.R. 1687: Mr. FILNER, Mr. MCGOVERN, Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, and Ms. HARMAN.
H.R. 1688: Mr. WELCH of Vermont and Ms. ZOE LOFGREN of California.
H.R. 1691: Mr. MCDERMOTT and Mr. BAIRD.
H.R. 1707: Ms. SUTTON and Mr. MORAN of Virginia.
H.R. 1713: Mrs. MALONEY of New York, Mr. RUSH, Mr. KUCINICH, Mr. MCDERMOTT, Mr. DAVIS of Illinois, and Ms. SLAUGHTER.
H.R. 1718: Mr. MILLER of North Carolina and Mr. MEEK of Florida.
H.R. 1743: Mr. MCGOVERN.
H.R. 1801: Mr. SESSIONS and Mr. SPRATT.
H.R. 1814: Mrs. MYRICK and Mr. LUCAS.
H.R. 1819: Mr. CONYERS.
H.R. 1871: Mr. WEXLER.
H.R. 1877: Mr. CHANDLER.
H.R. 1884: Mr. PETERSON of Minnesota, Mrs. BACHMANN, and Mr. CAPUANO.
H.R. 1959: Mr. SOUDER and Mr. MCHUGH.
H.R. 1964: Mr. JOHNSON of Georgia.
H.R. 1969: Mr. WOLF and Mrs. BLACKBURN.
H.R. 2007: Mr. KENNEDY.
H.R. 2016: Ms. WOOLSEY and Mr. BAIRD.
H.R. 2035: Ms. HOOLEY.
H.R. 2045: Mr. SALAZAR and Mr. FORTUÑO.
H.R. 2066: Mr. GERLACH.
H.R. 2075: Ms. SCHWARTZ.
H.R. 2095: Mr. MCGOVERN, Mr. LYNCH, Mr. HOLT, and Ms. KAPTUR.
H.R. 2125: Mr. MILLER of North Carolina, Mr. HOLT, and Mr. ANDREWS.
H.R. 2134: Mr. STEARNS.
H.R. 2158: Mr. STEARNS.
H.R. 2164: Mr. ABERCROMBIE.
H.R. 2165: Mr. HALL of New York, Mr. SPRATT, Ms. BERKLEY, Mr. CARNEY, and Mr. VAN HOLLEN.
H.R. 2183: Mr. SIMPSON, Mr. WICKER, Mr. KINGSTON, Mr. EVERETT, Mr. TIBERI, Mr. LATOURETTE and Ms. PRYCE of Ohio.
H.R. 2234: Mrs. MALONEY of New York, Mr. DEFAZIO, Mr. RAHALL, Mr. WAMP, and Mr. COHEN.
H.R. 2235: Mr. HARE.
H.R. 2267: Ms. PRYCE of Ohio.
H.R. 2295: Mr. KUHL of New York and Mr. SHULER.
H.R. 2298: Mr. LUCAS and Mr. SHULER.
H.R. 2303: Mr. DAVIS of Illinois; Mr. ARCURI.
H.R. 2305: Mr. DAVIS of Alabama.
H.R. 2312: Mr. GOHMERT, Mr. SOUDER, and Mr. WAMP.
H.R. 2327: Mr. MILLER of North Carolina, Ms. ROS-LEHTINEN, Ms. SCHWARTZ, and Mr. MARKEY.
H.R. 2329: Mr. REYNOLDS.
H.R. 2385: Mr. PASTOR.
H.R. 2394: Mr. WOLF.
H.R. 2398: Mr. WHITFIELD.
H.R. 2416: Mr. HELLER.
H R. 2417: Mr. COHEN.
H.R. 2426: Mr. BRALEY of Iowa.
H.R. 2432: Mr. WHITFIELD and Mr. SOUDER.
H.R. 2435: Mr. CONYERS and Mr. KUCINICH.
H.R. 2436: Mr. CONYERS.
H.R. 2443: Mr. GOHMERT, Mr. BOOZMAN, Mr. NEUGEBAUER, Mr. KANJORSKI, Mr. BARTLETT of Maryland, and Mr. SHERMAN.
H.R. 2457: Mr. JACKSON of Illinois and Mr. KUCINICH.
H.R. 2464: Mr. GORDON, Mr. GENE GREEN of Texas, and Mr. CLEAVER.
H.R. 2471: Mr. YOUNG of Alaska, Mr. GILLMOR, and Mr. LAMBORN.
H.R. 2480: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2483: Mr. MARIO DIAZ-BALART of Florida and Mr. NEUGEBAUER.
H.R. 2492: Mrs. MYRICK.
H.R. 2511: Mr. GENE GREEN of Texas and Mr. RAMSTAD.
H.R. 2551: Mr. KING of Iowa.
H.R. 2564: Mr. ELLSWORTH.
H.R. 2580: Mr. PENCE and Mr. RAMSTAD.
H.R. 2599: Ms. CORRINE BROWN of Florida.
H.R. 2611: Mr. DEFAZIO and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2635: Mr. BRALEY of Iowa, Mr. CLAY, Mr. CUMMINGS, Mr. HODES, Mr. KUCINICH, Mr. LYNCH, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Ms. NORTON, Mr. SARBANES, Mr. VAN HOLLEN, Ms. WATSON, Mr. WELCH of Vermont, and Mr. YARMUTH.
H.R. 2637: Mr. LOEBSACK.
H.R. 2640: Mr. SHERMAN.
H. Con. Res. 75: Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. HIRONO, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 81: Mr. VAN HOLLEN.
H. Con. Res. 97: Mr. DENT and Mr. SHAYS.
H. Con. Res. 125: Mr. TIERNEY, Mr. KING of New York, and Mr. CRENSHAW.
H. Con. Res. 136: Mr. PENCE.
H. Con. Res. 147: Mr. HASTINGS of Florida, Ms. MATSUI, Mr. ABERCROMBIE, Mr. TAYLOR, Mr. CULBERSON, and Mr. HALL of Texas.
H. Con. Res. 155: Mr. GENE GREEN of Texas.
H. Res. 54: Mr. LATOURETTE.
H. Res. 101: Mr. PATRICK MURPHY of Pennsylvania.
H. Res. 111: Mr. TIBERI and Mr. COURTNEY.
H. Res. 121: Mrs. TAUSCHER, Mr. CHANDLER, Mr. RYAN of Ohio, Mr. BOYD of Florida, and Mr. PASTOR.
H. Res. 185: Mr. PENCE.
H. Res. 194: Mr. SHERMAN and Ms. KAPTUR.
H. Res. 231: Mr. BAKER, Mr. JONES of North Carolina, and Mr. PENCE.
H. Res. 245: Mr. CROWLEY.
H. Res. 282: Mr. CONYERS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, and Mr. WYNN.
H. Res. 303: Mr. HINCHEY, Mr. VAN HOLLEN, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Mr. RAMSTAD, and Mr. BURTON of Indiana.
H. Res. 333: Ms. WATERS.
H. Res. 380: Mr. MCNULTY, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Ms. BORDALLO, Mr. SESSIONS, Mr. WESTMORELAND, Mr. SMITH of Washington, Ms. KILPATRICK, Mr. RAMSTAD, Mr. BOOZMAN, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. WALBERG, Mr. BUYER, Mr. SMITH of New Jersey, and Mr. DAVIS of Illinois.
H. Res. 416: Mr. SOUDER.
H. Res. 442: Mr. THORNBERRY, Mr. MARCHANT, Mr. FILNER, Mrs. GILLIBRAND, Mr. KAGEN, Mr. LOEBSACK, Mrs. MUSGRAVE, Mr. EVERETT, Mr. KIRK, Mr. MATHESON, Mr. CONAWAY, Mr. SCHIFF, Mr. LARSON of Connecticut, Mr. BARRETT of South Carolina, Mr. TANNER, Mr. BARROW, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. WILSON of South Carolina, Mr. LOBIONDO, Mr. POMEROY, Mr. ROTHMAN, Mr. SALAZAR, Mr. GORDON, Mr. WHITFIELD, Mr. TIAHRT, Mr. RADANOVICH, Mr. MITCHELL, Mr. CAMP of Michigan, and Mr. WAMP.
H. Res. 457: Mr. SMITH of New Jersey.
H. Res. 467: Mr. PENCE, Mr. WOLF, and Mr. CAPUANO.
H. Res. 477: Mr. KANJORSKI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 95: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to administer any extension of designation made under section

244(b) of the Immigration and Nationality Act with respect to Honduras, or Nicaragua.

H.R. 2638

OFFERED BY: MR. DEAL OF GEORGIA

AMENDEMNT NO. 96: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to destroy or put to pasture any horse or mule belonging to the Unites States that has become unfit for service.

H.R. 2638

OFFERED BY: MR. JINDAL

AMENDMENT NO. 97: Page 38, line 17, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 44, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

H.R. 2638

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 98: Page 17, strike the proviso beginning on line 2.

H.R. 2638

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 99: Strike section 531 (page 69, beginning at line 4).

H.R. 2638

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 100: Page 24, line 17, strike the period and insert the following: ''*Provided further*, That $1,000,000 may not be obligated for transportation security support until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives a report studying the feasibility of a program to check passenger manifests of international flights that over-fly the territory of the United States against terrorist watch lists.''.

H.R. 2638

OFFERED BY: MR. REICHERT

AMENDMENT NO. 101: Page 2 line 9, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 2 line 16, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 4 line 24, after the dollar amount insert ''(increased by $10,000,000)''.

Page 6 line 5, after the dollar amount insert ''(reduced by $6,000,000)''.

H.R. 2638

OFFERED BY: MR. DENT

AMENDMENT NO. 102: Page 33, line 15, after ''of which'' insert the following: ''$853,690,000 is for protective missions and''.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 103: Page 17, line 23, after the dollar amount, insert ''(reduced by $4,100,000) (increased by $4,100,000)''.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 104: Page 6, line 5, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 105: Page 17, line 23, after the dollar amount, insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

H.R. 2638

OFFERED BY: MR. SOUDER

AMENDMENT NO. 106: Page 16, line 20, strike ''*Provided*, That no aircraft'' and insert ''*Provided further*, That no aircraft''.

Page 16, line 20, insert after the colon the following: ''*Provided*, That of the amount made available under this heading, $100,000,000 may not be obligated until Congress receives a report detailing the number of requests United States Customs and Border Protection receives for use of air and marine assets by United States Immigration and Customs Enforcement and other Federal, State, and local agencies and the number of such requests that are denied:''.

H.R. 2638

OFFERED BY: MR. SOUDER

AMENDMENT NO. 107: Page 25, line 3, after the first dollar amount, insert ''(reduced by $21,500,000)''.

Page 31, line 13, after the dollar amount, insert ''(reduced by $8,000,000)''.

Page 26, line 10, after the first dollar amount, insert ''(increased by $29,500,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $29,500,000)''.

Page 26, line 25, after the dollar amount, insert ''(increased by $29,500,000)''.

H.R. 2638

OFFERED BY: MR. SOUDER

AMENDMENT NO. 108: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to administer or advertise any policy of the Department of Homeland Security to provide lawful status to aliens unlawfully present in the United States under any provision of law not in effect on the date of the enactment of this Act.

H.R. 2638

OFFERED BY: MR. GALLEGLY

AMENDMENT NO. 109: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to pay a Federal contractor who is not participating in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act.

H.R. 2638

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 110: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to provide assistance to any State or local government which has notified the Department of Homeland Security of its failure or refusal, in contravention of Federal law, to assist in the enforcement of Federal immigration laws.

H.R. 2638

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 111: Page 11, line 24, after the dollar amount, insert ''(increased by 1,684,000,000)''.

Page 11, line 25, insert before the colon the following: ''for the Secretary of Homeland Security to provide for at least two layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors in the following amounts and areas: $66,000,000 for extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry, $1,360,000,000 for extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry, $317,000,000 for extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas, $218,000,000 for extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry, and $723,000,000 for extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry''.

Page 15, line 14, strike ''makes every effort'' and insert ''makes a reasonable effort''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 40, line 10, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 40, line 17, after the dollar amount, insert ''(reduced by $200,000,000)''.

Page 44, line 20, after the dollar amount, insert ''(reduced by $1,134,000,000)''.

H.R. 2638

OFFERED BY: MR. BUYER

AMENDMENT NO. 112: Page 17, line 23, after the dollar amount, insert ''(increased by $15,700,000)''.

Page 45, line 11, after the dollar amount, insert ''(reduced by $15,700,000)''.

H.R. 2638

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 113: At the end of title V, add the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) before June 1, 2009.

H.R. 2638

OFFERED BY: MR. KUHL OF NEW YORK

AMENDMENT NO. 114: Page 8, line 5, insert before the period the following: '': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines the potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions.''.

H.R. 2638

OFFERED BY: MR. KUHL OF NEW YORK

AMENDMENT NO. 115: Page 8, line 5, insert before the period the following: '': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines security at the Northern Border, evaluates the ability of United States Customs and Border Protection to identify and stop all potential threats from crossing the Northern Border, lists all breaches of security and the reason for such breaches since 2005, and contains recommendations to concerning how and what must be done to improve United States Customs and Border Protection and security at the Northern border.''.

H.R. 2638

OFFERED BY: MRS. MILLER OF MICHIGAN

AMENDMENT NO. 116: Page 39, line 26, strike ''80'' and insert ''95''.

Page 41, line 16, strike ''80'' and insert ''95''.

H.R. 2638

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 117: Page 2, line 16, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 11, line 24, after the dollar amount insert ''(increased by $50,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF NEW YORK

AMENDMENT NO. 118: At the end of Title IV insert the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Federal Emergency Management Agency—Emergency

Management Performance Grants'' by $35,000,000, by reducing the amount made available for ''Coast Guard—Research, Development, Test, and Evaluation'' by $5,000,000, and by increasing the amount made available for ''Domestic Nuclear Detection Office—Systems Acquisition'' by $40,000,000 to carry out the mission and responsibilities of the Domestic Nuclear Detection Office authorized in paragraphs (1), (2), (3), and (4)(A) of the second section 1802(a) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)).

H.R. 2638

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 119: On Page 3, line 19, insert after the dollar amount ''(reduced by $5,000,000)''.

On Page 38, line 17, insert after the dollar amount ''(increased by $5,000,000)''.

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 120: At the end of the bill (before the short title), insert the following:

SEC. 544. Of the funds appropriated in this Act under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY—STATE AND LOCAL PROGRAMS'' for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), not more than $30,000,000 shall be available for Operation Stonegarden.

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 121: Page 18, line 25, insert before the period at the end the following: '': *Provided further*, That, of the funds made available under this heading, $30,000,000 is for carrying out section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))''.

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMEENT NO. 122: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to provide an immigration benefit to an alien who is unlawfully present in the United States. For purposes of the preceding sentence, the term ''immigration benefit'' includes, among other benefits, immigrant and nonimmigrant visas, adjustment of status, change of nonimmigrant classification, employment authorization, and admission into the United States (as such terms are used or defined in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 123: Page 3, line 19, after the dollar amount insert ''(increased by $17,000,000)''.

Page 3, line 21, after the dollar amount insert ''(increased by $17,000,000)''.

Page 38, line 17, after the dollar amount insert ''(reduced by $17,000,000)''.

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 124: Page 2, line 16, after the dollar amount, insert ''(decreased by $30,000,000)''.

Page 39, line 14, after the dollar amount, insert ''(increased by $30,000,000)''.

Page 41, line 7, after the dollar amount, insert ''(increased by $30,000,000)''.

H.R. 2638

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 125: Page 2, line 16, after the dollar amount, insert ''(reduced by $34,000,000)''.

Page 48, line 9, after the dollar amount, insert ''(increased by $30,000,000)''.

H.R. 2638

OFFERED BY: MR. CANTOR

AMENDMENT NO. 126: Page 72, line 22, after ''statute'' insert the following: ''(execept a mechanism included in this Act)''.

H.R. 2638

OFFERED BY: MR. CANTOR

AMENDMENT NO. 127: Page 73, after line 4, insert the following new subsection:

(c) For the purposes of this section, the term ''other mechanism that is required By: statute'' does not include any provision of this Act that specifies by name or specific physical location the intended recipient of a grant or contract.

H.R. 2641

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 1: At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06–54–000, CP06–55–000, and CP06–56–000.

H.R. 2641

OFFERED BY: MR. BURGESS

AMENDMENT NO. 2: Page 18, line 10, after the dollar amount insert ''(increased by $1,500,000)''.

Page 20, line 10, after the dollar amount insert ''(reduced by $1,500,000)''.

H.R. 2641

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 3: Page 25, line 14, after the second dollar amount insert ''(reduced by $30,000,000)''.

Page 37, line 19, after the dollar amount insert ''(increased by $30,000,000)''.

H.R. 2641

OFFERED BY: MR. SPACE

AMENDMENT NO. 4: Page 25, line 14, after the second dollar amount insert ''(reduced by $30,000,000)''.

Page 37, line 19, after the dollar amount insert ''(increase by $30,000,000)''.

H.R. 2642

OFFERED BY: MR. GARRETT OF NEW YORK

AMENDMENT NO. 1: Page 30, line 14, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

H.R. 2642

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 2: Under the heading ''BASE REALIGNMENT AND CLOSURE ACCOUNT 1990'', insert after the dollar amount the following: ''(increased by $50,000,000)''.

Under the heading ''BASE REALIGNMENT AND CLOSURE ACCOUNT 2005'', insert after the dollar amount the following: ''(reduced by $201,000,000)''.

H.R. 2642

OFFERED BY: MR. HALL OF NEW YORK

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide to any officer of the Department of Veterans Affairs who is appointed by the President, by and with the consent of the Senate, or to any Deputy Under Secretary or Deputy Assistant Secretary of the Department of Veterans Affairs a performance award under section 5384 of title 5, United States Code, or a performance-based cash award under section 4505a of such title.

H.R. 2642

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 4: Page 30, line 8, after ''appropriation'', insert '': *Provided further*, That $10,000,000 of such funds may not be obligated or expended until the Secretary of Veterans Affairs submits to the House of Representatives an executable plan, to be implemented not later than January 1, 2010, for maintaining medical records that are interoperable between the Department of Veterans Affairs and the Department of Defense''.

H.R. 2642

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 5: Page 44, after line 22, insert the following new section:

SEC. ____. The Secretary of Veterans Affairs shall carry out a pilot program in five rural states to provide specific case managers for traumatic brain injury patients in Department of Veterans Affairs facilities. In carrying out the pilot program, the Secretary shall—

(1) coordinate with local medical centers and Department of Veterans Affairs facilities to properly train the case managers;

(2) determine an appropriate ratio of patients to each case manager to ensure patients receive proper and efficient treatment;

(3) utilize case managers to enter into contracts with local private health care providers to provide local care to traumatic brain injury patients who are eligible to recieve care at Department of Veterans Affairs medical facilities, if appropriate, so such patients are not forced to travel long distances to receive care; and

(4) reimburse private providers for the care provided to traumatic brain injury patients who are eligible to recieve care at Department of Veterans Affairs medical facilities when no appropriate Department facility is available.

H.R. 2643

OFFERED BY: MR. SALAZAR

AMENDMENT NO. 1: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available by this Act may be used to open to oil and gas leasing any lands in Colorado that were formerly designated as Naval Oil Shale Reserves 1 and 3 that were not open to such leasing on May 15, 2007, and that are located within the rim boundary, as such boundary is depicted on Map 1 accompanying the Bureau of Land Management's final Resource Management Plan Amendment and Environmental Impact Statement for the Roan Plateau Planning Area dated August, 2006.

H.R. 2643

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 2: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

H.R. 2643

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 3: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act may be used to implement Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) with respect to a claimed Revised Statue (R.S.) 2477 right-of-way or to issue a non-binding determination pursuant to the Secretary of the Interior's Memorandum to Assistant Secretaries dated March 22, 2006, revoking the Department of the Interior's previous Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways.

EXTENSIONS OF REMARKS

CONGRATULATING ALEX CHANDLER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. TANCREDO. Madam Speaker, I am honored to highlight an outstanding achievement of a young leader from my congressional district. Mr. Alex Chandler of Heritage High School in Littleton, Colorado was the elected Youth Governor of the YMCA Youth in Government Program and will attend the 2007 Youth Governor's Conference in Washington, DC this June.

Mr. Chandler's road to Washington is not unlike those taken by current Members of Congress. After a vigorous campaign, he was elected Youth Governor of Colorado to represent more than 50,000 of his peers. He was then given the task of executing the duties of his office against those of a mock legislature and judicial system. Due to his outstanding political and leadership abilities, Mr. Chandler will be one of 40 Youth Governors chosen to attend the conference.

The Youth Governor's Conference has been held annually in Washington, DC since 1964, granting high school students a rare and unique opportunity to meet and engage their elected officials in Congress, policy makers, and other prominent political personalities. This exceptional event seeks to provide these young individuals a greater understanding of America's political system, a familiarity of the major players within it, and exposure to the important issues of our era.

Madam Speaker, all of Colorado can take pride in the performance of Mr. Chandler and his great political potential. He is an excellent role model for his peers as well as a symbol of this country's future leadership. Please join me in commending Mr. Chandler for his successes.

SENATOR JOSEPH BIDEN PROPOSES INTERNATIONAL NUCLEAR LIBRARY TO THWART NUCLEAR TERRORISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the House to a recent article by the distinguished Chairman of the Senate Foreign Relations Committee, Senator JOSEPH BIDEN of Delaware. For the past 34 years that he has served in the Congress, Senator BIDEN has been a steadfast proponent of strong American policies to deal with nuclear non-proliferation.

In a column published last week in the Wall Street Journal Senator BIDEN proposed an "International Nuclear Library" that would store the nuclear signatures of the stockpiles of nuclear materials of all participating nations. Such a program would allow not only the United States but all participating countries to know that if any nuclear materials were inappropriately used, it would be possible to identify with certainty just where the culprits found their nuclear materials—a very strong deterrence to misuse.

Madam Speaker, Senator BIDEN's proposal would encourage more responsible behavior by countries with nuclear materials. It would provide a strong incentive for close monitoring of nuclear stockpiles. This plan would also give all participating countries a source for any radioactive materials that have entered or exited their borders.

I welcome Senator BIDEN's excellent and progressive proposal. Madam Speaker, I ask that Senator BIDEN's article be placed in the RECORD, and I urge all of my colleagues to give it careful and thoughtful attention.

[From the Wall Street Journal, June 4, 2007]

CSI: NUKES

(By Senator Joseph Biden)

The most dangerous threat America faces is the possibility that one of the world's most extreme groups—like al Qaeda—gets its hands on a nuclear bomb. Luckily, a would-be nuclear terrorist cannot make the ingredients for a modern-day Hiroshima by himself. Either a state will have to give or sell him a bomb or the nuclear material to make one, or the terrorist will have to steal the material.

To bring deterrence into the 21st century and prevent an attack from ever occurring, the United States and other potential targets of nuclear terrorism must take advantage of nuclear terrorists' reliance on states.

The U.S. has long deterred a nuclear attack by states, by clearly and credibly threatening devastating retaliation. Now is the time for a new type of deterrence: We must make clear in advance that we will hold accountable any country that contributes to a terrorist nuclear attack, whether by directly aiding would-be nuclear terrorists or willfully neglecting its responsibility to secure the nuclear weapons or weapons-usable nuclear material within its borders. Deterrence cannot rest on words alone. It must be backed up by capabilities.

Before, we relied on being able to track incoming bombers or missiles to know who had attacked us. Today, because a nuclear bomb might be delivered in a rental van or a boat, the credibility of the new deterrence will rest on our scientific ability to examine the air and ground debris created by an attack to determine the source of the nuclear material.

Building on work from the Cold War, the U.S. is a leader in this new science of nuclear forensics. Any country today that aids a would-be nuclear terrorist, through action or neglect, has to be concerned about getting caught. But we can and must do more to improve our ability in this area, and to make our ability to trace the source of a nuclear explosion widely known. We need more nuclear forensics research, more scientists to analyze nuclear samples, and an assured ability—using our own aircraft or those of cooperating states—to quickly collect nuclear debris from the site of any attack, in this country or around the world.

While there is a lot the U.S. can do on its own to deter countries from helping nuclear terrorists, there is much more we can do through cooperation with other governments. In the aftermath of an attack—or much better, if terrorists are caught smuggling nuclear material before an attack—scientists would want to compare the samples they collect against what is known about other countries' nuclear material, to figure out the samples' country of origin. To enable such work, the U.S. should take the lead in creating an international nuclear forensics library.

The library could house actual samples of nuclear material contributed by participating countries, validated data about their material, or binding agreements to provide predetermined data in the immediate aftermath of an attack or smuggling incident. A library cannot guarantee that in the wake of an attack the world could assign blame to a country, but it could be a critical tool in narrowing an investigation and debunking wild rumors or allegations. Countries might hesitate to share their nuclear material, but the library could safeguard samples and identify their origin only if they matched smuggled material or nuclear debris. Any country that refused to contribute to a nuclear forensics library would risk condemnation or suspicion in the event of a terrorist nuclear attack.

Working out arrangements—to ensure that samples and data stay in trusted hands and that countries cannot fake the samples or data they submit—won't be easy. That is all the more reason to build on existing data collections in Russia and Germany and work with other countries to craft such a worldwide nuclear forensics library.

Four years ago, I proposed improving our nuclear forensics capabilities, but today funding for critical nuclear analysis by our National Laboratories remains dangerously low. Congress must give the labs the resources that they need—and that America's security demands.

This new form of deterrence must add to, not replace, other efforts to prevent nuclear terrorism. We must devote far more dollars and people to working with Russia and other countries to secure and reduce stockpiles of nuclear weapons and materials and to remove nuclear weapons-usable materials from as many sites as possible. The president must make this effort his or her personal priority.

Deterrence based on strong nuclear forensics is a critical tool to help prevent nuclear terrorism. To prevent a nuclear 9/11, we must use every tool we have.

TRIBUTE TO NOVI MEADOWS ELEMENTARY SCHOOL

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Novi Meadows Elementary School, in Novi, Michigan, for earning the distinguished Michigan Blue Ribbon Exemplary School award.

Since its establishment, Novi Meadows Elementary School has represented a pillar of educational excellence in our community. Characterized by a rigorous academic curriculum and an effective partnership between parents and teachers, Novi Meadows Elementary School offers students a constructive learning environment, caring friendships, and innovative educational opportunities to prepare them for life's challenges. Thanks to the dedicated teachers and staff, each year Novi Meadows Elementary School students graduate prepared for a promising future.

In fact, following an extensive assessment of their academic performance, in February of 2007, the Michigan State Board of Education and the Blue Ribbon committee of educators awarded Novi Meadows Elementary School the distinguished Michigan Blue Ribbon Exemplary School award. Established in 1982, the award recognizes schools demonstrating a strong commitment to educational excellence and significant academic improvement over five years. This year, the selection of Novi Meadows Elementary School demonstrates how dedicated teachers, a stellar learning environment, and an exemplary community benefit students.

Madam Speaker, in honor of its recent selection to receive the 2007 Michigan Blue Ribbon Exemplary School award, I ask my colleagues to join me in recognizing Novi Meadows Elementary School's exceptional efforts to educate students, and its diligent service to our community and country.

RECOGNIZING HSBC BANK USA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor and congratulate the 41st recipient of the Special Presentation Award given by the Cheektowaga Chamber of Commerce. The chamber of commerce wishes to recognize and honor HSBC Bank USA, NA for its contributions to the western New York community.

The employees of HSBC Bank USA, NA have demonstrated a commitment to service and community by volunteering over 135,000 hours of service for nonprofit organizations. HSBC employees donated their time by painting classrooms, picking up litter, tutoring children, and working to improve local areas such as Riverside Park.

HSBC Bank USA, NA has also contributed to the future of western New York and the country through its "HSBC Scholars" program, which last year boasted 1,800 recipients. In addition, the bank also partners with Junior Achievement, a nonprofit organization that works to educate students in the areas of free enterprise, business, and economics.

Cheektowaga has benefited from the presence and activities of HSBC Bank. HSBC Bank has contributed to the Cheektowaga community by acting as a member of the Cheektowaga Chamber of Commerce for 50 years, and has also sponsored events hosted by the chamber of commerce. Employees of the bank have continued to be an integral part of the western New York community through participation in organizations such as the United States Marine Corps Reserve and National Association of Women Business Owners.

Today, Madam Speaker, I would like to join the Cheektowaga Chamber of Commerce and many others in congratulating HSBC Bank USA, NA for its exceptional contributions to the western New York community and beyond.

IN RECOGNITION OF SHARNISHA BRAZZELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Sharnisha Brazzell as the recipient of the inaugural Tuskegee Scholarship, and to recognize the North Coast Chapter of the Tuskegee Airmen for their service to our country.

As a member of the East Technical High School JROTC program, Sharnisha has demonstrated a strong desire to serve her country. As the 2007 Tuskegee Scholarship winner, Sharnisha will have the opportunity to develop her aviation skills as a student at the Summer Flight Academy of the Black Airline Pilots Association. Her hard work and dedication will take her to new and exciting heights, and I wish her luck in all her future endeavors.

Sharnisha will be carrying on a proud tradition of service to the United States started by the original Tuskegee Airmen. In the face of prejudice and segregation, the Tuskegee Airmen flew over 1,500 missions during World War II to help defeat Nazism and the spread of intolerance.

Madam Speaker and colleagues, please join me in honoring Sharnisha Brazzell as the recipient of the inaugural Tuskegee Scholarship. May she carry on the proud tradition of Black Aviation started by the Tuskegee Airmen.

HONORING DAVIE PIÑA, OF CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Davie Piña who is being honored by the Napa Valley Grapegrowers as their Grower of the Year on Friday, June 1, 2007. Mr. Piña is being recognized for his outstanding contribution both to the wine grape industry, and to the larger community of the Napa Valley.

Mr. Piña is a sixth generation farmer in the Napa Valley, where he was born and raised. After attending California Polytechnic State University at San Luis Obispo, he took over and has substantially expanded the vineyard management business begun by his father, John Piña, Sr., over 40 years ago. Today he operates the thriving vineyard management group and is a partner running Piña Napa Valley winery as well as involving himself in numerous groups in the community.

Piña Vineyard Management has been at the forefront of sustainable farming practices in the Napa Valley for many years, incorporating ecologically friendly agricultural techniques with sophisticated technology to help clients ensure the long-term quality of their vineyards. Mr. Piña's environmental consciousness extends beyond his work in the vineyards, as he has cochaired a local environmental project referred to as the Rutherford Dust River Restoration Team that is working to restore the watershed of the Napa River as it passes through the Rutherford area. He is part of an excellent leadership team that has brought about significant and ongoing changes to the quality of the habitat along the river.

Mr. Piña has also served as the Assistant Fire Chief for the Rutherford Volunteer Fire Department for the past 18 years. During this time he has taken on numerous responsibilities, including storing the department's fire engine on his own property while spearheading the project for a permanent Silverado Fire Station that opened in 2006. As a professional vineyard manager, he was keenly attuned to problems in the industry, and last year he helped organize local farm managers, and ultimately facilitated the Vineyard Managers Facilities Ordinance. This important work has allowed the legalization of vineyard management operations, and will help ensure regulation and quality in Napa Valley agriculture.

Madam Speaker and colleagues, it is appropriate at this time that we thank Mr. Davie Piña for the hard work he has done on behalf of the Napa Valley. As a respected manager and now winemaker, he has advanced the reputation of Napa Valley grapes and wine, and he has also been a model citizen and superb steward of the land he lives on.

TRIBUTE TO LARRY E. FOSTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. KILDEE. Madam Speaker, it is with deep sadness that I ask the House of Representatives to join me in honoring the memory of Larry E. Foster. Larry passed away Sunday, June 10, at the age of 66, after suffering with cancer for the past several months.

Larry Foster started in public service fighting for the rights of senior citizens after graduating from Mississippi Industrial College with a bachelor of arts degree. He was the director of the Detroit Street Senior Citizen Center and

the Hasselbring Senior Center. Elected to the Beecher Board of Education in 1977, Larry has held elected office ever since. He served on the Beecher Board of Education for 14 years.

He went on to be elected as the Mt. Morris Township supervisor in 1992 and has held that position ever since, He was the first African-American ever elected to the supervisor post in the history of the township. He was a devoted servant of the people and worked tirelessly to make Mt. Morris Township a great place to live and work.

Larry was enthusiastic about his community and spent many hours volunteering with Beecher Community Schools. He was the junior high school basketball coach for the past 31 years and a coach for the elementary football and basketball teams. In addition Larry served on the boards of many community organizations and was a member of St. Paul Missionary Baptist Church.

Madam Speaker, Larry Foster was a wonderful friend, a great advocate for Mt. Morris Township, and a revered figure in Mt. Morris for the past 30 years. He leaves a lasting legacy of breaking down barriers, and compassion for his fellow human beings. The mark he left on the community is a true blessing and he will be greatly missed.

TRIBUTE TO DANIEL PFANNES

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Daniel Pfannes, Chief of Police at the Westland Police Department, upon his retirement from a distinguished law enforcement career in Westland, Michigan.

For nearly five decades, Chief Pfannes dedicated his life to protecting the citizens of Michigan. Upon graduation from Central Michigan University with a Bachelor of Arts in Industrial Supervision and Management, Chief Pfannes joined the Westland Police Department as a Police Officer in the Uniform Patrol Division. Over the next 25 years, Chief Pfannes ascended through the Department's ranks, eventually serving as an Evidence Technician, Patrol Sergeant, Detective Sergeant, Patrol Lieutenant, Special Investigations Lieutenant, SWAT Commander, and Deputy Chief of Police. In 1993, Chief Pfannes graduated from the Police School of Staff and Command at Eastern Michigan University and Northwestern University. One year later, in 1994, he earned a Master's degree in Criminal Justice from the University of Detroit. Then, in March of 2003 he was promoted to the Chief of Police of the City of Westland.

Today, Chief Pfannes is a leader in the city of Westland and Wayne County. He serves on the Executive Board of the Wayne County Chiefs of Police Association, the Wayne County Regional Police Academy Advisory Board, the Michigan Association of Chiefs of Police Legislative Committee, and the Advisory Board of the Wayne County Representative to the Courts and Law Enforcement Management Information System (C.L.E.M.I.S.). He is also a Juvenile Justice instructor at Schoolcraft College and an assistant adjunct professor at Madonna University in Livonia where he teaches Criminal Justice.

For his tireless service to the community, Chief Pfannes has been recognized with the "Most Influential Instructor Award" by Schoolcraft Police Academy; and for his heroic efforts in combating crime, the Westland Police Department has honored him with numerous citations and commendations. The Wayne County Executive, Robert Ficano, also recognized Chief Pfannes for his efforts to secure $23 million in federal Urban Area Security Initiative funding for Wayne County and the City of Detroit.

Madam Speaker, for 25 years, Chief Daniel Pfannes has unwaveringly protected and defended the citizens of Michigan. His long established legacy of dedication, loyalty, and courage will never be forgotten. As he enters the next phase of his life, I ask my colleagues to join me in congratulating Chief Pfannes upon his retirement and in honoring his years of legendary service to our community and our country.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. UDALL of Colorado. Madam Speaker, on Monday I took part in a meeting in Denver at which the Advisory Board on Radiation and Health considered questions related to a petition to include people who worked at the Rocky Flats site as part of the "special exposure cohort" under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

As a result, I was not able to be present for three votes in the House.

Had I been present, I would have voted as follows:

Rollcall No. 448—H.R. 2356, to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day—I would have voted "yes."

Rollcall No. 449—S. 676, to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation—I would have voted "yes."

Rollcall No. 450—H. Res. 418, Recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean—I would have voted "yes."

HONORING GEORGE BUCCI

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to the life of George Bucci. Mr. Bucci, a noted musician and public servant in Bardstown, Kentucky, passed away on May 9, 2007.

Mr. Bucci retired from the St. Joseph's School, where he spent many years as a music instructor. He was well known throughout the community for his volunteer work at several area nursing homes and charity events. He also served 28 years as the Adjutant for the "My Old Kentucky Home" Post 121 of the American Legion.

His service to his country and dedication to the Nelson County community will be remembered by all who knew him. It is my privilege to honor the memory of George Bucci today before the entire U.S. House of Representatives. May he rest in peace.

RECOGNIZING PEOPLE INC. UPON RECEIVING THE CHEEKTOWAGA CHAMBER OF COMMERCE 2007 COMMUNITY SERVICE AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to recognize and honor the accomplishments of People Inc., a nonprofit group that provides assistance to those with developmental disabilities, low-income seniors, and the general public. These accomplishments have earned People Inc. the 2007 Community Service Award from the Cheektowaga Chamber of Commerce.

Since its foundation in 1971, People Inc. has worked selflessly towards its goal of providing individuals with disabling conditions, or other special needs, the tools they need to succeed in society. These tools include over 100 group homes, senior housing complexes, day programs, early intervention programs, young adult life transition programs, and a medical clinic. People Inc. has helped over 10,000 members of the community to make progress in their daily lives.

In addition to this honor from the Cheektowaga Chamber of Commerce, People Inc.'s outstanding efforts have been recognized by the U.S. Department of Housing and Urban Development through the National Best Practices Award.

People Inc. has given back to the western New York community not only through its tireless service towards aiding those in need, but also by employing almost 2,300 residents and has been ranked as number 22 out of the top 30 largest employers in western New York.

Not only has People Inc. provided western New York and beyond with direct assistance, it has also aided other nonprofit organizations with knowledge and resources in the hopes of spreading its fundamental goals even farther throughout the community.

I stand here today, Madam Speaker, to acknowledge the contributions of People Inc. to the community, and am certain that many others will recognize these outstanding contributions as well.

IN RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today in order to recognize the achievements of the Council on American-Islamic Relations, on the occasion of their Fifth Anniversary. Since its inception, CAIR has been instrumental in creating dialogue between the diverse communities of northeast Ohio.

The Council on American-Islamic Relations is a nonprofit organization whose mission is to enhance understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build conditions that promote justice and mutual understanding. With the help of CAIR, the Tenth District of Ohio has become a more inclusive community and a more welcoming place for American Muslims. I thank every member of the organization for their time and dedication to improving the lives of the citizens of the Cleveland area.

Madam Speaker and colleagues, please join me in recognizing the truly outstanding achievements of the Council on American-Islamic Relations. As our community continues to grow in its religious and cultural diversity, the work of CAIR is paramount if we are to thrive. May their efforts to create a more inclusive and peaceful world endure for years to come.

TRIBUTE TO THE MICHIGAN CHAPTER OF THE PARALYZED VETERANS OF AMERICA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the Michigan Chapter of the Paralyzed Veterans of America in partnering with Ford Motor Company to release ''The Ford Michigan Mobility Resource Guide'' during their Open House in Novi, Michigan, on April 12, 2007.

For nearly five decades, the Michigan Paralyzed Veterans of America have loyally served our community's veterans with spinal cord injury or disease. A congressionally chartered veteran's service organization, the Michigan Paralyzed Veterans of America have faithfully honored its commitment to advocate for improved health care access, research and development for spinal cord injury and spinal cord dysfunction, sports programs; and have enhanced the benefits and disability rights on behalf of all paralyzed veterans.

In honor of Michigan Paralyzed Veteran Awareness Week, April 8, 2007, through April 14, 2007, the Michigan Paralyzed Veterans of America have partnered with Ford Motor Company of Michigan's Mobility Motoring Division to introduce the ''Ford Michigan Mobility Resource Guide.'' On April 12, 2007, the 14-page guide for disabled drivers will debut at the Michigan Paralyzed Veterans of America's Open House and subsequently be available at Ford auto dealerships statewide.

Madam Speaker, this guide is key to helping the Michigan Paralyzed Veterans of America continue its noble mission to ensure all paralyzed veterans are empowered to lead healthy and fulfilling lives. Today, in honor of its legendary dedication to our disabled veterans and its tireless efforts to assist individuals with spinal cord injuries, I ask my colleagues to join me in recognizing the Michigan Paralyzed Veterans of America for its unwavering commitment to our veterans, our community and our country.

HONORING HELGA LEMKE, OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. THOMPSON of California. Madam Speaker, I rise with my colleague Rep. LYNN WOOLSEY with great pleasure to honor Helga Lemke on her 18 years of service with Community Action Partnership of Sonoma County. Since 1989, when she was hired as the agency's Executive Director, Helga has shown a steadfast commitment to increasing opportunities for low income residents of Sonoma County to gain self-sufficiency and contribute to their communities. We have found Helga to be fiercely focused on fighting poverty, wonderfully competent in running this large, multi-program agency, and yet very down-to-earth and authentic.

Helga has spent her entire career helping others, from her internship with the National Community Action Foundation nearly 40 years ago through her work at the United Nations to the present. One of the tenets she holds to dearly, says colleague John Way, is making a difference. He notes, ''I have heard her often say that one of the most enriching things about her work is having someone tell her, 'What you've done has changed my life.' ''

Helga's well-earned appointment to Director of Programs for the California Department of Community Services reminds us how much she has accomplished for our community. For one, she transformed a struggling nonprofit into one of the largest and most respected agencies in the county. She also initiated an award-winning staff diversity training program and a community-acclaimed annual conference on poverty, at the same time leading a staff of 225 at more than 20 sites with an annual budget of more than $11 million.

Despite all this, Helga has still made time for public service. The Sonoma County Board of Supervisors appointed her to the Workforce Investment Board and Youth Council; the Santa Rosa City Mayor has appointed her to the Mayor's Task Force on Gangs; and she has also served on numerous boards, including Roseland University Prep School. She has also testified before Congress on Head Start issues, where her expertise was valued.

Madam Speaker, we have appreciated working with Director Lemke on the many issues faced by the Sonoma community and thank her for her dedicated service. Her passion and energy are an inspiration to all of us who work with families. Congratulations on your appointment, Helga.

TRIBUTE TO BAY COUNTY'S SESQUICENTENNIAL CELEBRATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. KILDEE. Madam Speaker, I am happy to rise before you today, and to ask my colleagues in the 110th Congress to join me in celebrating Bay County's sesquicentennial anniversary. This momentous occasion will be marked by a series of events to take place Friday, June 15 through Sunday, June 17, 2007.

In 1857, a village, made up of land once used as a campground for the Chippewa Indians, was formed east of the Saginaw River. In 1865, this village, known as Bay City, was formally incorporated as a city. To the west of the river, the villages of Banks, Salzburg, and Wenona joined together forming West Bay City. Eventually, both Bay City and West Bay City joined together as ''Greater'' Bay City in 1905.

Bay County was formally recognized as an independent county in 1857, and consists of four cities: Bay City, Essexville, Pinconning, and Auburn; two villages: Munger and Linwood; in addition to fourteen townships.

Madam Speaker, in the 150 years since the formation of Bay County, we have seen a rise from a collection of small lumber villages to one of Michigan's most vibrant areas. The shipyards and sawmills of the past have given way to worldwide corporations that create opportunities each day. Bay County's rich heritage is seen in its renowned architecture and diverse history. For generations, the kind hearts and friendly manner of the residents have made Bay County a warm and welcoming community.

Madam Speaker, once again I ask my colleagues to join me in congratulating Bay County, Michigan on the 150th anniversary of its formation.

RECOGNIZING RAYMOND I. WOLNIEWICZ UPON BEING NAMED 2007 CITIZEN OF THE YEAR BY THE CHEEKTOWAGA CHAMBER OF COMMERCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I stand before you today to honor and congratulate the 41st recipient of the Cheektowaga Chamber of Commerce's Citizen of the Year award. Raymond I. Wolniewicz is being recognized by the

Cheektowaga Chamber of Commerce on June 14, 2007 for his outstanding commitment to the community.

Mr. Wolniewicz has demonstrated his dedication to the community through his devoted service as a World War II Air Force Veteran. Raymond served his country honorably and continues to do so through his participation in the Leonard Post V.F.W. Post 6251. Ray also acts as the Chairman and a trustee of the War of 1812 committee, demonstrating a passion for this country's rich history.

Ray Wolniewicz has also served his community through his dedication to his faith and social service. Ray and his wife Theresa have been devoted members of their church for the past 45 years. Ray also commits more of his time to his faith through his involvement in the Holy Name and Ushers Society. In addition, Ray helps to support the Cheektowaga community by delivering meals for the Meals on Wheels program and working at the Cheektowaga Senior Center.

In addition to these many accomplishments, Ray Wolniewicz has contributed to the community and country through his role as the President of the Cheektowaga Patriotic Commission, through which he helps to organize events such as the Town of Cheektowaga's Annual Fourth of July Festivities and Christmas Tree Lighting ceremony, as well as supporting numerous local organizations.

Ray's patriotism and commitment to community and country can be clearly seen in his professional and civic activities. I ask today, Madam Speaker, that Raymond Wolniewicz be recognized for this dedicated and selfless service.

HONORING MARIE STEWARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate Mrs. Marie Steward, a recent recipient of the Adams County Democratic Party's 2007 Life-Time Achievement Award. I am pleased to recognize her service and the many contributions she has made to her community.

Although her work in the Democratic Party has been a major part of her civic involvement, it is not her partisan work that I want to acknowledge so much as it is her long involvement in the civic life of Adams County. In fact, if there could be a ''Mrs. Adams County,'' it is Marie Steward. She is well known in Adams County through her involvement with her family, her neighborhood, organized labor and community activities.

Marie was born the youngest of eleven children in Minor, Kansas to John and Lena O'Brien. Her family lost their farm during the Great Depression and moved to live with her Uncle Benjamin. Marie graduated from Brewster High School, and has fond memories from this time of taking the train to Denver and stopping at the historic Oxford Hotel. She later moved to Sand Point, Idaho after marrying Mike Steward, a young man serving in the Navy. When Mike was discharged from service in World War II, he worked as a machinist for Ringsby Trucking, a company that owned the basketball team that later became the Denver Nuggets—and a team my father, Mo, used to play for. Mike and Marie were regular attendees at the games, and Marie was a key member of the Prospectors, a booster club for the team. She also volunteered at St. Vincent's Home for Orphans, where, thanks to Marie, no child ever went without a gift at Christmas.

Marie became politically active in northern Denver when she volunteered with her colleagues, Eileen Ray and Dolores Dickman. In 1954, the Stewards bought one of the first brick houses in Thornton, a new development project that was targeted for returning World War II soldiers and their families. Marie used skills learned in Denver politics and became a precinct committee person with her neighbor and long-time activist, Ed Lappart.

For many years, Marie 'ran' the Adams County Democratic Party Headquarters. She produced candidate literature and published the county newsletter, the GADFLY. Rumor has it that many Republicans would often drop by for a visit to see what Marie was serving volunteers for lunch. Marie made headquarters a fun place, and with her experience as a leader in the International Machinists Auxiliary, Marie served many meals and taught the basics of political participation.

She was elected as a delegate to county, congressional, and state committees, assemblies and conventions. At a mini-convention in Kansas City, Marie once met and dined with a young man named Warren Beatty. He told people later that he liked to ''pal around'' with Marie because she treated him like she treated everyone—for Marie every person is a celebrity.

Today, Marie's family includes her son Jim, who is retired from IBM/Lexmark and shares Marie's Thornton home; her daughter Anita; her husband Gary McCulloch and their four daughters and grandchildren. Not to be forgotten is ''Cookie'' the family rat terrier, who Marie walks several times during the day.

Madam Speaker, I ask my colleagues to join me in acknowledging Marie Steward for her involvement in public life and for her bipartisan interest in treating people well.

She is an example of the heroic generation and an advocate of those values, like hard work and compassion for others, that represent the very best in politics—values that both Republicans and Democrats can celebrate together.

TRIBUTE TO DR. LYNN KLEIMAN MALINOFF, THE RECIPIENT OF THE 2007 WOMEN OF WESTLAND ATHENA AWARD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Dr. Lynn Kleiman Malinoff, the recipient of the 2007 Women of Westland ATHENA Award.

Each year, the Women of Westland organization recognizes exemplary women in Wayne-Westland, Michigan, who have succeeded in reaching their full leadership potential. This year, Lynn is recognized for improving the lives of countless women in our community. In addition to being the Special Education Counselor at the Tinkham Center in the Wayne-Westland School District, she serves as a role model to female high school students through the Youth Mentorship Program, a program she initiated seventeen years ago to help children from disadvantaged homes. Lynn also assists women in families affected by alcoholism and volunteers at her Synagogue to mentor and work with adolescents and their parents.

For her legendary commitment to bettering our community, Lynn was recognized with the Center for Substance Abuse Prevention Award. The Institute for Museum & Library Services also recognized Lynn's Youth Mentorship Program at the White House. Her efforts have succeeded in promoting educated, strong, and independent families who can also achieve their full potential.

Madam Speaker, on February 10, 2007, Lynn's selfless dedication to the women, children, and families of Wayne-Westland will be duly recognized with the Women of Westland's highest commendation, the ATHENA Award. Today, I ask my colleagues to join me in applauding her work and in honoring her tireless service to our community and our country.

HONORING JAMES ''AVON'' FOGLE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to James ''Avon'' Fogle, a constituent from my home district, who is retiring this month as a veterans service officer at the ''My Old Kentucky Home'' American Legion Post 121.

A lifelong resident of Nelson County, Mr. Fogle graduated from Holy Cross High School in Holy Cross, KY and served his country as a United States Marine during World War II. He has been a member of the Bardstown American Legion Post 121 for the past 38 years, serving as a veterans service officer for the past 12 years. In this capacity he has spent many Friday mornings providing counseling and guidance to local veterans in need of assistance.

Mr. Fogle's devotion to others in his community extends well beyond his work at the American Legion. He is also a regular volunteer at the local St. Vincent DePaul Society and continues to serve as an election official for the Nelson County government.

It is my great privilege to honor James ''Avon'' Fogle today before the entire U.S. House of Representatives for his dedicated service to our Nation as well as to veterans and neighbors in the Bardstown community. He is an outstanding citizen worthy of our collective honor and respect.

RECOGNIZING ANDERSON'S FROZEN CUSTARD ON BEING NAMED THE CHEEKTOWAGA CHAMBER OF COMMERCE 2007 SMALL BUSINESS OF THE YEAR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to recognize and honor Anderson's Frozen Custard as the recipient of the 41st Small Business of the Year award, given by the Cheektowaga Chamber of Commerce. Anderson's Frozen Custard has been given this honor because of the devoted efforts of its founders, Carl and Greta Anderson, who have transformed their small business into a successful and generous establishment in Western New York.

Carl, a Navy veteran, Greta, and their children Nels, Keith, and Holly Anderson, have transformed Anderson's Frozen Custard from a small New York City custard stand to a thriving business with several locations throughout Western New York due to their hard work and savvy business sense. The Andersons can credit much of their success to their ability to adapt their business to changing times and locations, as well as their dedication to making Anderson's a success.

Not only has Anderson's Frozen Custard succeed in the business world, but the company has also contributed to the Western New York community. Anderson's has worked to raise funds for organizations such as Big Brothers/Big Sisters, Camp Good Days and Special Times, and local schools. This commitment to maintaining both a successful business and community indicates the mark of a business deserving of this honor.

Madam Speaker, I ask that congratulations be extended to Anderson's Frozen Custard in receiving this honor because of its outstanding achievements in business and dedication to improving the lives of Western New York residents.

IN RECOGNITION OF CATHERINE BOHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Catherine Bohan, for her outstanding efforts in educating children, and for her lifelong commitment to family, colleagues, and friends.

Cathy has educated and enlightened our children and prepared them for life's journey for approximately 40 years, including 13 years at Saint Richard School where she currently teaches third grade. She has proven herself a wonderful teacher, colleague and friend. Not only does she teach at Saint Richard School, but she also makes a tremendous contribution as member of the Liturgy Committee, a Eucharistic Minister, a Praxis Pathwise Mentor, and a member of the Retreat Committee.

Likewise, her services to Saint Clarence Church as RCIA Leader, Eucharistic Minister, PSR Teacher and Pre-Cana organizer while at the same time raising three beautiful children, is truly admirable. She has been married to her beloved husband, Patrick, for 30 years.

Madam Speaker and colleagues, please join me in honoring Catherine Bohan for her long and successful career as an educator and for her dedication to and care for the future generations of Northeast Ohio.

HONORING VIRGINIA HINSHAW OF DAVIS, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the outstanding work of Virginia Hinshaw during her time as Provost and Executive Vice-Chancellor at the University of California, Davis. In this role, Dr. Hinshaw has provided superb guidance to the ongoing development and refinement of the University's academic program while overseeing many aspects of campus financial and operational planning. Dr. Hinshaw has made significant contributions to the UC Davis Community and she will be missed as she continues her career as Chancellor at the University of Hawaii at Manoa.

Dr. Hinshaw received her Bachelor's and Master's degrees from the University of Auburn in 1966 and 1967, before working as a clinical microbiologist at the Medical College of Virginia. She returned to Auburn and received her Ph.D. in microbiology in 1973. She spent the next decade studying influenza viruses in humans, other mammals, and particularly migratory birds. She has studied the markers of transmission for individual viruses, and conducted early research on identifying markers of interspecies transmission of these viruses.

In 1985 Dr. Hinshaw was hired as an associate professor at the University of Wisconsin, Madison, where she was recognized with a number of awards honoring her unusually vibrant teaching and participation in the larger community of Madison. After promotion to professor in 1988, she served first as an Associate Dean for Research before being appointed Associate Vice-Chancellor in 1994. In 1995 she was promoted to Vice Chancellor for Research, and she was in charge of research and graduate education, overseeing thousands of students.

Dr. Hinshaw arrived at UC Davis in 2001, and has directed a wide variety of programs and departments during her time there. As sole member of the governing body of the UC Davis health system, she has helped direct the continued development of programs at the UC Davis Medical Center while also ensuring that it has remained financially sound. In addition, the medical school has opened a number of new facilities during her tenure. Her work on campus has been visible through the replacement of temporary classroom buildings with more permanent facilities, including increasing the number of teaching labs for undergraduates.

In addition to her accomplishments as an administrator, Dr. Hinshaw is well known around the university for providing a personal touch to the administration. Many people have commented on her empathy and interest in working with individuals to help resolve their problems, and each year she took the additional step of teaching a freshman seminar where she could engage younger students.

Madam Speaker, it is appropriate at this time that we recognize Dr. Virginia Hinshaw for her leadership and vision during her time as Provost and Vice-Chancellor at UC Davis. Her work has led the development of the university in many different areas, and even as she moves on, her work will continue to yield great rewards for the community.

TRIBUTE TO BRENDA J. LUSSIER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Brenda J. Lussier, as she retires from a distinguished career at the Novi Public Library in Novi, Michigan.

For twenty seven years, Brenda has tirelessly worked to improve our community with enhanced library services. Prior to working at the Novi Public Library, she graduated from the University of Michigan where she earned a Bachelor's degree in English and a Master's Degree in Library Science. On September 24, 1979, Brenda began working at Novi Public Library as Head of Reference, and later ascended to Director on April 8, 1985. She is a member of the American Library Association and the Michigan Library Association, and participated in the Michigan Library Association Leadership Academy from 1989 to 1991.

Brenda is credited with enhancing the quality of life in Novi by expanding library services in innovative ways. During her tenure, she served on various committees of The Library Network, including the Steering Committee. She also served on various committees of the Michigan Library Association, such as Chairwoman of the Public Library Division and the Management and Administration Division. As a member of the Novi Rotary Club, Brenda compiled the club newsletter for several years and was presented with the Paul Harris Fellowship Award in 2003 for her distinguished service. She has also received a national award for Intellectual Freedom from the Public Library Association and Novi's People's Choice Award in 2002 as the "best librarian for her grace, leadership, and commitment to public service under a barrage of demands from the information-hungry in Novi."

Madam Speaker, Brenda is a compassionate leader and visionary who's passion for excellence and support for a robust library system has positively impacted our Novi Community. Today, I ask my colleagues to join me in thanking Brenda for twenty seven years of loyalty and dedication to the Novi Public Library, and in applauding her legendary service to our community and our country.

RECOGNIZING CATHOLIC HEALTH SYSTEM HOME CARE UPON BEING NAMED CHEEKTOWAGA CHAMBER OF COMMERCE 2007 LARGE BUSINESS OF THE YEAR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor and congratulate Catholic Health Systems Home Care as the 41st recipient of the Cheektowaga Chamber of Commerce's Large Business of the Year award. Catholic Health Systems Home Care has maintained a commitment to providing superb health care assistance, both physical and spiritual, for residents of Western New York over the past 20 years.

During these 20 years of caring for the Western New York community, Catholic Health System Home Care has grown into three thriving companies dedicated to meeting the company's fundamental goal of providing health care that allows individuals to maintain independence in their own homes.

Not only has the Catholic Health Care Systems improved the physical and spiritual well-being of Western New Yorkers, it also provides jobs to over 400 residents and supports community events such as school supply drives, assisting the American Red Cross Blood Drive, and participating in the United Way Day of Caring, demonstrating an outstanding commitment to the Western New York community.

Catholic Health System Home Care's dedication to excellence can been seen in its many other honors, such as the Catholic Health Association Sharing Innovation Award, IPRO ''Recognized Improvement in Patient Outcomes,'' and Outcome Concept System Vision Award. Catholic Health System Home Care had also been recognized by Business First as one of the best places to work in Western New York.

Madam Speaker, I stand here today to recognize with pride the accomplishments of Catholic Health System Home Care as a leader in providing care to the residents of Western New York.

SUPPORTING H.R. 811, VOTE CONFIDENCE AND INCREASED ACCESSIBILITY ACT

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. SESTAK. Madam Speaker, I rise in strong support of H.R. 811, the Voter Confidence and Increased Accessibility Act. This is an excellent, and much needed piece of legislation.

The right to vote is no doubt one of the cornerstones of our democracy, if not its greatest measurement. Through casting a vote, the voice of the people is made manifest in one simple, single act. President Johnson thought so highly of voting that he was quoted as saying it was ''the most powerful instrument ever devised by man.'' Consequently, every effort must be utilized to ensure this process is as efficient and as fail proof as it possibly can be.

The 2000 elections undermined the confidence of voters as the saga of counting ballots and tallying votes lingered for months. As a result, the call for election reform implemented the Help America Vote Act (HAVA), which provided funding for election administration and electronic voting machines. This act was a giant step in the right direction of assuring voter security, and voter confidence.

However, the elections of 2004 exposed once again a call for further action. An estimated 50 million voters cast their ballots on the electronic voter machines that lacked a voter-verified paper audit trail. This leaves no mechanism to verify or resolve reported voter tallies. Simply put, this is unacceptable.

Madam Speaker—H.R. 811 takes aim at resolving this very problem. It mandates an independent audit mechanism, which means that every voter will verify on a permanent paper ballot his or her vote. And in order to ensure this is carried out in the right manner, this bill provides necessary funding and oversight.

With another Presidential election on the horizon, it is vitally important that we restore the confidence of voters across this nation. Every citizen must be heard, and thus their every vote must be recorded. I urge my colleagues to support this bill and ensure that the voice of Americans is never again placed in doubt.

HONORING THE SERVICE AND EXAMPLE OF CAPTAIN ROBERT E. CLARK

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. PITTS. Madam Speaker, I rise today to honor Robert E. Clark, a decorated Captain in the United States Navy, and native of the 16th Congressional District of Pennsylvania.

At a commencement ceremony later today, Captain Clark will be inducted into West Chester East High School's Hall of Fame—a deserving honor for a devoted servant of our great Nation. While a student at East High School, Clark was a scholar athlete—maintaining excellent grades while lettering in football, basketball, and track.

After graduation, Clark went on to attend the United States Naval Academy—the first graduate of West Chester East ever to do so. Since graduating from Annapolis, Clark has honorably served his country as an officer in the Navy's submarine fleet.

He has received several personal decorations for his distinguished service, including the prestigious Legion of Merit.

I thank Captain Clark for his selfless service to our Nation, and I congratulate him on his well-earned induction into West Chester East's Hall of Fame. He has set a fine example for our next generation of young leaders to follow.

CELEBRATING 100TH ANNIVERSARY OF THE CHEMICAL ABSTRACTS SERVICE (CAS)

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Ms. PRYCE of Ohio. Madam Speaker, I rise today to commemorate the 100th anniversary of the Chemical Abstracts Service, an American scientific institution and world's largest compendium of information on chemical substances.

Located in Columbus, Ohio, adjacent to the campus of Ohio State University, what is now called Chemical Abstracts Service, or ''CAS'' as it is popularly known, was founded in 1907 when a collaboration of leading chemists partnered with the American Chemical Society to begin publishing a new journal called Chemical Abstracts.

One hundred years later, Chemical Abstracts is recognized around the world as a leading source of indexed scientific literature and contains more than 27 million bibliographic records related to the chemical sciences. Its sister resource, the CAS Registry, comprises more than 32 million unique entries for chemical substances. These two massive and integrated databases, along with a wealth of related resources on chemistry and chemical reactions, form the backbone of today's Chemical Abstract Service. Scientists, information professionals, and academicians around the world access these databases daily through online services that have revolutionized the way scientists conduct research.

Speaking of the value of CAS services, 2005 Nobel Laureate in chemistry, Dr. Robert Grubbs, said, ''CAS databases streamline the investigative process, allowing you to take an idea and rapidly find the important and necessary information before you forget about the idea or it loses its excitement. That really is invaluable.''

This year CAS celebrates its 100th anniversary as a strong, vibrant national scientific treasure: fully electronic, web-enabled, and still growing every day. This month, CAS is being designated a National Historic Chemical Landmark and it is my honor to recognize this great scientific institution and wish CAS good luck for its next 100 years.

HONORING THE NATIONAL ASSOCIATION OF LETTER CARRIERS FOR THE STAMP OUT HUNGER FOOD DRIVE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Buffalo and Western New York letter deliverers who are part of the National Association of Letter Carriers (NALC).

This month, NALC collected more than 70 million pounds of food for local food banks, pantries, and shelters to help needy families as part of its nationwide ''Stamp Out Hunger''

drive. I would like to specifically recognize the Branch 3 carriers in Buffalo and Western New York for collecting more than 2 million pounds of donations, placing them as the top NALC local branch in the drive for the fifth consecutive year.

With one in five American children living in poverty, we must all do our part to end hunger. I am proud of the efforts that these hard-working men and women have taken to better their community and I ask that all Americans join in the effort to stamp out hunger.

TRIBUTE TO MR. RHYS LEWIS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. Rhys Lewis upon his receipt of the Wayne 11th Congressional District Republican Committee's 2007 Lifetime Achievement Award.

Throughout nearly seven decades, Mr. Lewis has served our nation with distinction. As a United States Marine Corps Sergeant, he defended our liberty in the South Pacific during World War II before returning home and marrying Ruth M. Lewis in 1947. Then, in 1958, Rhys was elected a Republican precinct delegate and, ultimately, a Redford Charter Township Trustee. In addition to his loyal public service, Mr. Lewis has been Chairman of Redford Civil Affairs and of the Wayne 17th Congressional District Republicans.

Rhys is a pillar of the Michigan Republican party, who has served on the Michigan GOP State Committee for eight years and in the Redford Republican party as for a decade. As a result of his loyalty to liberty and courage of his convictions, Rhys has enriched the lives of others and established a honorable legacy of courage, leadership and service.

Madam Speaker, in recognition of his legendary contributions to the Michigan Republican party and of his lifetime of extraordinary achievements, I ask my colleagues to join me in honoring Mr. Rhys Lewis for his tireless service to our community and our country.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. CROWLEY. Madam Speaker, due to inclement weather, my flight to Washington, D.C. was delayed, and I regrettably missed rollcall votes 448–450. Had I been present, I would have voted in the following manner: rollcall No. 448, "yea;" rollcall No. 449, "yea;" rollcall No. 450, "yea."

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, June 11, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 2356, rollcall vote No. 448; I would have voted "aye" on S. 676, rollcall vote No. 449; I would have voted "aye" on H. Res. 418, rollcall vote No. 450.

RECOGNITION OF RABBI JAY ROSENBAUM AND THE NORTH AMERICAN BOARD OF RABBIS GERMAN-AMERICAN JEWISH EXCHANGE PROGRAM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. ACKERMAN. Madam Speaker, Today, I rise to commend Rabbi Jay Rosenbaum and the North American Board of Rabbis (NABOR) on the fifth anniversary of the German-American Jewish youth exchange program.

NABOR has brought together young high school students from Germany for an exchange program with American Jewish youth living in a variety of cities and suburbs throughout the United States. The students have learned about each other's cultures and traditions and in the process established close and enduring bonds of friendship. They meet not only other students participating in the exchange programs but also the larger population of teenagers in their schools. The result is that over tens of thousands of young people in Germany and the United States have been touched by this program which has gone far in increasing understanding of two very rich cultures.

It is with real pleasure that I recognize Rabbi Jay Rosenbaum, who serves as the Spiritual Leader of Temple Israel of Lawrence, the oldest synagogue in Long Island. Rabbi Rosenbaum has been a leader in the Jewish community for over 30 years, and has been recognized for both the outstanding services he provides as a Congregational Rabbi as well as for work on his behalf of International Jewry and human rights. Rabbi Rosenbaum was the founder of the NABOR exchange. He was also among the leaders six years ago of a delegation of 50 Rabbis who visited Berlin to establish a closer relationship with the Jewish community, business community and leaders of the society in Germany.

This year the North American Board of Rabbis is bestowing its Tikkun Olam award to Mr. Jan Carendi, Chairman of Allianz of America, and Mr. Ernst Lieb, President of Mercedes-Benz USA. Both Allianz and Mercedes Benz have distinguished themselves as enlightened companies that have supported the exchange program since its inception. Operating on a global platform, they have a tradition of striving to improve relations and understanding between German and the Jewish communities throughout the world. The award was presented at a ceremony hosted by Dr. Hans-Juergen Heimsoeth, Consul General of the Federal Republic of Germany in New York City, which has also played a prominent role in support of the exchange program.

Madam Speaker, Germany has moved a long way from the dark days of the Third Reich and now has the fastest growing Jewish population in Europe. It is important for students to learn that past but also to develop an understanding of the dynamic positive changes taking place within German society. I therefore am pleased to recognize the great contributions being made by Rabbi Rosenbaum and the North American Board of Rabbis.

IN HONOR OF THE STUDENT GRADUATES OF THE D.A.R.E. PROGRAM

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the township of Washington and borough of Westwood Police Departments will hold a D.A.R.E. graduation ceremony. Nearly 200 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence. Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily. I am proud of the young boys and girls who participated in this program in these communities, and I would like to recognize them all for taking this step toward positive citizenship:

Michaella Bermudez, Michael Bonhard, Sabrina Di Costanzo, Maureen Drivick, Amber Hermanns, Mariel Hohmann, Gabriella Khalil, Tyler Kocher, Xhenette Koci, Gina Lagomarsino, Connor McCarron, John Meluso, William Mitchell, Kathryn Neary, Sara Nestrowitz, Andrew Paterson, Matthew Rivera, Steven Shanley, Gregory Smith, Vincent Soccodato, Amanda Sonntag, Tie Stutzer, Dana Tannariello, Nile Tracy, Erin Wholey, Abigail Blumkin, Kirstyn Brendlen, Craig Carmilani, Ryan DeLoughry, Tristan DiMaria, Chiara Ferrari Wong, Justin Hrbek, Ethan Isaac, Caner Kardesoglu, Rebecca Koch, Patrick Korkuch, Bridget Kramer, Kylie Kuizema, Tess LaSala, Ryan Liggio, Matthew Macchione, Adrian Mena, Alycia Monaco, Corinne Myers, Scott Oberhelman, Justine Park, Samantha Roth, Jason Solomon, Raechel Sontag, Michelle Stewart, Roney Amir, Yessica Barrantes, Evan Botternan, Manuel Bravo, Maxwell Brungardt, Morgan Hans, Sabrina Herzing, Erin Hunter, Larysa Iwaskiw, Harrison Johnson, Marilyn Johnson, Jennifer Kang, Minseok Kim, Susana Londono Vasco, Marcela Ortiz, Alesia Passaro, Alison Pimpinella, Larry Pirone, Catherine Saunders, Jessica Sheldon, Michael Wiegman, Lee

Wilson, Tyler Yurkin, Armando Amador, Paul Antonick, Michael Best, Kathy Bilias, Paris Birkner, Slater Brown, Melissa Bui, Hana Butler, Alyssa Foss, James Giordano, Meghan Harrington, Ryan Mansfield, Ryan McKinley, Emilie McLaughlin, Chelsea Moriarty, Kailee Oakes, Gabriela Paredes, Ankira Patel, Sandy Restrepo, Troy Ribitzki, Maria Rosca, Alex Ruiz, Nicole Scordo, Cynthia Smith, Elias Bermudez, Erin Bianchi, Alyssa Blundo, Frank Cofone, Ryan Dahm, Raven Donahue, Ashley Driscoll, Lisa Firriolo, Rachel Fischer, Travis Gallo, Kristen Greenstein, Ryan Liddy, Karine Liu, David Londono Vasco, Allison Maskin, Zachary Miros, Michael Miuccio, Megan Robinson, Tierney Rosen, Jason Sangastiano, Travis Segarra, Alexandra Serpikov, Sam Zitomer, Vanessa Beulel, Maria Campos, Joseph Corra, Nina D' Ambrosio, Amy Dadamo, Jennifer Dunn, Brandon Eo, Andrew Ferreira, Keith Haas, Mechele Hudspeth, Jennifer Keri, Matthew Kornhauser, Vikas Lohana, Kiyoshi Lopez, Samantha Malnick, Robert Marino, Kyle Marshall, Christian Merkle, Taylor Meyers, Rachel Mosca, Denee Oliver, Ashley Puk, Robert Schroeder, Cassandra Trovini, Faviola Vivar, Jake Campanella, Andrew Cirillo, Robert Ciringione, Christopher DeTitta, Elise Fedele, Renee Gioe, Olivia Guerriero, Darian Henry, Samuel Hutchinson, Brittany Kanabar, Colin Keating, Aracelis Lombardi, Michael LoSardo, Scott Loverich, Adina Millman, Kahna Miyoshi, Kayla Navarro, Kumal Nekiwala, Emiri Nezu, Brendan O'Sullivan, Jessica Potestivo, Paige Rios, Phillip Sabbagh, Joseph Sabbers, Samuel Bernhardt, Zachary Charkonis, Natasha Collova, Alex Contreras, Elliott Cortes, Hope Di Pasquale, Jessica Easterbrook, Victoria Geimke, Emily Griffin, Michael Haas, Samantha Lewis, Quinton Long, Lauren Marsiglia, Luke Mazzarini, Nicholas Napoli, Jaime Pallatta, Chelsea Pate, John Rivera, Jacqueline Romeo, Joseph Scotto, Michael Spezial, Janell Spigner, Ryan Stapleton, Andrew Toto.

TRIBUTE TO CORPORAL MARK KIDD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, I am here today with my colleague MIKE ROGERS to extend our sincerest gratitude to Corporal Mark Kidd—a son, grandson, brother, Marine and American—for his service to our nation, and to extend our deepest condolences to his family and friends. As a friend of the family it is very difficult for us to try to serve the dual roles that, in many ways, you helped give us on this sorrowful day.

Mark, as we all know, grew up cradled in the arms of his loved ones and strengthened here in the cradle of liberty. When he was called to serve he served in the defense of his nation, not by oppressing his fellow human beings in foreign lands, but by bringing emancipation to them so that they, too, could yearn to breathe free. It is in such a way of service to our fellow human beings that we honor not only our nation, but more importantly, we honor the universal spirit of a loving God who created us all. Thus, it is important that we remember, even as we grieve today, how we are all frail ephemeral human beings, groping through this veil of tears toward the infinite eternal perfection of the loving God, who created and awaits us all. It is a daunting calling, then, that we must answer; to strive, suffer and serve on behalf of our fellow human beings.

But Mark was not daunted. Mark accepted this challenge and he devotedly, courageously, and honorably strove to help free an entire people. Now he is cradled in the arms of our loving God and, no doubt, having not slumbered through this earthly life he may truly say with joyous rapture; now God be thanked, who has matched us with his hour and caught our youth and wakened us from sleeping.

Thank you and may God continue to bless you, Corporal Mark Kidd—beloved son, grandson, brother, Marine, American.

IN TRIBUTE TO LUCY BENOIT LEGER ON HER 100TH BIRTHDAY

HON. CHARLES BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to send birthday wishes from the Congress to Lucy Benoit Leger on the occasion of her 100th birthday. Born in 1907, Ms. Leger is the mother of two children. Her husband, Elliott, worked tirelessly as a barber so that she could remain at home to raise their son and daughter.

In 100 years many things have changed in southwest Louisiana. One constant is the value and joy we find in our families. I am pleased that Lucy's family and friends will gather June 16 to celebrate this joyous occasion.

I offer my best wishes for continued good health to Lucy Benoit Leger.

IN RECOGNITION OF LEMOYNE COLLEGE MEN'S LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to praise the LeMoyne College Men's Lacrosse team on winning their second consecutive Division II National Championship on May 27, 2007.

The LeMoyne College Dolphin's capped their season in dramatic fashion, scoring the game winning goal with only one second remaining on the clock to defeat Mercyhurst College by a score of 6–5. At the conclusion of their season the Dolphin's record stood at an impressive 15–2. The LeMoyne College Lacrosse team had five student-athletes selected to the United States Intercollegiate Lacrosse Association All-American teams.

On behalf of the people of the 25th District of New York, I congratulate Head Coach Dan Sheehan, Assistant Coaches Rich Barnes, Brian Datellas, Eric MacCaull, Rob Trowbridge, and the players of the LeMoyne College Men's Lacrosse Team:

Jared Corcoran, Nick Gatto, Alex Bily, Markus Fallico, Brian Cost, Tim Spillett, Jamie Dodge, Brian Griffin, Tim MacLean, Drew Bezek, Matt Juriga, Matt Emerson, Jordan Witt, Keith Vetter, and Brian Welch.

Paul Sullivan, Ed Street, Mike McDonald, Doug McIver, Pete Gibbons, Blake Gale, Mike Rabbit, Tom Donahue, Kevin Kohl, Brad Wolken, Matt Crandall, Marc Cizenski, Mike McLaughlin, Dan Brown, and Jeff Lewis.

Joe Vincent, Jesse Demase, Russ Oechsle, Brian Orlando, Mike Cignarale, Dustin Mulcahey, Andre Carducci, Mike Malone, Matt Cassalia, Dan Ziegler, Pat O'Donnell, Pat McPartlin, and Matt Foster.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, June 11, 2007, I was unable to cast my votes on the following bills.

Had I been present for rollcall No. 448 on the motion to suspend the rules and pass H.R. 2356, to encourage the display of the flag of the United States on Father's Day, I would have voted "aye."

Had I been present for rollcall No. 449 on the motion to suspend the rules and pass S. 676, to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation, I would have voted "aye."

Had I been present for rollcall No. 450 on the motion to suspend the rules and pass H. Res. 418, recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean, I would have voted "aye."

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. ALLEN. Madam Speaker, on June 10, 2007, I was unavoidably absent from the Capitol. Had I been present, I would have voted "yes" on rollcall vote 448, a motion by Ms. BALDWIN to suspend the rules and pass H.R. 2356, a bill to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

I would have voted "yes" on rollcall vote 449, a motion by Mr. FALEOMAVAEGA to suspend the rules and pass S. 676, a resolution to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the

Board of Directors of the Inter-American Foundation.

I would have voted "yes" on rollcall vote 450, a motion by Mr. FALEOMAVAEGA to suspend the rules and pass H.R. 418, a resolution recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, D.C., and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean.

TRIBUTE TO MRS. DOROTHY GAY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Mrs. Dorothy Gay, upon her retirement from the Highland Lakes Condominiums Board of Directors after thirty-six years of dedicated service.

Throughout her life, Dorothy has striven to better our community. Born and raised in Detroit, she wrote stories for the Northeastern High School newspaper and later graduated from Wayne State University with a Bachelors Degree in Political Science. As a secretary in the Veterans Office at Wayne State University, she met Alva Gay, an English professor specializing in Shakespeare and modern novels, who Dorothy married in 1948 for 48 years until his death. Following graduation, in 1947, she joined the Detroit Police Department where she served in the Woman's Division. During her 25-year career, she investigated sex offenses against delinquent, neglected, and abused females, and for her dedication she was promoted to Sergeant, then Lieutenant, and finally Inspector in charge of the Division.

Since then, Dorothy has proudly served as a leader in our community. Later, in 1973, she moved to Highland Lakes and joined the Condominiums Board of Directors. In the early 1980s, Dorothy was named to the Northville Township Planning Commission and she is a member of the Board of Directors for Heartline, a Detroit halfway house for female offenders on parole. Dorothy has also been a volunteer peer counselor at the Women's Resource Center at the Schoolcraft College for Women and has served as President, Vice President, Secretary and Editor and Board Liason for the Herald. For her dedication to our community, the 1960s Detroit Free Press named Dorothy "Woman of the Year."

Madam Speaker, after 36 tireless years, Dorothy will be retiring from the Highland Lakes Condominiums Board of Directors. In honor of her leadership and unwavering dedication to the citizens of Michigan, I ask my colleagues to join me in recognizing Mrs. Dorothy Gay for years of loyal service to our community and our country.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. LARSON of Connecticut. Madam Speaker, I regret that I did not votes on rollcall votes 448, 449, and 450 on June 11, 2007. Had I been present, I would have voted:

"Aye" on rollcall No. 448 on motion to suspend the rules and pass H.R. 2356 that would amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day;

"Aye" on rollcall No. 449 on motion to suspend the rules and pass S. 676, which would provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation;

"Aye" on rollcall No. 450 on motion to suspend the rules and agree to H. Res. 418, recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean to Washington, DC, and commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean.

RECOGNIZING HIS EXCELLENCY KANAT SAUDABAYEV ON HIS APPOINTMENT AS SECRETARY OF STATE FOR THE REPUBLIC OF KAZAKHSTAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to insert into the CONGRESSIONAL RECORD a letter signed by 24 Members of the U.S. House of Representatives in recognition of our dear friend, His Excellency Kanat Saudabayev, who on May 15, 2007, was appointed by President Nursultan Nazarbayev as Secretary of State for the Republic of Kazakhstan. Prior to his appointment, His Excellency Saudabayev served as Ambassador of Kazakhstan to the United States.

In gratitude for his service, in honor of his appointment, and with confidence that he will spare no effort in serving the people of Kazakhstan, we include the following letter to be made part of our Congressional history:

His Excellency KANAT SAUDABAYEV,
Secretary of State, Republic of Kazakhstan,
Ak Orda, Astana.

DEAR MR. SECRETARY: It is with pleasure that we commend you on your new appointment as Secretary of State of the Republic of Kazakhstan which we note is one of the highest positions in your country which ranks fifth in seniority, behind the President, the Prime Minister and the Speakers of both Houses.

We also applaud your six and a half years of service in Washington as Ambassador of Kazakhstan to the United States. During your tenure, you advanced U.S.-Kazakhstan relations by strengthening friendship between our peoples and cooperation between our countries. The United States and the people of Kazakhstan have much to be proud of from your long career of selfless service.

We acknowledge your invaluable contributions as a distinguished diplomat and esteemed statesman, and we are confident that in your new position you will take an active part in fostering our strategic partnership.

We wish you well and convey to you our sincere appreciation for your service. You will be missed.

Sincerely,

Tom Lantos, Chairman, Committee on Foreign Affairs, Eni F.H. Faleomavaega, Chairman, Subcommittee on Asia, the Pacific, and the Global Environment, Alcee L. Hastings, Chairman, U.S. Commission on Security and Cooperation in Europe, Chris Cannon; Jim McDermott; Phil English; Darrell E. Issa; Robert Wexler; Pete Sessions; Jim Saxton.

Patrick J. Tiberi; Shelley Berkley; Madeleine Z. Bordallo; Maurice D. Hinchey; Albio Sires; Charlie Melancon; Robert D. Aderholt; Tom Price; Edolphus Towns; Gregory W. Meeks; Howard P. "Buck" McKeon; Ellen O. Tauscher; Eddie Bernice Johnson; Donna M. Christensen.

AIR FORCE HEALTH STUDY/ OPERATION RANCH HAND

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to introduce legislation to ensure that the assets, including electronic data files and biological specimens on all participants in the Air Force Health Study, are transferred to the Medical Follow-Up Agency from the Air Force Health Study and are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

This legislation is a companion to legislation introduced in the Senate by the Committee on Veterans' Affairs Chairman, DANIEL AKAKA.

Operation Ranch Hand was the military code name for the spraying of herbicides from U.S. Air Force aircraft in Southeast Asia from 1962 through 1971. During this time, Ranch Hand sprayed about 19 million gallons of herbicide, 11 million of which consisted of Agent Orange. The spray fell mostly on the forests of South Vietnam, but some was used in Laos, and some killed crops to deprive Vietcong and North Vietnamese troops of food. In all, Ranch Hand sprayed herbicide over about 6 million acres.

The Air Force Health Study (AFHS)—also known as the Ranch Hand Study—was initiated by the U.S. Air Force in 1979 to assess the possible health effects of military personnel's exposure to Agent Orange and other chemical defoliants sprayed during the Vietnam War, some of which contained dioxin.

The initial physical examination and surveying of study subjects was conducted in 1982 and subsequent cycles were conducted in 1985, 1987, 1992, 1997, and 2002. The

data from the physical examinations should not be lost, and in fact, should be available to researchers for the benefit of all.

My bill is consistent with the recommendations of the Institute of Medicine's report on the disposition of the study. I urge my colleagues to support this legislation.

TRIBUTE TO MS. PATRICIA ''PATTIE'' COUGHLAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Patricia ''Pattie'' Coughlan upon her receipt of the Wayne 11th Congressional District Republican Committee's 2007 Lifetime Achievement Award.

Throughout her career, Ms. Coughlan has dedicated herself to bettering our community. As an active member of the Suburban Republican Women's Club since 1985, she has assisted in the election of qualified and capable leaders—with perhaps one notable Congressional exception currently serving—to public office at the local, county, state, and federal levels. She is credited with the creation of the redoubtable and renowned Suburban Republican Women's Club newsletter, for which she is currently the Editor-in-Chief.

Ms. Coughlan has also served in various senior leadership positions of the Club, in which she has promoted the ideas and principles of fiscal responsibility, equal opportunity, and responsive governance. Through her devotion to Republican principles, Patti continues to ennoble and enlighten our world.

Madam Speaker, Ms. Coughlan's legendary dedication to the founding principles of our great democracy and her tireless efforts to perpetuate America's revolutionary experiment in human freedom are an inspiration to all. Today, I ask my colleagues to join me in honoring Ms. Patricia ''Pattie'' Coughlan upon her receipt of the 2007 Lifetime Achievement Award and in recognizing her selfless service to our community and our country.

VETERAN'S DAY POEM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor our country's veterans with a poem by my constituent, Jack Richards.

VETERAN'S DAY FOR SGT. JOSHUA P. MORGAN, USMC

I think of your valor
In being willing to take a stand for liberty
I am speechless
In light of your bravery
I know your type
Is not charmed, by show-offs, in the ranks
Nonetheless
Please, lower your guard for a moment
And hear a grateful nation's thanks
It's not the battles you fight, it's signing the line, saying you will.

HONORING PROJECT INSTAR AND DR. GENEVIEVE HEALY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize Project INSTAR and Dr. Genevieve Healy, its director. Dr. Healy was a middle school teacher in Ohio before pursuing a masters degree at the University of Miami's Rosenstiel School of Marine and Atmospheric Science. During her graduate studies, Dr. Healy foresaw a potential benefit for K–12 teachers through research being performed at the Rosenstiel School. She introduced a collaboration between professors, graduate students, and K–12 public school teachers.

With the help of her professors, Dr. Peter Swart, current chairman of marine geology, and Dr. Michael Grammar, at the time an assistant professor with the Rosenstiel School, Dr. Healy initiated Project INSTAR in 1997. This concept brought local public school science teachers from Miami-Dade County to the University of Miami where they had the opportunity to perform research side by side with graduate students and their professors. Ten years later, this program's success has been made possible in large part due to Dr. Healy's dedication and efforts. With the University of Miami's generous support, this initiative continues to grow.

The Rosenstiel School, located in proximity to so many vital natural resources on Virginia Key, enhances the learning experience of its graduate students through substantial research opportunities. Project INSTAR seeks to help public school teachers gain hands-on knowledge of ocean sciences through their close involvement with this research. It annually invites fifty K–12 teachers from public schools in Miami-Dade County to participate in the program.

This year marks its 10th anniversary. I would like to reiterate its significance as one of the top science programs, which actively enhances the development of K–12 teachers. Engagement in this Institute helps teachers implement their experiences at Project INSTAR into their own curriculum, benefiting countless public school students in science classes.

I am grateful to the many professors and school teachers who have made Project INSTAR a reality. This innovative program spreads opportunity for hands-on experience to so many teachers. I proudly ask you to join me in recognizing Dr. Healy and everyone who has participated in this unique partnership.

TRIBUTE TO COACH MIKE CAMERON

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. BOEHNER. Madam Speaker, in Ohio and elsewhere this week, thousands of Americans are saluting the contributions of a great coaching legend. Mike Cameron, the longtime baseball coach at Moeller High School in Cincinnati, OH, has announced his retirement after 39 seasons—bringing to a close what the Cincinnati Enquirer has aptly described as ''one of the greatest high school coaching careers in Ohio history.''

Coach Cameron compiled a record of 767–303 during his career as coach of the Moeller Crusader baseball team, a record that includes four state championships. His retirement announcement came just weeks after he reached a key milestone in his decorated coaching career: on April 30, 2007, Coach Cameron became the ''All-time Winningest'' Division I baseball coach in Ohio history with a win against LaSalle High School at the new Crosley Field in Blue Ash, OH.

The numbers tell a great story, but not the whole story. As a member of the Moeller High School Class of 1968—one of our school's first graduating classes—I've known Mike for decades. Before he became the baseball coach at Moeller, Mike was an assistant football coach under another Moeller legend, Gerry Faust, where he coached me during my junior and senior years. We also knew each other through our neighbors and our mutual interest in community service.

Since my graduation nearly 40 years ago, I've watched Moeller build a proud national reputation for all-around excellence in Catholic education, and Mike has always been a big part of it. The Moeller tradition emphasizes students' growth in all areas—academic growth, athletic and extra-curricular growth, and spiritual growth. There are few members of the Moeller family who have done as much as Mike Cameron has over the years to help Moeller establish and cultivate this proud tradition.

If you talk to Mike's players, it's clear he's been a positive force in the lives of countless young people in the Greater Cincinnati area. But his legacy at Moeller is not limited to the baseball diamond. During his decades at Moeller, Coach Cameron earned the gratitude and respect of thousands of students he didn't coach, as well as that of countless Moeller parents and faculty members. Coach Cameron also has the admiration of many Americans, from local fans of Moeller baseball to parents who have taken their children to watch one of the multiple players he helped to reach the big leagues.

On behalf of the United States Congress, I salute my friend, Coach Mike Cameron, on a long and distinguished career that is a source of pride for the entire Moeller family and the people of Southwest Ohio.

TRIBUTE TO CONGRESSMAN GILBERT GUDE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to pay tribute to the life of former Congressman Gilbert Gude and to reflect on his remarkable public career. Gil Gude was a man of great civic vision who served his community with great passion and dedication. He served in this body with great distinction from 1967–77, representing Maryland's Eighth Congressional District, which I am now honored to represent.

Gil Gude led a remarkable life. He grew up on a farm near Rockville, Maryland, where he developed a deep love of nature. He answered his country's call to duty in 1943, joining the Army Medical Corps during World War II. He served in the Maryland House of Delegates from 1953–57 and in the State Senate from 1963–68.

Elected to Congress in 1966, Gil Gude made his mark as a creative legislator whose ideas crossed party lines. He did not accept ''conservative'' or ''liberal'' labeling but rather worked with great personal integrity to do what he believed was right for his Nation. Even as a member of the Republican Party, he opposed the Vietnam War, called for the impeachment of President Nixon, worked to limit cigarette advertisement, and fought to restrict handgun ownership.

Gude was a devoted environmentalist. He worked to improve air quality in the District, save wild horses in the West, and create the C & O National Historical Park, among his many other accomplishments. In 1975 he spent a Congressional recess leading a 400-mile trip down the Potomac River in an attempt to give it a national designation.

Gude resigned from Congress in 1977 after a decade of dedicated and compassionate service. However, this did not mark the end of his public service. In 1977 he became Director of the Congressional Research Service, and worked to establish the CRS as a premier and reliable research institution for Members of Congress. He retired from CRS in 1985.

Gil Gude spent a great amount of time focusing on his greatest passion—the Potomac River. He helped found the Potomac River Basin Consortium and took many trips to explore the small communities surrounding the river. He wrote two books about the upriver towns and viewed these tight-knit communities and the river as sources of immense history and cultural importance. He shared his wisdom with others, teaching courses at Georgetown University on history and the environment.

Our Nation mourns the passing of Gilbert Gude. He was a model of bipartisan cooperation who left a legacy that serves as an inspiration for us all.

To Gil Gude's family, please know that you are in our hearts and prayers. We share your grief during this painful time, but are proud to celebrate this extraordinary American's life of service and accomplishment.

TRIBUTE TO JAMIE COE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and remember the life of Jamie Coe, the beloved Detroit area entertainer and musician, who passed away on January 27, 2007.

For over five decades, Jamie Coe inspired generations of Americans through music. Born by the name of George Colovas in Highland, Michigan, Jamie Coe's musical abilities were discovered by singer Bobby Darin during a performance at the Cavalcade of Stars show at the Michigan State Fair Coliseum in 1959. Darin named Colovas ''Jamie Coe'' after a song he wrote called ''Jamie Boy,'' and signed him to Addison Records label. Later, Jamie also recorded songs for Big Top and ABC Paramount labels

Since then, Jamie Coe led a successful rock and roll music career, during which his remarkable voice drew countless loyal fans. After forming the popular Detroit band ''Jamie Coe and the Gigolos,'' he performed nightly before packed crowds at local Detroit night clubs. While he was best known for his hit song ''The Fool'' and numerous appearances on Dick Clark's television broadcast ''American Bandstand,'' Jamie Coe also donated his time to numerous philanthropic causes. He performed regularly to raise money for charities like multiple sclerosis, leukemia, and for the Livonia Symphony Orchestra.

Madam Speaker, although the legendary Jamie Coe passed away on Saturday, January 27, 2007, his memory will live on in the hearts of his loving wife Jamie, four children, two grandchildren, and scores of adoring fans. In honor of his enduring contributions to rock and roll music and to the people of our community, I ask my colleagues to join me in remembering the life of Jamie Coe and his selfless service to our community and our country.

RECOGNIZING MS. ROSA GIBBS ON HER CELEBRATING HER ONE HUNDREDTH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. TOWNS. Madam Speaker, I rise today in honor of a woman celebrating a milestone so few are able to attain, her One Hundredth Birthday. Ms. Rosa Gibbs was born June 21, 1907, in Georgetown, South Carolina. She is the daughter of Shedwick and Anne Jenkins Gibbs.

Ms. Rosa Gibbs graduated from Howard High School in South Carolina in 1925. After graduation, she moved to New York City where she lived for over 5 decades. For the past 20 years she has resided in Florida, though at heart I know she will always be a New Yorker.

Ms. Gibbs is a testament to aging beautifully. She regularly attends church, and is of both sound mind and body. Ms. Gibbs will be celebrating her birthday with her friends and loved ones on June 23, 2007 at the Wayman Chapel African Methodist Episcopal Church in Jacksonville, Florida.

Madam Speaker, I would like to recognize Ms. Gibbs' life and honor her birth.

Madam Speaker, I urge my colleagues to join me in celebrating the One Hundredth Birthday of Ms. Rosa Gibbs.

WELCOMING THE ROMANIAN DELEGATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. ORTIZ. Madam Speaker, I rise as co-chair of the Romanian Caucus to welcome Foreign Minister Adrian Cioroianu of Romania to the United States. Foreign Minister Cioroianu represents an increasingly pivotal ally in our country's efforts to preserve global security, prosperity, and democracy.

Foreign Minister Cioroianu picked up the reins of Romania's diplomatic corps just 2 months ago and he is already proving his commitment to a strong transatlantic unity in his visit. Foreign Minister Cioroianu's delegation hopes to plan an April 2008 NATO summit to be hosted in his country, discuss global antiterrorism initiatives with his counterparts here, and collaborate with them on regional security issues. The delegation's agenda is a symbol of a Romania that is steadfast in its responsible pursuit of global welfare.

Romania has played a leading geopolitical role as a regional power in Eastern Europe with its position at the crossroads of Europe and Russia. The country recently hosted an Organization for Security and Co-operation in Europe meeting regarding anti-Semitism, an issue still fresh in the minds of leaders in the region.

Romania is taking a leading diplomatic role in the western Balkans, particularly in mediating talks on the status of Kosovo. Through these diplomatic efforts and others, Romania is ensuring an Eastern Europe that is peaceful and stable for freedom and prosperity to take root.

The country is also playing a growing economic role in the region. On January 1, 2007, Romania entered the European Union, after achieving a decade of substantial economic development even in the face of a global economic recession. Romania is embracing a free market while fostering the growth of a new middle class that will serve as a key to a successful economic society. Romania is becoming an economic engine for its neighbors to the East and West.

Inducted to NATO only 3 years ago, Romania is already an active participant in NATO operations and has contributed troops to both U.S. wars, with NATO troops in Afghanistan and with around 500 military personnel in Iraq. The Romanian military is playing an honorable and cooperative role in providing security in numerous spots throughout the globe.

I ask my colleagues to join me in welcoming Foreign Minister Cioroianu and the Romanian

delegation to the United States. Congress will continue to promote a strong cooperative relationship between our two countries and I thank the Foreign Minister for his service.

TRIBUTE TO SCHAGEN'S SHOES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding business, Schagen's Shoes, which will be closing its doors after 117 years of dedicated service to its clients, and by extension, to the greater community.

It is only fitting that Schagen's Shoes and the Schagen family be honored in this, the permanent record of the greatest democracy ever known, for all they have provided to the residents of Paterson as they fulfilled their American Dream.

The history of Schagen's Shoes began in 1888, when Willem Schagen arrived in Paterson, NJ from the Netherlands. Having been an apprentice shoemaker in his native land, he decided to open a shop at 176 Lewis Street. At this shop he repaired shoes, but it was sales of ''ready made'' shoes that really made the business take off. In 1894, Willem married Reinoutje Eelman and built a house, said to be the first in the area with indoor plumbing, across from the shop. In 1909, Willem had another building erected at what is now 394 21st Avenue. It housed the business, an apartment for the family upstairs, and an attic, which later became a third floor to accommodate his 10 children.

With the move, business grew, and in 1917 Willem's son Albert joined in the store. Soon, Albert married Rose Zuercher, and they had 2 children, Albert William and Rose Claire. Albert brought new ideas, adding comfort and orthopedic shoes. In 1930, Willem and Reinoutje moved to a new home in Glen Rock, and Albert and Rose moved above the store. In 1943, when Willem passed away, Albert assumed ownership of Schagen's and remained actively involved there until his death at the age of 93.

In 1948, after graduating from East Side High School, serving in the United States Navy, and graduating from Columbia University, Albert William joined his father in the business. He, too, brought fresh ideas, and Schagen's began to emphasize corrective shoes and appliances for children. In 1951, Albert married Mina Heines, a fellow Paterson native, and they purchased a home in Glen Rock, where Albert still resides. They were blessed with a daughter, Wendy and two sons, Donald and Kurt. In 1963, young Albert became the new proprietor.

Over the years, the clientele of Schagen's has represented a cross section of Paterson and the region. It has included professionals, doctors, lawyers, judges and political leaders, as well as many tradesmen and service personnel. The final owner, Albert W. Schagen, who devoted 6 decades to this multigenerational family business, retired on March 31, 2007, writing the final chapter of Schagen's Shoes' history. Schagen's Shoes was a vital part of the community for 117 years, and the generations of customers that were served so well over the years will surely miss the dedication and expertise of the Schagen family.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing the efforts of family businesses like Schagen's Shoes.

Madam Speaker, I ask that you join our colleagues, the members of the Schagen family, all those who have been touched by their caring service, and me in recognizing the outstanding contributions of this business to the Northern New Jersey community and beyond.

IN HONOR OF STEPHEN B. KAHN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. FARR. Madam Speaker, I rise today to honor the memory of Mr. Stephen B. Kahn, philanthropist, political progressive, and innovator, who passed away on Friday, April 27, 2007, at the age of 96.

Stephen was born in St. Louis, MO, on June 8, 1910. In his youth he called both San Francisco and New York home, and finally settled in Manhattan with his mother. She was an early feminist and supporter of Margaret Sanger; her political activities surely encouraged the development of his own progressive ideas. He returned to California to reunite with his father and later earned a degree in journalism from the University of Oregon at Eugene. He completed a law degree at the University of Tennessee and worked in the legal division of the Tennessee Valley Authority.

During World War II, he was drafted into the Army and served with the 7th Armored Division in Europe. Stephen and his wife, Ruth, then moved to Carmel and he began a successful career in the timber business as a conservationist and champion of healthy timber practices. He also supported the ACLU, progressive journals, and noncommercial listener-supported radio in its early years, notably Radio Station KPFA and the Pacifica Foundation.

After Ruth's death in 1994, Steven created the Arkay Foundation as a tribute to her memory. The foundation supports innovative civil, environmental, and health care programs. He was a strong advocate for alternative medicine and helped naturopaths become licensed in California. He also promoted the use of vitamin C and megavitamin therapy for physical and mental illnesses. Remaining remarkably energetic himself, he led this foundation up to the end of his life.

However, he was best known for his progressive style of politics and commitment to the Democratic Party. He believed passionately that individuals could make a difference both at the local and national level by supporting political change. He also believed that songs could change the world. Steve was most proud of his early discovery of Woody Guthrie while filming a documentary in Oregon. Woody's part in producing was what he liked to call ''art with a social message.''

Madam Speaker, the life of Stephen Kahn was full of joy and purpose. He directly impacted the lives of thousands of people who came to respect, admire, and love him. I offer condolences to his two children Karen Kahn and Robert Kahn, his stepson David Goldschmidt; and the rest of his family. Stephen's passion, energy and wonderful spirit will be greatly missed by all who knew him.

HONORING MR. BOB IANNACONE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Bob Iannacone as he retires from his position as Director of Economic Development for the Williamson County Economic Development Council.

Since he first assumed this responsibility in 1991, Bob has been instrumental in attracting corporations looking for a place to relocate and encouraging the expansion and growth of existing Williamson County companies. Together, these efforts have had an impact of approximately one billion dollars to the local economy. Through innovative marketing strategies, including the award-winning Economic Development Showcase program, Bob has ensured that corporate leaders around the country and around the world know that Williamson County is a great place to do business, and a great place to live.

A proud veteran of the United States Air Force, Bob Iannacone has also served our community through his work with multiple nonprofit civic organizations and has impacted countless lives. Again, I ask my colleagues to join me in thanking Bob for his contributions to our nation and to Tennessee. I'm certain that his wife, Pat, children and grandchildren are all proud of the outstanding work he has done to improve not just the economy, but the quality of life in Williamson County.

HONORING JACK O'CONNELL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Jack O'Connell on the occasion of his retirement as President and CEO of the Health and Welfare Council of Long Island, Inc. For over 30 years, Mr. O'Connell has tirelessly served the area's poor and vulnerable children, families and individuals. Mr. O'Connell began his career with the Health and Welfare Council in 1976 and has served as the organization's chief executive since 1988.

Mr. O'Connell was instrumental in creating the first ever studies of hunger and homelessness on Long Island in 1984 and 1985. Mr. O'Connell's other accomplishments on behalf of the poor are too numerous to name, but they include initiating the Child Health Plus

Facilitated Enrollment Consortium, a program that has enrolled more than 30,000 Long Islanders into Child and Family Health Plus; organizing Long Island's social services response to the terrorist attacks of September 11, 2001; and the organization of advocacy coalitions that helped give a voice to the poor and hungry.

Mr. O'Connell has been a tremendous asset to Long Island, and particularly to the people he has helped bring out of the shadows through his work. The future of this country depends on the well-being of our children and families, and the contributions of talented, passionate and committed public servants like Jack O'Connell.

SHUTTLE ''ATLANTIS'' LAUNCH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. REYES. Madam Speaker, it is with great pride that I rise to recognize John ''Danny'' Olivas, who, with the launch of the Space Shuttle *Atlantis* this past Friday, became the first El Pasoan to enter space.

Astronaut Olivas worked his way through the El Paso school system, and, upon graduating from Burges High School, went on to receive a B.S. in mechanical engineering from the University of Texas at El Paso, an M.S. in mechanical engineering from the University of Houston, and, finally, a doctorate in mechanical engineering and materials science from Rice University.

Beyond being the first El Pasoan in space, Astronaut Olivas is also one of only a handful of minorities, and even fewer Hispanics, to participate in a Shuttle mission. The importance of Mr. Olivas' participation in this space flight is underscored by the lack of minorities in the areas of science, technology, engineering and math. According to the U.S. Census, as of 2000, only 4.4 percent of jobs related to science and engineering were held by African Americans, with only 3.4 percent being held by Hispanics. It is estimated that by 2050, over 50 percent of the population under the age of 18 will be a racial or ethnic minority. It is imperative that we work to engage our minority populations in these fields.

In the face of growing foreign competition from technology sectors in India, Japan, and China, among others, it is increasingly important that we support opportunities in science, technology, engineering, and math. Advancing our understanding of these areas guarantees the vitality of our nation as a whole by ensuring that our country remains a leader of technological innovation and economic competitiveness. In creating opportunities for minorities, we ensure that the face of our high-tech workforce reflects the true face of America, and that our face in space echoes our face on Earth.

I have long supported NASA in its pursuit of greater understanding of the universe through exploration. Supporting NASA creates not only opportunities for people like Mr. Olivas, but also tangible benefits that affect our everyday life. Airmen and -women flying training maneuvers over El Paso's Fort Bliss-Biggs Army Airfield, and Army PATRIOT units deployed at home and overseas, use technology developed by NASA. Additionally, the NASA Johnson Space Center in Houston, where Astronaut Olivas first developed his fascination with space exploration at the age of seven, provides jobs for Texas, and, in doing so, fuels our local economies through tourism and contracting. As Astronaut Olivas noted in a recent interview, NASA itself is like a rocket engine: hundreds of thousands of small parts, working in tandem within the machinery of our Nation to fuel the engine of progress.

Having met Danny Olivas on a number of occasions, I applaud the example he encapsulates; wish him and the whole crew of Atlantis a safe return; and look forward to a successful mission!

WORLD DAY AGAINST CHILD LABOR

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. ENGEL. Madam Speaker, I rise today to commemorate World Day Against Child Labor. Today serves to remind us of the exploitation of child workers around the world and to encourage us to act as global leaders in ending these atrocities.

I learned of the brutal working conditions of children who labored in the cocoa fields through a series of articles published by Knight Ridder several years ago. One young boy, Aly Diabate, told how he was sold into slavery when he was barely four feet tall. He said, ''Some of the bags were taller than me. It took two people to put the bag on my head. And when you didn't hurry, you were beaten. The beatings were a part of my life. Any time they loaded you with bags and you fell while carrying them, no one helped you. Instead, they beat you and beat you until you picked it up again.''

In response to stories like these, I, along with Senator TOM HARKIN, authored the Harkin-Engel Protocol to hold chocolate companies accountable to American consumers and the global community. The Harkin-Engel Protocol provides for the development and implementation of industry-wide global standards for the growing of cocoa beans and the manufacturing of chocolate products that are sold in the United States. This framework provides a reliable capacity for the first time to publicly certify that cocoa used in chocolate or related products has been grown and processed without abusive child labor. The Harkin-Engel Protocol allows chocolate manufacturers to agree to take responsibility for the labor conditions of cocoa farms which they do not own.

It is not and should not be the way of this Congress to stand by while children anywhere are sold into slavery. And it is not our way to provide a marketplace for products tainted with the blood of children. I encourage the Members of this Congress to act as global leaders and help end child slave labor throughout the world. Madam Speaker, my hope is that we will use World Day Against Child Labor to raise American awareness of the pressing issue of child slavery and to rise to the challenge of accountability in American products.

IN HONOR OF THEODORE DAVID ENGLEHORN, SR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. FARR. Madam Speaker, I rise today to honor the memory of Theodore David Englehorn, Sr., M.D., a true hero who passed away on May 27, 2007. Throughout his long and passionate career, Dr. Englehorn served our country in the military and later became the first orthopedic surgeon in Monterey County. I offer his sister Helen Winsted, daughter Frances Mill, son Theodore Englehorn, Jr., and the rest of Dr. Englehorn's family my deepest condolences.

Growing up on a farm in rural South Dakota, Dr. Englehorn became interested in medicine at a young age while taking care of injured farm animals. After graduating from undergraduate school, he attended medical school at Northwestern University in Chicago. During his internship at Iowa Methodist Hospital, he received his M.D. and also met Arleta Lane, whom he later married in 1930.

During the depression, Dr. Englehorn joined the Army Reserves as a 1st Lieutenant Medical Corps and worked with the Civilian Conservation Corps (CCC) program in South Dakota until 1937. After this time, Dr. Englehorn and his family took the long journey to California. In King City, he set up his own private practice where he worked until 1942, when he was called into the military service as a Captain. He served honorably in the military for 4 more years and was discharged in December 1945 with the rank of Major, M.C.

Upon his return to Monterey County in 1946, Dr. Englehorn began working for the Salinas Community Hospital Association. His gift for compassion and talent for surgery helped him to gain the title of Chief of Surgery at the Salinas Valley Memorial Hospital in 1959 and later Chief of Staff in 1960. Dr. Englehorn's dedication to the field of medicine was obvious and as a result he held numerous positions on several Medical Associations. He was the Medical Director of the National Foundation for Monterey County and the President of the Monterey County Medical Society, to name a few.

Dr. Englehorn was well known within his community as he was deeply involved in it. He was a member of Veterans of Foreign Wars, the Salinas Lodge of Masons and Eastern Star, the Commonwealth Club of California and the Salinas Elks Lodge.

Madam Speaker, I wish to remember Dr. Englehorn for his honor, humanity, and love for helping others. He was consistently caring and loyal as a friend, husband, father and doctor. While Dr. Englehorn may no longer be with us, his memory and life's work will carry on in all those whose lives he touched.

HONORING HELGA LEMKE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Ms. WOOLSEY. Madam Speaker, I rise with my colleague Representative MIKE THOMPSON with great pleasure to honor Helga Lemke on her 18 years of service with Community Action Partnership of Sonoma County. Since 1989, when she was hired as the agency's executive director, Helga has shown a steadfast commitment to increasing opportunities for low income residents of Sonoma County to gain self-sufficiency and contribute to their communities. We have found Helga to be fiercely focused on fighting poverty, wonderfully competent in running this large, multi-program agency, and yet very down-to-earth and authentic.

Helga has spent her entire career helping others, from her internship with the National Community Action Foundation nearly 40 years ago through her work at the United Nations to the present. One of the tenets she holds so dearly, says colleague John Way, is making a difference. He notes, "I have heard her often say that one of the most enriching things about her work is having someone tell her, 'What you've done has changed my life.'"

Helga's well-earned appointment to director of programs for the California Department of Community Services reminds us how much she has accomplished for our community. For one, she transformed a struggling nonprofit into one of the largest and most respected agencies in the county. She also initiated an award-winning staff diversity training program and a community-acclaimed annual conference on poverty, at the same time leading a staff of 225 at more than 20 sites with an annual budget of more than $11 million.

Despite all this, Helga has still made time for public service. The Sonoma County Board of Supervisors appointed her to the Workforce Investment Board and Youth Council; the Santa Rosa City Mayor has appointed her to the Mayor's Task Force on Gangs; and she has also served on numerous boards, including Roseland University Prep School. She has also testified before Congress on Head Start issues where her expertise was valued.

Madam Speaker, we have appreciated working with Director Lemke on the many issues faced by the Sonoma community and thank her for her dedicated service. Her passion and energy are an inspiration to all of us who work with families. Congratulations on your appointment, Helga.

ANNIVERSARY OF THE ESTABLISHMENT OF BIG BEND NATIONAL PARK

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. RODRIGUEZ. Madam Speaker, sixty-three years ago, on June 12, 1944, Big Bend National Park was established in southwest Texas along the Rio Grande River. The scenic national park encompasses more than 800,000 acres of pristine desert and mountain terrain.

Known as "Texas' Gift to the Nation," Big Bend began as a modestly-sized State park, but its area was expanded greatly by the state before being awarded to the Nation. After Congress passed legislation allowing for the acquisition of land in the region to establish the park the state of Texas purchased approximately 600,000 acres of land from private owners, at a cost of $1.5 million, in 1942.

The purchase of such a vast expanse of land at such a high price in the midst of the Great Depression was an incredible feat for the State of Texas. Despite the cost, the State donated the land to the Federal Government for the establishment of the national park. With that gesture Texas provided the nation with a majestic national park that has been enjoyed for over a half a century so far.

Big Bend National Park has a rich history. For thousands of years it was traversed by and inhabited by native peoples. For the past century and a half it has also seen Spanish prospectors; Comanche Indians; Mexican settlers; and Anglo-American farmers, ranchers and miners.

Everett Ewing Townsend, the "Father" of Big Bend National Park, was the champion of adding Big Bend to the National Parks Service's purview and is most responsible for the preservation of this region where the Chihuahuan Desert intersects with the Chisos Mountains and the flow of the mighty Rio Grande River shifts from southeast to northeast forming the bend after which the park is named. Sixty-three years ago Everett Townsend's efforts provided the United States with an unspoiled tract of land that has since been enjoyed by hundreds of thousands of visitors. In its first year, Big Bend National Park recorded 1,409 visitors, but today it receives over 300,000 visitors a year. Today, I recognize Big Bend National Park on its 63rd anniversary and thank the National Park Service for preserving this region for future generations.

THE BELLS OF BALANGIGA MUST RING AGAIN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. FILNER. Madam Speaker, I urge all Members to support H. Con. Res. 168, legislation that I have just introduced, which urges the President to authorize the return of two church bells, currently on display at F.E. Warren Air Force Base in Wyoming, to the people of the Philippines.

I am introducing the resolution today, June 12th, because of the historical significance of this date to 85 million Filipinos. It is the 109th yearly celebration of Philippine Independence from Spain. The introduction of this resolution will bring hope for the return of the church bells, especially to the parishioners of Balangiga.

It was a result of a conflict, between Filipino and American soldiers in 1901 in the town of Balangiga on the island of Samar, Philippines, that the bells in the Balangiga church were taken to the United States as war trophies where they have been on display ever since at F.E. Warren Air Force Base.

I am introducing this resolution because of a vote by the Wyoming Veterans Commission in favor of the return of the bells to the church in Balangiga.

The citizens of Balangiga have erected a memorial that includes the names of the Filipino and American soldiers who lost their lives in the 1901 incident, and the town honors these war dead, both those from the Philippines and those from America, on September 28 each year. Filipino people have requested the return of the bells to the original setting in the Balangiga Parish where they could ring again, after 106 years of muteness, as a symbol of this bond.

The acts of conflict that surrounded the Bells of Balangiga are not consistent with the friendship that is an integral part of the relationship between the Republic of the Philippines and the United States. Filipino soldiers have fought side by side with American troops in World War II, Korea, and Vietnam, and the bells should more properly serve as a symbol of friendship and not of conflict.

For this reason, I urge my colleagues to support H. Con. Res. 168.

IN HONOR OF GERALD "JERRY" FRY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. FARR. Madam Speaker, I rise today to honor the life of a man committed to serving his country and community. Gerald "Jerry" Fry, former mayor of the city of Monterey, passed away on May 24, 2007. With a profound love for his city, Jerry devoted his career to improving the community around him. Jerry was a great example of the impact one man can have on so many people's lives, and without him the world is a bit dimmer. I offer his wife Mary, children Lisa, Luke, Terri, and Leslie, and the rest of Jerry's family my deepest condolences.

Jerry grew up in Pacific Grove and attended Pacific Grove High School. After graduating from Santa Clara University, Jerry joined the Marines and served during the Korean war. After his time in the military, Jerry returned to his home on the Monterey Bay where he met his future wife, Mary. Upon his return to the peninsula, Jerry began managing a taxi company and also a stationary store. His long and dedicated career of service to the city, however, did not begin until 1963 when a position on the city council opened and Jerry was elected to fill the remaining 2 years in the position.

Jerry was first elected as mayor of the city of Monterey in 1977 and went on to win two more reelections. He began to shine as an outstanding mayor and great leader the instant he was in office. Friends described Jerry as "one of the best mayors I think we've ever had." His ability to listen and to acknowledge

everyone's desire to be heard was a gift and was what defined him in his 20 years on the Monterey City Council.

After serving on the city council, Jerry still remained very interested in city politics and would enjoy discussing controversial issues with his friends. The city always remained close to Jerry's heart even long after he was out of office.

Madam Speaker, Gerald ''Jerry'' Fry was a remarkable figure in our community, and he will live on in the memory of many people whose lives he has touched. I would like to express my sincere gratitude for his commitment to the city of Monterey.

SENATE—*Wednesday, June 13, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, we trust in Your unfailing love and commit our lives to You. Help us to live in purity so that we will never dishonor You. Guard our minds so that our thoughts will please You as we passionately seek Your truth.

Today, strengthen the Members of this body in their work. Use them to bring comfort and courage to the less fortunate. Help them to give their hearts to You and seek to please You in all they do and say. May they find their peace and freedom in knowing You. Empower them to live in such a way that by the wisdom of their words and the power of their example, others may be moved to give their hearts to You.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for an hour this morning. The majority controls the first half, Republicans control the final 30 minutes.

Following the period of morning business, the Senate will resume consideration of H.R. 6, the comprehensive energy legislation.

Under an order entered last night, the time following morning business until 11:45 will be equally divided between Senators BOXER and INHOFE, dealing with an amendment offered by Senator INHOFE regarding oil refineries. So at 11:45, the Senate will vote in relation to the Inhofe amendment.

Other amendments are expected to be offered after the Inhofe amendment is disposed of, and votes will occur throughout today's session.

Senator MCCONNELL and I have a meeting at the White House this afternoon, so I don't think we will have a vote until about 3:30 or so after this first vote. I will also state it appears, because we need to move this Energy bill along, there will likely be no morning business tomorrow, so we should alert Members to that fact.

It is my understanding the Republican leader has something which he has to attend to.

MAKING MINORITY APPOINTMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 233, which was submitted earlier today; that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 233) was agreed to, as follows:

S. RES. 233

Resolved, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed: Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, I thought it was important to point out to the Senate and to the country what we have accomplished during this 6 months that we have been in session. We have had some hurdles to go through, and as a result of that, it has taken a little longer than we wanted on most everything, but we have made some significant accomplishments, and I think the Senate should talk about the accomplishments we have made.

Democrats can't take credit for all this work that has been done because everything that passed took Republican votes also. So I think we, as a Senate, should be able to talk about what we have accomplished.

We have passed the minimum wage bill, which is now law. We passed a balanced budget, which also has in it the restoration of pay as you go. We passed a continuing resolution. Remember, when we came here, there had been no funding preparations made for after February 1, so we had to do that, and we did. We worked on approving the appointment of U.S. attorneys. That passed on a bipartisan basis.

We worked to make sure there was equipment for Guard and Reserves that was appropriate for those people serving in Iraq. We worked hard to push Mine Resistant Ambush Protected vehicles, and now they are in theatre. We passed health care legislation for the veterans, and we provided military medicine that was over and above what the President requested.

We basically full funded the Katrina disaster, which was something that was long overdue. We provided health insurance for children. And I would say, without question, this was as much pushed by Republicans as Democrats—the $600 million that will fund many programs in an adequate fashion until the 1st of October, which would not have been the case otherwise.

We provided $1 billion for homeland security, something we had been working on for a long time. This will allow the Department of Homeland Security to provide more security at our train stations and on our rails and to do some things we have not been doing at airports.

For 3 years, we have been trying to get agriculture disaster relief passed. We were able to do that. Again, clearly bipartisan. Western wildfire relief is important. For example, in the State of Nevada, more than a million acres have burned.

We have had many hearings dealing with the conduct of the war. We have had only two things that have been vetoed. One was the emergency supplemental with timelines, and the other is—I don't know if the President has

vetoed it yet. I didn't check with my staff before I came here. But I know we sent the President the stem cell bill yesterday, and I am told he is going to veto that.

We have a number of things that are in progress. We expect to be able to do the ethics and lobbying reform in the near future, hopefully within a matter of the next week or 10 days.

The 9/11 Commission recommendations, Senators LIEBERMAN and COLLINS have been working hard on that with their House counterparts. That is basically done. We have security at the U.S. courts. I have spoken to the House yesterday and they are going to move on that, so that can be completed with the conference because we passed it over here.

Reauthorization of FDA, we have done that here. I think that should be able to be conferenced quite soon.

WRDA, Senators BOXER and INHOFE are working on that very hard. We expect that conference to take place without a lot of heartburn. And the competitiveness legislation. I spoke with the Speaker last evening. They have a bill they have already passed. We have passed one. We should be able to do that—again, clearly a bipartisan bill.

We have a number of things we tried to move on and were unable to do so because procedurally we couldn't get to them, even though we tried. One was to change the Medicare prescription drug law on negotiation and allow Medicare to do that. We wanted to do intelligence authorization. We were prevented from being able to get it on the floor because of a filibuster. Immigration reform is a work in progress. Perhaps in the next few days we will have a pathway to get that completed.

I have had some good conversations this morning with both Democrats and Republicans on that issue, and the Republican leader and I hope we can sit down and talk about that when he has a proposal he can give. I understand that could come as early as today or tomorrow.

We have on the Senate Floor now an energy bill—again, totally bipartisan. Everything that is in the bill that is on the Senate Floor has been bipartisan. So I hope we can move forward on that and complete that.

As I indicated, we need to start, before we leave here, the Defense authorization bill. I hope we can do that.

So we have done a lot. A lot of times you hear little bits and pieces of what we have done. I have not covered everything, but I have touched on most everything we have been able to do this year, and I think it is something that we should feel good about.

Ms. STABENOW. Mr. President, will the majority leader yield for a moment?

Mr. REID. I am happy to yield.

Ms. STABENOW. Mr. President, I would like to thank our majority leader for his effort. He read a list in the last few moments that goes through quite quickly a whole list of things that have required an extraordinary amount of effort to be able to accomplish, and I wish to thank him personally.

This has not been an easy 6 months. I think our friends on the other side of the aisle have wished to slow things down, with procedural motions over and over again, to even go to a bill, and to see the leader's patience and determination and perseverance has been extraordinary.

I am very proud of the fact, when we compare our first 6 months to the 6 months in previous Congresses, that this gentleman has been a task master. He has kept his nose to the grindstone and has kept us focused on things that matter to the American people, from the war in Iraq and bringing that to the forefront, to having hearings where we have asked for accountability and attempted to change the direction on the war, as well as to things we in Michigan are desperately caring about every day, in terms of our economy and our quality of life.

So I wish to thank the leader personally for all he has done and will continue to do. I know that with all of us working together, we are changing the direction of this Congress and working very hard to address the things that people care about every day.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ENERGY

Mr. MCCONNELL. Mr. President, the Senate takes up energy today. Let me say at the outset the proposed bill has some good provisions and it has some troubling ones. What most concerns Republicans are the issues it doesn't address at all.

Everyone agrees energy independence is a top priority. America imports nearly 60 percent of its oil, much of it from dangerous and unstable countries that do not have our best interests at heart. Yet the bill on the floor does nothing to increase domestic production of oil and gas—absolutely nothing. If energy independence is truly a priority, we will increase domestic production of oil and gas, period.

Increasing production at home will lead to greater independence and it will lead to lower gas prices. The average price of gas has gone from $2.20 to $3.15 a gallon since the Democrats took over the Senate. It is in danger of going up even more if this bill is not amended. We know gas prices go up as supply goes down. Yet this bill, as written, does nothing either to increase domestic supply or refinery capacity and, thus, drive down gas prices.

Liberals in Congress have historically blocked both these efforts. But with the price of gas where it is, this annual gift to the environmental lobby is a luxury we can no longer afford. If we are serious about gas prices, we will increase both domestic production and refining capacity. This bill, as written, does nothing to address either; therefore, nothing to lower gas prices.

Republicans will be offering amendments that will fill the gaps and give Members a chance to do something about energy independence and out-of-control gas prices. Yesterday, Senator INHOFE offered an amendment to increase refinery capacity, and Republicans will soon have a chance to vote on his proposal.

I also appreciate Senator BUNNING's hard work on coal to liquids, which is poised to become a major industry in Kentucky. This technology is one of the more promising alternative fuels we know of. Its addition to the market is one more way Republicans are proposing to lower fuel prices.

We will also debate fuel economy standards, and that is appropriate. We should do all we can to increase fuel efficiency of our cars and our trucks. But we have to do it in a way that is realistic and that doesn't cost thousands of autoworkers, in places such as Louisville, Bowling Green, and Georgetown, KY, and countless other communities across the country, literally eliminating their work.

Every summer, our good friends on the other side dust off the old class warfare playbook and blame our gas prices on cigar-chomping oil executives. Look, price gouging is wrong. If it is found, it should be punished. But the other side has called countless hearings to try to pin down big oil on price gouging and they haven't come up with the goods yet. It is time to put away the playbook and do something that can help Americans who are suffering every day from high gas prices.

Republicans are eager to move forward on this energy legislation. We are acutely aware of the dangers associated with our dependence on foreign sources of oil. But we can address all of these dangers responsibly, and we should start with the most immediate concern, which is gas prices. Increasing refinery capacity and domestic production should be our goal in this debate. After all, the purpose of an energy bill is to reduce the cost of energy and that is what Republicans intend to do.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to

10 minutes each, the time equally divided and controlled between the two leaders or their designees. The first half shall be under the control of the majority, of which 20 minutes shall be under the control of Mr. BROWN or his designee and the second half shall be under the control of the Republicans.

The Senator from Ohio is recognized under the order.

Mr. BROWN. Mr. President, I ask unanimous consent that the 20 minutes time be divided among myself, Senator STABENOW, and Senator DORGAN and that we will, during this 20 minutes, do a colloquy and discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE POLICY

Mr. BROWN. Mr. President, it is pretty clear, as we survey the landscape around our great country, what has happened to manufacturing jobs and what has happened to our economy. Over and over, in my State of Ohio, I know, and Senator STABENOW's State of Michigan, we have seen huge job losses, especially in manufacturing. In my State, since 2000, Ohio has lost 1,800 manufacturing companies, more than 200,000 jobs with average wages of $48,000, according to the Northeast Ohio Campaign for American Manufacturing. We also know that American workers, when it is a level playing field, can outcompete workers, can outcompete small businesses, can outcompete companies all over the world—when there is a level playing field.

Last week, Senator STABENOW and others participated in a manufacturing summit. She brought leaders of small businesses and large manufacturers to the Nation's Capitol with labor leaders and other people who care about manufacturing. We discussed how we remain competitive, how we shape trade policies to help not hurt our small- and medium-sized manufacturers. At that summit, an Ohio businessman named John Colm walked up to me with a stack of fliers. They were auction notices. He had received 47 of them in the last 4 months. These notices were for ''going out of business'' sales; they were companies selling off assets, in essence cannibalizing their companies, selling their machinery at rock-bottom prices—all that this manufacturing crisis has done to small manufacturers and large manufacturers but especially small companies in our communities.

We also know how U.S. trade policy has failed American business, especially small business, especially small manufacturers. We know the year I first ran for Congress, in 1992, we had a trade deficit in this country of $38 billion. Today our trade deficit, whether you count services or not, exceeds either $700 billion or $800 billion—from $38 billion to $700 billion to $800 billion in a decade and a half. Our trade deficit with China went from low double digits a decade and a half ago to somewhere in the vicinity of $250 billion today.

President Bush, Sr., the first President Bush, said for every $1 billion in trade deficit, it costs a country somewhere in the vicinity of 13,000 jobs. You do the math and you figure how many jobs we have lost, in part, because of our trade policy.

The response of the administration is: Let's do more of these trade agreements. We have already had NAFTA, we have already had PNTR with China, we have already had CAFTA and Singapore and Chile and Morocco and Jordan; let's do more, let's do a trade agreement with Panama, let's do one with Peru, let's do one with Colombia, let's do one with South Korea. The fact is, this trade policy is the wrong direction for our country.

In elections last fall, where Senator STABENOW, who has been a leader on trade and manufacturing, was reelected with a huge margin in a State that has been devastated by bad trade policies; in my State, and Senator WEBB's, Senator SANDERS', Senator TESTER's, the Presiding Officer's, and Senator CARDIN's—in all of our States, the voters spoke loudly and clearly that our trade policy has failed our middle class. Our trade policy has failed small business. Our trade policy has failed our communities. When a company shuts down with 300 workers in Steubenville or Lima or Dayton or Finley—when a company shuts down, it devastates a community. It means schoolteachers are laid off, police and firefighters are laid off. It means people are not as safe in their communities as their economy deteriorates.

I will close and turn the podium over to Senator STABENOW with a brief mention of energy. Senator REID, the majority leader, spoke about energy. He spoke about Democratic accomplishments today and talked about the energy bill coming up. I wish to illustrate, for a moment, how energy policy can matter and make a difference in manufacturing. At Oberlin College, a community not too far from where I live, between Cleveland and Toledo, on the campus of Oberlin College is located the largest building on any college campus in America that is fully powered by solar energy. When speaking to David Orr, the professor who helped raise the money to build this building, he told me the solar panels that power this building at Oberlin College—a whole roof, a large expanse of roof or solar panels—they were bought in Germany and Japan because we don't make enough of them. Go west of there, where the University of Toledo is doing some of the best wind turbine research in the country. Yet we are not building the turbines and the components and the solar panels and solar cells in this country. This Energy bill we will discuss today, this week and next week, coupled with a real manufacturing policy as Senator STABENOW has articulated over the last several years, can mean more good-paying industrial manufacturing jobs in our country, can help to stabilize energy prices, and can make a difference in rebuilding the middle class in Ohio, Michigan, North Dakota—all over this country.

I yield the floor to Senator STABENOW and thank her for her leadership.

Ms. STABENOW. Mr. President, thank you to my colleague from Ohio. It is so wonderful to have this strong voice, a leader in the House of Representatives on trade and manufacturing and all the issues that affect middle-class families and to now have Senator BROWN joining us in the Senate. It is such a benefit for all of us who care deeply about keeping the middle class in this country, about making sure we move forward with a 21st century manufacturing strategy that works for our country in a global economy. I thank the Senator from Ohio for his words and also join with him and with our wonderful colleague from North Dakota who has been such a champion on issues of fair trade.

First, I will start by reinforcing what has been happening to manufacturing in the last 6½ years. In this country, we have lost over 3 million manufacturing jobs. Why should we care about 3 million jobs that people raised their kids on, sent them to college—middle-class families with good jobs, good incomes, with health care, with pensions? These are the jobs that have created the middle class of this country. That is not rhetoric. That is a fact.

These are those kinds of jobs, even though they are different. This is not your father's factory. These are new, advanced technology manufacturing jobs now that are being created. But in the future these are needed if we are going to keep the middle class of this country. That is why we are on the floor of the Senate, to express deep concern about the incredibly poor judgment and lack of attention coming from this administration and coming, in general, from those all together making policy that relates to trade and how we compete in a global economy.

We have to pay attention before it is too late, before we lose our economic competitiveness in a global economy, our ability to make things.

I believe any economy is based on the ability to make things and grow things and add value to that. We have to have a strong, vibrant manufacturing economy in order to be able to move forward and compete around the globe now.

We did hold a manufacturing summit, I think the first of its kind in the Senate, last week. I was very proud

that Senator REID, our leader, enthusiastically supported us bringing together 70 different CEOs and high-ranking manufacturing leaders, as well as those representing their labor force, their unions, to come together and talk about what has happened in manufacturing and how we in the Senate can be supportive of keeping manufacturing competitive—a level playing field, which is all we are asking for in a global economy.

We heard some desperate pleas for us to pay attention to what is going on. Over and over again these CEO's talked with us about the fact that in a global economy, now competing with nonmarket economies such as China, they in fact are not competing with companies, they are competing with countries. We go out in the marketplace. There are rules required of our companies to be able to put a plant in another country or have local content in China with auto suppliers. You can't send it in and do business with China. You have to make the product there. Their country owns part of the business or provides great incentives, through a variety of other policies. Yet we are not paying attention. Unfortunately, this administration has not gotten what is happening when we talk about currency manipulation and counterfeiting and all the other policy issues that have put our companies at a disadvantage.

We are happy to export in a global economy. We wish to export our products, not our jobs. Right now we are exporting too many of our jobs.

What is the reality? When China went into the WTO in 2001, we were told two things: our trade deficit would go down and that our jobs would go up. Unfortunately, the facts are exactly the opposite; a $83 billion trade deficit with China. Last year that number skyrocketed to $288 billion, from $83 billion to $288 billion. It is certainly not going down. We have seen the Economic Policy Institute release a study 2 weeks ago that revealed 1.8 million jobs have been displaced through trade with China alone since they entered the World Trade Organization. They promised they would follow the rules. That is part of how you become part of the WTO. We were told: Support them so they can become a part of this international organization, where they will be required to follow the same rules as everybody else. They have not and we have lost, with China alone, 1.8 million good-paying, middle-class jobs.

It is now time to say enough is enough. In fact, 11 agreements have been completed since this administration, new trade agreements. Yet to enforce the agreements, the money has actually gone down by 17 percent. There is no willingness to understand what is going on.

In the counterfeiting business, we have a $12 billion counterfeit auto parts industry alone. What does that mean? These are auto parts coming in that do not meet our safety standards. The brakes may look the same, but if you go to a shelf and say I want this one because it is cheaper and put it in your car, it doesn't meet safety regulations. What happens when you are driving with your kids in the car? These are serious issues for what happens when auto parts are brought in, in a counterfeit manner.

Now, $12 billion worth of counterfeit auto parts have come in. In fact, in the last 5 years, we have lost 250,000 jobs in America because of that, and we have seen six of our Nation's largest auto suppliers go into bankruptcy. This is no accident. We don't have a policy. We passed, here, a counterfeit policy to strengthen our counterfeiting laws and the administration doesn't even use those. They have turned a blind eye. We have lost 250,000 jobs. We have seen our largest auto suppliers going into bankruptcy—Delphi, Dana Corp., Collins & Aikman, Federal-Mogul, Tower Automotive, and Dura Automotive.

Our job is to fight for our businesses that are competing in a global economy where other countries are not following the rules.

Let me give one other example, and I will be happy to turn to my colleague from North Dakota, the issue of currency manipulation. When we say currency manipulation, most people's eyes glaze over. What does that mean? Because a country such as China or Japan, when it comes to the auto industry, purposely keeps their currency down in value, they get a discount on the exchange rate when they bring their product into this country. In China, for instance, again, where we look at an auto part, the same auto parts that are being pirated, snuck into America or they are stealing the patents and making them illegally in China—if they actually bring them in, they also, on top of everything else, get a discount. They can sell the same auto part, the same bolt for $60 that we sell for $100 here, a $40 difference.

When you add that up, that is a $40 discount. On top of that, they are not paying health care the way we structure it. We are the only industrialized country that puts that on the backs of our businesses.

They are following a whole different set of rules. Their wages are dramatically lower. When we say to our auto suppliers or we say to our furniture makers or we say to others: Why can't you compete in a global economy, well, Mr. President, the manufacturers who joined us last week, and the great manufacturers in Michigan I go home and speak with every single weekend are saying: Look around you. We are competitive. We can be competitive. We are productive, but we have to have a Federal Government that partners with us so we have a level playing field on which to operate. Don't let the other team go down to the 20-yard line toward the goal. Put us both on the 50, have the level playing field, and we will compete with anybody and American ingenuity and hard work will win. That is what fair trade policies are all about.

I yield now to my colleague from North Dakota who comes to the floor every day speaking out on these issues and who has been a powerful voice for American workers and free trade.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. Mr. President, first of all, I thank my colleagues for their strong voice on trade.

I note this morning in the Washington Post that they have written one more ''don't confuse us with the facts'' editorial on trade. It is a creed that we see often in this newspaper. And this one is under the guise of criticizing Senator CLINTON for saying that she opposes the United States-Korea Free Trade Agreement.

In fact, let me read a part of the article. It says: If ratified, this Korean free-trade agreement, would be the most far-reaching trade agreement since the pact with Mexico and Canada.

Oh, really? Well, the pact with Mexico, we actually negotiated that when we had a trade surplus with Mexico. We have turned that into a $60 billion-a-year deficit. The trade with Canada, we had a small deficit with Canada. We have turned it into a giant deficit.

So if the Washington Post compares this with the NAFTA and the Mexico and Canada trade pacts, they ought to go back and look at the facts.

But let me just say, if they choose to applaud this trade agreement as the ideal of what trade agreements ought to be like, I think they have chosen the wrong tent pole.

Here is what is happening with trade. This is what the Washington Post is supporting: an avalanche of red ink, dramatic trade deficits, which means we have shipped American jobs overseas. I believe we have begun to undermine this country's economy.

With respect to automobile trade and Korea and this agreement, let me say we have already negotiated two agreements with Korea in the 1990s. They have not abided by either of them. They say: Yes, yes, yes. They sign up for the agreement, and they do not do anything with respect to the enforcement.

Here is what we have with Korea. Last year, they sent us 730,000 Korean cars to be sold in the United States. Guess what. We were able to sell 4,000 cars in Korea. Let me say that again. They shipped 730,000 cars to be sold

here. We were able to sell 4,000 cars in Korea.

Fair trade? I don't think so. Ninety-nine percent of the cars driving on the streets of Korea are Korean-made because that is the way they want it. That is the way they will keep it. Go read the story about the Dodge Dakota pickup that we tried to sell in Korea, and how the Korean government blocked that. You will know all you need to know about Korea auto trade.

So when the Washington Post criticizes Senator CLINTON for standing up for this country's economic interests, I think it is a curious kind of thing for the Washington Post to do.

This issue of trade is about jobs, real jobs. And the people who have those jobs are the people who know about second shifts, second jobs, second mortgages. They are American workers trying to make a go of it in a global economy, supported by the Washington Post, that puts downward pressure on their wages, and says let's sign up for any trade agreement, even if it is unfair to this country's economic interests.

A group of us proposed that we do benchmarks with trade agreements. Let's find out whether there is the kind of benchmark and accountability that will meet the test of progress on the other side with respect to trade agreements. But this administration opposes that as well.

The reason I wanted to take the floor today was to talk about the Korean free-trade agreement. We could talk about most others, as well, but the editorial this morning criticizing Senator CLINTON is unbelievable, and deals with the Korean deal.

This is the weakest possible point the Washington Post could make, or those who support these trade agreements could make. The Koreans send us 700,000 cars. They will allow only 4,000 of ours into their marketplace. That is fair trade? So they say, let's sign up for a third agreement with them. How many bitter lessons do we have to learn? What about accountability? What about benchmarks? Why won't this administration agree to benchmarks on trade agreements so that we can see whether we really are standing up for this country's economic interests?

Mr. President, in my judgment, it is not just the Washington Post but so many others here I think are experiencing a triumph of hope over real experience when they support trade agreements that we know to be bad agreements from this country's economic standpoint.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Jersey.

ENERGY

Mr. MENENDEZ. Mr. President, as a member of the Energy Committee, I know a tremendous amount of work has been put into making this a strong energy package that will help us achieve energy self-reliance, lower gas prices, and reduce our greenhouse gas emissions.

Under Democratic leadership, we are headed into a new cleaner, greener, and more affordable energy future, one where we do not seek to treat our addiction to oil by drilling for yet more oil in the Arctic or off the east coast. This bill represents a bold step forward toward an economy that is based upon energy efficiency and renewable rather than fossil fuels.

I do believe, however, that there are a few key amendments that will make this good bill even better. The most important of these is Chairman BINGAMAN's renewable portfolio standard amendment, requiring that 15 percent of the Nation's electricity be produced from renewable sources by 2020. This forward-thinking provision is a declaration that our country is ready to be a renewable energy leader.

I often hear in the Halls of Congress that energy is a regional issue. If you represent a cold State, you probably support one set of policies; if your State grows corn or drills for oil, you support other policies.

I understand the passionate advocacy one must undertake on behalf of one's home State. But energy can no longer be viewed as a parochial issue that only affects local interests. We in the Senate have a responsibility to ensure that our local interests do not jeopardize the Nation's interests as a whole, nor can we stand in the way of this great Nation becoming a global leader on what has become a global issue.

For most of the past two centuries, this country has been blessed with an abundant supply of domestic energy, bountiful enough to provide us with all of the heat and power we have needed. But for the last 40 years we have increasingly had to look abroad to secure supplies of oil. This quest to feed our seemingly insatiable appetite for oil has unquestionably shaped our foreign policy.

We pay the price for our oil habit when a corrupt regime such as Iran feels emboldened to threaten its neighbors with nuclear weapons, and do so with impunity because their access to oil makes it possible for them to buy influence around the globe.

As New York Times columnist Tom Friedman has pointed out, it is not a coincidence that when oil was $20 a barrel, both Russia and Iran launched internal reform programs to increase democratic participation. As the price of oil has soared past $70 a barrel, both of those countries have reversed course and used their burgeoning treasuries to stifle dissent and roll back democratic progress.

The same story can be told across the world, from the corrupt royal governments and pseudo-theocracies of the Middle East, to the iron-fisted dictators who hold sway in the former Soviet countries in Central Asia, to the petro-populism of Hugo Chavez in Venezuela. Many of the countries that sit on the largest reserves of oil are the same countries that are now resisting reform and creating global instability.

If the story of the 20th century was of a tidal wave of democracy sweeping across the globe, the emerging story of the 21st century is of that wave being swallowed underneath a floor of crude. As long as there are tyrants who have the lucky fortune to sit on top of massive oil reserves and prop up their regimes through huge petroleum profits, there will be no reform. Finding alternatives to oil is a key to democratic, economic, and social reform in much of the world.

In response to this energy security challenge, some of my friends and colleagues will undoubtedly advocate Federal support for efforts to support a liquid fuel from coal. They point out that we have an abundant supply of coal, that we are the ''Saudi Arabia'' of coal. This line of thought ignores the threat of global warming.

The lifecycle emissions of liquid fuel made from coal are over twice that of gasoline. If we substitute oil for coal, a fuel that releases even more greenhouse gasses than oil, we are setting our planet up for disaster. Global warming is happening. It is caused by human activities. It is threatening our very existence.

Recently, the New Jersey Research and Policy Center catalogued the impacts of global warming in my State over the next century. If we do not act quickly and decisively, Cape May Beach will erode between 160 to 500 feet inland. The Holland Tunnel will be forced to close due to repeated floods. Heat-related deaths in our cities will rise fivefold, and flooding along the Delaware River will cause millions of dollars in property damage.

Similar devastating impacts will be seen all over the world. Floods will require the evacuation of millions in India and Bangladesh. East Asia will experience increased water shortages. Central Africa will see ever worsening drought conditions. Warmer ocean surface temperatures will lead to stronger hurricanes and cyclones.

In order to address our energy challenges, we must keep these worldwide impacts in mind, but that does not mean we should not act locally to achieve our national goals. Just this past weekend, the Washington Post ran an article with the headline, ''Cities Take Lead on Environment As Debate Drags at Federal Level.''

The article detailed the actions that mayors have taken to fill the void left by the President's lack of leadership on climate change. Hundreds of mayors have created energy efficiency

projects, promoted renewable energy, and vowed to meet the greenhouse gas reductions laid out in the Kyoto Protocol.

To foster this local spirit in our cities to tackle climate change, I, along with Senator SANDERS, have included a provision in this bill to create an energy and environmental block grant program. This program will allow cities and counties to get Federal grants to make their buildings more efficient, create new renewable energy projects, and continue their leadership in reducing U.S. carbon emissions.

Mr. President, not only does the Clean Energy Act of 2007 lower greenhouse gas emissions and help us achieve energy self-reliance, but the bill also promises to reduce prices at the pump. First, the bill creates real competition for oil by increasing the production of renewable biofuels from 8.5 billion gallons per year in 2008 to 36 billion gallons per year by 2022.

Second, the bill lowers the demand for oil by requiring the National Highway Traffic Safety Administration to achieve a nationwide fleet fuel economy of 35 miles per gallon by 2020 for passenger cars and light trucks.

Third, the bill expands the Federal research into plug-in hybrid technology so that electricity can compete against liquid fuels as a power source for our vehicles.

Finally, by cracking down on price gouging, the bill will ensure that oil companies cannot drive up costs without justification. For too long companies have been allowed to squeeze motorists for record profits without economic justification. This bill will make oil markets more transparent and institute tougher civil and criminal penalties for market manipulation.

Taken together, these measures will create more supply, put downward pressure on demand, and create a more competitive marketplace. In turn, this will lead to drastically lower prices for all drivers.

Mr. President, in closing, each of us comes to the Senate as a representative of our respective State, but our responsibilities do not end at our State's borders. As national leaders, we also have a responsibility to come together and address issues such as our global energy challenges.

When it comes to these issues, whether it is national security or global climate change, we must rise above local interests and show national leadership. Then, and only then will we be able to effect change that benefits consumers, improves our energy security, and establishes the United States as a leader in the fight against global warming.

I salute Senator BINGAMAN and Senator DOMENICI in this effort. I urge my colleagues to support this important bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak on the very important bill before us. Like the Senator from New Jersey, I serve on the Energy Committee. It has been my pleasure to work with the chairman and ranking member to discuss the problems we have in our country and the State of Florida with energy, the fact that it is such an essential ingredient in our daily lives. It needs more help. It needs reform, and Congress needs to address it.

As we move forward in shaping the policies that guide our Nation in securing domestic, stable, and affordable sources of energy, we must remember that everything we do here will have a direct impact on every American who drives a car, turns on a light, or takes a sip of water. Gas prices are hovering around historic highs. Energy bills are climbing. Over the last 5 months, gas prices have risen almost 50 percent. That is the one place where all Americans have to, at some point during the week, make a stop, as with the grocery store. If prices have gone up 50 percent over the last 5 months, imagine what that does to a family on a budget trying to make ends meet, trying to send children to school, trying to live on a fixed income—retire, perhaps—members of our military. This cuts across all people evenly. Energy bills are climbing for all Americans. There is increased concern over the impact our energy production has on our environment, and rightly so.

I am glad we are talking about this important issue because it is a vehicle we can use to address all three of these pressing concerns. But in this bill, there are areas where we can do more, areas we can improve to help shape the long-term outlook for domestic energy production.

In the area of gas prices, this bill does nothing to remove the barriers to refineries. Total U.S. demand for oil is about 22 million barrels per day. Right now, we have domestic refinery capacity here in the United States to produce about 17 million barrels a day. That means we have to import at least 5 million barrels of refined products every day just to meet our current deficit. But the problem is, our needs are growing and refinery capacity is static or shrinking. We need more refineries and more refinery capacity. But the fact is, we have not built a refinery in the United States in 30 years because of burdensome overregulation.

Under the current system, there is no incentive for companies to take the risk or make the investment in a process that in all likelihood will result in rejection. This is something this bill should address. We know the problem. We know the solution. All we need now is a commitment to do something about it. Until we address the refinery capacity and petroleum infrastructure problems, there will be no relief for this problem, for the ever-rising prices of gasoline for American consumers at the pump. Until we address refinery capacity, this bill will not be complete.

This bill attempts to address supposed price gouging at the pump. I think I speak for all my colleagues when I say we oppose price gouging and we should encourage vigorous prosecution of unscrupulous business practices. We should do all we can to see it doesn't happen and those who engage in that are punished. But study after study and investigation after investigation have shown that widespread price gouging is not happening. That is not the problem. After the devastating hurricanes of 2005, I joined my colleagues on the Energy and Natural Resources Committee to ask the Federal Trade Commission if there was any sort of collusion among the oil and gas industry to drive up prices. Once again, the FTC found no evidence of price gouging or of collusion.

Until we address the capacity of our refineries to produce more gas, the supply will be limited. Basic economics says if demand is high and supply is low, you are going to pay a premium at the pump. Gas prices are hurting Americans. We are looking at historic highs. Pick up a gas pump and open your wallet. Does this bill address that? No. This doesn't add any more production. This doesn't reduce inefficiencies. Instead, this bill mandates alternative fuels without removing cost barriers. We will still have a 54-cents-a-gallon tariff on Brazilian ethanol. That is fuel which could be flowing today in Florida and throughout our country. That is fuel which could increase supply, reduce the price at the pump, and have an impact on prices tomorrow. It is part of what this bill should address. We need to look at whether, in fact, it is prudent, at a time when we are trying to increase ethanol consumption, for us to put a tax on the import of ethanol from Brazil.

Another area of this bill where we could make improvements is by adding incentives to promote the production of nuclear energy. If we are looking for a clean, reliable, stable, and affordable energy supply, look no further than nuclear energy. In my State, we have five nuclear units generating roughly 15 percent of our energy needs. We need more of that kind of power generation. In the time since we ordered our last nuclear reactor in the 1970s, France has embraced nuclear energy. Now their country is 80 percent nuclear. They get it. They are using it. They are recycling the waste to generate even more power. If we are looking for a renewable, clean, and stable source of energy, there is one. But instead of promoting nuclear energy, this bill is silent. Instead of giving Floridians relief from the costs associated with storing

the waste at our facilities, we are faced with mounting bills.

Florida ratepayers have already paid $1.2 billion to move waste to Yucca Mountain, but it currently remains stored in Florida. It is sitting at the powerplants. This money, intended to store nuclear waste in Nevada, is costing Floridians money every month in every electric bill. It is costing us the money that should have been spent on producing more energy, on finding ways of bringing down the costs.

Under the 1982 Nuclear Waste Policy Act, we were supposed to be sending this waste to Yucca Mountain starting in 1998. We have let politics prevent us from embracing the promise of nuclear power. If we are serious about promoting the production of clean energy, we had better do what we promised Florida ratepayers and others around the Nation, that we open the central repository in Nevada.

We have enough coal to meet our energy needs for 200 years, and very little in this bill addresses that fact. States such as Kentucky, Montana, and Wyoming are rich in resources and ready to bring those resources to meet our growing fuel demands. As a Senator from Florida, I would much rather be digging for coal in Montana or Kentucky than drilling for oil on the beaches of Florida.

The Bingaman 15 percent RPS amendment is one of the amendments I encourage my colleagues to oppose. For Florida ratepayers who have embraced nuclear energy as a way to help reduce pollution, by 2030, the Bingaman amendment will have a cost of $21 billion. I don't know how many people in Florida think their energy bills are too low, but I can't imagine that they are willing to start subsidizing wind farms in North Dakota. Florida property taxes are already sky high. Our property taxes, our insurance costs are even higher. The last thing Floridians want is a $21 billion increase in their power bill. Break that down, and that is a rate increase of about $2,500 per household. That is more than a year's tuition at the University of Florida. That is more than a family on a fixed income might spend in a year for any type of recreational activity. Florida doesn't have the resources or the capacity to meet the arbitrary definitions or demands of the Bingaman amendment. We will take a big financial hit if it passes.

In the next 10 years, Florida's energy demands are expected to grow 60 percent. We need reliable, affordable, abundant, clean-burning energy to meet our demands. Disincentives like the renewable portfolio standard amendment don't provide power to the State of Florida. They don't help Florida meet its needs for seniors, veterans, working families, and those on fixed incomes.

This bill regulates and mandates, but where is the bill streamlining? Where is the redtape being reduced? Where are the incentives for States such as Florida to build upon those power sources which we have already found to be clean and successful?

A bright future for America and our economy depends on energy. We need it to run our homes, computers, cars, our entire way of life. Right now, we have a reliance on foreign sources of energy that is unhealthy. To get away from foreign sources of energy, we need to make the hard decisions today to give us a better tomorrow. That is certainly the case with our energy policy. Domestic solutions include nuclear, clean coal, biofuels, increased production of oil and natural gas. Obviously, conservation needs to be a cornerstone of what we do.

In Florida, we rejected oil and natural gas drilling off our coast in favor of pursuing alternatives, including expanding production in some of the deepest regions of the Outer Continental Shelf, opening 8.3 million acres for production. We are also studying new sources of energy. We are making great strides in biofuels research and development. We are working through public and private partnerships to harness the power of cellulosic ethanol and find ways to more efficiently turn orange rinds and sugar cane into energy. These are the ideas. These are the innovations we need to pursue in our natural energy policy. We need to reward States that are pursuing smart strategies. We need to stay away from penalizing those that don't have the resources to meet arbitrary and unrealistic benchmarks. We need an energy policy for the long haul.

I am hopeful we can do that, but we still have a lot more work to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

THE ECONOMY

Mr. ENZI. Mr. President, I listened to the conversation that has gone on this morning. I have to say I am a little bit disappointed in some of the negative comments about our country. I always thought you had to be an ultimate optimist to serve in this body. Things go slowly, which is probably fortunate, but we just can't keep trying to make ourselves look better by running down our country. I often remind people that I am not aware of anybody trying to get out of our country, but from the past 2 weeks' discussion, I know there are a lot of people trying to get in.

I will cite an article from the Wall Street Journal of Wednesday, May 23, 2007, that says, ''The Poor Get Richer.'' It reads:

It's been a rough week for John Edwards, and now comes more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 23, 2007]

THE POOR GET RICHER

It's been a rough week for John Edwards, and now come more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

The CBO results don't fit the prevailing media stereotype of the U.S. economy as a richer take all affair—which may explain why you haven't read about them. Among all families with children, the poorest fifth had the fastest overall earnings growth over the 15 years measured. (See the nearby chart.) The poorest even had higher earnings growth than the richest 20%. The earnings of these poor households are about 80% higher today than in the early 1990s.

What happened? CBO says the main causes of this low-income earnings surge have been a combination of welfare reform, expansion of the earned income tax credit and wage gains from a tight labor market, especially in the late stages of the 1990s expansion. Though cash welfare fell as a share of overall income (which includes government benefits), earnings from work climbed sharply as the 1996 welfare reform pushed at least one family breadwinner into the job market.

Earnings growth tapered off as the economy slowed in the early part of this decade, but earnings for low-income families have still nearly doubled in the years since welfare reform became law. Some two million welfare mothers have left the dole for jobs since the mid-1990s. Far from being a disaster for the poor, as most on the left claimed when it was debated, welfare reform has proven to be a boon.

The report also rebuts the claim, fashionable in some precincts on CNN, that the middle class is losing ground. The median family with children saw an 18% rise in earnings from the early 1990s through 2005. That's $8,500 more purchasing power after inflation. The wealthiest fifth made a 55% gain in earnings, but the key point is that every class saw significant gains in income.

There's a lot of income mobility in America, so comparing poor families today with the poor families of 10 years ago can be misleading because they're not the same families. Every year hundreds of thousands of new immigrants and the young enter the workforce at ''poor'' income levels. But the CBO study found that, with the exception of chronically poor families who have no breadwinner, low-income job holders are climbing the income ladder.

When CBO examined surveys of the same poor families over a two year period, 2001–2003, it found that ''the average income for those households increased by nearly 45%.'' That's especially impressive considering that those were two of the weakest years for economic growth across the 15 years of the larger study.

One argument was whether welfare reform would help or hurt households headed by women. Well, CBO finds that female-headed

poor households saw their incomes double from 1991 to 2005, and the percentage of that income coming from a paycheck rose to more than a half from one-third. The percentage coming from traditional cash welfare fell to 7% from 42%. Poor households get more money from the earned income tax credit, but the advantage of that income-supplement program is that recipients have to work to get the benefit.

The poor took an earnings dip when the economy went into recession at the end of the Clinton era, but data from other government reports indicate that incomes are again starting to rise faster than inflation as labor markets tighten and the current economic expansion rolls forward.

It's probably asking way too much for this dose of economic reality to slow down the class envy lobby in Washington. But it's worth a try.

Mr. ENZI. Another article I refer to is from Denver's Rocky Mountain News for April 9, 2007, ''Not bad for a much-maligned economy.'' We keep talking about how bad the economy is. Well, it isn't bad.

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent . . .

The article goes on to read:

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

It ends by saying:

After all, what exactly is it about the March economic figures that [you] don't like?

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Apr. 9, 2007]

NOT BAD FOR A MUCH-MALIGNED ECONOMY

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent on an annual basis.

In other words, amid all of the economic anxiety fueled by globalization, immigration and the relentless rhetoric about a growing class divide in the United States, the actual performance of the American economy remains fairly remarkable.

We're not suggesting that the popular worries are baseless. Globalization involves winners and losers; immigration puts pressure on wages (at least on the lower end); and the rich have indeed been getting richer at a faster rate than the rest of us.

Even some of the popular resentments—such as over the steep trajectory of CEO pay—are hardly without merit.

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

The burden of proof, indeed, should be on those who want to raise taxes, reverse advances in free trade, and micromanage businesses with a slew of new regulations affecting compensation, benefits and employment conditions.

After all, what exactly is it about the March economic figures that they don't like?

ENERGY

Mr. ENZI. Mr. President, what I really came to address is an issue of utmost importance to the American people. When I visit my home State and read the mail I receive from constituents, I am consistently reminded of the fact that we are seeing record-high energy prices. High energy prices affect almost every American. They affect the parent who drives his or her kids to school. They affect the college student who wants to make it home for the weekend. They affect Members of the Senate as we travel to and from our States. But we have to be careful with what we do. A lot of the time, something that we think is going to be a positive move turns out to be a negative.

I refer to a Wall Street Journal article of May 16, 2007. It is titled ''Green But Unclean.'' It reads:

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance, black-marketed potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm.

I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2007]

GREEN BUT UNCLEAN

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance black-market potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm: $800 washers that don't really clean.

The June issue of Consumer Reports states that ''Not so long ago you could count on most washers to get your clothes clean. Not anymore. . .'' The magazine tested the new washers and found that ''Some left our stain-soaked swatches nearly as dirty as they were before washing.''

The cause of this dirty laundry is a regulation issued in the waning days of the Clinton Administration mandating that washers use 35% less energy by 2007. Regulators claimed at the time that this would save money and energy without sacrificing performance. That's what they always say. But, according to Consumer Reports, the new top-loading washers ''had some of the lowest scores we've seen in years.''

Don't expect apologies from Congress or the green activists who promoted these mandates. We are living in one of those eras where all Americans are supposed to bow before the gods of energy conservation, even if it means walking around with dirty underwear. One irony is that because the new machines clean so poorly, consumers will often have to rewash clothes, which could well offset energy savings from the mandates. Not to mention the use of extra detergent. But no matter: Crusades like these are about pure green intentions, not the impure actual results.

And this is just the beginning. President Bush's endorsement of more immediate auto-mileage standards this week is the latest sign that we are returning to the era when the environment is used as the political justification to promote a new wave of government regulation.

Members of Congress and state legislatures are proposing new government edicts forcing Americans to use new and more energy-efficient fluorescent light bulbs instead of the conventional incandescent bulbs that many people prefer. Apparently Americans aren't wise enough to make up their own minds, as technology adapts and prices of the new bulbs fall.

Once upon a time liberals said government should stay out of the bedroom; at the current rate, that will be the only room in the house where Uncle Sam won't be telling us how to live.

Mr. ENZI. Price increases are for a number of reasons, but the simplest explanation is that we lack the supply to meet the demand for energy. At the same time, prices decrease when we see strong supplies that are capable of meeting the demand that exists.

We have to be careful that we reduce the demand—and that is what part of this bill does—but we also have to figure out a way to increase the supply. I am a little disappointed in what the bill does with that.

On June 12, 2007, there was an article in the Casper Star-Tribune. The title is ''Official warns of energy crisis; Growth in demand for electricity in West exceeds generation capacity.'' Of course, for years we have been hearing about rolling brownouts in California and even blackouts in part of the country.

It says:

Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC Commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Casper Star-Tribune, June 12, 2007]

OFFICIAL WARNS OF ENERGY CRISIS

(By Dustin Bleizeffer)

DEADWOOD, S.D.—Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

''There's not enough time to build our way out,'' Kelly told the Western Governors' Association here Monday.

Kelly said Western states must band together to aggressively seek energy efficiency, noting that even small load reductions during peak usage times have proven to save millions of dollars. In addition to efficiency, Kelly said, Western states must immediately launch a massive and coordinated construction effort to link rural renewable energy and clean coal resources to high-load centers.

She commended the Western Governors' Association for its efforts toward those goals, but cautioned that the process is going to be expensive—both financially and politically. The political cost is that some government entity—whether state or federal—is going to have to force power lines into someone's backyard.

States retain authority over siting power lines and related facilities—an endowment the federal government doesn't seem to envy, according to Kelly. Wyoming Gov. Dave Freudenthal suggested this is one area where the federal government could be useful. Freudenthal's idea: Perhaps FERC could play some sort of ''convenor'' role to ''legitimize'' siting authority.

''The governor feels really what the state can do is set the stage and make the case that transmission is important,'' Freudenthal spokeswoman Cara Eastwood said. ''It's a complex issue, and it's a challenging issue that has to be overcome in some way.''

Individual states can invite FERC to participate without relinquishing siting authority, Kelly said. She said open co-operation is key to dealing with the energy crisis, so Westerners are going to have to accept ''small environmental footprints'' to reduce the overall environmental footprint across the nation.

''We are no longer flying solo with our electricity supply and demand,'' Kelly said. ''We are dependent on each other—even more dependent on each other if we want to (develop) our renewable and clean coal'' resources.

Kelly said the energy shortfall will likely reveal itself this summer, noting that meteorologists project hot temperatures across the nation.

''We can correctly call this a crisis,'' Kelly said. ''We don't have enough time to build generation to meet increased demand this summer.''

Mr. ENZI. As prices continue to escalate, some would say we are in an energy crisis. We are at a point where we continue to see the global demand for energy increasing as countries such as China and India develop. At the same time, the demand increases, the Democratic Congress is not taking the steps to increase our domestic supply. Some of the policies we are seeing will have a detrimental effect on that supply.

The Energy Policy Act of 2005 included a number of important incentives for the domestic exploration of many new natural resource supplies. It aided in the production of affordable domestic energy. We are now seeing a number of proposals from the other side to repeal these important provisions.

In the 109th Congress, we attempted to pass important legislation to streamline the bureaucratic process that made it impossible to build an entirely new refinery, and that is what has been happening for the last 30 years. That legislation was repeatedly blocked at the expense of the American people, who continue to suffer as refiners struggle to keep pace through expansion. Supply and demand—you can buy the oil, but unless the oil becomes gasoline, you cannot use it, and unless it is in enough of a quantity of gasoline and enough of a supply, the price will go up. It will provide complications.

Since November, gasoline prices have increased almost 50 percent. The price of gas averaged $2.20 a gallon at the last election. Now the average is $3.15 a gallon. Part of that is the cost of a barrel of oil, but more of that is a reflection on the future and how unstable some of the world situations are. That is what fluctuates the price of a barrel of oil.

But the price at the pump is affected by the number of refineries we have and the number of regulations Congress puts on the gasoline we use. We saw a spike last month in the price of gasoline. That is the point at which the refineries had to shut down some of their production in order to change over to the requirements we put on for the summer fuel. When that happens, there is less supply, and prices go up. Since the changeover has been made, prices have come down slightly.

These are not positive trends and, unfortunately, there is nothing to indicate the Senate will be acting in a way to increase supply and improve the price of energy for the American people.

My State of Wyoming is an energy-producing State. We produce about a third of the Nation's coal. We produce a million tons of coal a day. We also have large natural gas fields. We are the only State in the Nation that is showing an increasing supply of natural gas. We also produce some oil. We have a significant amount of wind power. We have uranium. Because of a lot of Sun, I am seeing an increasing amount of solar power with each visit to Wyoming.

We have a diversified energy portfolio. We have an energy portfolio that recognizes that coal is the Nation's most abundant resource. In fact, my county has more Btu's in coal than Saudi Arabia has in oil. Our energy portfolio recognizes you can produce natural gas in an environmentally efficient manner. At the same time, our State's portfolio recognizes there is an increasingly important place for wind and other renewable resources. We are trying to do them all, but we cannot neglect the one we have the most of.

The policies on the other side of the aisle do not reflect this need for diversity. While they talk about the need to reduce our dependence on foreign energy sources, they repeatedly block efforts to produce our domestic resources. As they talk about the need to lower prices for consumers, they advocate policies that will make it more expensive to produce energy. As they talk about the need to increase our Nation's energy security, they vote against policies that will increase the use of our Nation's most abundant domestic energy source.

We are currently debating an energy bill. I want to commend Chairman BINGAMAN and Ranking Member DOMENICI for their work on this legislation. There is no question there are some positive provisions in the legislation. I do appreciate that it actually came through committee. I have not seen a bill that has just been brought to the floor, such as the immigration bill, that has ever made it through the process. So this one has a chance of making it through, and I am glad for that. The legislation will help develop biofuels technologies which will allow us to displace some of our Nation's traditional energy supply.

However, the legislation has many flaws, most clearly illustrated by the decision of Senate Democrats to block efforts by members of the Energy Committee who worked to incentivize a technology that can truly reduce our Nation's dependence on foreign sources. That technology is known as coal-to-liquids, and it is the process of turning our Nation's most abundant energy source—coal—into liquid fuels—incentives instead of stopping the process.

Coal-to-liquids technology is not new. The technology has been around since the 1940s, and there is no question it will be used today in a much better way than even in the 1940s. It would be used in the transportation markets, which is our biggest difficulty.

It can be transported in pipelines that currently exist. And, because it comes from coal—our Nation's most abundant energy source—it can be produced at home by American workers.

Coal-to-liquids plants are being developed in China. They are being developed in other major industrialized nations, but they are not being developed in the United States. I am concerned that, as we sit on the sidelines, other nations will take advantage of our inaction and our economy will suffer.

The amendment offered by Senators THOMAS and BUNNING that was blocked in the Energy Committee offered a tremendous opportunity to move coal-to-liquids forward. It was a tremendous opportunity to place more of our energy security in the hands of Americans and to take it out of the hands of Hugo Chavez of Venezuela and other oil barons who seek to do economic harm to the United States. Unfortunately, on a party-line vote, that effort was blocked and instead of debating a more comprehensive energy bill, we are debating one with a glaring weakness.

In addition to the decision to keep coal-to-liquids language out of the legislation, I am concerned that a number of other sections included in the bill make for good talking points, but not for good solutions. Although I understand and sympathize with the problems that high energy prices create for families, creating a federal price gouging law is not the answer. The authority already exists for investigations into price gouging, and I am concerned that price gouging is simply a code word for ''price controls.'' Such a policy failed in the past and will fail in the future.

I also have concerns about the sections of the legislation that increase corporate average fuel economy standards, and I have concerns that this bill does nothing to address our lack of domestic energy production in areas where production is possible and environmentally responsible.

We are in a situation where our Nation's energy supply does not meet our Nation's energy demand, and, while we must work to reduce our consumption, we should also work to produce as much energy domestically as is possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise today in support of America's energy security, and I wish to speak a moment about the bill that is before us and talk about some of the pluses it brings into our debate and also talk about some additions I think are very necessary.

I am very excited that the Energy Committee, which I am on, has passed out to this body a bill that talks about increasing the ability of our country to rely upon alternative fuels. I think we have set some very good goals in that area. I believe that is an excellent start to cause us to be less dependent on petroleum, to be far more dependent on biofuels in our country.

I know the State of Tennessee, which I proudly represent, will be a big part of making sure that happens. As a matter of fact, our State is working to make sure we are a substantial part of our country's goal in meeting these objectives.

I know cellulosic research is taking place in Tennessee and throughout the country, which will benefit all Americans in the process, as we take the pressure off corn-based ethanol, which is a big part of what we are doing in our country. I am so thrilled for the corn farmers and others across America who are playing a part in our energy future, but I know that cellulosic is going to be a big part of what we need to do to even increase our country's ability to produce alternative fuels.

I also know this bill we are contemplating does a great deal to focus on carbon capture and storage. It also allows our country to actually assess the various caverns throughout our country to really look at how much storage capacity our country has as it relates to storing CO_2 emissions in order to make sure we do no further damage to our environment.

I know this bill also really focuses on energy efficiency standards—something all Americans need to embrace. Certainly, the Federal Government needs to be a leader in that area, and this bill certainly contemplates that.

But let me say this: In a rush to do this—and I am, again, thrilled we have a bipartisan effort underway—I think we need not lose sight of the fact that overall our goal should be to certainly make sure whatever we do with energy policy raises the gross domestic product of our country over time, so these young people who are here as pages today have a future that is even brighter than it is today, that what we do certainly causes our country to have energy security so we are not dependent on regimes around the world that are not friendly to our country, and that whatever we do causes us to be environmental stewards, that we do not damage our country.

I want to tell you that I had the great privilege of spending time in Europe 2 weeks ago, looking at some of the energy policies some of our friends and allies have put in place. While on one hand I admire greatly their effort to do less damage to the environment, sometimes there are adverse consequences to what occurs. I think what we have seen over the short term is a greater dependence on fuel sources that will cause them to be in some ways more dependent on regimes that could not in some ways be friendly to their future.

I think we need to keep these things in balance. So while we look at alternative fuels that are going to be friendly to our environment and cause us to be less dependent on those that are not, I think we ought to also focus heavily, in this bill, on increased production. Here in America, we need to do our best to boost fuel supply by increased production. We need to increase our refining capacity. We really have not had major increases in refining capacity in this country since the 1970s. There are additions that are taking place.

I know many people are talking about the high price of gasoline. Certainly, one of the reasons for that is our country has a limited ability to actually refine petroleum in a way we can use it in our vehicles. That is something we as a country need to aggressively pursue.

The other thing we need to do in this bill—and I plan to offer an amendment to deal with this issue. In some ways, in this bill, in focusing on alternative fuels, we are trying to pick winners and losers. We are saying certain types of ethanol are the types of alternative fuels we need to be pursuing and those only. What I would like to do is add—and what I will do through an amendment, and hopefully, it will pass this body—is to cause the Senate to actually set standards, standards that cause fuels to be environmentally friendly, to emit less carbon, to emit less other types of pollutants, and at the same time be fuel efficient, to provide the amount of energy, if you will, that really meets the standards these other fuels do. So we hope to broaden that definition so the Senate itself is not defining specific fuels.

We have tremendous capabilities in our country through entrepreneurship. We have tremendous capabilities through coal-to-liquid technology that we can do in an environmentally friendly way. We have other types of technologies that are being developed. I think we as a country should set goals and standards and let entrepreneurs and the business community help fill the void to cause our country to be energy secure, to cause our country to help grow the GDP, and to cause our country to make sure what we do causes us to be environmentally friendly.

So we will be putting forth that amendment. I hope my colleagues will join me in helping us broaden these definitions so we can harness the very best we have in our country.

I yield my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. MCCASKILL). Morning business is closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency,

and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Inhofe amendment No. 1505 (to amendment No. 1502), to improve domestic fuels security.

AMENDMENT NO. 1505

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. shall be for debate on amendment No. 1505, offered by the Senator from Oklahoma, Mr. INHOFE, with the time equally divided and controlled between the Senator from Oklahoma, Mr. INHOFE, and the Senator from California, Mrs. BOXER, or their designees.

Who yields time?

Mr. ENZI. Madam President, on behalf of Senator INHOFE, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Madam President, I rise to talk about the Inhofe amendment, which would increase the possibility that we could have increased refining in the United States. Refining of oil produces more gasoline, and more gasoline will bring down the price of gasoline.

We can't have a serious discussion about energy without discussing the fact that it has been more than 30 years since the last oil refinery was built in the United States. There has to be a reason for that. Although a number of our Nation's refiners have worked on expansions, they simply can't keep up with the growing demand.

It is clear that something is wrong with a permitting process when it is so burdensome it prevents the construction of that which is so vital to our Nation. Because energy fuels our economy, we need to stop with the rhetoric and take some real action.

I have to tell my colleagues that I have faith in America. I have faith in the young people of America. I have faith in the inventors in America, who are of all ages. I am aware of a company in Sheridan, WY, named Big Horn Valve. They have been working on some refinery problems, including leaks in refineries, and they came up with a valve that doesn't have a knob that you turn on the outside of the pipe. Everything is internal in the pipe, and it has a special venturi nozzle in there that doesn't take up the entire inside of the pipe but can still flow as much oil as a flow pipe. The way it works is to turn it off magnetically; it twists and the two spots don't line up. Since it is completely internal to the pipe, there can be no leakage. It is just one small solution to some of the problems that can be solved.

I would mention that with the National Institutes of Health, we have faith in the inventiveness of people. We doubled the budget for research for the National Institutes of Health. I can tell my colleagues that today we have 654 cancer treatments in clinical trials. That is what happens when we incentivize people to come up with solutions.

We need to do that with energy. We are in the midst of a huge energy crisis. China recognizes it. China is buying every available fuel source they can get their hands on. My colleagues probably saw where they tried to buy a company in California. You have probably seen where they bought supplies in Canada. They know the future of the economy is requiring—requiring—energy, particularly fuel to transport things.

Senator INHOFE's amendment recognizes this fact, and it improves the permitting process for new refineries. It establishes an opt-in program for State Governors, requiring the Environmental Protection Agency to coordinate all necessary permits for construction or expansion of refineries. It provides participating States with technical and financial resources to assist in permitting, and it establishes deadlines for permit approval.

These vital changes will make it possible for new refineries to finally be built. They make those changes in a way that is environmentally sound. Opponents of this legislation suggest that is not the case and that environmental laws will be pushed aside. Those claims are false. The Environmental Council of States, which represents State departments of environmental quality, clearly stated in a letter that ''the Gas PRICE Act does not weaken environmental laws.'' That act is the one that is in Senator INHOFE's amendment.

In addition to this, the council, along with the National Association of Counties, acknowledged that the Gas PRICE Act streamlining provisions are in compliance with State and local governments.

If this were the only positive section of the Gas PRICE Act, it would be worthy of our support, but this legislation also addresses a second aspect that I believe is missing from the underlying bill. That aspect is the incentivizing of coal-to-liquids technologies.

As drafted, the legislation does nothing to advance the development of coal-to-liquids plants. That is the overall bill, not the amendment. As a member of the Senate Energy Committee, Senator Craig Thomas and JIM BUNNING worked hard to move this issue forward and offered an amendment during the committee's consideration of the biofuels legislation to set a blending requirement for coal-derived fuels at 21 billion gallons for the year 2022. Is it possible? Absolutely. Unfortunately, this amendment failed by one vote, and so it wasn't included in the bill.

The Gas PRICE Act addresses this vital issue by requiring the Environmental Protection Agency to establish a demonstration to assess the use of Fischer-Tropsch, diesel and jet fuel, as an emission control strategy. Furthermore, it provides incentives to the Economic Development Administration to build coal-to-liquid refineries and commercial scale cellulosic ethanol refineries at BRAC sites and on Indian land.

These important steps will help jump-start an industry that will help reduce our Nation's dependence on foreign energy barons. Coal is our Nation's most abundant source. As I mentioned earlier, we have more Btu's in my county in Wyoming alone than all of Saudi Arabia. Using coal to produce diesel and jet fuel will take our energy security out of the hands of Hugo Chavez in Venezuela and others who seek to harm our economic interests and put it back in the hands of American citizens.

I am pleased Senator INHOFE has offered this important amendment. It addresses two areas in which the legislation could be improved, and I urge my colleagues to support this approach.

The two areas are to make it possible to actually expand the number of refineries in the United States, and there are places in the United States where those can be built, and safely built. I also think there can be some inventions, such as I mentioned with Big Horn Valve, that will make the refining process much more capable and also environmentally better. But unless we can get rid of that single construction of refineries, we are going to have shortages of gas twice a year immediately, and more often in the future. I do have a lot of confidence that there can be not only coal to liquids, but coal to liquids with a little bit of invention can be done even better than other kinds.

We need to worry about the natural gas supply for this country. A lot of States are placing a huge emphasis on natural gas as the cleanest fuel, and it is. But there is only one State that is producing more natural gas than in previous years, and that is the State of Wyoming. That will not go on forever. If we use it to produce electricity, we are going to run out of natural gas. So those people across the country who are using natural gas to heat their homes should be particularly concerned.

I know one company was looking at having some peaking power for Rapid City, SD, and they were going to do it with natural gas. But the board of directors, as they looked at it, found out that the time they needed the peaking power was in the middle of winter when it was cold because people there use some electricity to heat with. But what they discovered was that the amount of natural gas to provide peaking power in winter in Rapid City would be an equivalent amount of gas to what the whole city of Rapid City

uses to heat homes during that same cold spell.

A lot of natural gas has to be used if it is used to produce electricity. We can invent better ways to do that. We can come up with coal to liquids. We can increase our refineries. I hope we will find ways to encourage that rather than discourage that if we are going to truly have an energy policy.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, could the Chair give us the parliamentary situation this morning.

The PRESIDING OFFICER. The Senate is currently in a quorum call being equally divided between the two sides.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, it is my understanding now there is how much time remaining until the vote on the Inhofe amendment?

The PRESIDING OFFICER. The vote is at 11:45. The Senator's side has approximately 30 minutes remaining. The Republican side has approximately 21 minutes remaining.

Mrs. BOXER. Madam President, I rise to debate this Inhofe amendment and, in the strongest possible terms, make a few points to my colleagues.

When you strip it all away, this amendment is a giveaway—a giveaway to energy companies at a time when they have never had it so good, at a time when they have never made so much money. The CEOs are making $37 million a year; $16 million a year; Exxon, a $39 billion profit—billion-dollar profit; Shell, a $25 billion profit; BP, a $22 billion profit; Conoco-Phillips, $15.6 billion; and Chevron, over $17 billion. The CEO, Lee Raymond, of ExxonMobil, received a $400 million severance gift. Let me repeat that. One man received a $400 million severance gift, and the Inhofe amendment wants to give these people more. The Inhofe amendment wants to give these people more, even after, in the 2005 Energy bill, they already got their streamlined provisions. They already got what they needed.

Let me tell my colleagues what the Inhofe amendment does. It gives to those who have, and it gives to energy companies free public land—public land that belongs to the taxpayers of America. It gives them preference to get free public lands. Not only do they get the land free, but in the case of Indian land, they get 110 percent of their costs reimbursed to them. This is what we are doing in an Energy bill that is supposed to be good to consumers.

The underlying bill has many provisions in it. All those provisions are good for the American people, including fuel economy for our cars, solar energy on the building of the Department of Energy. We hope we will have a modest model project at the Capitol powerplant showing that we can, in fact, reduce the carbon emissions of coal. These are all bipartisan amendments.

Senator INHOFE tried to get a similar amendment to the one he is now proposing through the committee. When he controlled the gavel, he couldn't even get it out of the committee then, let alone now. So it gives to the oil companies, when they were taken care of in the Energy bill of 2005.

I am going to tell my colleagues what we did for them in 2005. The 2005 Energy bill has a provision, which is section 392, that allows States to request EPA to work with them and enter into an agreement under which EPA and the State will identify steps, including timelines to streamline the consideration of Federal and State environmental permits for a new refinery. Interestingly, even though this legislation exists, EPA said before my committee in October—actually, it was before Senator INHOFE's committee because he was chair at that time—that no State had asked EPA to use that provision of the law. So they got a streamlined procedure in 2005. They never took advantage of it. Now, Senator INHOFE is giving them more streamlining procedures, and he is exempting these energy companies from every single environmental law that was signed into law by Republican Presidents and Democratic Presidents.

Let me tell my colleagues the laws that are waived in the Inhofe amendment. I say to the American people: Listen to this because if ever we have unanimity about what is important to do for the health of our people, it is when Republican and Democratic Members of the Congress and Presidents sign these laws and pass these laws: The Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Safe Drinking Water Act.

Those are a few examples of Federal laws which are cast asunder by this amendment. Who gets the benefit? Not the American Lung Association, which might, in fact, put in substantial precautions that the air is clean, but they give it to the most polluting industries in America: the refining and oil industries.

Senator INHOFE will say: Oh, we let the States pass these laws. We say they have to pass substantially equivalent laws. That is not defined. Why on Earth waive the laws that are the cornerstone of America's environmental protection under both Republican and Democratic Presidents? Why waive those laws? Do you think that little of America's families?

In my State, 9,900 people die every year from lung-related disease. And let's talk about some of the chemicals these refineries give off.

In 2005, refineries emitted over 68 million pounds of toxic chemicals, 3.8 million pounds of known cancer-causing substances, 2.5 million pounds of toxins that damage the reproductive system, and 6.8 million pounds of toxins that harm the development of children.

In California, communities that border refineries and chemical plants have high concentrations of childhood asthma. We should be working to make the air cleaner, not worse.

Let me review what I have said so far. This amendment has a name, and I am going to read you the name of this amendment. The title of this amendment is the Gas Petroleum Refinery Improvement and Community Empowerment Act. I ask, how is a community empowered by this amendment? The idea is to allow these new energy plants to go on Federal land that has been surplused. In California, we have had a lot of these lands, and, by the way, some of them have been redeveloped in the most wonderful way. Everybody is equal. There are no winners and losers. Here we are picking a winner, and the winner is one of the most polluting industries in America. They get the land free, and the community is left without anything. The Federal Government gets no money. That was the idea behind the Surplus Federal Lands Act. The Federal Government should get some money from the private sector. Oh, no, they get the land free, these energy companies. That is because they are hurting so much. They are hurting so much that we are going to give them the land free.

On Indian land, they get back 110 percent of their investment, so they actually make money without a penny of cost. Whoever votes for this amendment is voting for a giveaway of taxpayers' dollars. Whoever votes for this amendment is voting for an open-ended cost that isn't even stated in the bill.

Look at the last page of the bill, ''such funds as may be required.'' We know some of these energy plants will cost $4 billion for one plant. Let's say there are 100 pieces of Federal land that could be redeveloped. You do the math. We are busting the budget. You think the Iraq war costs a lot? Take a look at this. And who does the money go to? The same people who are charging us in California close to $4 a gallon for gas.

So you can stand up here and talk about it all you want, but the bottom

line is, this is, in many ways, a socialistic bill, socialism: give away land to big business, give them the cost of the building, in some cases 110 percent reimbursement, waive all of the Clean Air Act, the Clean Water Act that protects the health and safety of our people, and who are the most vulnerable? Our moms and dads, our grandmas and grandpas, our children. Just ''Katy bar the door'' with the money. No problem. Oh, it is as if we are somehow in the black today when we have deep deficits today.

What an amendment to bring to the floor from my friend—my good friend—Senator INHOFE. A similar amendment went down in the committee when he had the gavel.

I say it is economic blackmail for communities that are losing a military base. It chooses an energy project over any other project they might want. I say to my colleagues, if they look at what these refiners are making, how well they are doing, we don't need to give them any more incentives.

I want to tell my colleagues a story about my State. Shell Oil owned a refinery in Bakersfield, CA. We all supported that refinery. It made 2 percent of the gasoline for the cars in California. Shell Oil announced they were shutting down the refinery. We begged them not to shut it down. Here is what they said to us in writing: We are losing money, and we are shutting it down because we can't find a buyer.

Lies, those were lies. How do I know that? Because we were fortunate enough to have an attorney general of California, at that time it was Bill Lokyer, who saw the books. The refinery was making a lot of money. We believe Shell Oil wanted to shut it down because they wanted to squeeze the supply—squeeze the supply. Guess what else. When we caught them on that, they said: Oh, we are sorry, we made a mistake; we still can't sell the refinery.

We found buyers for the refinery. The attorney general made sure they advertised. They sold that refinery, and that refinery is up and running.

So we are going to give away to refineries, to energy companies in this bill—this amendment is all they could ever dream for. They don't have to pay attention to the Clean Air Act, the Clean Water Act, or the Safe Drinking Water Act. If my colleagues vote for this amendment, they are voting to open the checkbook to hundreds and hundreds of billions of dollars. It could be as high as a trillion dollars. Who knows how many of these people will take advantage of this opportunity.

What do we get? We get sick kids because this will waive all these environmental protections. And they are giving away to those who have.

I want to read again the amount of money some of these executives have made. Valero Energy, the top executive in 2005, William Greehey, took home $95.2 million. This is one person, folks—$95.2 million. Occidental Petroleum chief Irani took home $81 million in 2006. Oh, these poor people. Their businesses aren't doing good enough. We have to give them more. We have to make life easier for them.

What about the people who pay at the pump? That is why the underlying bill is so good because it has MARIA CANTWELL's antigouging law. By the way, the President has said he doesn't like the antigouging law. He might have to veto this entire bill. That shows you where people stand around here. Republicans want to give away to the oil companies, to the refiners, to the energy companies, and take away clean air protections from the people, take away land from the taxpayers, taxpayers' money to fund these projects. Count me out, and I hope count out the vast majority of the people here.

You can put any face on it. One thing that gets me is how the Republican side is supposed to be so fiscally responsible. Let's look at the last page of this amendment. They will tell you now how much they are going to pay for this bill. It is on the last page of this amendment. Here it is: ''Subtitle E—Authorization of Appropriations. There are authorized to be appropriated such sums as are necessary to carry out this'' amendment.

What does that mean? I already told my colleagues it costs $4 billion to build one of these energy plants—just one. It is 100 percent Federal pay on Indian land plus 10 percent on top of it, and 88 percent is the minimum number on Federal land that is not Indian land. You get the land, you get the cost back to build the plant, you get to waive all the environmental laws, and you get a streamlined process, which they already have the ability to get under the 2005 Energy bill.

This is a big kiss to the oil companies and the energy companies. This is a major hug. It would be better if we took this up on Valentine's Day. Well, count me out. I hope there is a resounding ''no.'' We don't know the cost. It is not told in this amendment. We don't know the impact on the people. It certainly is not told in this amendment. It picks winners and losers on Federal land. It doesn't protect our people.

Madam President, I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I ask that the time be equally divided on that quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. THUNE. We are not in a quorum call?

The PRESIDING OFFICER. We are not in a quorum call.

Mr. THUNE. Madam President, I wish to speak, if I may, to the amendment offered by my colleague from Oklahoma, Senator INHOFE. It is important that in this whole debate on the bill that we talk about the solutions that are important to this country's independence today on foreign energy and the need to get away from that and become energy independent and lessen our dependence on foreign energy and that we also talk about actions we can take that will lower energy costs for people in this country.

I appreciate the fact that the underlying bill has a number of provisions in it that are good. There are provisions in the bill I will be supporting. I have a series of amendments I will be offering that will improve the availability of renewable energy in this country.

I also wish to speak in support of amendment No. 1505 because I believe fundamentally it would greatly improve our Nation's stagnant oil refining industry, boost the development of coal-to-liquid technology, and accelerate the development of the next generation of biofuels.

As to the underlying amendment talked about by my colleague from California, first, there are no mandates in this bill. These are things the State can do. They can opt into this. Obviously, the incentives in this amendment do not go to oil companies, they go to State and local governments.

Frankly, this is an important point, that this is directed to areas that have been affected by base closures and also Indian reservations, which in my State are desperately in need of economic development. This is the type of economic development that will fit very well in a lot of places in South Dakota that qualify.

It is important this amendment be adopted. It does address a critical need in this country, and that is for more refinery capacity and the need in a lot of places, areas affected by base closure and Indian reservations, for economic development.

There are a lot of items this amendment would accomplish. It is important to point out that over the past 30 years, the petroleum industry has not added a single new oil refinery in the United States. The American public, I think, would find it startling that the largest petroleum consumer in the world hasn't seen one new refinery in the past three decades, which has created a devastating bottleneck in the delivery of transportation fuels to American consumers.

Fortunately, the Senate has an opportunity through this amendment to

address that issue which is squeezing very hard the wallets of hard-working Americans across the country.

Amendment No. 1505, which is pending before the Senate, would enact important measures to boost domestic refining capacity and provide certainty for the industry and the public.

First, the amendment would set deadlines for refinery permit approval. For too long, proposed refinery projects have met slow deaths due to endless delays in the bureaucratic permit process.

Second, this amendment would provide States with much needed technical and financial resources to assist in refinery permitting. The process of refinery siting is time-consuming, complicated, and financially straining on State budgets that are already stretched thin.

This amendment also protects States rights by giving individual States the opportunity, as I said earlier, to opt in to a refinery permitting program. Contrary to what the opponents are saying, there are no mandates in this legislation. Participating States can voluntarily request the Environmental Protection Agency to coordinate all permits for construction or expansion of a refinery.

The importance of expanding refinery capacity to provide affordable and reliable supplies of transportation fuel cannot be overstated. I want to show a chart of something that was printed in BusinessWeek on May 3, 2007. This is what they said:

> Because of high costs and a lack of public support, refiners haven't built an entirely new plant since 1976. While they have been expanding existing plants, the industry isn't keeping pace with growing demand.

I would also like to show another chart of something that was printed recently in the Wall Street Journal, and it said this:

> The causes of higher gas prices include $65 per barrel oil caused by rising global demand and geopolitical tensions; a record high U.S. gasoline consumption of 380 million gallons a day; and refined gasoline shortages caused by Congressional rules and mandates.

Now, my constituents know this problem firsthand. Inadequate refining capacity has a real impact at the local level, and I will give just a little anecdotal evidence here from South Dakota.

For the past month and a half, several key gasoline terminals in my home State of South Dakota were literally out of gasoline for multiple days at a time. Widespread outages were reportedly caused by limited supplies due to refinery shutdowns and routine repairs in other parts of the country. The ripple effects of this gasoline supply disruption were felt throughout the entire eastern part of my State. As the pipes ran dry and terminals emptied, gasoline wholesalers were forced to travel great distances and manage logistical bottlenecks at the few pipeline terminals with available refined product. In the meantime, gasoline prices soared at the retail level across South Dakota, and consumers in my State were forced to pay more at the pump.

The recent events in South Dakota are a prime example of the need to increase refining capacity in the United States. These events also underscore the need to move beyond petroleum for our transportation fuel needs.

The amendment offered by Senator INHOFE moves our country toward greater energy independence by providing Economic Development Administration grants for infrastructure improvements to accommodate cellulosic ethanol refineries at Base Closure and Realignment Commission sites and Indian lands.

As my fellow Senators are all well aware, the underlying bill includes a renewable fuels standard of 36 billion gallons by the year 2022. In order to meet this goal, we need to enact policies that dramatically increase the development and production of cellulosic ethanol.

By providing EDA grants that support cellulosic ethanol production in communities in need of economic development, amendment 1505 provides targeted rural and economic development and places our biofuels industry on course to reach the strengthened renewable fuels standard.

In addition to the EDA grants for cellulosic ethanol refinery development, this amendment includes a first-of-its-kind provision that may greatly enhance private sector investment in renewable fuels. This amendment will begin to assess our Nation's renewable reserves of biomass cellulosic ethanol feedstocks so that the public and energy companies have a realistic understanding of total U.S. renewable reserves. Energy companies' stock prices rise and fall depending on their declared proven reserves. This process, which has been in place since 1978, provides tremendous incentives for exploration, investment, and development of new sources of traditional hydrocarbons.

This straightforward amendment builds upon these proven market incentives by directing the Securities and Exchange Commission to research and report to Congress on the establishment of a renewable reserves classification system for cellulosic biofuels feedstocks in the United States.

The idea of a renewable reserves classification system was first discussed during an Agriculture Energy Subcommittee hearing I held in Brookings, SD, earlier this year. An expert witness from Ceres, Inc., an industry leader in the development of transgenic switchgrass seed for cellulosic ethanol production, testified that a standard means for measuring renewable reserves on a per-barrel-of-oil basis would greatly incentivize private sector investment in the next generation of advanced biofuels.

The President of Ceres, Inc., Richard Hamilton, describes the renewable classification system as:

> An independent metric by which energy companies, and the market, may measure renewable reserves in barrel-of-oil equivalents just as they measure proved reserves today.

He continues by stating:

> A renewable reserves classification system could well be the catalyst America's traditional providers of liquid transportation fuels require to invest in cellulosic biofuels technology and may be the Federal Government's least expensive way to hurry the cellulosic biofuels industry to maturity.

Certainly a proposal that could result in such a dramatic advancement in our biofuels industry is worthy of consideration by the Securities and Exchange Commission and is certainly worthy for inclusion in a bill that calls for a historic increase in renewable fuels production. If we are serious about advanced biofuels production, we must consider effective approaches, such as the amendment offered today by my colleague from Oklahoma, that would boost the production of advanced biofuels.

This amendment is important because, as I said earlier, it addresses a critical problem and shortage that we have in America today; that is, a lack of refinery capacity. We need more capacity. Now, frankly, it would be great if the folks I represent in South Dakota could get to their destinations by walking or riding bikes. Unfortunately, we have long distances to cover in my State. We have to drive automobiles, and we have to use fuel to power our automobiles. When you have a refinery problem like we have in America today, that limits the amount of gasoline that can be shipped through the pipeline to destinations in my State, and that drives the cost of gasoline higher and higher. Because of that shortage and because the wholesalers have to go to distant places to get it, it adds to the cost of our economy, and that affects the day-in and day-out lives of the people in my State of South Dakota and across this country who have to get to their destinations, whether it is to work or whether it is travel for recreation. The reality is that we cannot continue to abide $3.50 or $4 a gallon for gasoline, and we need to address what is causing that problem.

As I said earlier, I will be offering a number of amendments that will increase and advance the production of biofuels energy in this country because I believe so profoundly in its importance as part of our energy supply. But this particular amendment is critical as well because it addresses a fundamental problem that exists in America today; that is, a lack of capacity, refinery capacity, to make sure enough gasoline is making it to its destination, to

places even as remote as South Dakota, so that the people who drive across my State can have access to affordable fuel to make sure they can get to the places they need to get to, and that the lack of affordable fuel does not choke our economy by continuing to force us to pay these exorbitant prices for gasoline.

So I support the amendment of the Senator from Oklahoma, amendment No. 1505, and I urge my colleagues here in the Senate to do so as well. It is important for a lot of reasons—because it brings economic development to areas that really need economic development, those areas which have been affected by base closures and Indian reservations—and because my State desperately needs that form of economic development and job creation. So I urge my colleagues to support this amendment.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, I would inquire as to the time remaining on both sides, please.

The PRESIDING OFFICER. The Senator has approximately 9 minutes remaining, and the Democratic side has approximately 13 minutes remaining.

Mr. INHOFE. Madam President, I would like to go ahead and be recognized for a few minutes, and I would ask that the Chair stop me when there is 5 minutes remaining. I would like to remind the other side that our protocol or system is that the author of the amendment should conclude debate, so I would like to have the last 5 minutes.

First of all, I look at this and I listen to the arguments from the junior Senator from California and I hear the same things over and over again. Last night, we debated this at some length. Every time, she would make a statement, and we would respond to the statement.

Let me just put a chart up here. I think it is important for people to realize there are some choices. We are not willing to add to refinery capacity here in the United States. We have here the refining capacity and the growth of that refining capacity from other countries. We have Iran, Iraq, Libya, Nigeria, Russia, Saudi Arabia, Sudan, and Venezuela. It is bad enough we are dependent upon foreign sources for our ability to run this machine we call America, but these are not the kinds of countries you want to depend on. I am sure Chavez is not real excited about helping us refine our oil into something that can be used for transportation.

I would like to cover a couple of the things the junior Senator from California has said, and I know what is going to happen: As soon as I do this, she will come back and say the same things over again, because we have heard these same arguments.

First of all, she says it is a disastrous amendment because it is a taxpayer giveaway to the oil companies; we don't have to give away the store to the oil companies. Well, the fact is that no money goes to any oil companies or, in fact, to any corporations in any way whatsoever. The only funding of the bill is financial and technical resources to a State or tribal department of environmental quality or funds to an economically distressed community affected by BRAC.

Let us keep in mind, when we talk about BRAC and Indian tribes, we have a lot of BRAC sites, and I can remember Members standing on the floor saying, during the base realignment and closure process: They are going to be closing some of the military installations in my State. Well, what is a logical thing you can do to replace the economic loss of a closed facility? It is to put—if we can encourage the local community to do it—a refinery there. You don't have to clean it up to the same standards you would have to clean it up otherwise. It is a logical thing. So those people who want coal-to-liquids and commercial-scale cellulosic ethanol facilities can have them.

It does authorize the EPA to initiate a new emissions control demonstration project, but it doesn't offer the oil companies anything.

The lack of sufficient refinery capacity in the United States is why we are experiencing high prices today. I think it is inconceivable that any Member of this body would come in and deny us, the United States, the right to expand our refinery capacity to do something about the supply problem we have and then turn around and say: Well, we don't want to be dependent on foreign countries for our ability to run this machine called America.

In this bill, in the underlying Energy bill, without this amendment, we don't really address the problem today. We talk about the future, and we talk about conservation. This is good, and we want to do this. We talk about standards for automobiles and all that. But people in my State of Oklahoma want to do something about the $3 a gallon for gasoline right now that is there.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. INHOFE. With that, I retain the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, it is my understanding there will be equal time taken from each side in this case, so I would invite the majority to come in and make their remarks and would appreciate it; otherwise, I would be denied my opportunity to close debate on my amendment.

In the meantime, I ask unanimous consent that during the quorum call, the time be taken from the other side.

The PRESIDING OFFICER. In my role as a Senator, I will object.

Mr. INHOFE. Madam President, I understand what is customary; I am just saying that we are entitled to close debate.

Apparently, the Senator from California is not going to allow me to close debate. So let me just say for a few minutes here that I was going to go through every argument the Senator from California has made.

For example, first of all, I already did the first one where she talks about subsidizing oil companies. No corporation in America is being subsidized by this. She said also, we don't want to become a China, where they do not care about the people and how they suffer. We don't want to go there. Politicians are prone to hyperbole, but the junior Senator from California has reached a new level. Nowhere in this bill or any other I would consider would I seek to make the United States similar to China.

By the way, talking about China, one of the problems we are having right now is that while we do not have the refining capacity, they do. While we are not building generating plants, they are. While we have gone 15 years without adding a new coal-fired generating plant in the United States, China is cranking out one every 3 days.

The argument that was made was American families who want their health protected do not want us to waive every single environmental law that protects the quality of the air they breathe inside their bodies. They also do not want to waive any single environmental law. We are not doing that. We are not waiving any environmental laws with this bill.

Let me tell you something that is serious. I warn people right now, this is going to be considered to be maybe the most significant vote in the 2008 elections. For people to say we do not want America to have refining capacity when we have a bill that will allow them to have the refining capacity and increase the supply—the old theory of supply and demand still works—those people who will vote against this will forfeit your right to complain about the dependency on foreign oil. This is going to be a major, maybe the major campaign issue of the 2008 cycle.

I suggest we spend a lot of time on this bill. We do not have any money going to oil companies. We do allow the EDA to help communities that want to set up refineries in their communities.

Let's keep in mind, this is not just oil refineries. We are talking about oil refineries but also cellulosic biomass refineries, we are talking about coal-to-liquid refineries—all refineries to

give us the availability of fuels for the transportation this country needs.

If we do not have that, the price of gas at the pump is going to continue to go up. I suggest this is going to be the critical vote, in terms of energy, for this entire legislative session. It is going to come back to haunt a lot of people in 2008. I know the Democrats are generally much more disciplined than the Republicans are. They will say you have to vote against this amendment, make up things such as you are helping oil companies, which you are not. Whatever the case is, the bottom line is they are going to be taking away our ability to increase the supply of gasoline to run our cars within America. This will be a major issue in the 2008 campaigns. I encourage people to do something about this problem and to vote for the Inhofe amendment expanding our refining capacity.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to use 3 minutes from the time of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I would like to speak briefly against the Inhofe amendment. I do believe there are several substantial problems with it. First of all, the underlying assumption is that the reason we do not have enough refining capacity in this country is we cannot find places to put refineries. That is not the reality. We have had various hearings in the Energy Committee. The companies that are engaged in refining oil into gasoline and other products are not short of places to put those refineries. They look at a whole variety of issues—the economics in particular—to determine whether to build new refineries or expand refining capacity. It is not a failure to have a BRAC military base or a failure to have an Indian reservation they can put these on.

The other thing is location. They need to locate refineries where the pipelines are. They need to locate refineries where the demand is. Clearly, that is not contemplated as part of this as well.

Another part that concerns me greatly is the notion that we would be making grants to support these projects which exceed the cost of the projects. That strikes me as very unusual. In the underlying bill, we do have some lien programs, where the Government will step in and guarantee 80 percent of the loan that is required to build a project, for example. We do not have anything similar to the provisions that are in this bill, which say the Federal share for an EDA grant, under this program, shall be 80 percent of the project cost, assuming that the project is not on Indian land, and it will be 100 percent of the project cost if it is on Indian land, and, by the way, there can be an additional award in connection with the grant to the recipient of an additional 10 percent on top of that.

How it benefits the American taxpayer to pay 110 percent of the cost of one of these refineries I cannot see. So I think the amendment is flawed in several respects.

Obviously, we all want to see additional refining capacity built. I think what we need to be sure of is that the regulatory regime in place is such that it encourages and provides an incentive for the companies that are in the refining business to build that additional refining capacity. It is not efficient to say we, the Federal Government, are going to finance 100 percent of a project to an Indian tribe and they are going to go into the refining business; or we, the Federal Government, are going to provide 80 percent plus 10 percent, or 88 percent of the cost to some kind of local municipality and they are going to go into the refining business. That is not going to happen.

I urge my colleagues to oppose the amendment.

I yield the floor and reserve the remainder of Senator BOXER's time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise to speak against this amendment. I have been listening to the debate. While I think it is very important we move forward in our country on a new energy policy and new direction, I think we must do so in a safe, responsible way. That is, whatever we are doing, we need to keep our environmental laws and processes in place: the Clean Water Act, the Clean Air Act, the Safe Water Act, the Conservation Resource and Recovery Act—all the things that are very important to our country and to our environment.

I think we are hearing a lot about refinery and refinery capacity. It reminds me of the electricity crisis we had in the West, starting in 2000–2001, when everybody blamed it on the fact the environmental laws stopped the ability to produce supply. When all was said and done, we found out it wasn't that; in fact, it was actually the manipulation of supply. So I think it is very important we move forward on new refinery capacity. In fact, in the last several years, there have been almost 140, either built or in the process of being built, new ethanol refineries. So they have had no trouble moving ahead, planning new economic development, job creation, and alternative fuel that is going to help deliver competition at the pump for fossil fuel.

In my State, a new biodiesel facility was undertaken and has been in the development stages. I think they will actually be producing and exporting that product sometime this year. They are going to produce 100 million gallons of biodiesel in this next year—20 years, 12 months. That is more capacity of biodiesel than was produced in the whole United States from a variety of sources.

This is a very aggressive effort of building alternative fuel refineries. Let's be honest, God only gave the United States 3 percent of the world's oil reserves, so the notion that somehow we are going to drill our way with fossil fuel to get off this foreign oil addiction is not going to happen. But we do not have to throw out our environmental laws to produce alternative fuel. We are in the process of doing alternative fuel.

If someone wants to meet all the environmental standards and build a new fossil fuel refinery, I am not opposed to that, but I want people to be aware that this is what is at the heart of this amendment, to throw out these environmental values that everybody else in America wants to live by if they want to have economic development. Why should the oil industry receive this particular privilege of waiving environmental statutes, just to have that benefit?

Let's keep in mind that alternative fuels are making those commitments, meeting those environmental standards, and have produced 140—either underway today or in the process, through the permit process—to develop 140 new alternative fuel refineries. That is progress in America and we should keep going. But we do not need this amendment to do that.

I ask unanimous consent that there be 6 minutes equally divided for debate, with Senator INHOFE controlling the final 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I was confused about the time. If I may make a parliamentary inquiry before my time proceeds: I thought I had 9 minutes left on my side; is that not the case?

The PRESIDING OFFICER. The Senator now has 6 minutes.

Mrs. BOXER. I have 6 minutes. OK. I hear you.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding there was a unanimous consent agreement giving us 6 minutes equally divided, myself having the last 3; is that correct?

The PRESIDING OFFICER. There is an additional 3 minutes for each side.

Mrs. BOXER. An additional 3, so I would have 6, you would have 3.

Mr. President, yesterday Senator INHOFE repeatedly quoted Senator FEINSTEIN in a way that suggested she supports his amendment. He kept reiterating a statement she made about streamlining which had nothing to do with this amendment.

Senator FEINSTEIN has told me she opposes the Inhofe amendment. I think it is important that I make that point.

All you have to do is look at the title of this amendment: The Gas Petroleum Refiner Improvement and Community Empowerment Act. You ask yourself: OK. What are we giving the gas petroleum refiners that they do not have right now, that they did not get in the 2005 Energy bill, when they got all kinds of streamlining and everything they wanted and all kinds of money and all kinds of grants and the rest?

This is a giveaway to the people who are gouging us at the pump. That is the first point. Yes, life will improve for gas petroleum refiners, who have it very good.

Now, let's take the second part, the Community Empowerment Act. Your communities and mine and the communities in Washington State and, frankly, in Oklahoma and all over this country, I believe those communities will be hurt by this bill because it says there will be a giveaway to energy companies, a giveaway of taxpayer-owned land, former BRAC land, former federally owned lands that are now in the BRAC procedure.

A lot of communities want to sell these lands. They want to use these lands for economic development. They have plans for these lands, and yet this particular project of building an energy plant would take precedence over local control. It is Federal control from Washington.

I call this a socialistic amendment. Why do I say it is a socialistic amendment? It gives these big companies free land, and then it pays for the building of their energy plants. Can you imagine this? I see the chairman of the Budget Committee coming on the floor. I want to tell him one thing about this amendment because yesterday he talked to us Democrats in the Democratic caucus. I hope he doesn't mind if I say he really told us to use caution on these amendments.

What are they going to cost? Let me read to my friends the last line of this amendment: There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made. Now, we found out today, by asking the industry, how much one of those plants will cost.

The plant on Indian land—I know my friend is interested in that—would be reimbursed or given or paid for 110 percent of the cost of the plant in Federal tax dollars, $4 billion; the cheapest, $3 billion. That is one plant, not paid for here.

So I call it a socialistic amendment. You get the Federal taxpayer land, and then you get Federal taxpayer money to build your plant. And, by the way, all big environmental laws are waived. How does that help a community, Mr. President? Picking a winner, telling them that priority has to be given to these sorts of plants, and, by the way, in case communities were concerned that the quality of the air might go down because they are near a refinery, this bill conveniently takes care of that problem by waiving the Clean Air Act, the Safe Drinking Water Act.

They say States can pass equivalent laws. But there is no reason that we should do that in America today. We have one Clean Air Act, we have one Safe Drinking Water Act, we have one Clean Water Act, and there is a reason: Water travels, air travels.

Republican Presidents and Democratic Presidents alike decided—and it really started under Richard Nixon—that we must protect the air and the water. This act gives everything away that taxpayers have, including the protection of clean air, including their funding.

Now, this particular vote is very important for people who care about clean air and clean water. I assume we all do. We all talk about it. We all say it is important. In my home State I lose in excess of 9,000 people every year because of particulate matter. I will not allow—I say this with all humility; it is not a show of power—something to get through this Senate that would, in essence, make the air worse, the drinking water worse. I cannot let this go while taking dollars out of the pockets of hard-working Americans, to give to whom? The biggest energy companies in the country.

Let me read to you what some of these companies made in the last couple of years: Exxon, $39 billion; Shell, $25 billion; BP, $22 billion; Chevron, $17 billion; ConocoPhillips, $15.6 billion.

Some of these companies earned 21 percent more than the year before, and, by the way, the year before that they earned 40 percent more.

Let's take a look at what some of the executives have earned. I would ask how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Let's not give more to these people who are gouging us at the pump. Vote no on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I understand that we have 3 minutes remaining to close debate on my amendment.

I have a hard time keeping a straight face when the Senator from California suggests I have a socialistic amendment. I would invite anyone who is entertaining any kind of joy in that statement to look at our record over the past many years. It is just humorous.

We have gone through listening to the same thing over and over and over again. We went through this yesterday for hours at a time. The Senator from California talks about subsidizing oil companies. Again, not one cent goes to any oil company. If we want to empower cities and communities to be able to take care of problems, maybe an economic problem that is due to the fact that they had to close a military base during the base realignment and closing process, we should be in a position to help.

I never stated that Senator FEINSTEIN—with endorsing this bill, she will be a good Democrat and oppose it with her junior Senator. I will say this. She said she recognizes we have a serious problem about having a refining capacity in this country, and about—I will just read it to you from her own press release: Today I urged Governor Schwarzenegger to help streamline the refining permit process in an effort to relieve gas prices in the State.

All right. She says we have to relieve gas prices by streamlining the process. That is exactly what happens in this amendment. We want that to happen. For anyone to suggest that there is anything in here that would hurt the environment, here we have the Environmental Council of States—that is all States—saying there is nothing in here that will hurt the environment. It will actually help the environment.

The Senator also said the Clean Air Act is going to be damaged, when, in fact, the underlying bill has language that would take the fuels system out from under the EPA and the Clean Air Act and put it in the President's power.

So we have all of these letters. Here is another one from Ceres, a big company in California that is a company that needs to have refining capacity. They do not touch oil. It is all cellulosic bioethanol. They want to have this capacity.

So the environmentalists, many of them are very much for this. It is a very strong bill. It goes right back to the initial argument of supply and demand. We have got some good things in this bill that are coming up. It is not affecting today's supply. All of the production in the world is fine, but we are not going to be able to do anything with that production unless we are able to refine it. That is exactly what we are talking about now.

I honestly believe every argument the Senator from California has put up we have responded to over and over and over again. She keeps coming back with the same argument.

I believe anyone who votes against the Inhofe amendment to the Energy bill should forfeit their right to complain about the dependency on foreign oil between now and the next election. I will say this also. I am glad to say this on the Senate floor because this way you cannot say we did not tell you. This is going to be one of the

major issues in the upcoming 2008 election as to whether you want to increase our refining capacity to lower the price of gas in the United States of America. This is a chance to do it. I urge you to support the Inhofe amendment to the Energy bill.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator CORNYN and Senator HUTCHINSON be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent,

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—43

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NAYS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NOT VOTING—4

Coburn	Johnson
Hagel	McCain

The amendment (No. 1505) was rejected.

Mrs. BOXER. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1502

(Purpose: To provide for a renewable portfolio standard)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BINGAMAN, proposes an amendment numbered 1537 to amendment No. 1502.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1538 TO AMENDMENT NO. 1537

(Purpose: To provide for the establishment of a Federal clean portfolio standard)

Mr. MCCONNELL. Mr. President, on behalf of Senator DOMENICI, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1538 to amendment No. 1537.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator REID of Nevada, Senator SALAZAR, and Senator CARDIN be added as cosponsors to my amendment that was recently sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I see the Senator from Pennsylvania is in the Chamber. I know he wishes to speak on another matter. I ask him how long he will need to speak, and maybe we could defer to him to make whatever statement he wanted.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I intend to speak on an amendment which has been filed and I thought would be offered at the present time, but Senator KOHL, the principal sponsor, wishes to offer it tomorrow. But I intend to speak on my amendment, and I would like 15 minutes.

Mr. BINGAMAN. Mr. President, I know Senator REED from Rhode Island also would like to speak for 15 minutes on the bill.

Mr. REED. Yes.

Mr. BINGAMAN. Mr. President, why don't we have that be the order then: the Senator from Pennsylvania have 15 minutes on his amendment, which is not pending but which he intends to offer later, and then Senator REED on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 1519

Mr. President, I have sought recognition to speak on an amendment which has been filed, amendment No. 1519, which has an impressive list of sponsors: Senator KOHL, Senator LEAHY, Senator GRASSLEY, Senator BIDEN, Senator COBURN, Senator FEINGOLD, Senator SNOWE, Senator DURBIN, Senator BOXER, Senator LIEBERMAN, Senator SCHUMER, Senator SANDERS, and myself.

The thrust of this amendment is to make the OPEC nations—which have conspired to limit production—subject to our antitrust laws. What we have, simply stated, are a group of oil-producing nations, that get together that make agreements to limit production. Inevitably, by limiting the production of oil, and thereby limiting supply, the price goes up. The limited supply of oil is the major contributing factor to high gasoline prices. It is high time we acted on this matter.

The Judiciary Committee has approved this legislation on four occasions, most recently on May 22 of this year. In the 109th Congress, the legislation was passed out of the Judiciary Committee in which I was the chair, and it was included in the Energy Policy Act of 2005, but it did not survive conference.

Senator KOHL and I and the other sponsors intend to ask for a rollcall vote, which I think a substantial number of Senators will vote for the amendment. I hate to predict things in this body, but I think the vote will be substantial, and I think that ought to carry very substantial weight in conference.

The facts on the current price of gasoline are very troublesome. The high price of oil drives up other prices. The statistics are worth noting with particularity. The price of crude oil reached $65 a barrel yesterday. Americans are paying an average of $3.06 for a gallon of gasoline. Consumers are paying more for products because American companies are paying more to run their factories, which require the consumption of energy. Consumers are also paying more for products they buy that have been shipped by train or truck from somewhere else. Plane fares, bus tickets, cab fares often include significant fuel surcharges.

Economists have estimates that for every $10 increase in the price of oil, our economic growth falls by a half a percent. Our economy grew only by 0.6 percent in the first quarter of this year—the slowest growth rate since 2002. I believe a fair amount of that lag in economic growth can be attributed to the high price of oil.

For decades, the OPEC members have conspired to manipulate oil prices through production quotas that limit the number of barrels sold. OPEC again appears to be poised to manipulate oil prices by limiting supply.

The Secretary General of OPEC, Abdullah al-Badri, recently threatened to cut investment in new oil production in response to plans announced by the United States and other Western countries to use more biofuels. He warned that cutting investment in new production would cause oil prices to ''go through the roof.''

Well, we do not have to tolerate threats of that sort. We have the wherewithal to deal with this issue in a constructive way through the antitrust laws.

Regrettably, the history of litigation in this field has allowed OPEC nations to avoid antitrust liability by asserting the doctrine of sovereign immunity. In the decision of International Association of Machinists v. OPEC, the U.S. District Court for the Central District of California held that OPEC activity was ''governmental activity'' rather than ''commercial activity'' and therefore was not subject to the U.S. antitrust laws.

On appeal, the Ninth Circuit affirmed the district court's dismissal, holding that the ''act of state'' doctrine precluded the court from exercising jurisdiction in the case. The ''act of state'' doctrine precludes a federal court from hearing a case that requires it to rule on the legality of the sovereign acts of a foreign nation.

Well, those rulings are matters which can be changed by legislation. The legislation to make this change, I submit, is fundamental and very much in our national interest and ought to be undertaken.

The lawsuits would have to be initiated, under our proposed legislation, by the Department of Justice. As a result, the Administration would provide a check on when to initiate a suit, avoiding diplomatic disputes. But it is a fact we have deferred too long to the practices of Saudi Arabia and practices of the OPEC oil nations out of fear of retribution, and we ought not to kowtow to them anymore.

The possibility of subjecting the OPEC nations to antitrust liability has long been an interest of mine. I wrote to President Clinton on April 11, 2000, urging the administration to file suit in the Federal court under the antitrust laws in an effort to overturn the previous decisions, which I think were wrongly decided.

I ask unanimous consent that the text of this letter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, then I wrote to President Bush on April 25, 2001, with a similar request, that litigation be initiated by the administration to hold OPEC nations liable under the antitrust laws.

Again, I ask unanimous consent that the text of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. We have the authority to change the laws. We have a responsibility to protect American consumers from these predatory practices, from these conspiracies in restraint of trade, these cartels. I urge my colleagues to take a close look at the legislation.

As I noted earlier, the amendment will be formally offered tomorrow.

I thank the Chair, yield back the remainder of my time, and yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 11, 2000.

President WILLIAM JEFFERSON CLINTON,
The White House
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].'' Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois* 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in Int. Assoc. of Machinists in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to

seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons ''would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'' The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

On October 9, 1998, eleven Western Hemisphere countries held the first ''Antitrust Summit of the Americas'' in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention ''to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.'' The communique further expresses the intention of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.'' One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

EXHIBIT 2

U.S. SENATE,
Washington, DC, April 25, 2001.

President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].''

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

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case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco National de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

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Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

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The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
CHARLES SCHUMER.
HERB KOHL.
STROM THURMOND.
MIKE DEWINE.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, energy is the lifeblood of our economy. It is fundamental to powering our homes, businesses, manufacturing, and the transportation of goods and services that are vital to America and the world economy. But the fossil fuels our country currently relies on are unsustainable. Our Nation's addiction to oil is threatening our national security and dramatically changing the climate in which we live.

Setting America on a course of greater energy self-reliance is one of the most significant foreign policy, economic, and environmental challenges we face as a Nation.

Senators BINGAMAN, DOMENICI, INOUYE, and STEVENS have put a great deal of effort in developing this Energy bill, and it is an excellent first step. The bill will improve our Nation's energy efficiency, protect consumers from price gouging, increase vehicle economy standards, and decrease our reliance on oil, especially from unstable regions of the world.

President Bush admitted we are addicted to oil. But for the last 6 years, neither he nor the Congress was willing to take real action to change that fact. I commend Senator HARRY REID for bringing this legislation to the floor.

For the first time in 30 years, the Senate is now poised to pass legislation to increase vehicle fuel standards. I commend particularly Senators FEINSTEIN and DURBIN and SNOWE for their work on this issue. I was glad to be an original cosponsor of the ten-in-ten bill, which is the basis of the bipartisan compromise in the legislation we are considering today.

The debate about fuel economy standards should be over. We have the technology to get well beyond 35 miles per gallon, and the American public supports an increase in fuel efficiency standards. The time for action is long overdue, and I hope my colleagues will resist efforts to weaken these standards.

We have an opportunity to create a new energy future for the country. That future would strengthen our national security by making us more self-reliant and slow the impacts of global warming on our climate by investing in energy efficiency, renewable energy, and biofuels. I do not believe we can drill or mine our way to energy independence. Increasing the importation of foreign oil and natural gas is not the answer. Developing more nuclear power, given its price, legacy, cost, and safety threats, remains very problematic. Investing in energy efficiency and renewable energy is a win-win situation. These investments offer short-term and long-term solutions to strengthen our national security by reducing our energy consumption and making us less reliant on oil from unstable regions of the world. It enhances our economic competitiveness by creating American jobs in this new green economy, and it will protect our environment by reducing our carbon footprint.

Sixty percent of the oil consumed by Americans comes from abroad. While Canada and Mexico are our top suppliers, OPEC nations hold the cards in a global oil market, and a portion of the money we spend on oil undoubtedly finds its way into the hands of unstable and unfriendly regimes. Two-thirds of the global oil reserves are in the Middle East, and more than 75 percent of global oil production is already in the hands of state-controlled oil companies. With growing global demand and limited remaining oil supply, many countries, including our allies and

trading partners, will compete with us for finite oil supplies as their and our own economy rely more heavily on imports. This will inevitably stress the delicate balance that exists among national interests in the world, and it gives oil-rich nations disproportionate leverage in the international arena. Al-Qaida and other terrorist networks have openly called for and carried out attacks on oil infrastructure because they know oil is the economic lifeline of industrial economies, especially the United States.

Today, we have an opportunity to shift the balance of power around the globe that is dictated by oil. Our first step is to strengthen our national security by increasing CAFE standards.

Raising fuel economy standards is an essential insurance policy against the risk of oil dependence and global warming, which pose vital threats to our national security. Fuel economy standards have proven effective at reducing our demand for oil, but they have been stagnant for more than a decade, despite advances in vehicle technology. The fact that our industrial competitors are increasing mileage standards underscores how we have been lagging behind the world economy in terms of technology, in terms of applying that technology through increasing the standards for automobiles in our country. Achieving a 35-mile-per-gallon fuel economy over the next decade, the equivalent of the 4-percent-a-year improvement called for by President Bush, is achievable. Beginning in 2011, this bill requires the National Highway Traffic Safety Administration to annually increase the nationwide average fleet fuel economy standards for cars and light trucks to achieve a standard of 35 miles per gallon by the year 2020. By 2020, the bill would reduce our Nation's oil dependence by approximately 1.3 million barrels per day, and in that year alone will save consumers $26 billion, and global warming emissions will be reduced by over 200 million metric tons. These savings will continue to increase each year, year after year.

This is the best investment we can have, I believe, in both national security and improved environmental quality, not just for us but for the world.

Strong mileage standards will also make us more competitive. According to the University of Michigan Transportation Research Institute, U.S. automakers could increase revenues by $2 billion and save between 15,000 and 35,000 jobs for autoworkers if we improve gas mileage. Higher fuel efficiency standards will help U.S. automobile manufacturers to better compete in the global marketplaces. The pricetag of our oil dependence is also not sustainable. According to a Department of Defense report:

> The United States bears many costs associated with the stability of the global oil market and infrastructure. The cost—

According to this report—

> of securing Persian Gulf sources alone comes to $44.4 billion annually for the United States.

We are literally policing the world oil market for the benefit of the world economy, with great cost in terms of dollars but also in terms of the huge pressure on our military forces and their families.

We lose $25 billion from our economy every month, and oil imports now account for nearly a third of the national trade deficit because of our dependence on oil. The economy is exposed to oil price shocks and supply disruptions, and families are feeling the pinch of oil prices. High energy prices reduce consumer spending power and affect businesses' bottom lines.

Millions of petrodollars are being exported out of U.S. cities and counties to pay for energy with a real effect on local economic vitality. In Rhode Island, my home State, gas prices have increased by $1.50 per gallon, an increase of 99 percent, since 2001. Households in Rhode Island are paying $1,430 more per year for gasoline than in 2001. So for the State economy, this means that families, businesses, and farmers in Rhode Island will spend $52.4 million more on gasoline in June 2007 than they spent in January 2001, and $600 million more will be spent on gasoline this year than was spent in 2001, if prices remain at current levels. Rhode Island residents, farmers, and businesses are on track to pay $1.2 billion for gasoline this year. That is an extraordinary drain on the economy of my State and on States throughout this great Nation.

If we have a policy that increases CAFE standards and energy efficiency and makes sensible investments in renewable fuels, we will have more funds to invest in education, health care, public works, and business development. My State, like so many States, is struggling with a budget problem, a huge State budget problem. Some of that can be attributed directly to the higher cost of fuels to run schools, to run buses, to run the infrastructure of our State. We could take that money, save it, and invest it in education, in schools, and not simply ship it overseas through major international oil companies.

Energy efficiency and renewable energy programs that improve technologies for our homes, our businesses, and our vehicles must be the ''first fuel'' in the race for secure, affordable, and clean energy. Energy efficiency is the Nation's greatest energy resource. We now save more energy each year from energy efficiency than we get from any single energy source, including oil, natural gas, coal, and nuclear power. We need to use energy in a way that saves money. It is much cheaper to conserve energy and increase efficiency than to build further energy infrastructure in the country.

The Senate bill contains important provisions to support energy efficiency. First, it sets new energy benchmarks for appliances, including residential boilers, dishwashers, clothes washers, refrigerators, dehumidifiers, and electric motors. These seem like very mundane, trivial items, but if we can make even small increases in their efficiency, it has a huge macroeconomic effect on our society in terms of demand for energy, and this legislation will help us do that and point us in that direction. According to the American Council for an Energy Efficient Economy, increasing these standards will give consumers more than $12 billion in benefits, save more than 50 billion kilowatt-hours per year in electricity, or enough to power 4.8 million typical American households. The bill also strengthens energy requirements for the Federal Government. Today, the Federal Government spends more than $14 billion a year on energy. Increasing efficiency will save energy and taxpayer dollars. That is something we have to begin ourselves, leading by example at the Federal level.

The bill also increases the authorization level for the Weatherization Assistance Program and the State Energy Program. The State Energy Program improves the energy efficiency of schools, hospitals, small businesses, farms, and industries to make our economy more efficient.

The Weatherization Assistance Program helps low-income families, the elderly, and the disabled by improving energy efficiency of low-income housing. Weatherization can cut energy bills by 20 to 40 percent in each assisted home. This represents savings that families can use to pay for other necessities, while reducing the Nation's energy demand by the equivalent of 15 million barrels of oil each year. It lowers our national demand for energy, helps individual families, which is another win-win program we must support more vigorously.

The program weatherizes approximately 100,000 homes each year. Since its inception, the program has weatherized over 5.6 million homes. Weatherization has also grown an energy efficiency industry for residential housing that, according to the Department of Energy, employs 8,000 people who work in low-income weatherization alone. This has been a great success. Again, lowering the cost to families, lowering the national demand, and putting people to work is a good formula for our economy today.

Unfortunately, the Department of Energy's fiscal year 2007 spending plan cut funding to the weatherization program, and the administration, unfortunately, has a situation in which efficiency funding has fallen alarmingly since 2002. Adjusting for inflation, funding for energy efficiency has been cut by one-third. We have to do better.

In the face of soaring prices, in the face of international threats posed by oil powers, we are cutting programs that are efficient, effective, and help families, and that is not only wrong, but it is terribly wrongheaded.

A strong renewable electricity standard is also needed to diversify our fuel supply, clean our air, and better protect our consumers from electricity price shocks. I am glad to join Senator BINGAMAN in supporting an amendment to the bill to require a 15-percent renewable electricity standard by 2020. This amendment will promote domestically produced clean energy, reduce U.S. greenhouse gas emissions, reduce energy costs for American consumers and businesses, and create American jobs.

According to the Union of Concerned Scientists, a 15-percent RES would save the residential, commercial, and industrial sectors $16.3 billion in electricity and natural gas costs. These savings are particularly critical for energy-intensive industries such as manufacturing. The RES will also create jobs in manufacturing. A recent study by the Apollo Alliance and the Urban Habitat found that renewable electricity creates American manufacturing, construction, and maintenance jobs. For every megawatt of solar photovoltaic electricity generated, about 22 jobs are created, which is their projection. Geothermal energy creates 10.5 jobs per megawatt, and wind energy creates 6.4 jobs per megawatt. American energy-intensive industries that are saving $5 billion through 2023 will be more competitive in the global market. Using clean, domestically produced power will also help stabilize prices, allowing businesses to more accurately budget for energy costs. This RES, the proposal of Senator BINGAMAN, will also lower U.S. carbon dioxide emissions by nearly 2 million tons per year by 2020.

Finally, the RES is important to our national security. In July 2006, the National Security Task Force on Energy published a report recommending several measures to improve energy security in the 21st century, including a national RES of 10 to 25 percent. Consumption of natural gas is growing at a faster rate than for any other primary energy source, and it is growing in all sectors of the economy. Families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with natural gas. Similar to oil, demand is growing faster than available supplies can be delivered, and the tightening in supply and demand is resulting in dramatic price volatility. One way to increase the natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and Nigeria and Algeria also have significant reserves.

Political stability and terrorism are very real threats to these countries being a reliable source for natural gas. Russia is trying to create an OPEC-style cartel for natural gas, which could manipulate natural gas prices and supply, and that would be a very unfortunate development.

For over 30 years, through four different administrations, Americans have been promised that our Government would end the national security threat created by our dependence on foreign oil. As a country, we need to move in a new direction toward a clean and secure energy future. This effort must include greater investment in energy efficiency, a strong renewable electricity standard, and increased vehicle fuel economy standards. Also, as we dramatically increase biofuel production, we must ensure that it does not cause harm to the environment and public health.

Energy security starts with using the fuels we have more efficiently. Smart energy use is a resource not vulnerable to terrorism or world politics, and I think this legislation is a step forward for smart energy use. I commend Chairman BINGAMAN for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

IMMIGRATION

Mr. DORGAN. Mr. President, I wish to say a word this morning about a column that was printed in the Washington Post this morning on the op-ed page that was taking the majority leader of the Senate to task, and doing so, I think, unfairly and certainly inaccurately.

The column criticizes the majority leader for saying the Senate's time was ''too precious'' to expend on what would have been unlimited debate on an unlimited number of Republican amendments to the immigration bill. The intent of this column in the newspaper is to say that the majority leader was responsible for failing to allow consideration of the immigration bill.

I don't know what Mr. Will, who wrote this column, was watching last week. I know Paris Hilton was being taken back and forth between her house and the sheriff's office and court and jail, apparently, and the country must have been riveted on that story. But C–SPAN would have availed a columnist of a pretty good look at what the Senate was doing, and not just for last week but for 2 weeks the Senate dealt with the subject of immigration.

I happen to come to a different conclusion on that subject than the majority leader. I know who supports that legislation, and he has supported that legislation. I watched the last day of consideration when the majority leader came to the floor and offered a proposal where each side would get four amendments. That was objected to. He then proposed that each side would get three amendments. That was objected to. Each side would get two amendments. That was objected to.

I don't have the foggiest idea why Mr. Will would write a column suggesting somehow the majority leader was responsible for that not going forward after 2 full weeks of debate and being blocked in every circumstance of having additional amendments considered.

But what brought me to the Senate floor is not my support of consideration or further consideration of the immigration bill, but the charge that the majority leader was somehow responsible for scuttling it. That is not the case, No. 1. And, No. 2, Mr. Will says in his column that, in fact, it was taken off the floor in order to bring up legislation that would quintuple the mandated use of corn-based ethanol, apparently upset about the fact that we have an energy bill on the floor at this point that would dramatically increase the use of biofuels, corn-based ethanol and also cellulosic and other approaches because we believe we need to find somehow, some way, some point, someday to become less dependent on foreign sources of oil.

Over 60 percent of the oil we use in this country we obtain from troubled parts of the world overseas—60 percent of it and it is growing: the Saudis, the Kuwaitis, Venezuela, Iraq, and the list goes on. If tomorrow, God forbid, somehow that source of oil would be shut off to our economy, this economy, this American economy would be flat on its back. We need to become less dependent on foreign sources of oil. We use 70 percent of the oil we bring into this country in our vehicles. We run them through the carburetors and fuel injectors of our vehicles.

We are doing a lot with this legislation. We haven't had an increase in the efficiency standards for vehicles for 25 years, and the auto companies, I know, object to that. They objected to seatbelts. They objected to airbags. They have given us better cupholders. They have given us better music systems. They have given us keyless entry. But they haven't in 25 years given us greater efficiency, and they should. That is in the bill.

We also increase the supply of alternative energy with renewable fuels called the biofuels, ethanol, corn-based ethanol; yes, cellulosic ethanol, yes. If Mr. Will and others think that is irrelevant, they miss the point. This country doesn't have a choice. We must find a route to be less dependent on foreign sources of oil.

One approach, in my judgment, is to make the vehicles more efficient. Another approach is to produce renewable

fuels. I was the author of the only standard that exists for renewable fuels, a 7.5-billion-gallon-a-year standard. We did that 2 years ago. I think we are at 7.5 billion gallons already. We were hoping to get there by 2012. Now we have a bill that will take us to 36 billion gallons of renewable fuels. As a measurement, we use 145 billion gallons of fuel a year. We want to go to 36 billion gallons of renewable fuels that we can grow in our farm fields, among other things.

It is easy to write a column, I guess. If the ink is inexpensive, you can say anything you want. This is not an accurate reflection of two things. No. 1, it is not an accurate reflection of the immigration bill, and it is not an accurate reflection, in my judgment, of the merits of biofuels to extend America's energy supply.

While I am up, I want to make one more point. There are others who talked about the amendment I offered to the immigration bill suggesting that somehow it would have been responsible for killing the bill. I want to describe it very briefly.

The immigration bill was put together in a room by a group of people who said: Here is what we think we should do to deal with immigration. The proposal was put together in a room by some 14 Senators, which meant that 86 others were not involved. So the product was brought to the floor of the Senate, and we were told: If you have a different idea, the group of 14 are going to oppose it. That group of 14, or whatever it was, creating a grand compromise, they had a responsibility to oppose anything that the rest of the 86 Members of the Senate believed could add to or improve the bill.

Among other things, the bill provided a temporary worker provision which said there are millions of people outside this country—400,000 a year originally, 2 years on, 1 year back to their home country, 2 years back, 1 year back to their home country, 2 years back a third time. My colleague from New Mexico reduced that to 200,000 a year. But it was ultimately the same circumstance. It would have been a massive number of new people who don't now live here who would have come in and taken jobs in this country. I did not support that guest worker program. I believe at least we should sunset it after 5 years to evaluate the consequences, what impact it has had on our country. Has it had an impact of downward pressure on wages, which I think it will have, which I don't support? Has it had an impact of bringing in a lot of immigrants who will not leave afterward and, therefore, be here without legal authorization? If so, should we consider that issue and how to deal with it?

I think these are very complicated issues, and the guest worker program should be sunsetted after 5 years. My amendment won by one vote, and then it was as if the sky was falling. This is going to kill the bill, they say. I don't agree with that at all. I just don't agree.

As I have indicated many times, they brought that out here suggesting that anything that was done that would change it would kill the bill. Again, it is the argument we hear all the time: the lose thread on the cheap sweater; pull the thread, the arms fall off.

I come back to this point that I think the column today is unfair to the majority leader. It unfairly suggests that he is the responsible party for not moving forward on immigration. We spent 2 full weeks on immigration. It wasn't incomplete because of anything the majority leader did. He is the one who brought it to the floor in the first place.

Second, it is unfortunate—certainly well within the columnist's right, but unfortunate—to suggest that somehow renewable fuels cannot play a significant part in this country's energy future. That is a significant part of this bill. Senator BINGAMAN, Senator DOMENICI, myself, and many others have worked on renewable fuels for a long while. We set a standard that I think is going to be very exciting for this country to meet, and I think it will reduce our dependence on foreign sources of oil, will make us much less dependent than we are now, and I think it will advance this country's security and energy interests.

I am pleased to be a part of that effort and support it and felt especially that I ought to say a word in response to this column that I think unfairly treats the issue of biofuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1605 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD. Mr. President, I rise today in support of bold action on energy policy for this country. I am pleased and indebted to the chairman of the Energy Committee for his leadership. I think all of us know our country faces serious energy challenges. The most pressing is the fact that our Nation is far too dependent on foreign oil.

For example, we currently import roughly 60 percent of the oil we consume. You can see that in 2006, 60 percent of our oil came from imports; only 40 percent was domestic. Not only does this make us increasingly dependent on the most unstable parts of the world, but it is also leading to a financial hemorrhage. It is leading us to spend hundreds of billions of dollars abroad that could otherwise be deployed here at home.

Imported petroleum accounted for $272 billion of the U.S. trade deficit over the last year, equal to 32 percent of our total trade deficit—$272 billion that we spend in other countries that could have been spent here at home. Imagine the difference in this country's economy if we were spending $270 billion in America securing energy here instead of shipping it to Saudi Arabia, Kuwait, Venezuela, Nigeria, and all of the other countries from whom we buy foreign oil.

We know much of this oil is coming from the most unstable parts of the world. That puts us at risk, not only at economic risk but at national security risk. We must also recognize that other countries, especially in the developing world, are going to consume growing amounts of energy as well. In fact, the Energy Information Administration projects world consumption of energy will increase 57 percent from 2004 to 2030.

This chart shows it well. This is the current consumption level. This is what they project by 2030—a 57-percent increase. This growth in demand for energy will mean higher prices for energy, increased price volatility in the markets for oil, natural gas, uranium, and coal as transportation and refining networks are pushed to capacity. Unless we change course, we will become even more dependent on foreign energy sources. In fact, we are told now that while we are 60 percent dependent, we are headed for 75 percent dependence if we fail to act. In short, our addiction to foreign oil threatens our economic future and our national security. We need to take significant strides now to develop other sources of energy, ones we can rely on to be there in the future.

I have said many times to my colleagues, instead of continuing our dependence on the Middle East, we need to look to the Midwest for increased energy supplies, because it is in the Midwest where we grow the feedstocks for ethanol and biodiesel, things that reduce our dependence on foreign oil.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. That is why I introduced the BOLD Act last year, Breaking Our Long-term Dependence. The BOLD Act would increase production of renewable energy and alternatives fuels, offer incentives to reward fuel savings and energy efficiency, increase research and development funding for new technologies, promote responsible development of domestic fossil fuel resources, and facilitate expansion and upgrades to our Nation's electricity grid.

That is also one of the challenges facing us; we have gridlock on the energy grid. When we produce additional energy in North Dakota, we can't move it to the Chicago market because the capacity of the grid is full—in Minnesota,

in Wisconsin. So when we put on new capacity in North Dakota through wind power, for example, where we have extraordinary potential, we can't move it to the Chicago market where it is needed because the grid itself is gridlocked.

I am pleased the bill before us contains many of the provisions or similar provisions to what was in the BOLD Act I introduced last year. The renewable fuels standard is an important step. My BOLD Act required 30 billion gallons of renewable fuel use by 2025. This bill requires 36 billion gallons by 2022. Renewable fuels have tremendous potential to reduce our imports. By relying more on domestic crops to produce ethanol and biodiesel, we can reduce fuel prices, support economic development in rural areas, and improve our energy security.

This energy bill also takes steps to develop an infrastructure of pipelines, rail lines, and trucks able to deliver increasing amounts of renewable fuels to market. These steps will allow us to substitute homegrown fuels for foreign oil, dramatically reducing our dependence on imported oil.

Let me say that other countries have done this. Brazil is a perfect example. You can see, in the green bars, that in 1973 we were 35 percent dependent on foreign oil. Today, we are 60 percent. Look at Brazil. Brazil, in 1973, was 80 percent dependent on foreign oil. They have reduced that last year to 5 percent—a dramatic change. How have they done it? They have done it by promoting ethanol and biodiesel and by promoting flexible fuel vehicles. That is a program for success.

Experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. If our cars averaged 40 miles a gallon, we could save 2 to 3 million barrels of oil a day. In the short term, we clearly need to increase fuel efficiency. In the longer term, we need to develop alternative fuel technologies, such as plug-in hybrid and electric drive vehicles. This bill helps advance a long-term solution to the problem with research and development and demonstration programs for electric drive transportation technology. The bill also includes loan guarantees for facilities for the manufacture of parts for fuel-efficient vehicles, including hybrid and advanced diesel vehicles.

We have abundant domestic sources of electricity, from a 250-year supply of coal to rapidly developing renewable sources such as wind energy. Let me say that my State is a leader in both. We have the greatest wind energy potential in North Dakota of any State in the Nation. I might add it is not because of our congressional delegation. No, this is wind generated by a higher power.

I am glad I have been able to amuse the Chair.

North Dakota has those constant prevailing winds. Already, we have seen hundreds of millions of dollars invested in wind energy, but much more could be done. And, of course, we have extraordinary deposits of coal as well. By plugging into these sources of energy to fuel our transportation sector, we can dramatically reduce our dependence on foreign oil.

This bill also establishes long overdue efficiency standards for consumer appliances and industrial products, and promotes advanced lighting technologies that will cut down on a major source of our electricity load.

Lastly, I am encouraged by the strong provisions in this bill to research, develop, and demonstrate our capacity to capture and store carbon dioxide. The largest carbon sequestration project in the world is going on in North Dakota, where the coal gasification plant that is run by Basin Electric—we call it the Dakota gasification plant—is shipping about half of the carbon dioxide it produces to Canada to repressure the oil fields there. This is the largest carbon sequestration project in the world. We are proud of it. We are demonstrating that this can be done, and that is a winner on every count. It reduces carbon dioxide in the atmosphere and it repressures oil fields in Canada to get more production so we are less reliant on more unstable sources. This is crucial work if we are to find the best response to global climate change.

I look forward to taking up work in the Finance Committee next week to craft bold and thoughtful tax provisions to complement and expand upon the worthy objectives that are already in this bill. This bill takes important steps to set us on a path toward energy independence. Let me say it will be many years before we reach that objective, but we must act boldly now to take these initial steps.

I wish to especially commend and thank the chairman of the Energy Committee, Senator BINGAMAN, who has labored so hard and so long to produce this legislation. Senator BINGAMAN has taken on some of the toughest areas of energy policy. These are areas of real controversy, and he has taken them on with real leadership. We are proud of him.

Senator BINGAMAN, I thank you for the legislation you have brought to the floor and for the effort you and your staff have put into this endeavor. It is important for our country. I believe, more broadly, it is important for the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, let me thank my friend and colleague from North Dakota for his kind words and for his strong support for this legislation. He has been a leader on this whole set of energy issues and proposed very strong legislation in the last Congress on this very set of issues. We are hopefully moving ahead on some of the policy recommendations and proposals he has made here in the Senate in the last year or two. I congratulate him on that and look forward to continuing to work with him.

We are now on what is called the renewable portfolio standard and the renewable electricity standard amendment. This is an amendment I offered. Senator DOMENICI has now offered a second-degree amendment to it, which is really a substitute, which is really a very different piece of legislation than the amendment I offered.

I thought I would take a few minutes. I know Senator DOMENICI will be returning to the floor here in a few minutes, and he will want to speak on his proposed substitute amendment. I thought I would take a few minutes right now to describe the amendment I have offered on the renewable portfolio standard.

In each of the last three Congresses, we passed a major energy bill in the Senate. In each of those energy bills, we have included a provision to require that a certain percentage of the electricity sold by electric utilities throughout the Nation come from renewable energy sources. That is the nature of the amendment I am offering again today. The Senate has approved this proposition again and again.

In the 107th Congress, we included such a portfolio standard. That is the phrase which has been used historically to describe this amendment, a portfolio standard. It is really an electricity standard or electricity requirement on utilities. But in the 107th Congress, we included such a portfolio standard as part of the Energy bill, and strong votes on the floor affirmed the Senate's determination that the standard we proposed there should not be weakened.

In the 108th Congress, there was a letter signed by 53 Senators that went to the chairs of the conference on the Energy bill. The Senate conferees went on to approve the portfolio standard and sent it on to the House as part of our bill.

In the 109th Congress, the same thing happened.

In all three cases, the House conferees rejected the proposal that had been passed by the Senate. Now we have an opportunity to renew our support for this proposal and to place it in a bill that hopefully can garner strong bipartisan support and finally reach the President's desk.

There are good reasons for the Senate to support this proposal. A strong renewable portfolio standard is an essential component of any comprehensive national energy policy. It is not just an important part of such a strategy but an essential component of such a strategy.

The benefits are clear. This portfolio standard would reduce our dependence on traditional polluting sources of electricity. It would reduce our dependence on foreign energy sources. It would reduce the growing pressure on natural gas as a fuel for the generation of electricity. It would reduce the price of natural gas. It would create new jobs. It would make a start on reducing our greenhouse gas emissions, and it would increase our energy security and enhance the reliability of the electricity grid. Those are some of the benefits.

Mr. President, I failed at the beginning of my comments to ask unanimous consent that Senator DURBIN be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. This portfolio standard we have offered is a flexible, market-driven approach to achieving all of the goals I have enunciated here and to do so at a negligible cost to consumers. The proposal would require retail sellers of electricity who sell more than 4 million megawatt hours per year to provide 15 percent of that electricity from renewable sources by the year 2020. The requirement would be ramped up. There would be an increase in the requirement each year, in 3-year increments to allow planning flexibility for those utilities.

The Secretary of Energy would be required to develop a system of credit for renewable generation that could be traded or sold, again making the program easier to comply with. Utilities could use new or existing generation to comply with the program or they could comply with the program by buying credits from someone who has produced more renewable energy than they were required to produce. New renewable producers could receive the credits to trade or to sell.

Let me just summarize at this point and interject. The way we have drafted this, the flexibility is that an electric utility can comply with the requirement—the requirement being to ensure that 15 percent of the electricity they sell comes from renewable sources—in any of four ways:

First, they can produce the electricity themselves. They could put in a wind farm or a biomass facility or whatever and produce that energy from renewable sources themselves.

Second, they could buy that energy from someone else who is producing that renewable energy.

Third, they could buy credits from someone who has produced more renewable energy than they themselves are required to have in order to meet their requirements under the law.

Fourth, there is a compliance fee that they could pay the Secretary of Energy if they are not able to do any of the previous three. That would be at a rate of 2 cents per kilowatt-hour. So the cost of the program to utilities would be capped by allowing utilities to make this alternative compliance payment of 2 cents per kilowatt-hour, which is adjusted for inflation. As long as the difference between the cost of renewable generation and the cost of other generation resources is less than 2 cents per kilowatt-hour, the utility could buy or generate renewables or buy credits in the open market. When it reaches or exceeds that 2-cent price, the cap would kick in.

We also would create a program from the alternative compliance payments so that, to the extent a utility chose to go ahead and just pay the 2 cents per kilowatt-hour, those funds would go into a State program for development of renewable energy in that State.

Congress has tried before to spur the development of renewables. In 1978, we passed the Public Utility Regulatory Policies Act. That bill required utilities to buy renewables if the generators could meet the avoided cost of the utilities. Cogeneration—the combined use of heat and industrial processes for generation of electricity—was also eligible. That program resulted in a huge growth in cogeneration. Over half of the new generation that came on line in this country during the 1980s and the 1990s was from that resource. It did not, however, do much for renewable generation. These technologies have remained at about 2 percent of total electricity supply for several decades now.

We have a chart here which makes that point. This chart depicts electricity generation by fuel during the period 1970 projected through 2025 in billions of kilowatt-hours.

You can see, from 1970 up to the current time, renewables is way down toward the bottom. It is the second to the bottom line on that chart. Then it stays flat going forward, unless we pass this legislation. This legislation is intended to change these lines on this chart. That is the entire purpose of the legislation.

Critics of the program claim that the cost of this would be too much, that States are already requiring development of renewables, and that some areas do not have readily available renewable resources. My response is, I would point to a number of studies of this proposal that have been done over the years.

In 2003, I asked the Energy Information Administration at the Department of Energy to look at the effect the proposed renewable standard at that time would have had. They found that the standard would result in 350 billion kilowatt-hours of renewable generation being constructed between 2008 and 2025; that is generation that would not be constructed absent the passage of that provision. They found that the cost would be minimal. The report indicated there would be an increase in the cost of electricity by about one-tenth of a cent in 2025 over projected costs. When combined with the reduction in natural gas prices which would be caused by the renewable portfolio standard, the total aggregate cost to consumers on their energy bills was projected to be less than one-twentieth of 1 percent.

In 2005, again I asked the Energy Information Administration to update the analysis, taking contemporary conditions into account. That update found that the portfolio standard we were proposing then would cause the prices of both electricity and natural gas to actually go down, and the letter that outlines those results stated:

> Cumulative residential expenses on electricity from 2005 to 2025 are $2.7 billion, that is 2/10th of a percent lower, while cumulative residential expenditures on natural gas are reduced by $2.9 billion, or one half of 1 percent. Cumulative expenditures for natural gas and electricity by all end use sectors taken together will decrease by $22.6, again, one-half of 1 percent.

That report also indicates that generation of electricity from natural gas would be 5 percent lower with the RPS than it would be without the RPS. It also projected that total electricity-sector carbon-dioxide emissions would be reduced by 249 million metric tons relative to the reference case.

This year, once again, I asked the Energy Information Administration to analyze the proposal we now have before the Senate. This analysis indicates that the renewable electricity standard or renewable portfolio standard would result in a tripling of generation from biomass, a 50-percent increase in wind generation, and a 500-percent increase in solar generation. The net expenditures for energy by consumers are projected to increase by three-tenths of 1 percent, electricity prices are projected to increase by nine-tenths of 1 percent, while natural gas prices are slated to fall.

The renewable electricity standard would also be expected to reduce carbon dioxide emissions by 6.7 percent, or 222 million metric tons in 2030.

These projections are not as optimistic as those we got 2 years ago in the 2005 analysis. There are some different assumptions which they used which explain the different conclusions. The first assumption was that the reference case projects a much greater expansion of coal generation than earlier projections. That was partly a result of the higher natural gas price projected. Second, the study assumes tax credits for renewables will, in fact, end next year, in 2008.

They are scheduled to expire next year. I think all or at least most Members of the Senate believe we ought to extend those tax credits. I hope we do so as part of our amending of this bill on the Senate floor this week and next week. I know the Finance Committee,

Senator BAUCUS and Senator GRASSLEY on the Finance Committee are working to develop a package of tax extenders and provisions to expand the tax provisions that are related to renewables.

Third, and perhaps most importantly, the study—this is the study the Energy Information Administration did for us this year. The study does not assume any controls on carbon emissions anytime in the next 13 years. Frankly, I don't think that is a likely occurrence. I think this Congress and this Government is going to come to a responsible position with regard to greenhouse gas emissions and there are going to be limits on carbon emissions imposed in this country, as they have been imposed in many industrial countries around the world—the sooner the better, from my perspective. But certainly that is going to happen long before the end of the next 13 years.

The report acknowledges these assumptions but states that different assumptions would result in lower costs for the renewable electricity standard. There is, of course, considerable uncertainty regarding the projected baseline electricity mix. Actual implementation of future policies to limit greenhouse gas emissions could lead to a larger role for natural gas in the generation mix.

This is a quote from the report we received this year. It says:

In such a scenario——

That is where natural gas has a larger role in the generation mix——

the projected impact of the 15 percent renewable portfolio standard proposal would move toward those identified in the 2005 analysis.

In the tax title that is being developed by the Finance Committee to accompany the bill, we are working to extend the production tax credit, to extend the investment tax credits that are available for renewables. We are also going to do something, I believe, to try to encourage sequestering of carbon emissions.

I don't think anyone in this body believes Congress will fail to act on this issue for the period of time that is built in for these assumptions. If we assume what we believe is going to happen, we are back with a projection of considerable consumer savings from the renewable electricity standard, as we found in the 2005 report that they did.

A recent report from Wood Mackenzie, which is a noted natural gas industry analytic consulting firm, concluded that a 15-percent renewable portfolio standard would result in a savings in variable costs for electricity of $240 billion by 2026.

That is far more than offsetting the $134 billion increase in capital expenditures. The study indicates that natural gas prices would be from 16 to 23 percent lower in their projection by 2026 as a result of enactment of this provision. The study also projects that carbon emissions from the power sector would be 10 percent lower in 2026 as a result of this.

A recent study by the Union of Concerned Scientists found that this proposal would result in $16.4 billion in savings to consumers on electricity and natural gas bills. It also reported a 7-percent reduction in carbon emissions.

A number of other studies found positive results, even to the point of reducing overall energy costs. In 2005, we had a hearing in the energy committee. Senator DOMENICI was chairing the committee at the time. It was on the issue of generation portfolios. Dr. Ryan Weiser, of Lawrence Berkeley National Laboratory, presented a report that summarized the results of 15 studies of renewable portfolio standards, much like the one I am offering.

All these studies found that a portfolio standard would reduce natural gas prices; 12 of the 15 studies projected a net reduction in overall energy bills for consumers as a result of the renewable portfolio standard. In other words, we can save natural gas, we can reduce carbon dioxide emissions significantly, and we can save money both on electricity bills and on natural gas bills from making this move that this proposal contemplates.

Many have argued that States are already implementing renewable portfolio standards so there is no need for a Federal program. It is true States have taken the lead in pushing for more renewable generation.

Twenty-three States currently have in development renewable requirements. Almost all these standards are more aggressive than the Federal standard I am proposing in the amendment I have sent to the desk. New Mexico requires 16.2 percent by 2020. California requires 20 percent by 2017. Maine requires 30 percent by 2000. Minnesota requires 27.4 percent by 2025.

This will spur the growth of renewables in these regions. There is one thing, however, that a State standard cannot do—it cannot drive a national market for the technologies involved here. If some States have renewable standards and others do not, it is impossible for a national market to develop for renewable credits.

This credit trading system is the piece of our proposal that gives the greatest flexibility for compliance. The credit trading system also helps to reduce the cost of compliance by allowing credits for lower cost renewables from one region to be bought by utilities in another region.

Some argue this is a cost shift from the regions without renewable resources to those that have renewable resources. I would argue it is a way to spread the cost to all who are, in fact, benefitting. If States do not have or choose not to develop renewable resources, they still realize very real benefits in lower natural gas prices, lower SO_2 allowance costs, and low-cost carbon reductions. It is only fair they share the slight increase in costs for generation of electricity that, in fact, created the savings. The argument that many States do not have, or many regions do not have renewable generation resources has been made. It is true the best wind, geothermal, and solar resources are concentrated in the West.

The entire country has extensive biomass potential. As Maine and other Eastern States have shown, paper production and agricultural processes are available everywhere. We have a chart that makes that point. It shows, up in the left-hand corner, biomass and biofuel resources; on the right side, solar insolation resources; geothermal resources on the left-hand side; and wind resources on the bottom right.

If Rhode Island and Pennsylvania and New Jersey and Maryland can implement aggressive standards, then the standard we are calling for can be implemented in all States. The chart from the Department of Energy's National Renewable Energy Lab shows that virtually every State has the biomass production potential to meet this target. Environmental benefits are clear.

RPS would result, according to the Energy Information Administration, in a 6.7-percent reduction in carbon emissions in the year 2030. That is a reduction of 222 million tons in that area alone. RPS standards also benefit the economy. It drives job growth. The Union of Concerned Scientists says that wind turbine construction alone would result in 43,000 new jobs per year, on average.

An additional 11,200 cumulative long-term jobs will result from subsequent operations and maintenance. There is another study by the Regional Economics Application Laboratory for the Environment, Environmental Law and Policy Center, that found that over 68,000 jobs at 6.7 billion in economic output would result from the development of the renewable energy capacity contemplated in this amendment.

According to the AFL–CIO, an estimated 8,092 jobs would be created over a 10-year period for installation and O&M on wind power in Nevada alone, and another 19,137 manufacturing jobs would be created. Agricultural interests have begun to be aware of the potential and have indicated their support.

Last month, the 21st Century Agricultural Policy Project, under the guidance of former Senators Bob Dole and Tom Daschle, issued a report. That report made recommendations to sustain the Nation's farm sector. One of the key recommendations was that Congress pass a Federal renewable portfolio standard. I do have executive summaries of those reports. I ask

unanimous consent that they be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. So support for RPS is strong throughout the Nation. A poll recently by Melvin & Associates found that 70 percent of those surveyed nationwide supported a 20-percent portfolio standard. That is not what I am recommending. I am recommending 15 percent.

But these results were about the same in States as diverse as North Dakota and Georgia and Missouri and Arizona. Environmental groups, from the Sierra Club to the Natural Resources Defense Council, to the industrial associations, to the renewable trade groups, to utilities have all supported RPS. We recently received letters from a great many organizations.

Let me indicate what these letters are. First, we have a letter to Senators REID, MCCONNELL, BINGAMAN, and DOMENICI, signed by several hundred organizations indicating their strong support for this proposal that I have put before the Senate today.

I ask unanimous consent that letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BINGAMAN. Next I have a letter from Michael Wilson of FPL Group—he is vice president for government affairs with FPL—saying: Please consider this letter an endorsement in the renewable portfolio standard amendment that you intend to offer.

I ask unanimous consent that be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BINGAMAN. Next, a letter from the National Farmers Union directed to Senators Reid, McConnell, Domenici, and myself, saying: On behalf of the farm, ranch and rural members of National Farmers Union, we are writing to urge you to support inclusion of a strong national renewable portfolio standard in energy security legislation and oppose attempts to weaken that when the Senate considers this issue in the coming days.

I ask unanimous consent to have that letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. BINGAMAN. Finally, I have a letter from the American Wind Energy Association indicating strong support for my amendment and concern and opposition to the proposed substitute amendment that Senator DOMENICI has offered under the title: Clean Portfolio Standard.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. BINGAMAN. Mr. President, we are moving ahead on this bill. This is an important part of the legislation. I think all Senators have known this was intended to be offered as an amendment on the floor. I have certainly indicated that repeatedly over recent weeks and even months. So as I say, it has been offered and passed in a somewhat different forum, three previous Congresses in the Senate. I hope very much that we can proceed to a good debate on this proposal and on the proposal by my colleague from New Mexico, Senator DOMENICI, and then have votes on those two proposals.

I know Senator KERRY also has a proposed second-degree amendment to raise the percentage requirement from 15 percent to 20 percent. He would like to have a chance to have the Senate consider that proposal as well.

At this point, I think that gives a general overview of the amendment and the reasons why I think the Senate should support it. I urge all my colleagues to vote for the amendment. I will also want to address Senator DOMENICI's amendment once he has had a chance to explain that.

I yield the floor.

EXHIBIT 1

21ST CENTURY AGRICULTURE POLICY PROJECT

EXECUTIVE SUMMARY

America's farmers and ranchers face unprecedented challenges and opportunities in the decades ahead. Globalization, technological change, trade issues, federal budget constraints, global warming, high energy costs, land-development pressures, and increasing environmental and food safety concerns are all likely to have a profound impact on rural communities and on future prospects for sustaining a prosperous and vibrant farm economy. At the same time, new markets are opening to farmers that already are paying enormous dividends. Investments in biofuels projects and wind farms, as well as the generation of carbon credits, are providing farmers and ranchers with new sources of income that are transforming the rural American economy.

The 21st Century Agriculture Policy Project was motivated by a recognition that rapidly changing landscape calls for a more expansive and creative approach to national farm policy. Sponsored by the Bipartisan Policy Center and chaired by the two of us, who together have eight decades of experience at the forefront of federal engagement with agriculture issues, the Project was launched in March 2006. Its aim has been to work directly with farmers, ranchers, and other stakeholders to forge bipartisan consensus around a new agenda for U.S. farm policy in the 21st century. It is our intent to put forward a series of recommendations that, taken together, can be implemented at a net savings to the federal government compared with the current Farm Bill. Specifically, our recommendations assume that increased demand for biofuels under an expanded renewable fuel standard will produce substantial savings in existing agriculture support programs, including elimination of the direct payment program, less reliance on countercyclical and loan deficiency payments, and more reliance on the marketplace.

Programs to sustain the nation's agricultural sector must necessarily evolve to reflect emerging budget pressures and new economic realities, while also being responsive to the larger concerns and interests of American taxpayers, consumers, and utility ratepayers. Indeed, as taxpayers, consumers, and ratepayers themselves, farmers and ranchers are best served by well-designed policies that achieve equitable outcomes, do so in a fiscally responsible manner, and are carefully targeted to achieve maximum societal benefits at the lowest possible cost. Fortunately, the input gathered through this project from farmers and researchers points to promising opportunities for reforming current policies in ways that are responsive to broader public-interest objectives without in any sense diminishing the federal government's longstanding commitment to an economically secure agricultural base. The recommendations advanced here reflect the view that strategic investments in developing new market opportunities and in helping agricultural producers gain a larger stake in high-value-added enterprises can reduce farmers' need for current safety net programs in ways that are less susceptible to political uncertainty and international trade rules and that are revenue-neutral, in terms of overall federal spending. Four overarching themes connect these recommendations:

Securing a robust, economically vibrant future for American agriculture in the 21st century requires a more expansive and creative approach to farm policy. A continued federal commitment to the financial security and stability of the nation's farm community is essential at a time when globalization, technological change, environmental concerns, high energy costs, international pressure to cut traditional subsidies, and continued urbanization all pose new challenges for agriculture. To help farmers respond effectively while continuing to undergird U.S. competitiveness, federal policy must evolve to encompass a broader set of issues and successfully leverage multiple synergies.

An emphasis on new markets and on increasing farmers' equity share in value-added enterprises provides the best foundation for expanding opportunity in rural communities. Biofuels, renewable energy like wind power, carbon sequestration, and habitat preservation for recreation and hunting are just some examples of agriculture-related activities that can significantly augment and diversify future sources of income for America's farm families. Targeted policies are needed to increase farmers' stakes in the new wealth generated by these emerging markets.

Increasing the role of America's farms in energy production can be achieved at a net savings to the federal budget because increased demand for corn and other crops to serve the rapidly growing alternative-fuels market will naturally reduce outlays for traditional ''safety net'' programs. New economic research suggests that explosive growth in ethanol production will lead to higher prices not only for corn, but also for soybeans and wheat, as acreage now in these crops is shifted to corn. These market shifts are expected to dramatically reduce countercyclical and loan deficiency payments for certain crops, potentially freeing billions of dollars each year for farm programs that have broad political support and that generate promising, and ultimately more self-

sustaining, economic opportunities in the long run.

Federal action to establish a mandatory program to limit greenhouse gas emissions is sensible and will provide agricultural producers with significant new market opportunities. The agriculture sector is in a unique position to lead in—and benefit from—efforts to address climate change. Expanded demand for biofuels is an obvious example, but ranch and farm lands are also well-suited for future development of renewable electricity sources (e.g., wind and solar power) and carbon sequestration.

SUMMARY OF RECOMMENDATIONS

Continue to provide economic stability through existing countercyclical programs, while investing in market-based opportunities for agriculture and addressing new sources of financial insecurity through a permanent disaster program:

First, the core of the federal farm program must be a strong countercyclical program based on the two countercyclical elements of the current farm bill: (1) a robust marketing loan program that treats all producers equally and (2) a partially decoupled countercyclical program. Individual farm benefits should be capped at $250,000 per year and eligibility to obtain benefits through more than one entity should be eliminated.

Second, Congress should eliminate the direct payment program and redirect funds for this program—along with savings generated by reduced countercyclical and LDP payments for corn, wheat, and soybeans—to permanent disaster assistance and promoting new income-generating opportunities for farmers in markets such as biofuels, renewable electricity, carbon sequestration, and conservation.

Third, Congress should establish a Value-Added Equity Creation Program to provide farmers and ranchers with no-interest revolving loans so that they can participate in high-value agriculture-related business opportunities, such as biofuels plants and wind projects. Producers should be eligible to participate if their primary occupation is farming and should be able to receive up to $100,000 in interest-free loans for equity investments in qualifying value-added enterprises (as certified by the U.S. Department of Agriculture (USDA)).

Finally, in recent years, Congress has frequently passed annual emergency spending bills to provide agricultural producers with disaster assistance. While these measures have provided important relief to farmers and ranchers, they have been ad hoc in nature and off budget. As a result, Congress may decide to establish a permanent disaster assistance program, administered by USDA, to provide ranchers and farmers with assistance for clearly defined disaster conditions. If so, we recommend that Congress replace the current system of ad hoc off-budget emergency supplemental spending bills, make the permanent disaster assistance program on-budget as part of the Farm Bill, and include a reasonable benefit cap of $250,000 per farm or ranch in any single year. If a reasonable benefits cap is imposed, net federal outlays for disaster assistance should be reduced compared with the current off-budget approach.

To promote biomass-based alternative liquid fuels, Congress should:

Expand and extend the recently-adopted renewable fuels standard (RFS) to reach at least 10 billion gallons per year by 2010, 30 billion gallons per year by 2020, and 60 billion gallons per year by 2030, as proposed in bipartisan legislation introduced in the U.S. Senate. This step would lead to expansion of biofuels markets beyond the E–10 market and spur new investment in the next generation of advanced biofuels technologies, such as cellulosic ethanol.

Promote the use of higher blends of ethanol in the existing fleet of automobiles by instructing the Environmental Protection Agency to conduct analysis of the viability of using higher blends of ethanol (including E–15, E–20, E–30, and E–40) in the existing fleet of automobiles by January 1, 2009.

Extend the existing volumetric ethanol excise tax credit (VEETC) to 2020 while simultaneously restructuring this program in ways that account for expected growth in corn ethanol production under an expanded national RFS. After the current tax incentive authorization expires in 2010, Congress should look for ways to ensure that the cost of the tax credit—in the context of other policies and expected ethanol production volumes—remains acceptable, while ensuring that new and innovative biofuels project are provided the support they need to be successful. Among the criteria that Congress should use to design the post–2010 biofuels tax credits are:

1. Limiting the overall cost of the tax incentives to the government;

2. Encouraging expansion of the industry by ensuring that investments in new plants and recently-built plants can be fully amortized;

3. Rewarding energy-efficient and low-carbon emitting technologies;

4. Ensuring that pioneering processes, such as those that convert cellulosic feedstocks like corn stover and switchgrass to ethanol, are economically competitive with fossil fuels;

5. Encouraging farmer ownership of ethanol plants;

6. Balancing domestic tax credits with an import duty of similar size, so that U.S. taxpayers do not subsidize ethanol imports to the detriment of American producers.

Extend the small producer renewable fuels tax credit beyond 2008 for plants that are at least 40 percent locally-owned and for cellulosic ethanol plants. Consolidate all cellulosic biofuels loan guarantee programs into a single program at USDA and establish an energy security trust fund to provide consistent funding for that program. Successfully commercializing the production of ethanol and other fuels from cellulosic (i.e., woody or fibrous) plant materials would dramatically expand the potential contribution of biofuels in terms of displacing current petroleum use and associated carbon emissions. Implementing many existing loan guarantee programs through three separate federal agencies makes little sense. USDA has considerable experience in implementing loan guarantee programs and expertise in evaluating biofuels projects through its Office of Energy. Therefore, Congress should consolidate all federal biofuels grant and loan guarantee programs at USDA and establish a national energy security trust fund to provide at least $1 billion per year in loan guarantees and grants to promote necessary advances in production technology and bioscience.

Establish a demonstration cellulosic biofuels feedstock program. Congress should establish a new set-aside program to demonstrate how the cultivation and harvesting of cellulosic feedstocks could be accomplished in an economically attractive manner. Following the model of several existing programs, the 2007 Farm Bill should provide a modest payment to landowners who convert existing cropland to grow cellulosic biofuel feedstocks for nearby cellulosic biofuels plants in ways that improve wildlife habitat, reduce soil erosion, and protect water quality. New lands to be set aside under such a program should be capped at 500,000 acres for the duration of the 2007 Farm Bill.

Establish policies to encourage a rapid increase in the number of flexible fuel vehicles sold in the United States and the installation of E–85 pumps and blender pumps at gasoline stations. For example, we recommend extending the existing tax credit for installing E–85 refueling stations and redesigning it to provide relatively greater benefits in the near-term to encourage more rapid deployment of E–85 infrastructure. We also recommend clarifying that blender pumps be eligible for the tax credit, since in the long run it will make more sense to install blender pumps that are capable of dispensing a range of ethanol blended fuels. Congress also should consider more attractive expensing and accelerated depreciation options to encourage installation of E–85 and blender pumps in lieu of tax credits.

To promote renewable electricity production and other renewable energy projects on farms and ranches, Congress should:

Establish a national renewable portfolio standard (RPS) along with complementary policies to promote maximum development of cost-effective renewable energy potential on agricultural lands. Such policies to promote renewable energy have been adopted by 21 states and the District of Columbia and Congress should now take action to adopt a portfolio requirement at the federal level. Moreover, federal policies to promote renewable energy should encourage the siting of new projects on farm or ranch lands wherever possible. Given that the use of these lands would be far preferable to new development in wilderness areas and would simultaneously provide important economic benefits for rural communities, an appropriate policy goal would be to satisfy at least two-thirds of a national RPS with renewable energy production on agricultural lands. In addition, a federal RPS should be designated to complement and not pre-empt any state requirements (which may be more ambitious) and should apply equally to all large retail electricity providers. (To simplify implementation requirements and to address supply and price concerns, it may be appropriate to exclude rural electric coops and small municipal utilities.)

Expand and strengthen existing programs outside the Farm Bill that promote renewable energy development and related technology advances. To provide investment certainty, existing renewable-energy production tax credits (PTCs) should be extended for ten years and funding for related research, development, demonstration, and early deployment efforts should be increased. In addition, such programs should be modified so that incentives can be taken against non-passive income. The Community Renewable Energy Bonds (CREBs) program should be extended and expanded, with a substantial sum set aside for rural electric cooperatives and municipal utilities.

Establish a Rural Community Renewable Energy Bonds program to provide a federal incentive for local private investment in renewable energy to complement the PTC and CREBs programs. This new initiative would be limited to projects of not more than 40 MW; where at least 49 percent of the project is owned by entities resident within 200 miles of the project site.

Expand the capacity of the existing federal power administration transmission system. The federal power marketing administrations (PMAs) own and manage a vast network of existing power lines, which should be substantially expanded to provide the additional capacity needed to tap cost-effective renewable energy resources. Congress should direct the federal power administrations to pursue this objective under a structure in which non-benefiting PMA customers do not shoulder the cost and preference is given for system investments that maximize promising opportunities for renewable energy development on agricultural lands. Priority should be placed on the expansion of the Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA) transmission systems. The PMAs also should be authorized and encouraged to enter into partnerships with non-federal parties for the siting, planning, and construction of transmission lines; the participation of PMAs can streamline siting by avoiding multiple state siting authorities.

The Department of Energy (DOE) should designate the Heartland Transmission Corridors ''National Interest Electric Transmission Corridors'' pursuant to the Energy Policy Act of 2005. Federal assistance in the form of an expanded role for WAPA as a facilitator for planning and investment, and a 20 percent matching investment from the federal government would go a long way toward addressing cost and siting hurdles, encouraging state cooperation, and ensuring that needed transmission system enhancements are implemented.

Congress should authorize $1 billion per year for five years to provide tax-exempt bonds for the construction of transmission facilities (or the expansion of existing facilities) where such construction or expansion is cost-effective and offers substantial public policy benefits in terms of facilitating the development of clean, domestic renewable resources. Under such a program, loans would be provided by eligible government entities to qualified private entities seeking to finance eligible transmission infrastructure. Such bonds would assure the availability of financing for transmission at significantly lower cost than presently available in the market. They could be used both for new transmission and for upgrades to existing facilities (for example, to address transmission constraints in west Texas and Minnesota, where substantial wind development opportunities exist, or to access renewable energy projects anticipated as a result of the Rocky Mountain Area Transmission Study (RMATS) in the Western Interconnect. In addition, current private use restrictions applicable to projects that receive tax-exempt bonds should be reviewed to assess whether they create unnecessary additional hurdles to investment.

Explore further opportunities for an expanded federal role in directly facilitating the implementation of, and providing resources for, investments to enhance grid capacity and to promote a more efficient, seamless, and reliable transmission system nationwide.

Reauthorize and expand USDA's Energy Audit and Renewable Energy Development Program under Section 9005 of the 2002 Farm Bill. This program to assist farmers, ranchers, and rural small businesses in becoming more energy efficient and in using renewable energy technology and resources has never been funded. It should be reauthorized with a goal of performing audits of 25 percent of all farms and ranches over the time horizon covered by the next Farm Bill and funds sufficient to achieve that goal should be appropriated in the future.

Reauthorize and expand USDA's Rural Development Business Renewable Energy and Energy Efficiency Program (Section 9006 of the 2002 Farm Bill). This program currently provides a modest number of grants—$23 million per year—to support renewable energy and energy-efficiency projects. Future funding should be scaled up over the next 5 years to at least $500 million per year and the program should be expanded to enable participating agencies to provide grants for feasibility studies and loan guarantees for project development. As long as feasibility studies are accurately performed, the cost to the federal government of providing loan guarantees for up to 75 percent of project costs should be fairly small. In addition, Congress should consider modifying the program to (1) increase loan guarantees for cellulosic ethanol facilities to at least $100 million per project, and $25 million for other projects, (2) create a rebate program to streamline the application process for smaller, standardized projects by reducing the paperwork burden, and (3) expand eligible applicants to include agricultural operations in non-rural areas (such as greenhouses) and schools.

To promote markets for carbon sequestration and other cost-effective greenhouse-gas mitigation measures on farm and ranch lands, Congress should:

Establish a national, mandatory, market-based program to reduce economy-wide greenhouse gas emissions that provides substantial market opportunities for cost-effective carbon sequestration on farm and ranch lands. Specifically, agricultural producers should have the opportunity to participate fully in the carbon markets that will be created under a greenhouse gas trading program. To facilitate this participation, priority must be given to establishing robust, well-defined protocols for measuring and verifying carbon reductions achieved through terrestrial sequestration.

Establish tax incentives, such as federal tax refunds for local and state property taxes, for farmers and ranchers who enroll land in a carbon trading program that works in tandem with entities that buy, sell and trade carbon credits.

Direct USDA to work with other state and federal agencies on continued economic and technical research on different options for sequestering carbon and on better methods of documenting sequestration for market participation.

To advance widely supported environmental habitat-preservation, and open-space objectives while creating additional income-generating opportunities for farmers and maximizing potential business opportunities related to hunting, fishing, and other forms of outdoor recreation, Congress should:

Expand existing conservation programs:

1. Expand the Conservation Reserve Program at 40 million acres;

2. Expand the Wetlands Reserve Program at 5 million acres, with annual enrollment capped at 250,000 acres per year;

3. Expand the Grasslands Reserve Program at 5 million acres, with annual enrollment capped at 500,000 acres per year;

4. Increase funding for the Farm and Ranch Lands Protection Program to at least $300 million per year.

5. Implement the Conservation Security Program on a nationwide basis on all working lands.

Enact ''Open Fields Bill'' to provide $20 million per year in federal funds to supplement state ''walk in'' programs that give farmers and ranchers financial incentives to expand public access to their lands.

EXHIBIT 2

Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JEFF BINGAMAN,
Chairman, Energy & Natural Resources Committee, U.S. Senate.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.
Hon. PETE V. DOMENICI,
Ranking Member, Energy & Natural Resources Committee.

Dear Senators REID, MCCONNELL, BINGAMAN and DOMENICI: As a diverse group of corporations, manufacturers, electric utilities, renewable energy developers, labor organizations, farm groups, faith-based organizations and environmental advocates, we are writing to urge the Senate to include a national renewable portfolio standard (RPS) in energy security legislation that may soon be considered by Congress. An RPS is an essential component of a broader national energy strategy, because it will held the nation to take full advantage of the abundant domestic renewable resources available for the generation of electricity.

An RPS is a market-based mechanism that requires electric utilities to include a specific percentage of clean, renewable energy in their generation portfolios, or to purchase renewable energy credits from others. By substantially increasing renewable electricity generation, the RPS would enhance national energy security by diversifying our sources of electric generation. At a time when the United States is increasing energy imports, an RPS would make America more energy self-reliant. The reduction in the use of fossil fuels to generate electricity would also limit fuel price volatility, which is important to both industry and consumers. In fact, the U.S. Department of Energy's own Energy Information Administration has found in several studies that an RPS would actually cause natural gas prices to decline.

Increasing the market share for renewable energy resources would also have substantial environmental benefits. An RPS is one of the most important and readily available approaches to reducing greenhouse gases from the electricity generation sector. In addition, an RPS also would help reduce conventional pollutants including nitrogen oxide, sulfur dioxide and mercury emissions.

Moreover, a national RPS will produce substantial economic benefits. The additional investment in renewable electric generation would create hundreds of thousands of well-paying jobs. In addition, because many renewable resources are located in remote areas, rural America will experience a substantial economic boost.

We believe the time has come for Congress to move quickly to enact national RPS legislation. The costs of inaction for our environment, national security and economy are too high. Although more than 20 states have adopted individual RPS programs, the country will not realize the full potential for renewable electricity without the adoption of a Federal program to enhance the states' efforts.

Thank you for your consideration of this important matter.

Sincerely,

GE, BP America, Inc., National Venture Capital Association, Miasole, Wisconsin Power and Light, National Council of Churches of Christ in the USA, Technet, APX, Inc., Alliant Energy, Sempra Energy,

Shell Wind Energy, Inc., Solar Turbines, Inc., Business Council for Sustainable Energy, Alliant Energy, Invenergy LLC, Owens Corning Composites System Business, Leeco Steel, Clipper Wind Power, Inc., Google, United Steelworkers, Edison International, Pacific Gas & Electric, Union for Reform Judaism, GT Solar, PPM Energy, Inc., Avista Utilities, Horizon Wind Energy, Enel NA, D.H. Blattner and Sons, Applied Materials, Inc., Greene Engineers, Oregon Steel Mills, LM Glasfiber ND, Inc., Noble Environmental Power, enXco, Interstate Power and Light, National Audobon Society, American Wind Energy Association, Blue Green Alliance, Big Crane & Rigging Company, Iberdrola U.S.A., Natural Resources Defense Council.

DMI Industries, Union of Concerned Scientists, Lake Superior Warehousing, Rocky Mountain Farmers Union, Pennsylvania Interfaith Climate Campaign, Interfaith Power & Light, Environmental Law and Policy Center, Western Organization of Resource Council, ATS Wind Energy Services, BioResource Consultants, Bosch Rexroth Corporation, Castle & Cooke Resorts, Chermac Energy Corporation, Dominion Energy, EFormative Options, Energy Unlimited, Enertech, Environmental Stewardship & Planning, Eurus Energy America, FPC Services, Generation Energy, Green Energy Technologies, Gro Wind I, Highland New Wind Development, Knight & Carver, LAPP Resources, Louis J. Manfredi Consulting, Mackinaw Power, Mizuho Corporate Bank, Nordex USA, Old Mill Power Company, Otech Engineering, Phoenix Contact, Renewable Energy Consulting Services, San Gorgonio Farms, SIPCO (MLS Electrosystem), TCI Renewables Limited, Tideland Signal, Trinity Structural Towers, Varelube Systems, Wind Capital Group, Wind Utility Consulting, WindLogics, Windsmith.

PowerWorks, Physicians for Social Responsibility, McNiff Light Industry, Citizen's Utility Board, Great Southwestern Construction, RES America, JPW Riggers, AES Wind Generation, Suzlon Wind Energy, U.S. PIRG, University of Alaska, Fairbanks, Atlantic Testing Laboratories, National Environmental Trust, AWS Truewind, Big Stone Wind, CAB, Inc., Bluewater Wind, BQ Energy, Competitive Power Ventures, Chinook Wind, EcoEnergy LLC, Electric Power Engineers, Enerpro, FAW Foundry, Foresight Wind Energy, Excellent Energy Solutions, General Compression, Hopwood, Greenwing Energy, Hailo, HMH Energy Resources, Pandion Systems, ReEnergy, Tamarack Energy, Mariah Power, Molded Fiber Glass Companies, Oak Creek Energy Systems, Sierra Club, Padoma Wind Power, Project Resources, RSMR Global Resources, Signal Wind Energy, Sustainable Energy Strategies, The Conti Group, TMA, Inc., Oregon Rural Action, Venti Energy, Wind Turbine Tools, Windland.

WindRose Power, Winergy Drive Systems, Winergy Power, Appropriate Energy, Castaic Clay Products, Cannon Power, TOWER Logistics, Energy Development and Construction Corp., Institute for Environmental Research and Education, RENEW Wisconsin, Fallon County Disaster & Emergency Services, Stevens County (KS) Economic Development, Dakota Resource Council, Montana Department of Environmental Quality, West Wind Wires, Interwest Energy Alliance, Concord Energy Policy Group, Renewable Northwest Project, Friends Committee on National Legislation, American Lung Association of the Central States, Tompkins Renewable Energy Education Alliance, Alaska Wilderness League, 1000 Friends of Wisconsin, Citizens Campaign for the Environment, Grassroots Citizens of Wisconsin, NH Sustainable Energy Association, Southwest Wisconsin Progressives.

Cabazon Wind Energy, Zephyr Lake Energies, Hodge Foundry, Commonwealth Capital Group, Mankato Area Environmentalists, Clean Wisconsin, Missourians for Safe Energy, Oklahoma Wind Power Initiative, OverSight Resources, Kansas Rural Center, Chesapeake Climate Action Network, Greenpeace, Southern Alliance for Clean Energy, Clean Power Now, RMT/WindConnect, The Land Institute, Western Colorado Congress, Idaho Rural Council, Clean Water Action, Coulee Progressives, League of Conservation Voters, Penn Future, REACH for Tomorrow, The Minster Machine Company.

EXHIBIT 3

FPL GROUP, INC.,
Washington, DC, June 11, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the Renewable Portfolio Standard (RPS) amendment you intend to offer during upcoming Senate consideration of energy legislation.

As you may know, FPL Group, comprised of two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates two of the largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects and several biomass plants. Additionally, FPLE is the world's largest generator of wind power.

We appreciate your leadership on this important issue and support your efforts to enact a fair and balanced RPS in order to increase the amount of non-emitting electricity generation in the United States.

Sincerely,

MICHAEL M. WILSON,
Vice President, Governmental Affairs.

EXHIBIT 4

NATIONAL FARMERS UNION,
June 11, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Chairman, Energy & Natural Resources Committee, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

Hon. PETE V. DOMENICI,
Ranking Member, Energy & Natural Resources Committee, Washington, DC.

DEAR SENATORS REID, MCCONNELL, BINGAMAN, and DOMENICI: On behalf of the farm, ranch and rural members of National Farmers Union (NFU), I am writing to urge you to support inclusion of a strong national renewable portfolio standard (RPS) in energy security legislation and oppose attempts to weaken it when the Senate considers this issue in the coming days.

Rural America has the greatest potential for generating significant amounts of clean, renewable energy. A RPS that ensures a growing percentage of electricity is produced from renewable sources, like wind power, will provide long-term, predictable demand that will allow the industry to attract investment capital and rural America to harness wind energy potential.

Passage of a robust RPS will significantly accelerate efforts to enhance our energy security by diversifying our sources of electricity and limiting our dependence on foreign sources of energy. Additionally, a RPS would create new economic opportunities in rural America. Local, community and farmer-owned renewable energy development projects are key to providing economic and social benefits, while providing an economic base for further rural economic development. A robust RPS would create hundreds of thousands of good paying jobs, provide billions of dollars in new income to farmers and ranchers and generate significant local tax revenues that can be used to fund other important priorities.

NFU believes Congress should move quickly to enact national RPS legislation and we urge you to support efforts to do so during floor consideration of the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007.

Sincerely,

TOM BUIS,
President.

EXHIBIT 5

AMERICAN WIND ENERGY ASSOCIATION,
June 11, 2007.

Re Please Support Bingaman RPS Amendment, Oppose Domenici CPS Amendment

Hon. HARRY REID,
Senate Majority Leader, Washington, DC.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, Washington, DC.

Hon. PETE V. DOMENICI,
Ranking Member, Committee on Energy & Natural Resources, Washington, DC.

DEAR SENATORS: As the full Senate begins consideration of comprehensive energy legislation this week, the American Wind Energy Association (AWEA) respectfully urges Senators to vote in favor of the Bingaman renewable portfolio standard (RPS) amendment and against the Domenici clean portfolio standard (CPS) amendment.

In order for our nation to seriously address the challenges of energy security and global climate change we need an effective renewable electricity standard that will drive new investment and job growth in the renewable energy sector. The Bingaman RPS proposal would assure crucial progress toward this vitally important objective. Unfortunately, however, the Domenici CPS amendment includes numerous exemptions and loopholes that would undermine the effectiveness of the effort to promote renewable energy.

A core weakness of the CPS proposal is its inclusion of language that could allow virtually any form of electricity generation to qualify as ''clean.'' The CPS amendment would allow the Secretary of Energy to designate ''other clean energy sources'' that could qualify for clean energy credits without placing any parameters on such designations. In addition, it is noteworthy that utilities would receive credit for electricity generated from technology that captures and stores carbon, but the amendment does not specify that a utility must actually employ carbon capture and storage to receive credits.

Also of concern is an important loophole in the CPS amendment that would allow states to waive program requirements. The CPS amendment would allow states with existing requirements to opt out of the Federal requirements based solely on the state's own determination that it has a measure in place that is ''comparable to the overall goal'' of the Federal program. This vague standard is not further defined. In contrast, the Bingaman RPS proposal would not interfere with

the ability of utilities to comply with state RPS programs. The state opt-out provision in the CPS proposal would lead to substantially reduced renewable energy investment and employment.

Our nation's citizens overwhelmingly support increasing the generation of electricity from renewable sources like wind, biomass and solar power. The Bingaman RPS amendment would meet this demand and put our nation on a path that increases the role of clean domestic energy in meeting our electricity needs. We urge its enactment without the addition of weakening changes such as those included in the Domenici CPS amendment.

Thank you for your time and attention to this vitally important matter.

Sincerely,

RANDY SWISHER,
Executive Director.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senator DOMENICI will be to the Chamber in a few moments and is preparing to speak to the second degree to the Bingaman amendment the chairman has outlined. In doing so, I will touch for a few moments on some of the differences between an RPS and a CPS and some of the value of broadening the portfolio Senator BINGAMAN is talking about to create greater advantages nationwide for a larger amount of clean energy.

There is no question that RPS, as we know it, invented in the mid-1990s as a concept, evolving now to 23 States having accepted some form of an RPS standard, has a very strong bias for wind and biomass. It is there. We subsidize wind today. The letter the Senator introduced from the wind industry is reflective of the phenomenal subsidy they get and the advantage they get.

We create a market niche for them with an RPS, and then we subsidize them. Frankly, I am for that. Wind energy and the more of it we can have is the right energy, along with all other forms.

What the Senator did not say was the Southeast is dramatically disadvantaged because they don't have wind. As a result, they have to go buy or be taxed to offset the differences. That is unfair. Many of us believe it is unfair. We also believe RPS is not an obsolete standard but an old one.

About 3 years ago, people looking at a broader portofolio of energy said: We ought to expand the standard. Today's mantra in energy, whether it is the Senators from New Mexico or this Senator, who is one of the senior members of the Energy Committee, is: Clean. America will not build new energy production unless it is clean. That is what RPS was originally heading us toward—cleaner renewable energies. So why shouldn't we expand that portfolio from wind and bio to some additional new forms—new nuclear, very clean; new hydro, yes, but limited; coal sequestration or carbon sequestration, clean; efficiencies, less use, less demand. Shouldn't they also be in this new portfolio? I say yes. America, when they understand it, would say yes.

Right now there is a niche market, a very narrow one, for limited use in certain capacities and greater use in others. I see windmills coming up across my State today. Why? Because we have wind, and they are subsidized. There is an advantage to do so. But you don't see windmills coming up in Florida and other places in the South because there is not the kind of prevailing winds that sustain a 25- to 30-percent production efficiency of these particular kinds of units.

Senator DOMENICI has just arrived. I will let him pick up the debate because he has led with this issue. I have been a supporter of it and have helped develop this issue. I believe it is time we modernize, move to clean energy, and reward the utilities that produce clean energy. It does not disadvantage an RPS. It simply expands and modernizes it into the concept of energy we are looking for today in the American energy portfolio.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I apologize to Senator BINGAMAN for not hearing all of his speech. I was detained. They told me he had started. I thought they would tell me a few minutes before. I had to drive from downtown. I apologize for that.

Senator BINGAMAN and I have been doing our best to remain bipartisan. But on this issue, I can't do that. He will go his way and I will go mine. His amendment is on the bottom and my amendment is on top. I have offered mine as a second-degree amendment to his. My recollection of how we do this, when time has run out, unless other arrangements are made—and they could be—mine would go first.

I thank the cosponsors. Senator CRAIG has just told us that he is a cosponsor. He worked very hard. Clearly, you can see from the morning's work that Senator PETE DOMENICI, ranking member of the committee, is pretty lucky. He can step down and go out and leave things vacant for a little while, and the man behind me, LARRY CRAIG, will soon take over. No one will know anything was missed. If anything, they will figure things got better. He is very good at it, and I thank him for all the help he has given me. Other cosponsors are Senators BENNETT, CRAPO, GRAHAM, and MURKOWSKI.

I am saying there is a far better way to reach the goals Senator BINGAMAN wants, and we don't have to harm so many States in doing it. What we ought to know right up front is that you have to go ahead and choose something. Senator BINGAMAN chose to put two or three things in his. Before I am finished, I think I can convince you that everybody who has looked at it says that in its application, it is predominantly a wind amendment. It says a couple other things, but when you look at it as to what is done, I am safe in calling our battle a battle between wind in every State, forced upon them at the level of 15 percent of what their utilities use in energy. Every single State will have to have that by a time certain, whether they can do it or not. If they can't do it, they will be penalized.

I want to take a quick look at this map. Here is a map that shows what we are talking about. If you look at it, you see the United States. You see the eastern seaboard is white. Then you see some inlets of water. Then you see it is white again. That means there is not enough wind in those areas to move the wind turbines enough for them to be used to accomplish the goals of this bill. Then if you look out in the western part, you see very big pieces of the West that are white, all the way through this white versus blue and dark blue. The white is what Senator BINGAMAN calls wind energy. It is clean, but it is wind. I don't believe we should do it that way.

I have said, since you all want something, I am going to suggest that you want clean—not his words, my words—a clean energy portfolio. If it is clean and available, you ought to put it in so they can use it. So you will find that is what I have done. The clean energy portfolio standard provides a comprehensive, technology-neutral program to ensure that clean energy will make up for an ever-increasing portion of our Nation's electricity operation. The clean portfolio standard requires electric utilities to produce a set percentage of electricity from clean energy sources, ramping up to an enforceable goal of 20 percent by 2020. So it is 20 by 20, and it is a clean portfolio. Rather than pick winners and losers—and I stress this—rather than pick winners and losers between various clean technologies that are or will be available in the future, the clean portfolio standard provides for all sources of clean energy—including solar, wind, geothermal, biomass, landfill gas, hydropower, new nuclear power, and fuel cell quality—under the program. The clean portfolio also provides credit for innovative technologies that will allow future traditional fuels to be burned in a way that captures and sequesters carbon emissions. We are going to do that. Somebody is going to make that breakthrough.

Our bill provides that they can come in. Credit is further provided for reductions in electricity usage from programs that provide efficiency and lower the amount of power that needs to be generated in the first place.

Energy efficiency efforts such as demand response should be part of the solution. Everybody tells us that demand response is a way that, by managing it

properly, you can get a very significant savings.

Finally, since we have faith in American engineers, the clean portfolio standard encourages innovation by giving the Secretary of Energy authority to provide credit for new clean technologies that may just be a twinkle in the inventor's eye but which may revolutionize the way we produce and use electricity. If that occurs during the time, clearly it should be permitted to come in. It doesn't have to be here yet. If it is invented in 5 years, we thank the Lord and put it in and use it. We don't operate in stagnation and say: You are outside of our window. You are clean, but you don't come in. We don't give you credit. You go on with that same old wind technology.

I am going to invite my friend from Tennessee, LAMAR ALEXANDER, to come down and share again with us what he thinks about what he calls a wind economy. I can't give that speech. I am not that good. But I sure listen to him because I think he is right. I don't believe we want wind as the test of providing an alternate renewable in every State in the Union, even if there is insufficient wind. And we don't want those States paying fines because they can't come in. I don't think Senator BINGAMAN wants to pull out the States—I don't know how many it would be, 10, 12, 13—and say: We aren't going to do anything there. I think if he did, he couldn't call it national. But he certainly would gain a lot of support if it was fair. To make it fair, you cannot impose the same regulated wind requirement on States that have no wind and then say: Let's vote on this bill. The bill should not be voted on in that way. In fact, those States that have it that way ought to come down here and say: We can't vote on this bill. It is so obviously wrong that we should not do it.

Finally, since we have faith, we are going to expect innovation to be offered to the Secretary of Energy while the years run. That innovation, if it produces something, will come to us and be put into the package we are talking about that will start taking away white and turning it into blue because we put new technology into the area.

Unlike the RPS, the clean portfolio, the CPS, doesn't pick winners or losers. Unlike the RPS, the clean portfolio standard recognizes that regional differences in resources and geography mean that we can't create a one-size-fits-all. That is what I believe. That is what I believe the Senate is going to say. Why pick a one-shoe-fits-all, when you can't get it in. You can't get any foot in on the white up here in the north because you can't get that much in the foot. You can't create one that will put it in and still have essentially what is in the Bingaman amendment.

Take a look at the chart from the National Renewable Lab. It shows where our Nation's wind resources are located. Wind has no application in the Southeast. The resources simply are not available in an entire region of the country.

We cannot ignore the reality that utilities in some regions cannot meet the RPS mandate with the limited resources permitted because they are located in regions that are not blessed with ample renewable resources.

Wind power is the clear winner under an RPS. Advocates of the Federal RPS call it the ''wind power legislation.'' They are right—the only way to reach a 15-percent requirement from the limited number of renewable resources permitted under the Bingaman amendment is from wind power.

Wind is the clear winner in the RPS. This chart I have in the Chamber is based on an estimate prepared by Global Energy Decisions. As you can see, wind will be used overwhelmingly to attempt to meet the RPS requirement. The Union of Concerned Scientists concurs, estimating that two-thirds of the RPS requirements would likely be met by new wind generation. I have told you that already, that it would be almost all wind. Now I am telling you that scientific groups that analyzed it agree with what I said.

The Federal Government has supported wind power development since 1992. I am not saying that is wrong. In fact, there will be much wind produced under the Domenici amendment because much of the renewables will be wind. It is that every State will not be required, and some will not have any because they cannot produce any.

The Federal Government has been allowing a production tax credit since we first adopted it in 1992. Since then, we have spent in excess of $2 billion on wind power development—from R&D, to the tax credit, to clean renewable energy bonds.

We have made a lot of progress in the past 15 years. In 2006, installed wind power capacity was 11,600 megawatts—enough to power 3 million homes. The wind industry continues to grow. With a good subsidy, we continue to give it to them. An additional 3,000 megawatts is going to come on line by the end of 2007.

So we support wind power. Wind power is included in the clean portfolio standard I offer today.

What is interesting is—you have to think ahead with me—the Bingaman portfolio is almost all wind. How many years do we intend to support wind with a subsidy so that this system will work? Without wind, it will not work. It seems like right now, without a subsidy, it will not work. I do not know what the scientists working on it say. Will it soon not need any subsidy? They may say the subsidy can start going away. Or how many years will it be they will have to have it? That puts me to thinking whether you should have it at all.

Today, we have only Senator BINGAMAN's amendment and mine—both of them. His has all wind, and we have some wind, so we are kind of admitting we are going to keep it as long as we can and pay for it as long as we can so we can have that kind of nationwide—or partially nationwide—program.

For the one I suggest, the clean one, obviously, we use less wind and will still be clean, and no States will pay any fines, no States will be given any slips that they are entitled to money in the future.

The clean portfolio standard results in more clean energy actually produced. It is not watered down. The clean portfolio standard would impose a 20-percent standard—a full one-third higher—yet the proponents of the RPS claimed this is a ''watered down'' program. What is their complaint? That we allow a greater number of resources to qualify for credits under this program?

It is true the clean portfolio standard allows the use of any nonemitting source of power: including expanded hydropower, new nuclear powerplants, fuel cells, clean coal technologies that capture and sequester carbon, and energy efficiency to meet the 20-percent standard.

Thus, the clean portfolio standard allows the use of a greater variety of technologies to meet a higher standard. The goal of this amendment is to provide a greater amount of clean energy from a greater diversity of energy sources. Obviously, the clean portfolio standard does this much better than the RPS proposal.

Mr. President and fellow Senators, the clean portfolio standard allows States that develop their own portfolio standards to opt out of the Federal program. Some are trying to label this provision as a loophole. It is not. Instead, it is a recognition that States should be afforded the right to develop their own clean portfolio approaches without Federal interference. We should not penalize those States that already have forged ahead by imposing an inconsistent Federal mandate.

The Federal RPS could cost billions. Here is an estimate prepared by Global Energy Decisions. GED estimates which States can and cannot comply with a Federal RPS. As shown on the chart, the orange States do not have the necessary renewable resources to comply with an RPS. The majority of the States—27—will not be able to meet the mandate.

Let's look at this another way—by population. This pie chart I have in the Chamber represents those that will not be in compliance with a 15-percent renewable portfolio standard. About two-thirds of the U.S. population—66 percent—will not be able to meet the new standard.

How will the States' inability to meet this new electricity mandate impact consumers? It is going to cost billions.

I have another chart. According to the study prepared by Global Energy Decisions, the cumulative costs to consumers to comply with the RPS is $175 billion. The States hit the hardest are those in the Southeast without access to wind power; Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, and South Carolina.

The EIA recently concluded a study on the 15-percent RPS mandate and found it would cost consumers $21 billion. Obviously, that is still a tremendous cost to pass on to the consumer. However, the EIA has used some questionable assumptions in its analysis that have been rejected not only by the utility industry but by all 10 Southeastern public utility commissions—bipartisan watchdogs for the ratepayers.

With this amendment, we keep our eye on the ball. The true goal of this legislation is an increase in the amount of electricity generated by clean technologies, reducing the emissions in our environment.

Our goal is not to promote one or two or three specific technologies over another. In fact, the only way to ensure that the cost to the consumer is mitigated to the maximum extent is to avoid the temptation to pick winners and losers between technologies that all move us toward one goal.

To limit the number of qualifying resources to a handful of existing technologies is to ignore the history of rapid acceleration of scientific and technological development in this country.

Do the sponsors of the RPS truly believe that innovation is dead? Only a handful of existing technologies qualify under the RPS. This assumes there will be no breakthroughs in the way we produce electricity for the next 23 years.

I believe the incentive of a clean portfolio standard, combined with environmental concerns and rising prices for traditional fuels, will produce an ideal climate for technological innovation.

I ask my colleagues to support this amendment. I think it is the best way to do it. We will have more to say during the afternoon.

With that, I yield the floor and thank the Senate for the time I was given and for listening.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I shall not take a great deal of time. I simply rise to express my support for the amendment offered by the senior Senator from New Mexico. He has thought the matter through very carefully and described, I think, a hopeful approach, one that recognizes technology in the energy business is constantly changing, that opportunities are arising that we may not even think of now.

One area where I have shown an interest is tidal energy, and we are in the infancy of finding out about that. We need to have an open-ended opportunity to find alternative energy sources.

So with that, I thank the Senator from New Mexico for his leadership on this issue and am happy to be a cosponsor of his amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me make a few comments in response to my colleague's statement and in opposition to his amendment, which he has designated the clean energy portfolio standard. I think people need to understand what his amendment provides, and let me try to explain that.

This amendment purports to be significantly stronger than the 15-percent requirement I have proposed as part of the renewable portfolio standard I have sent to the desk. It actually, though, accomplishes very little in driving the development of new technologies for electricity supply.

The amendment talks about a target of 20 percent clean energy resources by 2020, but when you look at it carefully, it is a recipe for business as usual, given all the other things that are going on and in the planning stages.

There are various reasons why I say that. First of all, it is very clear from his amendment that existing nuclear power is subtracted from the base against which the requirement is measured. Now, what does that mean? What that means is that instead of taking 100 percent, you say: OK. How much of our current electricity supply comes from nuclear power? About 20 percent. You subtract that, and you are then left with the remaining 80 percent; and that remaining 80 percent is what he calculates his 20 percent against. So, in fact, 20 percent of 80 percent gets you down to 16 percent—rather than a 20-percent requirement.

He also has a provision in here that says incremental nuclear power is counted for full credit. Now, that means any new powerplant that is built is new energy and helps to meet the requirement that would be imposed by his amendment. Let me say, first of all, I worked very closely with Senator DOMENICI in supporting additional incentives and additional supports—subsidies, in fact—for the nuclear energy industry in the 2005 Energy bill we passed. We put a variety of things into law to encourage the construction of new nuclear powerplants in this country. We put in regulatory risk insurance. We put in a production tax credit, which I think was 1.8 cents per kilowatt-hour for the first 10 years you had one of these new nuclear powerplants in production. We extended the Price Anderson Act. We had loan guarantees for the construction of new nuclear plants—the first six, I believe. We had a substantial increase in funding for nuclear research and development, and we had a transfer to the Federal taxpayer of much of the expenditure for safety and security that would otherwise have been borne by the industry.

So there are a lot of things in there to support the nuclear power industry. I still believe those are very good provisions, and I am in no way backing away from those. But now my colleague has come to the floor and said: OK, now let's give them another subsidy, another incentive to build nuclear power by including them as one of the ways you would meet the requirement of this clean energy portfolio standard.

As I am sure anybody who was paying attention to our discussion yesterday would know, I believe Senator DOMENICI made this point very strongly: Since we passed the 2005 bill, there has been a resurgence in interest on the part of various companies that want to build new nuclear powerplants. I think there are some 30 letters of intent currently pending at the Nuclear Regulatory Commission stating that companies are looking seriously at filing applications for the construction of new powerplants. So the expectation is that we are going to have a lot of new nuclear powerplants constructed in this country over the next decade, and I, frankly, hope we do because I think that is an essential part of meeting our energy needs. But we do not need to further incentivize that by including them as part of a renewable or a clean energy portfolio standard as the Domenici amendment would have us do.

He talks about how the amendment I have offered is strictly a wind type of incentive; it is a program to encourage construction of more wind energy.

That is directly contrary to what has been stated by the Energy Information Administration. In their analysis, they concluded very clearly that wind energy would be expected, under this amendment I have offered, to increase 50 percent; that biomass energy production, electricity production from biomass, which is already twice as large as energy production from wind, would be expected to increase 300 percent rather than 50 percent, as is the case with wind; and that energy production from solar would be expected to increase 500 percent. So it is clear to me that this is not just a wind energy amendment I have proposed. Our amendment talks about meeting the requirements from solar power, from wind power, from geothermal power, from biomass power, from ocean.

The Senator from Utah was just on the Senate floor talking about his support for the idea of energy from tidal waves. We have that included. That is

one of the new renewable energy sources which we contemplate. Incremental hydro—so that if we have a hydroelectric facility and one wants to increase the amount of power from that facility, we count that against the requirement; landfill gases as well. So I think all of that is included, and all of it would be increased significantly.

Let me also talk about the issue of subsidies. I went through a list of the various subsidies we provide in the 2005 bill for the nuclear power industry, and I support every one of those. I think that was the right thing to do. But let me just be clear that we have subsidies for a great many types of energy sources, including tax deductions, loan guarantees, liability insurance, and provisions for leasing of public lands at below-market prices. Some, like the depletion allowance for oil and gas, are permanent subsidies that are built into the Tax Code, and I am not suggesting they need to be repealed. I am just pointing out the largest subsidy—and I think any economist would make this point and would agree with this point—the largest subsidy is an invisible subsidy, the fact that the environmental impacts from use of fossil fuels are nowhere reflected in the cost of those energy sources. That is what has caused our problem with greenhouse gas emissions. That is why—it does not cost anything to pump 100 tons of CO_2 or other greenhouse gases into the atmosphere. There is no cost to the person who is producing their energy for those fossil fuels. There is a cost to society, and we are beginning to understand what that cost is. But the idea of a major impetus for the renewable portfolio standard I have offered is that we would reduce dramatically these greenhouse gas emissions and provide incentives for the development of these other technologies. There are already incentives for the improvement in the development or improved use of nuclear power for energy production, and, as I say, I support those.

Let me also talk a little about this proposal that States can opt out. First, let me mention that the Secretary can add others. I think that is a very major loophole, for us to essentially say to the Secretary of Energy: It is up to you; if you find something else that you believe ought to be included in the way we meet essentially this 16 percent requirement, then add that in. I think the idea that States can opt out is unfortunate, indeed. Obviously, many States have chosen to put in place their own renewable portfolio standards. Nothing in my amendment in any way overrides those States' proposals.

What we try to do with the proposal I put forward is to set a national minimum. We say you should at least do this 15 percent. If you want to do something else, have a go at it. If your laws provide for something else, then so much the better. But we do not say to States: You can opt out of any Federal requirement. I think to do so essentially eliminates any coherence we might have in the system.

Let me conclude my comments at this point by saying that my own reading of the proposal Senator DOMENICI has made here as a second-degree amendment to mine is that it really gets us to the worst of all locations in the debate or in our deliberations on this issue. It is a Federal program that does not result in the generation of electricity from clean energy sources beyond what otherwise would be expected to happen at any rate. But it does require utilities to go through very extensive efforts to track and buy and sell credits and comply with a regulatory regime. The Government would have to establish a credit-trading scheme, a tracking system, a monitoring system, regulations for implementation—a whole panoply of Government machinery—but they would do so in order to achieve a result that could have been achieved without the implementation of the proposed amendments.

So I think it would be an unfortunate provision for us to adopt. I hope my colleagues will agree with that and will vote against the Domenici proposal and, of course, as I said earlier in the debate, a vote in favor of the one I propose.

Let me conclude with that. I know my colleague may wish to speak some more, and I know there are others coming to the floor intending to speak as well, and there may be additional opportunities for me to add to these comments as the afternoon progresses.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would say to Senator BINGAMAN that I have nothing to say now for myself, but I did want to tell him there are a couple of Senators coming shortly. I know about the time they are coming. I don't want to speak before they come, but if Senator BINGAMAN wants to proceed rapidly, we could do that. It will be 15 or 20 minutes before they arrive.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator SNOWE from Maine be added as a cosponsor to the underlying amendment I have sent to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

Mr. CRAIG. Mr. President, I will speak for a few moments. The Senator from Tennessee is here and waiting for some charts to visit about the issue that is before us, RPS versus CPS standards, that drive the marketplace toward cleaner fuels, renewable fuels, and a variety of different packages.

A few moments ago, I mentioned, when the Senator from New Mexico, Mr. BINGAMAN, produced a letter from the American Wind Energy Association, that in part I believe CPS, based on their point of view, had been somewhat mischaracterized by that letter. Now, here is someone who supports wind. The Senator from Idaho strongly supports wind. We see windmills, large windmills, going up across Idaho. The Senator from Tennessee would come out there and say: Oops, there goes the landscape. There goes the vista. The Senator from Idaho is a little concerned about that, too, because some of those beautiful high plateaus of Idaho are now being dotted with windmills.

At the same time, there is no question that wind remains a valuable source, and we are subsidizing it and supporting it. But I don't think we ought to bias the marketplace toward it entirely, and that is why you now see a new standard offered as a second-degree amendment called CPS, clean portfolio standard.

When I say that, let me make the point that is important, that I think is critical. The American Wind Energy Association, when they mischaracterized clean portfolio standard, did so in the following ways: The proposed CPS clearly requires carbon capture and storage. They say it does not. The word ''sequestration'' means carbon capture and storage, and you don't get a credit for it until you do it. I think that is clear. I think that was a mischaracterization. CPS clearly states that any additional clean technologies beyond already highlighted would require the Secretary of Energy to determine, if they apply through a rulemaking process. In other words, no easy rides and no opt-out.

We have 23 States that have some form of RPS, renewable portfolio standard. They have done it on their own. The Senator from New Mexico makes that point very clearly. There is a desire in our country today to move us toward renewables and a cleaner portfolio standard, but there is no opt-

out in CPS. They come to the Secretary, and the Secretary certifies that which they already have, if it fits within the portfolio that is being proposed as a CPS. There is no State opt-out in that provision. CPS allows the States with existing clean portfolio programs to certify.

I think that is a very important and necessary statement to make. I don't see that as an opt-out, I see that as conforming, giving credits to, and causing those who have already taken the initiative not to be penalized. It is arguable that the RPS that is being proposed in the Bingaman amendment would cause them to have to reshape or conform because they are all a little different or they couldn't gain as much credit under an RPS as they could a CPS. But that we don't know. What we do know is, no State opts out.

We are now talking about a Federal standard against a myriad of State standards in which 23 States have already established some form of renewable portfolio. There is no uniformity in that 23–State standard, so, as I said, it is very difficult to comply with the standard. CPS is flexible enough, that it will not allow States to opt out.

Deduct nukes from the base. By adding nuclear—new nuclear—we will have a much broader portfolio than I think Senator BINGAMAN's RPS. Adding nuclear does not detract from the accomplishments of that bill. It modernizes the bill. It brings us to where America's thoughts are today, not where America's clean thoughts started in the mid-1990s. Let's get modern.

Yes, there are a lot of interest groups that have vested interests in the old standard. There are a lot of interest groups in this town and around the Nation that move very slowly. They move the body politics of their organizations slowly so they have to argue what was then instead of what is now. What is now in the minds of the average American who looks at new technology is: Is it clean? And if it is clean, it is acceptable. If it isn't clean, it isn't.

Idaho is privileged at being right at the top of the States of the Nation in nonemitting sources, clean air, and less carbon. We are very proud of that—Vermont and Idaho. Last year, Idaho, a State that has largely accepted production in all forms, said no to a coal-fired plant. They said no because it wasn't as clean as they wanted it to be. But if it were a plant that could sequester, if it were a plant that were clean, and it was coal, why shouldn't it count today in a new standard?

Why shouldn't the marketplace incentivize cleanliness—nonemitting sources—instead of the old nonemitting sources of the past—wind and biomass? But biomass, under current technologies, emits some CO_2. It is much cleaner than most, but depending on the technology involved, is not a perfect form, if you will, compared to wind. But it is renewable, so under that definition, while it is not as clean as we would like it to be, and it will be in the future because it is renewable, it fits into the old standard.

I think those are profound arguments that bring us to where we are today. And I would like to say to the American Wind Energy Association: You are not disadvantaged under CPS, but you are not exclusive to the market. You have to share the riches of growth in a clean technology with other forms as they come along. Yes, you will be subsidized, but you will not have exclusivity.

I think for the West and for the marvelous open spaces and the vistas of the West, that is not all a bad idea. While I promote wind, and wind is now coming to Idaho, I don't think it ought to be exclusive in the market. As I have said before, and the maps have been shown, why disadvantage the Southeast? Why say to the Southeast you have to go buy it because you can't produce it? Let's give them an opportunity to be as clean as everyone else wants to be by giving them the advantages of all that is necessary.

Mr. BINGAMAN. Mr. President, I appreciate the comments of my friend and colleague from Idaho. I would just direct a question to him and see if I am confused or he is confused, or just where the confusion lies. He says there is not authority in the Domenici proposal, the clean energy proposal; that there is not authority for a State to opt out. Here is the sentence on page 9 of that legislation. It says:

> On submission by the Governor of a State to the Secretary—

That is the Secretary of Energy—

> of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

Now, that clearly states, as I understand it, that it is entirely up to the State whether it chooses to participate in the program or chooses not to participate in the program, and there is no discretion on the part of the Secretary of Energy about it at all. There is no certification required by the Secretary of Energy. There is no requirement that the State program meet any particular standard other than it contribute to the overall goals of the Federal standard.

To me, that means a State can opt out of the Federal program, unless I am misreading it.

Mr. CRAIG. Mr. President, I can't argue whether the Senator is or is not misreading. The intent is for the Secretary of DOE to certify that the State meets those standards, and if the State meets the standard that you and I would put forth, then why don't they have a chance to stand down for a time? It is a question of meeting the standard, not ignoring the standard.

Mr. BINGAMAN. Well, Mr. President, let me just reiterate that the clear language of the statute states if the State determines that it has a ''portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, then the State may elect not to participate in the program.''

To me, that is a clear opt-out for the State. There is no requirement that anybody certify or anything else. If I were Governor of New Mexico, I could type up a letter, send it off to the Secretary and say we are opting out—include us out—and that clearly would let me out of the program.

So I don't think the bill says what the Senator has indicated.

Mr. CRAIG. Well, if it doesn't, I am one who would change that. It is clearly not my intent, nor I believe the intent of CPS, to allow States to opt out. It is to broaden the portfolio standard, not to opt out because I think, with 23 States now moving in that direction, there is a recognition of the value of some of this. If there needs to be a correction for your satisfaction as the chairman of the committee, I am certainly one who is willing to make that. But it was my understanding and my reading of the language that the Secretary of DOE has the right to certify, and in certifying could allow based on the standard met an opt-out.

Mr. BINGAMAN. Mr. President, I appreciate the comments from my friend. I would just say he is describing a provision in an amendment that is not before us. I want to point that out to my colleagues.

Mr. CRAIG. Mr. President, we obviously have a disagreement as to what is or is not. But I think we both agree on a principle that we have just talked about.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I think now would be a good time for a former Governor to enter the discussion with my two distinguished colleagues. I think the biggest compliment I have been paid in the short time I have been a Senator was by some Washington insider who said, ''Well, the problem with LAMAR is he hasn't gotten over being Governor yet.''

I have said to my constituents in Tennessee, ''If I ever do, it is time to bring me home.''

As I listened to the discussion between the Senator from New Mexico and the Senator from Idaho, I was greatly encouraged by the discussion of the Senator from Idaho until the very last part. I think there should be an opt-out. Why should there not be? What wisdom is there here in Washington, DC that is not there in state and local government?

When I was in Tennessee, I thought I was at least as smart as the Congress of the United States. I woke up every day trying to do what was best for my State. I fought for better schools, clean water, clean air, raising family incomes, paying teachers more. If I had to wait on Washington to do it, we would never have done it. I knew of a lot of people who flew to Washington and suddenly got smart, but I didn't think they were smarter than we were.

On issues of clean air, we Tennesseans, for example, feel like we care about it a lot. I live right next to the Great Smoky Mountains National Park. I grew up there. Five generations of my family are buried there. We have a great big clean-air problem.

I might say, both Senators from New Mexico are two of the very finest in our body in terms of their ability, intelligence, dedication, and purposes. I happen to have a little disagreement on this issue with Senator BINGAMAN from New Mexico, but let me go back to my point.

Growing up and living at the edge of the Great Smoky Mountains National Park makes me very aware of clean air and the need for it, which is why, 2 or 3 years ago, with Senator CARPER, I began to work in the Congress for stronger standards so we could do more in Tennessee. That is why, as Governor of Tennessee, I pushed ahead for more and why, as a citizen of Tennessee, I went to the Tennessee Valley Authority and encouraged them to adopt standards that would get more of the sulfur out of the air and more of the nitrogen out of the air. That is why I have encouraged the Governor of Tennessee to go further than the Federal Government is in getting mercury out of power plant emissions into the air, 90 percent instead of 70 percent. That is why I have been meeting with mayors and local county officials in Tennessee to clean the air. We care about it in Tennessee.

It is not necessarily true that it takes wisdom from Washington to cause us to want to have clean air or carbon-free air. Witness the fact that we are already on the honor roll of states leading the way in emissions-free electricity generation.

I see the Senator from Vermont, right in front of me, presiding. He should be very proud of Vermont as his state is No. 1 in the country in terms of carbon-free emissions. Vermont generates its electricity from forms that are free of carbon emissions. I assume that among Senator BINGAMAN's goals in the energy legislation before us is to encourage carbon-free emissions so that we can deal with climate change. I happen to be one of those who believe climate change is a problem and that human beings are a big part of the problem. I am ready to help deal with the problem.

But I think that we already are helping in Tennessee—that is my point. In this case, we need Washington to recognize what States are doing to solve this problem and not assume that a one-size-fits-all idea which might be good for New Mexico, or which might be good for North Dakota, also is good for Tennessee.

Tennessee is 16th in terms of carbon-free emissions. In other words, we produce about 40 percent of our electricity today from nuclear power and from hydroelectric power. All forms of power have their issues. Hydroelectric power means you dam up rivers. Some people don't like that. I have some problems with that, too, sometimes. With nuclear power, we have to get rid of the waste, and we have not solved that problem yet. But the one problem we have solved with hydro and nuclear is that they are clean in terms of emission—no carbon, no mercury, no sulfur, no nitrogen. That is 40 percent of the power in the Tennessee Valley Authority region, and in the State of Tennessee.

I might say: I have a great idea. I am now in Washington. I am not Governor anymore. I want to require everybody in America to have a 40-percent emissions-free energy standard, and the way they should do it is to have 33 percent nuclear power and 7 percent hydropower because that is my idea. That is the way we do it. So, North Dakota, have at it, start building nuclear plants, start damming up whatever river you have left. I have an idea. That is the way you should it.

I wouldn't say that because I believe in federalism. I believe that a lot of the best ideas come up from States toward the Federal Government. I have noticed how, over time, California has led the country in terms of clean air and clean water. I know Senator BINGAMAN's bill would permit us to go further in some ways, but it does not in other ways. What happens with the amendment from the Senator from New Mexico is this: Even though we are on the honor roll in Tennessee, and getting better—I mean, not only did the TVA just reopen the Unit 1 reactor at the Brown's Ferry Nuclear Plant, it is operating today at 100 percent capacity.

I will say a little more in a minute, if my colleagues will tolerate it.

The one wind farm we have in the whole Southeastern United States, the Buffalo Mountain Project in Tennessee, operated 7 percent of the time in August when we are all sitting on our porches, sweating and fanning ourselves and wanting our air-conditioners on, so wind energy doesn't help us in our part of the country. So we are at 40 percent emissions-free electricity generation. So how about a 40-percent portfolio standard for the whole country, with 33 percent nuclear power and 7 percent hydropower?

That probably wouldn't be fair to North Dakota. It might not be fair to some other States that have, as the brown color indicates on this chart here, a good bit of wind. They can use wind. They like wind. They don't mind having great big 300-, 400-, 500-foot white towers with flashing red lights you can see for 20 miles. If they want to see them, I guess that is their business. If they want them and it makes sense out there, fine. That is their State. But no more would I impose our formula for being clean on them than should they impose their formula for being clean on us. That is the problem with the Bingaman amendment, I respectfully suggest.

Here we are on the honor roll for being clean. We are getting better. TVA is thinking we might open a second nuclear reactor, maybe a third nuclear reactor. Maybe within 10 years—which in energy-producing time is a short period of time—we would be up to 40 percent of nuclear power, 7 or 8 percent of hydropower, and we might be in favor of making everybody do a 47-percent renewable portfolio standard based on our formula. We hope by that time that biomass, which is permitted under the amendment from Senator BINGAMAN, as I understand it, will increase in Tennessee. We have a great capacity, we believe, for biomass, especially as fuel for cars.

The President of the University of Tennessee was here this morning—Dr. Peterson—talking with me about a demonstration project they have, about ethanol plants that are planned there. We are right in the center of the nation's population. We have a lot of land. We have a good agricultural base. Switchgrass could replace the tobacco income we used to have in Tennessee. We used to have 60,000 to 80,000 farms with a little independent income up in the mountains like you have in the great northern kingdom of Vermont. That would be great for us, so we hope biomass really works.

We like solar. I am the sponsor of the solar tax credit that passed Congress 2 years ago. It is not enough, but I sponsored it. I got an award from the solar industry for being for that renewable power. I also worked with the Farm Bureau on renewable power called biomass. We have the largest production plant for solar technology in America in Memphis in the Sharp plant, producing the solar panels you put on your roof. We hope all this works. We even hope there might be maybe a solar thermal steam plant someday. It is not there today.

TVA needs 31,000 or 32,000 megawatts of power every year to provide us with clean, reliable, inexpensive electricity, and the potential for solar with the present technology, the TVA says, is less than a Megawatt. The solar industry would say it is more. What if it is five times more? What if it is 10 megawatts, or 20 megawatts? There is not sufficient potential in the next 10

years for solar and wind in the southeast—which I will show in a moment we have virtually none of—to meet this idea.

So, what do we get to do? We get to pay a big tax, a great big tax. What good does the tax do us? It comes out of our pockets. We send it to Washington, and we never see it again. How much is it? It is $410 million a year, according to the Tennessee Valley Authority's scientists, to meet Senator BINGAMAN's 15 percent renewable portfolio standard. That is real money. By the end of the ramp-up time in the Bingaman amendment, which is the year 2020, it would cost, according to the Tennessee Valley Authority, which supplies Tennessee with electricity, it would cost the ratepayers $410 million to do what, to pay a tax to Washington, DC. It wouldn't clean our air. We are already on the honor roll for emission-free electricity production. It would just increase our cost. In fact, that money might come from money we might otherwise spend to clean our air.

But here is what we could do with $410 million. We could give away 205 million $2 light bulbs and have the energy savings equivalent to two nuclear power reactors, or it would be the equivalent of 3,700 great big wind turbines that would stretch along all the scenic ridge lines in east Tennessee, and nobody would come to east Tennessee to visit, to see our mountains. Most people who live there would go hide under a rug so we wouldn't have to see these white towers with flashing red lights that you can see from 10 or 12 miles away instead of the mountains. We could pay the electric bill for every Tennessean for a month and a half each year with $410 million or we could purchase a new scrubber. We have some coal-fired powerplants. About 60 percent of our electricity comes from coal. TVA has done a fairly good job of cleaning up the air with that, but they have a long way to go. Sulfur scrubbers are the main thing they need. They are very expensive, and we could put a new one on every 9 months with $410 million cost per year. That is what we could better do with $410 million rather than send it up here to Washington, DC.

Here is a letter I got today from the mayor of Chattanooga, TN, Harold DePriest—not the mayor, president and chief executive officer of the power company in Chattanooga. I probably should let Senator CORKER read this letter since he used to be the mayor in Chattanooga. But he says:

The Bingaman amendment, if enacted into law, would have an enormous adverse economic impact on our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears the local government, local schools, the universities, businesses and all citizens (including those in fixed incomes and having a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 . . . over 10 years for their electrical service.

Those are the workers, and those are the businesses. When businesses come to Tennessee—when Nissan comes or Saturn comes, when Eastman thinks about staying—what is one of the things they want to know? Can we get reliable, low-cost electric power? Today, we can say yes.

Every time we add an unnecessary charge on that rate, we drive jobs out of Tennessee and we cause people who cannot afford their bills to pay them.

I believe Senator BINGAMAN would say, and I will let him say it on his own behalf, as we develop more renewable power or other forms of power—I am a big subscriber to this—we bring down the price of natural gas. I helped introduce a bill called the Natural Gas Price Reduction Act, and I worked with Senators BINGAMAN and DOMENICI to try to stimulate growth in other forms of power to bring down the price of natural gas. So he is absolutely right. If we create new forms of energy, we will have less reliance on natural gas, and we want less reliance on natural gas. We don't want to be using natural gas to make electricity.

As we say often: It is like burning the antiques to make a fire. So he is right about that. Why shouldn't we say but one other form is nuclear power. It is clean, it is reliable, and it is another form to consider. And the more we have it, the less natural gas we have to use.

I also have a letter from Huntsville. This is in Alabama. I would not want you to think I was only arguing on behalf of one State. Huntsville, Alabama. "Dear Senator SHELBY," in this case. The letter goes on to talk about the severe penalties and the extra costs and the objection they have to this new tax.

I ask unanimous consent to have printed in the RECORD at this point the two letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPB,
Chattanooga, TN, June 13, 2007.

Re Energy Bill—S.B. 1419.

Hon. LAMAR ALEXANDER,
U.S. Senator,
Washington, DC.

DEAR SENATOR ALEXANDER: I am writing out of concern for the citizens of the greater Chattanooga area who receive their electrical service from the Chattanooga Electric Power Board ("Chattanooga EPB"). We understand that debate is presently taking place on Energy Bill, S.B. 1419. We also understand that Senator Bingaman will propose an amendment to the Energy Bill that will, in our opinion, have severe financial consequences upon the citizens of the greater Chattanooga area, who are served by Chattanooga EPB in Hamilton County, and parts of Bradley, Marion, Sequatchie, and Bledsoe Counties.

We at Chattanooga EPB are asking that you do everything in your power to oppose the Bingaman Amendment, and to encourage your fellow Senators to also vote "no" with you to defeat it. We do not oppose energy conservation or the use of renewable resources. But the Bingaman Amendment is not the right way to get it done.

The Bingaman Amendment, if enacted into law, would have an enormous adverse financial impact upon our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears that local government, local schools, the universities, businesses, and all citizens (including those in fixed incomes and have a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 (collectively as a group) over 10 years for their electrical service.

The frustrating part of the Bingaman Amendment, if enacted into law, will be the injustice imposed upon our community. There are several states that are blessed with plentiful resources of renewable energy. These states would receive favorable treatment under Senator Bingaman's Amendment, whereas we in Tennessee and the TVA Region would not. We here do not have the same abundant renewable resources available to us. In effect, we are penalized, and penalized significantly, simply because of geography.

One reason that Chattanooga EPB is in such a difficult situation under the Bingaman Amendment, as contrasted with utilities in some other parts of the country, is that the amendment is directed at utilities that have their own generation. Because the Tennessee Valley Authority supplies all requirements needed to for the Chattanooga EPB service area, and has an all-requirements contract with Chattanooga EPB, it is impossible for Chattanooga EPB to meet the requirements of the Senator Bingaman's renewal portfolio standard ("RPS") amendment to S.B. 1419. Senator Bingaman's Amendment requires that utilities such as Chattanooga EPB obtain 15 percent of energy sales from new renewable sources by the year 2020. While Senator Bingaman's Amendment does allow an option for Chattanooga to buy renewal "credits" from U.S. Department of Energy, it is at the two-cent per kilowatt-hour rate in order to meet the RPS that the Bingaman Amendment would dictate.

We would appreciate your exerting all efforts within your power to defeat this horrific renewal energy "tax"; and that you oppose, argue against, vote against, and secure all of the assistance that can be mustered from your fellow Senators to see that this Amendment is not enacted into law.

I am available if there is any additional information that we can supply to you in your efforts to help us.

Sincerely yours,
HAROLD E. DEPRIEST,
President and Chief Executive Officer.

HUNTSVILLE ELECTRIC UTILITY BOARD,
June 12, 2007.

Hon. RICHARD C. SHELBY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SHELBY: The Senate is now debating an amendment to the Energy Bill, specifically a Renewable Portfolio Standard (RPS) Amendment. This amendment requires all electric systems that sell more

than 4 million megawatt hours of energy a year to generate specific percentages of their load profile from renewable resources. By 2010, Huntsville Utilities would have to have 3.75% of its load coming from renewable generation sources (solar, wind, etc.); by 2013, 7.5% of the load from renewable generation; by 2017, 11.25% and by 2020, 15% of load coming from renewable generation.

Huntsville Utilities is under a long-term, 100% contract with TVA and is prevented by contract from developing its own resources and from purchasing any form of energy supply from any other power supply vendor. Further, Congress would have to pass laws that would allow Huntsville Utilities to use the TVA transmission system to bring in power from other power supply vendors.

Severe penalties are levied for not meeting the Renewable Portfolio Standard. Penalties to Huntsville in 2010 would be $4.2 million; in 2013, $8.8 million; in 2017, $14.1 million, and in 2020, $19.8 million.

Huntsville Utilities depends on TVA to provide renewable energy resources, since it is prohibited from generating our own energy, or purchasing energy from other power providers by the TVA contract.

Penalties in 2010 of $4.2 million for not meeting the standard are nothing more than a tax on the citizens of Huntsville. Huntsville Utilities is being placed in a no-win situation if this standard passes.

Huntsville Utilities is a public power system which is non-profit and receives all of its energy resources from TVA, which is a public power generation and transmission provider to its 158 captive customers. Huntsville Utilities needs to be exempted from the provisions of the Renewable Portfolio Standards (RPS). TVA needs to be the provider of these renewable energy resources to its customers.

TVA's hydro and nuclear generation systems need to be used as a replacement for solar and wind, since hydro and nuclear energy generation are non-polluting.

Thank you for your consideration.

Sincerely,

RONALD W. BOLES,
Vice Chairman.

Mr. ALEXANDER. Mr. President, I see some other Senators on the floor. I see Senator DOMENICI, Senator DEMINT, and there are other Senators here. But I want to wind up my comments in this way with a couple of pictures to summarize the point.

It is a laudable goal to move us as rapidly as we can to renewable energy. But we should allow the States to move in ways that fit those States. So I think there should be an opt-out for States. I think Tennessee should be able to say: We have a 40-percent clean power standard, but it is nuclear and hydro. We are working hard on biomass. As soon as we get that going, we will have 50 percent. But we do not have sufficient wind resources not located in our scenic mountains. In addition, wind is enormously subsidized. We will be getting more to that this year.

Let's put up this chart.

TVA looked all around for a place to locate the first and only utility scale wind energy project in the southeast. First they looked down on Lookout Mountain. The people there spent 30 years restoring the natural beauty to this historic location. They did not want to see a 400-foot tower they could see from the whole area up there. So they finally put it on Buffalo Mountain, which is also a beautiful place.

Here is what it looks like. They had hoped the wind would blow so that it would produce 35 to 38 percent of the turbines rated capacity. It operates 19 to 24 percent of the time; 7 percent in August. What most people miss with wind power is you use it or lose it. So if the wind is not blowing, your air conditioner is off.

Even though you have these large wind towers all up and down every ridge top in Tennessee, even if you had them, you would still need a dependable powerplant. Wind turbines do not replace your base load.

Here is what it looks like in West Virginia, which is north of us. It is a different point, but this makes strip mining look like a decorative art. I mean this ruins, in my view, the tops of mountains.

Why would we insist on that with Federal requirements to have a State that is already on the honor roll for clean power? There are other ways to do this rather than raise our rates, raise our taxes, drive jobs away, or ruin our landscape.

I appreciate the chance to talk about this. Wind already is highly subsidized too. The best facts I have suggest we will be spending $11.5 billion between 2007 and 2016, already obligated in taxpayers' money, to build these big wind turbines in Tennessee, which in Tennessee operate 7 percent of the time in August. They do not produce much power either. There are proposals on the Senate floor to extend the federal subsidies for wind power.

So back to this wind project, TVA pays 6.5 cents for every kilowatt-hour produced by this wind project. The taxpayers pay them another 2.9 cents, in effect, for the production tax credit; that is 9.4 cents for each one here, and this would have the whole Southeast running around looking for wind developers to buy further credits from. We should all retire from the Senate and go in the business, it looks like, if that is what we want to do.

But here is my main point, let's respect Federalism, let's honor those States that are on the honor roll. Let's honor Senator BINGAMAN for wanting to encourage renewable energy. But Senator DOMENICI, I would respectfully say, has a better idea. He would allow new nuclear power, for example, to be a part of the mix.

My final comment would be this: As climate change has become more of a concern, and people say we are going to have to deal with it in this generation, we have looked for ways to create large amounts of clean energy. There are only two or three ways to do that.

The first is conservation and efficiency. We have barely scratched the surface. But the second is nuclear power. Seventy percent of our carbon-free electricity in America today is nuclear power. So why would we exclude that from any standard that allegedly wants us to have carbon-free energy? It does not make much sense to me.

I respectfully oppose the suggestion of the Senator from New Mexico, Mr. BINGAMAN. I honor his service here. I honor his motives here. But I think he has a solution looking for a problem. The problem is, we do not have any wind in our part of the State, and a wind portfolio standard simply does not work. It puts a big tax on us we do not need to pay, do not want to pay, does not do us any good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I yield 50 seconds of my time to Senator DEMINT.

Mr. DEMINT. I thank the Senator. I will yield back to him immediately.

Mr. DOMENICI. Would you yield 30 seconds to me? Would that be acceptable to you?

Mr. VOINOVICH. That is fine.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator LAMAR ALEXANDER, who gave about a 20-minute speech or 25, whatever it was, that I truly commend you on your understanding of both the problem and the attempted solutions here and the differences between the Bingaman amendment and mine. The way you present it is laudable. I thank you for that.

I yield the floor.

Mr. DEMINT. Mr. President, quickly, I wish to make a request of the chairman. I understand the current amendment will not be finished until tomorrow. I wanted to get one amendment pending. I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I do object. I believe we need to complete action on the two pending amendments before we take up any other amendments or have other amendments pending. Obviously he can send anything he wants to the desk, but as far as calling up any amendment for consideration, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. VOINOVICH. Mr. President, I understand Senator SALAZAR is waiting here. I will not be long. I appreciate his patience.

First, I associate myself with the words of the Senator from Tennessee, Mr. ALEXANDER. I thought he did a fantastic job of outlining why this proposed renewable portfolio standard is not in the best interests of the United States of America. I strongly oppose it because it has not taken into consideration the adverse effects on States that

depend heavily on coal, such as my home State of Ohio.

I also mention that we have looked at wind power for our utilities. If they could use wind power they would be using it, because not only would it be something that would be better taken by the citizens of Ohio, but it also would associate them with being more green. They are interested in doing that. But the fact is we do not have the environment for that to occur. So I think even though this proposal is well intentioned, and I share his concern about reducing greenhouse gases, I believe his proposal will cause great economic distress for minimal benefit.

What we need to do when we are looking at these things is ask, what benefit are we going to get out of it, and what are the costs? Figure it out. A one-size-fits-all Federal RPS mandate ignores the different economic needs and resources of the individual States. There are significant regional differences in availability, despite renewable energy resources.

Even among the States that have an RPS, all have chosen to add technologies that are not usually included in a Federal RPS. Because many of the utilities will not be able to meet an RPS requirement through their own generation, they will be required to purchase renewable energy credits from some other company. Thus, a nationwide RPS mandate will mean a massive wealth transfer from electric consumers to States with little or no renewable resources, such as Ohio, to the Federal Government or to States where renewables happen to be more abundant.

In my State of Ohio, we rely on coal. Eighty-eight percent of our electric generation comes from coal. It is estimated that the proposal would increase retail electricity prices by 4.3 percent, a total of a $12.8 billion cost to consumers by 2030. The 4.3 percent may not seem like a high increase to many, but to a family of four on a fixed income, this is a huge increase. These families may have to make a decision between paying their winter heating bills or putting food on the table for their families.

I recall a couple of years ago, before the Environment and Public Works Committee, Tom Mullen of Cleveland Catholic Charities described the direct impacts of significant increases in energy prices on those who were less fortunate. This is a quote. He said:

> In Cleveland, over one-fourth of all children live in poverty and are in a family of a single family head of household. These children will suffer further loss of basic needs as their moms are forced to make choices of whether to pay the rent or live in a shelter; pay the heating bill or see their child freeze; buy food or risk the availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

So, in effect, if we pass this renewable portfolio, for people who live in my State—and maybe I am being a little bit selfish about the people I represent, but the fact is this is going to increase their energy bills. For those who are poor, for those who are elderly and on a fixed income, this is significant.

Another aspect which I think we forget about is Ohio is a manufacturing State. We are on the economic fault line. I wish our economy were as good as the rest of the States in this country. We have the same problem Michigan has. Energy costs are a huge concern of our manufacturers, who use 34 percent of the energy consumed in our economy. Due in large part to increased energy prices, the United States has lost more than 3.1 million manufacturing jobs since 2000, and my State has lost nearly 220,000 jobs.

I will never forget in 2001 when we had the big spike in gas prices. I believe that was the beginning of the recession in the State of Ohio. Many of those small companies never recovered because, for example, in my city, natural gas costs have gone up over 300 percent since 2000. Think about that, the impact that has. Then you add another burden on top of that. Rather than enacting an artificial RPS, which will increase costs to our utilities and consumers, we need to be spending this money on the development of technology to reduce our greenhouse gases.

The cost of the RPS to utilities and ratepayers will be better spent on funding the programs we authorized in the Energy Policy Act of 2005, such as carbon sequestration and IGCC technology, which, as most of us know, are not receiving the appropriate funding today.

It is clear we must get serious about partnerships and strategies that maximize Federal funding. We have got to look at how much money we are going to raise and where can we get the biggest return on our dollars. I do not think RPS does that.

It is critical that policymakers work in conjunction with the scientific community to develop policy solutions that are in the best interests of our State and Nation. For instance, one area requires further research to capture greenhouse gases and sequester carbon dioxide so we can continue to rely on coal for energy. We are the Saudi Arabia of coal. We have 250 years of that supply. For the past few years I have called for a ''Second Declaration of Independence,'' independence from foreign sources of energy, for our Nation to take real action toward stemming our exorbitantly high oil and natural gas prices. Instead of considering them separately, we must harmonize our energy, environment, and economic needs. This is an absolute must as we consider any additional solutions to address global warming and other environmental problems.

I have been here, this is my ninth year. I have been on the Environment and Public Works Committee for 9 years. The problem in the Senate and in the House is that the environmental, the energy, and the economic people don't get together and put each other's shoes on and figure out how we can work together to not only do a better job of cleaning up the environment but utilizing the scarce dollars that are available to make a difference.

This is an idea of the costs for Ohio. For example, American Electric Power which, while I was Governor, put on a $650 million scrubber to reduce their NO_x and SO_x, it is going to cost them $3 billion between 2010 and 2030; First Energy, $3.18 billion to $4.6 billion; Duke—this is also another provider of energy—$1.6 billion.

Let's take the Timken Company, the heart and soul of Camden, OH. Their incremental cost of electricity under a 15-percent RPS will exceed $20 million per year. They say:

> We would not expect to recoup most of this increased cost through price increases due to the global competition that we face. Adoption of a mandatory RPS would clearly place The Timken Company at a competitive disadvantage vis-a-vis our foreign competitors, further eroding already slim profit margins, and placing increasingly more jobs at risk.

We really ought to think about what we are doing here today. I don't think what we want to do is advantage one area of the country by having a cost increase in another part of the country and see a massive shifting of resources. What we should do is look at the big picture and figure out, as Senator ALEXANDER pointed out, where do we put our money where we can get the greatest return on our investment. I sincerely believe this isn't the way to do it. Why would we want to do something that will take a State such as Ohio, that is 80 percent reliant on coal, and basically tell our utilities: Folks, you are going to have to buy renewable energy from somebody else, pay the money out, and then increase your rates, increase the rates to the folks in our inner cities, when they could be taking that same money and putting more of it into, for example, ISGC, the integrated gas-combined cycle. AEP is going to build a 1,000-megawatt plant that is going to cost an enormous amount of money. That is where they should be putting their money. They should be putting their money into technology so that we can capture carbon and sequester it.

Those are the things that would really make a difference. We are fooling ourselves to say we are going to pass this legislation, and it is going to make a big difference. I argue that it is going to make little difference, and we could spend our money on things that are going to make more of a difference in terms of cleaning up the environment and dealing with some of the problems we all know this country faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me start by thanking Senator BINGAMAN, chairman of the committee, and Senator DOMENICI, ranking member, for their fine work in producing the Energy bill before us today. This energy legislation is important for our country as we move toward energy independence. It is strong on alternative fuels. It is strong on energy efficiency. Through the work of the Commerce Committee, it has strong CAFE standards that will make all the difference in the world in terms of how we use transportation fuels. It also begins to do some important work with respect to carbon sequestration. This is good legislation. The amendments and debates we are having hopefully will build on that good legislation to get us to the point where we can deliver to the President a good bill.

The President said in his State of the Union that one of the things he wanted us to work on was moving forward to get rid of our addiction to foreign oil. It is our hope that by working together in a bipartisan fashion, as we did in the Energy Committee, we will be able to move forward with respect to reaching that vision of energy independence for the United States.

Let me say that I am here to speak in support of the Bingaman proposal which I am cosponsoring on a renewable electricity standard for the Nation. Let me at the outset say, we in the Congress, we in the Nation should not be afraid. We should not be afraid of having a robust renewable electrical standard, called an RES, a renewable portfolio standard. There will be significant benefits that will help our economies. It will help rural communities, it will help our environment, if we have a robust national standard for renewable electricity.

Some may say: How do you know that? I have heard my colleagues on the other side of this amendment arguing that we don't need a national standard because it will harm particular States or areas. There were lots of people in my State in Colorado in 2004, just a short 2 years ago, who made the same argument, that if we passed an RPS in my State of Colorado in 2004, we would see a parade of horribles coming down the pike.

Well, in 2004, the voters of Colorado decided on their own they were going to take this measure to the voters of the State, and they passed a renewable portfolio standard of 10 percent by the year 2015. Because Colorado's efforts have been so successful in the last 2 years, the general assembly this year decided to double that standard to 20 percent by the year 2015. What had been the parade of horribles has not been a parade of horribles in Colorado with respect to the RPS. It has been a parade of celebration with respect to what we have been able to accomplish on the ground.

Let me refer to two very significant economic facts and initiatives within our State. One relates to wind. Two years ago, we had a very small wind farm. It produced just a few megawatts of power. That was 2 years ago. Fast-forward to today. Because of the RPS, in Colorado, today we now have four major wind farms in operation. We have two more wind farms currently under construction. By the time we finish a year from now, those wind farms will be producing 1,000 megawatts of electricity.

Let's put that in a context so people can understand what we are talking about with respect to 1,000 megawatts. One thousand megawatts is about the equivalent of what we would produce with three coal-fired powerplants. We were able to do that with the power of the wind in less than 2 years.

What has been the benefit for Colorado? First and foremost, we are contributing to the economy of our State because there were counties, such as Weld, Logan and Prowers Counties that I refer to as forgotten America because they have such limited opportunities out in those rural communities that struggle on the vine every day. What has happened is the RPS has injected a new economic vigor into those rural communities. It is something about which the bankers, Democrats and Republicans alike, are all very happy and excited. It is something about which the school boards are very excited as well because it has brought significant additional tax revenue into the coffers of some of the rural school districts that suffer from not having enough money for schools or for other public needs.

It also has made sure the people of Colorado understand that they are contributing to the environmental security of our Nation. We are past the debate in this Nation as to whether global warming is a reality. The people in my State recognize they are making a significant contribution to dealing with the issue of global warming because they passed an RPS which has been a good RPS. In fact, it has been so good in terms of acceptance by the people of Colorado, almost without a whimper the requirement was doubled this year so that now we in Colorado will be producing 20 percent of our electricity from renewable energy resources by the year 2015. That is not a long way away. We are not talking 2050 or 2040. We are already at 2007. So within 8 years in Colorado, we are going to be producing 20 percent of our energy from renewable energy resources.

It is not just wind. I come from what is one of the most remote and rural, poorest areas in the United States. The place is called the San Luis Valley. It is a place where you have to struggle to make a living. But it is a place also that is embracing the new ethic of renewable energy, driven in large part by the renewable portfolio standard we have in Colorado. Because of that RPS, the largest utility in our State, Xcel, has broken ground on the largest solar utility generator in the United States. That solar electrical utility farm, which is now under construction in my native valley, is creating jobs for the people of the valley. It is something we are very proud of.

With the advances being made in solar technology, there is no reason in most of our States we would not be able to create a robust addition for our electrical needs that actually is powered from the Sun.

Our experience in Colorado with respect to a renewable portfolio standard, a renewable electrical standard, has been an absolutely positive one. It was one that was approached with some trepidation a few years ago. Today it is wholly embraced. I ask my colleagues in this Chamber today to look at the RPS as something that, in fact, is a great opportunity for the people of this country. If it worked for the State of Colorado, it can also work for the rest of the Nation.

Let me also say that Colorado is not alone. If you look at a map of the United States and look at all of the States that have passed a renewable portfolio standard, they are from all parts of the country. We now have at least 22 States that have adopted their own renewable portfolio standard. So if we have 22 States plus the District of Columbia that have already adopted a renewable portfolio standard, does it not make sense, instead of having a patchwork of regulation from one State to another, where you essentially have no RPS in one and a different RPS in another, that we have a national standard? From my point of view, it does.

The mechanism that has been set forth by Senator BINGAMAN in this legislation will allow us to have that renewable portfolio standard and also will allow us to take into account the different renewable resources for electrical production that we have from State to State. I am very hopeful that the RES before us will ultimately make it into law.

Let me talk a little bit about the primary benefits I see from this RES. The first is that it will bolster our renewable energy production by creating certainty in renewable energy markets. With an RES, producers, developers, and manufacturers know that there is a guaranteed market for renewable electricity. They make long-term investments in infrastructure and renewable energy development when they know that certainty is there, and that is what this national RES will provide. That added stability will result in a second major benefit. That is an economic benefit both to consumers and to communities that assist in production.

As I said, in my State consumers who have been participating in a program that Xcel has provided on a voluntary wind energy program have saved a total of $14 million in 2004 and in 2005. A 2005 study of the Energy Information Administration found that a modest national renewable energy standard of only 10 percent—only talking in 2005 about 10 percent by 2020—would result in savings to consumers of $22.6 billion.

We are going to do better than that here because our RES we are proposing is 15 percent. Meanwhile, communities particularly rural communities, thrive with new jobs, with new infrastructure, and a new economy that is built on invention and investment.

The Union of Concerned Scientists estimates that a national renewable energy standard of 20 percent by 2020—we are not proposing that we be that ambitious in this particular amendment—that a 20-percent by 2020 standard would spur $72.6 billion in new capital investment, with $16 billion in income to America's farmers and ranchers, and $5 billion in new local tax revenues for rural communities. That is a terrific shot in the arm for parts of our country that are dying for these kinds of opportunities.

Thirdly, a national renewable electricity standard will enhance our environmental security and take an important step toward reducing our carbon emissions. If we were to pass a renewable electricity standard of 20 percent by 2020, we would reduce emissions of carbon dioxide by more than 400 million tons a year—that is more than 400 million tons a year. That would be equal to taking 71 million cars off of America's roads or the planting of 104 million trees in our country.

We know an RES by itself will not solve the global warming problem, but it is, in fact, a significant step in the right direction.

I want to, once again, thank Chairman BINGAMAN for his leadership on this amendment. It is an important addition to this bill and a leap ahead for our Nation's energy security.

It is, at the end of the day, an effort for all of us to embrace a clean energy economy for the 21st century. A clean energy economy for the 21st century is one of the imperative issues that we can grasp on, we can discover on, on a bipartisan basis, for America, and we can do it now in 2007. It is not something for which we have to wait until 2010 or 2011. It is something we can do now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed just for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Minnesota for her courtesy in allowing me to go forward.

WHITE HOUSE SUBPOENAS

Mr. President, the reason I speak on this sort of stage—instead of doing a press conference and calling every one of you about it—today I have issued, on behalf of the Senate Judiciary Committee, subpoenas to the White House in connection with our investigation into the firing of U.S. attorneys around the country. I have spoken recently with Mr. Fielding, the White House Counsel, and I have consulted with the ranking Republican on the committee. Regrettably, to date, the White House has not produced a single document nor allowed White House staff to testify, despite our repeated requests for voluntary cooperation over the last several months.

The White House's stonewalling of the congressional investigative committees continues its pattern of confrontation over cooperation. Those who bear the brunt of this approach are the American people, those dedicated professionals at the Department of Justice who have tried to remain committed to effective law enforcement in spite of the untoward political influences from this administration, and, thirdly, the public's confidence in our justice system. That is why I believe we have to do everything we can to overcome the administration's stonewalling and get all the facts out on the table—get the facts out so Republican Senators and Democratic Senators and the American people can see what the facts are.

Actually, the White House cannot have it both ways. They cannot stonewall congressional investigations by refusing to provide documents and witnesses—or saying they might let witnesses testify behind closed doors, with no transcript, no oath, which neither Republicans nor Democrats would ever accept—but then simultaneously claim that nothing improper ever happened. The involvement of the White House's political operation in these matters, including former Political Director Sara Taylor and her boss Karl Rove has been confirmed by information gathered by congressional committees.

Some may hope to thwart our constitutional oversight efforts by locking the doors and closing the curtains and hiding things in their desks, but we will keep asking until we get to the truth.

The House Judiciary Committee, led by Chairman CONYERS, is likewise issuing and serving subpoenas today. He makes the point that these subpoenas are not merely requests for information; they are lawful demands on behalf of the American people through their elected representatives in Congress.

So we will issue and serve three subpoenas today—two seeking the documents and testimony of Sara M. Taylor, the former Deputy Assistant to the President and Director of Political Affairs, and another seeking White House documents relevant to the panel's ongoing investigation.

Incidentally, Senator SPECTER and I had written to Ms. Taylor asking for voluntary cooperation. We did this more than 2 months ago, on April 11, so there would not be any need for a subpoena. We asked for voluntary cooperation. Well, that did not go very far.

As I noted in my cover letter to the new White House Counsel, Mr. Fielding, I have sent him a half dozen previous letters during the past 3 months seeking voluntary cooperation from the White House with the Senate Judiciary Committee's investigation into the mass firings and replacements of U.S. attorneys and politicization at the Department of Justice.

It is now clear from the evidence gathered by the investigating committees that White House officials played a significant role in originating, developing, coordinating, and implementing the plan and the Justice Department's response to congressional inquiries about it. Yet to date the White House has not produced a single document or allowed even one White House official involved in these matters to be interviewed.

It has been 2½ months since Republican and Democratic members of the Senate Judiciary Committee rejected their take-it-or-leave-it offer of off-the-record, backroom interviews with no followup. We said it was unacceptable.

We have offered to try to work these things out. They have stayed the course: Take it or leave it. Take it or leave it: a backroom, closed-door meeting, with no transcript and no oath. Mr. President, I will leave that one quickly. As I told the White House Counsel, I would be subject to legislative malpractice if I were to ever accept on the part of the Senate such an offer.

Ironically, Mr. Rove and the President have had no reluctance to comment publicly that there was, in their view, no wrongdoing and nothing improper. But they won't even tell us what they base that on. They cannot have it both ways. Their continuous stonewalling leads to the obvious conclusion they have something to hide. Because they continue their refusal, I issued these subpoenas.

So we formally demanded—this is what it is—production of documents in the possession, custody, or control of the White House related to the committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing of U.S. attorneys.

The documents compelled by the subpoena include documents related to the administration's evaluation of and decision to dismiss former U.S. attorneys David Iglesias, H.E. ''Bud'' Cummins,

John McKay, Carol Lam, Daniel Bogden, Paul Charlton, Kevin Ryan, Margaret Chiara, Todd Graves, or any other U.S. attorney dismissed or considered for dismissal since President Bush's reelection, the implementation of the dismissal and replacement of the dismissed U.S. attorneys, and the selection, discussion, and evaluation of possible replacements. They have yet to be explained.

Among these documents are documents related to the involvement of Karl Rove, Harriet E. Miers, William Kelley, J. Scott Jennings, Sara M. Taylor, or any other current or former White House employees or officials involved in the firings and replacements, as well as documents related to the testimony of Justice Department officials to Congress regarding this matter—part of the reason being: What did they tell the Justice Department to say or, even more importantly, not to say. Of course these would include the purportedly ''lost'' Karl Rove e-mails that should have been retrieved by now and should now be produced without further delay.

The distinguished Presiding Officer may remember when I said—at the time when they said those were all lost and erased—Well, you could not erase them. Of course they could be found. The White House dismissively said to we computer experts up here: Of course they had been lost. Gee whiz. Golly. Guess what. They seem to have been in a backup hard drive—like the e-mails for all of us are, like everybody knew they were, and notwithstanding the condescending, misleading statements of the White House Press Secretary's Office. Of course the e-mails were there.

I am just disappointed that now that it turns out they were not lost like they claimed they were we still do not have them. We have to go to subpoenas to obtain information needed by the committee to fulfill our oversight responsibilities regarding the firings and the erosion of independence at the Justice Department—probably the greatest crime here. But the evidence so far—that White House officials were deeply involved—leaves me no choice, in light of the administration's lack of voluntary cooperation.

Mr. President, I thank, again, the distinguished Senator from Minnesota for yielding. I know she was to go first. I yield the floor to the distinguished senior Senator from Pennsylvania, the man who probably understands the necessity of subpoenas better than anybody else in this body.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first, I thank the Senator from Minnesota for yielding. I know she yielded to Senator LEAHY; and Senator LEAHY, the chairman of the Judiciary Committee, has made some comments which I think I ought to supplement.

I believe when you have the subpoena issued for Ms. Sara Taylor, the White House staff, it is appropriate at this time. A letter was sent to Ms. Taylor on April 11 requesting testimony and documents, and there has been no response.

It is my hope, as I have said at Judiciary Committee meetings, executive sessions, that we will yet be able to work this out with Ms. Taylor on a cooperative basis without any further controversy.

The enforcement mechanism of the subpoenas is very lengthy. The last time it was undertaken, with the conflict between congressional oversight and the White House, it took more than 2 years. That would take us into 2009, after the election of a new President.

I think with respect to the subpoena to former White House Counsel Harriet Miers, there again the request went out some time ago, and they have not been forthcoming, and I think it is appropriate to proceed—again, in a manner which looks toward conciliation, looks toward resolving it without controversy.

I talked again today to White House Counsel Fred Fielding on the question as to how we are going to obtain testimony from executive branch officials who are high up in the White House, and the President made a televised statement some time ago setting forth the acceptable parameters from the President's point of view. After reflecting on it and talking to members of the Judiciary Committee—both Democrats and Republicans—I think that most of what the President wants can be accommodated.

He does not want his officials, his employees, put under oath. My preference would be to have an oath, but I would not insist on that because the testimony would be subject to prosecution under the False Statements Act, 18 United States Code 1001.

He does not want to have the sessions public. My preference again would be to have them public, but I would not insist upon that.

He does not want to have the officials come before the Senate Judiciary Committee, then before the House Judiciary Committee, and I think we can accommodate that, having members of both committees—both Democrats and Republicans—in a manageable group to obtain the necessary information.

The one point where I think it is indispensable is that we obtain a transcript. If you don't have a transcript, people walk out of the room in perfectly good faith and have different versions as to what happened. I think it is in the interest of all sides to have a transcript. It is in the interest of congressional oversight so we have it precise, so we can pursue questions and have them in black and white and know where we stand. It is important for the people whose depositions are being taken that it be written down, too, so nobody can say they said something they didn't say because we know what they said when it is transcribed. I am pleased to say to the distinguished Presiding Officer, the Senator from Rhode Island who is nodding in the affirmative, as a former U.S. attorney, attorney general, and one who has had experience with transcripts, as has the chairman and I, it needs to be written down.

I hope we can accommodate the competing interests here. There is no doubt there are very important issues involved: The request for resignations from the U.S. attorneys and the reasons why they were replaced. There is no doubt the President has the authority to remove all 93 U.S. attorneys without giving any reason. President Clinton did that at the beginning of his term in 1993. I think it is equally clear the President can't replace people for bad reasons. There is a suggestion of pressure on the U.S. attorney from San Diego that she was going after some of former Congressman Cunningham's associates, who is serving an 8-year sentence, and that pressure was put on some other U.S. attorney in some other direction for an improper purpose, and that is an appropriate question for congressional oversight. We had a lengthy and heated debate earlier this week on the resolution to say the Senate has no confidence in the Attorney General. That was defeated on procedural grounds.

But the issue of the operation of the Department of Justice is not yet finished. This inquiry is very important. Next to the Department of Defense, which defends the homeland and is our military defense, next in line is the Department of Justice, which deals with terrorism, deals with drugs, deals with violent crime and that department has to function in the interests of the American people. And getting to the bottom of this investigation is important for that purpose. So I wanted to appear to make these brief comments, following the statement by the distinguished Chairman. I thank the Senator from Minnesota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, last Wednesday I came to the floor and introduced legislation that would place the country on a path toward a better energy future by requiring that 25 percent of our Nation's energy, our Nation's electricity, come from renewable sources. This made sense to me because this is what we do in Minnesota. As my colleagues know, all good things come from Minnesota.

But today, Senator BINGAMAN has introduced an amendment requiring that

15 percent of our Nation's electricity come from renewable sources. I also support Senator BINGAMAN, and I am a cosponsor of Senator BINGAMAN's 15 percent standard by 2020. That is because I believe our country is headed down the wrong energy path, and we need to take it in a new direction.

I can't tell my colleagues the number of times I hear from businesses in my State, including manufacturing companies, about the high costs and how they want to get some new possibilities and a new direction with where their energy comes from. The money issue is one thing you hear about from individual consumers, that you hear about from businesses, but there is also the effect it is having on the environment. Both the Presiding Officer and I serve on the Environment Committee. We have heard countless accounts from scientists from all over this country, from major CEOs of large businesses in this country, about the change we are seeing in our climate and about the chance we have to do something about it.

So I have to tell my colleagues, in my State I also hear from regular people. I hear from hunters who see a change in the wetlands. I hear from people on Leech Lake who say it takes a month later, a month longer than usual to put their fish house out. I hear from kids wearing little penguin buttons. I hear from city council members in Lanesborough who are changing out their light bulbs. I hear from venture capitalists in Minneapolis who want to get some standards in place so they can invest in this new green technology. I hear from people up in Grand Marais, MN, where I visited 2 weeks ago. This area has had tragic fires. When we saw those fires going on in California, they were also raging in northern Minnesota and up into Canada. Nearly 200 buildings were downed by this fire in our State—some of them beautiful homes—homes that have been in families for years and years and years, rustic cabins and businesses. Of course, the people who gathered to meet with me had immediate problems. There was no phone service to many of these places. Many of the lodges that rely on tourism were having trouble even taking orders. But in the middle of all this, with these scarred forests surrounding us, there were people who wanted to talk about climate change, including ski resort owners who had seen a dramatic drop in their profits when we have had less snow and people who were very concerned about their businesses and the future of this country.

So this standard is not only important for investing in our country for more jobs and putting a renewable standard in place that will spur investment, it is also important for our country's future and our environment.

A strong renewable energy standard is good policy. Let's look at where our electricity comes from. Currently, we have 52 percent coming from coal. We have 15 percent coming from natural gas. We have 3 percent from petroleum, 20 percent from nuclear, 7 percent from hydro, and only 3 percent from renewables. Compare this with countries such as Denmark, where they are seeing something akin to 50 percent coming from renewables, and Great Britain and other countries. What a strong renewable standard can do is it can diversify our electricity sources so we are not so reliant on energy sources such as natural gas that are vulnerable to periodic shortages or other supply interruptions. A strong renewable energy standard can also save the American consumer money. According to studies, a 15-percent renewable electricity standard will save consumers a total of $16.4 billion on their energy bills by the year 2030.

Let's look at some of the savings. What are we going to get if we put in a national renewable electricity standard of the kind I have talked about, which is up to 25 percent, and the kind that Senator BINGAMAN and I have sponsored here today at 15 percent by 2020? We will get 355,000 new jobs, nearly twice as many as generating electricity from fossil fuels; economic development, $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenues; consumer savings of $49 billion in lower electricity and natural gas bills; a healthier environment with reductions in global warming, as I discussed, equal to taking nearly 71 million cars off the road; less air pollution, less damage to land, and better use of our water.

I have seen it firsthand in my State, in southwestern Minnesota, where there are wind turbines coming up everywhere. They have even opened a bed and breakfast near Pipestone, MN, because they are so excited about these wind turbines. If you were looking for a romantic weekend and time away from your State of Rhode Island, you could actually go down there and stay overnight and wake up in the morning and look at a wind turbine. That is the package.

But the point is this: The people in that area are so excited about the development and the potential manufacturing that is going on, that they want people to come and see it. We also have individual homeowners and school districts that are trying to figure out how they can put a wind turbine up so they can bring that kind of homegrown renewable energy into their places of business and into their homes.

A strong renewable energy standard is going to save us money, and it is going to cause this kind of investment. It is going to open the door to a new electricity industry that will bring thousands of jobs and billions of dollars into our economy.

Over the last 20 years, America's renewable energy industry, and the wind industry in particular, has achieved significant technological advancements. The industries for solar and wind and biomass are expanding at rates exceeding 30 percent annually. Now, some of this is because the States—and I will talk about this in a minute—have shown foresight and have been ahead of the game, but we need to do more. The question is: Does the United States want to be a leader in creating new green technologies in the new green industries of the future, or are we going to sit back and watch the opportunities pass us by?

Tom Friedman, who actually comes from Minnesota, wrote a cover story for the New York Times Magazine about a month ago about the power of green. He talked about a new green deal—not like the old New Deal; not necessarily the kind of money we are talking about there, but that the Government's role should be to set those standards and industry will meet them. The Government's role should be to seed new research and to promote green technology and direct us that way; otherwise, if we don't do that, if we don't have the kind of 15 percent standard we are talking about on a national level, I can tell you what is going to happen because we are already seeing it happen. We no longer are the world leader in two important clean energy fields. We rank third in wind power production behind Denmark and Spain. We are third in photovoltaic power installed behind Germany and Japan. Ironically, these countries have surpassed us using our own technology. They used the technology we developed in our country. We came up with the right ideas, but we didn't capitalize on the innovations with adequate policies to spur deployment. The Federal Government, in fact, has been complacent. They have been watching the opportunities go by.

Now, this is not so of the States. I know Senator SALAZAR borrowed my chart about an hour ago, but I like this chart because it shows the progress that is going on across the country. You can see it is not limited to one area. It is not limited. We have heard about what California has done and how aggressive they are. I am always telling the Senators from California it is great what you have done, but it is important to talk about what is going on in the rest of the country.

You look at what is happening in my own State of Minnesota: 27.4 percent mandated renewable standards by 2025. We have what is happening in New Hampshire: A 23.8 standard by 2025. We have Maine, which actually has a standard and goal, as opposed to a standard, of 30 percent by 2000; Virginia, 12 percent by 2022; We have New Jersey, which has been a leader in this area, at 22.5 percent by 2020. If you go

all the way out to Montana, you see a 15-percent standard by 2015; if you go up to Washington, 15 percent by 2020. If these courageous States are willing to do this with no direction from the Federal Government, I think it is time for us to act.

It was Louis Brandeis, the judge, who once in one of his opinions wrote about how the States are the laboratories of democracy. That is what you see going on here. The States are the laboratories of democracy, and you talk about how one courageous State can make a decision to set policy and can be used as a laboratory for the rest of the country. I don't think he ever meant, when he wrote that opinion, that that should mean inaction by the Federal Government. In fact, it should be the opposite. The States experiment, the States show, such as our State has, you can put high standards in place, you can start developing these industries, and it is a good thing.

It revitalizes our rural economy. It is cleaner for our environment. It allows us to invest in new jobs. Now it is time—we have seen the story across the country—for the Federal Government to act.

What I want to see when we vote on Senator BINGAMAN's amendment is a bipartisan effort, bipartisan support for this kind of amendment.

Let me tell you what happened in our State. In February, the Minnesota Legislature—it is a Democratic State senate, Republican statehouse—passed nearly unanimously this 2025 standard. In fact, for Xcel Energy, our biggest energy company, it is 30 percent. They passed that nearly unanimously, a Democratic house, a Democratic senate, with a number of Republicans, a majority voting for it, and then they sent it to a Republican Governor, and that Republican Governor signed it into law. It is considered the Nation's most aggressive standard for promoting renewable energy in electricity production. I think Minnesota's aggressive standard is a good example, but I also think the bipartisan way in which it was set should be a model for Federal action.

The courage we are seeing in States such as my own should be matched by the courage in Washington. We should be prepared to act on a national level, especially when the States and local communities are showing us the way.

There is now an opportunity for the Federal Government to act, and this Energy bill has many good things in it. I love the standards for appliances, the standards for buildings. I like to call it ''building a fridge to the 21st century.'' But I also would like to see some even bolder action. That bolder action comes in many forms, but one that is most important to me is putting this renewable standard into law.

We have everything we need. We just need to act. We have the scientific know-how in this country. In my State, we are so proud of the work that is going on at the University of Minnesota and the State colleges across the State. It is going on everywhere.

We have the fields to grow the energy that will keep our Nation moving, and we have the wind to propel our economy forward. The wind is at our back, and it is time for us to move. It is time to act. The only thing that is holding us back is complacency.

In my office in the lobby, I have a picture. It is a picture of someone holding a world in their hands. The words on it read: The angel shrugged, and she placed the world in the palm of our hand. She said if we fail this time, it is a failure of imagination.

We in the Senate in the next 2 weeks have the opportunity to show this country and the world that we have the imagination for a better world and we have the imagination that we can start having our energy and our electricity produced by the wind and the sun, that we have the imagination that we can have a better environment.

This is the time to act, and I urge my colleagues to support the 15-percent standard for renewable energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to hear the comments of my friend and colleague from Minnesota. She speaks of wind in her State. It is fair to say that in certain parts of my fair State of Alaska, we, too, have incredible winds that sometimes we feel could power the entire Nation with the amount of wind energy we have. In fact, sometimes the winds are too strong and we cannot keep wind generation units up because the force of the winds is that intense. But I do recognize that all States are not created equal in terms of their ability to produce forms of renewable energy, such as wind.

I am a very strong supporter of renewable energy, really all forms of renewable energy. Whether it is geothermal, ocean energy, wind, solar, biofuels, all aspects of renewable are so important. I want to explain this afternoon why I am supporting the clean portfolio standard over the renewable portfolio standard and actually think that the clean standard is the best for the environment and for the public.

Both of these proposals will encourage States to promote the most forms possible of renewable energies, whether they be solar, wind, geothermal, ocean, biomass. All are covered equally under both of the proposals.

For my purposes and where I am really honing in is in the area of hydropower, and this is one key area where the different proposals part company.

Under the renewable portfolio standard, new hydropower does not count toward meeting the production mandate, only incremental power. The addition of turbines to existing facilities can count.

Under the clean portfolio standard, new hydropower, not the power from dams that span the rivers, but all other forms of new hydropower, such as power from small hydro projects and from lake taps, can count toward that renewable requirement. That is a very important difference.

In my State of Alaska, we tap the mountain lakes, those that have few fish. There is a hole that is literally drilled in the bottom. It runs the water into turbines, and this produces the power. About 40 percent of the power in urban Alaska comes from projects such as these. They have zero environmental impact. They do not affect the stream flows. They do not affect the fish runs.

So I have to look at the two different proposals and ask: How are we treating hydro? How are we treating runs of the rivers, the lake taps? How is that included in the proposals? I believe ignoring the potential for hydropower where it can be done without emissions and without any other environmental impact is a mistake and a needless mistake.

The clean portfolio standard also allows utilities to count not just the incremental nuclear power and the power from the next generation of nuclear, but it also allows you to count the power saved by energy efficiency programs. This is an area we all want to encourage. We want to encourage energy conservation and efficiency programs. This, I think we will all agree, is a justifiable addition to the bill.

Some will argue that the amendment waters down Congress's commitment to push renewable energy. I am just not buying into that argument. That is not the case. By increasing the standard to 20 percent from the 15 percent starting in the year 2020, we have offset any reduction in effort, but we have made the provisions more fair to all the States. As I mentioned, all States are not equal in their ability to produce renewable energy.

All State utilities can sponsor energy efficiency legislation. Most States are able to move toward nuclear power. Most States have some access to hydropower. Most States can benefit from landfill gases or from some forms of biomass. And all States can utilize fuel cells to reach a clean energy standard. But not all States have consistent wind patterns, have cloudless energy potential or good geothermal or ocean options.

I look at the State of Alaska, with our geography and with our considerable landmass, considerable coastline, and say we are blessed with incredible resources when it comes to renewable resources. We have incredible geothermal potential. We have strings of volcanoes up the Aleutian chain and even in our south central area. With a

coastline the size we have in Alaska, we have potential from ocean energy that is unequaled anywhere else in the United States. We have, as I mentioned, incredible wind potential, and we are seeing that particularly in our coastal communities where we are able to put wind-generating units, offsetting the cost of diesel, which is what currently powers far too many of our communities in the State of Alaska.

My point is, we are blessed in Alaska with renewable energy options. Those in perhaps the southeastern part of the United States have already pointed out some of the very real concerns they have with a renewable standard. In the Pacific Northwest, if we are not counting any new hydro development, it makes one wonder: How will they be able to achieve the standards that have been set forth in a renewable portfolio standard if we cannot count the hydro?

I am concerned that we will move toward a one-size-fits-all solution. It is something we are wise to avoid; otherwise, we have electricity consumers in many of the States that will be better off by not having a Federal mandate at all but continuing under this patchwork arrangement of State renewable portfolio standards that are already being formulated. For them, it may be better to stick with that patchwork program than a Federal approach.

I have heard from the American Wind Power Association that the provision in this amendment that allows the Secretary to certify other clean energy sources to qualify in the future somehow creates a loophole that will harm renewable energy progress. But given the standards that are contained in the amendment, I don't believe this is a problem. All the provision does is allow new technology to be classified as renewable to benefit from the incentives this provision creates without waiting for Congress to act, which we all know can be a very lengthy process and one we really don't even want to count how long that can be.

As a strong supporter of renewables and a really strong supporter of wind energy, I am a huge proponent of wind energy. I am the sponsor in this bill of a grant program to have the Federal Government help pay up to 50 percent of the cost of renewable projects to help get the renewables over the hump of the higher construction costs. I want to work to encourage a rapid expansion of renewables. We need to increase renewable use in this country tenfold. We are currently at 2 percent. We need to get to 20 percent, and this is what is called for in the clean portfolio standard. But I think we need to be careful about narrowing the list of technologies so that we in the Government, we in the Congress are not picking the winners and losers; that we allow wind to compete with ocean energy, with geothermal energy; that we allow hydropower to compete with the advantages of energy efficiency programs.

We have to remember that if the Federal Government does not generously finance renewable power projects, consumers will be paying the bills for their construction through higher power rates. We have a fine line to walk between promoting renewables and raising the cost of electricity in some parts of this country too quickly and too high. That program, if you will, will harm low-income families and the competitiveness of the economy.

So while both proposals are admirable in very many respects—and I commend the chairman of the Energy Committee for his hard work in this area—I do believe the clean portfolio standard overall does a better job and is more fair to States that have different abilities to meet our renewable portfolio standard.

I urge my colleagues to study this, study it very carefully, and have an open mind when they cast their vote on these provisions.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have made it a practice for the last—I don't know how long it has been now, 12-plus years in the Senate—that any time I see a major tax increase coming along, at least I want to voice opposition, to get on record against it. That is what we are talking about right now with the renewable portfolio standard that is before us.

I support development of renewable energy resources, as do the citizens of my State of Oklahoma. In fact, in 2006, Oklahoma was ranked sixth in the Nation for wind energy capacity, surpassed only by Texas, Minnesota, Iowa, California, and Washington State. Those are real turbines lighting over 150,000 homes in Oklahoma without an RPS.

Let me emphasize, Oklahomans are developing wind energy without a one-size-fits-all Federal mandate known as an RPS, renewable portfolio standard.

Quite a number of years ago I spent a number of years as mayor of a major American city. Its problems were not the ones you would think, not crime in the streets, not prostitution. It was Federal mandates that were not funded. This is exactly what we are looking at here.

Under this amendment, Oklahomans would pay an additional $6 billion for their electricity. You might ask where would that money go? It would go to perhaps the Federal Government to spend as it pleases, or it would go to other States that are lucky enough to have the particular energy sources that environmental groups decide today they want.

How does this promote clean energy in Oklahoma? It does not. The amendment cherry-picks technologies that have to be blessed by environmental groups but ignores the real clean energy benefits of nuclear power, hydro power, clean coal, and energy efficiency.

A kilowatt saved is a kilowatt earned. You can't get cleaner than energy efficiency, but it doesn't comply with the amendment.

The RPS amendment is nothing more than a tax increase. It is a tax on States that lack enough natural resources to meet the 15-percent mandate. It is a tax on States that do not harness the particular renewable technologies enshrined in this amendment, and it is a tax on States that do not happen to have electricity transmission lines located where the renewable resources are. The States, I believe, know best on how to promote and manage the renewable resources unique to their States without another Federal mandate.

We had this discussion this morning when I had my refinery amendment up. I said there is this mentality in Washington that no decision is a good decision unless that decision is made in Washington, DC. I think that is what we are looking at here. This is an issue that should be left to the States, not enacted in an RPS. The decision should not be preempted, especially not when the cost is $6 billion.

I know a lot of people are thinking, in terms of the things we talk about here in Washington, DC, $6 billion is not an astronomical amount. But take a State with a population of the State of Oklahoma. A $6 billion tax increase is huge, particularly when you do not get anything for it.

I hope we will oppose the amendment of Senator BINGAMAN on renewable portfolio standards.

Mr. KYL. Mr. President, I rise today in opposition to the Bingaman amendment relating to the renewable portfolio mandate. The Bingaman amendment would impose a 15-percent portfolio requirement for a limited number of so-called renewables by 2030. I oppose this amendment as I have opposed such proposals in the past because it is an egregious example of Federal command and control of the marketplace.

Renewables have been and will continue to be an important part of our energy mix. Hydropower, solar, geothermal, wind, municipal solid waste all make substantial contributions to our energy needs. These and the other power types—nuclear, clean coal, and natural gas—succeed in the market because they are cost-effective, not because the Federal Government has required them to be bought.

Congress has long supported renewable energy. That is one thing—Federal mandates are another. Fundamentally, I oppose Federal command and control of the marketplace. I have no doubt that any requirement that a particular percentage of electricity generation by renewables can be met. During World War II, through a tremendous expenditure of money and effort, we developed nuclear weapons when no one thought it was possible. During the sixties, no one thought it was possible to send a man to the Moon, but we did. A renewable portfolio mandate of any percent, be it 15 percent as proposed here or even 50 percent, is achievable—whether it be through actual generation of energy or through the purchase of credits from the Federal Government. But at what cost? What cost in terms of electricity rates to be paid by American consumers, estimated at over $100 billion by 2030, at what cost in terms of stifling technological advancement into other alternative sources of energy? Over the past 20 years, renewable technology has advanced by leaps and bounds, not because we ordered industry to generate more renewable power but because we gave incentives to generate new renewables. The Bingaman approach turns that on its head. Under the Bingaman amendment, renewable producers will gravitate to low cost, existing renewable sources. They will have no incentive to innovate and bring their costs down. The power generated will be sold almost regardless of cost.

The Bingaman amendment is nothing more than the Government deciding which type of energy is politically in favor and which type is politically out of favor. Right now, the wind industry is the big political winner. It is lower in cost than most renewables, currently gobbles up 95 percent of available tax credit, and has the largest lobby for the Bingaman amendment.

Wind-generated power has significant environmental problems we need to address. First, wind turbines take up lots of space to generate any significant amount of energy, making them poor for urban environments and problematic for landscape viewsheds, especially near our Nation's national parks. They are also dangerous for wildlife. The National Academy of Sciences stated in a report released this year that bats are at considerable risk in the Southwestern United States and elsewhere, where reliance on wind power has been growing. The wind-power turbines generate sounds and, possibly, electromagnetic fields that lure the acoustically sensitive creatures into the spinning blades. In addition, local bird populations are also at risk. NAS also stated that local bird populations, especially peregrine falcons and other raptors that are attracted to windy areas where the generators are likely to exist, are at risk and called for additional study. Raptors ''are lower in abundance than many other bird species, have symbolic and emotional value to many Americans, and are protected by federal and state laws.'' Besides these environmental impacts that must be looked at, the fact is, wind just doesn't blow enough in most parts of the country for this to be a viable source of energy for utilities across the country to rely on.

I believe the kind of energy utilities use to generate electricity should be based on the free market and consumer choice. If consumers want to buy the kind of renewable energy mandated by the Bingaman amendment, they are free to do so. Likewise, if they want to spend their money on something else, they should be free to do that too. Consumers are better able to decide what is in their own interest than government. Why should a family of four struggling to meet its monthly bills, to educate the kids, or help elderly parents be required—due to Federal political correctness—to purchase high-priced energy instead of meeting family obligations?

Over 20 States have already adopted their own renewable standards, including my home State of Arizona. They each did so, presumably, because those States decided it was in their citizens' best interests. I have long believed that decisions affecting people's lives and livelihoods should be made at levels of government that are closest to the people, not by bureaucrats in Washington.

Let's look at the problems with a Federal renewable portfolio mandate. First, as I said before, it picks certain politically favored renewable energy types for special treatment, ignoring what States have already decided to do on their own. The supporters of the amendment will tell you that is not the case and that State programs can continue, but that is only true if the State picked the same favorites this amendment does. For instance, what about Pennsylvania? Pennsylvania took a look at its energy availability and determined that coal to liquids made sense given its vast coal reserves. So coal to liquids counts toward meeting its State RPS. Under the Bingaman amendment, Pennsylvania would not be able to count this source toward the Federal mandate, in effect gutting its State RPS program and increasing the costs to consumers.

This example brings me to a basic problem with a Federal renewable mandate. Some regions of the country are blessed with abundant renewable resources, while others are not. The renewable mandate will create stupendous transfers of wealth from renewable-poor States to renewable-rich States. This means that consumers in New York City will send their hard-earned dollars to wind generators in Minnesota. Think about it. Consumers in New York City will pay for renewable electricity they don't even get. That is not fair. If the purpose of the renewable mandate is to lessen our dependence on foreign energy, there are better ways: nuclear power, clean coal, and oil and gas from regions of the United States that have been put off limits.

Let's face it, we have to have reliable sources of energy to meet the ever increasing consumer demand for electricity. However, the primary sources of energy that will be necessary to meet this mandate, wind and solar, are intermittent sources. What happens when the wind doesn't blow or the Sun doesn't shine? As we learned in economics 101, there is no such thing as a free lunch; consumers will pay. They will pay for the renewable energy and they will pay for the backup capacity that will come from what we know are reliable sources of energy—nuclear, coal and natural gas—to keep the lights on.

Mr. President, let me return to my fundamental concern about the renewable mandate. The Bingaman amendment gives the Federal Government the power to micromanage the marketplace with a one-size-fits-all mandate; I want States to determine the best mix to meet their energy needs and allow the free market to work. Thus, I will vote no on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today in support of the renewable portfolio standard offered by Senator JEFF BINGAMAN of New Mexico. The phrase ''renewable portfolio standard'' is a question most of us would fail on the final exam. What does it mean? To try to put it in the most simple terms, what we are trying to achieve here is the generation of electricity through means which meet the needs of our families, our businesses, and our economy, but create fewer environmental problems. That is it—renewable fuel. By doing this, we are going to end up with an environment which is kinder and cleaner for future generations.

Let's be very honest about this. Some of the people who oppose this renewable portfolio standard do not believe we have an environmental problem. They do not believe global warming exists. They do not believe climate change is an issue. They do not believe pollution is a problem. They can't understand why we are trying to change the way we generate electricity. If that is your point of view, I can understand why you would oppose the amendment of Senator BINGAMAN, because it seems like much ado about nothing. Why would we be spending all this time, all this effort, all this debate, and all this force in changing the way we generate electricity if everything is fine the way it is?

I am not one of those persons. I believe we do face some serious environmental challenges in the world today

which, if they go unresolved and unanswered, will change the Earth on which we live. In fact, I think the process is underway. I do not think it is positive. I think the evidence is abundant that as we become more industrial in the world we live in, we have generated more smoke, more pollution, more greenhouse gases, and it is changing the world in which we live.

Some people will say that is what we expect to hear from the environmentalists, those extremists, those tree huggers. They have been singing this song ever since Earth Day was first created. But you know what is happening? There are some hard-headed businessmen coming to the same conclusion. When I visit a major insurance company in my home State of Illinois which has announced it is no longer going to write property insurance on Gulf Coast States for fear of the violent storms that are causing damage, it tells me this has gone beyond the musings of some people in the green movement. It now has become an economic reality, that the world is changing and in some respects not for the better.

If we know that to be true, the obvious question is what will we do about it? Listen to the debate on the floor, Senator after Senator coming in saying this is too complicated. This is the big hand of Government. It sounds like more taxes. It is going to force some change, pick winners and losers, let's put this off to another day. Let's get back to this next year or the year after.

I have heard that song before, over and over again. I do not believe the American people sent us to Washington to put off addressing the problems which we face in this Nation and this world today. We have to tackle them. Some of them are controversial. Some of them may not be popular back home. But we are sent here to make a decision. Even if the decision is uncomfortable for some, we have to understand it is important.

This renewable portfolio standard—a mouthful, if you will—requires retail electric utilities to include 15 percent renewable energy in their generation portfolios by the year 2020. We give a lot of flexibility to the utilities about how to reach this goal. They can generate this renewable electricity themselves—build wind farms or solar facilities. Some people say maybe these wind farms won't work. I did not know much about wind farms myself. What I read suggested my home State of Illinois was just OK when it came to wind energy. But now as I move around my State, I see big changes. In the Bloomington-Normal area, central Illinois, the Twin Groves project, they are in the process of building 240 wind turbines, huge turbines.

Sadly, they are made in Europe. I hope the day comes soon when more are made in the United States. But they are coming here to generate, with the wind blowing across the cornfields, electricity. It is a $700 million investment. It will generate enough electricity from these wind turbines spread out among the cornfields to take care of the needs of 120,000 families in central Illinois. At the end of the day, there will not be pollution added to the atmosphere. It will be natural wind power turning the turbines, generating the electricity for the families and businesses in that area. That is renewable electricity.

When it comes to solar power, I guess some people think that is a vestige of some musings back in the 1950s and 1960s, but it is not. Solar energy today is growing in its usage. You see it all over the United States, little solar panels that are now collecting enough energy to do little jobs. Then you take a look at the world scene and look at a country such as Germany, not a country you might single out as being a leader when it comes to solar energy. As a country, I doubt it has much more sunshine than parts of the United States. But 20 years ago the Germans made a commitment to solar energy and now that commitment is paying off. By guaranteeing return on investment, more and more solar panels are being installed and they are generating more electrical power from the force and power of the Sun. We can do the same.

How do you reach that goal, for more solar panels? You create incentives. How do you create these incentives? The Bingaman amendment. The Bingaman amendment says if you are an electrical power generating company, we want 15 percent of the power you generate by the year 2020 to come from sources such as wind and solar panels.

What is that going to do? It is going to change the nature of the solar power industry. There will be more companies, there will be more compensation, there will be more research, there will be more efficiency. When it is done, we will end up with the electricity we need to lead the good lives we have without creating a mess in this atmosphere that changes the climate and creates pollution, creates problems such as asthma and lung disease. We will be moving in the right direction instead of the wrong direction.

There will always be voices opposing this kind of change. It is too much for some people. It is a vision of the world they cannot imagine. It is addressing a problem which many of them do not even acknowledge and that is why you run into resistance.

Some say it is a great idea, but America is not up to this challenge; we can't generate the technology to meet this challenge. Come on. I disagree. There has not been a time in our history when this Nation has been challenged to achieve anything, from a man on the Moon to taming the atom, that we have not risen to the challenge. We can do it here and we must do it here. I believe in the creative genius of this American system of government and this economy.

If you believe in it, a 15-percent renewable portfolio standard is not a leap of faith. Of course, if the electric utilities do not have their own generating capacity through solar panels or wind power or other sources, they have an option under this to purchase credits from other utilities that do.

This is a market-based mechanism that Senator BINGAMAN's amendment addresses. It will drive competition into the renewable market without picking winners. It is basically going to say: We have some goals we have to meet; now who can do those best? Using the Energy Information Administration's data, a national 15-percent renewable portfolio standard would save American consumers $16 billion on their electric and natural gas bills by the year 2030; commercial customers would save $8 billion; industrial, $5 billion; residential, $3.3 billion.

A renewable portfolio standard will create jobs and income in rural areas. I know this for a fact; that is where I come from. I come from downstate Illinois, I have seen these wind farms, and they work. Each large-scale wind turbine that goes on line generates $1.5 million in economic activity and provides about $5,000 in lease payments per year for 20 years or more to a farmer, rancher, or landowner.

If you drive south of Rockford, IL, and go through a little town called Paw Paw, IL, that really was kind of disappearing on us, with a little cafe or two and a little gas station, all of a sudden people are paying attention. Why? Because they have about 20 wind turbines right next to Paw Paw, IL.

I stopped my car and went over to the farmer who lives in the shadow of these wind turbines. This man had a smile from ear to ear. He is getting a monthly lease payment for them to put the wind turbines on his property, and he has planted corn right next to these wind turbines. He is getting the best of both worlds—the lease payment and the production from his own land. He couldn't be prouder.

How did they end up putting those wind turbines in that tiny town? I can tell you why they put them there. Because the mayor of the city of Chicago, about 50 to 60 miles away, said to the utility company, the electric company supplying electricity to the city government, that they required—the city contract required a percentage of renewable sources of electricity. So this electric power company decided they needed to build some wind turbines. They built them, put them in Paw Paw, IL. They are now feeding electricity into the grid instead of burning coal or some other pollutant. They are

trying to find a way to generate electricity and not make the environmental situation worse. It works. It is in smalltown America. It is in rural America, and it pays off.

We have over 100 megawatts of wind energy in Illinois already. A conservative estimate shows these turbines generate enough electricity currently to power 22,500 homes; another 300 megawatts under construction, and that would generate another 1,200 megawatts of electricity. If all of those projects are completed, Illinois will be generating enough electricity to power over 370,000 homes from this wind energy.

Now, with a 15-percent renewable portfolio standard, America would increase its total homegrown, clean, renewable power capacity 4½ times the present level. Senator BINGAMAN's amendment gives us 13 years to reach that goal. It is not unrealistic. In fact, I think one might argue we can do better. I hope we will.

Some States have already adopted standards far higher than what Senator BINGAMAN is suggesting as a national standard. With the abundance of renewable energy resources—the sun, the wind, the Earth itself—the technical potential of major renewable technologies could actually provide more than five times the electricity America needs.

There are limits of how much this potential can be used because of competing land uses and costs, but there is more than enough to supply 15 percent, maybe even 20 percent.

Twenty-one States and the District of Colombia have already established a renewable electricity standard. Illinois, for instance, has a goal of 8 percent by 2013; New York, 24 percent by 2013; Colorado, 16 percent by 2020.

By diversifying and decentralizing our energy infrastructure, increased reliance on renewables provides environmental, fuel diversity, national security, and economic development benefits for everybody. Increasing renewable energy will reduce the risks to the economy posed by an overreliance on a single source of new power supply.

Additionally, the 15-percent national standard will reduce carbon dioxide emissions by nearly 200 million metric tons per year by 2020—a reduction of 7 percent below the business-as-usual level. That is the equivalent—the Bingaman amendment is the equivalent of taking 32 million cars off the road.

Furthermore, the Energy Information Administration study found that a 20-percent renewable energy standard would reduce the cost to consumers of meeting four pollutant reductions from powerplants by $4.5 billion in 2010 and $31 billion in 2020, compared to meeting the emission reductions without a renewable standard.

I support this amendment. I believe that diversifying our electricity portfolio and encouraging the development of clean, renewable resources provides economic and environmental benefits to our country.

I would say to those who are engaged in this debate: Do not bemoan global warming, do not cry about climate change, do not say you really are concerned about pollution if you cannot accept the challenge of the Bingaman amendment. In the next 13 years, we can meet this goal. It is a challenge to America which we can meet and exceed. I am confident we will. In the process, we will find cleaner ways to generate electricity. We will create less pollution for the people who live in this country. We will end up with new technologies, new business opportunities that demonstrate the strength of this great country in which we live. We can meet this goal. We should not shrink away from it.

I thank the Senator from New Mexico for his leadership in bringing this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't know how much longer we are going to be here this evening. I have not been able to confer with Senator BINGAMAN on the timing. But I do not think we are going to be here very late. I am not sure—I mean, I am sure we are not going to vote on either amendment this evening. Nonetheless, there are a couple of Senators—at least one standing there—who have not talked today and who want to.

I am going talk for a little bit. First, I want to say to everybody—including the previous immediate speaker who spoke about what kind of people we are who think we have something better than Senator BINGAMAN—I want to say that there is no animus between Senator BINGAMAN and PETE DOMENICI. We are friends, and it is almost difficult when people are saying: You do so many things together; how can you come up on opposite sides of this? Well, I just studied it as best I could, and I came up with what I thought was a better idea. We have to do that. That is what we are elected for. New Mexicans ought to be wondering what is cooking, but they also ought to know that he has an idea and I have a different idea built on it, and that is all there is to it. One or the other or neither will get adopted, and we will have a good exchange here on the floor to see what is really happening.

I do want to say that anybody who comes to the floor and talks about how much richer we are going to get by having a plan like Senator BINGAMAN's, the mandate for each State—I have not seen any estimate of the cost to the people of either Senator BINGAMAN's approach or mine. I have seen one of Senator BINGAMAN's plans—two of them, and none of them say you are going to make money; both of them say it is going to cost a lot of money to the taxpayers. One says a lot more than the other. So I guess they really don't know. EIA recently studied the 15-percent RPS mandate and found that it would cost $21 billion. But there was another one that was already done before that by Global Energy Decisions, and they said the cumulative cost to consumers would represent $175 billion over the 20-year life. But in both cases, they said it was going to cost money.

So I don't think anybody is going to get all excited about a statement down here on the floor that, among the many things, having a mandate that every State be the same, have 15 percent, nobody is going to get excited and stand up and jump here on the floor of the Senate with the idea that this is a good way for each State to make money. It is going to cost them money. It may be a great idea, and it may be worth it.

But I am here tonight to suggest—and I also want to say that the last speaker on the Democratic side, the Senator from Illinois, spoke also about some of us as if we do not believe in wind energy. Well, let me say, there are not too many Senators who came to the party here in Washington in helping wind energy. There are not too many who helped them more or came to help them sooner than this Senator. The Senate and the House have been helping solar energy to a fare-thee-well. We will continue to do that. But I can say to the wind industry that I have helped you all the way through, and now I note that you are out campaigning as hard as you can for this Bingaman proposal, this proposal by Senator BINGAMAN, this mandate. When you look at it and think about it, it is a mandate that we use more and more wind energy. That is what it is.

Now, I am not at all sure we are right in assuming that across this land the fundamental way to get things going right is for every State to march to the tune of getting to 15 percent of solar energy in their base. I am not sure that is the best thing for the United States. I think maybe when it was dreamt up, nobody thought there were any other alternatives. But there are, and certainly we are making a mistake in saying it is going to be the language of the Bingaman bill or nothing else when we already see that means wind for the next 20 years or more.

What I tried to say in mine was maybe there is something good about pushing States to change. But I provided alternatives for diversification.

I say to my friend from Montana, I do not know where you stand on a nuclear powerplant. If you have never had one in your State, you are not going to get one because they are building them right where they were. So States that had them are going to get nuclear powerplants within the next 10 years,

many of them right where the existing powerplants are. All the Senator from New Mexico, the senior Senator, said was that if that is done during the lifetime of this program and you put in a new nuclear powerplant, you ought to get credit for that. And the only way I could think of was to call my portfolio the clean energy portfolio. That is what is it. And when you look at it that way—and I added to the availability of what is allowed, I added nuclear and I added some other things that I truly believe we should pursue with vigor, and I raised the ceiling to 20 instead of 15. Now, when you look at it, you get a chance of one or the other.

The distinguished Senator, my colleague from New Mexico, thought it was kind of unexpected that this bill had an opt-out and seemed to make of it as if that was something very bad. Look, we are open and sincere about our bill having an opt-out. When a State meets the goal, we see no reason for them to stay in. We think they ought to be able to get out. There is nothing that is naturally ideological or philosophical about it; it just seems there is no reason to keep them in. We have seen no good suggested from keeping them in, and so we think when they get through and meet their goal, they ought to be able, if they want to, to get out. If, in fact, they are already tied together because of electric lines and the like, they will not destroy all of that. There will still be relationships of those types which were built, and the ones that are needed will stay on. They will be there for a long time.

Let me say in closing that one from the other side of the aisle need not talk about those on this side of the aisle, including this Senator, as if we don't understand what wind energy is and we don't have enough dreams about solar energy. We understand both of them. We have funded both of them. We have put the identical tax benefit on both, the same as we have put on everything else.

Last year when we did them all, we gave them all a 27.5-percent tax credit, from nuclear power all the way down to solar, bio, and everything else. They all got the same. We had already begun funding wind power. Again, I say to the nuclear industry, but for the Congress of the United States, the truth is, there would be no wind industry, because without the tax credits we gave to make wind energy work, there would be no wind energy except in a few places. I am not saying that in any way negative. I am for it. I don't know how many more years we will have to give them this tax credit to push them over the hump, but I am going to do that because I believe they ought to move ahead. We are learning both sides of the wind energy delivery system. We are beginning to see some negative aspects to it. It was all positive at one time. Some people are reporting negative ones. Out in the country where we used to raise cattle, certainly anybody who leases their land is delighted. They make a lot more money out of wind turbines than they do trying to graze cattle. There is no doubt about that. Some of those cattlemen are extremely happy because they don't look like the old windmills. They are much different. But they pay well, so they are glad. They joined up with wind energy, those who are lobbying for them. They got all the property owners who are getting paid. They joined them. That is good. I don't know who is lobbying for the rest of the kinds of energy we want to put in so we have diversity.

All this is is a vote to distinguish the two. If you want diversity of clean energy, vote for Domenici. If you want to be tied rigidly by a Federal statute to what is almost all wind, vote for Bingaman. If you want to vote for letting those who have already met their goal opt out if they want, vote for Domenici. If you want to say they have to stay in, somebody ought to tell us all why and how long they should stay in, but if they are going to have to stay in and be rigidly construed as to what counts, then obviously, you have to vote for the Bingaman amendment.

We will have more discussion because everybody is getting well informed and asking questions. I don't know what is going to happen immediately after this. I assume the distinguished Senator from Montana will speak. He was next. I will be leaving and apologize in advance that I would not get to hear his speech about this bill. Maybe someday we can meet back up there in Montana on the campaign trail and he can talk about Montana and I can talk about I don't know what. He can tell me what to talk about. But it is good to be here with him on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator for the kind words. I appreciate that. I look forward to having him in ''big sky'' country anytime he wants.

I rise in strong support of the Bingaman amendment. Change is difficult, if you are young, if you are old, and oftentimes change is difficult in politics. But what we are talking about is a national energy policy, a long-term national energy policy that people and investors and consumers can depend upon. Within this national energy policy, there is an amendment called the Bingaman amendment that deals with the renewable energy standard.

Interestingly enough, back in 2005, in a former life when I was in the Montana Senate, I carried a bill for a renewable energy standard in Montana that increased the renewable energy portfolio by 15 percent by 2015. Let me tell you what happened there. The important parts of this bill were 8 percent by 2008 renewable energy in the portfolio, 10 percent by 2010, and 15 percent by 2015. That was the bill that we carried in the Montana legislature. What happened was, the first year they met the 8 percent. They will meet the 10 percent by next year, 2 years ahead of schedule. It is predicted by 2011, the independent-owned utilities will meet the 15-percent threshold, 4 years early.

The fact is, this amendment is not cutting edge. This amendment is what is right for the country, renewable energy. Everybody talks about wind. Wind is an important part of renewable energy. But geothermal is also another one. We haven't even tapped into the geothermal resources we have, and they are massive. That is a renewable energy. Biomass, small bore timber, wood waste products, crop byproducts to help power generators, that is renewable energy. Landfill gas is another one we haven't tapped into, a renewable energy. Electricity created by solar, by the Sun, is a renewable energy. Biofuels such as camelina, such as biodiesel, powering generators, that is renewable energy.

Make no mistake about it, when we talk about renewable energy, it is not just wind—although wind is an important factor—it is many different avenues we can go down that suit some parts of the country better than others. By the way, back in 2005, when we were dead last in wind energy production, that little renewable portfolio standard bill we passed took Montana from 50th to 15th in the Nation in renewable energy production. We see transmission lines being built in the State, something that wasn't done before. We saw a whole lot of wind generators go up in rural Montana, where jobs are most needed, where economic development is most needed, where we develop a tax base for our schools and counties in those areas that have seen depopulation, giving these areas hope.

What we are talking about is a long-term policy that will invest in America's consumers and this country. In the process, it will result in a 50-percent increase in wind generation, a 300-percent increase in biomass generation, a 500-percent increase in solar power, and it will reduce emissions by some 222 million tons per year by 2030. It is cheap. It is clean. It is a solution for the climate change issue. It diversifies our production as far as where the energy is produced. It diversifies the energy portfolio which is critically important.

If the Members of this body want to help move this country forward, help make this country energy independent and address the global warming issue, I recommend a ''yes'' vote on the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield to the Senator from Iowa for whatever time he wishes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, once again, as a leader of our party on the Finance Committee, I come to the floor to discuss one of the important tax issues that must come before Congress. That is the alternative minimum tax. I am sure many have noticed that the alternative minimum tax is frequently the subject of my many speeches. They may be wondering how long I intend to keep talking about it. The simple answer is I intend to keep talking about it—meaning the alternative minimum tax—until this Congress actually takes some action. Instead of taking action, this Congress has done absolutely nothing. The problem continues to get worse for millions of Americans who will be caught by the alternative minimum tax and are now being caught. It is this ''now being caught'' that I wish to emphasize, because when I speak about those now being caught by this alternative minimum tax, I am referring to those families who make estimated tax payments and who will be making their second payment for this quarter this Friday.

Last year, 2006, 4 million families were hit by the alternative minimum tax. This was 4 million too many. Of course, it is considerably better than what we know for the year we are in right now, when 23 million Americans, mostly middle class, will be hit by the alternative minimum tax. The reason we are experiencing this large increase this year is that in each of the last 6 years, Congress has passed legislation that temporarily increased the amount of income exempt from the alternative minimum tax. These temporary exemption increases have prevented millions of middle-class Americans from falling prey to the alternative minimum tax until now. While I have always fought for these temporary exemptions, I believe the alternative minimum tax ought to be permanently repealed because it was never meant to hit the middle class—and it is hitting the middle class—and because the class of people it was intended to hit, the superwealthy, are finding ways of getting around what was thought to be a bright-light idea in 1969. It is hitting maybe a few hundred people, finding that superrich class not even paying the tax. So it isn't serving the purpose it was intended to serve, and it will hit middle-class Americans who were never intended to be hit by it by 23 million this year.

One reason I have previously given for permanent repeal is it may be difficult for Congress to revisit the alternative minimum tax on a temporary basis every year, as we have for each of the last 6 years. From January 1 of this year until now, when the second quarterly payment is going to be made, proves me right, because nothing has been done. So the new Congress has yet to undertake any meaningful action on the alternative minimum tax. Several proposals have been tossed around by the other body, meaning the House of Representatives. I have discussed a few of them in my earlier speeches. I generally find these proposals lacking but completely agree with my colleagues that something needs to be done, at least I seem to agree. Despite assurances that the alternative minimum relief is an important issue, nothing has actually been put forward as a serious legislative solution.

This chart I am going to put up reflects how the alternative minimum tax has been handled by this Congress so far. It is kind of a smoke-and-mirrors example that I use because we have had numerous proposals talked about, but that is all, just talk. An academic discussion is not in any way a serious substitute for real action this Congress ought to take, as tomorrow people making their quarterly payments will attest to.

I have also come to realize the best way to learn about new proposals that deal with the alternative minimum tax is not to check for the new legislation in the CONGRESSIONAL RECORD but to check the daily newspaper. In the course of reading the Washington Post last Friday, I came across another trial balloon—I emphasize ''trial balloon''—for a new idea about the alternative minimum tax that was printed in the business section of the newspaper. A lot of people were out of town on Friday, so I ask unanimous consent that the article entitled ''Democrats Seek Formula to Blunt Alternative Minimum Tax'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 8, 2007]

DEMOCRATS SEEK FORMULA TO BLUNT AMT; ONE PLAN WOULD IMPOSE SURTAX OF 4.3% ON RICHEST HOUSEHOLDS

(By Lori Montgomery)

House Democrats looking to spare millions of middle-class families from the expensive bite of the alternative minimum tax are considering adding a surcharge of 4 percent or more to the tax bills of the nation's wealthiest households.

Under one version of the proposal, about 1 million families would be hit with a 4.3 percent surtax on income over $500,000, which would raise enough money to permit Congress to abolish the alternative minimum tax for millions of households earning less than $250,000 a year, according to Democratic aides and others familiar with the plan.

Rep. Richard E. Neal (D–Mass.), chairman of the House subcommittee with primary responsibility for the AMT, said that option would also lower AMT bills for families making $250,000 to $500,000. And it would pay for reductions under the regular income tax for married couples, children and the working poor.

All told, the proposal would lower taxes for as many as 90 million households, and Neal said it has broad support among House leaders and Democrats on the tax-writing House Ways and Means Committee. ''Everybody's on board,'' he said.

Neal has yet to release details of the plan, however, and others inside and outside the committee say major pieces of it are still in flux. Some Democrats say Neal's plan stretches the definition of the middle class too far, providing AMT relief to too many wealthy households. They argue that the cutoff for families to be spared from the AMT should be lower, at $200,000, $150,000 or even $75,000.

''There is consensus to make sure that we have some responsible tax policy that will also treat taxpayers fairly. No one ever expected to be caught in the AMT making 75 grand,'' said Rep. Xavier Becerra (D–Calif.), a Ways and Means Committee member whose Los Angeles district is populated by working poor. ''We're trying to come up with a fix that does right by the great majority of Americans who fall into the middle class.''

The debate has focused attention on a different surtax proposed by the Tax Policy Center, a joint project of the Urban Institute and the Brookings Institution. That plan would eliminate the AMT and replace it with a 4 percent surcharge on income over $200,000 for families and $100,000 for singles, cutting taxes for 22 million households and raising them for more than 3 million.

''Our plan is as simple as can be. And only 2 percent of the whole population would have to pay it,'' said Leonard E. Burman, director of the Tax Policy Center. The plan has the added benefit of abolishing the complicated AMT at all income levels, Burman said, an approach some lawmakers find attractive.

On the other hand, fewer families' taxes would be cut, diminishing the ability of Democrats to capitalize on the plan politically. Since they took control of Congress in January, Democrats have made repealing or scaling back the AMT a top priority in hope of establishing tax-cutting credentials and seizing the issue from Republicans for the 2008 campaign.

The alternative minimum tax is a parallel tax structure created in 1969 to nab 155 super-rich tax filers who had been able to wipe out their tax bills using loopholes and deductions. Under AMT rules, taxpayers must calculate their taxes twice—once using normal deductions and tax rates and once using special AMT deductions and rates—and pay the higher figure.

Because the AMT was not indexed for inflation, its reach has expanded annually, delivering a significant tax increase this spring to an estimated 4 million households. The AMT would have spread even more rapidly after President Bush's tax cuts reduced taxpayers' normal bills, but Congress enacted yearly ''patches'' to restrain its growth. The most recent patch expired in December, and unless Congress acts, the tax is projected to strike more than 23 million households next spring, many of them earning as little as $50,000 a year.

House Democrats want legislation to spare those households while also lowering the bills of many current AMT payers. But they face numerous obstacles. In the Senate, Finance Committee Chairman Max Baucus (D–Mont.) favors AMT repeal but considers it too ambitious for this year. Baucus has said another year-long patch is more likely.

In the House, some Democrats argue that more time is needed to explain the issue to the public. The vast majority of households have yet to pay the AMT and may not fully appreciate the value of eliminating the tax, while the wealthy are sure to feel the bite of a new surtax.

''I don't think there's enough of an understanding right now that you've got this tidal tax wave about to hit everybody,'' said Rep. Chris Van Hollen (D–Md.), a Ways and Means Committee member who is also chairman of the Democratic Congressional Campaign Committee. ''From a political perspective, we need to lay the groundwork.''

Before the Memorial Day break, Ways and Means Committee Chairman Charles B. Rangel (D–N.Y.) said he hoped to announce an AMT proposal as soon as Congress returned to Washington. But his timetable has slipped to late June, Democratic aides said, with the issue set to go before the full House sometime in July.

Republicans generally oppose new taxes on the wealthy, saying they disproportionately affect small businesses, but are waiting to hear more before deciding whether to work with Democrats or offer their own plan to abolish the AMT.

''House Democrats are going to have to find their sea legs on this issue fast,'' said Rep. Phil English (R–Pa.), the senior Republican on the Ways and Means tax subcommittee. ''Folks seem to be launching a lot of trial balloons, and it's all very festive. But I don't have enough really to react to yet.''

Mr. GRASSLEY. The concept underlying the alternative minimum tax fixes highlighted in this article in the Washington Post is that the alternative minimum tax could be abolished for families and individuals making less than a given amount, and that the resulting revenue loss would then be offset by a surtax—I want to emphasize: creating a new tax, a surtax—on what the article refers to as our ''nation's wealthiest households.''

Now, when they use the term the ''nation's wealthiest households,'' remember that was the whole concept of the alternative minimum tax in the first place, in 1969, to tax a few thousand people with this tax, and now they are not even being hit by it.

I will bet you, you could have this surtax, and you are still going to find people who can hire the best lawyers to avoid paying that tax. When I say ''avoid paying that tax,'' I mean avoid paying that tax in a legal way, not in a way that is extralegal.

There are two basic proposals that have been laid out in that Washington Post article. One of them, put forward by a member of the Ways and Means Committee of the other body, would use a 4.3 percent surtax on income over $500,000 to offset the elimination of the alternative minimum tax for people earning less than $250,000 a year.

Now, it is estimated in the article that the surtax of 4.3 percent would affect about 1 million families. It is also suggested the alternative minimum tax bills would be decreased for families earning between $250,000 and $500,000 yearly as part of this option. Now, I am not sure how individuals would be treated in this plan.

Interestingly, immediately after the insistence that this option enjoys a great deal of support, the article notes that details of the plan have yet to be released. In the tax world, the devil, of course, is in the details. So I am curious as to exactly what it is that is enjoying this broad political support.

I will note that Ways and Means members have now denounced—now denounced—this label they have applied to this 4.3 percent tax. They have denied the ''surtax'' label.

So, Mr. President, I ask unanimous consent to prove what I said, that an article from Tax Notes Today be printed in the RECORD. That is a publication dated June 13, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Tax Analysts, Tax Notes Today, June 13, 2007]

WAYS AND MEANS DEMOCRATS TAKE OFFENSE TO NOTION OF SURTAX

Both House Ways and Means Committee Chair Charles B. Rangel, D–N.Y., and committee member Richard E. Neal, D–Mass. have said that while their plan to reform the alternative minimum tax will likely be paid for by increasing taxes on the wealthiest taxpayers, claims that they plan to create a ''surtax'' on the rich are unfounded.

''We have not agreed to any surtax,'' Rangel told reporters June 12. ''But that might be another way to say that we're going to adjust the rates to make up for what we don't raise in terms of all the loopholes and knocking out credits and looking for this $340 billion [in the tax gap].''

Neal also objected to the notion of a surtax in comments to Tax Analysts on June 11, although he did not completely rule out the possibility of using the proposal when his plan is finally introduced.

''Obviously we're going to ask 1 million people to help pay for tax relief for 92 million people,'' Neal said.

The idea of a surtax to pay for the Democrats' AMT reform proposal was first proposed in a May 23 Urban-Brookings Tax Policy Center paper in which Len Burman and Greg Leiserson argued that the AMT should be repealed and replaced with a surtax of 4 percent on adjusted gross incomes above $100,000 for singles and above $200,000 for married couples. That change would lead to a more progressive tax system and would be approximately revenue neutral over 10 years, they said. (For the paper, see Doc 2007–12677 or 2007 TNT 102–36.)

Although the details of the Democratic AMT plan have not been released, subsequent media reports have claimed that Ways and Means Democrats plan to employ a surtax in their effort to comply with House ''pay as you go'' budget rules.

House Majority Leader Steny H. Hoyer, D–Md., acknowledged that the idea of a surtax is under consideration by the Ways and Means leaders, but said he was unwilling to ''prejudge'' whether Democrats in the chamber would ultimately support that proposal. He added that pay-go rules will require lawmakers to make difficult choices when it comes to offsetting the costs of any AMT reform legislation.

''What we want to do is fix the AMT permanently and fix it in a way that does not add to the deficit,'' Hoyer said. ''We adopted pay-go. We believe in pay-go.''

Rangel and Neal have also repeatedly said that they are committed to complying with pay-go rules, and Rangel said all revenue-raising options are on the table.

''There's nothing we're not considering in terms of raising revenue to take care of the AMT and expand the child credits,'' said Rangel.

Rangel's committee is expected to mark up its AMT reform legislation in July, with House floor consideration likely to come the same month. The committee's AMT plan is expected to exempt from the AMT taxpayers earning less than $250,000. Those earning above $500,000 would see an increase in their AMT liability, while taxpayers earning between $250,000 and $500,000 would see a reduced AMT liability. Several other proposals to benefit lower-income taxpayers—including expansion of the earned income and child tax credits—are also expected to be part of that proposal.

Mr. GRASSLEY. Now, the other plan comes from our friends at the Tax Policy Center. In a similar plan to the one I just discussed, a 4-percent surtax would be charged to individuals with adjusted gross incomes above $100,000 and couples with incomes above $200,000. The surtax would apply to income above those thresholds, and the thresholds would be indexed for inflation after the year 2007. Under this option, the alternative minimum tax would be completely repealed.

To give an idea of how many people would be hit by this surtax, according to IRS statistics of income, in the year 2004—the latest year we have information available for—there were 1,427,197 returns filed by singles reporting adjusted gross incomes of at least $100,000. In the same year, married persons filing jointly numbered 2,569,288 returns reporting adjusted gross incomes above $200,000.

Mr. President, 2004 is the most recent year we have for this data. I realize the proposal hits singles with incomes greater then $100,000 and my numbers would include someone with an income exactly at that amount, but we can see the Tax Policy Center's plan would impact roughly 4 million singles and joint filers. It would likely impact more than that, since my numbers do not include heads of households or other categories, but you get the idea, I hope, that a lot of people would still be impacted.

Now, as I said before, I am glad people are thinking about the alternative minimum tax and realize it is a very real problem out there and, specifically, this year, for 23 million middle-income-tax people who would not otherwise be hit. But as I have discussed more and more of these proposals with you, I have started to see them—as my chart indicates—as more smoke and mirrors than actual, real legislative proposals.

For one thing, legislation is not introduced in a newspaper—even from the prestigious Washington Post. I

keep hearing about proposal after proposal, but nothing is actually done. Everyone seems to agree something needs to be done and needs to be done quickly, but the discussion does not go further from that point.

I spoke about the alternative minimum tax at the beginning of this Congress, in January and when the first quarterly payment was due. I am here now that the second quarterly payment is due. I bet I will be here when the third quarterly payment comes due, saying largely the same thing I am saying right now.

Aside from the fact that Congress does not seem to be under any pressure to actually take action, all of the proposals I have discussed here share the same major flaw in that they seek to offset any revenues not collected through reform or repeal of the alternative minimum tax. Notice I said ''not collected.'' And I did not use the word ''lost.'' This distinction is important for the simple reason that the revenues we do not collect as a result of alternative minimum tax relief are not lost because the alternative minimum tax collects revenues that were never supposed to be collected in the first place.

Let me emphasize that. We cannot talk about lost revenue because we are talking about 23 million people being hit by the alternative minimum tax who were never supposed to be hit by the tax in the first place. The alternative minimum tax collects revenues it was never supposed to collect in the first place. Originally conceived as a mechanism to ensure high-income taxpayers were not able to completely eliminate their tax liability, the alternative minimum tax has failed.

In 2004, IRS Commissioner Everson told the Finance Committee the same percentage of taxpayers continues to pay no Federal income tax. So the alternative minimum tax is not even working for those who were supposed to pay it. This was originally created in that first year with just 155 taxpayers in mind. Of the two plans I discussed earlier, the one that would impact the lower number of filers would still hit about 1 million families. See how 155 has grown to 1 million families?

Finally, if we offset revenues not collected as a result of alternative minimum tax repeal or reform, total Federal revenues are projected to push through the 30-year historical average and then keep going.

This chart I have in the Chamber, which is reproduced from the nonpartisan—I want to emphasize ''nonpartisan''—Congressional Budget Office's publication called ''The Long-Term Budget Outlook,'' issued in December 2005, illustrates—as you can see by the red mark—the ballooning of Federal revenues.

The alternative minimum tax is a completely failed policy that is projected to bring in future revenues it was never designed to collect—and 23 million people being hit this year by it. A large share of that 23 million people being hit by it now in the second quarterly estimate they are filing is absolute proof of people being hurt by a tax that was never supposed to hit them in the first place.

Of course, the best solution to this mess would be S. 55, and that is called the Individual Alternative Minimum Tax Repeal Act of 2007. It is a bipartisan bill introduced by Senator BAUCUS, the chairman of the Finance Committee, and this Senator, along with Senators CRAPO, KYL, and SCHUMER. Senators LAUTENBERG, ROBERTS, and SMITH have also later signed on as cosponsors.

While permanent repeal without offsetting is the best option, we absolutely must do something to protect taxpayers immediately, even if it involves a temporary solution such as an increase in the exemption amount. Of course, if we do not do that, we are going to be in the same fix next year, and I will be making the same points at that particular time.

This Friday, taxpayers making quarterly payments are going to once again discover the alternative minimum tax is neither the subject of an academic seminar nor a future problem we can put off dealing with. It is the real world for those taxpayers filing Friday. They are being hit by it. The alternative minimum tax is a real problem right now, and if this Congress is serious about tax fairness, we need to stand up and take action on the alternative minimum tax.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly. I know my colleague, Senator SANDERS, is in the Chamber and wishes to speak. I will not delay him long.

Let me make three brief points with regard to Senator DOMENICI's second-degree amendment. What that amendment does is it does three things to the renewable portfolio standard I have sent to the desk.

First of all, it starts out by saying: Since it is a requirement that you produce a certain percent of the power you are selling from renewable sources, let's take the base amount of power you are selling and redefine it so it is smaller. It does that by saying: OK, if you are selling any power you produce from nuclear sources, that does not count in the base. So that automatically eliminates 20 percent of the electricity being sold in this country today.

It says: OK, that way, you can suggest to people we have a 20-percent goal here—whereas the one I have sent to the desk is only 15 percent. But you do not need to be a mathematician to realize that after you take the 20 percent out, and you take 20 percent of 80 percent, then you are getting down to 16 percent. So, essentially, there is some smoke and mirrors going on there.

Second, they say: OK, let's redefine how you can meet that requirement, that 16 percent requirement, which is what it, in fact, is. They say: You can meet it by using any of the renewable sources the Bingaman amendment allows for; and that is, biomass, solar, wind, geothermal, tidal energy. Those are all options. In addition, if you want to build another nuclear plant, that counts. If you want to improve energy efficiency, that counts. If you want to adopt some demand response programs to reduce demand, that counts against your requirement. If you want to use the capture and storage technology, that counts. The Secretary is given authority to identify other things that could count, too, which are unspecified in the bill.

So, essentially, what you wind up—and then the final thing it does with our amendment is it says: If you are a State that has some kind of program, and you think it is pursuing the same—I will read the exact language. It says:

> If the governor of a State submits to the Secretary a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, then the State may elect not to participate in the Federal program.

So, essentially, it is an invitation to States to adopt something and then opt out, which I think undermines what we are trying to accomplish.

Essentially, the way I read the amendment by my colleague, his second-degree amendment would basically say: Let's put together this complicated trading system to keep track of what utilities are doing, but, in fact, it is designed essentially to mirror what they are already planning to do at any rate. It doesn't require them to do anything different.

The amendment I have sent to the desk does require them to do some things differently. They are going to have to actually start either producing energy from renewable sources, buying energy that has been produced from renewable sources by someone else, buying credits from someone else who has produced more renewable energy than they, in fact, needed, or pay a compliance fee to the Secretary of Energy. So we have some real teeth in our provision.

Now, it is not as strong as some Senators would like. I know my colleague, who is about to speak, will speak to that issue, and I know Senator KERRY from Massachusetts feels very strongly that this is not a strong enough requirement that I have suggested. But I would suggest to anyone who is studying these issues, the proposal I have

made is a vastly stronger proposal than the one that my colleague, Senator DOMENICI, has proposed as an alternative.

I urge my colleagues to study both amendments tonight and perhaps tomorrow we can get a vote on both amendments. Also, I know Senator KERRY would like an opportunity to propose that we have even a stronger standard. I think he should be given that opportunity.

Mr. President, I ask unanimous consent that three letters—one from Constellation Energy, one from a large group of environmental organizations, and then another one from a separate group of environmental organizations—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTELLATION ENERGY,
Baltimore, MD, June 13, 2007.

Senator JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Constellation Energy is a Fortune 200 competitive energy company based in Baltimore, Maryland. We are the nation's leading supplier of competitive electricity to large commercial and industrial customers and one of the largest wholesales power sellers. We serve approximately 57,000 megawatts of load on a daily basis, which is equal to the amount of electricity consumed by the State of California daily. Additionally, we are one of the largest renewable energy credit suppliers in the northeast.

We believe that it is time to enact a nationwide, market-based renewable portfolio standard and we support your efforts to amend S. 1419, with your RPS amendment mandating a 15% standard by 2020. As you know, the State of Maryland also has a renewable portfolio standard, which we supported. That law also takes into account a market-based mechanism to achieve its objectives. In addition to generating or purchasing renewable energy in Maryland, electricity providers have the option of complying with the standard by making Alternative Compliance payments (ACP). The Maryland law directs ACPs to be paid into the Maryland Renewable Energy Fund, the purpose of which is, ''to encourage the development of resources to generate renewable energy in the State.'' The Maryland law goes on to say that, ''. . . the Fund may be used only to make loans and grants to support the creation of new . . . renewable sources in the State.''

We are somewhat concerned that your amendment may create a situation where electricity providers and, by proxy, our customers, may end up paying duplicatively for a separate federal and state program because of uncertainty regarding your definition of, ''direct associations with the generation or purchase of renewable energy''.

We think this issue should be surmountable and would like to work with you on this concern as your provision moves through the legislative process.

Finally, we appreciate your long standing support of nuclear power and want to continue our efforts to bring the next generation of nuclear power plants to this country.

Sincerely,

PAUL J. ALLEN,
Senior Vice President, Corporate Affairs, Constellation Energy Group.

JUNE 13, 2007.

VOTE YES ON THE BINGAMAN RENEWABLE PORTFOLIO STANDARD, VOTE NO ON THE DOMENICI CLEAN PORTFOLIO STANDARD

DEAR SENATOR: On behalf of our members and supporters nationwide, we urge you to support the amendment by Senator Bingaman to create a national Renewable Portfolio Standard (RPS) in energy security legislation now being considered on the Senate floor. Adopting a RPS would enhance national energy security by diversifying our sources of electricity generation and would also have substantial environmental benefits, such as reducing the emissions of greenhouse gases.

We urge you to oppose the ''Clean Portfolio Standard'' amendment by Senator Domenici that allows new hydropower to qualify as new renewable energy under a RPS. Existing hydropower generation comprises about 7% of the nation's net electricity production. The RPS should be reserved for emerging technologies that need help to enter the marketplace. Hydropower, a mature technology that has not advanced significantly since the 19th century. Allowing new hydropower into a RPS would usher in a new era of dam building, destroying our nation's last remaining free-flowing rivers and encourage developers to retrofit existing dams, many of which have significant environmental impacts or pose a threat to public safety.

While hydropower is an important source of energy, this energy comes at a great cost to the health of our nation's rivers and communities. Many hydropower plants pipe water around entire sections of river leaving them dry, or worse, constantly alternating between drought and floodlike conditions. Hydropower turbines can chop fish into pieces, and can even change the temperature and basic chemistry of the water, harming fish and wildlife. Hydropower's impacts have even caused the extinction of entire species.

We urge you to support the Bingaman Renewable Portfolio Standard and oppose the Domenici Clean Portfolio Standard.

Sincerely,

American River, American Whitewater, Appalachian Mountian Club, California Outdoors, California Sportfishing Protection Alliance, California Trout, Catawba-Wateree Relicensing Coalition, Coastal Conservation League, Columbia Riverkeeper, Connecticut River Watershed Council.

Central Sierra Environmental Resource Center, Foothill Conservancy, Foothills Water Network, Friends of Butte Creek, Friends of Living Oregon Waters, Friends of the Crooked River, Friends of the River, Georgia River Network, Hydropower Reform Coalition, Idaho Rivers United.

Michigan Hydro Relicensing Coalition, Missouri Coalition for the Environment, New England FLOW, New York Rivers United, Northwest Resource Information Center, Northwest Sportfishing Industry Association, Oregon Wild, Republicans for Environmental Protection, River Alliance of Wisconsin, San Juan Citizens Alliance.

Save Our Wild Salmon Coalition, The Lands Council, Trout Unlimited, Upper Chattahoochee Riverkeeper, Utah Rivers Council, Vermont Natural Resources Council, Washington Kayak Club, West Virginia Rivers Coalition, Western Carolina Paddler.

JUNE 13, 2007.

DEAR SENATOR: On behalf of the undersigned organizations, we urge you to support the Renewable Electricity Standard (RES) to be offered by Senator Bingaman.

The Bingaman RES amendment would require utilities to obtain at least 15 percent of their electricity from clean renewable energy sources by 2020. A recent analysis by the Union Concerned Scientists found that the Bingaman amendment would save consumers $16.7 billion on their energy bills, while reducing global warming emissions by the equivalent of taking 41 million cars off the road. The standard will diversify our energy supply with American-grown energy resources create thousands of good new jobs, and generate millions of dollars for farmers, ranchers, and local communities.

We urge you to oppose the Domenici amendment.

The Domenici amendment would severely curtail our ability to deploy clean renewable resources and stall investment in a clean renewable future. Because it includes non-renewables, coupled with huge state and federal waivers, the Domenici amendment would fail to guarantee any of the benefits for consumers, large energy users, and farmers and ranchers contained in the Bingaman amendment.

For example, the Domenici amendment would:

Waive requirements for state to participate in the program if the governor found state programs to be ''substantially contributing to the overall goal.'' This vague language could stifle investment in renewables and cripple the federal trading program that assures the lowest possible cost for renewable energy.

Weaken renewable requirements by including non-renewables such as nuclear power. These provisions would subtract all existing nuclear generation from the utilities renewables requirement, give utilities credits for already-planned and economic capacity upgrades, provide a windfall for the poorest performing nuclear plants of the last 3 years, and give credits for building new nuclear power plants that are already heavily subsidized in the 2005 Energy bill. These nuclear bailouts and subsidies would reduce the potential contribution of new renewable energy from the Bingaman proposal.

Allow utilities to receive credits for ''an inherently low-emission technology that captures and stores carbon'' without defining what that technology might be or assuring how much, if any, of the carbon actually gets stored, or how permanent such storage is.

Allow DOE to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary.

Undercuts the development of new renewables by including all ''new'' hydropower. This would encourage new dam construction irrespective of the potential for significant environmental impacts these facilities can have. The Domenici amendment would reverse the compromise language in the Bingaman amendment that would permit ''incremental'' hydro power that encourages new hydropower generation while protecting natural resources.

Includes electricity savings from energy efficiency and demand-response programs, which will further erode the national energy security, diversity, economic, and environmental benefits of developing new renewable energy sources. While we support a separate standard for energy efficiency and demand-response, the Domenici amendment would create a zero sum game between efficiency and renewable energy by forcing them to compete under the same standard.

Overall, the combined effects of allowing nuclear, efficiency, demand-response, as well as new hydro, and other non renewable clean energy sources to qualify for the standard-

without any restrictions—would greatly reduce, and potentially eliminate, the development of new renewable energy sources and the corresponding economic and environmental benefits.

We urge you to support the strong Bingaman RES amendment and oppose weakening amendment such as the Domenici amendment, as it would take us backwards, not forwards on energy policy.

Sincerely,

EarthJustice, Environmental Law and Policy Center, Greenpeace, National Audubon Society, National Environmental Trust, Natural Resource Defense Council, Sierra Club, Southern Alliance for Clean Energy, Union of Concerned Scientists, U.S. Public Interest Research Group, Western Organization of Resource Councils.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, at this point I ask unanimous consent that the Senate now be in a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

ENERGY

Mr. SANDERS. Mr. President, let me thank Senator BINGAMAN for his leadership efforts in addressing one of the major crises facing our country. I thank Senator DOMENICI as well.

As Senator BINGAMAN just indicated, I would go further than he is going in his proposal. I think he has made an important step forward, but I think given the gravity of the situation we face, it is imperative for the future not only of our country but for the future of our planet that we seize this moment and we be bold and we be aggressive because if we are not, what the scientific community is telling us is that the results could be catastrophic.

When thousands of scientists from the Intergovernmental Panel on Climate Change tell us with 100 percent certainty that global warming is real, and with 90 percent certainty that it is manmade, we should listen. When these scientists tell us that today, in terms of the melting of glaciers and permafrost, in terms of the increase in drought around the world, the increase of forest fires we are seeing in the United States, in terms of the loss of drinking water and farmland all over the world today, it would be absolutely irresponsible not only for us but for future generations if we did not stand up and say we are going to do everything we can to lower greenhouse gas emissions and reverse global warming.

I have introduced legislation—which the Presiding Officer is one of the cosponsors of and was introduced with Senator BOXER—which, in fact, would lower greenhouse gas emissions by 80 percent less than where they were in 1990. I think that is the type of aggressive effort that we need. If Senator KERRY offers his amendment to make sure 20 percent of the electricity we produce in this country comes from renewables, I will strongly support that legislation. Fifteen percent, as Senator BINGAMAN has proposed, is a good step forward, but it does not go far enough.

The bad news is that as a nation, we are lagging far behind the rest of the world, or many countries in the world, in going forward in terms of energy efficiency and sustainable energy. The bad news is that today in America, in terms of transportation, we are driving vehicles which, if you can believe it, get worse mileage per gallon than was the case 20 years ago. Meanwhile, several weeks ago, I was in a car which was a retrofitted Toyota Prius which gets 150 miles per gallon. Yet, as a nation, on average we are driving vehicles which get worse mileage per gallon than we had 20 years ago.

All over our country, we are lacking in public transportation. In Europe, in Japan, in China, their rail systems are far more sophisticated and advanced than we are. Our roadways, from Vermont to California, are clogged with cars, many of them getting poor mileage per gallon. Yet we are not investing and creating jobs in mass transportation. But it is not only transportation that we are lacking in, studies have indicated that if we make our own homes more energy efficient, we can save substantial amounts of energy.

Some estimates are, if we do the right things, we could cut our energy expenditures by 40 percent—40 percent. Yet there are millions of homes in this country inhabited by lower income people who don't have the money to adequately insulate their homes, put in the kind of roofs they need, the kind of windows they need, and we are literally seeing energy go right out of the doors and the windows because we are not adequately funding weatherization. But it is not just lower income people. Many middle-class families are also in homes that are inadequately weatherized, inadequately insulated.

One of the things I have long believed as I have studied this issue of global warming is that not only do we have the moral imperative to reduce greenhouse gas emissions significantly so that we can reverse global warming, but in that process we can seize this crisis, respond to this crisis, and create some very golden opportunities in terms of creating good-paying jobs. If you look at those areas in the world where they have moved most effectively in terms of reducing greenhouse gas emissions, such as Germany, many countries in Europe, and our own State of California, the result has been, yes, there has been economic dislocation, but at the end of the day, they have created a lot more jobs than they have lost.

I have worked with groups such as the Apollo Project, which is a group that brings together labor organizations as well as environmentalists, that say: How do we move toward lowering greenhouse gas emissions and creating good-paying jobs? The opportunities are sitting right in front of us.

Detroit has lost billions and billions of dollars year after year by building cars that many Americans no longer want. Maybe if we move toward energy-efficient cars, people might start buying those cars, and instead of laying off workers, maybe we can create more jobs. Think of the jobs we can create as we build a rail system that we are proud of. As cities like Chicago and New York and other cities rebuild their antiquated subway systems, we can create jobs doing that.

We can create jobs all over this country in terms of energy efficiency. As we move toward biofuels, I can tell my colleagues that in my State of Vermont, our small family farmers are struggling very hard to stay on the land. There is a lot of evidence out there that we can create significant income for family-based agriculture as we move to biofuels, not only in Vermont but all over this country.

The good news is there is a lot of good, new technology out there. That means we have the opportunity right now to build the cars of the future. I was in an electric car last month which now has a range of 200 miles—200 miles in an electric car. That is far more than most people use in a day. There is potential there as well.

If we look at what is going on in the world right now, the fastest growing source of new energy is wind. There is huge potential in terms of the growth of wind technology. One of the reasons I am supporting the strongest possible energy portfolio is that I want to see the wind technology exploding and growing all over this world. The more that is produced, the cheaper it will become. When I talk about wind, we are not just talking about large wind farms, as important as that is, as part of the energy mix. We are talking about small wind turbines which we believe in 5 or 6 years will be available for $10,000, $12,000, $14,000 that on average can provide half of the electric needs a rural house might need.

Look at what is going on in California right now. I think we owe a lot to our largest State for leading us in a direction that the rest of our country might want to emulate. In California now what they are saying is that in 10 years they want, and have funded, the need for 1 million photovoltaic units on rooftops throughout California—1 million. In California, what they are saying is they can provide significant incentives to those people who want to install photovoltaics. There is huge potential in this country moving toward

solar energy. One of the issues that concerns me and saddens me is that the technology for solar energy, which was originally developed in the United States, has now moved abroad.

Think of all of the jobs we can create if we as a nation had the goal of saying, in 10 years we will have 10 million rooftops in America using solar energy. Think how many jobs we can create by people installing those units. Think of the jobs we can create as American factories start producing those photovoltaic units—not in China, not in Japan, not in Germany, but producing them right here in the United States of America. But to do that, we are going to need the policies such as net metering, which says if I own a photovoltaic unit and I produce more than I am consuming, it goes back into the grid and I get paid for that, as they are doing right now in Germany.

It means if I am a middle-income person who cannot afford the $30,000 I need to install that photovoltaic unit, I am going to need some help, and it may be a lot more than the type of tax credits we are now providing. I think we could learn from California, which is encouraging people in a much more generous way than we are doing.

It is quite similar for wind production as well; that is, the production tax credit should be significantly increased and the investor tax credit should be significantly increased as well.

Some people might say: Well, Senator SANDERS, this will cost a lot of money. They are right. It will cost a lot of money. But I would remind my colleagues that not too long ago on the floor of this Senate a significant number of Senators voted to repeal the estate tax completely—repeal the estate tax completely—which would cost our Government $1 trillion over a 20-year period. All of those tax breaks are going to the wealthiest three-tenths of 1 percent of the population, the very wealthiest people in America.

Well, if some of my friends think we have the resources to provide $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent, I would argue that we have the resources to incentivize the American people to purchase automobiles and other vehicles that get good mileage per gallon, incentivize and help people to put photovoltaic units on their rooftops, and incentivize and help people in rural America to purchase small wind turbines which could provide a substantial amount of electricity for their homes.

So the good news is that today, unlike 20 or 30 years ago, what we can say in honesty is that the technologies now are available in terms of transportation and energy efficiency.

Last month I talked to a major manufacturer of electric lights. What he told me is that in 4 or 5 years, there will be lights on the market, LED lights, which will last for 20 years when plugged in and consume about one-tenth of the electricity that is currently being consumed. Those are the kinds of breakthroughs we are making right now.

What we have to do as a Senate right now is provide the incentives to the American people to go out and purchase the lightbulbs which today might cost, if it is even a compact fluorescent lightbulb, more than an incandescent lightbulb, but in the long run, you save money. But we have to help those who do not have the money to do that.

An argument could be made that if the Federal Government helped every American purchase compact fluorescent lightbulbs and pay for those lightbulbs, we probably will save money in the long run without needing to build new powerplants, and certainly we would be making a major investment in lowering greenhouse gas emissions.

I conclude by saying that we would be absolutely irresponsible if we did not stand up to the big oil companies, the big coal companies, and all of those people who want us to continue to go along the same old path. We would be irresponsible because we would not be bringing about the changes we need to protect our kids and our grandchildren and, in fact, the very well-being of our planet.

I hope that as this debate continues for the rest of this week and into next week, that what we understand is that there is an absolute moral imperative that we act as boldly as we can to lower greenhouse gas emissions, that we act as boldly as we can to break our dependency on fossil fuels, that we be prepared to be a leader in the world in terms of moving toward energy efficiency, and that we embrace the new technologies that are out there in terms of solar energy, wind energy, geothermal, and other energies.

The more we invest, the more we produce, the more breakthroughs we will see. There are extraordinary opportunities out there, and if we do the right things, if we get our act together, 30 years from today the kind of energy system that exists in this country will look very different than the one that exists now. Not only will we be able to lower greenhouse gas emissions and reverse global warming, we are going to clean up the planet, which I think will go a long way to prevent many types of diseases that currently exist.

Now is the time for boldness, now is the time for the United States not to continue being a laggard behind other countries on this issue but becoming a leader around the world. It is not good enough to criticize China and India. What we need to do is become a leader and reach out and help those countries move forward in combating global warming.

This is the opportunity, and I think history will not look kindly upon us if we do not take advantage of this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Ohio.

Mr. BROWN. Madam President, I echo the words of the Senator from Vermont about the Energy bill being an opportunity for our country—an opportunity in terms of a better environment, global warming, to preserve our planet, an opportunity to stabilize energy costs, and an opportunity especially for good-paying jobs.

I come from a State that has taken a real hit from the Bush economic policy. I come from a State that has taken a real hit from trade policy through the last two administrations, Democratic and Republican administrations.

I look at what we are able to do with this Energy bill and better manufacturing policy.

I start with a story. Oberlin College is a school halfway between Cleveland and Toledo, not far from where I live. It is the site of the largest freestanding building on any college campus in the country fully powered by solar energy. The problem is that all of the solar panels were imported from Germany and Japan because we simply do not make enough solar panels in this country to do what we ought to be doing. It is the same with wind turbines. Toledo is especially well known for research in wind turbines and wind power. Yet with the exception of a plant in Ashtabula that makes a small component for wind turbines, very little manufacturing is done in this country on that particular alternative energy.

With the right kinds of incentives and with changing tax law, changing trade law in the Energy bill, Ohio, as the industrial Midwest, can play a major role in alternative energy.

We have seen energy policy, tax policy, trade policy, and the failure to have a manufacturing policy cause significant job loss. My State has lost literally hundreds of thousands of manufacturing jobs since President Bush took office, in part because of the lack of a manufacturing policy and no leadership from the White House, in part because of trade policy, in part because of tax policy.

For us, as we look to the future on trade agreements and trade policy, it is not good enough just to oppose bad trade agreements, it is not good enough to oppose the next round of NAFTA or CAFTA, it is not good enough to try to fix PNTR with China. We need a much more forward-looking manufacturing policy. That means expanding efforts on exports. It means expanding the Manufacturing Extension Program that Senator KOHL has worked on and I have worked on, and others. And it means a different regimented trade policy.

The Bush administration has just announced with some Members of the

House of Representatives, some Members of my party, that they want to move forward on the Panama and Peru trade agreements. Those are two trade agreements where the administration finally has decided they support environmental and labor standards, but this is also an administration that has never pushed very hard for environmental and labor standards in our own country.

I would look askance at the administration's promises without more proof of what, in fact, they are going to do on enforcement of labor and environmental standards. All one need do is look at the news stories that came out after the announcement from our U.S. Trade Ambassador Schwab and some House Democrats that there would be labor and environmental standards in the Panama and Peru trade agreements when soon after those news stories they said they may not be in the core trade agreements, that they may be in side deals, side agreements. We learned that lesson once with NAFTA where the labor standards and environmental standards were outside the agreement in a separate agreement, and that simply didn't matter. It didn't help that trade agreement work for American families in Steubenville or for workers in Toledo. It didn't work for communities in Finley and Lima and Mansfield.

We also know, listening to the discussions after the Peru and Panama trade agreements were announced with the labor and environmental standards, some people do not seem so certain that they are going to work as hard on enforcing these labor standards and environmental standards as they might have initially promised. All we need to do is look at the Jordan trade agreement passed in 2000, a trade agreement in the House of Representatives I supported but a trade agreement that had labor and environmental standards. Soon after President Bush took office, U.S. Trade Representative Robert Zoellick sent a letter to the Jordanians with a wink and a nod saying that because of dispute resolution issues, he wasn't going to enforce those labor and environmental standards.

If we are going to move forward on trade policy, it means stronger labor standards, stronger environmental standards, and stronger food safety standards. It means standards in the agreements, as part of the agreements. It means enforcing those agreements, and it means a manufacturing policy, the Manufacturing Extension Program, better assistance for small companies to export, better currency rules, particularly with China. It means benchmarks so that once these trade agreements pass, we can gauge whether the trade agreements helped our trade surplus deficit, our trade relations, and that there be benchmarks showing if there were job increases or job losses, did it mean a lower trade deficit or higher trade deficit, did it mean wages went up or wages went down for American workers. We need those benchmarks if we are going to pass trade agreements so we can look a year later and see if these trade agreements are working.

I contend they certainly are not working. The year I ran for Congress, the same year the Presiding Officer was elected to Congress, in 1992, we had a trade deficit of $38 billion. In 2006, our trade deficit exceeded $800 billion. Our trade deficit with China bilaterally in 1992 was barely in the double digits. Today, our trade deficit with China is upward of $230 billion.

President Bush 1 said $1 billion in trade deficit is equivalent to the result of about 13,000 fewer jobs, and if you just do the math and look at the trade deficit, multiplying times 20, from a factor of 20, the trade deficit is that much larger today than it was a decade and a half ago, you know it is costing us jobs. That is why a trade agreement with a tax policy, with a manufacturing policy that really does help American communities, that helps people in Toledo, Finley, Zanesville, Springfield, Miami Valley, and the Mahoney Valley in my State, will matter to help build a middle class.

I am hopeful that as we do this Energy bill and the House and Senate move ahead on trade policy in the next year, that we can link these so that it really does help to create a middle class, strengthen the middle class in our country with better trade, tax, and manufacturing policies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in support of Senator BINGAMAN's renewable portfolio amendment which would require that 15 percent of the Nation's electricity be generated from renewable sources by 2020.

I have heard from my office some of the debate which has taken place today. I was surprised that some of my colleagues have characterized this amendment as some sort of Federal giveaway for the wind industry. The renewable portfolio standard will not just benefit the wind industry, of course, but it will also benefit the production of energy from solar, biomass, electricity from biogas, small hydro, geothermal, and ocean and tidal energy projects as well.

This diverse set of energy sources will help protect us from the fuel price increases, such as those we have seen in natural gas recently. In turn, this reduction in demand for natural gas might even cause natural gas prices to fall, causing electricity prices to also fall.

Another economic benefit of the renewable portfolio standard is that it would help these emerging technologies flourish in the United States. Right now there are renewable energy firms in Europe that are outpacing their U.S.-based competitors. But by driving up demand for renewable energy domestically, we will help develop these industries at home, creating jobs and allowing us to develop energy as a domestic economic engine. At the same time we are meeting our energy challenges, at the same time that we are meeting the economic imperative of our energy challenges, at the same time that we undermine foreign countries—for which we are giving our dollars abroad in terms of our addiction to those energy sources—we can also fuel a domestic economic engine by pursuing these sources.

Of course, the most dramatic effect of the amendment will be its positive impact environmentally. According to the Energy Information Administration, it will reduce carbon emissions by 222 million tons per year by the year 2030, and other reports project reductions of as much as 10 percent per year from the electricity sector. This would be the equivalent of removing 71 million cars from the road. Think about it—removing 71 million cars from the road.

I also want to point out what this amendment will do for the solar energy industry. This amendment will provide triple renewable energy credits to solar energy. As a result, it has been estimated that this will result in a 500-percent increase in solar energy production.

Solar needs to be a significant part of America's energy future. When you have a way to generate energy that produces no carbon emissions, has no moving parts, makes no noise, and results in no adverse wildlife impacts, that is something we as a nation need to be pursuing.

My home State of New Jersey realized this a few years ago and set about enacting policies designed to spur the growth of its solar market. The results have been extremely successful. New Jersey has the second largest solar market in the entire Nation, from 6 installations to nearly 2,000 in just 5 years, over 7 megawatts of installed capacity, and tens of millions of kilowatt-hours produced each year. New Jersey, of course, is blessed with many things, but it is not blessed with more Sun than most of the rest of the Nation. The State simply recognized that by being visionary we could not only start generating large amounts of pollution-free energy in our own State, but we could also provide a kick-start to a whole new industry. That industry, of course, generates not only great energy, truly clean energy, truly renewable energy, but at the same time creates a very significant economic positive consequence as well.

What New Jersey has done we must do as a nation. The renewable portfolio

standard amendment, along with the extension of solar tax credits, will help expand the use of solar energy, and, most importantly, lower the cost.

I also want to urge my colleagues to oppose the Domenici amendment—the amendment that Senator DOMENICI has offered to Senator BINGAMAN's renewable portfolio standard amendment. That amendment would stall the development of renewable energy and thereby undercut the entire point of this bill. There are some who don't want to challenge the industry. There are those who don't want to bring us to a higher standard. For them, the Domenici amendment to Senator BINGAMAN's renewable portfolio standard is their out. That is their out.

For those Members of the Senate who don't want to bring us to a higher challenge, who don't want to challenge the industry, who, in essence, are happy to support the status quo, the Domenici amendment is their solution.

The Domenici amendment, however, has numerous problems. To begin with, the substitute would allow States to opt out of the standard for just about any reason—just about any reason. If a State can opt out, the renewable industries will be hesitant to adequately invest in these projects and, therefore, we won't move forward.

The substitute will also weaken renewable requirements by including nonrenewables, such as nuclear power. This would divert money from renewables to an already well-subsidized energy source.

The Domenici substitute would also allow the Department of Energy to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary—without any restrictions on the Secretary. Who knows what would be included under such a definition. This would leave discretion for the Secretary to include ''clean coal'' or any other source of energy one could put the word ''clean'' in front of.

In addition, the Republican substitute would include energy inefficiency projects and demand-response programs. The more things we add to the standard, the less meaningful the standard becomes. We cannot pit efficiency against renewables. We need both efficiency and renewables to flourish in partnership and not compete for investment dollars.

Once again, I praise Senator BINGAMAN, the chair of the Energy Committee, on which I have the privilege of sitting, for his amendment, for his vision, for bringing us and challenging us to a higher standard, one that the Nation clearly needs. It will be beneficial for our environment, it will boost our domestic economy, and it will reinforce the actions taken by 23 States that have already shown leadership by instituting renewable portfolio standards. If the States have already shown leadership in this regard, the Nation and the Senate need to show the same leadership.

I urge my colleagues to vote in favor of that important amendment and against efforts to weaken this important provision. Those are, I hope, words that Members of the Senate will take to heart.

TRIBUTE TO PETER CHASE NEUMANN

Mr. REID. Madam President, today I rise to honor the achievements of Peter Chase Neumann. Not only is Peter recognized locally and nationally for his skill as a trial lawyer, he is also deeply involved with philanthropies whose work has been enormously beneficial to Nevada. These significant contributions have resulted in Peter being named the recipient of the Nevada Trial Lawyers Association Lifetime Achievement Award, and deservedly so.

Peter has tried more than 150 civil and criminal cases to verdict and almost 50 appeals to the Nevada and Arizona Supreme Courts. His ability in the legal profession is renowned, and his talents are wide-ranging, from trial advocacy in personal injury cases to writing academic articles. He has dedicated himself to the cause of justice for the wrongfully injured, and has been recognized for his work in Town and Country Magazine's Top Trial Lawyers in America, in Las Vegas Magazine, by Top Gun Lawyers in Nevada and by The Best Lawyers in America.

His leadership in the legal community is unparalleled: He has served as president of the Arizona, Nevada, and Western Trial Lawyers Association, and on the Board of Governors for the American Trial Lawyers Association. He was both legislative advocate for and president of the Plaintiff's Bar, and was accepted as a diplomat in the International Society of Barristers and the American Board of Trial Advocates.

His devotion to the law has not in any way impeded his philanthropic contributions. He and his wife Renate have served with the Angel Kiss Foundation, a nonprofit dedicated to helping families cope with the financial burdens associated with childhood cancer. President Clinton recognized Peter's influence and appointed him to the Tahoe Regional Planning Committee. He has involved himself with Scenic America and Scenic Nevada, committing himself to the cause of protecting Nevada's natural treasures in the Lake Tahoe region and beyond.

Peter is also an accomplished airplane pilot. In recent years, he has spent untold hours soaring in his gliders all over America.

Most people know Peter for his reputation as a renowned trial lawyer or for his work in the philanthropic community in my State. But I have had the privilege to call Peter my friend. It is my great pleasure to offer congratulations to Peter Chase Neumann for his lifetime of excellence in his profession, in his public service, and in his philanthropy.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, with the cost of health care continually increasing for employers, individuals, and the Government combined with the growing number of uninsured Americans it is clear that our health care system is in dire need of change. My goal is to help every American have access to affordable health insurance and to continue the State Children's Health Insurance Program, SCHIP.

In an op-ed in The Hill on June 6, 2007, the Secretary of Health and Human Services, Mike Leavitt, suggested a very good proposal for increasing access to health insurance. His proposal calls for reauthorization of SCHIP and keeping the program's focus on kids, providing the same tax advantage to all Americans through a standard deduction for health insurance, and encouraging State innovation through grants to help low income individuals afford private health insurance.

I support Secretary Leavitt's ideas. However, health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together. This involves reaching across the aisle and getting Democrats to say two words ''private markets'' and Republicans to say to two words ''universal access.''

Two of my colleagues have put forward two different but thoughtful pieces of legislation addressing the uninsured Senator WYDEN's Healthy Americans Act, S. 334, and Senator COBURN's Universal Health Care Choice and Access Act, S. 1019. But I am doing something that I rarely do: cosponsoring both of them to encourage my goal of affordable health insurance for every American while continuing the SCHIP program helping children.

I have cosponsored these bills in the spirit of reform, but that does not mean I support every provision in both pieces of legislation. In fact, there are some provisions that I oppose. Though not perfect, these bills are an important first step toward achieving access to health services for all Americans.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to have my letter of June 12, 2007, to Senator REID printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 12, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 1547, the National Defense Authorization Act for Fiscal Year 2008, and its companion measure, S. 1548, the Department of Defense Authorization Act for Fiscal Year 2008, both of which were filed by the Committee on Armed Services on June 5, 2007, be sequentially referred to the Select Committee on Intelligence for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bills contain matters within the jurisdiction of the Select Committee.

Thank you for your assistance.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.

CBO STUDIES

Mr. GREGG. Madam President, today there is a great deal of debate about how Americans are doing, in particular those considered low income. I rise today to dispel a major misconception about the progress of low-income Americans. Those on the other side of the aisle would have you believe that when one person does better it must be at the expense of another. Nothing could be further from the truth. In fact, when Congress adopts policies that encourages individuals to work harder, save, take risks, and invest more, the economy does better and everyone benefits. Two recent studies I requested from CBO prove a rising tide does lift all boats.

The first report issued in December, entitled ''Changes in Low Wage Labor Markets Between 1979 and 2005,'' found that the inflation adjusted hourly earnings of U.S. workers was 10 percent higher now than back in 1979. Since 1990 those in the bottom 10th percentile of wage earners witnessed their inflation adjusted wages increase 12.8 percent, more than 2.5 percentage points faster than those in the statistical middle.

CBO's second report entitled ''Changes in the Economic Resources of Low-Income Households with Children'' indicates that poor households with children experienced real earnings gains of 80 percent since 1991, outpacing even those in the top income quintile whose earnings grew 54 percent. This fact is even more amazing viewed in the context of welfare reform.

Those opposing welfare reforms in the mid 1990s argued that limiting direct Government assistance and requiring low-income people to work more would prove to be disastrous. However, low-income households with children now rely less on the Government, are more self reliant and have a higher standard of living. In 1991, low-income households relied on the Government for a majority of their income with earnings accounting for just 49 percent. Today, low-income households earn 65 percent of their income and rely on Government assistance for the remainder. Female headed households also rely less on the Government for their livelihood. In 1991, 35 percent of their income was earned compared with 54 percent now. The share of their income derived from AFDC or TANF fell from 42 percent in 1991 to 7 percent in 2005.

These two studies prove that when the Government interferes less in the lives of its citizens, they are more productive. Once unencumbered by Government, people are motivated to work harder, save, and invest more.

PASSING OF ADEN ABDULLE OSMAN

Mr. COLEMAN. Madam President, I would like to take the opportunity to express sorrow on behalf of the Somali community of Minnesota, which is currently mourning the death of an important figure for Somalia, former President Aden Abdulle Osman. Aden Abdulle Osman, known by many Somalis as Aden Adde, passed away at the age of 99 on June 7, 2007.

Aden Abdulle Osman became the first President of Somalia in 1960 after the country gained its independence on July 1. Mr. Osman served as President of the newly formed Somalia until June 10, 1967. President Osman led his country during the critical time of its formation and development into a full-fledged state. When he lost the Presidential election in 1967, President Osman graciously ceded his position to his opponent, Abdirashid Ali Shermarke. In doing so, Aden Abdulle Osman set an example for the peaceful transfer of democratic power, which is a critical aspect of all democratic systems. For this reason, Aden Abdulle Osman is viewed throughout Somalia and Africa as a model of statesmanship that seeks the greater good.

I am privileged to represent the State that has the largest Somali community in the U.S. The Somalis of Minnesota represent a thriving community that has enriched the fabric of our State through its vibrant culture. I would like to join my Somali constituents in expressing sorrow for Aden Abdulle Osman's death. It is my sincere hope that the current leaders of Somalia will look to his leadership as an example, and that such leadership will serve to usher Somalia towards peace, stability and democracy.

ADDITIONAL STATEMENTS

MODESTO'S NATIONAL NIGHT OUT

• Mrs. BOXER. Madam President, I ask my colleagues to join me in recognizing the outstanding National Night Out program in Modesto, CA. For the past 6 years, the city of Modesto has either ranked first or second in the Nation in National Night Out participation among cities with populations of 100,000 to 299,999.

Since its inception in 1983, National Night Out has brought millions of Americans together to take a united stand against crime and send a clear message to criminals that citizens and neighborhoods are committed to crime prevention. National Night Out has played an instrumental role in helping to raise crime and drug prevention awareness, generate support for and participation in local anticrime programs, and perhaps most importantly, improve neighborhood spirit and strengthen community-police partnerships.

In 2006, more than 35.2 million people and 11,125 communities from all 50 States, U.S. territories, and military bases worldwide participated in the National Night Out campaign. Conscientious citizens, law enforcement agencies and civic groups came together to participate in a variety of festive events and activities such as block parties, ice cream socials, flashlight walks, and visits from law enforcement and other public agencies to help promote the importance of community involvement in local crime-fighting programs.

In Modesto, 123 neighborhoods participated in National Night Out last year, making it the Nation's leader among cities with populations of 100,000 to 299,999. The city of Modesto is a shining example of the importance of community and cooperation in local crime-fighting efforts.

As the residents of Modesto gather for another successful National Night Out campaign, I would like to congratulate and commend its citizens, civic leaders, and the Modesto Police Department for their leadership and willingness to help make their city a safer and better place to call home.•

150TH ANNIVERSARY OF SACRAMENTO HIGH SCHOOL

• Mrs. BOXER. Madam President, I am pleased to recognize the 150th anniversary of Sacramento High School in Sacramento County, CA.

On September 1, 1856, as the Gold Rush came to an end in California and miners migrated into newly formed cities, Sacramento High School opened its doors and began a long tradition of quality education. As the second oldest high school west of the Mississippi, Sacramento High School is a historical landmark and symbol of a quality educational institution in California's capital city.

Sac High, as it is locally known, has been the alma mater of a wide range of notable alumni including NBA great Kevin Johnson, Pulitzer Prize winner

Herb Caen, and a number of distinguished Californians, including former California Governor Hiram Johnson.

Most recently, nearly 100 percent of the senior class will have the opportunity to pursue a post secondary education, 70 percent of whom have been accepted to a public or private 4-year college. Sac High's Dragons have also accumulated many championships in a variety of athletics over the years, including the recent San-Joaquin Division III Championship that both men's and women's basketball teams have won.

As the school and the community celebrate Sac High's sesquicentennial, I would like to congratulate the past and present students, faculty, and administrators who upheld Sacramento High School's traditions and campus pride for the last century and a half and wish them another 150 years of success.●

NATIONAL HISTORY DAY

● Mr. DOMENICI. Madam President, I wish to recognize three great students from New Mexico today. These three students have harnessed their creativity and skills to produce amazing projects which were displayed today at the National Portrait Gallery in honor of National History Day. What a great achievement for these students to be selected out of 500,000 entries to be showcased in the National Portrait Gallery.

Shannon Burns, from Los Alamos Middle School, has put together a 10-minute documentary on Irish immigration and how it contributed to the American Civil War while Ryan Andrews-Armijo and Ashley Page from Moriarity Middle School contributed a documentary on the racial tensions and the triumph over those obstacles, of the 1966 Texas Western College basketball team. I was incredibly honored to meet with these three individuals earlier today, and I am impressed by their projects and their tenacity. I am proud to see these kids learn and put into action what they have learned at school and beyond.

I was also very pleased to hear of 44 other students, in total, from New Mexico participating in the National History Day contest in Maryland today. It is quite impressive to see how well New Mexico was represented in this nationwide contest.

National History Day is an academic organization for elementary and secondary children that has been celebrating history for over 25 years now. This exceptional scholarship program gives kids the opportunity to research a historical event and put that research into a format for others to enjoy. This is a great way for our children to learn and explore history while also putting their creativity to work. History is one of the cornerstone subjects taught in America's schools today. When students learn about the past, they are taught how to handle the future.

National History Day gives us a unique opportunity to reflect on our past and appreciate where we, as Americans, come from. History makes us who we are, it defines us. We must not forget our history. Learning history is as important today in our schools as it ever was. We must always be stewards of continual learning from our mistakes and victories.

Congratulations again to the amazing students participating in this great commemoration of history.●

NATIONAL HISTORY DAY PROJECTS

● Mr. INHOFE. Madam President, today I wish to recognize and congratulate students Natalie Haworth and Trenton Knight from Dill City High School in Burns Flat, OK, and Libby Trusty from Verdigris High School in Claremore, OK. These students have been selected to present their award winning National History Day projects in Washington, DC, today. Each project reflects on this year's National History Day theme, ''Triumphs and Tragedies in History.''

Haworth and Knight have been selected to present their history project at the White House Visitor's Center. Trusty has been selected to present her project at the National Archives and Records Administration. Their projects were selected by the National History Day program from hundreds of thousands nationwide.

Haworth's and Knight's project, ''Land Divided—World United,'' is a depiction of the historical creation of the Panama Canal. The exhibit begins with the original vision to construct a channel through Central America and extends all the way to the completion and proposed expansion of the Panama Canal.

Trusty is presenting a U.S. Supreme Court case which addressed the controversial issue of equal educational opportunities available throughout American history. Fisher v. University of Oklahoma Board of Regents was one of the unfamiliar but significant cases that ultimately led to the landmark decision to desegregate schools in America.

I believe it is important for students to be informed and educated about the milestones of American history, because it will strengthen them as our country's future leaders and provide them with the knowledge to continue to lead our Nation as our Founding Fathers intended. History is an integral part of the education of future generations of Americans, and I would like to commend the National History Day program for empowering teachers to improve history education and influencing students to follow these Oklahoma students' exemplary example.●

RECOGNIZING MATTHEW MARIUTTO

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Matthew Mariutto for his outstanding work and achievement in the study of history, and specifically, for his award-winning documentary on Apollo I.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Matthew Mariutto has been selected to present his documentary on ''Worth the Risk of Life: The Tragedy and Triumph of Apollo I.'' Matthew attends American Heritage School in Plantation, and his teacher is Leslie Porges.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Matthew Mariutto, for his fine work.

Matthew, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

RECOGNIZING KELSEY TATE

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Kelsey Tate for her outstanding work and achievement in the study of history, and specifically, for her award-winning performance on Alfred Nobel.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This

exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Kelsey has been selected to present her performance on ''Alfred Nobel: Poverty to Prizes.'' Kelsey attends Deerlake Middle School in Tallahassee, and her teacher is Mr. Andrew Keltner.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Kelsey Tate, for her fine work.

Kelsey, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

HONORING IMMUCELL

● Ms. SNOWE. Madam President, I wish to recognize a tremendously innovative small business from my home State of Maine that recently opened an upgraded production facility to benefit both its employees and its business operations. Immucell, an emerging biotechnology company based in Portland, opened its newly expanded building on June 7 to great fanfare. The new facility benefits Immucell's 30 employees, who now have enhanced space and equipment with which to conduct research and manufacture products. Equally as critical, the facility was designed to help Immucell more easily comply with current good manufacturing practice standards. Enforced by the U.S. Food and Drug Administration, current good manufacturing practice requirements assure quality in our food and medicines.

Immucell's specialized work is quite impressive. In a rapidly expanding biotech industry, Immucell has carved out a niche as a leading producer of medicines for animals in the dairy industry. The company's products, such as First Defense and Mast-Out, have ensured the safety and health of cows and calves that supply our milk and other dairy products. Working together with Pfizer, Immucell has managed to turn Mast-Out into a profitable product. Besides its products, Immucell's research provides the company a respected and prestigious role in the animal-health industry.

I was delighted to hear that Immucell is seeking to use its expanded facilities to extend its reach into overseas markets. What a great honor that would be for the State of Maine. Immucell contributes immensely to Maine's small business community, and the ever-increasing relevance of its work also places it at the forefront of modern science worldwide.

Immucell's efforts to become a leader in its market are noteworthy, and the vision that its leadership has for future growth reflects a steadfast determination for continued success. It is particularly exciting that a Maine small business is making such a name for itself in an industry replete with large companies. Immucell and its high-paying jobs provide us with a shining example of smart growth. I commend chief executive officer Michael Brigham and all the employees at Immucell for their wise choices and tremendous achievements, and I wish them much success in the future.●

RECOGNIZING KEITH AND PATTI JENNINGS

● Mr. THUNE. Madam President, today I wish to recognize Keith and Patti Jennings as they celebrate their ranch's 100-year anniversary. The Jennings family has the unique distinction of being one of the few functioning farm and ranch operations able to trace their roots back to family members who were the original homesteaders on the land. This is a truly impressive accomplishment for the Jennings family and the State of South Dakota.

This milestone celebration is a tribute not only to Keith and Patti Jennings but to their grandparents Robert and Lucille and their parents Darrell and Mary. The family can certainly take pride in the perseverance and fortitude that enabled three generations of Jennings to stay on and operate the same ranch for the past 100 years.

Keith and Patti Jennings should also be very proud of the contributions their children are making to the great State of South Dakota, Brian as executive director of the American Coalition for Ethanol, Barry as executive director of the South Dakota Beef Industry Council, Marla with the construction industry in Sioux Falls, and Byron as a student at South Dakota State University.

I would like to commend Keith and Patti for their 32 years operating the Jennings Ranch and for its 100 years of operation. South Dakota is fortunate to have the Jennings as lifelong residents. Families like theirs are the backbone of South Dakota's economy and future. I wish them continued success in the years to come.●

RECOGNIZING LAKE NORDEN, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lake Norden, SD. The town of Lake Norden will celebrate the 100th anniversary of its founding this year.

Located in Hamlin County, Lake Norden is home to the South Dakota Amateur Baseball Hall of Fame, the Lake Norden Historical Society Museum, and the Donald Christman Toy Museum. Lake Norden has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lake Norden on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING HENRY, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Henry, SD. The town of Henry will celebrate the 125th anniversary of its founding this year.

Located in Codington County in northeastern South Dakota, Henry was founded in 1882 and has approximately 300 residents today. Henry has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Henry on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING HAYTI, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Hayti, SD. The town of Hayti will celebrate the 100th anniversary of its founding this year.

The county seat of Hamlin County, Hayti was founded in 1907 by the South Dakota Central Railway as a stop on its line from Sioux Falls to Watertown. The town was named after the area's common practice of tying hay for fuel. Hayti has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Hayti on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING FAULKTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Faulkton, SD. The town of

Faulkton will celebrate its 125th anniversary this year.

Faulkton was founded in 1882 and named after Territorial Governor Andrew J. Faulk. Located in Faulk County, it has served as the county seat since 1886. Faulkton has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Faulkton on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING WESSINGTON SPRINGS, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington Springs, SD. The town of Wessington Springs will celebrate the 125th anniversary of its founding this year.

Located in Jerauld County, Wessington Springs was founded in 1882. It was named after a man named Wessington and also after the natural springs that flow through the town's hills. While Wessington's identity is not certain, there are a number of local legends about a trapper by that name who spent time in the area. Wessington Springs has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington Springs on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING LEMMON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lemmon, SD. The town of Lemmon will celebrate its 100th anniversary this year.

Founded in 1907, Lemmon is located in Perkins County near the North Dakota border. It was named after George Edward Lemmon, who managed the largest fenced pasture in the world and is a member of the National Cowboy Hall of Fame. The town of Lemmon is home to the world's largest petrified wood park, which was constructed by unemployed workers during the Great Depression. Lemmon has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lemmon on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING WESSINGTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington, SD. The town of Wessington will celebrate its 125th anniversary this year.

Wessington is located west of Huron in Beadle County. Since its beginning, the town has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Wessington will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

H.R. 2367. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. Concurrent resolution authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

The message further announced that pursuant to 44 U.S.C. 2702, the Clerk of the House appoints Mr. Bernard Forrester of Houston, Texas, to the Advisory Committee on the Records of Congress.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2637. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2236. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to cooperative activities in areas of research, development, and test and evaluation; to the Committee on Armed Services.

EC–2237. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Carl A. Strock, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2238. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the projects from solicitation that were not funded solely due to lack of resources; to the Committee on Armed Services.

EC–2239. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the amount of acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006; to the Committee on Armed Services.

EC–2240. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's initiation of preliminary planning to determine if the facilities maintenance and logistics function performed at Marine Corps Base, Quantico, Virginia is a suitable candidate for a public-private competition; to the Committee on Armed Services.

EC–2241. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's efforts to determine if it should initiate a public-private competition of facilities sustainment and other services at installations in Norfolk, Portsmouth, Virginia Beach and Yorktown, VA; to the Committee on Armed Services.

EC–2242. A communication from the Assistant Secretary of the Navy (Installations and

Environment), transmitting, pursuant to law, a report relative to the Department's decision not to conduct a public-private competition of nationwide personnel; to the Committee on Armed Services.

EC–2243. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Lending Limits for Residential Real Estate Loans, Small Business Loans, and Small Farm Loans'' (OCC–2007–0011) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2244. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 28613) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2245. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 27752) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2246. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations'' (72 FR 27741) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 28617) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XA40) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA25) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2250. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Hagfish Collection of Information'' (RIN0648–AU80) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2251. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Prohibit New Entry to the Pacific Whiting Fishery in 2007'' (RIN0648–AV57) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2252. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–055–FOR) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2253. A communication from the Attorney, Office of General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Procedural Rules for DOE Nuclear Activities and Occupational Radiation Protection'' (RIN1901–AA95) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2254. A communication from the Associate Deputy Secretary of the Interior, transmitting, the report of a draft bill that would amend the Federal Land Transaction Facilitation Act; to the Committee on Energy and Natural Resources.

EC–2255. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Exemption from VOC Requirements for Sources Subject to the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing or Reinforced Plastics Composites Manufacturing'' (FRL No. 8319–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; NSR Reform Regulations'' (FRL No. 8327–1) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Request for Rescission'' (FRL No. 8325–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007'' (FRL No. 8325–5) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Nevada State Implementation Plan, Washoe County District Health Department'' (FRL No. 8327–3) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2260. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2261. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor for Valuation Under Section 475'' ((RIN1545–BB90) (TD 9328)) received on June 12, 2007; to the Committee on Finance.

EC–2262. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services and defense articles to support the sale of four C–17A aircraft to Canada; to the Committee on Foreign Relations.

EC–2263. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination executed by the Deputy Secretary relating to actions of Iraq and Libya; to the Committee on Foreign Relations.

EC–2264. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Chief Financial Officer, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2265. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2266. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2267. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Surgeon General, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2268. A communication from the Assistant Secretary for Administration and Management, Office of the Deputy Secretary, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2269. A communication from the Director, Office of Personnel Management, transmitting, the report of a legislative proposal entitled the ''Senior Professional Performance Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2270. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2271. A communication from the Acting Senior Procurement Executive, Office of the

Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–17) received on June 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2272. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Virginia Advisory Committee; to the Committee on the Judiciary.

EC–2273. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Michigan Advisory Committee; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–116. A joint resolution adopted by the Legislature of the State of Montana expressing its opposition to the Rockies Prosperity Act; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 31

Whereas, bills with the same content have been introduced in the Congress for the past three sessions, named successively the Northern Rockies Ecosystem Protection Act of 2001, the Northern Rockies Ecosystem Protection Act of 2003, and the Rockies Prosperity Act of 2005; and

Whereas, these acts would designate more than 15.4 million acres as new wilderness, more than 1.4 million acres as park preserves, more than 1 million acres as recovery areas, and an additional 8.51 million acres as biological connecting corridors; and

Whereas, the proposed wilderness, preserves, and recovery areas would impose severe restrictions on access and human activities in violation of existing laws such as the Multiple-Use Sustained-Yield Act; and

Whereas, severe restrictions on the management of the private property within the corridors would lead to prohibition of even-aged silvicultural management, prohibition of timber harvesting, prohibition of mineral, oil, and gas exploration, prohibition of road construction or reconstruction with the goal of achieving zero miles of road in the corridors over a short time period, causing loss of value to private property even to the point of forcing landowners to abandon their properties, hopes and dreams and causing extreme hardship and anguish; and

Whereas, additional taking of private property would occur with the reduction of water rights on National Forest land and the reduction of grazing rights on National Forest land, causing hardship and loss of business to ranchers, farmers, and residents in the region; and

Whereas, the requirements for implementation of the management plans set forth in the acts are extremely unbalanced in their approach to conservation, focus entirely on plant, animal, and ecological effects and leave out the social, economic, and cultural impacts on people who also are part of the natural environment, and are in violation of existing law, such as the National Environmental Policy Act; and

Whereas, the Montana Legislature does not believe these acts, drafted by extreme special interest groups funded by international foundations and other sources that do not represent the majority of Montana residents, should be allowed to subject land in Montana to this sort of unbalanced, unnecessary control; and

Whereas, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

Whereas, these acts do not include proposals to purchase the private lands; and

Whereas, the restrictions contemplated constitute an unlawful taking of that land in violation of Article I, section 8, clause 17, of the Constitution of the United States, which provides that before any state land can be purchased, the consent of the state Legislature and not the state Executive Branch must be obtained; and

Whereas, Article IV, section 3, clause 2, of the Constitution of the United States provides that ''nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state''; and

Whereas, Article IV, section 4, of the Constitution of the United States provides that ''the United States shall guarantee to every state in this union a republican form of government''; and

Whereas, Amendment V of the Constitution of the United States provides that no person shall ''be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation''. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana: That the Montana Legislature is opposed to the passage of these acts. Be it further

Resolved, That the Montana Legislature urge the members of Congress, especially the Montana delegation, to vigorously oppose these acts and any revisions of these acts and to vote against these acts at every opportunity, Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, and Montana's Congressional Delegation.

POM–117. A joint resolution adopted by the Senate of the State of Nevada urging Congress to support a proposed off-highway vehicle park in Clark County; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 18

Whereas, the Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

Whereas, most areas of Clark County have been closed to motorized recreation; and

Whereas, the Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

Whereas, the Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an ''open area,'' allowing unrestricted motorized recreation; and

Whereas, an opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

Whereas, a feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

Whereas, development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe off-road activities and implementation of environmental protections to air, sensitive soils and native plants: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–118. A joint resolution adopted by the Senate of the State of Nevada encouraging the use of biomass in the production of energy in Nevada and encouraging certain activities relating to that production; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 11

Whereas, ''Biomass'' is the term used to describe organic matter that is available on a renewable basis, including, but not limited to, agricultural crops and agricultural wastes, wood and wood residues, animal wastes, municipal wastes and various aquatic plants; and

Whereas, unlike petroleum, biomass is a resource that is renewable and is generally readily available at the location where it is used to produce renewable energy, thereby reducing the costs of distributing the biomass; and

Whereas, although the production and use of renewable energy is encouraged in Nevada, and biomass is included in the incentives provided for the production and use of renewable energy, the availability and benefits of using biomass itself should be accentuated and brought to the attention of the members of the general public: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to make biomass eligible for production tax credits at the same level and in the same manner as wind and geothermal energy: and be it further

Resolved, That this Legislature encourages the use of biomass in the production of energy in Nevada and therefore urges all Nevadans to consider investing money in the production of energy from biomass and to participate in the establishment throughout the State of Nevada of projects that demonstrate the effectiveness and desirability of

using locally obtained biomass in the production of energy and partnerships between private enterprises and federal, state and local governmental entities to create those projects: and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Governor of the State of Nevada, the Director of the State Department of Conservation and Natural Resources and each member of the Nevada Congressional Delegation: and be it further

Resolved, That this resolution becomes effective upon passage.

POM–119. A resolution adopted by the Senate of the State of Florida urging Congress to, among other things, fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000; to the Committee on Environment and Public Works.

SENATE MEMORIAL 2770

Whereas, the Everglades is one of the most unique and fragile ecosystems in the world, and

Whereas, the Legislature and the Congress of the United States have long recognized that the Everglades is imperiled and must be restored, and

Whereas, the Comprehensive Everglades Restoration Plan was approved by Congress as a framework for restoration of the Everglades in the Water Resources Development Act of 2000, and

Whereas, the Comprehensive Everglades Restoration Plan will restore more than 2.4 million acres of the south Florida ecosystem while meeting the other water-related needs of the region, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have appropriated more than $2 billion to implement the Comprehensive Everglades Restoration Plan since the passage of the Water Resources Development Act of 2000, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have provided more than 90 percent of the funding to implement the plan, and the South Florida Water Management District has begun construction on the initial conditionally authorized projects, and

Whereas, the Water Resources Development Act of 2000 approved the restoration plan as a full and equal partnership between the State Government and the Federal Government, and

Whereas, the Indian River Lagoon and Picayune Strand projects and 10 conditionally authorized projects require authorization from Congress: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and to provide funding for the federal share of the full and equal partnership; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–120. A resolution adopted by the Senate of the State of Florida urging Congress to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards and to authorize funding to expedite the improvements; to the Committee on Environment and Public Works.

SENATE MEMORIAL 1680

Whereas, Lake Okeechobee was impacted by four hurricanes during the 2004 and 2005 hurricane seasons, and

Whereas, subsequently, at the request of local community leaders, the South Florida Water Management District Governing Board implemented an independent report on the Herbert Hoover Dike surrounding Lake Okeechobee, and

Whereas, the report found that the dike does not meet current levee protection safety standards, which constitutes a failure of the structure, and

Whereas, the failure of the structure poses a clear and imminent threat of catastrophic proportion to the communities surrounding Lake Okeechobee, and

Whereas, the dike was not built to current levee engineering standards and is therefore not authorized by Congress to be brought into compliance to such standards: Now, therefore, be it

Resolved, by the Legislature of the State of Florida, That the Congress of the United States is requested to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards by 2014 and to authorize funding to expedite the improvements; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–121. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to reevaluate the ''fast track'' approval of international trade agreements; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 10

Whereas, as international trade has evolved in recent years under the ''fast track'' authority by which Congress reviews international trade agreements involving the United States, the authority for which will expire on June 30, 2007, significant questions have developed with respect to the continuing ability of states to retain their character, environmental controls and quality of life; and

Whereas, under ''fast track'' rules, the review of complex trade agreements by Congress is limited to a vote to approve or reject the agreements, after limited time for consideration, without the possibility of amendments; and

Whereas, trade agreements today have an impact which extends significantly beyond the bounds of traditional trade matters such as tariffs and quotas, and instead grant foreign investors and service providers certain rights and privileges regarding acquisition of land and facilities and regarding operations within a state's territory, subject state laws to challenge as ''non-tariff barriers to trade'' in the binding dispute resolution bodies that accompany the pacts and place limits on the future policy options of state legislatures; and

Whereas, despite the demonstrated variety of significant impacts that trade and investment agreements have on state governance, taxation authority, environmental protection, land use regulation and many other areas of state interest, states and local governments have not received assurances that their concerns will be adequately addressed in any ''fast track'' renewal process; and

Whereas, Federal legislation should clarify the negotiating agenda of the United States in a manner that establishes a stronger role for states and should include an explicit mechanism for the prior informed consent of affected state legislatures: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to reevaluate the ''fast track'' approval of international trade agreements, and to consider replacing that authority with a more democratic, inclusive and deliberative mechanism which takes into consideration the concerns of state legislatures and authorizes their participation in the international trade agreement process; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–122. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to enact the Resident Physician Storage Reduction Act of 2007; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 17

Whereas, the Resident Physician Shortage Reduction Act of 2007 was recently introduced in Congress as a tool to help states whose physician to population ratios are below that of the national median; and

Whereas, the intent of this legislation is to increase the number of residency positions for which Medicare payments will be made to teaching hospitals in states with a shortage of resident physicians; and

Whereas, increasing the number of resident physicians in states is an important step towards ensuring an adequate supply of physicians in the health care system; and

Whereas, as a result of this legislation, teaching hospitals in approximately 24 states would be eligible for an increase in their resident cap, including Nevada which currently has 199 physicians in training and is estimated to be eligible for an additional 93 positions; and

Whereas, as one of the fastest growing states in the nation, and with a ranking of 43rd in the nation in physicians per 100,000 residents, it is critical to the residents of Nevada that the shortage of physicians be remedied; and

Whereas, it is the belief of the Nevada Legislature that the Resident Physician Shortage Reduction Act is an important first step that will help meet Nevada's and the nation's need for future physician services: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the Nevada Legislature hereby express their support for passage of the Resident Physician Shortage Reduction Act of 2007: and be it further

Resolved, That the Nevada Legislature will continue to do all things possible to make Nevada a desirable location for the physicians who choose to practice here; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Secretary of Health and Human Services and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–123. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to support a free trade agreement between the Republic of China on Taiwan and the United States; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 16

Whereas, it is our belief that it is this country's responsibility to promote the values of freedom and democracy, a commitment to open markets and the free exchange of goods and ideas both at home and abroad, and the Republic of China on Taiwan shares these values and has struggled throughout the past 50 years to create what is an open and thriving democracy; and

Whereas, despite the fact that Taiwan is a member of the World Trade Organization, it has no formal trade agreement with the United States, yet Taiwan has emerged as the United States' eighth largest trading partner, the United States is Taiwan's largest trading partner and American businesses have benefited greatly from this dynamic trade relationship; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent, and it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan: and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the members of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–124. A resolution adopted by the Senate of the State of Florida urging Congress to timely authorize the State Children's Health Insurance Program to assure federal funding for the Florida Kidcare program; to the Committee on Finance.

SENATE MEMORIAL 1506

Whereas, the Legislature of the State of Florida regards the health of children to be of paramount importance to families in the State, and

Whereas, the Legislature of the State of Florida regards poor child health as a threat to the educational achievement and social and psychological well-being of the children of the State of Florida, and

Whereas, the Legislature of the State of Florida considers protecting the health of children to be essential to the well-being of Florida's youngest citizens and the quality of life in the state, and

Whereas, the Legislature of the State of Florida considers the Florida Kidcare program, which was created in 1998 and currently has 1,388,520 children enrolled in the program, to be an integral part of the arrangements for health benefits for the children of the State of Florida, and

Whereas, the Legislature of the State of Florida recognizes the value of the Florida Kidcare program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs, and

Whereas, the Legislature of the State of Florida considers the federal funding available for the Florida Kidcare program to be indispensable to providing health benefits for children of modest means, Now, therefore, be it

Resolved, by the Legislature of the State of Florida: That the Legislature urges the members of the Florida delegation to the United States Congress to ensure that the Congress reauthorizes the State Children's Health Insurance Program (SCHIP) to continue to provide federal funding for the Florida Kidcare program: Be it further

Resolved, That the Legislature urges the Governor to work with the Florida delegation to ensure that SCHIP is reauthorized in a timely manner. Be it further

Resolved, That the Legislature urges the Governor to provide the assistance necessary to identify and enroll children who qualify for Medicaid or the Florida Kidcare program. Be it further

Resolved, That the Legislature proclaims that all components of state government should work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in this state be used to the maximum extent possible. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–125. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 15

Whereas, in the first chapter of its charter, the World Health Organization set forth the objective of attaining the highest possible level of health for all people, and participation in international health programs is crucial as the potential for the spread of infectious diseases increases proportionately with increases in world trade, travel and population; and

Whereas, Taiwan's population of over 23 million is larger than three-fourths of the member countries who currently participate in the World Health Organization; and

Whereas, the achievements of Taiwan in the field of health are substantial and include one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox and the plague, and the distinction of being the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, before its loss of membership in the World Health Organization in 1972, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region; and

Whereas, presently, this remarkable country is not allowed to participate in any forums or workshops organized by the World Health Organization concerning the latest technologies in the diagnosis, monitoring and control of disease; and

Whereas, in recent years, the government and the expert scientists and doctors of Taiwan have expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization, but these offers have been refused; and

Whereas, admittance of Taiwan to the World Health Organization would bring tremendous benefits to all persons in this world: Now, therefore, be it

Resolved, by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and the Congress of the United States to continue to support all efforts made by the Republic of China on Taiwan to gain meaningful participation in the World Health Organization; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Health and Human Services, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–126. A resolution adopted by the Senate of the State of Florida urging Congress to engage the international community to take action in the effort to bring a just and lasting peace to the people of Darfur; to the Committee on Foreign Relations.

SENATE MEMORIAL 1698

Whereas, United Nations officials have described the ongoing crisis in Darfur as ''the world's worst humanitarian crisis,'' and

Whereas, hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003, and

Whereas, the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur, and

Whereas, the United States Congress declared on July 22, 2004, that the atrocities in Darfur constituted genocide, and

Whereas, on September 9, 2004, Secretary of State Colin Powell and President George

W. Bush described the crisis in Darfur as genocide, and

Whereas, on June 30, 2005, President Bush confirmed that ''the violence in the Darfur region is clearly genocide and the human cost is beyond calculation,'' and

Whereas, on May 8, 2006, President Bush stated, ''we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured,'' and

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA), and

Whereas, violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers, and

Whereas, violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security, and

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined, and

Whereas, violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers, and

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from the African Union Mission in Sudan (AMIS) responsibility for supporting the implementation of the Darfur Peace Agreement (DPA) upon the expiration of AMIS's mandate but in any event no later than 31 December 2006,'' and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units,'' which ''shall begin to be deployed no later than 1 October 2006,'' and

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Nastios as Presidential Special Envoy to lead United States efforts to bring peace to the Darfur region in Sudan, and

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the ''Addis Ababa Agreement,'' and

Whereas, the Agreement stated that the DPA must be made more inclusive, and ''called upon all parties—Government and DPA nonsignatories—to immediately commit to a cessation of hostilities in Darfur in order to give the peace process the best chances for success,'' and

Whereas, the Agreement included a plan to establish a United Nations–African Union peacekeeping operation that would consist of no fewer than 17,000 military troops and 3,000 civilian police, and would have a primarily African character, and

Whereas, the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations, and

Whereas, it is imperative that a peacekeeping force in Darfur have sufficient strength and the mandate to provide adequate security to the people of Darfur, and

Whereas, on January 10, 2007, New Mexico Governor Bill Richardson met with Sudanese President Omar Hassan Al-Bashir; their meeting resulted in the issuance of a Joint Statement calling for ''a 60-day cessation of hostilities by all parties within the framework of the Darfur Peace Agreement,'' and

Whereas, the Joint Statement called for the initiation of African Union/United Nations diplomatic efforts within the framework of the DPA, and for two projected meetings—a Government of Sudan-sponsored field commanders' conference to be attended by representatives of the African Union and the United Nations, and a subsequent African Union/United Nations sponsored peace summit, again within the framework of the DPA, to be held no later than March 15, 2007, and

Whereas, the Joint Statement stated the need to disarm all armed groups, including the Janjaweed, pursuant to the provision of the DPA: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Florida Legislature:

(1) Supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement of November 17, 2006, in order to increase security and stability for the people of Darfur.

(2) Declares that the deployment of an African Union–United Nations peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur.

(3) Supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regard to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement.

(4) Calls upon the Government of Sudan to immediately:

(a) Allow the implementation of the united Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(b) Work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with the United Nations Security Council Resolution 1706 passed on August 31, 2006.

(5) Calls upon all parties to the conflict to immediately:

(a) Adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007;

(b) Observe the cease-fire contained therein; and

(c) Respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance.

(6) Urges the President to:

(a) Continue work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the implementation of the Addis Ababa Agreement and the subsequent Richardson-Bashir Joint Statement;

(b) Ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and by working with our international partners to provide technical assistance, logistical support and intelligence-gathering capabilities, and military assets;

(c) Vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity as previously authorized in the Darfur Peace and Accountability Act of 2006 (Public Law 109–344), United Nations Security Council Resolution 1591 (2005), and the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497, 118 Stat. 4012); and

(d) Make all necessary efforts to address the widespread incidents of gender-based violence in Darfur, including working with the Government of Sudan to help institute a zero-tolerance policy for gender-based violence as agreed to in the Richardson-Bashir Joint Statement.

(7) Calls upon the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Florida delegation to the United States Congress to:

(a) Provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur;

(b) Provide all necessary funding and support for humanitarian aid in Darfur and affected areas of Chad and the Central African Republic;

(c) Conduct sufficient oversight of actions by the United States administration to ensure that no opportunities for furthering the peace are missed; and

(d) Continue to monitor the conflict and political processes and, if necessary, examine imposing additional punitive sanctions against the Government of Sudan, officials within the Government of Sudan, rebel leaders, and any other individual or group obstructing the ongoing peace process or in violation of agreed-upon cease-fires and the Darfur Peace Agreement; and be it further

Resolved, That the Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur: and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–127. A joint resolution adopted by the Legislature of the State of Montana repealing, rescinding, canceling, voiding, and superseding any and all extant application previously made by the Legislature to Congress to call a convention pursuant to the terms of Article V of the U.S. Constitution for proposing one or more amendments to it; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 38

Whereas, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any

limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding. thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times. without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects; and be it further

Resolved, That the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965; and be it further

Resolved, That the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the applications; and be it further

Resolved, That the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes (Rept. No. 110–80).

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit (Rept. No. 110–81).

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes (Rept. No. 110–82).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 1603. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, and Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, and Mr. GRAHAM):

S. 1607. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1608. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

By Mr. HARKIN (for himself, Mr. KENNEDY, and Mrs. MURRAY):

S. 1614. A bill to amend the Fair Labor Standards Act of 1938 to strengthen penalties for unlawful child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 233. A resolution making Minority party appointments for the Select Committee on Ethics for the 110th Congress; considered and agreed to.

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 234. A resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr.

LAUTENBERG) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 116

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 116, a bill to authorize resources to provide students with opportunities for summer learning through summer learning grants.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 382

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 430

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 807

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 970

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1066

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1066, a bill to require the Secretary of Education to revise regulations regarding student loan repayment

deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1099

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1099, a bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1260

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1260, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1382

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1416

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1514

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1551

At the request of Mr. BROWN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1593

At the request of Mr. BAUCUS, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1597

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1597, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

AMENDMENT NO. 1503

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1503 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1505

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 1505 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1508

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1508 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1510

At the request of Mr. LOTT, his name was added as a cosponsor of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1514

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1514 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1518

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1518 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1523

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1523 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to Increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Nursing Education and Quality of Health Care Act of 2007. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what nurses across the Nation tell me.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our Nation's nursing workforce.

The Nurse Reinvestment Act included a number of critical initiatives including one from the bipartisan bill I introduced with Senator SMITH to retain nurses who are already in the profession by encouraging hospitals to become magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units underlining the importance of nursing in our health care system.

I am here today because nurses are still facing an urgent situation that requires our action. Even though we are making progress in graduating more nurses, in 2006 over 32,323 qualified applicants were turned away from nursing schools in the United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage that will occur as baby boomer nurse faculty reach retirement age, leaving fewer and fewer faculty to teach the next generation of nurses.

We need to pave the way and recruit more people into the nursing profession. This shortage impacts not only nurses, but also patients since we know that the quality of care they receive is directly related to nurses.

The Nursing Education and Quality of Health Care Act supports recruitment, education, and training to help alleviate the nursing shortage in New York and in the rest of the Nation. This act will establish distance learning opportunities for peoplein rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified students are not turned away from the profession. This legislation will fund programs that enhance recruitment of faculty and allow for the expansion of nursing education programs by funding distance learning innovation, and by expanding the recruitment and training of community-based faculty for classroom and clinical education.

We also need nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to introduce legislation that supports nurses and that is supported by nursing organizations like the American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives, the Brooklyn Nursing Partnership, and the New York State Area Health Education Center System. Nurses are critical to the successful operation of our hospitals and the quality of care patients receive and we must do everything we can to address the nursing shortage and make nursing an attractive and rewarding profession.

Mr. SMITH. Mr. President, I am pleased to join my colleague, Senator CLINTON, in introducing this important piece of legislation to help alleviate the nursing shortage in our Nation. This legislation will work to ensure that our nursing schools have increased capacity and the tools necessary to properly train nurses to enter into the workforce.

As many of my colleagues know, the shortage of nurses is a current and ever increasing problem in our Nation. As baby boomers age and demands for health care continue to increase, we will further see a shortage of nurses, which is not sustainable for the health needs of our Nation. While the number of graduates from nursing programs is increasing, we are still facing ongoing critical shortages and we must do better.

Incredibly, while we have an ever-increasing demand for nurses, we are also seeing our schools of nursing turn away scores of students each year who are viable candidates due to lack of capacity and lack of teaching staff. In fact, in my home State of Oregon, for each student position available in nursing programs, there are six applicants. This forces many young men and women who want to enter this field of work to give up on pursuing a nursing career. This is one of many reasons that we currently have 118,000 vacant positions for nurses nationwide, this translates to a national vacancy rate of 8.5 percent.

Our entire Nation is on an aging trajectory in all areas, and the nursing workforce is no exception. In Oregon, nearly half of our nurses are age 50 or older, and the proportion of nurses over the age of 50 has doubled in the last 20 years. We also know that according to a survey in 2006, 55 percent of surveyed nurses reported their intention to retire between 2011 and 2020. Further, according to the Health Resources and Services Administration, HRSA, this will leave America with a deficit of more than 1 million nurses by the year 2020.

The bill that I am introducing today with Senator CLINTON will provide grants to enhance rural nurse training programs by improving the technology infrastructure. It also will provide grants for nurse faculty development so that schools of nursing can increase the number of nursing faculty in their programs, thereby increasing the number of students they can accept into their programs. This bill also will encourage pipeline programs to help increase the number of rural residents who pursue nursing in their communities. Lastly, it will provide grants for partnerships that advance the education, delivery and measurement of quality and patient safety in nursing practices. These important provisions will help in the recruitment and training of nurses as well as work towards enhanced quality and safety of nursing across the Nation.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman KENNEDY and other members of the Health, Education, Labor, and Pensions Committee to secure its passage.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, it is with mixed emotions that I rise today to introduce the Rural Hospital and Provider Equity Act of 2007, or R-HoPE. This proposal is the result of months of work with my friend and colleague, Senator Craig Thomas, who just passed away. In fact, Senator Thomas and I were getting ready to introduce this bill the week we lost him.

This particular legislation is the product of work that Senator Thomas and I have done over many years as co-chair of the rural health caucus. So it is a poignant moment for me to come to the floor to introduce this bill. I am asking my colleagues that we name this bill the Craig Thomas Rural Hospital and Provider Equity Act of 2007, as we pay tribute to the service of our colleague, Senator Thomas.

I can think of no better champion of rural health than Senator Craig Thomas, and there is not a more appropriate way to honor his Senate career than by enacting this legislation that will carry his name.

As Senator Thomas and I continually argued in this Chamber, Medicare shortchanges many rural hospitals and providers. Before the Medicare Modernization Act, rural providers received one-half the payments that urban areas received—one-half to provide exactly the same treatment for exactly the same illness. That was unfair.

Senator Thomas and I teamed up at the time to make changes that were in the Medicare prescription drug bill that began to level the playing field, but those provisions are about to run out.

I would be the first to admit that health care can be more expensive in urban areas than rural areas, but it is not twice as much. When I ask the doctors and hospital administrators of my State if they get a rural discount when they buy technology for hospitals, they laugh, they chuckle, they say, no, they don't get any rural discount. We know now it actually costs more to recruit doctors to rural parts of the country than it does more urban settings, and we know while there is some cost differential, it is not a 100-percent cost differential.

The Medicare bill, the prescription drug bill recognized this disparity in reimbursement and took steps to close the gap. Even with the additional funding, many rural hospitals and providers continue to experience negative margins.

If we are to maintain access to health care in rural areas, we cannot allow providers to lose 3 percent on nearly every patient they see. But that

is what is occurring in rural America today.

Congress needs to take steps to fairly reimburse rural providers for the care they provide. The Craig Thomas R-HoPE bill will build on the progress made in the medicare Prescription Drug Act and add new provisions that would protect access to rural health care.

First, the bill will fulfill the promise made to those living and traveling in rural areas that they don't have to travel far for hospital care. The bill would also provide more reflective reimbursement for the cost of labor in rural areas. I should say reimbursement that more fairly reflects the costs in rural areas since they are often competing with more urban areas in the global health care marketplace.

In addition, our proposal would provide the resources currently lacking in rural hospitals to repair crumbling buildings. It also includes two changes to the Critical Access Hospital Program and will put these facilities on a sounder financial footing.

Second, R-HoPE will promise that rural Americans can see a doctor when they are sick. As is the case with most rural States, much of North Dakota is designated as a health professional shortage area. Recruiting doctors is extremely difficult. Our bill would extend the provision in current law that provides incentive payments for doctors who practice in rural areas.

Third, our bill would guarantee that when there is an emergency, there is an ambulance there to respond. Many rural ambulance services are closing because of lower Medicare reimbursement, resulting in response times far above the national average. R-HOPE would protect rural ambulance services and those living and traveling in these parts of the country by providing a 5-percent bonus payment for 2008 and 2009.

Finally, our bill takes a number of steps to help protect the availability of other health care providers, such as rural health clinics, home health agencies, and mental health professionals. This bill achieves the goal Senator Thomas and I have had for a number of years, that rural America enjoy the same level of health care access and affordability more urban areas enjoy. Rural America is the heart of our country. We cannot turn our backs on these areas and their health care needs.

Before I close, I also want to recognize Senator Thomas's staff member, Erin Tuggle, who has worked tirelessly on this legislation on behalf of rural health care and served Senator Craig Thomas so very well. She played a key role in developing this legislation, along with my staff, and I thank her for her efforts.

It is my hope this legislation, which will carry Senator Craig Thomas's name, will help strengthen our rural health care system. I can't think of a better tribute to my friend and our colleague, Senator Craig Thomas.

At this point, I wish to indicate that Senator ROBERTS is my leading cosponsor, Senator ROBERTS of Kansas, and we are joined by Senator HARKIN, Senator SALAZAR, Senator DOMENICI, Senator BINGAMAN, Senator SMITH, Senator NELSON of Nebraska, Senator SNOWE, Senator MURRAY, Senator THUNE, Senator DORGAN, Senator COLLINS, Senator JOHNSON, and Senator ENZI. I ask unanimous consent that they all appear as cosponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I should also indicate before I close that this bill has now been endorsed by the National Rural Health Association, the American Hospital Association, the American Ambulance Association, the American Telemedicine Association, the National Association for Home Care & Hospice, the American Association for Marriage and Family Therapy, the National Association of Rural Health Clinics, the North Dakota Hospital Association, and the Federation of American Hospitals, all of them joining together to send a message that this legislation is needed and it is needed now.

This is one way we can pay a tangible tribute to the service of Senator Craig Thomas. I think all of us who knew him and worked with him knew him as a quintessential gentleman, and I hope very much that others of our colleagues will join us in cosponsoring this legislation in this tribute to Senator Thomas.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President in February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army Hospital. These articles described deplorable living conditions for some service members in an outpatient status; a bungled, bureaucratic process for assigning disability ratings that determine whether a service member will be medically retired with health and other benefits for himself and for his family; and a clumsy handoff between the Department of Defense and the Department of Veterans Affairs as the military member transitions from one department to the other. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

The Armed Services Committee and the Veterans' Affairs Committee held a rare joint hearing to identify the problems our wounded soldiers are facing. These committees continue to work together to address these issues, culminating in the bill we introduce today, the Dignified Treatment for Wounded Warriors Act. Our bill addresses the issues of substandard facilities, inconsistent disability ratings, lack of seamless transition from DOD to the VA, inadequacy of severance pay, care and treatment for traumatic brain injury and post-traumatic stress disorder, medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

The Dignified Treatment for Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for hospital facilities and operations and will be uniform and consistent throughout the Department of Defense.

Another shortfall identified in the aftermath of the Washington Post articles is the inconsistency in disability ratings for the same and similar disabilities. In many instances, disability ratings assigned by the Veterans' Administration are higher than the disability ratings assigned by the military services for the same injuries. The military services are not even consistent among themselves in assigning disabilities. The Dignified Treatment for Wounded Warriors Act addresses the issue of disparate disability ratings in several ways.

First, it requires the military departments to use VA standards for rating disabilities, allowing the military to deviate from these standards only when the deviation will result in a higher disability rating for the service member. In our view, requiring all of the military departments and the VA to use the same standards should result

in identical disability ratings for the same or similar disabilities.

Second, the act will change the statutory presumption used by the military departments for determining whether a disability is incurred incident to military service or existed prior to military service to mirror the statutory presumption used by the VA. Currently, the military rule is that a disability is presumed to be incident to service if a member has been in the military for 8 or more years. That leaves out a high percentage of our troops. Under the revised rule, a disability will be presumed to be incident to service when the member has 6 months or more of active military service and the disability was not noted at the time the member entered active duty, unless compelling evidence or medical judgement warrant a finding that the disability existed before the member entered active duty. This should avoid the situation where the military assigns a disability rating of zero percent on the basis that a disability existed prior to service and the VA later awards a higher disability rating and disability compensation by using the VA presumption to conclude that the very same disability is service connected.

Third, the act will require two pilot programs to test the viability of using the VA to assess disability ratings for the Department of Defense. One pilot program will require the Veterans' Administration to assign the disability ratings for the Department of Defense, based on all medical conditions that render the service member medically unfit for military service. The other pilot program will require the military department and the VA to jointly assign the disability rating, also based on all medical conditions that render the service member medically unfit for military service.

Fourth, the act will require the Secretary of Defense to establish a board to review and, where appropriate, correct disability determinations of 20 percent or less for those service members separated from service because they were medically unfit for duty after September 11, 2001. This will give our service members an opportunity to correct unwarranted low disability ratings and ensure that disability ratings are uniform and equitable.

The Institute of Medicine has just completed a study for the Veterans' Disability Benefits Commission, concluding that current VA standards are out of step with modern medical advances in conditions such as traumatic brain injury and modern concepts of disability. The Disability Commission is due to report to Congress on its findings and recommendations in October. The Dignified Treatment for Wounded Warriors Act will require the Department of Defense to use any updated standards as soon as the Veterans' Administration adopts them.

Our bill addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of service members who will transition from DOD to the VA. This policy will address the care and management of service members in a medical hold or medical holdover status, the medical evaluation and disability evaluation of disabled service members, the return of disabled service members to active duty when appropriate, and the transition of disabled service members from receipt of care and services from the Department of Defense to receipt of care and services from the VA.

Another problem identified by the committees is the inadequacy of separation pay for junior service members. Those separated with a disability rating of 30 percent or higher are medically retired with health care and additional benefits for the service members and their families. Those separated with a disability rating of less than 30 percent are discharged and given a severance pay that is based on how long they were in the military. For example, a service member with 2 years of service will receive the equivalent of only 4 months basic pay as severance pay. This bill increases the minimum severance pay to 1 year's basic pay for those separated for disabilities incurred in a combat zone and 6 months' basic pay for all others. Furthermore, under current law, severance pay is deducted from any VA disability compensation these service members receive. Our bill changes that by eliminating the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

The signature injuries of the current conflicts are post-traumatic stress disorder, commonly referred to as PTSD, and traumatic brain injury, referred to as TBI. We still have a lot to do to adequately respond to these injuries. To address this, the Dignified Treatment of Wounded Warriors Act authorizes $50 million for improved diagnosis, treatment, and rehabilitation of members with TBI or PTSD. The act also requires the Secretary of Defense to establish Centers of Excellence for PTSD and for TBI. These centers will conduct research, train health care professionals, and provide guidance throughout the Department of Defense in the prevention, diagnosis, mitigation, treatment, and rehabilitation of these injuries. Finally, the act requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to report to Congress with comprehensive plans to prevent, diagnose, mitigate, treat, and otherwise respond to TBI and PTSD. These plans will address improvements of personnel protective equipment in addition to addressing the medical aspects of diagnosing and treating TBI and PTSD.

We are also addressing the problem that exists because medically retired service members, who are eligible for TRICARE as retirees, do not have access to some of the cutting-edge treatments that are available to members still on active duty. To address this shortfall, the act authorizes medically retired service members with disability ratings of 50 percent or higher to receive the active duty medical benefit for 3 years after the member leaves active duty.

We are also beginning to address the problem created when parents, siblings, and others who are not normally authorized to receive military health care leave their homes to serve as caregivers to military personnel with severe injuries while the members are undergoing extensive medical treatment. In many cases, these family members leave their jobs and lose their job-related health care. Even though these family members are in a military hospital, they are not authorized to receive medical care from the doctors at that facility when they need it. To address this, the act authorizes military and VA health care providers to provide urgent and emergency medical care and counseling to family members on invitational travel orders.

One of the significant shortfalls in the smooth transition from military health care to VA health care is the inability to share health records between the two Departments. Our bill will establish a Department of Defense and Department of Veterans Affairs Interagency Program Office to develop and implement a joint electronic health record.

The Dignified Treatment of Wounded Warriors Act is a comprehensive bill that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care and management of our wounded warriors. They deserve the best care and support we can muster. The American people rightly insist on no less.

Mr. AKAKA. Mr. President, as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee, I was delighted to work with Senator LEVIN, chairman of the Armed Services Committee, and others on this important legislation, the Dignified Treatment of Wounded Warriors Act of 2007. I really appreciated the willingness of the Armed Services Committee staff to work in close cooperation with the Veterans' Affairs Committee staff on its drafting. This legislation would improve the policies which govern the care and management of all servicemembers with a serious illness or injury that might render them unfit for duty in order to facilitate and enhance their

care, rehabilitation, and physical evaluation, as well as improve their transition from the Department of Defense to the Department of Veterans Affairs.

This measure is a direct outcome of an unprecedented joint hearing held on April 12, 2007, by the Senate Armed Services and Veterans' Affairs Committees during which we heard testimony on the transition of servicemembers from DoD to VA. This measure will go a long way toward addressing the problems that first gained public attention with the stories about Walter Reed Army Medical Center and will help achieve the goal of providing optimal care and a truly seamless transition for the nation's wounded warriors.

I view issues relating to those servicemembers who may be rendered unfit as a result of an illness or injury from two different perspectives, both as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee. As I said at the joint hearing, this is not solely a DoD or a VA problem. While DoD and VA are separate organizations, they both deal with the same servicemembers. A key element of this proposed legislation is the requirement that DoD and VA develop a comprehensive policy for transitioning those with serious illnesses or injuries from Active Duty military status to veteran status. As part of this effort, the two Departments will be required to conduct a comprehensive review of all regulations, policies, and procedures that impact these servicemembers and to identify best practices when developing joint policy. If we are going to fix the problems identified at Walter Reed, there must be uniform standards for the transition process that are understood by all parties and that are consistently applied by the military services.

I am delighted that the Dignified Treatment of Wounded Warriors Act embraces the reforms to the DoD Disability Evaluation System contained in S. 1252, legislation I introduced on April 30, 2007. For the Disability Evaluation System to work fairly and consistently, there must be uniform use by the military services of VA's disability rating schedule. The services must take into account all conditions which render a servicemember unfit when making a disability rating, as well as develop a program for the uniform training of Medical Evaluation Board and Physical Evaluation Board personnel. It is also essential that DoD develop a system of accountability to ensure that the military services comply with disability rating regulations and policies.

I am pleased to note that on June 27 the Veterans' Affairs Committee will conduct a markup of legislation that will complement the efforts of the Armed Services Committee to make sure that VA appropriately addresses problems confronting seriously wounded and injured servicemembers once they become veterans.

I commend Chairman LEVIN and the staff of the Armed Services Committee for crafting this comprehensive legislation. It will go a long way toward providing DoD and VA with a roadmap for improving the transition processes and ensuring that seriously ill and injured servicemembers and veterans get the benefits and services they need and deserve, the benefits and services these courageous men and women have earned by their service.

I urge all of our colleagues to support this proposed legislation.

Mr. MCCAIN. Mr. President, as ranking member of the Senate Armed Services Committee I am pleased to cosponsor the Dignified Treatment of Wounded Warriors Act, which would ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

We were all surprised and deeply disappointed by the conditions at Walter Reed and the problems that our wounded warriors faced after their inpatient care was complete, living in substandard conditions at Building 18, being treated poorly, battling a Cold War-era disability evaluation process, and for some, simply falling through the cracks.

Since February of 2007, many encouraging changes have been initiated by the Department of Defense. First and foremost, Secretary Gates established and enforced a culture of accountability for the leadership failures that lead to the tragedy at Walter Reed. Medical facilities have now been inspected by all three military departments, and improvements are underway. Additional counselors and support has been provided to families. On April 25, 2007, a new Warrior Transition Brigade stood up at Walter Reed to manage all the needs of wounded and ill soldiers, both Active and Reserve. DoD has begun to exert greater management responsibility for the disability evaluation systems of the military departments. We are on the right track to address the problems at Walter Reed and at other hospitals. We need to ensure that the effort is sustained. This legislation will ensure that these efforts continue.

The legislation requires that the Secretaries of Defense and Veterans Affairs work together to develop new policy to better manage the care and transition of our wounded soldiers. This policy would address many of the concerns that have been raised by wounded soldiers and their families, conditions while in a medical hold status, the need to streamline and make more transparent the medical and physical evaluation board processes, policies that facilitate the return to duty for soldiers who are able, and a policy governing the smooth transition of separating service members from the Department of Defense to the Department of Veterans Affairs which focuses on the needs of patients.

This legislation would improve health care benefits to severely wounded soldiers by extending their health care benefits as if the member were on active duty for a period of up to 5 years. This approach ensures that our most severely wounded have as many health care options as possible, especially for treatment of traumatic brain injury and other long term serious conditions.

This legislation authorizes additional funding for traumatic brain injury and post-traumatic stress disorder and requires the establishment of two centers of excellence for the prevention, research and treatment on these consequences of war. This legislation would also require DoD to develop a comprehensive plan for research, prevention and treatment of traumatic brain injury, which is long overdue in addressing the so-called signature injury of this war.

The administration requested, and this bill would provide, additional authorities to the Department of Defense to hire health care professionals to care for our service members and their families. It would also require the Department of Defense and Department of Veterans Affairs to jointly develop an electronic health record that can easily be shared between the two departments.

With respect to disability determinations for wounded warriors who leave military service, this legislation would require the Secretary of Defense to establish a special review board to independently review the findings and decisions of the Physical Evaluation Boards of the military departments since 2001, in cases in which the disability rates of 20 percent or less were awarded and members were not medically retired. We must act, in light of data showing that some members, particularly junior enlisted soldiers, may have unfairly been denied medical retirement. This legislation empowers the special board to correct military records and, if appropriate, restore to a wounded soldier a higher disability rating or retired status.

The bill would also end the requirement that disabled service members pay back severance pay if they obtain a higher disability rating from the VA, and increase the amount of severance pay that separating members receive.

To address the need for fundamental change in the way that the DoD and VA disability evaluation systems are structured, a belief shared by many of my colleagues, this legislation would require the Secretary of Defense to immediately implement pilot projects to test new improvements to the disability evaluation system. Such pilot

programs will help expedite implementation of needed changes to the disability evaluation system.

This legislation would also require the Secretary of Defense to establish uniform standards for medical treatment facilities and medical residential housing facilities, and a DoD investment strategy to remedy all medical facility deficiencies. It would also require the Secretary of Defense to study the feasibility of accelerated construction of state-of-the art facilities and consolidation of patient care services at the new National Medical Center at Bethesda. As a condition for the closure of Walter Reed Army Medical Center, it would require the Secretary of Defense to certify that health care services would remain available in their totality until the new facility and staff are in place to effect a seamless transfer of care. The current facilities at Walter Reed have served the Nation well, but we can and must do better.

This legislation is a start on the journey to restore trust for America's wounded and her veterans, but it is not our final destination. It will take time to understand fully the complexities of the DoD and VA disability systems and to reconcile them in the best interests of our wounded veterans.

We must also look to the Department of Veterans Affairs to improve access to care for wounded veterans and improvements in its handling of veterans claims for disabilities. We must ensure that the VA maintains a robust medical infrastructure for quality health care, teaching and research, but one that also supports veterans beyond the limits of bricks and mortar in communities throughout the nation. I am developing legislation which would require the Secretary of Veterans Affairs to establish health care access standards for veterans with a service-connected disability throughout the VA health care delivery system, and, similar to DoD's TRICARE system, when services cannot be provided by the VA, authorize that care to be purchased from civilian providers. Civilian health care specialists are eager to do their part for America's veterans. Given the strain on the veterans health system, and the limits to our resources, we should give them that chance, and make certain that our Nation's veterans get the care that they need, when they need it.

There is no more important responsibility than to act on our moral obligation as a Nation to those who are willing to give their blood for its freedom. Let us continue to be guided by the words of President George Washington in 1789, who said, ''the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

I hope that my colleagues will join Senator Levin and me in a bipartisan effort to make a difference in the lives of our service members who have given so much in support of our Nation.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce, by request of the administration, the National Offshore Aquaculture Act of 2007. I am joined by Senator STEVENS, the vice chairman of the Senate Commerce, Science and Transportation Committee. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone. While Senator STEVENS and I understand this is a top priority for the administration, we continue to have concerns with the administration's bill as drafted, particularly with regard to the need for clearer safeguards for the environment and native fish stocks. Therefore, we are also filing several amendments that would address these concerns. The three amendments that I am filing, and which Senator STEVENS is cosponsoring, would strengthen requirements to address potential environmental risks from offshore aquaculture, including to native species; require a more comprehensive research and development program for offshore aquaculture; and ensure that offshore aquaculture permits could only be provided to citizens, residents, or business entities of the United States. Senator STEVENS is also filing an amendment, which I am cosponsoring, that would prohibit offshore aquaculture of finfish in the Exclusive Economic Zone off the coast of Alaska. I intend to introduce later this year a comprehensive bill that would address additional concerns with the administration's proposed legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1609

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Offshore Aquaculture Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States—

(A) to support an offshore aquaculture industry that will produce food and other valuable products, protect wild stocks and the quality of marine ecosystems, and be compatible with other uses of the Exclusive Economic Zone;

(B) to encourage the development of environmentally responsible offshore aquaculture by authorizing offshore aquaculture operations and research;

(C) to establish a permitting process for offshore aquaculture that encourages private investment in aquaculture operations and research, provides opportunity for public comment, and addresses the potential risks to and impacts (including cumulative impacts) on marine ecosystems, human health and safety, other ocean uses, and coastal communities from offshore aquaculture; and

(D) to promote, through public-private partnerships, research and development in marine aquaculture science, technology, and related social, economic, legal, and environmental management disciplines that will enable marine aquaculture operations to achieve operational objectives while protecting marine ecosystem quality.

(2) Offshore aquaculture activities within the Exclusive Economic Zone of the United States constitute activities with respect to which the United States has proclaimed sovereign rights and jurisdiction under Presidential Proclamation 5030 of March 10, 1983.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL STATE.—The term ''coastal State'' means—

(A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or Long Island Sound; and

(B) Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa.

(2) COASTLINE.—The term ''coastline'' means the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means, unless otherwise specified by the President in the public interest in a writing published in the Federal Register, a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except as established by a maritime boundary treaty in force, or being provisionally applied by the United States or, in the absence of such a treaty where the distance between the United States and another nation is less than 400 nautical miles, a line equidistant between the United States and the other nation. Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or Exclusive Economic Zone, the inner boundary of that zone is—

(A) a line coterminous with the seaward boundary (as defined in section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1312)) of each of the several coastal States,;

(B) a line 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(C) a line 3 geographical miles from the coastlines of American Samoa, the United States Virgin Islands, and Guam;

(D) for the Commonwealth of the Northern Mariana Islands—

(i) its coastline, until such time as the Commonwealth of the Northern Mariana Islands is granted authority by the United States to regulate all fishing to a line seaward of its coastline, and

(ii) upon the United States' grant of such authority, the line established by such grant of authority; and

(E) for any possession of the United States not described in subparagraph (B), (C), or (D), the coastline of such possession.

Nothing in this paragraph shall be construed as diminishing the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) LESSEE.—The term ''lessee'' means any party to a lease, right-of-use and easement, or right-of-way, or an approved assignment thereof, issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) MARINE SPECIES.—The term ''marine species'' means finfish, mollusks, crustaceans, marine algae, and all other forms of marine life other than marine mammals and birds.

(6) OFFSHORE AQUACULTURE.—The term ''offshore aquaculture'' means all activities, including the operation of offshore aquaculture facilities, involved in the propagation and rearing, or attempted propagation and rearing, of marine species in the United States Exclusive Economic Zone.

(7) OFFSHORE AQUACULTURE FACILITY.—The term ''offshore aquaculture facility'' means—

(A) an installation or structure used, in whole or in part, for offshore aquaculture; or

(B) an area of the seabed or the subsoil used for offshore aquaculture of living organisms belonging to sedentary species.

(8) OFFSHORE AQUACULTURE PERMIT.—The term ''offshore aquaculture permit'' means an authorization issued under section 4(b) to raise specified marine species in a specific offshore aquaculture facility within a specified area of the Exclusive Economic Zone.

(9) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other nongovernmental entity (whether or not organized or existing under the laws of any State), and State, local or tribal government or entity thereof, and, except as otherwise specified by the President in writing, the Federal Government or an entity thereof, and, to the extent specified by the President in writing, a foreign government, or an entity thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 4. OFFSHORE AQUACULTURE PERMITS.

(a) IN GENERAL.—

(1) The Secretary shall establish, through rulemaking, in consultation as appropriate with other relevant Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), a process to make areas of the Exclusive Economic Zone available to eligible persons for the development and operation of offshore aquaculture facilities. The process shall include—

(A) procedures and criteria necessary to issue and modify permits under this Act;

(B) procedures to coordinate the offshore aquaculture permitting process, and related siting, operations, environmental protection, monitoring, enforcement, research, and economic and social activities, with similar activities administered by other Federal agencies and coastal States;

(C) consideration of the potential environmental, social, economic, and cultural impacts of offshore aquaculture and inclusion, where appropriate, of permit conditions to address negative impacts;

(D) public notice and opportunity for public comment prior to issuance of offshore aquaculture permits;

(E) procedures to monitor and evaluate compliance with the provisions of offshore aquaculture permits, including the collection of biological, chemical and physical oceanographic data, and social, production, and economic data; and

(F) procedures for transferring permits from the original permit holder to a person that—

(i) meets the eligibility criteria in subsection (b)(2)(A); and

(ii) satisfies the requirements for bonds or other guarantees prescribed under subsection (c)(3).

(2) The Secretary shall prepare an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the process for issuing permits.

(3) The Secretary shall periodically review the procedures and criteria for issuance of offshore aquaculture permits and modify them as appropriate, in consultation as appropriate with other Federal agencies, the coastal States, and regional fishery management councils, based on the best available science.

(4) The Secretary shall consult as appropriate with other Federal agencies and coastal States to identify the environmental requirements that apply to offshore aquaculture under existing laws and regulations. The Secretary shall establish through rulemaking, in consultation with appropriate Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), additional environmental requirements to address environmental risks and impacts associated with offshore aquaculture, to the extent necessary. The environmental requirements shall address, at a minimum—

(A) risks to and impacts on natural fish stocks and fisheries, including safeguards needed to conserve genetic resources, to prevent or minimize the transmission of disease or parasites to wild stocks, and to prevent the escape of marine species that may cause significant environmental harm;

(B) risks to and impacts on marine ecosystems; biological, chemical and physical features of water quality and habitat; marine species, marine mammals and birds;

(C) cumulative effects of the aquaculture operation and other aquaculture operations in the vicinity of the proposed site;

(D) environmental monitoring, data archiving, and reporting by the permit holder;

(E) requirements that marine species propagated and reared through offshore aquaculture be species native to the geographic region unless a scientific risk analysis shows that the risk of harm to the marine environment from the offshore culture of non-indigenous or genetically modified marine species is negligible or can be effectively mitigated; and

(F) maintaining record systems to track inventory and movement of fish or other marine species in the offshore aquaculture facility or harvested from such facility, and, if necessary, tagging, marking, or otherwise identifying fish or other marine species in the offshore aquaculture facility or harvested from such facility.

(5) The Secretary, in cooperation with other Federal agencies, shall—

(A) collect information needed to evaluate the suitability of sites for offshore aquaculture; and

(B) monitor the effects of offshore aquaculture on marine ecosystems and implement such measures as may be necessary to protect the environment, including temporary or permanent relocation of offshore aquaculture sites, a moratorium on additional sites within a prescribed area, and other appropriate measures as determined by the Secretary.

(b) PERMITS.—Subject to the provisions of subsection (e), the Secretary may issue offshore aquaculture permits under such terms and conditions as the Secretary shall prescribe. Permits issued under this Act shall authorize the permit holder to conduct offshore aquaculture consistent with the provisions of this Act, regulations issued under this Act, any specific terms, conditions and restrictions applied to the permit by the Secretary, and other applicable law.

(1) PROCEDURE FOR ISSUANCE OF PERMITS.—

(A) An applicant for an offshore aquaculture permit shall submit an application to the Secretary specifying the proposed location and type of operation, the marine species to be propagated or reared, or both, at the offshore aquaculture facility, and other design, construction, and operational information, as specified by regulation.

(B) Within 120 days after determining that a permit application is complete and has satisfied all applicable statutory and regulatory requirements, as specified by regulation, the Secretary shall issue or deny the permit. If the Secretary is unable to issue or deny a permit within this time period, the Secretary shall provide written notice to the applicant indicating the reasons for the delay and establishing a reasonable timeline for issuing or denying the permit.

(2) PERMIT CONDITIONS.—

(A) An offshore aquaculture permit holder shall—

(i) be a resident of the United States;

(ii) be a corporation, partnership, or other entity organized and existing under the laws of a State or the United States; or

(iii) if the holder does not meet the requirements of clause (i) or (ii), to the extent required by the Secretary by regulation after coordination with the Secretary of State, waive any immunity, and consent to the jurisdiction of the United States and its courts, for matters arising in relation to such permit, and appoint and maintain agents within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such permit holder.

(B) Subject to the provisions of subsection (e), the Secretary shall establish the terms, conditions, and restrictions that apply to offshore aquaculture permits, and shall specify in the permits the duration, size, and location of the offshore aquaculture facility.

(C) Except for projects involving pilot-scale testing or farm-scale research on aquaculture science and technologies and offshore aquaculture permits requiring concurrence of the Secretary of the Interior under subsection (e)(1), the permit shall have a duration of 20 years, renewable thereafter at the discretion of the Secretary in up to 20-year increments. The duration of permits requiring concurrence of the Secretary of the Interior under subsection (e)(1) shall be developed in consultation as appropriate with the Secretary of the Interior, except that any such permit shall expire no later than

the date that the lessee, or the lessee's operator, submits to the Secretary of the Interior a final application for the decommissioning and removal of an existing facility upon which an offshore aquaculture facility is located.

(D) At the expiration or termination of an offshore aquaculture permit for any reason, the permit holder shall remove all structures, gear, and other property from the site, and take other measures to restore the site as may be prescribed by the Secretary.

(E) The Secretary may revoke a permit for failure to begin offshore aquaculture operations within a reasonable period of time, or prolonged interruption of offshore aquaculture operations.

(3) NATIONAL INTEREST DETERMINATION.—If the Secretary determines that issuance of a permit is not in the national interest, the Secretary may decline to issue such a permit or may impose such conditions as necessary to address such concerns.

(c) FEES AND OTHER PAYMENTS.—

(1) The Secretary may establish, through regulations, application fees and annual permit fees. Such fees shall be deposited as offsetting collections in the Operations, Research, and Facilities account. Fees may be collected and made available only to the extent provided in advance in appropriation Acts.

(2) The Secretary may reduce or waive applicable fees or other payments established under this section for facilities used primarily for research.

(3) The Secretary shall require the permit holder to post a bond or other form of financial guarantee, in an amount to be determined by the Secretary as sufficient to cover any unpaid fees, the cost of removing an offshore aquaculture facility at the expiration or termination of an offshore aquaculture permit, and other financial risks as identified by the Secretary.

(d) COMPATIBILITY WITH OTHER USES.—

(1) The Secretary shall consult as appropriate with other Federal agencies, coastal States, and regional fishery management councils to ensure that offshore aquaculture for which a permit is issued under this section is compatible with the use of the Exclusive Economic Zone for navigation, fishing, resource protection, recreation, national defense (including military readiness), mineral exploration and development, and other activities.

(2) The Secretary shall not authorize permits for new offshore aquaculture facilities within 12 miles of the coastline of a coastal State if that coastal State has submitted a written notice to the Secretary that the coastal State opposes such activities. This paragraph does not apply to permit applications received by the Secretary prior to the date the notice is received from a coastal State. A coastal State that transmits such a notice to the Secretary may revoke that notice in writing at any time.

(3) Federal agencies implementing this Act, persons subject to this Act, and coastal States seeking to review permit applications under this Act shall comply with the applicable provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and regulations promulgated thereunder.

(4) Notwithstanding the definition of the term ''fishing'' in section 3(16) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16)), the conduct of offshore aquaculture in accordance with permits issued under this Act shall not be considered ''fishing'' for purposes of that Act. The Secretary shall ensure, to the extent practicable, that offshore aquaculture does not interfere with conservation and management measures promulgated under the Magnuson-Stevens Fishery Conservation and Management Act.

(5) The Secretary may promulgate regulations that the Secretary finds to be reasonable and necessary to protect offshore aquaculture facilities, and, where appropriate, shall request that the Secretary of the department in which the Coast Guard is operating establish navigational safety zones around such facilities. In addition, in the case of any offshore aquaculture facility described in subsection (e)(1), the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of the Interior before designating such a zone.

(6) After consultation with the Secretary, the Secretary of State, and the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating may designate a zone of appropriate size around and including any offshore aquaculture facility for the purpose of navigational safety. In such a zone, no installations, structures, or uses will be allowed that are incompatible with the operation of the offshore aquaculture facility. The Secretary of the department in which the Coast Guard is operating may define, by rulemaking, activities that are allowed within such a zone.

(7)(A) Subject to subparagraph (B), if the Secretary, after consultation with Federal agencies as appropriate and after affording the permit holder notice and an opportunity to be heard, determines that suspension, modification, or revocation of a permit is in the national interest, the Secretary may suspend, modify, or revoke such permit.

(B) If the Secretary determines that an emergency exists that poses a risk to the safety of humans, to the marine environment, to marine species, or to the security of the United States and that requires suspension, modification, or revocation of a permit, the Secretary may suspend, modify, or revoke the permit for such time as the Secretary may determine necessary to meet the emergency. The Secretary shall afford the permit holder a prompt post-suspension or post-modification opportunity to be heard regarding the suspension, modification, or revocation.

(8) Permits issued under this Act do not supersede or substitute for any other authorization required under applicable Federal or State law or regulation.

(e) ACTIONS AFFECTING THE OUTER CONTINENTAL SHELF.—

(1) CONCURRENCE OF SECRETARY OF INTERIOR REQUIRED.—The Secretary shall obtain the concurrence of the Secretary of the Interior for permits for offshore aquaculture facilities located—

(A) on leases, right-of-use and easements, or rights of way authorized or permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or

(B) within 1 mile of any other facility permitted or for which a plan has been approved under that Act.

(2) PRIOR CONSENT REQUIRED.— Offshore aquaculture may not be located on facilities described in paragraph (1)(A) without the prior consent of the lessee, its designated operator, and the owner of the facility.

(3) REVIEW FOR LEASE, ETC., COMPLIANCE.—The Secretary of the Interior shall review and approve any agreement between a lessee, designated operator, and owner of a facility described in paragraph (1) and a prospective aquaculture operator to ensure that it is consistent with the Federal lease terms, Department of the Interior regulations, and the Secretary of the Interior's role in the protection of the marine environment, property, or human life or health. An agreement under this subsection shall be part of the information reviewed pursuant to the Coastal Zone Management Act review process described in paragraph (4) and shall not be subject to a separate Coastal Zone Management Act review.

(4) COORDINATED COASTAL ZONE MANAGEMENT ACT REVIEW.—

(A) If the applicant for an offshore aquaculture facility that will utilize a facility described in paragraph (1) is required to submit to a coastal State a consistency certification for its aquaculture application under section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)), the coastal State's review under the Coastal Zone Management Act and corresponding Federal regulations shall also include any modification to a lessee's approved plan or other document for which a consistency certification would otherwise be required under applicable Federal regulations, including changes to its plan for decommissioning any facilities, resulting from or necessary for the issuance of the offshore aquaculture permit, if information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification. If the information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification, a lessee is not required to submit a separate consistency certification for any such modification or change under section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)) and the coastal State's concurrence or objection, or presumed concurrence, under section 307(c)(3)(A) of that Act (16 U.S.C. 1456(c)(3)(A)) in a consistency determination for the offshore aquaculture permit, shall apply to both the offshore aquaculture permit and to any related modifications or changes to a lessee's plan approved under the Outer Continental Shelf Lands Act.

(B) If a coastal State is not authorized by section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)) and corresponding Federal regulations to review an offshore aquaculture application submitted under this Act, then any modifications or changes to a lessee's approved plan or other document requiring approval from the Department of the Interior, shall be subject to coastal State review pursuant to the requirements of section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)), if a consistency certification for those modifications or changes is required under applicable Federal regulations.

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on facilities described in paragraph (1), the aquaculture permit holder and all parties that are or were lessees of the lease on which the facilities are located during the term of the offshore aquaculture permit shall be jointly and severally liable for the removal of any construction or modifications related to aquaculture operations if the aquaculture permit holder fails to do so and bonds established under this Act for aquaculture operations prove insufficient to cover those obligations. This paragraph does not affect obligations to decommission facilities under the Outer Continental Shelf Lands Act.

(6) ADDITIONAL AUTHORITY.—For aquaculture projects or operations described in

paragraph (1), the Secretary of the Interior may—

(A) promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this subsection;

(B) require and enforce such additional terms or conditions as the Secretary of the Interior deems necessary to protect the marine environment, property, or human life or health to ensure the compatibility of aquaculture operations with all activities for which permits have been issued under the Outer Continental Shelf Lands Act;

(C) issue orders to the offshore aquaculture permit holder to take any action the Secretary of the Interior deems necessary to ensure safe operations on the facility to protect the marine environment, property, or human life or health. Failure to comply with the Secretary of the Interior's orders will be deemed to constitute a violation of the Outer Continental Shelf Lands Act; and

(D) enforce all requirements contained in such regulations, lease terms and conditions and orders pursuant to the Outer Continental Shelf Lands Act.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.— In consultation as appropriate with other Federal agencies, the Secretary may establish and conduct an integrated, multidisciplinary, scientific research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) PARTNERSHIPS.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

(c) REDUCTION OF WILD FISH AS FOOD.—The Secretary, in collaboration with the Secretary of Agriculture, shall conduct research to reduce the use of wild fish in aquaculture feeds, including the substitution of seafood processing wastes, cultured marine algae, and microbial sources of nutrients important for human health and nutrition, agricultural crops, and other products.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary and appropriate to carry out the provisions of this Act. The Secretary may at any time amend such regulations, and such regulations shall, as of their effective date, apply to all operations conducted pursuant to permits issued under this Act, regardless of the date of the issuance of such permit.

(b) CONTRACT, ETC., AUTHORITY.—The Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator of the National Oceanic and Atmospheric Administration deems appropriate.

(c) USE OF CONTRIBUTED GOVERNMENTAL RESOURCES.— For purposes related to the enforcement of this Act, the Secretary may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this Act.

(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.

(e) RESERVATION OF AUTHORITY.—Nothing in this Act shall be construed to displace, supersede, or limit the jurisdiction, responsibilities, or rights of any Federal or State agency, or Indian Tribe or Alaska Native organization, under any Federal law or treaty.

(f) APPLICATION OF LAWS TO FACILITIES IN THE EEZ.—The Constitution, laws, and treaties of the United States shall apply to an offshore aquaculture facility located in the Exclusive Economic Zone for which a permit has been issued or is required under this Act and to activities in the Exclusive Economic Zone connected, associated, or potentially interfering with the use or operation of such facility, in the same manner as if such facility were an area of exclusive Federal jurisdiction located within a State. Nothing in this Act shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by an applicable Federal law, regulation, or treaty. Nothing in this Act shall be construed to confer citizenship to a person by birth or through naturalization or to entitle a person to avail himself of any law pertaining to immigration, naturalization, or nationality.

(g) APPLICATION OF CERTAIN STATE LAWS.—The law of the nearest adjacent coastal State, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to any offshore aquaculture facility for which a permit has been issued pursuant to this Act, to the extent applicable and not inconsistent with any provision or regulation under this Act or other Federal laws and regulations now in effect or hereafter adopted, amended, or repealed. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. For purposes of this subsection, the nearest adjacent coastal State shall be that State whose seaward boundaries, if extended beyond 3 nautical miles, would encompass the site of the offshore aquaculture facility. State taxation laws shall not apply to offshore aquaculture facilities in the Exclusive Economic Zone.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $4,052,000 in fiscal year 2008 and thereafter such sums as may be necessary for purposes of carrying out the provisions of this Act.

SEC. 8. UNLAWFUL ACTIVITIES.

It is unlawful for any person—

(1) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation or permit issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(2) to engage in offshore aquaculture within the Exclusive Economic Zone of the United States or operate an offshore aquaculture facility within the Exclusive Economic Zone of the United States, except pursuant to a valid permit issued under this Act;

(3) to refuse to permit an authorized officer to conduct any lawful search or lawful inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(5) to resist a lawful arrest or detention for any act prohibited by this section;

(6) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(7) to import, export, sell, receive, acquire or purchase in interstate or foreign commerce any marine species in violation of this Act or any regulation or permit issued under this Act;

(8) upon the expiration or termination of any aquaculture permit for any reason, to fail to remove all structures, gear, and other property from the site, or take other measures, as prescribed by the Secretary, to restore the site;

(9) to violate any provision of this Act, any regulation promulgated under this Act, or any term or condition of any permit issued under this Act; or

(10) to attempt to commit any act described in paragraph (1), (2), (7), (8) or (9).

SEC. 9. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—Subject to subparagraphs (B) and (D) of section 4(e)(6), this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating.

(b) POWERS OF ENFORCEMENT.—

(1) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed or is committing an act prohibited by section 8 of this Act;

(ii) search or inspect any offshore aquaculture facility and any related land-based facility;

(iii) seize any offshore aquaculture facility (together with its equipment, records, furniture, appurtenances, stores, and cargo), and any vessel or vehicle, used or employed in aid of, or with respect to which it reasonably appears that such offshore aquaculture facility was used or employed in aid of, the violation of any provision of this Act or any regulation or permit issued under this Act;

(iv) seize any marine species (wherever found) retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 8 of this Act;

(v) seize any evidence related to any violation of any provision of this Act or any regulation or permit issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in

which the Coast Guard is operating to enforce the provisions of this Act may make an arrest without a warrant for (A) an offense against the United States committed in his presence, or (B) for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. Any such authorized person may execute and serve a subpoena, arrest warrant or search warrant issued in accordance with Rule 41 of the Federal Rules of Criminal Procedure, or other warrant of civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of the Act, or any regulation or permit issued under this Act.

(c) ISSUANCE OF CITATIONS.—If any authorized officer finds that a person is engaging in or has engaged in offshore aquaculture in violation of any provision of this Act, such officer may issue a citation to that person.

(d) LIABILITY FOR COSTS.—Any person who violates this Act, or a regulation or permit issued under this Act, shall be liable for the cost incurred in storage, care, and maintenance of any marine species or other property seized in connection with the violation.

SEC. 10. CIVIL ENFORCEMENT AND PERMIT SANCTIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated this Act, or a regulation or permit issued under this Act, shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $200,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

(b) CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, or any regulation or permit issued thereunder, shall be subject to a civil penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(c) PERMIT SANCTIONS.—

(1) In any case in which—

(A) an offshore aquaculture facility has been used in the commission of an act prohibited under section 8 of this Act;

(B) the owner or operator of an offshore aquaculture facility or any other person who has been issued or has applied for a permit under section 4 of this Act has acted in violation of section 8 of this Act; or

(C) any amount in settlement of a civil forfeiture imposed on an offshore aquaculture facility or other property, or any civil penalty or criminal fine imposed under this Act or imposed on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued with respect to such offshore aquaculture facility or applied for by such a person under this Act, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

(3) Transfer of ownership of an offshore aquaculture facility, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of an offshore aquaculture facility, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the offshore aquaculture facility at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(d) INJUNCTIVE RELIEF.—Upon the request of the Secretary, the Attorney General of the United States may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation of any provision of this Act, or regulation or permit issued under this Act.

(e) HEARING.—For the purposes of conducting any investigation or hearing under this section or any other statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(f) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent coastal State nearest the place where the cause of action arose. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

(g) COLLECTION.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such persons penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(h) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

SEC. 11. CRIMINAL OFFENSES.

(a) IN GENERAL.—Any person (other than a foreign government or any entity of such government) who knowingly commits an act prohibited by subsection (c), (d), (e), or (f) of section 8, shall be imprisoned for not more than 5 years or shall be fined not more than $500,000 for individuals or $1,000,000 for an organization, or both; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

(b) OTHER OFFENSES.—Any person (other than a foreign government or any entity of such government) who knowingly violates

any provision of section 8 other than subsection (c), (d), (e) or (f), any provision of any regulation promulgated pursuant to this Act, or any permit issued under this Act, shall be imprisoned for not more than 5 years, or shall be fined not more than $500,000 for an individual or $1,000,000 for an organization, or both.

(c) JURISDICTION OF DISTRICT COURTS.—The United States district courts shall have original jurisdiction of any action arising under this section out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized under law.

SEC. 12. FORFEITURES.

(a) CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 11 of this Act shall forfeit to the United States—

(1) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d), shall apply to criminal forfeitures under this section.

(b) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) Any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of a violation of any provision of section 8 or section 4(b)(2)(D) of this Act, including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the violation.

(2) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any such violation, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Civil forfeitures under this section shall be governed by the procedures set forth in chapter 46 of title 18, United States Code.

(c) REBUTTABLE PRESUMPTION.—In any criminal or civil forfeiture proceeding under this section, there is a rebuttable presumption that all marine species found within an offshore aquaculture facility and seized in connection with a violation of section 8 of this Act were taken or retained in violation of this Act.

SEC. 13. SEVERABILITY AND JUDICIAL REVIEW.

(a) SEVERABILITY.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Judicial review of any action taken by the Secretary under this chapter shall be in accordance with sections 701 through 706 of title 5, United States Code, except that—

(A) review of any final agency action of the Secretary taken pursuant to subsection (a) or (c) of section 11 may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

(B) review of all other final agency actions of the Secretary under this chapter may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final action is taken.

(2) LIMITATION OF JUDICIAL REVIEW.—Final agency action with respect to which review could have been obtained under paragraph (1)(B) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(3) AWARDS OF LITIGATION COSTS.—In any judicial proceeding under paragraph (1) of this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today Senator CHAMBLISS and I are introducing legislation that could have a far-reaching impact on the national security of the United States. As every American knows, one of the most important elements of our national security infrastructure is the collection of agencies that make up our national intelligence community. But when most Americans think about the CIA, the FBI, or the NSA, they tend to think of agencies that are focused on a small handful of James Bond-style issues, such as missile stockpiles, new weapons technologies, and coups in foreign lands. These issues are still important, but in the modem world it is essential to recognize that protecting national security is a lot more complicated than it was during the Cold War, and there are many other issues that require attention and action.

Thankfully, the men and women of the intelligence community already recognize this crucial fact, and are working hard to address the wide variety of threats and challenges that face America in the 21st century. Unfortunately, many policymakers still think of intelligence in 20th century terms, and as a result many of our national intelligence capabilities are underused and underappreciated.

The best example of this is unquestionably in the field of energy security. American dependence on foreign oil has made our Nation less safe. Oil revenues have provided income for dangerous rogue states, they have sparked bloody civil wars, and they have even provided funding for terrorism. In a sickening phenomenon that I call the terror tax, every time that Americans drive their cars down to the gas station and fill up at the pump, the reality is that a portion of that money is then turned over to foreign governments that ''backdoor'' it over to Islamist extremists, who use that money to perpetuate terrorism and hate. As the GAO has pointed out, while talking about the oil-rich nation of Saudi Arabia:

> Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support to terrorist activities.

Furthermore, by allowing our national energy security to depend on foreign oil, we are leaving the American economy vulnerable to external shocks and disruptions. Recent American history is full of examples of events overseas jolting U.S. energy supplies, and just a couple decades ago the oil cartel known as OPEC declared an embargo which sent the U.S. economy into a tailspin.

There are many other challenges out there that have the potential to affect U.S. national security and energy security. For example, it seems clear that the Middle East will remain in turmoil for years to come, and policmakers will have to consider the potential impact of events such as a terrorist attack on a major oil facility, or a change in government in an oil-producing state, or the further deterioration of the situation in Iraq. Outside of the Middle East there are other challenges to face, including the continued growth of major energy consuming countries like India and China, the policies of less-predictable governments such as Russia and Venezuela, and the emergence of new energy producers in unstable areas of the world.

As policymakers attempt to grapple with these challenges, it is vital for them to be informed by the best thinking available, and as I said, the men and women of our national intelligence agencies are already performing quality analysis on many topics relevant to national security. This expertise is spread throughout the intelligence community, and includes professionals

at the National Intelligence Council, the CIA's Office of Transnational Issues, and the Office of Intelligence and Counterintelligence at the Department of Energy.

Unfortunately, this expertise is rarely used to inform energy policy debates, primarily because these agencies generally use it to produce classified assessments. This means that I can discuss them in closed sessions of the Senate Select Committee on Intelligence, but not at hearings of the Committee on Energy and Natural Resources, even though I am a member of both committees. This legislation would address this problem by requiring the Director of National Intelligence to coordinate the production of an unclassified report on the intelligence community's assessments of key energy issues that have implications for the national security of the United States. It will be up to the intelligence agencies to determine what information can safely be discussed in public, but I am confident that the Director will be able to provide Congress with a report that includes thoughtful, insightful discussion of these issues, without revealing any sensitive information or compromising any sources and methods.

This legislation is entitled the Weighing Intelligence for Smarter Energy Act, or the WISE Act for short. I think that my colleagues and the American public would agree that when it comes to protecting our national energy security, it certainly wouldn't hurt for Congress to be a little bit wiser.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1613

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

SEC. 3. REPORT ON ENERGY SECURITY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Weighing Intelligence for Smarter Energy Act, or the WISE Act. I worked with Senator WYDEN to introduce this bill and am happy to be an original cosponsor.

As a member of the Senate Select Committee on Intelligence, I see some of the most sensitive products produced by our intelligence community. The intelligence community's analysts possess an extensive and wide range of expertise on all matters which could have national security implications for the United States. However, because of the secretive nature of the intelligence community and the sensitive work which it conducts, few policymakers are privy to many of its products. In most cases, this is essential in order to protect the sensitive sources and methods used by our intelligence agencies. In other areas, including matters related to global energy security, our intelligence analysts can provide some valuable analysis at an unclassified level.

Energy policy and energy security have far reaching implications for the United States. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world during a time of rising crude oil prices. At the same time, we must understand and be prepared for the unintended consequences of pursuing alternative fuel policies and to be sensitive to their impact on other sectors of the U.S. and global economies. Already, incentives for ethanol and biodiesel in the United States, Europe, Brazil and other developed and developing countries are forcing changes in the agriculture economy not seen in over a generation. While rising demand for alternative fuels will increase prices for agriculture commodities and benefit farmers, will this increase strain development in developing countries, in regions such as sub-Saharan Africa? We don't know yet, but these are questions we should and must ask.

We already know the impact poverty and food insecurity has on populations around the world. However, policymakers, especially here in Congress, are not realizing the full extent of information available to them. Energy policy debates usually do not harness the full expertise of the intelligence community or consider the substantive analysis they may contribute to the debate. Experts in the intelligence community may examine the effects of energy policy around the globe and the impact those decisions may have on U.S. policy. In addition, the intelligence community can provide an analysis of the impact around the world of policies that utilize renewable resources. This legislation asks for just that type of analysis.

The WISE Act asks the intelligence community to provide an intelligence assessment on the long-term energy security of the United States. The bill requests that as much of the assessment as possible be unclassified, while taking into consideration the need to protect valuable sources and methods by including a classified portion, it is my hope that this bill will better inform energy policy. In addition to informing policymakers of the energy security of the United States, the bill will also provide important analysis on the international impact of energy policies around the world.

The WISE Act will harness fully the expertise of our intelligence community and allow policymakers to formulate more informed energy policy. I urge my colleagues to join me in supporting the bill.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to reintroduce bipartisan legislation with my colleague from North Carolina, Senator BURR, that seeks to protect

nursing home residents, staff, and visitors from the dangers associated with fire.

In February, 2003, a multi-alarm fire at a nursing home in Hartford, CT, took the lives of 16 residents. It was the worst nursing home fire in Connecticut's history. The tragic loss of life was made worse by the fact that the nursing home lacked an automatic sprinkler system, a defect disturbingly common in many nursing homes across the country.

I believe many Americans, especially those with a loved one in a nursing home facility, would be shocked to learn that, according to the Government Accountability Office between 20 and 30 percent of the country's 17,000 nursing homes lack an automatic sprinkler system. In its 2004 report, the GAO found that ''the substantial loss of life in the [Hartford fire] could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems.'' Furthermore, the report concluded that ''the Federal oversight of nursing home compliance with fire safety standards is inadequate.''

Responding to the fire in Hartford and a similar tragedy in Nashville, TN, the Center for Medicare and Medicaid Services, CMS, required that nursing homes without automatic sprinkler systems install battery-operated smoke detectors. While this new requirement was viewed as a positive step, it was largely criticized by fire and patient-safety advocates because smoke detectors are often not wired to a central alarm system or a fire department.

I believe it is safe to assume that nursing home directors do not choose freely to operate their facilities without automatic sprinkler systems. According to the GAO and the American Health Care Association, most nursing homes simply cannot afford the costs incurred by installing an automatic sprinkler system. Today, many nursing homes, including many in Connecticut, are financially strained by inadequate reimbursement rates from Medicare and Medicaid, rising insurance premiums, rising energy costs, and the general cost of care for some of our country's most vulnerable patients.

That is why Senator BURR and I are reintroducing this legislation. The Nursing Home Fire Safety Act of 2007 provides low-interest loans and grants to nursing homes in proven need of financial assistance. The larger loan initiative assists nursing homes that cannot afford the upfront costs of installing automatic sprinkler systems but can afford to pay back a low-interest Government-issued loan. The smaller grant initiative would assist qualified nursing homes that lack any ability to pay for the installation of an automatic sprinkler system. Together, these initiatives would provide critical resources to prevent tragedies like those seen in Hartford and Nashville from occurring again.

I thank my colleague from North Carolina, Senator BURR, for reintroducing this bipartisan measure with me. I also thank Congressmen JOHN LARSON from Connecticut and PETER KING from New York for spearheading companion legislation in the House. I look forward to working with all of my colleagues to protect nursing home residents, staff, and visitors from the dangers associated with fire.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1615

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

SECTION 1. SHORT TITLE .

This Act may be cited as the ''Nursing Home Fire Safety Act of 2007''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) An estimated 1,500,000 Americans reside in approximately 16,300 nursing facilities nationwide, an estimated 20 to 30 percent of which lack an automatic fire sprinkler system.

(2) In a July 2004 report, the Government Accountability Office found that ''the substantial loss of life in [recent nursing home] fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems'' and that ''Federal oversight of nursing home compliance with fire safety standards is inadequate''.

(3) Many nursing facilities lack the financial capital to install sprinklers on their own and must consider closure as an alternative to taking on large loans or other financing options in order to install sprinklers.

(4) Recognizing that automatic fire sprinkler systems greatly improve the chances of survival for older adults in the event of a fire, the National Fire Protection Association, with the support of the American Health Care Association, the fire safety community, and the nursing facility profession, recently adopted requirements for automatic sprinklers in all existing nursing facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) within 5 years, every nursing facility in America should be equipped with automatic fire sprinklers in order to ensure patient, resident, and staff safety;

(2) the Centers for Medicare & Medicaid Services (CMS) should require all nursing homes to be fully sprinklered as recently required by the Life Safety Code of the National Fire Protection Association with the support of the nursing home industry, which includes the requirement that all nursing facilities be fully sprinklered; and

(3) the Centers for Medicare & Medicaid Services, in collaboration with Congress, should take into consideration the costs of retrofitting existing nursing home facilities and commit itself to providing facilities with the critical financial resources necessary to ensure the speedy and full installation of life saving sprinkler systems.

SEC. 3. DIRECT LOANS FOR FIRE SPRINKLERS RETROFITS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program of direct loans to existing nursing facilities to finance retrofitting the facilities with an automatic fire sprinkler system. Such loans shall be made under terms and conditions specified by the Secretary.

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

SEC. 4. SPRINKLER RETROFIT ASSISTANCE GRANTS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program to award grants to nursing facilities for the purposes of retrofitting them with an automatic fire sprinkler system. Such grants shall be awarded under terms and conditions specified by the Secretary.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give a priority to applications that demonstrate a need or hardship. In determining hardship, the Secretary may take into account factors such as the number of residents who are entitled to or enrolled in the medicare program under title 18 of the Social Security Act (42 U.S.C. 1395 et seq.) or receiving assistance under the medicaid program under title 19 of such Act (42 U.S.C. 1396 et seq.), the age and condition of the facility, and the need for nursing facility beds in the community involved.

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

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that would create a Federal biodiesel mandate and improve the quality and labeling of this product.

Biodiesel fuel holds great promise to help move the United States toward energy independence. It is created by converting soybean oil, animal fats, and yellow grease and other feed stocks into transportation fuel.

Compared to petrol diesel, biodiesel burns much more cleanly. Production of biodiesel creates jobs in rural areas and makes farming more profitable. The carbon footprint of biodiesel also is superior to petrol diesel. Cars and trucks fueled by biodiesel produce fewer unburned hydrocarbons, carbon monoxide, carbon dioxide, and particulate matter.

The biodiesel industry is young but growing, and its growth is driven by the rising cost of oil and a growing awareness of the need to move toward

energy independence. In 2005, the United States produced 75 million gallons of biodiesel. That number more than tripled in 2006, when the United States produced 250 million gallons of biodiesel.

By the end of this year, we expect capacity to increase to more than 1 billion gallons. More than 140 plants already produce biodiesel, and more are moving to production soon. Biodiesel fuel plants can be found all across the country, from the Corn Belt and Great Plains to the Pacific Northwest and the Mid-Atlantic.

The bipartisan bill I am introducing today with Senators GRASSLEY, CARPER, LUGAR, and OBAMA is a modest attempt to take advantage of this potential capacity and to reduce the amount of petroleum used in the 60-billion-gallon diesel fuel pool. Under this bill, over the next 5 years, the United States would blend 450 million gallons of biodiesel into diesel fuel in 2008, 625 million gallons in 2009, 800 million gallons in 2010, 1 billion gallons in 2011, and 1.25 billion gallons in 2012.

This mandate would create an incentive for the production and consumption of biodiesel and give this infant industry some market guarantees to help it achieve stability and maturity.

Many States already are moving in the direction of biodiesel mandates. My home State of Illinois has offered a biodiesel tax incentive since 2003 that has increased demand for the product, and Minnesota has had a 2-percent biodiesel mandate since 2005.

This is an environmentally friendly, home-grown fuel, and we should embrace its use. I thank Senators GRASSLEY, CARPER, LUGAR, and OBAMA for their early support and urge others in the Senate to cosponsor our legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 233—MAKING MINORITY PARTY APPOINTMENTS FOR THE SELECT COMMITTEE ON ETHICS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 233

Resolved, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed; Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

SENATE RESOLUTION 234—DESIGNATING JUNE 15, 2007, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1534. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1547. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to

amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1548. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1549. Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1550. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1551. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1552. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1553. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1554. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1555. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1556. Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1557. Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1558. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1559. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1560. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1561. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, line 12, strike ''and''.

On page 126, line 13, strike the period and insert ''; and''.

On page 126, between lines 13 and 14, insert the following:

(vi) thermal behavior and life degradation mechanisms.

On page 126, strike lines 14 through 21, and insert the following:

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

On page 127, line 5, insert ''and battery systems'' after ''batteries''.

On page 127, line 7, strike ''and''.

On page 127, line 9, strike the period and insert ''; and''.

On page 127, between lines 9 and 10, insert the following:

(G) thermal management systems.

On page 127, line 12, insert ''not more than'' before ''4''.

On page 127, lines 21 and 22, strike ''and the Under Secretary of Energy''.

Beginning on page 128, strike line 22, and all that follows through page 129, line 2 and insert the following:

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

On page 129, line 3, strike ''(7)'' and insert ''(9)''.

On page 129, line 4, strike ''5 years'' and insert ''3 years''.

On page 129, line 8, strike ''in making'' and all that follows through the end of the paragraph and insert ''in carrying out this section.''.

On page 129, line 12, strike ''(8)'' and insert ''(10)''.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, between lines 4 and 5, insert the following:

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

On page 73, line 5, strike ''(h)'' and insert ''(i)''.

On page 73, line 16, strike ''(i)'' and insert ''(j)''.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. PROMOTION OF ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(B) by adding at the end the following:

''(E) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(F) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''; and

(2) by striking subsection (c).

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike line 24 and insert the following:

''under subsection (a)(1).

''(g) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) ENERGY AND WATER EVALUATIONS.—Not later than 1 year after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency shall complete a comprehensive energy and water evaluation for—

''(A) each building and other facility of the Federal agency that is larger than a minimum size established by the Secretary; and

''(B) any other building or other facility of the Federal agency that meets any other criteria established by the Secretary.

''(2) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency—

''(i) shall fully implement each energy and water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has a 15-year simple payback period; and

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has longer than a 15-year simple payback period.

''(B) PAYBACK PERIOD.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), a measure shall be considered to have a 15-year simple payback if the quotient obtained under clause (ii) is less than or equal to 15.

''(ii) QUOTIENT.—The quotient for a measure shall be obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs; and

''(ii) operations, maintenance, repair, replacement, and other direct costs.

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 15-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (4).

''(3) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (2), each Federal agency shall carry out—

''(A) commissioning;

''(B) operations, maintenance, and repair; and

''(C) measurement and verification of energy and water savings.

''(4) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraph (1) not later than 90 days after the date of enactment of this subsection; and

''(ii) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (8).

''(5) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building and other facility that meets the criteria established by the Secretary under paragraph (1), each Federal agency shall use a web-based tracking system to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (1);

''(ii) implementation of identified energy and water measures under paragraph (2); and

''(iii) follow-up on implemented measures under paragraph (3).

''(B) DEPLOYMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(i) the covered buildings and other facilities;

''(ii) the status of evaluations;

''(iii) the identified measures, with estimated costs and savings;

''(iv) the status of implementing the measures;

''(v) the measured savings; and

''(vi) the persistence of savings.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(6) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—Each Federal agency shall enter energy use data for each building and other facility of the Federal agency into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(7) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue quarterly scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of—

''(I) energy and water evaluations under paragraph (1);

''(II) implementation of identified energy and water measures under paragraph (2); and

''(III) follow-up on implemented measures under paragraph (3); and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(8) FUNDING.—

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

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out paragraphs (1) through (3), a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy savings contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with paragraphs (1) through (3).''.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a

Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 16 and 17, insert the following:

(d) APPROVAL OF HIGHER BLENDS OF ETHANOL.—Not later than 180 days after the date on which the report is submitted under subsection (c), the Administrator of the Environmental Protection Agency shall approve the use of higher blends of ethanol fuel for use in non-flex fuel automotive vehicles that received a satisfactory review based on the components of the study under subsection (a) addressing the emissions, materials compatibility, and durability and performance of the approved higher blends of ethanol fuel in on-road and off-road engines.

SA 1533. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, insert the following:

SEC. 2 ___. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

SA 1534. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 17, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 36, after line 22, add the following:

(b) BIOFUELS INVESTMENT TRUST FUND.—Section 932(d) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)) is amended by adding at the end the following:

''(3) BIOFUELS INVESTMENT TRUST FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the 'Biofuels Investment Trust Fund' (referred to in this paragraph as the 'trust fund'), consisting of such amounts as are transferred to the trust fund under clause (ii).

''(ii) TRANSFER.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Treasury shall transfer to the trust fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

''(B) INVESTMENT OF AMOUNTS.—

''(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the trust fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

''(ii) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(iii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

''(I) on original issue at the issue price; or

''(II) by purchase of outstanding obligations at the market price.

''(iv) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

''(v) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

''(C) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the trust fund under subparagraph (A)(ii) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(D) USE OF FUNDS.—

''(i) IN GENERAL.—Amounts in the trust fund shall be used to carry out the program under paragraph (1).

''(ii) TREATMENT.—Amounts in the trust fund used under clause (i) shall be in addition to, and shall not be considered to be provided in lieu of, any other funds made available to carry out this subsection.''.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through ''creation'' and inserting the following:

''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.''.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike the table between lines 7 and 8 and insert the following:

Calendar year:	Minimum annual percentage:
2009 through 2012	5
2013 through 2016	10
2017 through 2019	15
2020 through 2030	20

On page 3, line 2, strike ''2009'' and insert ''2008''.

SA 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end, add the following:

TITLE VIII—RENEWABLE PORTFOLIO STANDARD

SEC. 801. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	Minimum annual percentage:
2010 through 2012	3.75
2013 through 2016	7.50
2017 through 2019	11.25
2020 through 2030	15.0

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act.

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) PENALTY.—

''(i) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (a) for a reason outside of the reasonable control of the utility.

''(ii) AMOUNT.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by the amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(B) REQUIREMENT.—The Secretary may waive the requirements of subsection (a) for a period of up to 5 years with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements because of a hurricane, tornado, fire, flood, earthquake, ice storm, or other natural disaster or act of God beyond the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable part folio standard.''.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to be proposed to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Beginning on page 1 of the amendment, line 2, strike everything after ''**TITLE**'' and insert the following:

VIII—FEDERAL CLEAN PORTFOLIO STANDARD

SEC. 801. FEDERAL CLEAN PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL CLEAN PORTFOLIO STANDARD.

''(a) CLEAN ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new clean energy or existing clean energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	Minimum annual percentage:
2010 through 2012	5
2013 through 2016	10
2017 through 2019	15
2020 through 2030	20

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary clean energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make ''any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act''.

''(b) CLEAN ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a clean energy credit trading program under which electric utilities shall submit to the Secretary clean energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable clean energy credits to generators of electric energy from new clean energy;

''(B) issue nontradeable clean energy credits to generators of electric energy from existing clean energy;

''(C) issue clean energy credits to electric utilities associated with State portfolio standard compliance mechanisms pursuant to paragraph (6);

''(D) ensure that a kilowatt hour, including the associated clean energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a clean energy facility placed in service before that date, the credit associated with the generation of clean energy under the contract is issued to the purchaser of the electric energy, to the extent that the contract does not already provide for the allocation of the credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable clean energy credit market for purposes of creating a transparent national market for the sale or trade of clean energy credits.

''(6) CREDIT FOR STATE ALTERNATIVE COMPLIANCE PAYMENTS AND OTHER FINANCIAL COMPLIANCE MECHANISMS.—

''(A) IN GENERAL.—In the case of an electric utility subject to a State portfolio standard program that requires the generation of electricity from clean energy and makes alternative compliance payments under the program in satisfaction of applicable State requirements or complies by other financial mechanisms, the Secretary shall issue clean energy credits to the electric utility in an amount that corresponds to the amount of the State alternative compliance payment or other financial compliance mechanism as though that payment or mechanism had been made to the Secretary under this subsection.

''(B) APPLICATION.—A clean energy credit issued under subparagraph (A) may be—

''(i) applied against the required annual percentage of an electric utility; or

''(ii) transferred for use only by an associate company of the electric utility.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of clean energy credits during the year in which the violation occurred.

''(3) PROCEDURE FOR ASSESSING PENALTY.—Subject to subsection (h)(2), the Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE CLEAN ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State clean energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from the sale of clean energy credits, the provision of alternative compliance payments, and the assessment of civil penalties under this section shall be deposited into the clean energy account established pursuant to this subsection.

''(3) TRANSFER.—Amounts deposited in the State clean energy account shall be transferred, subject to appropriations, to the State in which the amounts were collected.

''(4) USE.—Amounts transferred to a State under paragraph (3) shall be used by the State for the purposes of promoting clean energy production, including programs that promote technologies that reduce the use of electricity at customer sites.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of alternative compliance payments under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) WAIVER.—

''(1) IN GENERAL.—The Secretary may waive the compliance requirements of subsection (a) with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements for reason of force majeure in effect on any date after the date that is 5 years before the date of enactment of this section.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under subsection (c) if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility in effect after the date of enactment of this section.

''(B) AMOUNT OF REDUCTION.—The Secretary shall reduce the amount of any penalty determined under subsection (c)(2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State clean energy program.

''(i) GOVERNOR CERTIFICATION.—On submission by the Governor of a State to the Secretary of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

''(j) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower);

''(B) electricity generated through the incineration of municipal solid waste; and

''(C) except as provided in paragraph (9), electricity generated from nuclear power.

''(2) DEMAND RESPONSE.—The term 'demand response' means a reduction in electricity usage by end-use customers as compared to the normal consumption patterns of the customers, or shifts in electric usage by end-use customers from on-peak hours of an electric utility to off-peak hours of an electric utility that do not result in increased usage, in response to an incentive payment or a program to reduce electricity use at any time at which—

''(A) wholesale market prices are high; or

''(B) system reliability is jeopardized.

''(3) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means—

''(A) demand response; or

''(B) the use of less energy in homes, buildings, or industry through methods such as the installation of more efficient equipment, appliances, or other technologies to achieve the same level of function or economic activity achieved on the date of enactment of this section.

''(5) EXISTING CLEAN ENERGY.—The term 'existing clean energy' means, except as provided in paragraph (9)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005 (42 U.S.C. 15852(a))), or landfill gas.

''(6) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(7) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(8) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State clean portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(9) NEW CLEAN ENERGY.—The term 'new clean energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas;

''(iv) new hydropower that does not require the construction of any dam;

''(v) new nuclear generation;

''(vi) a fuel cell;

''(vii) energy efficiency or demand response as result of programs conducted by the electric utility, as measured and verified by a method acceptable to the Secretary;

''(viii) an inherently low-emission technology that captures and stores carbon; or

''(ix) such other clean energy sources as the Secretary determines, by regulation, will advance the goals of this section; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas;

''(IV) incremental hydropower; or

''(V) nuclear generation; or

''(ii) incremental geothermal production.

''(10) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal clean portfolio standard.''.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—MARINE AND HYDROKINETIC RENEWABLE ENERGY PROMOTION

SEC. __01. DEFINITION.

For purposes of this title, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

SEC. __02. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. __03. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND.

(a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy is a nascent industry; and

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by commercial lending institutions to the extent the Secretary of Energy considers appropriate.

(c) REASONABLE ACCESS.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) PUBLIC AVAILABILITY.—The results of any assessment or demonstration paid for, in whole or in part, with funds provided under this section shall be made available to the public, except to the extent that they contain information that is protected from disclosure under section 552(b) of title 5, United States Code.

(e) REPAYMENT OF LOANS.—

(1) IN GENERAL.—The Secretary of Energy shall require a recipient of a loan under this section to repay the loan, plus interest at a rate of 2.1 percent per year, over a period not to exceed 20 years, beginning after the commercial generation of electric power from the project commences. Such repayment shall be required at a rate that takes into account the economic viability of the loan recipient and ensures regular and timely repayment of the loan.

(2) BEGINNING OF REPAYMENT PERIOD.—No repayments shall be required under this subsection until after the project generates net proceeds. For purposes of this paragraph, the term ''net proceeds'' means proceeds from the commercial sale of electricity after payment of project-related costs, including taxes and regulatory fees that have not been paid using funds from a loan provided for the project under this section.

(3) TERMINATION.—Repayment of a loan made under this section shall terminate as of the date that the project for which the loan was provided ceases commercial generation of electricity if a governmental permitting authority has ordered the closure of the facility because of a finding that the project has unacceptable adverse environmental impacts, except that the Secretary shall require a loan recipient to continue making loan repayments for the cost of equipment, obtained using funds from the loan that have not otherwise been repaid under rules established by the Secretary, that is utilized in a subsequent project for the commercial generation of electricity.

(f) ADAPTIVE MANAGEMENT PLAN.—In order to receive a loan under this section, an applicant for a Federal license or permit to construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide to the Federal agency with primary jurisdiction to issue such license or permit an adaptive management plan for the proposed project. Such plan shall—

(1) be prepared in consultation with other parties to the permitting or licensing proceeding, including all Federal, State, municipal, and tribal agencies with authority under applicable Federal law to require or recommend design or operating conditions, for protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, for incorporation into the permit or license;

(2) set forth specific and measurable objectives for the protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, as required or recommended by governmental agencies described in paragraph (1), and shall require monitoring to ensure that these objectives are met;

(3) provide specifically for the modification or, if necessary, removal of the marine or hydrokinetic renewable energy project based on findings by the licensing or permitting agency that the marine or hydrokinetic renewable energy project has not attained or will not attain the specific and measurable objectives set forth in paragraph (2); and

(4) be approved and incorporated in the Federal license or permit.

(g) SUNSET.—The Secretary of Energy shall transmit a report to the Congress when the Secretary of Energy determines that the technologies supported under this title have achieved a level of maturity sufficient to enable the expiration of the programs under this title. The Secretary of Energy shall not make any new loans under this section after the report is transmitted under this subsection.

SEC. __04. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SA 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our

Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Minerals Management Service.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Director.

(b) STUDY.—The Director, in cooperation with an eligible institution, as selected by the Director, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Director shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Director;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, insert the following:

SEC. 131. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

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

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. AGRICULTURAL BYPRODUCT USE EXPOSITION.

The Secretary of Agriculture shall establish a program under which the Secretary of Agriculture shall develop, solicit applications for participation in, advertise, and host, at such location as the Secretary determines to be appropriate, an exposition at which entities can demonstrate new products, such as plastics, carpets, disposable dishes, and cosmetics, produced by the entities from agricultural byproducts.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, line 16, strike ''(8)'' and insert ''(16)''.

On page 262, strike lines 17 and 18, and insert the following:

''(17) 'E85' means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

''(18) 'flexible fuel automobile' means—

''(A) a GEM flex fuel vehicle; or

''(B) a vehicle warranted by the manufacturer to operate on biodiesel.

''(19) 'GEM flex fuel vehicle' means a motor vehicle warranted by the manufacturer to operate on gasoline and E85 and M85.

''(20) 'M85' means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.''.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENERGY SECURITY AND CORPORATE ACCOUNTABILITY

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

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

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. REVALUATION OF LIFO INVENTORIES OF MAJOR INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)) for its last taxable year ending in calendar year 2006, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 45K.

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

SEC. 803. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 804. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 805. SUSPENSION OF ROYALTY RELIEF.

(a) REPEALS.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

SEC. 806. NATIONAL ENERGY SECURITY RESEARCH AND INVESTMENT RESERVE.

(a) ESTABLISHMENT.—For budgetary purposes, for each fiscal year, an amount equal to the total net amount of savings to the Federal Government for the fiscal year resulting from the amendments made by sections 802, 803, 804, and 805, as determined by the Secretary of the Treasury, shall be held in a separate account in the Treasury of the United States, to be known as the ''National Energy Security Research and Investment Reserve'' (referred to in this section as the ''Reserve'').

(b) USE.—Of the amounts in the Reserve—

(1) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out energy research in the United States, including research relating to—

(A) ethanol, and

(B) biodiesel, and

(2) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out the development, purchase, and installation of infrastructure (including new fueling pumps, retrofitting of existing fueling pumps, and equipment necessary for the transportation of biofuels) necessary to deliver new fuels to consumers.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment to the bill or joint resolution or the submission of a conference report for the bill or joint resolution, providing funding for the purposes described in subsection (b) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments required under paragraph (2) for the amount of new budget authority and outlays in the measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget,

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)).

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to sections 802, 803, 804, and 805 (and the amendments made by such sections) for the fiscal year in which the adjustments are made.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 7 through 11 and insert the following:

(B) implementation of the requirement would significantly increase the price of agricultural food products or livestock feed products;

(C) implementation of the requirement would have a significantly detrimental impact on the deliverability of materials, goods, and products (other than renewable fuel), by rail or truck; or

(D) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

SA 1547. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—GEOTHERMAL ENERGY

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Geothermal Initiative Act of 2007''.

SEC. 802. FINDINGS.

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources;

(B) to develop and demonstrate the potential for geothermal heat exchange technologies for heating, cooling, and energy efficiency; and

(C) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

SEC. 803. NATIONAL GOAL.

Congress declares that it shall be a national goal to achieve at least 15 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

SEC. 804. DEFINITIONS.

In this title:

(1) INITIATIVE.—The term ''Initiative'' means the national geothermal initiative established by section 805(a).

(2) NATIONAL GOAL.—The term ''national goal'' means the national goal of increased energy production from geothermal resources described in section 803.

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

SEC. 805. NATIONAL GEOTHERMAL INITIATIVE.

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States;

(E) to develop the tools and techniques to construct an engineered geothermal system power plant; and

(F) to deploy geothermal heat exchange technologies in Federal buildings for heating, cooling, and energy efficiency.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center;

(D) support cooperative programs with and among States, including with the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives, to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering;

(H) support the development and application of the full range of geothermal technologies and applications; and

(I)(i) study the potential to apply geothermal heat exchange technologies to new and existing Federal buildings; and

(ii) in cooperation with the Administrator of General Services, develop and carry out 2 demonstration projects with geothermal heat exchange technologies, of which—

(I) 1 project shall involve the construction of a new Federal building; and

(II) 1 project shall involve the renovation of an existing Federal building.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

SEC. 806. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as are necessary for each of fiscal years 2014 through 2020.''.

SEC. 807. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

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

SEC. 808. ALASKA GEOTHERMAL CENTER.

(a) IN GENERAL.—The Secretary may participate in a consortium described in subsection (b) to address science and science policy issues relating to the expanded discovery and use of geothermal energy, including geothermal energy generated from geothermal resources on public land.

(b) ADMINISTRATION.—The consortium referred to in subsection (a) shall—

(1) be known as the ''Alaska Geothermal Center'';

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among—

(A) institutions of higher education in the State of Alaska;

(B) other regional institutions of higher education; and

(C) State agencies;

(3) include—

(A) the Energy Authority of the State of Alaska;

(B) the Denali Commission established by section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277); and

(C) the University of Alaska-Fairbanks;

(4) be hosted and managed by the University of Alaska-Fairbanks; and

(5) have—

(A) a director appointed by the head of the Energy Authority of the State of Alaska; and

(B) associate directors appointed by each participating institution.

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

SA 1548. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 23, insert the following:

''(3) LEGISLATIVE BRANCH FLEET.—The Architect of the Capitol shall comply with the requirements of paragraph (1) with respect to the fleet of vehicles under the control of the legislative branch, subject to a waiver for security reasons which shall be submitted in writing to the appropriate oversight committees of Congress.

SA 1549. Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. USE OF HIGHLY ENERGY EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

(a) IN GENERAL.—Title 40, United States Code is amended—

(1) by redesignating sections 3313 through 3315 as sections 3314 through 3316, respectively; and

(2) by inserting after section 3312 the following:

''SEC. 3313. USE OF HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATER.—The term 'highly energy-efficient commercial water heater' means a commercial water heater that—

''(A) meets applicable standards for water heaters under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(B) if installed in a public building, would (as determined by the Administrator) enable the public building to achieve the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council; or

''(C) has thermal efficiencies of not less than—

''(i) 90 percent for gas units with inputs of a rate that is not higher than 500,000 British thermal units per hour; or

''(ii) 87 percent for gas units with inputs of a rate that is higher than 500,000 British thermal units per hour.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each commercial water heater that is replaced by the Administrator in the normal course of maintenance, or determined by the Administrator to be replaceable to generate substantial energy savings, shall be replaced, to the maximum extent feasible (as determined by the Administrator) with a highly energy-efficient commercial water heater.

''(c) CONSIDERATIONS.—In making a determination under this section relating to the installation of a highly energy-efficient commercial water heater, the Administrator shall consider—

''(1) the life-cycle cost effectiveness of the highly energy-efficient commercial water heater;

''(2) the compatibility of the highly energy-efficient commercial water heater with equipment that, on the date on which the Administrator makes the determination, is installed in the public building; and

''(3) whether the use of the highly energy-efficient commercial water heater could interfere with the productivity of any activity carried out in the public building.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act.

SA 1550. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—WISE ACT OF 2007

SEC. 801. SHORT TITLE.

This title may be cited as the ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

SEC. 803. REPORT ON ENERGY SECURITY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

SA 1551. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL STANDBY POWER STANDARD.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term ''Agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term ''Agency'' includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

SA 1552. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike paragraph (2)(A) of section 4(b) and insert the following:

(A) An offshore aquaculture permit holder shall be—

(i) a citizen or resident of the United States; or

(ii a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

SA 1553. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike subparagraph (C) of section 4(a)(1) and insert the following:

(C) procedures for evaluating and minimizing the potential adverse environmental, socio-economic, and cultural impacts of offshore aquaculture, including the establishment of permit conditions;

Strike paragraph (2) of section 4(a) and insert the following:

(2) The Secretary shall prepare a programmatic environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the development and operation of offshore aquaculture facilities. The environmental impact statement required by this paragraph shall be in addition to, and not to the exclusion of, the application of that Act to other aspects of any offshore aquaculture program established under this Act, including with respect to the issuance of individual permits.

In section 4(A)(4) strike ''aquaculture, to the extent necessary.'' and insert ''aquaculture.''.

Strike subparagraphs (E) and (F) of section 4(a)(4) and insert the following:

(E) requirements that marine species propagated and reared through offshore aquaculture be species of the local genotype native to the geographic regions; and

(F) maintaining record systems to track inventory and movement of fish or other marine species propagated and reared through offshore aquaculture, and, to the maximum extent practicable, tagging, marking or otherwise identifying such fish or other species.

Strike ''Subject to the provisions of subsection (e),'' in section 4(b) and insert ''Subject to the other provisions of this Act and rulemaking under this Act,''.

SA 1554. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike section 5 and insert the following:

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies, coastal States, regional fishery management councils, academic institutions and other interested stakeholders shall establish and conduct a research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) COMPONENTS.—The program shall include research to reduce the use of wild fish in offshore aquaculture feeds, engineering innovations to reduce the environmental impacts of offshore aquaculture facilities, nonharmful measures for avoiding interactions with marine mammals, methods for minimizing the use of antibiotics, and improvements in environmental monitoring techniques.

(c) ELIGIBLE ENTITIES.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

SA 1555. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United

States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

At the appropriate place, insert the following:

SEC. ___. NO FINFISH AQUACULTURE SEAWARD OF ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may not issue a permit for finfish acquaculture in Alaska's seaward portion of the Exclusive Economic Zone offshore of Alaska.

(b) ALASKA'S SEAWARD PORTION OF THE EXCLUSIVE ECONOMIC ZONE.—

(1) IN GENERAL.—In this section, the term ''Alaska's seaward portion of the Exclusive Economic Zone'' shall be determined by extending the seaward boundary (as defined in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))) of Alaska seaward to the edge of the Exclusive Economic Zone.

(B) LIMITATION.—Nothing in paragraph (1) shall be construed to give Alaska any right, title, authority, or jurisdiction over that portion of the Exclusive Economic Zone described in paragraph (1).

SA 1556. Mrs. LINCOLN (for herself Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANIMAL WASTE.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) a purpose of this Act is to promote, through consistent policy incentives, the increased commercial use of renewable energy technologies;

(B) the underlying technologies promoted by those policies include biomass, and specifically animal manure as important renewable energy supplies;

(C) stores of that useful animal agriculture byproduct—

(i) are available in all regions of the United States; and

(ii) could be used to help diversify the energy generation needs of the United States;

(D) expanded commercial adoption of the technologies described in subparagraph (B) could contribute to the essential reduction over time of United States reliance on fossil fuels for the predominant supply of our energy generation needs;

(E) the marketplace has been affected by regulatory uncertainty stemming from misinterpretations of punitive, strict, joint, and severable liability regulatory schemes originally formed for purposes of environmental regulation and recovery of damages from industrial pollutants and toxic waste;

(F) those regulatory schemes specifically exclude from punitive liability petroleum and petroleum byproducts;

(G) the uncertainty regarding livestock and poultry manure threatens to undermine Federal policy objectives and taxpayer-backed incentives to promote renewable energy production from those sources; and

(H) misapplication of punitive regulatory schemes threatens to erode commercial and financial market investment to implement the objectives and incentives described in subparagraph (G).

(2) PURPOSE.—The purpose of this section is to provide policy and market certainty by clarifying that the regulatory scheme under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is not intended to cover the application, transportation, or storage of livestock manure or poultry litter.

(b) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

''SEC. 313. EXCEPTION FOR MANURE.

''(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

''(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 10403 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8302));

''(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

''(3) any process water associated with any item referred to in paragraph (1) or (2); and

''(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

''(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

''(1) the term 'hazardous substance', as defined in section 101(14); or

''(2) the term 'pollutant or contaminant', as defined in section 101(33).

''(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

''(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

''(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

''(3) affect the applicability of any other environmental law as such a law relates to—

''(A) the definition of manure; or

''(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.''.

(c) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking ''This section'' and inserting the following:

''(A) IN GENERAL.—This section''; and

(2) by adding at the end the following:

''(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).''.

SA 1557. Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting, new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—National Greenhouse Gas Registry

SEC. 161. PURPOSE.

The purpose of this subtitle is to establish a national greenhouse gas registry that—

(1) is complete, consistent, transparent, and accurate; and

(2) will provide reliable and accurate data that can be used by public and private entities to design efficient and effective energy security initiatives and greenhouse gas emission reduction strategies.

SEC. 162. DEFINITIONS.

In this subtitle:

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

(2) AFFECTED FACILITY.—

(A) IN GENERAL.—The term ''affected facility'' means—

(i) a major emitting facility (as listed in section 169 of the Clean Air Act (42 U.S.C. 7479));

(ii) a petroleum refinery;

(iii) a coal mine that produces more than 10,000 short tons of coal during calendar year 2004 or any subsequent calendar year;

(iv) a natural gas processing plant;

(v) an importer of refined petroleum products, residual fuel oil, petroleum coke, liquefied petroleum gas, coal, coke, or natural gas (including liquefied natural gas);

(vi) a facility that imports or manufactures a greenhouse gas, including a facility that—

(I) imports or manufactures hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, or a product containing any of those gases;

(II) emits nitrous oxide associated with the manufacture of adipic acid or nitric acid; or

(III) emits hydrofluorocarbon-23 as a byproduct of hydrochlorofluorocarbon-22; and

(vii) any other facility that emits a greenhouse gas, as determined by the Administrator.

(B) EXCLUSIONS.—The term ''affected facility'' does not include any small business (as described in part 121 of title 13, Code of Federal Regulations (or a successor regulation)) that generates fewer than 10,000 metric tons of greenhouse gas emissions during a calendar year, or a facility below the thresholds established by the Administrator under section 165(b)(9), unless that small business or facility elects to voluntarily report to the registry under section 163 as an affected facility.

(3) CARBON CONTENT.—The term ''carbon content'' means the quantity of carbon (in carbon dioxide equivalent) contained in a fuel.

(4) FEEDSTOCK FOSSIL FUEL.—The term ''feedstock fossil fuel'' means fossil fuel used as raw material in a manufacturing process.

(5) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to climate change.

(6) PROCESS EMISSIONS.—The term ''process emissions'' means emissions generated during a manufacturing process.

SEC. 163. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An affected facility shall—

(1) report the quantity and type of fossil fuels and non-carbon dioxide greenhouse gases produced, refined, imported, exported, and consumed;

(2) report greenhouse gas emissions (in accordance with section 164(a)(1)(C)), in metric tons of each greenhouse gas emitted and in metric tons of carbon dioxide equivalent of each greenhouse gas emitted, measured using monitoring systems for fuel flow or emissions that use—

(A) continuous emission monitoring; or

(B) an equivalent system of comparable rigor, accuracy, and quality;

(3) report the quantity and type of—

(A) feedstock fossil fuel consumption; and

(B) process emissions;

(4) report other data necessary for accurate accounting of greenhouse gas emissions, as determined by the Administrator;

(5) include an appropriate certification, as determined by the Administrator; and

(6) report the information required under this section electronically to the Administrator in such form and to such extent as may be required by the Administrator.

(b) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report required under this section in the registry, the Administrator shall verify the completeness and accuracy of the report using information provided under this section or under other provisions of law.

(c) TIMING.—

(1) CALENDAR YEARS 2004 THROUGH 2007.—For a baseline period of calendar years 2004 through 2007, each affected facility shall submit required annual data described in this section to the Administrator not later than March 31, 2009.

(2) SUBSEQUENT CALENDAR YEARS.—For subsequent calendar years, each affected facility shall submit quarterly data described in this section to the Administrator not later than 30 days after the end of the applicable quarter.

(d) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this title affects any requirement in effect as of the date of enactment of this Act relating to reporting of—

(1) fossil fuel production, refining, importation, exportation, or consumption data;

(2) greenhouse gas emission data; or

(3) other relevant data.

SEC. 164. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The Administrator shall establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on fossil fuel production, refining, importation, exportation, and consumption, and greenhouse gas emissions submitted to the registry that include—

(A) accounting and reporting standards for fossil fuel production, refining, importation, exportation, and consumption;

(B) standardized methods for calculating carbon content or greenhouse gas emissions in specific industries from other readily available and reliable information, such as fuel consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of monitoring greenhouse gas emissions (along with information on the accuracy of the data) for cases in which the Administrator determines that rigorous and accurate monitoring is feasible;

(D) methods to avoid double-counting of greenhouse gas emissions;

(E) protocols to prevent an affected facility from avoiding the reporting requirements of this title; and

(F) protocols for verification of data submitted by affected facilities.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices available to ensure accuracy and consistency of the data.

(b) VERIFICATION; INFORMATION BY REPORTING ENTITIES.—Each affected facility shall—

(1) provide information sufficient for the Administrator to verify, in accordance with the protocols and methods developed under subsection (a), that the fossil fuel data and greenhouse gas emission data of the affected facility have been completely and accurately reported; and

(2) ensure the submission or retention, for the 5-year period beginning on the date of provision of the information, of data sources, information on internal control activities, information on assumptions used in reporting emissions and fuels, uncertainty analyses, and other relevant data and information to facilitate the verification of reports submitted to the registry.

(c) WAIVER OF REPORTING REQUIREMENTS.—The Administrator may waive reporting requirements for specific facilities if sufficient data are available under other provisions of law.

(d) MISSING DATA.—If information, satisfactory to the Administrator, is not provided for an affected facility, the Administrator shall prescribe methods that create incentives for accurate reporting to estimate emissions for the facility for each quarter for which data are missing.

SEC. 165. NATIONAL GREENHOUSE GAS REGISTRY.

(a) ESTABLISHMENT.—The Administrator (in consultation with the Secretary of Energy, the Secretary of Commerce, States, the private sector, and nongovernmental organizations) shall establish a mandatory national greenhouse gas registry.

(b) ADMINISTRATION.—The Administrator shall—

(1) design and operate the registry;

(2) establish an advisory body with that is broadly representative of industry, agriculture, environmental groups, and State and local governments to guide the development and management of the registry;

(3) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Administrator;

(4) develop forms for reporting under guidelines established under section 164(a)(1), and make the forms available to reporting entities;

(5) verify and audit the data submitted by reporting entities;

(6) establish consistent policies for calculating carbon content, expressed in units of carbon dioxide equivalent, for each type of fossil fuel reported under section 163;

(7) calculate carbon content, in units of carbon dioxide equivalent, of fossil fuel data reported by reporting entities;

(8) ensure coordination, to the maximum extent practicable, between the national greenhouse gas registry and greenhouse gas registries in existence as of the date of the coordination;

(9) establish, as soon as practicable after the date of enactment of this Act, threshold levels of greenhouse gas emissions from a facility, or sector-specific production levels at a facility, that require reporting under section 163 such that, at a minimum, the registry shall cover 80 percent of the human-induced greenhouse gas emissions in the United States; and

(10) publish on the Internet all information contained in the registry, except in any case in which publishing the information would result in a disclosure of—

(A) information vital to national security, as determined by the Administrator; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published.

(c) THIRD-PARTY VERIFICATION.—The Administrator may ensure that reports required under section 163 are certified by a third-party entity.

(d) REGULATIONS.—The Administrator shall—

(1) propose regulations to carry out this title not later than 180 days after the date of enactment of this Act; and

(2) promulgate final regulations to carry out this title not later than December 31, 2008.

(e) REPORT TO CONGRESS.—Not later than 180 days after the date on which reporting is required under this title, the Administrator shall submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

SEC. 166. ENFORCEMENT.

(a) CIVIL ACTIONS.—The Administrator may bring a civil action in United States district court against the owner or operator of an affected facility that fails to comply with this title.

(b) PENALTY.—Any person that violates this title shall be subject to a civil penalty of not more than $25,000 for each day the violation continues.

SA 1558. Mr. OBAMA submitted an amendment intended to be proposed to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—HEALTH CARE FOR HYBRIDS

SEC. __00. FINDINGS.

Congress makes the following findings:

(1) More than 50 percent of the oil consumed in the United States is imported.

(2) If present trends continue, foreign oil will represent 68 percent of the oil consumed in the United States by 2025.

(3) The United States has only 3 percent of the world's known oil reserves and the Nation's economic health is dependent on world oil prices.

(4) World oil prices are overwhelmingly dictated by other countries, which endangers

the economic and national security of the United States.

(5) A major portion of the world's oil supply is controlled by unstable governments and countries that are known to finance, harbor, or otherwise support terrorists and terrorist activities.

(6) American automakers have lagged behind their foreign competitors in producing hybrid and other energy-efficient automobiles.

(7) Legacy health care costs associated with retiree workers are an increasing burden on the global competitiveness of American industries.

(8) Innovative uses of new technology in automobiles manufactured in the United States will—

(A) help retain American jobs;

(B) support health care obligations for retiring workers in the automotive sector;

(C) decrease our Nation's dependence on foreign oil; and

(D) address pressing environmental concerns.

Subtitle A—Retired Employee Health Benefits Reimbursement Program

SEC. __01. COORDINATING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of the Treasury shall establish a task force (referred to in this title as the ''task force'') to administer the program established under section __02 (referred to in this title as the ''program'').

(b) MEMBERSHIP.—The task force shall be composed representatives of the departments headed by the officials referred to in subsection (a), who shall be appointed by such officials in equal numbers.

SEC. __02. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the task force shall establish a program to reimburse eligible domestic automobile manufacturers for the costs incurred in providing health benefits to their retired employees. The task force shall determine compliance with the assurances under subsection (c)(4) through accepted measurements of fuel savings.

(b) CONSULTATION.—In establishing the program, the task force shall consult with representatives from—

(1) eligible domestic automobile manufacturers;

(2) unions representing employees of such manufacturers; and

(3) consumer and environmental groups.

(c) ELIGIBILITY REQUIREMENTS.—A domestic automobile manufacturer seeking reimbursement under the program shall—

(1) submit an application to the task force at such time, in such manner, and containing such information as the task force shall require;

(2) certify that such manufacturer is providing full health care coverage to all of its employees;

(3) provide assurances to the task force that the manufacturer will invest, in an amount equal to not less than 50 percent of the amount saved by the manufacturer through the reimbursement of its retiree health care costs under the program, in—

(A) the domestic manufacture and commercialization of petroleum fuel reduction technologies, including alternative or flexible fuel vehicles, hybrids, and other state-of-the-art fuel saving technologies;

(B) retraining workers and retooling assembly lines for the activities described in subparagraph (A);

(C) researching, developing, designing, and commercializing high-performance, fuel-efficient vehicles, and other activities related to diversifying the domestic production of automobiles; and

(D) assisting domestic automobile component suppliers to retool their domestic manufacturing plants to produce components for petroleum fuel reduction technologies, including alternative or flexible fuel vehicles and hybrid, advanced diesel, and other state-of-the-art fuel saving technologies; and

(4) provide assurances to the task force that average adjusted fuel economy savings achieved under paragraph (3) will not result in fuel economy decreases in other automobiles manufactured in the United States; and

(5) provide additional assurances and information as the task force may require, including information needed by the task force to audit the manufacturer's compliance with the requirements of the program.

(d) LIMITATION.—Not more than 10 percent of the annual retiree health care costs of any domestic automobile manufacturer may be reimbursed under the program in any year.

(e) TERMINATION OF PROGRAM.—The program shall terminate on December 31, 2017.

SEC. __03. REPORTING.

(a) REIMBURSEMENT REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the task force shall submit a report to Congress that—

(1) identifies the reimbursements paid under the program; and

(2) describes the changes in the manufacture and commercialization of fuel saving technologies implemented by automobile manufacturers as a result of such reimbursements.

(b) CONSUMER INCENTIVES.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to Congress that—

(1) indicates the effectiveness of financial incentives available to consumers for the purchase of hybrid vehicles in encouraging such purchases; and

(2) recommends whether such incentives should be expanded.

SEC. __04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary in each of fiscal years 2008 through 2018 to carry out this subtitle.

Subtitle B—Tax Provisions

SEC. __11. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (p) as subsection (q); and

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

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A):

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTION WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection

with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. __12. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.

(a) IN GENERAL.—Subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after section 6662A the following:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(p)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(p)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) of the Internal Revenue Code of 1986 is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(3) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Paragraph (2) of section 6707A(e) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6662A the following:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. __13. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) of the Internal Revenue Code of 1986 (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''; and

(2) by inserting ''and noneconomic substance transactions'' after ''transactions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 1559. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—Energy-Related Regulatory Reform

SEC. 281. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—In this section:

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

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Nuclear Regulatory Commission.

(3) FEDERAL ENERGY AUTHORIZATION.—

(A) IN GENERAL.—The term ''Federal energy authorization'' means any authorization required under Federal law (including regulations), regardless of whether the law is administered by a Federal or State administrative agency or official, with respect to the siting, construction, expansion, or operation of an energy facility, including—

(i) a coal-fired electric generating plant;

(ii) a nuclear power electric generating plant;

(iii) a natural gas-fired electric generating plant;

(iv) a waste-to-energy facility;

(v) a geothermal electric generating facility;

(vi) a wind or solar electric generating facility;

(vii) a petroleum refinery;

(viii) a biorefinery;

(ix) a biogas conversion unit;

(x) a shale-oil production site; or

(xi) an oil or gas exploration and production lease.

(B) INCLUSIONS.—The term ''Federal energy authorization'' includes any permit, special use authorization, certification, opinion, or other approval required under Federal law

(including regulations) with respect to the siting, construction, expansion, or operation of an energy facility referred to in subparagraph (A).

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Environmental Protection Agency shall act as the lead agency for the purposes of coordinating all Federal energy authorizations and related environmental reviews.

(2) EXCEPTION.—In the case of a nuclear power electric generating facility, the Nuclear Regulatory Commission shall act as the lead agency for purposes of coordinating all Federal nuclear energy authorizations.

(3) OTHER AGENCIES.—Each Federal or State agency or official required to provide a Federal energy authorization shall cooperate with the Administrator or the Chairperson, as applicable, including by complying with any applicable deadline relating to the Federal energy authorization established by the Administrator or Chairperson under subsection (c).

(c) SCHEDULE.—

(1) AUTHORITY OF ADMINISTRATOR.—The Administrator shall establish a schedule for all Federal energy authorizations as the Administrator determines to be appropriate—

(A) to ensure expeditious completion of all proceedings relating to Federal energy authorizations; and

(B) to accommodate any applicable related schedules established by Federal law (including regulations).

(2) AUTHORITY OF CHAIRPERSON.—The Chairperson shall collaborate with the Administrator to establish an appropriate schedule for all environmental authorizations required with respect to facilities described in subsection (b)(2) that—

(A) takes into consideration the longer lead time required by the permitting process for nuclear power electric generating facilities; and

(B) allows for simultaneous environmental and security reviews of potential sites to provide for joint authorization of the sites by the Administrator and the Chairperson.

(3) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official fails to complete a proceeding for any approval required for a Federal energy authorization in accordance with the schedule established under paragraph (1) or (2), any affected applicant for the Federal energy authorization may seek judicial review of the failure under subsection (e).

(d) CONSOLIDATED RECORD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator, in cooperation with Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Administrator or a Federal or State administrative agency or officer with respect to any Federal energy authorization.

(2) EXCEPTION.—The Chairperson, in cooperation with the Administrator and other Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Commissioner or a Federal or State administrative agency or officer with respect to any Federal authorization of a nuclear power electric generating facility.

(3) TREATMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the records under paragraphs (1) and (2) shall serve as the record for a decision or action for purposes of judicial review of the decision or action under subsection (e).

(B) EXCEPTION.—If the United States Court of Appeals for the District of Columbia determines that a record under paragraph (1) or (2) contains insufficient information, the court may remand the proceeding to the Administrator for development of the record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action by a Federal or State administrative agency or official relating to a Federal energy authorization; or

(B) an alleged failure to act by a Federal or State administrative agency or official with respect to a Federal energy authorization.

(2) REMAND.—

(A) IN GENERAL.—The court shall remand a proceeding to the applicable agency or official in any case in which the court determines under paragraph (1) that—

(i)(I) an order or action described in paragraph (1)(A) is inconsistent with the Federal law applicable to the Federal energy authorization;

(II) a failure to act described in paragraph (1)(B) has occurred; or

(III) a Federal or State administrative agency or official failed to meet an applicable deadline under subsection (c) with respect to a Federal energy authorization; and

(ii) the order, action, or failure to act would prevent the siting, construction, expansion, or operation of an energy facility referred to in subsection (a)(2)(A).

(B) SCHEDULE.—On remand of an order, action, or failure to act under subparagraph (A), the court shall establish a reasonable schedule and deadline for the agency or official to act with respect to the remand.

(3) ACTION BY LEAD AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for any civil action brought under this subsection, the Administrator shall promptly file with the court the consolidated record compiled by the Administrator pursuant to subsection (d)(1).

(B) EXCEPTION.—For any civil action brought under this subsection with respect to a nuclear power electric generating facility, the Chairperson shall promptly file with the court the consolidated record compiled by the Chairperson pursuant to subsection (d)(2).

(4) EXPEDITED CONSIDERATION.—The Court shall provide expedited consideration of any civil action brought under this subsection.

(5) ATTORNEY'S FEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in any action challenging a Federal energy authorization that has been granted, reasonable attorney's fees and other expenses of the litigation shall be awarded to the prevailing party.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any action seeking a remedy for—

(i) denial of a Federal energy authorization; or

(ii) failure to act on an application for a Federal energy authorization.

SEC. 282. ENERGY SECURITY AND REGULATORY REFORM.

(a) ENERGY-RELATED REGULATORY REFORM.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—ENERGY-RELATED REGULATORY REFORM

"SEC. 571. DEFINITIONS.

"In this part:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee established under section 572(a).

"(2) APPLICABLE AGENCY.—The term 'applicable agency' means any Federal department or agency that, during the 10-year period ending on the date on which an advisory committee is established, promulgated a major rule.

"(3) BENEFIT.—The term 'benefit', with respect to a rule, means any reasonably identifiable, significant, and favorable effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

"(4) COST.—The term 'cost', with respect to a rule, means any reasonably identifiable and significant adverse effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

"(5) ENERGY RULE.—The term 'energy rule' means a major rule that has a direct impact on the production, distribution, or consumption of energy, as determined by the Secretary of Energy.

"(6) FLEXIBLE REGULATORY OPTION.—

"(A) IN GENERAL.—The term 'flexible regulatory option' means an option at a point in the regulatory process that provides flexibility to any person subject to an applicable rule with respect to complying with the rule.

"(B) INCLUSION.—The term 'flexible regulatory option' includes any option described in subparagraph (A) that uses—

"(i) a market-based mechanism;

"(ii) an outcome-oriented, performance-based standard; or

"(iii) any other option that promotes flexibility, as determined by the head of the applicable agency.

"(7) MAJOR RULE.—The term 'major rule' means a rule or group of closely related rules—

"(A) the reasonably quantifiable increased direct and indirect costs of which are likely to have a gross annual effect on the United States economy of at least $100,000,000, or that has a significant impact on a sector of the economy, as determined by—

"(i) the head of the agency proposing the rule; or

"(ii) the President (or a designee); or

"(B) that is otherwise designated as a major rule by the head of the agency proposing the rule or the President (or a designee), based on a determination that the rule is likely to result in—

"(i) a substantial increase in costs for—

"(I) consumers;

"(II) an industrial sector;

"(III) nonprofit organizations;

"(IV) any Federal, State, or local governmental agency; or

"(V) a geographical region;

"(ii) a significant adverse effect on—

"(I) competition, employment, investment, productivity, innovation, health, safety, or the environment; or

"(II) the ability of enterprises with principal places of business in the United States to compete in domestic or international markets;

"(iii) a serious inconsistency or interference with an action carried out or planned to be carried out by another Federal agency;

"(iv) the material alteration of the budgetary impact of—

''(I) entitlements, grants, user fees, or loan programs; or

''(II) the rights and obligations of recipients of such a program; or

''(v) disproportionate costs to a class of regulated persons, including relatively severe economic consequences for that class.

''(8) RULE.—

''(A) IN GENERAL.—The term 'rule' has the meaning given the term in section 551 of title 5, United States Code.

''(B) INCLUSION.—The term 'rule' includes any statement of general applicability that alters or creates a right or obligation of a person not employed by the applicable regulatory agency.

''(C) EXCLUSIONS.—The term 'rule' does not include—

''(i) a rule of particular applicability that approves or prescribes—

''(I) future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, or accounting practices; or

''(II) any disclosure relating to an item described in subclause (I);

''(ii) a rule relating to monetary policy or to the safety or soundness of an institution (including any affiliate, branch, agency, commercial lending company, or representative office of the institution (within the meaning of the International Banking Act of 1956 (12 U.S.C. 1841 et seq.)) that is—

''(I) a federally-insured depository institution or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k));

''(II) a credit union;

''(III) a Federal home loan bank;

''(IV) a government-sponsored housing enterprise;

''(V) a farm credit institution; or

''(VI) a foreign bank that operates in the United States; or

''(iii) a rule relating to—

''(I) the payment system; or

''(II) the protection of—

''(aa) deposit insurance funds; or

''(bb) the farm credit insurance fund.

''SEC. 572. ADVISORY COMMITTEES FOR ENERGY RULES.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this part, and every 5 years thereafter, the head of each applicable agency shall establish an advisory committee to review all energy rules promulgated by the applicable agency during the 10-calendar-year period ending on the date on which the advisory committee is established.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The head of an applicable agency shall appoint not more than 15 members to serve on an advisory committee.

''(2) REQUIREMENT.—In appointing members to serve on an advisory committee under paragraph (1), the head of the applicable agency shall ensure that the membership of the advisory committee reflects a balanced cross-section of public and private parties affected by energy rules issued by the applicable agency, including—

''(A) small businesses;

''(B) units of State and local government; and

''(C) public interest groups.

''(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of an advisory committee appointed under paragraph (1) shall not be an employee of the applicable agency for which the advisory committee is established.

''(c) TERM; VACANCIES.—

''(1) TERM.—A member shall be appointed for the life of an advisory committee.

''(2) VACANCIES.—A vacancy on an advisory committee—

''(A) shall not affect the powers of the advisory committee; and

''(B) shall be filled in the same manner as the original appointment was made.

''(d) CHAIRPERSON; PANELS.—The head of an applicable agency—

''(1) shall select a Chairperson from among the members of an advisory committee; and

''(2) may establish such panels as the head determines to be necessary to assist an advisory committee in carrying out duties of the advisory committee.

''(e) DUTIES.—

''(1) IN GENERAL.—An advisory committee shall review all energy rules promulgated by the applicable agency for which the advisory committee is established during the 10-calendar-year period ending on the date on which the advisory committee is established, in accordance with section 573.

''(2) PUBLIC PARTICIPATION.—An advisory committee shall solicit public comment with respect to energy rules reviewed by the advisory committee through appropriate means, including—

''(A) hearings;

''(B) written comments;

''(C) public meetings; and

''(D) electronic mail.

''(f) TRAVEL EXPENSES.—A member of an advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the advisory committee.

''(g) TERMINATION.—An advisory committee shall terminate on the date that is 5 years after the date on which the advisory committee is established.

''SEC. 573. REVIEW OF ENERGY RULES.

''(a) LIST.—

''(1) IN GENERAL.—An advisory committee shall develop a list describing each energy rule promulgated during the preceding 10-year period by the applicable agency for which the advisory committee is established that, as determined by the advisory committee—

''(A) should be reviewed by the head of the applicable agency; and

''(B) reasonably could be subject to such a review during the 5-calendar-year period beginning on the date on which the energy rule is included on the list.

''(2) FACTORS FOR CONSIDERATION.—In developing a list under paragraph (1), an advisory committee shall take into consideration—

''(A) the cost of an energy rule with respect to energy production or energy efficiency of any individual or entity subject to the energy rule;

''(B) the extent to which an energy rule could be revised to substantially increase net benefits of the energy rule, including through flexible regulatory options;

''(C) the relative importance of an energy rule, as compared to other energy rules considered for inclusion on the list; and

''(D) the discretion of the applicable agency under an applicable authorizing law or regulation to modify or repeal the energy rule.

''(3) SUBMISSION.—Not later than 1 year after the date on which an advisory committee is established and annually thereafter, the advisory committee shall submit to the head of the applicable agency for which the advisory committee is established the list developed under paragraph (1), with each energy rule represented on the list in descending order of importance, in accordance with the priority assigned to review of the energy rule by the advisory committee.

''(4) ACTION BY APPLICABLE AGENCY.—As soon as practicable after receipt of a list under paragraph (3), the head of an applicable agency shall—

''(A) publish the list in the Federal Register; and

''(B) submit to Congress a copy of the list.

''(b) SCHEDULES FOR REVIEW.—

''(1) PRELIMINARY SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a list under subsection (a)(3), the head of an applicable agency shall develop and publish in the Federal Register a preliminary schedule for review by the applicable agency of the energy rules included on the list, including an explanation for each modification of the list by the applicable agency.

''(B) NOTICE AND COMMENT.—The head of an applicable agency shall provide notice and an opportunity for public comment on a preliminary schedule for a period of not less than 60 days after the date of publication of the preliminary schedule under subparagraph (A).

''(2) FINAL SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of expiration of the applicable comment period under paragraph (1)(B), the head of the applicable agency shall develop and publish in the Federal Register a final schedule for review of the energy rules by the applicable agency.

''(B) CONTENTS.—

''(i) IN GENERAL.—A final schedule under subparagraph (A) shall include a deadline by which the applicable agency shall review each energy rule included on the list.

''(ii) REQUIREMENT.—A deadline described in clause (i) shall be not later than 5 years after the date of publication of the final schedule.

''(3) REQUIREMENT.—In developing a preliminary or final schedule under this subsection, the head of an applicable agency—

''(A) shall defer, to the maximum extent practicable, to the recommendations of the advisory committee; but

''(B) may modify the list of the advisory committee, taking into consideration—

''(i) the factors described in subsection (a)(2); and

''(ii) any limitation on resources or authority of the applicable agency.

''(c) REVIEW.—

''(1) REQUIRED PUBLICATIONS.—For each energy rule included on the final schedule of an applicable agency under subsection (b)(2), the head of the applicable agency shall publish in the Federal Register—

''(A) not later than the date that is 2 years before the deadline applicable to the energy rule under the final schedule, a notice that solicits public comment regarding whether the energy rule should be continued in effect, modified, or repealed;

''(B) not later than the date that is 1 year before the deadline applicable to the energy rule under the final schedule, a notice that—

''(i) addresses public comments received as a result of the notice under subparagraph (A);

''(ii) contains a preliminary analysis by the applicable agency relating to the energy rule;

''(iii) contains a preliminary determination of the applicable agency regarding whether the energy rule should be continued in effect, modified, or repealed; and

''(iv) solicits public comment on that preliminary determination; and

''(C) not later than the date that is 60 days before the deadline applicable to the energy rule under the final schedule, a final notice relating to the energy rule that—

''(i) addresses public comments received as a result of the notice under subparagraph (B);

''(ii) contains—

''(I) a determination of the applicable agency regarding whether to continue in effect, modify, or repeal the energy rule; and

''(II) an explanation of the determination; and

''(iii) if the applicable agency determines to modify or repeal the energy rule, a notice of proposed rulemaking under section 553 of title 5, United States Code, as applicable.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—Not later than the deadline applicable to an energy rule under the final schedule under subsection (b)(2), the head of the applicable agency shall make a determination—

''(i) to continue the energy rule in effect;

''(ii) to modify the energy rule; or

''(iii) to repeal the energy rule.

''(B) CONTINUING IN EFFECT.—A determination by the head of an applicable agency under subparagraph (A)(i) to continue an energy rule in effect—

''(i) shall be published in the Federal Register; and

''(ii) shall be considered to be a final agency action effective beginning on the date that is 60 days after the date of publication of the determination.

''(C) MODIFICATION OR REPEAL.—On a determination by the head of an applicable agency to modify or repeal an energy rule under clause (ii) or (iii) of subparagraph (A), the applicable agency shall complete final agency action with respect to the modification or repeal by not later than 2 years after the deadline applicable to the energy rule under the final schedule under subsection (b)(2).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—No preliminary or final schedule under this section shall be subject to judicial review.

''(2) DETERMINATION TO CONTINUE IN EFFECT.—

''(A) DEFINITION OF REASONABLE ALTERNATIVE.—

''(i) IN GENERAL.—In this paragraph, the term 'reasonable alternative', with respect to an option at a point in the regulatory process, means an option that—

''(I) would achieve the purpose of the applicable rule; and

''(II) the head of the applicable Federal agency has the authority to elect.

''(ii) INCLUSION.—The term 'reasonable alternative' includes a flexible regulatory option.

''(B) ACTION BY COURT.—A court of competent jurisdiction may remand a determination to continue an energy rule in effect under subsection (c)(2)(B) only on clear and convincing evidence that a reasonable alternative was available to the energy rule.

''(3) FAILURE TO ACT.—A failure of the head of an applicable agency to carry out an action required under this section shall be subject to judicial review only as provided in section 706(1) of title 5, United States Code.

''(e) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section limits the discretion of an applicable agency, on making a determination described in clause (ii) or (iii) of subsection (c)(2)(A), to elect not to modify or repeal the applicable energy rule.

''(2) TREATMENT.—An election of an applicable agency described in paragraph (1) shall be considered to be a final agency action for purposes of judicial review.

''SEC. 574. PROSPECTIVE CONSIDERATION OF ENERGY RULES.

''(a) DETERMINATION.—

''(1) IN GENERAL.—In promulgating any rule, the head of an applicable agency shall determine whether the rule is an energy rule.

''(2) TREATMENT.—The head of an applicable agency may determine under paragraph (1) that a set of related rules proposed to be promulgated by the applicable agency shall be considered to be an energy rule.

''(b) REGULATORY IMPACT ANALYSIS.—

''(1) IN GENERAL.—In promulgating an energy rule, the head of an applicable agency shall prepare—

''(A) by not later than the date that is 60 days before the date of publication of notice of the proposed rulemaking, a preliminary regulatory impact analysis relating to the energy rule; and

''(B) a final regulatory impact analysis relating to the energy rule, which shall be submitted together with the final energy rule by not later than the date that is 30 days before the date of publication of the final energy rule.

''(2) CONTENTS.—A preliminary or final regulator impact analysis relating to an energy rule under paragraph (1) shall contain—

''(A) a description of the potential benefits of the energy rule, including a description of—

''(i) any beneficial effects that cannot be quantified in monetary terms; and

''(ii) an identification of individuals and entities likely to receive the benefits;

''(B) an explanation of the necessity, legal authority, and reasonableness of the energy rule together with a description of the condition that the energy rule is intended to address;

''(C) a description of the potential costs of the energy rule, including a description of—

''(i) any costs that cannot be quantified in monetary terms; and

''(ii) an identification of the individuals and entities likely to bear the costs;

''(D)(i) an analysis of any alternative approach, including market-based mechanisms, that could substantially achieve the regulatory goal of the energy rule at a lower cost; and

''(ii) an explanation of the reasons why the alternative approach was not adopted, together with a demonstration that the energy rule provides the least-costly approach with respect to the regulatory goal;

''(E)(i) an analysis of the benefits and costs of the energy rule to the national energy supply and national energy security; and

''(ii) an explanation in any case in which the energy rule will cause undue harm to the energy stability of any region;

''(F) a statement that, as applicable—

''(i) the energy rule does not conflict with, or duplicate, any other rule; or

''(ii) describes the reasons why such a conflict or duplication exists; and

''(G) a statement that describes whether the energy rule will require—

''(i) any onsite inspection; or

''(ii) any individual or entity—

''(I) to maintain records that will be subject to inspection; or

''(II) to obtain any license, permit, or other certification, including a description of any associated fees or fines.

''(3) COMBINATION WITH FLEXIBILITY ANALYSIS.—An energy rule regulatory impact analysis under paragraph (1) may be prepared together with the regulatory flexibility analysis relating to the energy rule under sections 603 and 604 of title 5, United States Code.

''(c) REVIEW OF REGULATORY IMPACT ANALYSES.—

''(1) IN GENERAL.—The head of an applicable agency shall review, and prepare comments regarding—

''(A) each notice of proposed rulemaking relating to an energy rule of the applicable agency;

''(B) each preliminary and final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(C) each final energy rule of the applicable agency.

''(2) CONSULTATION.—On receipt of a request of a head of an applicable agency, any officer or employee of another applicable agency shall consult with the head regarding a review under paragraph (1).

''(3) REQUIREMENT.—The head of an applicable agency shall not promulgate an energy rule until the date on which the final regulatory impact analysis relating to the energy rule is published in the Federal Register.

''(4) REVIEW OF OTHER APPLICABLE AGENCIES.—

''(A) IN GENERAL.—On receipt of a request of a head of an applicable agency, another applicable agency—

''(i) shall permit the head to review, and prepare comments regarding—

''(I) a notice of proposed rulemaking relating to an energy rule of the applicable agency; or

''(II) a preliminary or final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(ii) shall not publish the notice of proposed rulemaking or preliminary or final regulatory impact analysis until the earlier of—

''(I) the date on which—

''(aa) the head completes the review; and

''(bb) the applicable agency submits to the head a response to any comments of the head and includes in the comments of the applicable agency the response, in accordance with subparagraph (B)(ii); and

''(II) the expiration of the deadline described in subparagraph (B)(i).

''(B) DEADLINES.—

''(i) REVIEW AND COMMENT BY HEAD.—A head of an applicable agency shall complete a review of a notice of proposed rulemaking or preliminary or final regulatory impact analysis of another applicable agency under subparagraph (A) by not later than 90 days after the date on which the head submits a request for the review.

''(ii) RESPONSE BY APPLICABLE AGENCY.—An applicable agency shall submit to the head of another applicable agency that conducted a review and submitted comments regarding an energy rule under subparagraph (A) a response to those comments by not later than 90 days after the date on which the comments are received.

''(d) PLAIN LANGUAGE REQUIREMENT.—The head of an applicable agency shall ensure, to the maximum extent practicable, that each energy rule and each regulatory impact analysis relating to an energy rule—

''(1) is written in plain language; and

''(2) provides adequate notice of the requirements of the rule to affected individuals and entities.

''(e) NONAPPLICABILITY TO CERTAIN RULES AND AGENCIES.—

''(1) DEFINITION OF EMERGENCY SITUATION.—In this subsection, the term 'emergency situation' means a situation that—

''(A) is immediately impending and extraordinary in nature; or

''(B) demands attention due to a condition, circumstance, or practice that, if no action is taken, would be reasonably expected to cause—

''(i) death, serious illness, or severe injury to an individual; or

''(ii) substantial danger to private property or the environment.

''(2) NONAPPLICABILITY.—This section shall not apply to—

''(A) a major rule promulgated in response to an emergency situation, if a report describing the major rule and the emergency situation is submitted to the head of each affected applicable agency as soon as practicable after promulgation of the major rule;

''(B) a major rule proposed or promulgated in connection with the implementation of monetary policy or to ensure the safety and soundness of—

''(i) a federally-insured depository institution or an affiliate of such an institution;

''(ii) a credit union; or

''(iii) a government-sponsored housing enterprise regulated by the Office of Federal Housing Enterprise Oversight;

''(C) an action by an applicable agency that the head of the applicable agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; or

''(D) a major rule proposed or promulgated pursuant to section 553 of title 5, United States Code, in connection with imposing a trade sanction against any country that engages in illegal trade activities against the United States that are injurious to United States technology, jobs, pensions, or general economic well-being.''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report that contains an analysis of—

(1) rulemaking procedures of Federal departments and agencies; and

(2) the impact of those procedures on—

(A) the public; and

(B) the regulatory process.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only to final rules of Federal departments and agencies the rulemaking process for which begins after the date of enactment of this Act.

(d) OTHER POLICIES AND GOALS.—

(1) DECLARATION OF POLICY.—Section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) is amended—

(A) by redesignating subsection (c) as subsection (d); and

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

''(c) ENERGY SECURITY.—Congress recognizes that, because the production and consumption of energy has a profound impact on the environment, and the availability of affordable energy resources is essential to continued national security and economic security of the United States, it is the policy of the United States to ensure that—

''(1) each proposed Federal action should be analyzed with respect to the impact of the proposed Federal action on the energy security of the United States; and

''(2) an analysis under paragraph (1) should be taken into consideration in developing Federal plans, rules, programs, and actions.''.

(2) REPORTS.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended—

(A) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(B) by inserting after clause (ii) the following:

''(iii) the impact on the energy security of the United States in terms of the effects to the production, distribution, and consumption of energy of the proposal or Federal action;''.

SA 1560. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE VIII—TAX INCENTIVES FOR PRODUCTION AND CONSERVATION OF ENERGY

SEC. 801. INCOME AND GAINS FROM ELECTRICITY TRANSMISSION SYSTEMS TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1) of the Internal Revenue Code of 1986 (defining qualifying income) is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

''(F) income and gains from the transmission of electricity at 69 or more kilovolts through any property the original use of which commences after December 31, 2006,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 802. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) of such Code (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communications equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years ending after the date of the enactment of this Act.

SEC. 803. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

''(l) SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified cellulosic biomass ethanol plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified cellulosic biomass ethanol plant property' means property of a character subject to the allowance for depreciation—

''(i) which is used in the United States solely to produce cellulosic biomass ethanol,

''(ii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iii) which has a nameplate capacity of 100,000,000 gallons per year of cellulosic biomass ethanol,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(v) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term 'cellulosic biomass ethanol'—

''(A) means ethanol derived from any lignocellulosic or hemicellulosic matter that

is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees,

''(ii) wood and wood residues,

''(iii) plants,

''(iv) grasses,

''(v) agricultural residues,

''(vi) fibers,

''(vii) animal wastes and other waste materials, and

''(viii) municipal and solid waste, and

''(B) includes any ethanol produced in facilities where animal wastes or other waste materials are digested or otherwise used to displace 90 percent or more of the fossil fuel normally used in the production of ethanol.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified cellulosic biomass ethanol plant property' for 'qualified property' in clause (iv) thereof.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 804. SPECIAL DEPRECIATION ALLOWANCE FOR COAL-TO-LIQUID FACILITIES.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following:

''(m) SPECIAL ALLOWANCE FOR COAL-TO-LIQUID PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified coal-to-liquid plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED COAL-TO-LIQUID PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified coal-to-liquid plant property' means property of a character subject to the allowance for depreciation—

''(i) which is part of a commercial-scale project that converts coal to 1 or more liquid or gaseous transportation fuel that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, as producing fuel with life cycle carbon dioxide emissions at or below the average life-cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities,

''(ii) which is used in the United States solely to produce coal-to-liquid fuels,

''(iii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iv) which has a nameplate capacity of 30,000 barrels per day production of coal-to-liquid fuels;

''(v) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(vi) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified coal-to-liquid plant property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified coal-to-liquid plant property which ceases to be qualified coal-to-liquid plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 805. DEDICATED ETHANOL PIPELINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (defining 15-year property), is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and by inserting '', and'', and by adding at the end the following new clause:

''(ix) any dedicated ethanol distribution line the original use of which commences with the taxpayer after August 1, 2007, and which is placed in service before January 1, 2013.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 35.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after August 1, 2007.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or related party has entered into a binding contract for the construction thereof on or before August 1, 2007, or, in the case of self-constructed property, has started construction on or before such date.

SEC. 806. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45N the following new section:

''SEC. 45O. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.

''(a) GENERAL RULE.—For purposes of section 38, the pollution abatement equipment credit for any taxable year is an amount equal to 30 percent of the costs of any qualified pollution abatement equipment property placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) for any taxable year with respect to any qualified pollution abatement equipment property shall not exceed—

''(1) $50,000,000 in the case of a property of a character subject an allowance for depreciation provided in section 167, and

''(2) $30,000,000 in any other case.

''(c) QUALIFIED POLLUTION ABATEMENT EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified pollution abatement equipment property' means pollution abatement equipment—

''(1) which is part of a unit or facility which either—

''(A) utilizes technologies that meet relevant Federal and State clean air requirements applicable to the unit or facility, including being adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of that Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501, or

''(B) utilizes equipment or processes that exceed relevant Federal or State clean air requirements applicable to the unit or facility by achieving greater efficiency or environmental performance,

''(2) which is installed on a voluntary basis and not as a result of an agreement with a Federal or State agency or required as a decree from a judicial decision, and

''(3) with respect to which an election under section 169 is not in effect.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the pollution abatement equipment credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Credit for pollution abatement equipment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 807. MODIFICATIONS RELATING TO CLEAN RENEWABLE ENERGY BONDS.

(a) CLEAN RENEWABLE ENERGY BOND.—Paragraph (1) of section 54(d) of the Internal Revenue Code of 1986 (defining clean renewable energy bond) is amended—

(1) in subparagraph (A), by striking ''pursuant'' and all that follows through ''subsection (f)(2)'',

(2) in subparagraph (B), by striking ''95 percent or more of the proceeds'' and inserting ''90 percent or more of the net proceeds'', and

(3) in subparagraph (D), by striking ''subsection (h)'' and inserting ''subsection (g)''.

(b) QUALIFIED PROJECT.—Subparagraph (A) of section 54(d)(2) of such Code (defining qualified project) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified project' means any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service requirement) owned by a qualified borrower and also without regard to the following:

''(i) In the case of a qualified facility described in section 45(d)(9) (regarding incremental hydropower production), any determination of incremental hydropower production and related calculations shall be determined by the qualified borrower based on a methodology that meets Federal Energy Regulatory Commission standards.

''(ii) In the case of a qualified facility described in section 45(d)(9) (regarding hydropower production), the facility need not be licensed by the Federal Energy Regulation Commission if the facility, when constructed, will meet Federal Energy Regulatory Commission licensing requirements and other applicable environmental, licensing, and regulatory requirements.''.

(c) REIMBURSEMENT.—Subparagraph (C) of section 54(d)(2) of such Code (relating to reimbursement) is amended to read as follows:

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), proceeds of a clean renewable energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this subparagraph in the same manner as proceeds of State and local government obligations the interest upon which is exempt from tax under section 103.''.

(d) CHANGE IN USE.—Subparagraph (D) of section 54(d)(2) of such Code (relating to treatment of changes in use) is amended by striking ''or qualified issuer''.

(e) MAXIMUM TERM.—Paragraph (2) of section 54(e) of such Code (relating to maximum term) is amended by striking ''without regard to the requirements of subsection (1)(6) and''.

(f) REPEAL OF LIMITATION ON AMOUNT OF BONDS DESIGNATED.—Section 54 of such Code is amended by striking subsection (f) (relating to repeal of limitation on amount of bonds designated).

(g) SPECIAL RULES RELATING TO EXPENDITURES.—Subsection (h) of section 54 of such Code (relating to special rules relating to expenditures) is amended—

(1) in paragraph (1)(A), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds'',

(2) in paragraph (1)(B)—

(A) by striking ''10 percent of the proceeds'' and inserting ''5 percent of the net proceeds'', and

(B) by striking ''the 6-month period beginning on'' both places it appears and inserting ''1 year of'',

(3) in paragraph (1)(C), by inserting ''net'' before ''proceeds'', and

(4) in paragraph (3), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds''.

(h) REPEAL OF SPECIAL RULES RELATING TO ARBITRAGE.—Section 54 of such Code is amended by striking subsection (i) (relating to repeal of special rules relating to arbitrage).

(i) PUBLIC POWER ENTITY.—Subsection (j) of section 54 of such Code (defining cooperative electric company; qualified energy tax credit bond lender; governmental body; qualified borrower) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively,

(2) by inserting after paragraph (3) the following new paragraph:

''(4) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).'',

(3) in paragraph (5), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting '', or'', and

(C) by adding at the end the following new subparagraph:

''(D) a public power entity.'', and

(4) in paragraph (6), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting '', or'', and

(C) by adding at the end the following new subparagraph:

''(C) a public power entity.''.

(j) REPEAL OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(k) NET PROCEEDS.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules), as amended by subsection (j), is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (4), (5), (6), and (7), respectively, and by inserting after paragraph (1) the following new paragraphs:

''(2) NET PROCEEDS.—The term 'net proceeds' means, with respect to an issue, the proceeds of such issue reduced by amounts in a reasonably required reserve or replacement fund.

''(3) LIMITATION ON AMOUNT IN RESERVE OR REPLACEMENT FUND WHICH MAY BE FINANCED BY ISSUE.—A bond issued as part of an issue shall not be treated as a clean renewable energy bond if the amount of the proceeds from the sale of such issue which is part of any reserve or replacement fund exceeds 10 percent of the proceeds of the issue (or such higher amount which the issuer establishes is necessary to the satisfaction of the Secretary).''.

(l) OTHER SPECIAL RULES.—Subsection (l) of section 54 of such Code ((relating to other definitions and special rules), as amended by subsections (j) and (k), is amended by adding at the end the following new paragraphs:

''(8) CREDITS MAY BE SEPARATED.—There may be a separation (including at issuance) of the ownership of a clean renewable energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(9) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for the purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified energy tax credit bond on a credit allowance date (or the credit in the case of a separation as provided in paragraph (8)) shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(10) CARRYBACK AND CARRYFORWARD OF UNUSED CREDITS.—If the sum of the credit exceeds the limitation imposed by subsection (c) for any taxable year, any credits may be applied in a manner similar to the rules set forth in section 39.''.

(m) TERMINATION.—Subsection (m) of section 54 of such Code (relating to termination) is amended by striking ''2008'' and inserting ''2013''.

(n) CLERICAL REDESIGNATIONS.—Section 54 of such Code, as amended by the preceding provisions of this section, is amended by redesignating subsections (g), (h), (j), (k), (l), and (m) as subsections (f), (g), (h), (i), (j), and (k), respectively.

(o) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 808. EXTENSION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''10-year period beginning on the date the facility was originally placed in service,'' in subsection (a)(2)(A)(ii) and inserting ''5-year period beginning on the date the facility was originally placed in service,'',

(2) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(i) and inserting ''beginning on the date the facility was originally placed in service.'',

(3) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(ii) and inserting ''beginning on the date the facility was originally placed in service.'', and

(4) by striking ''January 1, 2009'' each place it appears in subsection (d) and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 809. ENERGY CREDIT EXTENDED TO GREEN BUILDINGS.

(a) IN GENERAL.—Section 48(a)(3)(A) of the Internal Revenue Code of 1986 (defining energy property) is amended—

(1) by striking ''or'' at the end of clause (iii),

(2) by inserting after clause (iv) the following new clauses:

''(v) thermal storage system determined by the Secretary of Energy through a site specific feasibility study which allows for a reduction in energy use of 10 percent per year compared with conventional technologies, or

''(vi) daylight dimming technologies determined by the Secretary of Energy,''.

(b) CREDIT RATE.—Section 48(a)(2)(A) of such Code (relating to energy percentage) is amended—

(1) by striking ''and'' at the end of clause (i)(III),

(2) by redesignating clause (ii) as clause (iii), and

(3) by inserting after clause (i) the following new clause:

''(ii) 50 percent in the case of energy property described in clause (v) or (vi) of paragraph (3)(A), and''.

(c) LIMITATIONS.—Section 48 of such Code is amended by adding at the end the following new subsection:

''(d) ENERGY PROPERTY FOR GREEN BUILDINGS.—

''(1) THERMAL STORAGE UNIT.—In the case of energy property described in paragraph (3)(A)(v) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.

''(2) DAYLIGHT DIMMING TECHNOLOGIES.—In the case of energy property described in paragraph (3)(A)(vi) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 1561. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Strategic Refinery Reserve Act of 2007''.

SEC. 802. DEFINITIONS.

In this title:

(1) RESERVE.—The term ''Reserve'' means the Strategic Refinery Reserve established under section 803.

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

SEC. 803. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States.

(2) AUTHORITIES.—To carry out this section, the Secretary may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Strategic Petroleum Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as defined in 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); or

(ii) if the Secretary finds that achieving the capacity described in subclause (I) or (II) of clause (i) is not feasible within 2 years after the date of enactment of this Act, include—

(I) an explanation from the Secretary of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

SEC. 804. REPORTS ON REFINERY CLOSURES.

(a) REPORTS TO SECRETARY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall submit to the Secretary notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the economy of the United States;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 20, 2007, at 10 a.m., to conduct a hearing to receive testimony on S. 1285, the ''Fair Elections Now Act,'' to reform the finance of Senate elections, and on the high cost of broadcasting campaign advertisements.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 13, 2007, at 10 a.m. in order to conduct a business meeting to consider pending committee business.

Agenda

Legislation

S. 1257, District of Columbia House Voting Rights Act of 2007;

S. 274, Federal Employee Protection of Disclosures Act;

H.R. 1254, Presidential Library Donation Reform Act of 2007;

S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes;

S. 967, Federal Supervisor Training Act of 2007;

S. 1046, Senior Professional Performance Act of 2007;

S. 1099, a bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance;

S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years;

H.R. 1255/S. 886, Presidential Records Act Amendments of 2007;

S. 381, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 13, 2007, at 10 a.m., to conduct a hearing on nominations to the Federal Election Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 13, 2007 at 9:30 a.m. in room 562 of the Dirksen Building to conduct an oversight hearing on Department of Labor, Department of Defense, VA cooperation, and collaboration to meet the employment needs of returning service members.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Colin Jones, a DOE fellow from the Idaho National Lab, be granted the privilege of the floor during consideration of H.R. 6, the Energy bill before us.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that T.J. Kim, with the Committee on Environment and Public Works, be granted the privilege of the floor for the duration of the Energy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that David Hiller, of my staff, be given floor privileges during the remainder of the debate on H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the following fellows of my staff—Jonna Hamilton, Joseph De Maria, and Jack Gardner—be granted the privilege of the floor for the remainder of the first session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 111; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 234, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) designating June 15, 2007 as ''National Huntington's Disease Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Madam President, I rise today to support a resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day,'' a devastating disorder that affects an estimated 1 in every 10,000 persons. We need to raise awareness of Huntington's disease, which is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12–15 year period. Though Huntington's disease typically begins in midlife, between the ages of 30 and 45, onset may occur as early as the age of 2. The average lifespan after onset of Huntington's disease is 10 to 20 years. The younger a person contracts the disease, the more rapid the progression. Additionally, children who develop the juvenile form of the disease rarely live to adulthood, and a child of a Huntington's disease parent has a 50–50 chance of inheriting the Huntington's disease gene.

Since the discovery of the gene that causes Huntington's disease in 1993, the pace of Huntington's disease research has accelerated. Although scientists and researchers are hopeful that breakthroughs are forthcoming, no cures for this disease currently exist.

The need for heightened awareness of Huntington's disease was brought to my attention by constituents who suffer from this disease. For the benefit of these individuals and for the well-being of sufferers in your own State and around the Nation, I ask you to join me in this effort to raise awareness of Huntington's disease.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

MEASURES INDEFINITELY POSTPONED: S. CON. RES. 10, S. 261, S. 624, H. CON. RES. 118

Mr. MENENDEZ. Madam President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 61, S. Con. Res. 10; Calendar No. 87, S. 261; Calendar No. 100, S. 624; and Calendar No. 130, H. Con. Res. 118.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 14, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, June 14; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 6, the comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M TOMORROW

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, June 14, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 2007:

DEPARTMENT OF ENERGY

LISA E. EPIFANI, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS), VICE JILL L. SIGAL, RESIGNED.

DEPARTMENT OF STATE

GAIL DENNISE MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

THE JUDICIARY

JOSEPH N. LAPLANTE, OF NEW HAMPSHIRE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE, VICE JOSEPH A. DICLERICO, JR., RETIRED.

GUSTAVUS ADOLPHUS PURYEAR IV, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

ELECTION ASSISTANCE COMMISSION

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, June 13, 2007:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERT M. COUCH, OF ALABAMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, June 13, 2007*

The House met at 10 a.m.

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

To You, O Lord, we pray.

In praying, all of us become priests who alone can lift up our personal lives on the altar of our hearts and consecrate all the words, actions, joys and sufferings of this day to You as the Lord of life. Just as all our intentions here in Congress can be dedicated to the service of the American people, especially those in most need of Your mercy and our persevering attention.

When praying we become instruments of Your spirit. You move and act within us. Help us this day to be more aware of Your presence within us and in one another.

To You, O Lord, be all glory, honor and praise today and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. CARDOZA) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDOZA led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

The message also announced that pursuant to section 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON) as a member of the Senate Delegation to the Mexico-United States Interparliamentary Group conference for the first session of the One Hundred Tenth Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute speeches on each side.

HISTORIC INCREASES IN VETERANS FUNDING

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

Mr. STUPAK. Madam Speaker, when America's troops volunteer to serve our Nation, they do so believing that the government that sends them into harm's way will live up to its promise to care for them when they return home. However, as we have seen from the debacle at Walter Reed and the current backlog of 400,000 benefits claims pending at the VA, our veterans do not always receive the level of service and care they deserve.

Today, this Democratic Congress is taking a vital step in addressing these issues by bringing up a Military Construction and Veterans Affairs Appropriations bill that provides the largest increase in funding for veterans health care in the VA's 77-year history. The funding bill also allocates much-needed funding for mental health and PTSD services; additional funds for construction and modification of extended care facilities; and critical funding for the operation and maintenance of the Armed Forces Retirement Home.

This legislation is critical to providing our Nation's veterans with the benefits their service entitles them to and gives the VA the resources necessary to ensure we meet their growing needs. It deserves strong bipartisan support today; and under Democratic leadership, they will receive it.

BORDER FENCE FUNDING

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

Mrs. BLACKBURN. Mr. Speaker, last year we passed the Secure Fence Act, which mandated the Department of Defense construct a fence and vehicle barriers along 800 miles of the southern border of the U.S., from California to Texas. And 283 people in this Chamber, many of them Democrats, voted to take this first step in real border security reform by funding a secure fence on our southern border.

But under a new liberal Democrat leadership, actually paying for the fence is a whole different matter. Despite the overwhelming support and a $2.4 billion increase in the Homeland Security budget, the bill before us today actually underfunds the fence by $187 million and ties up an additional $700 million in bureaucratic red tape.

The question is: Why? Nothing has changed. Hundreds of thousands of illegal immigrants, drug dealers and possible terrorists continue to slip through the cracks in our southern border while we wait for the fence on the southern border.

Where are those people on the other side of the aisle that were committed to pay for this security fence last year?

Mr. Speaker, it is time to fund the fence.

VA FUNDING HONORS COMMITMENT TO VETERANS

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

Mr. ALTMIRE. Mr. Speaker, after years of neglect, this House is finally going to take up a VA funding bill that honors our commitment to our Nation's veterans. In contrast to the chronic underfunding that the VA has seen in recent years, this bill that we are going to talk about today has the largest increase in VA health care spending in the 77-year history of the program.

And for the first time, this bill exceeds the recommended funding level of the service organizations, the American Legion and the VFW.

Democrats continue to demonstrate our commitment that no group should stand ahead of our Nation's veterans when it comes time to make Federal funding decisions. This bill will help us clear up the 400,000-case backlog at the VA. It is going to help us avoid issues like what happened at Walter Reed, and it will give our veterans the care that they earned and the care that they deserve.

HONORING LIEUTENANT COLONEL GEORGE BROWN

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

Mr. WELLER of Illinois. Mr. Speaker, I rise today in honor of the life of Lieutenant Colonel George Brown of Morris, Illinois, a true American patriot. Lieutenant Colonel Brown passed

away at the age of 86 in his home on June 6, 2007, on the 63rd anniversary of D–Day. He served in the U.S. Army from 1942–1964, and was a World War II veteran who also served in Korea. During his service, he received a Purple Heart and a Bronze Star.

A leader in his community, Lieutenant Colonel Brown spent many years as a well-respected member of the Grundy County Board where he was known to give full dedication to his job and cared about conservation and preservation issues.

Additionally, Lieutenant Colonel Brown educated children in our community about Native Americans by portraying Chief Shabbona, the leader of the Pottawatomie Indian tribe during the Black Hawk War, who is also buried in Morris, Illinois. He instructed these children that ''we are symbols of current and past history, and we represent father, grandfather, brother and the authority figure, and they expect us to do the right thing.''

Lieutenant Colonel Brown is remembered as a man of conviction and a pillar in our community, and I am proud to honor him today.

HISTORIC INCREASES IN VETERANS FUNDING

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

Mr. SPACE. Mr. Speaker, today this House will debate legislation that will help us fulfill our commitment to this Nation's service men and women, their families and our veterans. The Military Construction bill that comes to the floor today was unanimously approved out of the House Appropriations Committee last week. Not one Democrat or Republican opposed the measure.

That is because it provides the largest increase in funding for veterans health care in the 77-year history of the Veterans Administration and includes other historic funding increases designed to meet the changing need of our Armed Forces.

Mr. Speaker, this bill unanimously passed out of the Appropriations Committee for a reason: it is a good bill and deserves the support of every Member of this House.

UPHOLD BORDER SECURITY FUNDS

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

Mr. WILSON of South Carolina. Mr. Speaker, last year House Republicans acted to stop the flow of illegal aliens into our country by passing five bills specifically addressing the current border crisis. Among these bills was the Secure Fence Act, a bill that among other things authorized more than 700 miles of two-layered reinforced fencing along the southwest border.

Sadly, this week, as the House considers the Democrat Homeland Security Appropriations bill, we find that included in this legislation is a provision allowing localities to ''shut off'' funding for this vital border fence.

As the debate regarding our immigration system continues to wage on, one thing we know for certain is that controlling our borders should come first to any effort we undertake. We welcome legal immigrants who follow the rule of law. But it is unfortunate Democrats are backtracking on the progress we have made. It is time to fund the fence.

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

HISTORIC INCREASES IN VETERANS FUNDING

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

Mrs. MCCARTHY of New York. Mr. Speaker, for far too long our veterans have been left behind. In fact, last year the Republican Congress and the Bush administration proposed cutting funding for the operation and maintenance of veterans' medical facilities by $464 million. Earlier this year, we saw the effects of these budget cuts manifested in the conditions of Walter Reed Hospital and other VA hospitals across the country.

Fortunately, this new Democratic Congress has a different set of priorities. We allocate the largest increase in funding for veterans health care in history, and we do it in a fiscally responsible way that does not produce budget deficits down the line.

The 2008 MILCON and Veterans Affairs Appropriations bill includes $70 million more than the President requested for veterans substance abuse programs, $69 million more than he requested for medical and prosthetic research, and $127 million more to address the 400,000-deep backlog of veterans benefits claims.

Mr. Speaker, we are finally keeping our promise to our veterans, not only to the veterans serving in Iraq and Afghanistan today, but all veterans.

□ 1015

EARMARK REFORM

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

Mr. DAVIS of Kentucky. Mr. Speaker, during the 109th Congress, Republicans enacted historic earmarking reforms that allowed Members to challenge and debate wasteful earmarks contained in spending bills on the House floor. This was a good step towards increased accountability and transparency in the earmarking process.

Last fall, Democrats campaigned on a pledge to make this the most ethical Congress in history. But, as they headed into their first appropriations season, we're confronted with the reality of their reforms. It seems that instead of increasing sunshine on how Congress is spending the American people's money, they prefer to create massive secret funds for earmarks that will be inserted into the bill after the votes have been taken on legislation.

And what is perhaps most egregious is the fact that they won't even let these earmarks, which are paid for with the American people's hard-earned tax dollars, be debated in the people's House.

This is not the most ethical Congress in history. This is a sham.

DEMOCRATS HAVE DIFFERENT FISCAL PRIORITIES THAN PRESIDENT BUSH AND SOME REPUBLICANS

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

Ms. SHEA-PORTER. Mr. Speaker, President Bush claims there are important differences between Democrats and Republicans when it comes to spending and he is right. For 6 long years, President Bush and the Republican rubber-stamp Congress slashed budgets in critical areas such as health care, college aid and support for our veterans.

For years, Republicans have cut veterans health care funding and budgeted billions less than they need. Last year, Republicans failed to even pass a bill to fund the Department of Veterans Affairs. Imagine that, did not even pass a bill.

After 6 years of Republican damage, Democrats will do things differently. This week, we begin to invest in America's priorities, and we're fiscally responsible.

While President Bush and the Republican Congress ignored the needs of America's veterans, the Democratic House will bring a bill to the floor that includes the largest increase in funding for veterans health care in the 77-year history of the VA.

Today, I would hope that this entire House would support our veterans by supporting this bill. It is long overdue, but the Democrats intend to deliver like our troops deserve.

WE HAVE A RESPONSIBILITY TO SHOW TAXPAYERS HOW THEIR MONEY IS BEING SPENT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, the very first reform passed by the new majority in the 110th Congress was a rule to create transparency publicizing projects earmarked for Federal money. Now the majority party is suggesting to the American people that it's okay to bury these earmarks in conference bills, which we know cannot be amended or challenged in any way.

Republicans last year brought more sunshine and transparency into this process, and instead of building on that, as promised by this new majority, Congress is taking a giant step backwards.

As a member of the House Budget Committee, I'm highly concerned that waiting until the very end of the lawmaking process to hide pork barrel spending is the simplest way to create a slush fund in the budget. This way of spending will lose America's trust.

Mr. Speaker, Americans have trusted us to spend their taxpayer money wisely and honestly. We have a responsibility to show them exactly how their money is being spent and defend it on the House floor.

DEMOCRATS SET TO APPROVE FOUR APPROPRIATIONS BILLS THIS WEEK THAT SET RIGHT PRIORITIES

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

Mr. MORAN of Virginia. Mr. Speaker, this week the House should approve four appropriations bills that set the right priorities for our Nation and do it in a fiscally responsible manner.

Yesterday, we debated the homeland security bill, and we'll continue today, but we should make the public aware that beyond the issues that we seem to be distracted by, the main point about the homeland security bill is that it strengthens our borders by providing funds for 3,000 additional border patrol agents. It also prioritizes the need of our first responders while doubling the amount of cargo that will be screened at our airports.

Democrats are going to bring a veterans and a military construction bill to the floor that includes the largest increase in veterans health care funding in the 77-year history of the Veterans Administration.

We will also be bringing to the floor the Energy and Water and Interior appropriations bills. Now the Democrats will address the important issue of global warming in those bills. These bills also show that, as Democrats, we recognize what a serious problem that is.

Mr. Speaker, I want to emphasize, these bills were approved in committee with strong bipartisan support. They should receive that same kind of support here on the House floor.

OPENNESS AND TRANSPARENCY IN THE HOUSE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as we come today, it marks the one-quarter mark into the 110th Congress under now the new leadership of the Democrat leadership.

And what has this leadership wrought for the American public? During this time, firstly, the largest tax increase on the American family in U.S. history; secondly, a breaking of the rules, a breaking of the rules and the promises of transparency and openness that they made to the American public and that the GOP, the Republicans, began to initiate in the last Congress; and finally, we learned last night from this new majority, they bring to us slush funds, slush funds under the direction of one man on the other side done at the late end of night to control billions of dollars.

The Homeland Security bill that we were debating last night and will be debating today is too important to trivialize in this manner. It is too important to the American public, and it is too important to my constituents in the 5th Congressional District of New Jersey who live in the shadows of the World Trade Center.

Mr. Speaker, this past November election, the American public has spoken. They say they want openness, they want transparency. We demand it of this House.

HOW MUCH WORSE DO THINGS HAVE TO GET AT JUSTICE BEFORE REPUBLICANS HOLD HIM ACCOUNTABLE?

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

Mr. PALLONE. Mr. Speaker, just how bad do things have to get at the Justice Department before congressional Republicans say enough is enough?

On Monday, Senate Democrats tried to bring up a vote of no confidence in Attorney General Alberto Gonzales. While seven Republicans supported an effort to allow for an up-or-down vote, the rest of the Senate Republican Caucus blocked it procedurally.

Are my Republican colleagues serious? Do they actually believe, despite all the evidence to the contrary, that this Attorney General can continue to serve as the Nation's leading law enforcement officer?

Let's not forget that Gonzales still does not remember why he fired eight U.S. attorneys last year. Nor should we forget that Gonzales tried to pressure then-Attorney General Ashcroft into signing off on the secret telephone surveillance program while Ashcroft sat in a hospital bed preparing for surgery.

Mr. Speaker, Democrats are restoring real accountability to Washington, but it would be nice if we could get a little help from our Republican friends.

CONGRESSIONAL PRAYER CAUCUS

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

Mr. FORBES. Mr. Speaker, I rise today as a member of the Congressional Prayer Caucus to formally acknowledge the importance of prayer in American life and history.

Today, I remind my colleagues, constituents and country of our need for prayer by reading a portion of the words offered on the floor of the United States Senate on June 13, 1947, by Peter Marshall. Mr. Marshall prayed:

''God of our fathers, in whose name this Republic was born, we pray that by Thy help we may be worthy to receive Thy blessings upon our labors.

''In this world where men have made deceit a habit, lying an art, and cruelty a science, help us to show the moral superiority of the way of life we cherish. Here may men see truth upheld, honesty loved and kindness practiced.

''We do not pray that other Nations may love us, but that they may know that we stand for what is right, unafraid, with the courage of our convictions.

''May our private lives and our public actions be consistent with our prayers.

''Through Jesus Christ our Lord. Amen.''

PROSECUTOR GONE WILD

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

Mr. POE. Mr. Speaker, North Carolina District Attorney Michael Nifong finds himself the accused and not the accuser this week. It seems his overzealous desire to make headlines by appealing to political pandering and making false allegations against three innocent Duke University lacrosse players has landed him in trouble.

The State Bar Association charged Nifong with making outlandish prejudicial public comments against the players and hiding evidence, and they want him disbarred.

Independent special prosecutors have found the sexual assault charges against the players to be unfounded, but Prosecutor Nifong tried to put them in jail anyway.

The mere accusation of sexual assault, even when false, can ruin an individual.

The role of the prosecutor is to seek, not convictions.

Rogue D.A. Nifong is yet another example of a prosecutor gone wild and an abuser of power. If the allegations against him are true, he joins the wall of shame and should never be allowed

near the courthouse again, except maybe as a defendant.

Because justice is the one thing we should always find.

And that's just the way it is.

SECRECY AND NEGLECT REPLACE EARMARK TRANSPARENCY

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

Ms. FOXX. Mr. Speaker, I rise today to make a pledge to the American people. I pledge to fight secrecy in the Federal spending process. It seems that some Democratic lawmakers would like to keep earmarks in spending bills secret until August, months after the House votes on the bills that will contain the requests.

By air-dropping these earmarks in at the last minute, my Democratic colleagues are effectively cutting off debate on potentially wasteful or controversial items.

Instead of the transparency and accountability they promised, the Democrats' spending bills will essentially include a slush fund for billions of dollars in earmarks hidden from public scrutiny. I honestly can't believe it. These taxpayer-backed slush funds will fund earmarks without actually putting them into the bills before the House votes.

This is dangerous turf. Americans don't want more secrecy; they want less. As the Baltimore Sun wrote yesterday, the Democrats' new rules have ''made the process exponentially worse.''

Mr. Speaker, we must restore accountability to the process lest the path to corruption is paved smooth by secrecy and neglect.

WHILE THE SPEAKER SLEEPS

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

Mr. MCHENRY. Mr. Speaker, people around the Nation may be wondering why the Speaker slept as we debated Democrat overspending and earmarks until 2 in the morning. But the Speaker slept.

If last night were about pure partisan politics, we probably would have turned in early, but for House Republicans it was a matter of principle. That's why we stayed here and debated and fought the Democrat overspending plan and their secret earmarks and secret slush funds.

And moreover, the American people expect a couple of basic things from their government. They expect to be protected, they expect politicians to be wise with their tax dollars, and they expect government to stay out of their way. And they expect us to accomplish this in an open and fair way. But maybe that was asking too much for the new majority, Mr. Speaker.

So when people ask where were you last night, I will proudly say I was standing with my Republican brethren and the House Republicans fighting the Democrats overspending, all while the Speaker slept.

CONGRESS' APPROVAL RATING

(Mrs. DRAKE asked and was given permission to address the House for 1 minute.)

Mrs. DRAKE. Mr. Speaker, Americans are growing frustrated. A recent Los Angeles Times poll placed Congress' approval ratings at the lowest point they have been in a decade, 27 percent down from 36 percent in January. And based on the many calls that my office receives every day, that frustration is largely embodied in the immigration issue.

Specifically, for the last 2 weeks, I have received numerous calls from my constituents asking where is the border fence. Well, Mr. Speaker, that's a good question. Where is the border fence? Last night and early this morning, while this Chamber was debating a Homeland Security funding bill, that contains no funding specifically for fencing, hundreds of people were able to make their way across the border or were trafficked into America.

And while we would like to believe that every single person made their way in order to seek out a better life for themselves or their family, we know that is not always the case. Some, as evidenced by the plot to attack Fort Dix, are here to harm us.

I would impress upon the majority to do the right thing.

WE MUST SEIZE THE OPPORTUNITY TO ENACT REAL REFORM

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

Mr. WALBERG. Mr. Speaker, let me read you a line from today's Wall Street Journal: ''The latest Los Angeles Times-Bloomberg survey finds that Congress' approval rating is down to 27 percent, with 63 percent of the public saying Democrats are practicing 'business as usual.' ''

The frustration of the American people is real and growing. Every weekend I hear it in the voices of my constituents, regardless of their affiliation.

Almost all south central Michiganders have the same message: control runaway government spending, maintain the highest of ethical standards, and put an end to wasteful pork barrel spending.

The actions of Congress this week not only continue the culture of corruption currently plaguing the capital city, but also are an insult to an American public that longs for transparency and accountability.

Together, Democrats and Republicans must seize this opportunity and use it to enact real reform that values how taxpayer dollars are being spent.

I believe that by limiting the size and scope of government and making certain taxpayer dollars go to meaningful programs, Congress can restore public trust and build a better, brighter future for our country.

□ 1030

THE OBEY RULE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, last night, we were informed over and over again by the other side of the aisle that we were supposed to follow what's become known as the Obey rule, O-b-e-y. Now, out west where I come from, that's pronounced ''obey.''

So I looked up in the dictionary to see what o-b-e-y means, and it's from middle English and old French, and it means to carry out or fulfill the command, order and instruction of, to carry out or comply with the command, or to behave obediently. That's the problem.

We have been told that we are supposed to obey, that is, behave obediently at the whim of the chairman of the Committee on Appropriations and their staff.

I was not elected to obey anybody here. I was elected here to represent the people of the Third Congressional District of California. That's what the debate was about last night. That's what the debate will be about today, and that's what the debate will be about for the rest of the appropriations cycle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2640

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NICS Improvement Amendments Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.

TITLE J—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE K—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE L—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term ''court order'' includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms ''adjudicated as a mental defective'', ''committed to a mental institution'', and related terms have the meanings given those terms in regulations implementing section 922(g)(4) of title 18, United States Code, as in effect on the date of the enactment of this Act.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term ''misdemeanor crime of domestic violence'' has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding'';

(2) by striking ''On request'' and inserting the following:

''(B) REQUEST OF ATTORNEY GENERAL.—On request'';

(3) by striking ''furnish such information'' and inserting ''furnish electronic versions of the information described under subparagraph (A)''; and

(4) by adding at the end the following:

''(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

''(D) INFORMATION UPDATES.—The agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

''(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; or

''(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

''(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.''.

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as mentally defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS, COMMITMENTS, AND DETERMINATIONS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication or determination related to the mental health of a person, or any commitment of a person to a mental institution if—

(A) the adjudication, determination, or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication, determination, or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication, determination, or commitment, respectively, is based solely on a medical finding of disability, without a finding that the person is a danger to himself or to others or that the person lacks the mental capacity to manage his own affairs.

(2) TREATMENT OF CERTAIN ADJUDICATIONS, DETERMINATIONS, AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—Each department or agency of the United States that makes any adjudication or determination related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish a program that permits such a person to apply for relief from the disabilities imposed by such subsections. Relief and judicial review shall be available according to the standards

prescribed in section 925(c) of title 18, United States Code.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication or determination related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A), the adjudication, determination, or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

(d) INFORMATION EXCLUDED FROM NICS RECORDS.—

(1) IN GENERAL.—No department or agency of the Federal Government may make available to the Attorney General, for use by the National Instant Criminal Background Check System (nor may the Attorney General make available to such system), the name or any other relevant identifying information of any person adjudicated or determined to be mentally defective or any person committed to a mental institution for purposes of assisting the Attorney General in enforcing subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code, unless such adjudication, determination, or commitment, respectively, included a finding that the person is a danger to himself or to others or that the person lacks the mental capacity to manage his own affairs.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply to names and other information provided before, on, or after the date of the enactment of this Act. Any name or information provided in violation of paragraph (1) before such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General, of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person arrested for a crime that is punishable by imprisonment for a term exceeding one year, and for which a record of final disposition is available electronically or otherwise.

(ii) A record that identifies a person for whose arrest a warrant or process has been issued that is valid under the laws of the State involved, as of the date of the estimate.

(iii) A record that identifies a person who is an unlawful user of or addicted to a controlled substance (as such terms ''unlawful user'' and ''addicted'' are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated mentally defective or committed to a mental institution (as determined in regulations implementing section 922(g)(4) of title 18, United States Code, as in effect on the date of the enactment of this Act) and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 of this Act for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 30 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; or

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all information described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as mentally defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish

or upgrade information and identification technologies for firearms eligibility determinations.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ''NICS''), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks; and

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $250,000,000 for each of the fiscal years 2008 through 2010.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) if the State provides less than 60 percent of the information required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the period referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756), if the State provides less than 90 percent of the information required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this title shall be reallocated to States that meet such requirements.

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution, the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

TITLE J—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the ''Director'') shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2010 to complete the studies, evaluations, and reports required under this section.

TITLE K—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $125,000,000 for each of the fiscal years 2008 through 2010.

TITLE L—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit

of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

The legislation before us today makes important changes to the National Instant Criminal Background Check System designed to help States identify and prevent convicted felons and other dangerous individuals from owning firearms.

As it currently stands, millions of criminal records are not accessible by the instant check system. Millions of additional records fall through the cracks as a result of backlogs and other problems.

The measure before us now will help cure these problems by providing the resources and incentives needed to modernize the system and ensure that the records are up to date.

Instant check improvements legislation has passed through the Judiciary Committee and this House each of the last two Congresses, only to die in the other body, and was on our agenda for the 110th Congress as well.

The need to move legislation was recently highlighted by the tragic Virginia Tech shootings. At the end of that fateful day in April, the alleged gunman, Cho Seung-Hui, had taken a total of 32 lives, wounded an additional 26 individuals. In addition, countless numbers of family members and loved ones of these students and teachers lives were forever changed.

By improving and enhancing the instant check system, the idea is that we will be able to prevent future tragedies where we know the individual should not own a gun.

In order to move the legislation to the floor, it was necessary to make some accommodations to incorporate the concerns of gun owners. The dean of the Congress, among other things, led this effort. Among the things that were changed is section 105 of the bill, which requires all States to adopt a procedure allowing those individuals who have been determined to suffer from a mental illness with an opportunity to purchase or possess a firearm at some point later in life. That's a pretty serious matter.

Section 101 of the bill automatically restores the gun rights of military personnel who have been previously diagnosed with a mental illness, provided they are no longer undergoing any treatment or monitoring.

I have a concern, as you may be able to tell, that these changes to current law may inadvertently permit certain individuals who should not own guns the opportunity to purchase them. As a result, I will be closely monitoring these sections to ascertain if they do, indeed, create an unnecessary loophole.

If they do, I will be the first one back on this floor asking the Congress to remedy the situation.

I thank CAROLYN MCCARTHY of New York; the dean of the Congress, JOHN DINGELL of Michigan, for their extraordinary work in this matter. I know that they are busy on their own committees, and I appreciate them helping the Committee on the Judiciary figure out how to do this.

The time to provide their input on this matter, which falls squarely within the Committee on the Judiciary's jurisdiction, is appreciated. It is truly tragic that violent felons, and even madmen, are able to evade the legal system and acquire guns which do us harm.

Anything which helps update the instant check system is a step forward in our fight against needless and senseless gun violence. I hope that that's what this measure does, and I urge my colleagues' support of this legislation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, I rise in support of H.R. 2640, the NICS Improvement Act of 2007. Just 2 months ago, Cho Seung-Hui, a 23-year-old student, killed 32 people and injured 20 others in a horrendous shooting at the Virginia Tech campus. Our Nation was shocked by the senselessness and brutality of this attack.

In addition to our sadness over the identity of the innocent lives lost, we were angry to learn that Cho Seung-Hui should not have obtained the two guns he obtained to commit this act because he had a history of mental illness.

Unfortunately, Virginia State law did not provide for transmittal of records of mental illness to the National Instant Criminal Background Check System database, which would have disqualified him from purchasing firearms. Ambiguities in current Federal law also contributed to the system's failure to stop him from obtaining weapons. Today we take the first step in making sure that this tragedy is not repeated.

I commend Congresswoman MCCARTHY and Congressman DINGELL and the other cosponsors for their commitment to addressing this issue in a way that protects every American's constitutional right to bear arms.

The NICS Improvement Act will ensure that the NICS background check system really is instantaneous and accurate. The act will require Federal agencies to provide relevant criminal mental health and military records for using NICS, create financial incentives for States to provide relevant records for using NICS, improve the accuracy of NICS by requiring Federal agencies and participating States to provide relevant records, require removal of expired, incorrect or otherwise irrelevant records, prohibit Federal fees from NICS checks and to require an audit by the Government Accountability Office of funds already spent for criminal history improvements, since hundreds of millions of dollars intended for NICS were spent on non-NICS programs.

To strike a fair balance on the issue of mental adjudications, the bill clarifies existing law to include involuntary commitments to a mental institution, prevents use of Federal adjudications based on medical diagnoses without a finding of dangerousness or mental incapacity, requires all Federal agencies imposing mental health adjudications or commitments to provide a process for ''relief from disabilities'' and requires States receiving funding to have a relief from disabilities program for mental adjudications and commitments.

The tragedy of April 16 can never be erased, but this bill is a step forward in protecting our country from violence by persons who have no right to possess a firearm.

Mr. Speaker, I support this bill and urge my colleagues to vote in favor of it as well.

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

Mr. CONYERS. Mr. Speaker, it is my pleasure now to recognize the gentlelady from New York, who has probably worked harder on gun regulations and sanity and the licensing of guns than anyone in the House, Mrs. MCCARTHY. I yield her as much time as she may consume.

Mrs. MCCARTHY of New York. I thank you, Mr. CONYERS, for yielding. I want to thank you for your leadership on these issues, and I appreciate the time.

I would like to thank my good friend, Congressman DINGELL, for all the hard work in bringing this bill to the floor. Without his help, we would not be debating this bill today.

I also would like to thank Mr. BOUCHER, the original cosponsor and I would also like to say think you to Mr. LAMAR SMITH for working with us.

Mr. Speaker, the National Instant Criminal Background Check System, or NICS, is deeply flawed. Millions of criminals' records are not accessible by NICS, and millions of others are missing critical data, such as arrest dispositions, due to data backlogs.

The primary cause of delay in NICS background checks is the lack of updates due to funding and technology issues in the States. Many States have not automated the records concerning mental illness, restraining orders or misdemeanor convictions for domestic violence. Simply put, the NICS system must be updated on both the State and the Federal level.

On March 12, 2002, a senseless shooting took the lives of a priest and a parishioner, Mrs. Tosner, at the Our Lady of Peace Church in Lynbrook, New York. That is part of my district.

This shooting brought attention to the need to improve information sharing, and it would allow and enable Federal and State enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

This same scenario happens every day. The shooter in the Virginia Tech massacre was prohibited from purchasing a firearm.

Unfortunately, flaws in the NICS system allowed his records to slip through the cracks. He was able to purchase two handguns and use them to brutally murder 32 individuals.

Today, Congress will stand up for the victims and pass commonsense legislation. According to a Third Way report, over 91 percent of those adjudicated for mental illness cannot be stopped by a background check due to flaws in the system. But this issue allows other barred individuals to purchase firearms. Twenty-five percent of felony convictions do not make it into the NICS system. That is why I introduced the NICS Improvement Act with Mr. DINGELL.

My bill will require all States to provide the NICS system with the relevant records needed to conduct effective background checks. It's the State's responsibility to ensure that this information is current and accurate. They must update the records to ensure that violent criminals do not have the right to own firearms.

However, I recognize many State budgets are already overburdened. This legislation would provide grants to States to update their records into the NICS system. States would get the funds they need to make sure records relevant to the NICS are up to date.

While the NICS system does have major flaws, it is responsible for preventing thousands of barred individuals from purchasing firearms. Approximately 916,000 individuals have been prohibited from purchasing a firearm for failing a background check between November 30, 1998, when the NICS system began operating on December 31 of 2004.

During this same period, nearly 49 million Brady background checks were processed through the NICS system. By improving upon the system, we can stop criminals from falling between the cracks. Today we are one step closer to bringing the records of millions of barred individuals into the NICS system. No system will be perfect, but that does not mean we should not make improvements to make it better. This is good policy that will save lives and should be passed by the House.

My legislation imposes no new restrictions on gun owners and does not infringe on the second amendment rights of law-abiding citizens.

I also would like to thank Bob Dobek of my staff and Josh Tzuker of Mr. DINGELL's staff for the tireless hours they put in to have this bill brought to the floor. This policy crosses party lines, and I urge my colleagues to support H.R. 2640.

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I think the most important thing that we must all remember, we have an opportunity to save lives. That is why I came to Congress. This has been a long, long journey for me, but it's working with people that, even though I disagree with at times on bringing this together, to make sure that more citizens are safer today than they were yesterday.

This is a good bill. I urge my colleagues to support that.

Mr. SMITH of Texas. Mr. Speaker, I just want to observe that the Dean of the House, the gentleman from Michigan (Mr. DINGELL) has arrived on the House floor. And I just want to say, again, how much I enjoyed our working relationship in the development of this bill and again, appreciate all his contributions to this legislation.

Mr. Speaker, I yield to the gentleman from Delaware (Mr. CASTLE) 3 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Texas for yielding. I also thank those who've worked so hard on this, the gentleman from Michigan, the head of the Judiciary Committee, for his great work. Obviously, the extraordinary work of CAROLYN MCCARTHY. We know her personal story and how touching it is; and Mr. DINGELL for his work on this legislation.

I do rise in strong support of H.R. 2640, the NICS Improvement Amendments Act of 2007. As I've indicated, many people have worked hard on this legislation, and for that we owe them a great deal of thanks.

H.R. 2640 would enforce existing laws to help States automate and share disqualifying records like felony criminal convictions, mental disability and domestic violence incidents with the FBI's National Instant Criminal Background Check System database. By increasing the quantity and quality of data available for the background checks of potential gun buyers, we will strengthen a system that has proven vulnerable.

Funding has been provided through the National Criminal History Improvement Program to help States update, automate and improve their records. However, we were reminded of the gaps in the current Federal background check system in the wake of the Virginia Tech tragedy. A lack of reporting of those who are mentally adjudicated allowed the shooter, who should have been barred under Federal regulations from purchasing a firearm because of his history of mental illness, to purchase two handguns. The NICS Improvement Amendments Act of 2007 is critical to strengthen public safety and prevent gun violence.

Consideration of this legislation is long overdue. As an advocate of strengthening the NICS database for many years, I am pleased to lend my support to H.R. 2640. A background check is only as good as the records included in the database, and all relevant records relating to persons disqualified from acquiring a firearm under Federal law must be included in the NICS. It is my hope that the funding provided in bill will help States to act quickly and to improve their reporting.

This legislation represents a true compromise, a public safety measure that will prevent gun violence and protect the second amendment rights of law abiding citizens.

I think it's very important to note that we have two diverse groups coming together, the NRA and the Brady Group, coming together to help work out this legislation, and both had some benefits from it. Hopefully, perhaps a lesson we can all learn here on the floor.

I urge my colleagues to join me in supporting this vital measure, and I hope that we can support it and prevent future tragedies in our country.

Mr. CONYERS. Mr. Speaker, nobody in the House knows more about guns than the Dean of the Congress, the 110th Congress, the gentleman from Michigan, chairman of a major committee, JOHN DINGELL. I yield him as much time as he may consume, not to exceed 2 minutes.

Mr. DINGELL. I want to thank, Mr. Speaker, my dear friend, the chairman of the committee, for yielding this time to me, and express my great affection and respect for Mr. CONYERS.

I also want to thank my dear friend, Mr. SMITH, for the kind words that he made about me, and I want to express my affection and respect for him.

I want to say that this is a good piece of legislation. It has taken a while, but I'm happy to have worked with many of our colleagues, including the distinguished gentlewoman from New York, who has been a fine leader on this matter.

Improving the National Instant Check System is a matter of important national business, and I would urge my colleagues to take a look at the rather curious alliance which brings this matter forward. Not only is the NRA, but the gun control folks are in support of it. Members on both sides of the aisle, both here and in the Senate, are strongly supporting it.

The bill will require the National Instant Check System to work. It will provide incentives to the States and penalties for those who do not cooperate in terms of making the system work.

This system has the capability of seeing to it that criminals are denied firearms while, at the same time, assuring that we protect the rights of law abiding citizens.

The bill makes the system better for everyone, and assures that there will be better law enforcement and better protection of the rights of all citizens, both under the second amendment and personal security.

The bill also addresses the problems of mishandling of this matter by the Veterans Administration, by making corrections which will make it possible for veterans who have not a disability of mental character or otherwise, to own firearms within the ordinary structure of the law.

It is a good piece of legislation. I want to commend my distinguished friend, Congresswoman MCCARTHY from New York for her leadership and the outstanding work which she has done.

I will tell my colleagues that this is an important matter. I'm delighted to see that we're able to come together, Democrats and Republicans, friends of firearms and hunters and sportsmen, and also those who are concerned about public safety, and who desire to see to it that we have proper protection of persons against criminal misuse of firearms.

We have given this body a good bill. I urge my colleagues to support it.

Mr. Speaker, we've heard many concerns from gun owners, especially my fellow veterans, who are concerned that a person who seeks treatment for a mental problem might be reported to NICS as a "mental defective." I want to lay those concerns to rest right now.

First of all, federal law, the Gun Control Act of 1968 prohibits gun ownership by people who are "adjudicated" as mentally defective. "Adjudication" implies a decision by a court or similar body—not just a doctor's notes on a patient's charts.

Even the regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives make that clear. They define an "adjudication" as a decision by a "court, board, commission or other lawful authority." They have never treated doctors as a "lawful authority" for this purpose; clearly what they had in mind were legally empowered bodies such as judges, or the county mental health boards that are in place in some states to make decisions at hearings with respect to mental illness.

Second, we in no way intend that this bill should override federal or state medical privacy laws or the basic role of a doctor. The confidentiality between a doctor and patient is sacred and we do not intend to breach it here. We make that clear in section 102 of this bill, where we require the Attorney General to work with the medical and mental health community to develop privacy regulations.

Finally, this is a particular concern for the Veterans' Administration, which examines thousands of veterans every year. Even if we wanted them to, it would be an unreasonable demand on that hard-working agency to expect them to comb every patient's file for any possible finding that the person might be dangerous. I want to be clear that that is not our intent.

It is important that we understand these points because no person should ever be deterred from seeking mental health treatment out of a concern that he might lose his Second Amendment rights due to some record of voluntary treatment being provided for the instant check system.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN), a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we've heard from the perspective of those who have, unfortunately, suffered tremendous loss in gun violence. We've heard from those who are champions of the second amendment. We've heard from the distinguished chairman of the Judiciary Committee, and the ranking member of the Judiciary Committee.

I would like to bring the perspective of someone who was required to enforce the laws concerning guns in the State of California as Attorney General. Background checks in the State of California go through the California Department of Justice. We have, probably before the Federal law was passed, certain requirements or restrictions from those who ought not to have weapons that I think there is absolutely general agreement on.

Under current law, you cannot do that if you have illegally entered the country, renounced your citizenship, been committed to a mental institution, or been legally declared mentally defective and a danger to others, if you have received a dishonorable discharge from the military, or illegally used drugs or are addicted to illegal drugs.

I think virtually every American can agree that that makes sense. We agreed that that makes sense in California a long time ago.

But the background check is only as good as the information in the system. And while States such as mine can do a very good job with respect to their own records, a huge loophole exists if someone who has been declared mentally deficient in another State moves into your State and you don't have those records. If someone who has a disqualifying felony from another State comes into your State, you don't have those records. And so this allows more accurate information to assist all the States in doing the job that their people have agreed ought to be done. There's very little dispute on this.

For many years, the National Rifle Association has said they supported accurate background checks, so long as there was an ability for people to challenge them if, in fact, they're improperly in those records. And that is in current legislation, strengthened in this legislation.

Some of the States have had difficulty with respect to their funding. This assists in that regard.

It seems to me, this is a responsible way of responding to a serious problem. It is one which is not driven by the extremes. It is not driven by emotion. It is driven by conscious effort to try and find a reasonable response to a continuing problem.

I support this wholeheartedly. I congratulate those on both sides who have done such a good job of working to make sure that this bill came to the floor, and that it was not in some way sidetracked by extraneous arguments.

And so I congratulate the authors. I congratulate the members of the committee leadership, and I urge unanimous support of this bill.

Mr. CONYERS. Mr. Speaker, I rise to recognize the gentleman from Virginia, Mr. RICK BOUCHER, a principal actor on this legislation, and yield him as much time as he may consume.

Mr. BOUCHER. Mr. Speaker, I want to thank my friend the gentleman from Michigan for yielding this time to me.

I rise in support of the legislation, which I'm pleased to be cosponsoring with the gentlelady from New York (Mrs. MCCARTHY) and the gentleman from Michigan Mr. DINGELL. And I want to thank both of my colleagues for their careful and constructive work that has brought this measure to the floor today.

The bill before the House is a well tailored response to the tragedy that occurred earlier this year in the Congressional District which I represent, in which is located Virginia Tech University.

It also meets a nationwide need for better reporting of mental health records to the National Instant Criminal background check system, against which prospective gun purchasers are checked to determine their eligibility to purchase firearms.

Under existing Federal law, which was also in effect at the time of the

Virginia Tech tragedy, persons who have been adjudicated to be a risk to others or to themselves because of a mental condition are prohibited from purchasing firearms. The perpetrator of the Virginia Tech tragedy had been adjudicated by a State court in Montgomery County, Virginia, to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under Federal law that was in effect at the time, he should have been barred from purchasing the firearms that he used. However, at the time the purchases were made, Virginia did not submit to the national background check system mental health records of persons who were committed for outpatient as opposed to inpatient mental health evaluation. Therefore, the disqualifying adjudication that the perpetrator was a risk to himself was not submitted to the background check system, and he was able to purchase firearms.

Ironically, at the time, our State of Virginia had the best record among all the States in submitting mental health records to the national background check system. And so clearly, there is a large nationwide need for improvement in the submission of these records, both in Virginia, but elsewhere across the country.

Since the tragedy, Virginia's mental health submissions have been made much more thorough by an executive order that was signed by Virginia's governor, Tim Kaine. The bill that we will pass today will improve the submission of mental health records in other States by providing grants to the States which undertake projects to make more thorough record submissions.

The bill also imposes financial penalties on States that elect not to do so. This is a measured response to a truly terrible situation. It will improve the accuracy of the national background check system, and I want to commend Mrs. MCCARTHY, in particular, for her longstanding advocacy of these improvements, my colleague on the House Energy and Committee, JOHN DINGELL, for his outstanding work on the legislation, and the gentleman from Michigan (Mr. CONYERS), who so ably chairs the House Judiciary Committee, for moving this measure rapidly to the House floor today.

Mr. Speaker, I urge passage of the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. PAUL).

Further, Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. LUNGREN).

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

There was no objection.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 2640, the National Instant Criminal Background Check System Improvements Amendments Act, and I urge caution.

In my opinion, H.R. 2640 is a flagrantly unconstitutional expansion of restriction on the exercise of the right to bear arms protected under the second amendment.

H.R. 2640 also seriously undermines the privacy rights of all Americans, gun owners and non-gun owners alike, by creating and expanding massive Federal Government databases, including medical and other private records of every American.

H.R. 2640 illustrates how placing restrictions on the exercise of one right, in this case, the right to bear arms, inevitably leads to expanded restriction on other rights as well. In an effort to make the Brady background check on gun purchases more efficient, H.R. 2640 pressures States and mandates Federal agencies to dump massive amounts of information about the private lives of all Americans into a central Federal Government database.

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Among the information that must be submitted to the database are medical, psychological, and drug treatment records that have traditionally been considered protected from disclosure under the physician/patient relationship, as well as records related to misdemeanor domestic violence. While supporters of H.R. 2640 say that there are restrictions on the use of this personal information, such restrictions did not stop the well-publicized IRS and FBI files privacy abuses by both Democratic and Republican administrations. Neither have such restrictions prevented children from being barred from flights because their names appeared on the massive terrorist watch list. We should not trick ourselves into believing that we can pick and choose which part of the Bill of Rights we support.

I urge my colleagues to join me in opposing this bill.

Mr. CONYERS. Mr. Speaker, I now yield 3 minutes to the gentlewoman from Texas, SHEILA JACKSON-LEE, who is one of the most active members on the House Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as we come to the floor this morning to remind our colleagues of the horrible death that this legislation has had over the last two Congresses. Just think how many lives could have been saved had the wisdom of Congresswoman MCCARTHY and certainly her cosponsor Congressman DINGELL and this body prevailed. Maybe the tragedy of Virginia Tech, Seung-Hui Cho, who was already judged someone who was troubled, could have saved the lives of 32 who died and 26 who were wounded.

This bill died Congress after Congress. I rise today to support this legislation because it is an answer partly to the crisis of the massive numbers of murders and death by guns in this country.

I am reminded of the phrase of those who want to see no regulation, and that is that ''people kill, guns don't.'' But it is interesting that they use guns to kill, just like the individual who recently walked into his pregnant wife's office and shot her dead, a pregnant woman.

So I support this legislation for making it easier to secure the instant background checks to get rid of the backlogs and to be able to stand in the way of a Seung-Hui Cho.

Let me thank Congressman CONYERS for his continuing advocacy and the great work of Congresswoman MCCARTHY over the years of expressing her advocacy based upon her experience, and it has been a tribute to her service in America. Let me thank Mr. DINGELL and the ranking member, Mr. SMITH, for their collaboration on moving this legislation forward.

Might I, however, note that I am concerned that there is an allowance for those who have been denied earlier to be able to purchase a gun later in life. I raise a concern about that, whether that person is fully healed and ready to own a gun. And then it also indicates that it automatically restores the gun rights of a military American who may have been diagnosed with military illness, suggesting that he or she may no longer be under a monitoring system or no longer needs care. I raise these loopholes because those are the kinds of cases that will pop up on the Nation's headlines. Why did it happen? Because we had a loophole.

So we have taken some steps, but, frankly, as I look at the numbers of dead in Chicago, young people who have died, now some 31, 32, at the hands of guns, yes, gun violence and gangs, but it still is speaking to the proliferation of guns in America.

I don't have any problem with the second amendment. You can carry a legal gun for legal purposes all you want. Go through the hoops and go through the circles so that we can protect America against the illegal selling of guns that results in 32 dead teenagers as young as 14 years old in Chicago, Illinois.

I ask my colleagues to support this legislation. It is a good step forward. And I thank the leaders for this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is my pleasure now to yield 2 minutes to the gentleman from Austin, Texas, the lefthander (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the gentleman from California for yielding.

Mr. Speaker, I rise today in support of this bill. I also rise as a former Federal prosecutor who prosecuted, under the Federal firearms statute, gun cases.

I want to commend Chairman DINGELL, Congresswoman MCCARTHY, and the National Rifle Association for reaching what I consider to be a good result on a bill that, in my view, is necessary.

It has been illegal for various individuals to purchase firearms for many years, illegal aliens, mentally defective individuals, those using illegal drugs, and people convicted of crimes of domestic violence. But for too long, in my experience and many of my colleagues whom I worked with in the Justice Department, the system, the background check system was not accurate. The information was not fully put into the system. In my view, if we are going to have a background check system, we ought to do it right. So let's get the system right.

I think that is what this bill does. It gets the system right. It provides the Federal funding necessary to get the system right. And at the same time, it protects law-abiding citizens, those who are law abiding who want to purchase firearms. It protects their second amendment rights, and it keeps guns out of the hands of the bad guys.

I prosecuted cases under the Exile Program, which was a program sponsored by the National Rifle Association, and what we found was that it was bad guys that possessed firearms that caused the crime in this country. And we found when we locked up the bad guys who possessed these firearms that the crime rate actually went down.

So with that, I, again, give my support to this bill.

Mr. CONYERS. Mr. Speaker, I am delighted to yield the balance of my time to the gentleman from Virginia (Mr. MORAN) to close on our side.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 2 minutes.

Mr. MORAN of Virginia. I thank the distinguished chairman of the Judiciary Committee for yielding.

I will vote for this. I was a cosponsor of this. And certainly Mrs. MCCARTHY deserves credit for bringing it to the floor.

But I do have concerns, as the chairman does, that this needs to be very tightly regulated because it is quite liable to allow thousands of people who should not have access to guns to be able to do so by dropping their mental health treatment. There are 190,000 veterans who, because of their experience in combat, have had serious mental illness problems, but it appears that if they drop the treatment that they have been in, they can become eligible to purchase guns. Again, much of this is going to be in the regulation and the good judgment of States to make it work properly.

It is not a gun control measure, as Mrs. MCCARTHY, stated. It does nothing about the fact that we have hundreds of millions of guns in circulation and tens of thousands of people die from those guns, the vast majority are innocent victims, every year, more so than any civilized nation. It doesn't address issues with regard to the second amendment where the Supreme Court has made it clear there is really not a right for individuals to own guns but rather for States to have well-regulated militias. These are issues that need to be addressed at some point by our country.

But this bill, hopefully, will address a very egregious situation where the person that the court had determined to be mentally deranged was allowed access to firearms that he never should have gotten. There are other problems in other States that could have allowed such a thing to happen. Hopefully, this bill will clean up this record-keeping system that sufficient resources will be made available.

But, again, Mr. Speaker, this country ought not be allowing people to be buying assault weapons, 50 caliber sniper rifles and weapons that clearly are used for military purposes, not for purposes of recreational hunting.

Mr. Speaker, this bill will pass unanimously and at this point, it should.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. This is a bipartisan bill. This goes across ideological lines. It goes across lines of organizations that in the past may not have worked together.

There were some comments on the floor with which I disagree. This is not open season on all the medical records of every American citizen. If you are adjudicated, you will find yourself in this system. And I think most Americans believe that if someone has been adjudicated with a mental defect which is a danger to society, they ought not to have a weapon.

There has been an effort to try to reach a reasonable compromise on how we deal with a very difficult situation dealing with veterans, where overreach in the past by the Veterans Administration has caused trouble with respect to those who ought not to be included in the system. But it doesn't automatically allow all these folks to come in. It is not an open door. They have to go through the system. They have to show that they ought not to be disabled from receiving a gun.

Whenever you talk about the second amendment, it seems to me it ought to be done with proper deference and proper respect for the Constitution. At the same time, this is not an unconstitutional deprivation of any right. The courts have been very clear that people can be denied the right to guns in these categories. We are not expanding the categories. As a matter of fact, we are creating in this legislation mechanisms to make it work better.

I can recall being on the floor in the 1980s when we were dealing with very tough debates on gun laws, and at that time the National Rifle Association's position was that they would support an instant background check system. The technology really wasn't there at that time. It really wasn't there. We are not totally there yet, but we are almost there in terms of instantaneous.

This is the kind of background check that we had hoped we could discuss on the floor back in the 1980s. It was sort of a dream, and some people thought it was a ruse at that time to stop legislation. Now it is a reality. It is something that can work, and this legislation makes it work better.

May I just reiterate: When I was the chief law enforcement officer of the State of California, we relied on the accuracy of the information contained in our records at the California Department of Justice. Similarly, the only way we could make sure that our laws work effectively and the Federal laws work effectively within our State is that we have proper information on adjudications from other States. And it is unfair to the citizens of my State to have people disabled from using firearms because they have been adjudicated legally with respect to a mental deficiency and yet others come in from other States, take up residence in our State, and because we don't have the records, they are allowed to have such weapons, which we believe to be a danger to society. So that is what this legislation does.

The other thing is, remember, there is an ability to challenge being placed on these lists, and that is enhanced in this legislation. There is, yes, funding that encourages the States to participate. But isn't that the way we would like it? We want the States to participate. We want the information to be accurate. We want to have a system that actually is accurate, informative, and instantaneously accessible by proper authorities.

So please remember we have not done something which puts Americans' medical records at risk unless you have committed a disqualifying crime or unless you have been adjudicated by a court for having a mental defect which would prove to be a danger to society.

I would ask my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, in addition the NICS Improvement Amendments Act illustrates how laws creating new infringements on liberty often also impose large financial burdens on taxpayers. In just its first three years of operation, the bill authorizes new yearly spending of $375 million plus additional spending "as may be necessary." This new spending is not offset by any decrease in other government spending.

Mr. EMANUEL. Mr. Speaker, I rise today in support of H.R. 2640, the National Instant Background Check System—NICS—Improvement Act. I am proud to be an original cosponsor of this important legislation, and I urge my

colleagues to join me in supporting this vital correction of NICS.

Established by the Brady bill in 1994, NICS is the main point of contact for firearms dealers to determine if an individual is ineligible to purchase a gun. Current law prohibits criminals, drug addicts, those adjudicated as mentally ill, domestic abusers and others from being able to purchase fire arms. The NICS Improvement Act will improve this system by requiring States to update the system with their own lists of individuals who are no longer qualified to buy guns under the 1968 Gun Control Act.

The recent tragedy at Virginia Tech has shown that the data used to conduct background checks clearly needs to be improved. Seung Hui Cho had been adjudicated mentally ill and should not have been able to purchase a weapon, but NICS did not have that information on file, enabling him to pass an instant background check before purchasing his weapons.

No one who is prohibited by law from buying a gun should be able to skirt the law thanks to outdated data. The NICS Improvement Act will require the transmittal of Federal and State records to NICS, as well as create incentives for the States to keep the information accurate and up to date.

During my time in the White House, I was proud to be a part of passing the Brady bill and I know my friends Jim and Sarah Brady are as proud as I am that we are taking action to improve this system to keep guns out of the hands of dangerous individuals.

Mr. Speaker, nothing can bring back the victims of the tragedy at Virginia Tech, and my heart goes out to the families of those who were lost this past April. We need to learn from this tragedy, and I ask my colleagues to join me in doing just that by passing the NICS Improvement Act today.

Mr. RUSH. Mr. Speaker, I rise to voice my strong support of H.R. 2640, the McCarthy-Dingell National Instant Criminal Background Check Improvement Act. It is high time Congress acted to strengthen the gun laws in this country and implement common sense policies to ensure that guns are not ending up in the wrong hands.

H.R. 2640 will strengthen the National Instant Background Check System (NICS) by creating incentives for states to submit legal records about individuals who are not eligible to purchase guns.

This bill also permits Federal law enforcement grants to be cut for states that do not submit such records to the electronic database and requires greater information- sharing among Federal agencies.

This legislation will make it easier for law enforcement authorities to coordinate and work together to make sure guns do not end up in the hands of criminals, the mentally ill, and non-citizens.

This bill will also create a more uniform system of background checks to help prevent the type of tragedy that occurred at Virginia Tech, where a documented mentally disturbed young man was able to buy guns and create devastation and destruction on a college campus.

Mr. Speaker, I believe this bill is an important first step in strengthening our Nation's gun laws and I support this legislation enthusiastically and without reservation.

I am also offering my own legislation, H.R. 2666, Blair's Bill, which will create a national gun registry and licensing procedure so we can finally begin to get a grip on the deadly issue of gun violence that has devastated so many of our communities across the country.

Mr. Speaker, I urge all of my colleagues to support this and other sensible gun control laws.

Mr. UDALL of Colorado. Mr. Speaker, I think it is appropriate for the House to approve this bill in the form that it comes before us today.

As I said at the time, I do not think additional federal legislation dealing with firearms can prevent tragedies such as the killings at Virginia Tech. However, the changes this bill would make would improve the current federal law and are worth making.

The bill will create incentives for states to submit to the National Instant Background Check System (NICS) legal records about individuals who are ineligible to obtain firearms. This closes a loophole in the current background check system. In addition, and importantly, it will require states and federal agencies to allow individuals to appeal their status if they are currently considered ineligible to acquire firearms. And it will bar agencies from sharing mental health records that are irrelevant to the background check system.

The bill has been significantly revised since its introduction. As it comes before the House, it would prevent use of federal "adjudications" based on medical diagnoses without a finding of dangerousness or mental incapacity. To understand what this means, consider the fact that the NICS currently accepts Veterans' Administration decisions that a veteran or other patient is an "adjudicated mentally defective" where there was no "adjudication" at all—only a medical diagnosis agreed to as a condition of receiving disability benefits. Veterans have a financial incentive to agree to this determination, and may have done so without expecting to lose their legal rights to acquire firearms.

The bill as revised would eliminate purely medical records from NICS and allow a person to be prohibited on medical grounds from acquiring a firearm only as a result of a specific finding that he or she is a danger to himself or herself or to other people, or lacks the capacity to manage his or her own affairs. In addition, the revised bill would require all federal agencies that impose mental health adjudications or commitments (such as the VA) to provide a process for "relief from disabilities." That would be a de novo judicial review when an agency denies relief—that is, the court would look at the application on its merits, rather than deferring to the agency's earlier decision.

Also, under the revised bill a person who is inappropriately committed or declared incompetent by a federal agency would have an opportunity to correct the error—either through the agency, or in court. And the bill would prevent reporting of mental adjudications or commitments by federal agencies when those adjudications or commitments have been removed.

The substitute would also make clear that if a federal adjudication or commitment has expired or been removed, it would no longer bar a person from possessing or receiving firearms under the Gun Control Act. This actually restores the person's rights, as well as deleting the record from NICS. And States that receive federal funding would also be required to have a program to provide similar relief from erroneous mental adjudications and commitments. And the relief granted by such a state program would remove the federal prohibition on the person possessing or receiving a firearm under the Gun Control Act.

I think these changes are appropriate and an improvement over current law.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

□ 1115

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2640.

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

A motion to reconsider was laid on the table.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2638.

□ 1119

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on the legislative day of Tuesday, June 12, 2007, the bill had been read through page 2, line 11, and pending was the amendment by the gentleman from North Carolina (Mr. MCHENRY) to amendment No. 33 by the gentlewoman from North Carolina (Ms. FOXX).

Is there further debate on the amendment?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman from Georgia already spoken on this amendment?

Mr. PRICE of Georgia. No, sir.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I look forward again to a spirit of debate today on an issue that's of the highest importance, I believe, to the American people.

Before we get into the substance of the amendment, I thought it might be appropriate to review a few items of discussion as we closed last evening. We had some good friends on the other side who talked about all of this being ''a waste of time.'' Well, Mr. Chairman, I am here to tell you that my colleagues and I believe that any time that we can fight on behalf of the American people for transparency and for accountability and, yes, for democracy, that that is not a waste of time.

We heard last evening that our discussion points on this appropriations bill, which spends billions of hard-earned taxpayer money, that it was long on process and short on policy. Well, Mr. Chairman, our policy regarding the earmark issue, which has now grabbed the attention of the entire Nation, our policy was complete transparency and an opportunity not just to be informed about earmarks, but to have an up or down vote, an up or down vote and the opportunity to vote on each individual special project. That is an apparent novel thought to our new majority, and we would encourage them to visit the rule that we had in place prior to the change in leadership.

We also heard last evening that we weren't hearing any facts by the minority party. Well, Mr. Chairman, the fact is that their earmark policy, the majority party's earmark policy is simply a slush fund to spend money as they or one individual may deem fit.

As we revisit this second-order amendment, I think it's important for the American people to appreciate and for our colleagues to appreciate that what this amendment would do would be to decrease spending by the majority party by about $8.5 million. Mr. Chairman, that's $8.5 million in savings to the American people.

Now, I know to some here in Washington that may seem like a paltry sum, but $8.5 million is a lot of money. It's a lot of money, and it's appropriate for us to be discussing how that money ought be spent.

The chairman of the subcommittee said yesterday what we needed was a reality check about this amount of money that was in the bill. He said that the majority party consulted with the Office of Executive Counsel, and this is exactly the amount of money that they said they needed. Well, Mr. Chairman, we consulted some folks, too. We consulted the American taxpayer. The American taxpayer said that we are spending too much money, and that they want greater oversight on the amount of money that this Congress spends of their hard-earned tax money.

Mr. Chairman, this new majority ran on a policy of openness and honesty and candor, and I would suggest that this is hardly a process that could be considered as embracing openness or honesty or candor. If we examine the process that's proposed by the majority party, it would allow appropriations bills to have a line in them. Every appropriations bill would have a line in it, it would say ''trust us, just trust us.'' Any Member that then wanted a special project or an earmark would write a request to the Appropriations Chair, the Appropriations Chair would then decide if that project had merit, not the House, the Appropriations Chair, and then we would be informed. No opportunity to identify that particular project, projects would simply be disclosed. We would be given information.

Well, Mr. Chairman, this issue isn't about disclosure. It's not just about knowing what's in the bill. It is about having the opportunity, as our constituents would desire, for us to debate the issue, for us to debate each of those special projects, for us to deliberate on them. It would be an opportunity for us to follow the rules of the House. It would be an opportunity for transparency, and a much greater opportunity for accountability.

So, Mr. Chairman, this is about ideology, yes, about who ought to be better able to spend the hard-earned taxpayers' money, whether it's Washington or whether it's our constituents. And it's about a slush fund that we are beginning to get a sense is recurring in bill after bill, and in these appropriations bills, a slush fund in every bill that would allow the majority party to determine where those special projects would be funded.

So what's the solution? What's the solution? We had a long debate yesterday, a long discussion yesterday. And I think it is important that we put on the table the solution that would be most appropriate, and that is, I would suggest, Mr. Chairman, a moratorium. Let's have a moratorium on all earmarks. Let's make it so that we do what the American people, what our constituents would desire, which is to get together and solve this challenge that we have. It's not a Republican challenge or a Democrat challenge, it's an American challenge: How do we most wisely and most responsibly spend the American taxpayer money?

I would support a moratorium. I urge my colleagues to adopt this amendment as we learn and work to responsibly spend taxpayer money.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the last word.

Let me take this opportunity, first of all, to congratulate the chairman, Congressman PRICE, on this particular piece of legislation. Let me also share with you, as a member of this particular subcommittee, of this particular committee, we had some 22 hearings. The gentleman speaks about the importance of being able to see, in terms of transparency. We had 22 hearings. That is much more than in the previous time.

We had an opportunity, also, to visit the border. We went through Arizona all the way down to San Diego. We had a chance to look in terms of the border and the type of technology that is required in order to safeguard our border, not to mention the fact that we also looked at the different types of fences that are being utilized. And there is no doubt that there is a need there, especially in the areas in Arizona and elsewhere where we visited, where there is a need for blocking vehicles from coming in.

I was really impressed with the type of technology that is already there. And I am impressed that the bill will also provide additional resources to allow additional technology throughout the entire border.

This bill is a bill that authorizes direct Federal funds to also help law enforcement officers on the border. I represent 700 miles along the Texas/Mexico border. I have probably the largest district that comprises those 700 miles along the border. And we have a tremendous amount of resources and need in that area in order to safeguard the community as well as provide good security.

One of the things that we provide is the Stone Garden project. That allows resources to be able to be utilized by the sheriffs and by the local law enforcement officers to help out, and all the other communities to be able to participate with the Federal officers to be able to make things happen on the border.

Let me just share a few examples. We get complaints from some of my communities that are very small, right on the Mexican border, that might have three to six policemen. One little car accident or one item can get them all engaged in that one activity while the local taxpayer has to carry the burden. The Federal Government has the responsibility, and this bill allows that opportunity to do that.

To us, homeland security is important. Homeland security is key. This bill has no earmarks. In the past, I have been informed that it has had very few earmarks. And so it is something that is critical and important. We felt that we needed to provide additional resources to some of those communities. There is also a need for us to provide those resources on not only the south, but on the northern border, also.

The bill provides grants to hire, train and equip local law enforcement officials in these communities. There is also some reimbursement for individuals that are caught, undocumented individuals on the border, whether they be trafficking with drugs or with human smuggling, which is also an area that we need to continue to work on. This bill allows that opportunity for us to begin to fill those gaps.

There is no doubt that we have not made the investment. This bill begins

to provide that investment that is needed to protect our borders.

□ 1130

The reimbursement of county and city law enforcement agencies for costs also associated with detaining, housing and transporting individuals who have entered the country illegally is essential because my border community, the local taxpayer, has to carry that burden. This Federal Government has a responsibility.

So I share with my individual friends on the other side and say that it is important for us to pass this piece of legislation. I think it provides good resources for our communities throughout.

It also provides funding for the construction and maintenance and operation of detention facilities that are essential. As you well know, in some cases, sometimes we will find some 80 illegals coming in through Arizona, and you pick up a large number of individuals. So you have to have the number of staff required in order to process them and in order to bring them through. We also provide the resources that are needed to begin to enhance the technology that is being utilized in order to make that happen.

What is also important to note is we also need to begin to see what is more cost effective when it comes to the border in terms of the technology. There has been a lot of talk about the fence. The reality is that a border patrolman will tell you that the fence allows you 1 or 2 more minutes just to be able to do that.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, aren't we supposed to alternate between sides?

The Acting CHAIRMAN. The gentleman from New York is a member of the committee.

The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, last night and most of yesterday we saw a very unfortunate situation take place on the House floor: Discussions, anger, tempers, and very little on the substance or the bill or the work of the committee.

I rise today to remind us of the work this committee has done in a bipartisan fashion before we came to the floor. I have been a member of the Homeland Security Committee since it was formed. So has Mr. PRICE, Mr. EDWARDS, and Ms. ROYBAL-ALLARD. I know for certain that on the other side the former chairman and ranking member, Mr. ROGERS, has been a member since the creation of the committee. From day one, the committee has taken its work very seriously.

This year, under new leadership, the committee continued to take its work seriously. We held 20 hearings plus a couple of field hearings, over 50 hours of public hearings. Decisions, information was not gathered in private. These were public hearings. Over 70 witnesses came before us both from government and those who have the knowledge to advise us on these issues.

During those hearings, every member was treated fairly. In fact, one of the highlights, I think, was the way in which Mr. PRICE worked with Mr. ROGERS and the way that Mr. ROGERS continued to play such an important role in these hearings in presenting his views, his knowledge and his expertise.

That kind of bipartisanship, that kind of presentation, that kind of work led to the bill that we have before us. It is one of the few bills in this House where those of us who are part of the committee know well how serious the issue is and how much we have to do to try to assign the proper dollars.

When the bill left committee, there were, of course, a few disagreements. But there was a bipartisan belief that we were doing that which we were challenged to do, that we were asked to do, which was to put forth a bill that secured the homeland, that protected the homeland.

Yet, what we saw yesterday did not speak to that at all. What we saw yesterday was personal attacks. It was discussions about issues that were not involved in this bill. Interestingly enough, the number one decision yesterday was to attack earmarks. Yet Mr. ROGERS set a precedent, which was followed by Mr. PRICE, that if there is a bill that does not deal with earmarks, it is this bill.

Now, that needs to be repeated. Of all the bills to pick on to deal with the issue of earmarks, this is the wrong bill. This was something instituted by Chairman ROGERS and continued by Chairman PRICE on a bipartisan level. This is so serious, this issue at hand, and these dollars are so serious and so dedicated in the way they are appropriated that the earmarking process perhaps should not play a role at all. And it hasn't, up to now, I assure you. Otherwise I would have gone to Chairman ROGERS and gotten something in the last few years. I didn't because it just did not exist.

So now we find ourselves with a decision to make today: Will we continue to behave on the floor as if we were discussing the reelection for Congress in 2008, or do we really want to send to the President's desk a bill that speaks to the needs of our community in securing our homeland?

I represent the Bronx, New York City. I was in New York City on September 11. I was not here with my colleagues. As I have said often, my son was running for the New York City Council on that day, and the election was cut off at 11 o'clock in the morning because of the terrorist attack. That is something no one writes about, that the terrorists were able to stop our electoral process in the biggest city in the Nation around 11 a.m. The elections were run 2 weeks later. So I was there helping my son on election day. I remember the pain and the horror that you all know about of seeing my city attacked.

I take this bill personally very seriously. I take the bill as a Member of Congress personally very seriously. This committee has taken this bill very seriously. This committee, on a bipartisan basis, takes protection and the safety of the homeland very seriously.

Let's make sure that all Members take it seriously. Let's pass the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman who has just spoken has talked about dedication to homeland security by the members of the subcommittee and the full Appropriations Committee, and perhaps inadvertently suggested that others' concern about that does not rise to the same level. I would suggest if that is what the gentleman meant that he is wrong.

I think it is fair to say that all Members in this House were affected, both personally, professionally, and as Americans by the events of 9/11. I would suggest that while some of us may believe the sense of urgency is not maintained at all times with respect to the threat that faces us, there is in fact in much, if not everything we do, the sense of the background of the vicious attack on 9/11.

The gentleman talked about the Appropriations Committee and the appropriations subcommittee. I happen to be a member of the authorizing committee, the Homeland Security Committee. I believe we have acted in a bipartisan way.

But just to indicate a few differences between what is in this bill and what we have done in the past on a bipartisan basis or coming out of the Homeland Security Committee, the chemical protection regime that we established last year, after much discussion, after much debate and after much balancing is changed in this bill.

The border fence, which has been the subject of much debate, much attention, I happen to support it and proudly support it. I do not believe it is the panacea, but it is part of the solution. Many in the American public have wondered whether we meant what we said when we passed the legislation that authorized and appropriated funds for the border fence. They must have many more questions today, because in this bill it makes it more difficult to complete that task. Some would suggest it makes it impossible. Now, I happen to be a lawyer; I plead guilty. But if I wanted to have lawsuits to stop the

fence, I would say hallelujah when I looked at this version of the law that is contained in this bill that is presented to us.

One of the gentlemen on the other side talked about detention facilities. I introduced the first piece of legislation that stopped the ''catch and release'' program followed by this administration and previous administrations dealing with OTMs, or ''other than Mexicans,'' caught on our southern border. One of the reasons why they were caught and released and told to come back in 60 or 90 days for their court appearance, and 94 percent of them never did, by the way, was because we didn't have sufficient detention facilities. So ICE has said in addition to those we own, we ought to see whether we can use privatized detention facilities. This bill makes it difficult, if not impossible, to do that.

So please don't tell us on the floor that some on that side of the aisle are more concerned about homeland security than we are.

This bill places restrictions on personnel management policies that have been adopted by the Homeland Security Department, recognizing the uniqueness of their mission.

So please don't tell us that those on that side of the aisle are more concerned about homeland security than are we.

Perhaps those on the other side of the aisle believe that the only way you show sincerity is by throwing more money at it. There is a difference. That is why the ranking member, the former chairman of this subcommittee, is going to offer an amendment to bring this back down to a level that can get passed. If you want a veto, as you did for 120 days with the question of supporting our troops, you can get it on this as well.

The former chairman, the current ranking member of the subcommittee, is going to offer an amendment that will make it more probable than not that this bill will be signed by the President. Yet, in an effort to show that you feel more on this issue by throwing more money at it, you are going to subject us to the same political routine that we just went through with respect to funding our troops. 120 days lost.

We have plenty of time to debate this bill and other bills on the floor. All we have to do is make sure we stay here and debate it.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. Has the gentlewoman been recognized on this amendment yet?

Mrs. BLACKBURN. No, I have not, Mr. Chairman.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, it is interesting to sit here last night and then today and listen to some of our colleagues who find it incumbent to step to the microphone and say this is not a worthy debate and to talk about frustration and talk about anger and talk about this being a debate of little substance.

Mr. Chairman, with all due respect to everyone that serves in this Chamber and the people that they represent, this is indeed a very worthy debate. It is a debate that deserves our best effort. It is a debate that deserves our focus and our undivided attention.

It is also a debate that we should enter into with respect for the American taxpayers, the ones that are sending their hard-earned dollars here and their expectation that we should be, that it is incumbent upon us to be good stewards of every single penny that comes to this House.

So for those who feel that the moments we are spending on this floor are not worthy, I would commend to them to think about the taxpayer that is hard at work right now, maybe in a job they don't even like, maybe doing something they don't really love, but they are working hard to provide for their family and they are working hard to meet their obligations and pay their taxes and to make certain that they do their part to be a good American citizen.

Now, Mr. Chairman, I think that the frustration, anger and ''of little substance'' that was spoken of by one of my colleagues a bit earlier this morning, is probably exercised by the American taxpayer who looks at the increases in spending that have been brought forward by this majority. They are the ones who are frustrated. I think they are the ones who are angry. And I think that they are probably the ones who look at what is taking place and they fear that money is being put into items that are not substantive.

□ 1145

Now, this new majority has already increased appropriations $105 billion. This is a 5-year cost of what they're wanting to appropriate. For '07, we've got $587 billion they've appropriated. They've already designated $23 billion in an '08 budget and it goes on and on and on, the increases in spending.

Certainly we know that the bill before us, this homeland security bill, would be a 13.6 percent increase. And as I speak on Mr. MCHENRY's amendment, I commend him for bringing forward something that would cut just a little bit, just a little bit, out of these expenditures. But the truth, Mr. Chairman, is that there is a philosophical difference in how we approach this debate from our colleagues on the other side of the aisle.

Now, we heard last night that the decision on how appropriations should be done and how earmarks should be handled should be delegated to some of the professional staff. I heard from a couple of my constituents on this issue who really could not understand why we would want to delegate that authority, not review these earmarks ourselves, not want to cast a vote on those. They feel like that is our job, just as they feel like it is our job to oversee this budget, just as they want to know how this $36 billion is going to be spent on homeland security. They want to see a more transparent and a more open budget process. They don't want to see secret slush funds returned.

They heard about these. They didn't believe it in the 1970's. They didn't believe they really existed in the 1980's. And then we had the advent of the Internet, 24/7 news, people could log on, and they started realizing, yes, there were these secret slush funds and smoke-filled rooms and that's how money got appropriated and sequestered for specific projects, something that they really didn't like. That is one of the reasons that we saw a change in '94 and things were done differently.

I enjoyed that debate. I enjoyed that little history lesson last night. But I think as we review our situation that we find ourselves in today, what we see is a need for more transparency. We see a need to rein in this funding.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

I think that this discussion on this bill today should begin with an appropriate appreciation for the great work of the chairman and the ranking member. Both Chairman PRICE and the gentleman, Mr. ROGERS, the ranking member, have done an extraordinary job in crafting a bill to address the real challenges facing our Nation in terms of homeland security. I think that the fact that there have been cuts in various programs shows that it was a rigorous process, but I think that the additions are also equally important.

I wanted to point out in particular a number of the sections in this bill: This domestic nuclear detection office is so important, because I think that we all know based on the information both in classified and declassified briefing material, and for the general public, whether it's watching Jack Bauer or however they may gather their information, that it is a real concern in our Nation, the possibility of a nuclear strike at one of our major urban centers, a nuclear device, a dirty bomb. This domestic detection office and the funding for it allocated in this bill, I think, is important.

I think that the availability of grants for our first responders. I come from the Philadelphia region. I don't want to prejudge any of the cases, but we have had arrests that have been widely noticed in the national media of people allegedly preparing to strike at Fort Dix in New Jersey. We've seen the

incident at the JFK airport where the discussion is around people who were focused on potentially doing massive harm, attempting to blow up jet fuel lines running from Linden, New Jersey, all the way into the JFK airport.

So the question of homeland security, protecting our borders, adding thousands of additional Border Patrol guards, I think that this House has been well served by the capable leadership of the chairman, Chairman PRICE, and the ranking member. They've brought a quality bill to the floor. This is my first term serving on the Homeland Security Appropriations Subcommittee, a committee that was previously led by the ranking member but is now being led by Chairman PRICE, but they have put together a bill that came out of our full committee and out of our subcommittee with strong bipartisan support.

Even though, Mr. Chairman, we hear some comments from the other side, we know that they don't really represent the total views of the Members either on our side or the other side, because this bill got quality support in committee. I know that when we get a chance to vote on this bill, when we get a chance to vote on increasing State grants for law enforcement, $950 million, $50 million above the 2007 number and $700 million above the President's request for grants to help local communities plan, equip and train first responders, that this bill is going to get a resounding level of support in this House. There probably wouldn't be more than a handful of Members, if that, who are going to vote against this bill. Even though we have a lot of discussion about things that are not really meritorious, in this bill there is a great deal of meritorious approaches to protecting our Nation from real threats.

These are real threats that are playing themselves out on our borders and in our cities each and every day, and our local and national law enforcement community needs the resources that are being made available and appropriated in this bill.

I am very appreciative of the effort that has been put in the urban area grants and in the fire grants, and after Katrina and the work that has been done on emergency management and the performance area.

I would hope that before too many people are swayed, that somehow this bill doesn't represent our efforts to deal with the challenges facing our country, that they really look at the details, Mr. Chairman, and some of the political grandstanding that is going on will give way and we will get to the heart of this issue and the country will be in a position to appreciate the great work of our chairman and the ranking member. I have had the pleasure of serving with them, seeing the hearings and seeing the oversight.

Mr. KLINE of Minnesota. Mr. Chairman, I move to strike the last word.

I want to commend my colleagues for their activities over the last day. Many of my colleagues on this side of the aisle have come to the floor and offered amendments, in some cases, to do something, perhaps small but something to try to control the explosion of spending that we're seeing come forward through this budget and through this appropriations process. And so I want to commend my colleagues from North Carolina, Mr. MCHENRY, whose amendment we are debating now, which is a secondary amendment to our colleague, Ms. FOXX from North Carolina. I know it's a little confusing sometimes. These are efforts to try to control runaway spending, billions and billions of dollars, to be paid for, as we have heard in this debate, by the largest tax increase in American history. I applaud the efforts of my colleagues to try to do something to get our arms around that spending.

But there is another reason why we have been coming to the floor, and that is to shed some light into a horribly flawed process of earmarks. One of our colleagues, the gentleman from New York, I believe, earlier came down and said, ''Why are we talking about earmarks? There aren't any earmarks in this bill.'' Well, you see, that's the point. We don't know if there are earmarks in this bill. We don't know if there will be earmarks in this bill, but frankly the suspicion that we have is that sometime in July, or perhaps August, we will find out that indeed there are going to be earmarks in this bill and we, Members of this House, are not going to have a chance to challenge those earmarks on this floor, and that is simply unacceptable.

Now, there has been a great deal of media interest to bring focus to this. In fact, in this morning's paper, a local paper here, Roll Call, there is an editorial called Pork Rules that ought to underscore the very problem. I am just going to quote a couple of paragraphs from that story, because I think it does underscore the very issue that we're talking about on the floor of this House.

It says:

''Under furious attack from editorial writers and Republicans, House Appropriations Chairman David Obey (D-Wis.) has come up with a new disclosure policy on earmarks. It's better than his previous one, the airdrop policy, but it's a far cry from full transparency.'' It's that transparency issue that we've been trying to get at.

Continuing the quote:

''In a remarkable press conference Monday in which he read nearly every word of a 14-page earmark policy declaration before taking questions, Obey pledged that Democrats would fully disclose every earmark and its sponsor by the end of July.''

I would say to my colleagues, that is well past the proposed date that we are supposed to be voting on this and every appropriations bill in this House. So we will know every earmark and its sponsor by the end of July, at which point we can do absolutely nothing about it.

Continuing the quote:

''That kind of disclosure would be only partially in keeping with the earmark rules Republicans put into place in September, after they got into no end of political trouble for corrupt, opaque special-interest pork trading. But the GOP rule made it possible for earmarks to be individually challenged in debate on appropriations bills.'' And that's the point.

We heard the debate last night repeatedly that went something like this: Well, you Republicans put in earmarks, thousands of earmarks, and you airdropped earmarks into bills in conference, and so you did it, we're going to do it. But we're going to do it better because we're going to post a list sometime in July or August, at which time nobody will be able to vote on it.

Mr. Chairman and my colleagues, the earmark process in this body, in this Congress, on both sides of this Capitol, has been broken for years. There is no question about it. There is a reason why many of us have decided that the process is so broken that we won't participate in it. So claiming that you were bad and, therefore, we can do it, strikes me as a very hollow and weak argument. I hope my colleagues would agree with me on that. Just because somebody made a mistake doesn't mean that we are then authorized to make a mistake. We are seeking transparency. That was the promise made to us and the American people, that we would be able to look at these earmarks and be able to debate them on this floor and be able to vote on them on this floor, not have them given to us, pulled from what has been called a secret slush fund. Frankly, I don't know what else to call it. Because in this very bill that we are debating today, we simply don't know where that money is and where it's going.

□ 1200

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was gone yesterday because of the funeral of a dear friend of mine in Texas, and I only returned to Washington late last night. I was listening to the debate last night and then this morning.

I must say, it is a great country when the architects of the largest deficits in American history can come to the floor of this House and have the right to stand up and lecture other Members about fiscal responsibility and the need to reduce earmarks.

As a Democrat in the new majority Democratic House, I am proud to be part of an effort that is reforming the

earmark process, making it more transparent, reducing the number of earmarks, and we are moving this country in the right direction.

Speaking of moving this country in the right direction, I think most Americans would like to see this House on a bipartisan basis move forward and pass one of the most important pieces of legislation we will vote on this year, and that is the legislation to defend the American family, our families, from the threat of terrorism and the threat of terrible natural disasters.

Now, Mr. Chairman, if anybody wonders whether the debate we are hearing from the other side of the aisle is a delay tactic or not, I would ask those listening, do you even know which amendment is being debated right now. I have been sitting here for 30 minutes, and I have not heard much of anything, if at all, about the amendment before the House. I think that is good evidence that what this is really about is not a substantive debate on the amendment before the House. It is a stalling tactic, because those who lost the majority because they could not set the right priorities for this country are now trying to stop the new majority from moving our country in a new direction and trying to stop us from making a top priority out of defending our homeland, our communities and our children and families from the threat of terrorism.

For the record, let me just say, in case you haven't heard it from the minority side, the amendment we are supposed to be debating right now is an amendment by Mr. MCHENRY. His amendment would actually cut in half the general counsel's budget for the Department of Homeland Security, basically putting at jeopardy the operations of one of the most important agencies in our country.

It is a fact of life that one must have a general counsel's office in order to follow the laws of this land and in order to implement programs effectively and efficiently to defend our homeland, and I think it is irresponsible to propose cutting that in half.

It is not only irresponsible in my book, I find it interesting that some of the very same Members of this House who are saying we should not vote for my Homeland Security appropriations bill that spends $1 more than the President's budget requested because we should listen to the President, now those same people are turning a blind ear to the President's request and the need to have an adequate general counsel's office and are trying to gut the general counsel's office in half. They need to make up their mind: is it critical that we do what the President asked for or not.

In fact, I think we should exercise our constitutional independent authority as Members of Congress and pass the appropriation bill that we think is right for defending our country. I make no bones about my support for some of the increased funding in this bill compared to the President's request.

Let me be specific: the President's budget would propose cutting the first responder training program from $88 million to $38 million. There might be some of my colleagues on the Republican side of the House that think we should simply make that cut because the President asked for it. I disagree.

What would be the consequence of such a disastrous cut? It would eliminate over 900 specialized training courses for emergency responders. Those emergency responders are firefighters, police officers and EMS personnel. They are being trained in a coordinated national training program to help protect our families' lives when our communities are hit by natural disaster, or God forbid, by terrorist attack. The proposed cut in the President's budget would actually stop specialized training in prevention protection and response recovery to over 100,000 emergency responders each year.

I am proud that this budget, which by the way passed the House Appropriations Committee on an overwhelming bipartisan voice vote, this budget, this bill, is a good bill. It does spend more than the President requested, but for the right reasons: to defend Americans from the threat of terrorism and natural disaster.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

(On request of Mr. ROGERS of Kentucky, and by unanimous consent, Mr. EDWARDS was allowed to proceed for 1 additional minute.)

Mr. EDWARDS. Mr. Chairman, I yield to the ranking member of the Appropriations Committee.

Mr. ROGERS of Kentucky. I have a question: Shouldn't all items in an appropriations bill, whether it be for an agency or for directed spending by a Member of Congress, should that not be voted on by the entire body, and shouldn't we have an opportunity to inspect as a body all spending in an appropriations bill, including earmarks?

Mr. EDWARDS. Reclaiming my time, the fact is that Members of Congress, the House and the Senate, will have an opportunity to vote on this legislation. If there are egregious projects in this that come from the administration or from individual Members of Congress, they can vote this bill down.

I hope we can get back next year to the regular order of business; but the reality is that this Congress had to dig out of the hole created by the leadership in the last Congress that didn't pass 11 of 13 appropriations bills, and that is one of the reasons we are in this situation today.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a Member of the Homeland Security Appropriations Committee, I come to you, America, with a good bill. It is unfortunate the tactics over the last 24 hours has not allowed us to move forward to protect American citizens.

The President's budget came to us with a cut of $50 million for the first responders. Homeland security has to talk about hometown security. It is about a partnership with our Federal Government, our State government, and our local communities. So right off the bat a budget that cuts first responders $50 million is not a good budget.

We have before us a good budget, a budget that has been put together so that it takes care of hometowns better than presently. So that if, God forbid, another terrorist attack or natural disaster happens, we will be better able to meet that need. It is a budget that I believe deserves our support. And when passed by this Congress, and I predict it will be passed after the tactics have wilted and gone away, then we will have a good bill.

I am from the State of Michigan. In Michigan, we have the largest population of Arab Americans outside of the Middle East. They have been our friends for decades. They work in our communities and go to school with our children. They produce and pay taxes. It is unfortunate after 9/11 a population of Arabs from other countries brought havoc on our country, and they should be caught, they should be punished, and they should be dealt with.

I only mention the Arab population because I also in my district have the international waterway of the Detroit River that separates the city of Detroit from the country of Canada, Windsor, Ontario, Canada specifically. Canada is one of the greatest friends that our country has. I am sad to report, as you know, many countries in this world are not so friendly to the U.S. because of many things that have happened by this administration over the last 8 or so years.

But the bill before us is a good one. It protects the northern border where I come from, where things come in and out of that border every day. Over a billion dollars of commerce passes the Ambassador Bridge every day. This bill provides more money to protect America, protect commerce, and protect the people who live in that region.

The local grants, the grants to first responders have been increased in this bill. We need to have that partnership. You can't talk about homeland security unless you talk adequately about hometown security. This bill does that.

We talk all of the time about how we move forward in this country. I believe it is how we work together in a bipartisan way; and over the last almost 24 hours now, in a bill that is almost $35 billion, we have been unable to move

forward to protect Americans citizens. Your Federal budget is $2.9 trillion. There are three main entitlements that we pay for to help American citizens, 44 million Americans who are participants in our Medicare program, entitlements that are part of that budget, Medicaid, low-income, disabled children, over 40 million of them who are part of this budget. And our veterans, veterans who have protected this country since our inception. We have to treat them better, and this budget and the budgets that come after this do that. The President's budget did not.

This is the first of 12 budgets, and it is unfortunate that we are at a stalemate and can't protect American citizens.

Mr. Chairman, I stand here asking that the process go forward. You have made your point. We hope that we come back and have some kind of dialogue so we can better make the proposition that America deserves to be protected, as this Homeland Security bill does.

In the metropolitan area of Detroit, we have 5 million people who live in that area, 219 cities and townships. It hosts the largest multicultural population probably in this country. We need a good Homeland Security bill. We have one here before us. Let's let the process go on. I hope the leadership on both sides of the aisle can come together and talk about how we can move this process. We don't need to be stalemated. Yes, we can stay. We can stay for the next 2 months and never go home, but is that really what America needs us to do?

Recently, regarding the Congress, like the President, the American people have said they are disappointed with both of us. They want us to move forward. Let's pass this Homeland Security bill and get on with the business of building the Nation for God's children.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

Before the gentlewoman from Michigan leaves, I wonder if she would yield to a question.

I was wondering, the gentlewoman mentioned, and I appreciate what she is saying about leadership getting together, she mentioned a $50 million cut to first responders. Can you tell me how much is unspent from previous appropriations?

Mr. Chairman, I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Not at this time, but I would be happy to work with you to get that. The money has been appropriated. All of the locals that have come before our committee have asked that we give them more help. Intraoperability is a major problem. They need the technology so they can operate and protect the people they represent.

Mr. PEARCE. Mr. Chairman, reclaiming my time, I would just comment that there is $5 billion in the first responder grant program which has not been accepted by States, and each year about September they have to give back a portion of that. And the underlying bill appropriates $4 billion more, and that is the reason that the President cut $50 million out.

He said there is so much money unspent, let's begin to lower the level we are pouring into it, and it seems to me a reasonable suggestion.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is correct. There is nearly $5 billion in the grant funds for State and local communities for first responders. It has been there for a couple of years.

I don't know why we don't insist that the authorizers in this body write the rules so that these communities can get their hands on that money and use it for the purposes for which it was intended. The money is laying there. I don't know why we are continuing to pour billions more into it when the hopper is full already. Let's fix the system and unclog the pipe that drains the hopper.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. I certainly agree with the gentleman. We need to see that the money moves out. There also has to be staffing and organizations to make sure that the money that is appropriated is spent wisely. Locals need it, and it is our responsibility to get it to them.

Mr. PEARCE. Mr. Chairman, I have a question for the gentleman from North Carolina (Mr. PRICE). He mentioned last night that the underlying amendment is Mr. MCHENRY wanting to take money out of the appropriation for the lawyers, and he pointed out we have 77 staffers in order to watch for circumstances like the Dubai Ports.

I would comment that the gentleman's party has been in the majority now since January, and 80 percent of our ports are still controlled by foreign countries. Have you put a bill in? If that is true, and it is, 80 percent controlled by foreign countries, that is the exact circumstance you mentioned we would not want to cut this budget for. I am asking if the gentleman knows of any plans on his side to simply eliminate those contracts, to take the contracts away from the foreign countries. It seems like if the gentleman is concerned, 80 percent of our ports are controlled, that there would be something in the works to do that.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PEARCE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Is the gentleman suggesting that those contracts should just be cancelled outright by legislative fiat?

Mr. PEARCE. I am asking. The gentleman seemed concerned, and I am asking him if he has any intent to do that.

Mr. PRICE of North Carolina. As the gentleman well knows, there has been a great deal of concern on both sides of the aisle about the functioning of the Committee on Foreign Investment in the United States. There is a consensus, I believe, that CFIUS slipped up on this Dubai Ports deal and that CFIUS needs to be strengthened.

Mr. PEARCE. If I may reclaim my time.

□ 1215

Mr. PRICE of North Carolina. You asked me a question about the 77 legal positions in the general counsel and the directive that the next hiring be to strengthen up this CFIUS capacity.

Mr. PEARCE. Reclaiming my time, Mr. Chairman, I appreciate his answer, and I did hear him say that those are valid contracts, but I would point out and I'm reading now from a January 17 bill where the majority in their H.R. 6 bill, the Washington Post editorial says, ''The House would break this deadlock by imposing heavy penalties on firms that do not renegotiate on terms imposed by the government.''

And it says, ''The main problem with the House bill is that hitting up oil companies is a poor substitute for a real energy policy. The Nation needs to accelerate the development of less-carbon-intensive fuels,'' and it declares in this that the heavy-handed attack of H.R. 6 is something that would be welcome in Russia and Bolivia and other countries but not in the U.S.

And so my point is that the gentleman's party has already decided that contracts are not especially valid, but I would simply say that if contracts are valid contracts, then they should be valid throughout the spectrum of vision that the gentleman has.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

First, I'd like to start out by saying that I do serve on the Homeland Security Subcommittee of the Appropriations Committee. It's a deep honor for me to be there. It's a deep honor for me to work with Chairman PRICE, who is an honorable man and has done hard work on this bill. It's an honor for me to work with Ranking Member ROGERS, who has done hard work on this bill.

And I agree with my colleagues on the other side of the aisle that there has been a lot of diligence on this bill, a lot of hard work on this bill, and in my opinion, every Member of this Congress probably has, as a first thought, what the Homeland Security Department does to protect our families from terrorists around the world and from

other disasters that can strike our families. I can assure you that this subcommittee certainly does that.

This hard work being done does not mean that there aren't differences of opinion on how things should be done because, in fact, in our very subcommittee, and in the overall committee of the Appropriations Committee, there is a difference of opinion on directions that we should take.

Just, for example, on the issue of the border fence, there are those who think that the border fence needs to be built and it needs to be built now, and all obstructions have to be taken away from that that might obstruct building that fence. I happen to be one of those people, and yet, honorable men and women disagree. And those who are in the majority, they do set the policy for the bill that is before us today.

I personally think that it's our duty and responsibility as Members of Congress to debate the issues, whether you're on the Appropriations Committee or not, and by raising issues that are being raised on this side of the aisle on this bill, that we are saying that the Appropriations Committee has not done their job. We're saying we want to put a microscope, put sunshine on the process and see what we see, and then each Member, whether they be right on their amendment or whether they be wrong on their amendment, certainly has the responsibility to submit their opinion on this bill.

We talk about a term that I think that's kind of peculiar, and I certainly was not a Member of this Congress when whoever came up with the term ''earmark,'' but there's a whole lot of folks in the United States that know what an earmark is, and it doesn't have anything to do with what we're doing here in Congress today.

It has to do with a method of identifying livestock, and in old days and maybe in some more rustic scenes today, an earmark was actually the notch cut in the ear of an animal. Now, I'm sure that's offensive to many people, but today, it generally is a tattoo or a tag that designates what the owner intends to do with that animal. And at least in the ranching business, they go out and they mark those that are the keepers and the culls. There are the animals that they're going to keep in their breeding stock, and there are the culls which are the ones they're going to take to market and sell as one way the earmark functions.

And the owner of that livestock designates someone to make that designation of how they should earmark the livestock, and I assume that whoever came up with the term ''earmark'' as it relates to special projects in the appropriations process thought it was a good term because basically, that's the decisions that the owner, i.e., the voter, the American public, asks their individual representative to make about the spending on special projects that's going to be done by the United States Congress.

And so who is the designated person for the 31st Congressional District to make this decision? And I think the people elected me to do that. I think there are 435 individual people here that the folks who originally own this money and gave it to us to use, they said you make the decision on how this money is going to be spent. This is a republic, and we have sent our representative to speak on our behalf to say this is a project that has worth and this is a project that has no worth; this is a keeper and that is a cull.

And that is actually the duty and the responsibility by our oath of every person who sits in every chair of this House.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. CARTER) has expired.

(By unanimous consent, Mr. CARTER was allowed to proceed for 1 additional minute.)

Mr. CARTER. Mr. Chairman, the reason we are in this debate today, one of the reasons, is we have created a process where instead of 435 people will meet their constitutional obligation of their oath to determine how the earmarks will be spent, we have narrowed it down to one or whatever his designation may be, and I think that is inappropriate, although I will say and I wish to end by saying Mr. OBEY is an honorable man, and I have the greatest respect for him.

But that's not the way we were supposed to act when we came to Congress. We were supposed to participate in this process of determining the earmarks.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

As a New Yorker, I must tell you as honestly and openly as I can, that the hours that we have spent on this issue are an embarrassment, an affront to every New Yorker who experienced 9/11, who went down to that site, and saw our brave men and women responding to the emergency, every New Yorker who went to a funeral, to talk to a family about the loss of their loved one because of the lack of interoperability for one thing.

I cannot understand how my friends on the other side could be spending all these hours debating earmarks when we should be passing one of the most important bills of the House.

As Chair of the committee that funds State and Foreign Operations, I've always worked in a bipartisan way. I know my good friends, DAVID PRICE and HAL ROGERS, have always worked in a bipartisan way. We should get on with the business of this bill, and I would be embarrassed to have a constituent watch us, spend all night, all day focusing on Member-directed projects.

You and I know that they need to be evaluated. A process has been in place for transparency. I think we've moved in a very positive direction. So let's get on with the business of this bill.

We have no higher priority than to take every action necessary to protect our country, and I would just like to highlight a few of the provisions in this bill that are so important.

The first would create a pilot program to screen airport workers, and I've worked in a bipartisan way on this issue. In March, two airport workers in Orlando boarded a plane and made it to Puerto Rico with a bag containing firearms and drugs, and this incident set off an alarm, reminding us that we've waited far too long to take sufficient action. Those who have unfettered access to sterile and secure areas of airports need to be physically screened. Meticulously screening passengers but giving workers open access is like installing an expensive home security system and leaving the back door open. This bill is the first step to close this loophole, something that is supported by Members on both sides of the aisle.

Aviation security enhancements are not limited to airport worker screening. The bill makes the necessary investment to purchase and install explosive detection systems. Last year, British authorities uncovered a plot to destroy airliners over the Atlantic, which the terrorists believed would be on the same scale as the September 11 attack. We have to do all we can to reduce our vulnerabilities, particularly to known threats that terrorists have attempted to exploit.

The second item I would like to applaud is the inclusion of much-needed funds for interoperability grants. After September 11, I wrote a bill to require the administration to create an office and grant program dedicated to interoperability and to implement a national strategy. Since that time, the office has been created, and last year's appropriations bill included my strategy proposal. This bill would fund that grant program, which the House overwhelmingly approved in January as part of the 9/11 bill.

I encourage all of my colleagues to go back to their districts and ask first responders what the Federal Government can do to help them. I guarantee that one of the most frequent responses will be interoperability and communications problems. This bill provides not only the funding, but language on standards and other planning provisions that are beneficial.

Third, this bill significantly enhances our ability to protect our ports. One of the biggest fears of security experts is that a terrorist will bring a nuclear weapon into the country through a port. This bill nearly doubles the funding for grants to protect ports and provides much-needed funding for the Domestic Nuclear Detection Office to

develop and deploy the next generation of radiation portal monitors.

A fourth improvement is transit security. In the last 5 years, terrorists have attacked trains in Madrid, London and Mumbai.

The Acting CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, this bill would provide $400 million, more than twice the amount previously provided, for first responders to reduce this glaring vulnerability.

This bill is full of substantive provisions to assist first responders that we need to debate. For example, I look forward to considering several substantive amendments such as one submitted by my friend on the other side of the aisle that would assist a program that provides a ring around New York to prevent a terrorist from bringing a nuclear weapon into the city. But we can't have that debate and others about making our Nation safer if the minority continues to insist on pushing procedural roadblocks.

In addition to serving on the Appropriations Subcommittee, I'm a member of the Homeland Security authorizing committee. We know that the threats against our country are real. Let's end these procedural delaying tactics.

Although the chairman, the ranking member and the members of the committee have produced a really important bill, I know that many Members who are here getting up to speak may have additional thoughts, additional ideas to make our homeland safer. Shame on all of us if we're spending the time arguing procedural tactics and not focusing on the homeland security issues that are before us. As a New Yorker, I am personally offended. Let's move on with it.

□ 1230

Mr. FARR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the problem with this bill is there is never a last word. There is a big debate going on about earmarks, when there are none in the bill. There were none in last year's bill or the year before's bill. This is the first bill to come before the floor, and they attack this bill saying where are the earmarks.

Well, there are none. Speakers on the other side of the aisle can't stand the fact that there is a new congressional leadership here. It's rolling up its sleeves and doing the oversight work, the oversight work for an agency called Homeland Security that was created just a few years ago, the biggest bureaucracy in modern American history, 200,000 employees, $36 billion in expenditure, made up of all kinds of things from airports, seaports, Border Patrol, immigration, the list goes on and on.

The leadership of this committee decided to really put some fact-finding into it. It had more hearings than any committee in history in this subject matter, visited more sites, visited the borders, the hot spots, visited Katrina sites, talked with Customs and Border Patrol, with harbor district patrol, with Coast Guard, with truck inspectors at the Ota Mesa truck center, the biggest truck inspection center in the word; with the San Ysidro crossing, the largest traffic crossing in the world.

You know what every one of those patrolmen and inspectors told me? We can't do our job unless you pass a comprehensive immigration bill. It's not just about more fences and more assets on the border. It's about the whole enchilada, the whole immigration bill.

I think there is an underlying current here. They don't want an immigration bill, and they know that this is the agency that deals with it. So it's a delay tactic.

Now, a delay tactic, we have been here for 24 hours. We have taken up two amendments. The first amendment cuts $79,000 out of the administrative office of Homeland Security, $79,000 out of a $36 billion bill. But, wait, they adopted a second amendment. It was for a cut for $300,000.

We have successfully cut $379,000 out of a $36 billion bill. It's taken us 24 hours, numerous procedural votes to adjourn, to rise, to do anything but deal with the issue. We ought to be very proud of ourselves.

We have been able to cut one one-thousandth of 1 percent. That's what the great might of the United States Congress has been doing on this bill.

Now, I know that the other side of the aisle likes to cut, squeeze, and trim. They are cutting the agency that they like the most. They are cutting an agency created by President Bush, they are cutting the money that President Bush asked for in this bill, and they have introduced another 110 amendments to deal with more cuts, more frivolity.

Where's your leadership? This is an important bill. It's probably the best-combed bill, best-managed bill in the history of this agency. You ought to be proud of it. You were proud of it in committee, because nobody voiced a negative vote.

So it was unanimous in the Appropriations Committee, everybody liked the bill. Where is your leadership? Where is your responsibility?

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair must ask the gentleman to address his remarks to the Chair.

Mr. FARR. Mr. Chairman, this bill is about finding the answers to interoperability. You have seen that we have interoperability right here. This bill is about responding to first responders, to be a first responder.

The other side of the aisle is neither operable nor responsible for being first responders. Don't call on them next time there is help needed.

Mr. BOUSTANY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I look at the flag behind the Speaker's chair, I am reminded about how great our country truly is. If our country is going to remain great, we have to face the threats that are out there, and there are many, many threats.

Clearly, the Homeland Security appropriations bill is an important piece of work to deal with those threats. But there is a threat that's not quite so insidious, and it's the threat of spending, runaway spending in the face of the second largest tax increase in American history.

We need to get serious about this threat, this threat to future generations. We owe it to the American family to be responsible stewards of their hard-earned tax dollars.

I am gravely concerned about the disconnect between a lot of the high rhetoric I hear coming from the other side and the harsh reality that we seem to face here. The rhetoric we hear from the Democratic leadership is about fiscal responsibility and oversight and transparency and full disclosure. But the harsh reality is about none of those things.

I don't see full disclosure here. I don't see transparency. I am deeply concerned about this threat of runaway spending.

Now, I have to say, I fully appreciate the hard work done by the Homeland Security Appropriations subcommittee and the full committee. The chairman of the committee, the full committee, and the subcommittee, as well as the respective ranking members, have done a lot of hard work.

But their work is incomplete. Their work is definitely incomplete. It's the responsibility of every Member of this body to provide oversight, not just the committee's responsibilities. That is our responsibility, and we have to live up to it.

It is clearly a major responsibility as we look at these possible earmarks that are going to be airdropped into this at a later date. The process is clearly flawed, and the American people clearly deserve better.

I reflect upon a statement by a very famous British statesman, when the British Empire was at its height in the 18th century, and it goes like this: ''Magnanimity is seldom not the wisest course for a statesman, for empire and small minds go ill together.''

I would submit to you that magnanimity is a very important American virtue, and magnanimity is also the responsibility of the majority, whoever happens to be in the majority.

I ask the majority to live up to its responsibilities.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Before I speak, I would like to make one parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WHITFIELD. If I yield time to the gentlelady from North Carolina at the end of my remarks, and if she made a decision that the House do now rise, is that permissible?

The Acting CHAIRMAN. The gentleman from Kentucky would first have to yield back his time in order for a motion to be in order for the committee to rise.

Mr. WHITFIELD. But I can yield time to her for her to speak?

The Acting CHAIRMAN. The gentleman may yield to her during his 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I want to first of all thank the chairman of the subcommittee on the Democratic side and also on the Republican side for the hard work that they have shown in establishing this appropriation bill for Homeland Security.

Last night I was reading a poll, and I noticed that Congress, as an institution, has an approval rating of less than 30 percent. That certainly is not caused by the leadership of the Democratic Party, because when the Republicans were in control a few months ago, Congress had an approval rating of less than 30 percent also.

But I think it reflects the frustration of the American people about the institution of Congress and how Congress works. I welcome this debate on the earmarks, because I do not view this as a delaying tactic, but I think this is an issue that is even deeper than earmarks and the way that they're handled by the Appropriations Committee.

I am speaking specifically of the fact that the chairman of the Appropriations Committee yesterday mentioned that there was something like 32,000 earmark requests, and that there was not ample time to get through these appropriations bills. Yet every year Congress is consumed by the appropriations process, and every year it takes more and more time, and every year, frequently, we do not even pass all the appropriations bills in the House and the Senate, and we do continuing resolutions, and then we do omnibus bills. The omnibus bills come to the floor, and sometimes they are 8 or 9,000 pages and Members don't even know what's in there, and we are voting on those.

I would remind the Members that about 6 years ago we introduced legislation that would ask the House to go to a 2-year budget and 2-year appropriations process. That bill received over 200 votes in support of it, because I think all of us recognize that this appropriations process and budget process that we now operate under is broken. It simply does not work.

One of the frustrations, I will be very honest about it, on the earmarks is that there is a perception among Members who are not on the Appropriations Committee that the vast majority of earmarks go to the appropriators.

Yet all of us represent the same number of people, all of us represent taxpayers, and all of us are entitled to earmarks.

But it's an unfair process.

I know, from discussions that I have had with a lot of Members, I know appropriators get upset with authorizers and say authorizers are not doing their job, and authorizers get upset with appropriators in saying appropriators are authorizing on appropriations bills when they want to.

So I think what this institution needs to do is go to a 2-year budget process, a 2-year appropriations process so that one year we can sit here and argue about money, but the next year we can argue about authorization and reforming education and health care and some of the substantive problems that the American people face instead of every year being totally consumed by the appropriation process.

To me, that's the problem we have today.

Mr. Chairman, I yield to the gentlelady from North Carolina.

Ms. FOXX. I thank my colleague for yielding.

Mr. Chairman, I want to respond to some of the comments that have been made on the other side. I share the concern that the gentlelady from New York said that this is an embarrassment. She is right. It is an embarrassment that we have to be doing this, but it's an embarrassment to the majority party, because there are principles involved here.

You promised things you are not fulfilling. That's why we are bringing these issues up, and we're going to continue to quote the things that are happening and remind you that that's the reason.

CNN.com today: ''Obey says that earmarks can still be scrutinized before the spending bills go into effect, but nonpartisan advocacy groups like Public Citizen says it's not enough.'' Craig Holman, legislative representative for Public Citizen: ''It violates the whole spirit of the reform itself. We really did expect that earmark requests were going to be an open book so that all of America could sit there and take a look at who's requesting what earmarks.''

We're not saying we are opposed to the underlying bill and we're not doing this for delaying tactics.

The Acting CHAIRMAN. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Ms. FOXX was allowed to proceed for 1 additional minute.)

Ms. FOXX. Mr. Chairman, I also point out that last year, when we debated this bill, the majority party offered 70 amendments to the bill and took over 2 legislative days. We have not even been in this for one legislative day yet, and we're getting complaints that we are utilizing delaying tactics. Let's not say what we should not be doing.

Last night, also, Mr. OBEY said that professionals will look at these earmarks. We get complaints all the time that the staff runs this place.

I'm offended by that remark. This is a job for the Members of Congress to be doing. This is not a job for the staff to be doing. I consider we are professionals at this business, and we don't need to delegate the looking at earmarks to staff members. We need to be doing that ourselves, and we need to do it in this process.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would suggest that if my colleagues think holding hostage the Homeland Security bill, the bill that funds and protects our cities, our communities, our seaports, our airports from threat of terrorism, if they think that holding up that bill is going to win back the majority, I would suggest that's the same type of out-of-touch approach that caused them to lose their majority in the last Congress.

One of the reasons they lost that majority, the American people wanted this Congress to put first things first to deal with the highest priorities of this country. Yet the previous leadership on the other side of the aisle, constantly, day after day, month after month, got us involved in unimportant issues.

□ 1245

With the new leadership, we're trying to take a new approach.

What's happened, to summarize, this week, we had the chairman, Mr. PRICE of North Carolina, the chairman of the Homeland Security Appropriations Subcommittee, who put together a bipartisan bill that passed without opposition on a bipartisan basis in the full Appropriations Committee.

Then, the Republican leadership comes along and says, uh-oh, we've got to make a point, and let's hold the Homeland Security Appropriations bill hostage.

If they think that's what the American people want, I think they're sadly out of touch with the priority of Americans in wanting, above else, this Congress to work together to defend our communities and our families.

Where are we? Well, we have Republicans that failed to pass 11 of 13 appropriations bills in the last Congress, they're now trying to kill appropriation bills in this Congress.

What do we have? We have the architects of the largest increase in earmarks in congressional history lecturing us and the American people

about earmarks today. And the sad thing is, that not only are they holding hostage the Homeland Security appropriations bill to protect our families and communities, I would speak as the chairman of the Veterans' Affairs and Military Construction Appropriations Subcommittee in saying that this delaying tactic is holding up a bill that should be on the floor right now that will provide the largest increase in veterans health care spending in our Nation's history.

So not only is the Republican leadership in this House holding up homeland security, now they are delaying the passage of important legislation that our veterans and our military troops and their families deserve.

At this point, Mr. Chairman, I'd like to yield the rest of my time to the chairman of the Appropriations Subcommittee, Mr. PRICE.

Mr. PRICE of North Carolina. I thank the gentleman for his very helpful comments. And I want to pick up where Mr. PEARCE left us a few minutes ago. I never had a chance to respond to his comments about unspent funding. So I want to take just a minute, if I might, to talk about what the committee, in fact, has done about grants and what kind of funding is available for those versus what we're going to appropriate for fiscal 2008.

We have made some key investments in this bill in State and local grants. The State grants are a modest increase over last year, something like 6 percent. But we've made much more substantial increases in transit and rail grants, which I think, on a bipartisan basis, Members of this House have said is a vulnerability. Certainly they said that on the port security matter with the Safe Ports Act. We have made some increases there.

Fire grants, have broad bipartisan support, as does the SAFER program. So in a number of these areas, we have gone somewhat above last year's funding and above the President's request. But we've done that on the basis of strong evidence and strong bipartisan support that this is needed.

Now, what about the allegation that this money is in the pipeline, that we really don't need to turn to the appropriations process for additional funding?

The charge was made that there's $5 billion unspent in these grant programs. Well, $4 billion of that is obligated. That leaves $1 billion. Let's talk about the $1 billion. $600 million of the $1 billion of unobligated funds are from funds awarded to States and localities during the last 6 months. The remaining $400 million in so-called unobligated funds are from older grants that are actually most likely obligated.

The Department tells us they're only now bringing older data on-line into their grant system, but it's very, very likely that all of that $400 million is obligated.

So forget about $5 billion in unspent funds. It isn't there. We must face up to the implications of needing to do more in these various grant areas.

Mr. EDWARDS. Mr. Chairman, could I ask unanimous consent for two additional minutes?

The Acting CHAIRMAN (Mr. WEINER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EDWARDS. Mr. Chairman, I yield my time to Mr. PRICE.

Mr. PRICE of North Carolina. Now, if the allegation is that the Department of Homeland Security has not been nimble enough, has not been responsive enough in getting the grant funds out there, then you certainly won't get an argument from us. Our approach has been to work cooperatively with the Department to improve performance.

There are two provisions in particular in this bill to ensure that Federal bureaucratic hurdles are lessened so that the funds can be used for their intended purpose more efficiently.

As in prior years, the bill mandates that within 60 days of enactment, 80 percent of the State Homeland Security grant funds must be passed through from States to localities. And, as in prior years, the bill mandates a schedule for DHS to issue grant guidance and make grant awards, ensuring that funding reaches grantees in the shortest time possible.

Now, we need to continue pressing. We need to continue working on this. But I think, in pressing the Department for responsive grant programs, we have bipartisan support on that. And in putting the money where we need to put it to make these additional areas safer, we have support on that as well.

All I can say is it would be nice if we would get on to discussing the substance of the bill, as opposed to dealing with desultory tactics.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to, this has been quite a process since we got rolling yesterday afternoon, and I know there's some frustration over not moving more quickly. But I do think Mr. BOEHNER made the point very clearly last night and it needs to be reiterated often, that we are simply seeking to have the opportunity to review the earmarks as a body while we can have some impact on it, rather than to have them, as has been said, airdropped into a conference report, where conference reports come to the floor and you have two options only. You can't amend it. You can either adopt the conference report, or you can reject the conference report. As we all know, it's very, very rare to reject a conference report on an appropriations bill. I only remember seeing that happen once since I've been here.

And I just think that, in light of all the rhetoric, particularly from the other side, about the need to have more transparency, and then an action is taken which completely eliminates the progress that had already been made relative to transparency and relative to accountability, and this whole process today really is about are we going to have the opportunity to review the earmarks in these bills, while we can make an impact on it, while we can single some out and remove them, while we can offer amendments, or are we going to simply turn a blind eye, let this be dropped into the conference report? Basically, only, you know, mainly one person is going to control this whole process, and the entire rest of the House is shut out from this process.

That's why this process is moving so slowly, because of this fundamental battle. And, you know, it's seeming like every major media outlet in the country seems to be on the side of transparency and accountability, and yet the majority party continues down this road of avoiding transparency, avoiding accountability. And no good reason has yet been offered as to why we should take this extraordinary move going completely backwards on this issue, instead of having this out here in the light of day as it was intended, as we all argued for both sides should be the case. And that's what we're seeking to ultimately have prevail before this day is out.

Mr. Chairman, I'd like to yield the balance of my time to our ranking member, Mr. ROGERS.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding, and I join in his frustration. This dispute about how the majority party is hiding earmarks so that the body cannot inspect them, is preventing us from discussing the merits of this bill, which, by and large, is an excellent bill, except for it's overspending. And I'll have an amendment at the end of the bill to address that issue.

So there's really two issues we're talking about here; one is the earmark mess that we're in, and secondly, is the overspending in the bill.

The President has threatened to veto this bill if it exceeds a 7 percent increase. The bill now contains a 13.6 percent increase in spending. That's too much. We really don't need that much money. We do need, I think, a 7 percent increase, which is double inflation. That would take care of the needs that Homeland Security has.

And so at the end of the bill, I will be offering an amendment to give Members a chance to vote to slice 5.7 percent, across the board, off of the spending in this bill, leaving a 7.2 percent increase that has been requested of us by the executives.

And so, I would hope that Members would bear that in mind. At the end of the bill, you're going to have a chance to exercise fiscal responsibility. That's what we stand for. Fiscal responsibility.

So I would urge Members to hold their fire until that time.

Mr. PRICE of North Carolina. Would the gentleman yield?

Mr. DOOLITTLE. I'll yield.

Mr. PRICE of North Carolina. Let me just ask a question for clarification on the amendment that is before us which actually has barely been mentioned this morning. Is it not true that neither the McHenry amendment nor the Foxx amendment would be, in effect, incorporated in your amendment, since our expenditures for the item at issue are already below the President's request?

Mr. ROGERS of Kentucky. If the gentleman would yield.

At the end of the bill, we will have to see what amendments have passed, and then we will look at that and see whether or not that would fit into our across the board cut, and if it might be modified to that extent.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman already spoken twice, on the amendment and the second-degree amendment?

Mr. RODRIGUEZ. Not on this amendment. I spoke on one of the other amendments.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Chairman, I rise today, and I want to indicate how important this bill, H.R. 2638, is to the entire country as a whole. This bill has particular significance for any American concerned about promoting the necessary and difficult objective of protecting our homeland.

As a member of the Appropriations Subcommittee on Homeland Security, it has been a pleasure for me to work with the chairman and the leadership on adding language and enhancing the quality of this bill and strengthening the general provisions of it.

As a Member who represents a district that goes from both the Texas to the Mexico border, I'm distinctly aware of challenges that confront law enforcement officers charged with upholding criminal laws such as the drug and human trafficking. In recognition of this inherent danger represented to the law enforcement officials, also to private landowners along the border, and elected officials concerned about the border issues and statutory requirements imposed on the Department of Homeland Security to erect, also, the fence barriers that span 370 miles along the southwestern borders. I was also pleased to dialogue with the chairman on these issues and making sure that we go about them in the right way.

The first objective that I want to just briefly mention and talk briefly about is the fact that our border communities need additional resources. This bill begins to provide those resources. Our law enforcement on the cities, as well as the sheriffs that are unanimously in favor of doing what they can to protect our borders and to protect our communities need help, and they need help drastically. This bill begins to provide this assistance.

I wanted to, again, reemphasize the fact that this bill is an essential bill that allows us to be able to protect this country in a way that we should. I know the other side has talked about the bureaucracy and the fact that we haven't responded appropriately, and I agree with them. We haven't, and that's why we have added some additional resources. That's why we also had 22 hearings of which I can tell you, because I have been here prior to this, and we had not had hearings the way we've had now to hold the agencies accountable. No one knows that better than myself.

I just had a community in Eagle Pass that went through a tornado that killed seven people, also hit the Mexican side, killing three, and the difficulty that I had in getting FEMA to respond and the administration to respond. So I understand the incompetency that exists within this administration and the fact that we've had difficulty in getting them to respond to our needs.

But the bottom line is that when we're hit with floods, when we're hit with drought, when we're hit with tornados and other, we have to be able to have the resources necessary for them to be able to do that. And so when we were hit in Eagle Pass, I remember distinctly going through there. I also went over on the Mexican side, and I deliberately went over there also because I know that they had been hit harder.

□ 1300

And I also went back because I know that the Mexicans, especially from the state of Coahuila, had come to help us during Katrina. They sent their support there in San Antonio, helping to feed some 20,000 that had come to San Antonio from Katrina, and I know that they had been extremely helpful.

But we have got to make sure that FEMA has the resources and that they are also held accountable. I know that we are going to continue to have additional hearings in order to make that happen.

I also want to personally thank our leader for helping us with the Stonegarden project.

I would like to yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

And I commend him in turn for his work on getting help to the people dealing with the burdens of law enforcement in these border communities. That is what Stonegarden is all about. And he, together with colleagues on the Republican side, advocated very strongly for the Stonegarden funding in this bill.

We also have struck a balance at the gentleman's request. Some very careful work was done on what kind of consultation is desirable and necessary with affected communities before these border barriers are put into place.

So we make no apologies for holding the Department accountable for the technology that is utilized and the plan that is adopted so as to be as effective as possible, to be economical, and also to be responsive to these very particular border communities.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. RODRIGUEZ, and by unanimous consent, Mr. PRICE of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. PRICE of North Carolina. There has been, Mr. Chairman, a steady flow of town and city officials from Texas in particular who have come to Washington to voice their concerns. We are going to visit them in very short order now to have a first-hand look before this bill goes to conference.

But the work that we have done on this issue, I believe, does strike the desirable balance. We appreciate the Members' input on that because these communities are concerned that the construction of this barrier not go on without some regard for their history and their needs.

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, I want to thank Chairman PRICE.

I know that you also provided some guidance as we went to New Orleans and visited New Orleans and got an opportunity to see still the devastation and the fact that we haven't done enough there, and I want to personally thank you for the leadership in that area. We not only went there, but you also took the committee along the border to look at the fences that are out there, the barriers for cars and those things that are important.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak on Ms. FOXX's amendment, and I thank her for being one that realizes one of the threats that we face is a growing Federal budget and out-of-control Federal spending.

And as we have talked about threats this morning as we are debating this Homeland Security budget, it is not lost on us that this is a $36.3 billion budget. It is 13.6 percent more than last year and, as our ranking member has so wisely stated, 6 percent more than was asked for and more money than needs to be in that budget. And, certainly, it does not make good fiscal sense that this would be the type of budget document, this would be the type of appropriations that would be passed for this.

As we talk about threats, one of my colleagues mentioned that we were holding hostage the budget and loved using that term ''holding hostage.'' Well, Mr. Chairman, I think that probably the American people who watch this debate feel like they are the ones that are many times held hostage and their paychecks are held hostage by the Federal Government.

The Federal Government has first right of refusal on that paycheck. They take out what they want before the taxpayers and our constituents see that paycheck. And, quite frankly, Mr. Chairman, I think they are tired of it.

And they are tired of the type of out-of-control spending that they are seeing from this new majority. They didn't like the spending that was there when we were there. Certainly there are many of us that think that we spent too much, and certainly many of us worked very hard for the Deficit Reduction Act, the 2006 budget, that reduced $40 billion of Federal spending.

Quite frankly, Mr. Chairman, I think the American people thought that you all were going to do better than that, that you were going to cut more than we had cut. But that is not what they are seeing.

We have got hundreds of billions of dollars more in spending certainly, $105 billion more in new appropriations, 13 percent more in this single budget alone. It is out of control. Our constituents feel like their paychecks are held hostage, and, quite frankly, we think information is being held hostage.

Now, on the security issue and on this fence, sometimes those of us who are mothers talk about setting up situations that are going to be win-win situations for our children. We like to create an environment where things can succeed. Well, unfortunately, Mr. Chairman, when it comes to funding the fence, what the liberal leadership has done is set up a failure, because what you do is underfund the fence. Then you come along and $700 million of this funding gets pulled into this gray bureaucratic red tape area that probably you are never going to see that fence built.

Now, we had a vote last year. We had 283 Members of this body go to a machine, put in their card, and punch the green button for the fence. That was the vote that was taken. So that leads us to say was that a politically motivated vote? Did they do that because they thought they were looking for reelection? Did they feel like that was what their constituents wanted? Because, certainly, we know one of the things we hear from many of our constituents is ''secure the border first.''

But now we have a Homeland Security bill and in this $36.3 billion with a 13.6 percent increase over last year, we can't find the appropriate amount of money to fully fund a fence. And that is something that the American people want to see done.

Mr. Chairman, the debate that is taking place here, quite frankly, I think, is a very good debate. It is the type of debate we ought to have, and we ought to do this more often so that people can see what are the philosophies of the left and what are the philosophies of the right. So then they can get an understanding for the philosophical differences of how we view how to go about our jobs, how we view going about handling the taxpayers' money. I think this is a good thing for us to come here and talk about if we want to spend more, if we want to spend 13.6 percent more, or if we want to return to the model of the Deficit Reduction Act, the 2006 budget, and reduce $40 billion worth of spending.

Mr. HALL of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I address the Homeland Security Appropriations bill, I just wanted to comment that it is interesting, some might say entertaining, to be given a lesson in fiscal responsibility by those Members who helped to run up the biggest deficit and the biggest balance of trade deficit that this country has ever seen. But we will let that go.

For now I would just like to talk about, first of all, the fact that there are no earmarks in this bill. To talk about earmarks on a bill, the Homeland Security Appropriations bill, which has no earmarks is inappropriate and just a distraction.

In terms of first responders, the part that I would like to address, it is particularly important to my district, New York's 19th, which served and continues to serve New York City. Orange County in my district is the farthest north that first responders from New York are allowed to live. The firemen and policemen of New York may live only that far north from New York City because of needing to be there when they are called in a hurry. And as a result, we have had many fire and police who lost their lives on 9/11 and many are subsequently suffering from respiratory ailments from working on the Ground Zero pile. So we know, not only from that but from planning for other incidents, accidents, attacks that we need to be ready for, that first responders need our help and they need it from this bill, and this bill gives it to them.

This bill gives it to them through Homeland Security grants, which meet the needs of first responders including hiring, training, and equipping first responders. The President proposed slashing the grants by 52 percent. Instead, our bill restores this cut, providing $550 million, which is $25 million above fiscal year 2007 and $300 million above the President's request for Homeland Security grants.

Local law enforcement terrorism prevention programs, this $375 million program plays a key role in assisting local law enforcement agents in information sharing, target hardening, and counter-terrorism planning. The President's budget eliminates this program. Our bill provides $400 million, which is $25 million above fiscal year 2007.

Firefighter assistance grants, the President proposed to slash these grants by 55 percent. Instead, this bill restores the cut, providing $570 million, $23 million above fiscal year 2007 and $270 million above the President's request. And SAFER grants, the President proposed eliminating these Staffing for Adequate Fire and Emergency Response, SAFER, $115 million SAFER grants. The program was eliminated by the President in his proposal. We, instead, provide $230 million, which is $115 million above fiscal year 2007.

So in every instance in which first responders need our help, need the Federal Government's assistance, to be able to respond to fire, police, and other security and public safety issues and events, we are trying to provide them with the resources that they need over the President's objections and over his cuts.

I am proud to support this bill, and I submit that I personally don't have any earmarks in it, and I don't know of anybody else who does. So let's please not discuss it in those terms but in terms of what makes the American people safer.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened very carefully to the debate last evening and today. And I have heard a number of complaints and concerns from our friends on the other side of the aisle. First let me speak to the process.

There are a lot of complaints that somehow we are spending too much time debating this appropriations bill. Well, Mr. Chairman, I would point out that the last appropriations bill, the one that funded our troops in harm's way, this body spent almost 4 months, almost 4 months, coming up with that appropriations bill. And, Mr. Chairman, as I look at the clock, we haven't even debated this one yet for 24 hours.

Mr. Chairman, we also hear that, well, if you care about homeland security, you have to pass this bill and you have to pass it today. Don't you care about homeland security? Well, Mr. Chairman, as an appropriations bill, to the best of my knowledge, there is nothing in this bill that will go into effect until October 1. So here we are in June and we are being told, no, we can't submit to Democratic procedures here. We can't thoroughly vet and debate this important bill. It has to be passed today, even though it doesn't go into effect until October.

And then, Mr. Chairman, we have heard, well, the reason that we don't

have our earmarks listed in the bill, the reason that there is this secret slush fund that someday somehow will be unveiled to all is because, well, the staff hasn't had time to vet all of these earmarks.

□ 1315

Well, Mr. Chairman, again, when our friends from the other side of the aisle took over as the majority and rewrote the rules, apparently they didn't read their own rules very well. Members on both sides of the aisle became confused. Nobody even knew how to submit their earmark request.

So then to turn around and somehow point to this side of the aisle when it was that side of the aisle, Mr. Chairman, that created the problem. I mean, it's like the old proverbial person who is being indicted for murder who says, Well, please don't convict me, I know I killed my parents, but now I'm an orphan. Well, they are the ones who caused the problem, Mr. Chairman, so I don't quite understand why they are complaining about the process that brought us here in the first place.

As I listen to the debate, Mr. Chairman, and I do believe this is an important bill, and I believe there is a lot of important work and very important provisions in this bill, but I think also there seems to be, as I listen closely to the debate on the other side of the aisle, there seems to be no appreciation whatsoever of the role the poor, beleaguered taxpayer plays in homeland security, like there is some unlimited vault from the workers of America to pay for all of this.

Mr. Chairman, those on the other side of the aisle, by refusing to do anything about entitlement spending, have put us on a fiscal course to where the next generation won't even have a Department of Homeland Security. Let us learn the lessons of history or we will be condemned to repeat them.

One of the reasons that the Soviet Union, the evil empire, doesn't exist anymore is because their economy collapsed. They could not keep pace. Their workers could not produce what was necessary to defend that state. And now we are looking at our friends from this side of the aisle putting us on a fiscal course that would render our total inability to provide for a Department of Homeland Security.

Now, I know the easy thing to do is kick the can down the road, worry about the next election, don't worry about the next generation; but Mr. Chairman, I don't think that is worthy of this body.

Mr. Chairman, ultimately this comes down to the role of earmarks and our ability to fund this. As my colleague in the other body, Senator COBURN of Oklahoma, has said, earmarks are the gateway drug to spending addiction. Now, I know there are many good earmarks, there are many worthy earmarks; I myself do not request them. But for many Members they have become that gateway drug to spending addiction, making it more difficult to fund our homeland security. Those on the other side of the aisle campaigned for increased transparency, and all we are asking is that Members have the ability to strike at these.

Mr. ALTMIRE. Mr. Chairman, I move to strike the last word.

I can understand why there would be some confusion on the other side about why we would need to move these appropriations bills in a timely manner because, yes, the fiscal year starts October 1. So what is the urgency, I'm hearing.

I can understand why there is a lack of recognition of the urgency because in the 12 years, Mr. Chairman, that the Republican Party controlled this House, they were able to complete all the appropriations bills on time exactly zero times. They were unable to do it any time in the 12 years they controlled this House.

So, yes, I understand there is some confusion about the process and why it is important to get these bills out on time.

If anyone is interested, the last time that all the appropriations bills were completed on time was 1994, which perhaps, by coincidence, was the last time the Democrats controlled the process in this House. So we do understand the urgency of getting these bills done on time; and we do understand that October 1 is going to be here and we need to complete work on these bills.

Certainly, what has happened in the House the last couple of days, and I would expect is going to happen over the remaining course of the week, and perhaps months, does not bode well for our ability to do that because we are facing a lot of obstruction. I think it would be instructive to talk about what is actually in this bill rather than talk about the procedural gimmickry which is going on to prevent us from passing this bill.

The bipartisan Homeland Security Appropriations bill provides critical funding to improve the Nation's homeland security and implement the recommendations of the 9/11 Commission, which have languished for more than 4 years now. One of the first things we did in the first hours of this House was to vote to implement the 9/11 Commission recommendations. This bill moves us in that direction; it enables us to do that with the funding that is required. I don't think that is something that should wait any longer. We have already waited 4 years from those recommendations. We have waited almost 6 years since 9/11 to see this take place.

This legislation strengthens border security. I hear a lot of talk about border security and immigration. This bill provides emergency first responders with additional training and equipment, and improves aviation and port security, all important aspects of the 9/11 Commission recommendations.

We talk about immigration reform. This bill makes border security the top priority by devoting substantial resources to secure our borders not only against potential terrorists, but also to help stop the growing flood of illegal immigrants entering our country each and every day, totaling more than 12 million at this time.

In this bill, we invest in our Nation's most pressing security needs by hiring 3,000 additional border security agents. That's what we are talking about, we are going to secure the borders. We include $1 billion for fencing. I think that is as important to people on the other side of the aisle as it is to people on our side of the aisle. I don't know why they're delaying this; that $1 billion goes to fencing infrastructure and technology along the U.S.-Mexican border.

We commit $2.1 billion to illegal immigrant detention and removal. We hear about this ''catch and release'' program as part of the immigration debate. This bill stakes a step in solving that problem. We are in the process of debating that. Let's get it done. Let's stop all the delaying tactics. Let's get this bill done.

This bill provides $550 million in State homeland security grants which are used to hire, train, retain and equip emergency first responders. Is there anyone in this House who doesn't think that's an important priority that we should make a priority and get this bill through the legislative process?

This bill increases funding for firefighter assistance grants. Unfortunately, the President recommended a 55 percent reduction. We put that money back in because I don't know that we can come up with any more important segment of our society than our firefighters, the brave men and women who put their lives on the line every day here at home to keep us safe.

We improve aviation security by doubling the amount of cargo screening on passenger aircraft, another key recommendation of the 9/11 Commission. So these are not things that should be delayed.

We invest in port security by providing $400 million in grants to improve critical port facilities and infrastructure. And this Homeland Security Appropriations bill includes strong oversight measures to ensure careful spending of taxpayer dollars. I want you all to hear that: It eliminates the wasteful, no-bid contracts that have led to billions of dollars in losses.

The Acting CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. CARTER, and by unanimous consent, Mr. ALTMIRE was allowed to proceed for 1 additional minute.)

Mr. ALTMIRE. Mr. Chairman, what this bill does is give our brave men and

women who respond to emergencies the tools and resources they need to protect our communities. I can think of no better way to show the American people that we are committed to this.

I urge my colleagues to support this bill.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

I just wish to correct your mistake in your opening statement.

I have been serving on this committee for the last 2 years, and the House of Representatives has finished the appropriations process by the 4th of July both terms that I served in Congress. So I think the statement made as an opening was a mistake.

Mr. ALTMIRE. Reclaiming my time, that has not been the case. The House has not completed its work. These bills were not finished and implemented by October 1.

Mr. CARTER. I beg to differ. These bills were passed by the House of Representatives, in the last two terms I served on this committee, before the 4th of July. I think you can check with the subcommittee chairman, and he will agree with me on that.

Mr. ALTMIRE. The last time they were implemented on time was 1994.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in talking today about the Homeland Security Appropriations measure, I would like to echo what the gentleman from Texas was referring to. In the 2006 and 2005 calendar years, we did finish the appropriations measures, all 13 of them, or 10 of them, by July 4. We worked diligently. The House got through with its work on these appropriations bills.

There is probably no more important bill for the security of our homeland than this appropriations measure. There are some positive aspects in it, but the spending in it is mighty high.

It is my understanding that the gentlelady from Tennessee will be offering an amendment that focuses on one area that I feel needs additional expenditures of money, and that is with our secure border, the need for fencing, the need for technology there that will prevent the flood of illegals from coming into this country.

The focus of this legislation as a primary topic should be keeping illegal aliens out of this country. During the past several weeks, I have had more calls on that topic than any other measure. And I know a number of the calls, letters, e-mails and faxes were due to the other body's consideration of something called Comprehensive Immigration Reform, which was certainly a misnomer. It was nothing but amnesty, pure and simple, and the overwhelming majority of communications with my office are in opposition to any type of amnesty. They want a fence erected to keep illegal immigrants out.

You know, when we talk about earmarks, in my view there are some good earmarks and there are some bad earmarks. I'm sure that I have a perspective of my district. I like congressionally directed funding for items that benefit the 5th District of Virginia. And I'm sure if you went around the country, others would take a similar approach.

Some would have a policy of no earmarks at all. And let me say, if I get to define earmarks, it would be fine with me if we cut out earmarks right across the board. But some broad, general spending programs, in my view, could also be designated as earmarks. And if we were to follow the approach of the Representative from Texas and Arizona of eliminating all earmarks totally, there would be, in my view, less Federal spending.

There has been a lot of talk about transparency and the need for that with regard to earmarks. One of the things that would get more media attention, more newspaper focus, more television looking at the individual, congressionally directed spending requests would be if they were talked about, debated and voted on in committee. And then, when they came to the floor, those individuals, whether they are on the Democratic side of the aisle or the Republican side of the aisle, they could stand up and focus on these individual items and say whether they wanted them or whether they wanted to introduce amendments to strike them and remove them from the bill.

Those who advocate transparency, in my view would do well to follow a policy of putting in earmarks at the committee level, and then having them debated here on the floor.

I hope that as the appropriations process goes forward with other items of legislation beside homeland security, that we can follow that rule so that we would get much greater attention and focus and, in my view, transparency on earmarks.

In closing, I want to reiterate my support for the Blackburn amendment that will increase funding for the fence and for border security, and take it from certain other administrative areas in the Department of Homeland Security.

Mr. ISRAEL. Mr. Chairman, I move to strike the last word, and I would like to yield as much time as he may consume to the distinguished chairman of the subcommittee.

Mr. PRICE of North Carolina. I thank the gentleman for yielding. I will consume about 15 seconds just to respond to the question that was raised about the Republican track record in passing appropriations bills.

The gentleman might want to talk about when the Labor-HHS bill was passed last year. I think what he will find is that not only was it not passed by July 1, it was not passed at all.

Mr. ISRAEL. Reclaiming my time, Mr. Chairman, I understand that there is a legitimate debate on the question of earmarks. I understand it is a fair topic to be debated on the floor of the House. I understand, Mr. Chairman, that the other side would be defensive about this issue in that their abuses of the earmark process, and their bulldozing to passage of these earmarks resulted in so much excoriation by the press, and a lost election and the incarceration of their Members.

□ 1330

But, Mr. Chairman, there is a time and a place for debate on these issues, and this bill is not the time or the place. This is the Homeland Security appropriation, Mr. Chairman. This is the last bill that ought to be politicized.

Mr. Chairman, my congressional district lost over 100 people on September 11. Over 100 people. I went to more funerals than I thought was possible. My district is about 40 miles from where the Twin Towers used to stand. When my constituents go to New York City these days, they can't see the Twin Towers because we had no homeland security in 2001. When they go to New York City, it is without the people that they loved and knew. All they have left are the memories.

Mr. Chairman, what I believe is happening today is that the Members from the other side are dishonoring those memories and, in fact, compromising our homeland security by using this critical bill to keep us safe and sound and strong to score political points on and to delay on.

That is simply not acceptable. They are putting politics, Mr. Chairman, ahead of our homeland security. They are putting politics, Mr. Chairman, ahead of our national security. They are putting politics, Mr. Chairman, ahead of the memory of those who lost their lives on 9/11.

Now, I was in Pakistan just some time ago with the Appropriations Committee. I stood on the border between Pakistan and Afghanistan and learned that the Taliban is getting stronger, al Qaeda is resurging, Ansar al Islam is getting stronger and Jamah Islamayah is getting better. What is the other side doing over the past 48 hours? Spending 8 hours debating cuts to the General Counsel's Office in the Department of Homeland Security.

Al Qaeda and the Taliban are planning, plotting, and strategizing our demise; and the other side, Mr. Chairman, is spending 8 hours debating a cut in the costs of the General Counsel's Office in the Department of Homeland Security.

Mr. Chairman, forgive me if I sound frustrated. But I don't know how I can go back to my district in New York and explain to my constituents who attended funerals that instead of figuring

out how to strengthen our borders, we spent 8 hours debating the General Counsel's Office in the Department of Homeland Security; that while our enemies are planning to destroy us, the other side offered eight separate motions to rise yesterday; that while our enemies are figuring out how to plan our demise, the other side is figuring out how to delay the response. How can I possibly explain that to the families that I represent?

I don't begrudge the other side their right to debate earmarks. But not on this bill. This is the wrong bill. It is at the wrong time.

Mr. Chairman, I want to return all of us to that very dark day. Many of the gentlemen and the gentlewomen who are spending all of this time consumed in a debate over earmarks in a bill that has no earmarks, who are consumed on procedural motions, held hands on 9/11 that night on the steps of this building and pledged never again. We would never let this happen again. We will do what must be done. We will bear any burden and pay any price in the defense of liberty and freedom.

What has happened in the years since then? We are not willing to pay the price. We are not willing to bear the burden. The only burden is that we are going to be here through the weekend debating more motions to rise, more amendments that are nothing but, in my view, political cheap shots.

Mr. Chairman, this is not the time and the place. We need to pass this bill to strengthen America, not compromise America's security.

Mr. BARTON of Texas. I move to strike the last word.

Mr. Chairman, I want to bring a little bit of openness to this debate and this process. Those of us on the minority side are not concerned about the overall scope of the Homeland Security bill.

Chairman PRICE and Ranking Member ROGERS, I think, have done an outstanding job on the substance of the bill. But we are very concerned about the lack of openness and transparency on what are called ''earmarks,'' because the majority party campaigned specifically for openness and transparency on this particular issue, and this is the first appropriation bill, and there is no openness and transparency on earmarks.

So I am going to start a precedent at least for the Sixth Congressional District, which is the district that I represent. I am going to put my earmarks in the RECORD on this bill. I have two of them.

The first one is for the City of Arlington, Texas. It is a request for $10 million to replace all of the radio equipment and communication equipment for the City of Arlington Police Department so they meet the new Project 25 interoperability requirement. So that is my first earmark. The second earmark is also for the City of Arlington, Texas. It is a $2 million request for the Narcotics Task Force.

Now, my very first congressional earmark, way back in 1985, or maybe 1986, was to set up the first anti-drug Narcotics Task Force in Tarrant County.

I went to Jamie Whiten, who was the powerful chairman of the Appropriations Committee. I went to that corner office right off the floor and on trembling knees asked Mr. Whiten for $1 million to have the first anti-drug task force in Tarrant County, Texas, with the main city being Fort Worth in Arlington, Texas, and, lo and behold, I got it. So this request for $2 million is in a sense a continuation, an expansion. That task force has obviously expanded since the mid-1980s, but this is a $2 million request for the Narcotics Task Force.

I have also signed a delegation letter. I won't list every Member who signed it, but in Congressman EDWARDS' district down in College Station, Texas, Texas A&M is the home of a National Emergency Response and Rescue Training Center. I have asked, along with a number of other Members, for an additional $13 million for that national center.

Those are all my earmark requests. Under the new rules, I have to sign a letter, like every other Member, to Mr. PRICE and to Mr. ROGERS stating what my earmark request is, and then I certify that neither myself nor my spouse has any financial interest in this project.

So I want to put these earmark requests in the record so that at least one Member of Congress is being open and transparent in the process.

I want to say something about the process. There is absolutely nothing wrong with trying to make earmark requests open. But it is disingenuous, to say the least, to campaign on openness and transparency and then not deliver. I happen to think Chairman OBEY is doing an outstanding job. It is a tough job being chairman of the Appropriations Committee. Just ask former Chairman LEWIS. But to have one Member of Congress responsible for vetting every earmark request, and apparently this year the number is 32,000, which is an average of about 80 per Member, which is an average of about 7 per appropriations bill, that is an impossible task.

Let's come up with some system to put the earmarks in the bills as they come to the floor. Let there be a debate. Some would fall out, some would shift around, but the American people would know what the process is all about.

Mr. Chairman, I include my earmark requests for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.

Hon. DAVID PRICE,
Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.

Hon. HAROLD ROGERS,
Ranking Member, Subcommittee on Homeland Security, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: I am requesting funding for the Interoperable Law Enforcement Communications System in fiscal year 2008. The entity to receive funding for this project is the City of Arlington, located at 101 W. Abram Street, P.O. Box 90231, MS 01–0310, Arlington, TX 76004.

The funding would be used for replacing the Arlington Police Department's local radio system with new equipment which will allow Arlington Police officers to communicate with other agencies.

I certify that neither I nor my spouse has any financial interest in this project.

Sincerely,

JOE BARTON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.

Hon. DAVID PRICE,
Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.

Hon. HAROLD ROGERS,
Ranking Member, Subcommittee on Homeland Security, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: I am requesting funding for the Narcotics Task Force in fiscal year 2008. The entity to receive funding for this project is the City of Arlington, located at 101 W. Abram Street, P.O. Box 90231, MS 01–0310, Arlington, TX 76004.

The funding would be used to allow the Arlington Police Department to coordinate with HIDTA, the DEA, and regional task forces to conduct focused interdiction initiatives combating drug trafficking in Arlington and the surrounding area.

I certify that neither I nor my spouse has any financial interest in this project.

Sincerely,

JOE BARTON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2007.

Hon. DAVID PRICE,
Chairman, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.

Hon. HAROLD ROGERS,
Ranking Member, Subcommittee on Homeland Security, House Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN PRICE AND RANKING MEMBER ROGERS: The purpose of this letter is to request funding for the following projects in the FY'08 Homeland Security Appropriations bill under the consideration of your Subcommittee. I have listed the projects in order of greatest priority.

First priority: City of Arlington. Texas: Interoperable Law Enforcement Communications System $10.0M

Any federal funding received will be used for an Interoperable Law Enforcement Communications System. The proposed project

would provide the basis for a regional communications system through the acquisition of state-of-the-art technology that adheres to recently drafted federal specifications for interoperability, Project 25. The Project 25 standard allows agencies to purchase communications equipment from any manufacturer and be assured that it is designed to achieve interoperability with other Project 25 compliant systems. It is expected that this amount of funding will be required to completely replace Arlington's communications system with technology that can serve as the backbone for a regional Project 25 compliant system.

Police and other public safety employees rely on an array of wireless voice communications (mobile radios, portable radios, base-stations, cell phones and pagers) to conduct day-to-day activities as well as respond to major emergencies, catastrophic events and disasters, both natural and man-made. Traditionally, most law enforcement agencies and jurisdictions have chosen to finance, install and maintain their own communications systems. As a result, the systems are purchased from different suppliers/manufacturers, operate on different radio frequencies and utilize a broad range of underlying technologies and architectures. The result has been inoperability (or inability to communicate) between jurisdictions.

Problems caused by lack of interoperability are particularly acute during large scale events that necessitate the involvement of personnel from multiple agencies and jurisdictions. This is commonly referred to as ''mutual aid'' in the public safety profession. Mutual aid events can come about due to unplanned events such as large-scale accidents, natural disaster, civil insurrection/riot, or major crime event or terrorist attack. Mutual aid situations can also be the result of major sporting events, political conventions or large scale celebrations. Regardless of its source, interoperability is critical to an effective response to large scale events and mutual aid situations.

Second priority: City of Arlington, Texas: Narcotics Task Force $2.0M

Any federal funding received will be used to fund a comprehensive, cooperative interdiction program in Arlington, Texas. Funds would be utilized for personal protection equipment for officers who find clandestine labs, surveillance equipment, drug dogs, specialized K–9 vehicles and related equipment, personnel, training, and other related services.

Narcotic trafficking is a multi-jurisdictional problem requiring a task force approach to ensure coordination among numerous law enforcement agencies. The Tarrant County Narcotics Intelligence Coordination Unit (TCNICU) was formed in 1988 to work these complex narcotics cases. Due to a new requirement that federally-funded narcotics task forces be multi-county as well as multi-agency, the TCNICU expanded to include Ellis County during 2003. Its name was changed to Metro Narcotics Intelligence Coordination Unit (MNICU), and the Department of Public Safety (DPS) now has operational control/oversight of the task force.

This task force is supported through Byrne Funds, funneled through the Governor's Office (Criminal Justice Division). These funds were depleted in March 2006 and no other funding sources have been identified. The City's current agreements with HIDTA and DEA cover only overtime expenses.

Major drug trafficking routes run from Mexico through the Metroplex to other states. The HIDTA Interdiction programs instituted along Interstate 35 have been very successful. Interstate 20, Interstate 30 and State Highway 360 are major thoroughfares in the heart of the Sixth District for drug traffickers transporting their wares to Dallas and Fort Worth and beyond. Additional funding is requested to create a comprehensive program.

Thank you for your kind consideration of these projects. If you have any questions or concerns, please feel free to contact me or my Legislative Assistant, Aarti Shah.

Sincerely,

JOE BARTON,
Member of Congress.

MARCH 16, 2007.

Hon. DAVID PRICE,
Chairman, Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our strong support for a $13 million increase over last year's funding in the FY 2008 Homeland Security Appropriation Bill for the National Emergency Response and Rescue Training Center (NERRTC), a lead member of the National Domestic Preparedness Consortium (NDPC). NERRTC, established in 1998, is a member of The Texas A&M University System, and is located in College Station, Texas.

The other non-federal members of the NDPC include the Counter Terrorism Operations Support (CTOS) at the Nevada Test Site (NTS); Energetic Materials Research and Training Center (EMRTC) at the New Mexico Institute of Mining and Technology; and National Center for Biomedical Research and Training (NCBRT) at Louisiana State University (LSU). The Consortium coordinates and integrates their training efforts to ensure the optimal use of federal funds appropriated for the purpose of providing a focused, threat responsive, long-term national capability for our emergency responders.

The FY 2007 Appropriations Bill provided $22 million for NERRTC, as part of the $88 million allocation for the four non-federal members of the NDPC. Unfortunately, the President's FY 2008 budget proposes a significant decrease in funding levels for the Consortium, reducing the total allocation for the NDPC to $38 million, to be awarded on a competitive basis. The states would be required to incur training costs to purchase required training that has historically been fully-funded by the Office of Grants and Training (G&T) through the Consortium. The states have received no impetus to purchase the specialized training, which only the Consortium provides.

Under this new training direction for the G&T, responsibility for all three levels of WMD/terrorism training (awareness, performance, and planning/management) will shift from DHS to local jurisdictions. This shift would result in the loss of uniform training standards and the certified training programs that have been developed. Additionally, given the proposed changes in FY 2008 funding for the State Formula Grant Program, the new training strategy could impact the states' ability to meet needed training requirements.

We strongly believe that the current training strategy, which has been successfully implemented by G&T through the Consortium for the past nine years, continues to be an effective tool for our nation. To date, NERRTC has trained in every State and U.S. Territory, reaching more than 7,400 jurisdictions and over 204,000 participants. The entire Consortium has trained over 700,000 emergency responders through a nationally validated curriculum. This model has reached all disciplines necessary for national preparedness, including fire, law enforcement, EMS, hazardous materials, public works, public health, emergency managers and senior officials. The model is effective and provides for consistency in standards and curriculum.

The national demand for NERRTC specialized training programs, as well as the specialized training programs provided by the other members of the Consortium, continues to grow at a rapid pace. For FY 2008, $35 million is requested to increase current support to G&T and program delivery, to meet the documented national needs and requests from states, to expand training deliveries to our local and state emergency responders.

We appreciate your consideration of this critical national project and its significant contributions to enhancing our homeland security.

Sincerely,

Mr. Chairman, I would be happy to yield to Mr. MCHENRY any time that I have remaining.

Mr. MCHENRY. Mr. Chairman, I thank my colleague from Texas.

Mr. Chairman, the important part here is that we say very clearly to the American people that we should know where the dollars and cents that our Federal taxpayers are funding for their government is going. That includes the important programs of this government. But it very much is important to the American people to give scrutiny to these pork-barrel projects and earmarks contained within these billion-dollar bills. The bill before us today is $36 billion in spending. I think it is worthy and worthwhile that we spend a little time giving this legislation scrutiny.

Mr. KLINE of Minnesota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been a fascinating debate. I have heard, unfortunately, some language that I certainly find offensive, that we are dishonoring, for example, those who have died in this country. I certainly don't believe that is the case. I don't understand how our insistence on making sure that we are appropriating the taxpayers' dollars responsibly dishonors anyone.

Repeatedly I have heard that in this bill there are no earmarks. Again, I would reiterate, that is the point. We simply don't know if that is the case. The gentleman from Texas just stood down here and said he has requests for two earmarks in this bill. I don't know how many earmarks will end up at the end of the process, and, frankly, none of us do, because there is no transparency and we do not have visibility into this very, very flawed system for Members' projects for earmarks.

Mr. Chairman, I know that my dear friend and colleague from North Carolina would like the opportunity to talk about his amendment and this process once again, so I would be happy to yield the remainder of my time to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague from Minnesota.

Mr. Chairman, I think we need to have a serious discussion here on the floor today, as we did yesterday. There have been some accusations about what we did when we were in the majority. But, look, let's face it, there is a new majority. There is a new regime in town. They called for a new direction. I guess there is a new direction. Congress' approval ratings are the lowest they have been in decades.

Nothing has been achieved in this Congress. In fact, the Democrats' agenda, the Six for 06, the vaunted Six for 06 agenda, has been Zero in 06. Zero of these bills have been enacted into law.

So it is wonderful for the Democrats to point at the Republicans. But, let's face it, the Democrats are in the majority, and it is their obligation to govern, and they have not yet done it.

They spent 133 days in power, the new Democrat majority, and what have they done? Well, they had a lot of debate about whether or not to defund the troops who are in harm's way. They played politics with the troops. But yet they didn't take any time at all to review the earmarks in this bill. They have had 133 days. The chairman of the Appropriations Committee has had 133 days to review these earmarks, but yet he will not open it up to public scrutiny.

All we are asking for these earmarks and for this Democrat excessive spending is for it to see the light of day so the American people can see what their money is going towards. So while they play politics with funding the troops, they do nothing when it comes to pork-barrel spending. They do nothing when it comes to earmarks. They do nothing to control spending. They do nothing to enact their vaunted Six for 06 agenda.

Mr. Chairman, I think the American people need to understand what this new Democrat majority, this new direction, is all about. It is about politics. It is about politics. And what we are talking about here today, what Republicans and conservatives are saying is that we need to have those earmarks laid out for public scrutiny so the press and Members of this body can actually see what the chairman wants to insert at the 11th hour in this legislation. We want to see what is in that slush fund within this bill. We want to see where our tax dollars are going. But we also want to spend. Beyond that, we want to make sure this money is appropriated wisely.

What the ranking member on this subcommittee has said is there is too much spending. We have got too many bureaucrats being thrown into the Department of Homeland Security. This money is not being spent wisely. It is not being spent in the right ways. We are not funding defense like we should. We are not funding border security like we should. We are not funding intelligence capabilities like we should. Yet there is a large increase in spending in this appropriations bill. Where is it going? Where is it going?

□ 1345

And where is that money, that slush fund, going? I think the American people, not just my colleagues in the House, not just the committee chairmen, not just a committee, but all the American people deserve to see where their money is going. That's the right thing.

That's what we're debating about here today and what we were debating about last night. And while the Democrats forced us to go into 2:00 a.m. voting on this House floor, in the middle of the night, voting on important matters of public policy, the Speaker sleeps. While we were forced to stay here until 2:00 a.m., voting on procedural motions to hold the Democrats accountable, the Speaker slept.

Mr. RYAN of Ohio. Mr. Chairman, I move to strike the last word.

I appreciate my good friend from North Carolina. We've been out here a bunch together. First, he says, well, this is politics. This is not politics. This is governing, something you on the other side know very, very little about.

Mr. MCHENRY. Mr. Chairman, the gentleman should address his remarks to the Chair.

The Acting CHAIRMAN. The gentleman is correct.

The Chair would ask the gentleman from Ohio to address his remarks to the Chair.

Mr. RYAN of Ohio. Mr. Chairman, my friends on the other side were saying that this is about politics, and I would like to say that this is not about politics. This is about governing, Mr. Chairman, something the Republicans in Congress know very, very little about.

Now, we have heard lectures today about spending too much money. $4 trillion under the Republican watch, Mr. Chairman, borrowed from China, Japan and OPEC countries with a Republican House, a Republican Senate, a Republican President. Mr. Chairman, I hope the Republicans will spare us the lectures on fiscal responsibility.

And then, Mr. Chairman, they start saying that, well, you're spending it, but you're not spending it right. You can spare us the lectures on spending. Need we bring up Katrina, need we bring up Iraq, Mr. Chairman? We don't really need lectures from the most blatantly irresponsible spending Congress in the history of this illustrious body.

Now, the Homeland Security Department was created by the Republican Party, Mr. Chairman. They ran on it. They ran campaigns against Max Cleland on it. They created it. And so now they're saying that if we actually fund it to protect the country, that somehow we're doing something wrong. That's what you do with programs that work; you fund them.

And now more to the point of what I think the real substance of this argument is really all about: The National Intelligence Estimate said that the war in Iraq has created more terrorists around the globe. That means, Mr. Chairman, that there are more terrorists out there now than there were before, and they're all coming to get us here in the United States. President Bush even says all the time, You know, if we don't fight 'em over there, they're going to come over here and get us.

So what we're trying to do in this bill is to protect the homeland. We're trying to protect against all those terrorists that have been created in the last 5 years, that have joined al Qaeda and all of these other groups that now want to come over here. We're trying to actually protect the homeland.

So we want to secure the ports. We want to make sure we have the first responders. You're impeding progress with the shenanigans that have been going on here the last 24 hours.

Mr. MCHENRY. Will the gentleman yield?

Mr. RYAN of Ohio. I will not yield.

The problem with this is that God forbid something does happen in this country. Every minute that we waste here is 1 more minute that the terrorists get to attack this country without the proper port security, without the proper border security.

So as you delay and you move to rise and you move to adjourn—

The Acting CHAIRMAN. The gentleman will address his remarks to the Chair.

Mr. RYAN of Ohio. Mr. Chairman, as the Republicans move to rise, as they move to adjourn, as they try to filibuster, that is just buying time for these programs not to get implemented. And God forbid the American people, after another attack, come to us and say, what were you doing? Why didn't you have the technology on the ports? The Republicans are going to have to go back home to their district and say, we were filibustering this bill.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. RYAN of Ohio. I will not yield. You guys have had the floor for 24 hours. You could let us say a few words.

The bottom line is this: The new Democratic Congress has fulfilled the promises that we have made, Mr. Chairman. Passed the minimum wage, cut student loan interest rates in half, security issues. When you look at the budgets that we have passed, the largest increase in veterans spending in the history of the VA to take care of those soldiers who are out there, a $500 to $600 increase in the Pell Grant, fully funding Head Start, SCHIP, Even

Start, after-school programs, investment in alternative energy sources.

If I was you, I wouldn't want our bills to pass either, because when these pass and we take it to the American people, Mr. Chairman, our friends on the other side are going to wish they would have had the level of competence that the Democrats have.

Mr. BURGESS. Mr. Chairman, I move to strike the requisite number of words.

I come to the floor because of the inspiration of the ranking member of my committee, the Committee on Energy and Commerce, who came and disclosed for the body the earmarks that he had in the bill. I would like to take this opportunity to disclose the earmarks that I have in the homeland security bill as reported to me by my staff. The number is zero.

But, still, the argument that goes on here today is important. We just heard a scholarly discussion about the budget that was passed by the new majority. The reality is, a lot of those fully funding issues are in what are called ''reserve funds.'' The gentleman mentioned specifically SCHIP. We have been working on that in my committee for months now. I will tell you, the funds are not there. The reserve funds are sort of like sending a get-well card to a Federal program that is going to expire on September 30 of this year because we have not yet done the work to extend it.

Mr. Chairman, I also feel obligated to point out that certainly there are many times during the last 4 years that I have been here, again as just a simple country doctor who came to Congress, but there have been many times that I have been here that I have felt that our side was spending too much money. However many times I felt that way, I cannot escape the feeling that now we are fixing to spend that and a great deal more, and that does sadden me.

I think, more to the point, the bill that is under discussion today is a bill that is extremely important to this country, and I think it is a shame that a new majority that campaigned on the concept of openness and being transparent about the process now has decided that there is value in opacity and intends to obscure the process as much as they possibly can.

It is one thing to decide that that is the correct way to govern, but don't campaign on that issue. Don't promise what you can't deliver. If you cannot be open about your method of governing, then please don't run on that as an issue in the future.

Mr. Chairman, I would now like to yield as much time as I have remaining to the gentleman from North Carolina.

Mr. MCHENRY. I appreciate my colleague from Texas for yielding.

I want to respond to my colleague and friend from Ohio. He does a wonderful job at oratory. His facts are a little off, Mr. Chairman, I must say. He forgot in his list of these wonderful things the Democrat Congress has done, because, let's face it, it is a nice long list of things that they have said that they would do. Actually, they haven't implemented many of the things that he claims, Mr. Chairman. The one thing on his list he forgets, though, is the largest tax increase in American history. I don't know why he doesn't brag about that.

But he actually points out something that is very important to realize. The Democrats have done part of what they've said. They campaigned on increasing the size and scope of government, Mr. Chairman, and they've done that. They're working to do that.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MCHENRY. In just a second. In just a moment.

Mr. BURGESS. The gentleman from Texas controls the time and, no, he will not yield.

Mr. RYAN of Ohio. Will the gentleman from Texas yield?

Mr. BURGESS. No, I will not.

Mr. MCHENRY. Let me just say this. The largest tax increase in American history, that is really the backdrop of these spending bills.

The gentleman points out an interesting quandary, I must say. He says that Republicans are delaying the implementation of homeland security funding. The Department is funded through October 1. Beyond that, if it were important for us to put our priorities first, we would start, Mr. Chairman, with the Department of Defense, for national defense purposes. Instead, he's pulling a political game on us, Mr. Chairman, to simply say that we are harming national security because we're trying to restrain pork-barrel spending within this appropriation.

He actually points out a very important thing the American people need to understand. If the Democrats wanted to focus on priorities, we would have started with homeland security and national defense on day one. Instead, the new Democrat majority played politics with our troops in harm's way in Iraq and Afghanistan. They played politics with that funding, Mr. Chairman. They played politics for 100 days. And they're continuing to play politics with the funding for our troops in harm's way, Mr. Chairman. And we should oppose that.

And the American people are reacting to that. They don't want to defund our troops in harm's way. They don't want to do that.

I would ask my colleague from Texas, to, if he would, yield for 15 seconds to the gentleman from Ohio for his comment or question, because that is much more generous than he did earlier. And I would love to respond to what he says or claims.

Mr. BURGESS. In fact, I will be happy to yield, but let me just reclaim my time for a moment.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. BURGESS was allowed to proceed for 1 additional minute.)

Mr. BURGESS. I have no earmark in this bill, but had I had an earmark in this bill, I would have had to submit that the middle of March, 3 months ago.

As the gentleman from North Carolina so correctly points out, this is not new information. This information has been percolating somewhere within the committee for the last 3 months' time.

Mr. Chairman, I will be glad to yield the remainder of my time to the gentleman from Ohio.

Mr. RYAN of Ohio. I thank the gentleman for his courtesy. The reason the gentleman from Texas doesn't have an earmark in this bill is because there are no earmarks in this bill.

Mr. BURGESS. Reclaiming my time, the ranking member of my committee came to the floor and said he had two earmarks in the bill. So I submit to you that there are earmarks in the bill, and we should be discussing that; that should be part of the new open and transparent Congress.

Mr. COHEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Just to clarify. The ranking member submitted earmarks. There are no earmarks in the bill. That's a clear difference.

I ask my friend from North Carolina, what do you want to cut out of this bill? The Border Patrol? The 3,000 Border Patrol agents? Do you want to get rid of the technology that we're going to have on the ports to scan cargo coming in? Is that what you want to cut? Do you want to cut the money that we're giving to our first responders?

Mr. Chairman, exactly what is it that you don't like about this bill? There are no earmarks and we're funding programs that are going to protect the homeland.

Now, we understand clearly, Mr. Chairman, that our friends on the other side have had a difficult time governing the country. That doesn't mean they have to impede us from doing it.

Mr. COHEN. Mr. Chairman, the Homeland Security Appropriations bill addresses not only the threat of terrorist activity, but funding for States and communities to confront the threat and real consequences of natural disasters and emergency situations.

Hurricane Katrina was one disaster. The response of the Federal Government to Katrina was another disaster. While the world watched, our citizens were left to fend for themselves. I live in a city that sits at the epicenter of the New Madrid fault zone. Historically, this area has been the site of

some of the largest earthquakes in North America. Scientists believe we could be overdue for a large earthquake and through research and public awareness may be able to prevent terrible losses of life and property.

Also, Memphis is built on the banks of the Mississippi, and as every river town knows, we must be vigilant to ensure that the river remains our friend. And Tennessee is one of the States most frequently hit with tornadoes and destructive straight-line winds.

I am pleased to support the Homeland Security Appropriations bill because it provides for the needs of our citizens to ensure that their government will be vigilant in protecting them not only from terrorists, imagined and real, but by preparing for emergencies and being there in the aftermath of disasters. We don't need to just say, there's been a ''heckuva job'' done, but we need to make sure that the job is done.

Mr. Chairman, we were here until 2 o'clock this morning because of dilatory moves on the other side. We need to come together and pass a homeland security bill that protects our cities and our States from natural disasters and protects our country from terrorists, imagined and real. This is a bill we need to pass for America and make America proud of this United States Congress.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, part of our process in this country as a Republic and one reason we broke away from a monarchy was because of the fact that Americans, by nature, want things in the public view.

□ 1400

Back in the days of the king, the king made all of the decisions and he made them based on any reason or lack of reason the king wished.

Americans want their government to be public. That's why this House meets in public instead of in a back room someplace, because when you meet in back rooms, things seem to happen that are not in the favor or the benefit of the public or the American people.

And in this whole appropriations process, the American public is watching us and we are being asked to appropriate billions of dollars for different projects, appropriations bills; but yet we don't know where the money is going. Now, most Americans probably would find that difficult to understand. I find that difficult to understand. Why you would ever appropriate taxpayer money, set it out here in some fund, you can call it a slush fund or a sludge fund it makes no difference. We don't know where the money is going. We are being told trust us, we are the government; we will decide later how to spend your money. Trust us.

And how is that decision going to be made? It is going to be made really by one person and his staff, a good person no doubt, but will that decision be made upon partisan politics, how these false, fake, secret earmarks are going to be determined? Will it be based upon longevity in the House? Will it be based upon where a person happens to live in the United States? Will it be based upon other factors that are subjective as opposed to objective? Who knows. We don't know because we don't know, first of all, where the money is going and how those decisions will be made.

But we are all asked in this House, including those on the other side, to write a letter and ask for one earmark, and then that letter will be reviewed by the staff. And the staff will meet with the one Member of Congress and the decision will be made whether to grant or not grant that earmark.

It seems to me that one person should not have that ability, that authority, that power. It goes back to the phrase from Orwell's ''Animal Farm'' that all animals are equal, but some animals are more equal than others. And this is probably one of those examples.

So why not be open about it? Why not be democratic about it and air those public earmarks in the public sector. Let's argue and debate them on the House floor. Let's vote them up, let's vote them down, but let the American people see exactly what those earmarks are and then they can see where we stand and see how we vote as 435 as opposed to one person.

So deals made in back rooms are not good deals for the American public. All we are asking in this legislative body is that we take the taxpayers' money and we tell them up front where that money is going to be spent before we take it away from the taxpayers and say trust us, we are from the Federal Government, we are here to help you.

Mr. Chairman, I yield to Judge CARTER.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding.

This has been a stimulating debate, and I want to thank my colleagues on the other side of the aisle for joining in this debate. Yesterday evening we were accused of delaying and taking up all of the time, and I think we have equally shared the time this morning, and I am very proud to have the help of the Democrats on the other side of the aisle in continuing this debate because I think it is important that we hear from all sides. In fact, that is what this is all about.

We keep talking about us, but I think that the Democratic Representatives on the other side of the aisle individually have the same right to see and debate these earmarks as the people on the Republican side of the aisle. I am not arguing this point only for Republicans. I believe that the individual Members who are elected by the people in their district to make sure they are on top of spending have the same right.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is amazing because a lot of us sat here last night until 2 in the morning and watched the Republican minority file motion after motion for us to rise so we wouldn't take up a Homeland Security bill that has no earmarks.

What they did was slow us down on trying to have a bill passed by October 1, which they have had trouble when they were 12 years in the majority. That is why we had to live under continuing resolutions, and continue to live under one because of their governance last year.

The Homeland Security bill has 300 new Border Patrol agents. It would be nice on October 1 if this bill was signed into law so we would have those Border Patrol agents on the border, in our airports and in our ports.

They are delaying the planning for the first responders, whether in the city of Houston where I come from, or the State of Texas where my three colleagues who spoke earlier on how bad earmarks were, or the bill provides protection from explosive systems for our airports, including Dallas-Fort Worth and Houston.

This is delaying $400 million for port security, including the Port of Houston, the number one foreign-tonnage port. We are doing some great things in the Port of Houston. It is because we put the community together, the business community and all government agencies, Republican and Democrats. I wish we could see that in Washington. But we didn't see that last night. We saw delay after delay in not taking up this bill. So we are putting it off so they can make a point of how bad earmarks are.

But the House Republicans don't want to talk about those issues. They want to talk about how they want to bring the light of day into earmarks. Well, for 12 years they didn't want the light of day in earmarks. They were the king. They were the emperor of earmarks. I have watched for many years what happened over those 12 years with the earmarks and the ones that were shut out in the minority.

I think what they are concerned about is that we may do to them what they did to the Democrats for 12 years, but that is not our intent. All we want is to be able to see them, the public.

I have requested earmarks, and I am proud to say I have received them for our district. I don't mind publicizing them. In fact, I will do it in any manner required, instead of airdropping them in like they previously did in the appropriations bills.

I think that conversion we saw, maybe it started with the November election, but we are seeing it now, that conversion is almost as amazing as Saul's conversion on the road to Damascus, from Saul being a persecutor

of Christians to becoming Paul, the Lord works in mysterious ways; but I don't think it is so mysterious. I think what we are seeing is after 12 years of being dictators in this House, now they are afraid the same rules are going to be used against them.

For 3 years, I have requested $250,000 in an earmark for a prenatal machine to treat mothers, poor mothers, to be able to get a new piece of equipment so we can do prenatal planning. $250,000. Health and Human Services has stripped out Democratic earmarks for a number of years. I don't intend to do that. I am not an appropriator, but I hope our Appropriations Committee doesn't do that. I am not ashamed to say that I asked for that earmark again this year for that prenatal machine.

Or for $250,000 for a diabetes program in Harris County to help what our local community is doing. I have asked for $250,000 for immunizations. The reason we have earmarks is that I don't want to appropriate all that money and send to Health and Human Services, and say, by the way, I sure would like you to help diabetes and immunizations in Harris County in Houston, Texas. Or maybe help pay for part of a machine for prenatal care.

Mr. Chairman, do I still control the time on the floor of the House?

The Acting CHAIRMAN. The gentleman from Texas has the time.

Mr. GENE GREEN of Texas. It is my understanding that Members cannot rise while other Members have the floor of the House.

The Acting CHAIRMAN. A Member may seek to be yielded to. The gentleman from Texas may continue.

Mr. GENE GREEN of Texas. Mr. Chairman, we all have to obey the rules, whether Republican or Democrat; and that is what we are trying to say. We want to pass the appropriations bills before October 1. In the majority for 12 years, they couldn't do it. They put in earmarks all over the appropriations process, and yet stripped out Democrats. I don't want us to do that, but I do want us to have some legislative ability to say we have projects in our district that are important. If I am willing to say, yes, I want them and I will publicize them, then why shouldn't we be able to have an elected official make that decision instead of the bureaucracy that may still be under the President. But the now Republican minority put earmarks in even when they were in the majority, so that is what this debate is about.

They don't want us to pass these bills but we need to do it for the American people, particularly Homeland Security.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened to the remarks of the gentleman, and I think he had some good points to make, but I do just want to point out that under the Republicans, the Democrat minority was allowed to determine which of their projects got funded. If Democrat projects were stripped out, it wasn't done by the Republicans; it was done by the Democrats on the leadership in the Appropriations Committee. I think this is important to understand. We didn't interfere with what Democrat priorities were, as I understand it. You got a certain percentage and were able to determine your own priorities.

I would say to the gentleman who just spoke, I think he may be blaming us for something that we didn't do.

Now, I am not here to lead a crusade against earmarks. The Constitution clearly specifies that the legislative branch is in control of spending for the government. We are entitled to set our priorities, and we would not be doing our jobs as Representatives if we did not indeed set those priorities.

I do want to note with some of the things that have been said, in the final year of Republican control of the United States Congress, we cut nondefense discretionary spending for the first time in 19 years. The hardest thing we ever have done in Congress, you or we have done, is to cut spending. It is very, very difficult.

Having said that, last year we actually accomplished it, and nobody knew it so I am going to say it here again today: the first time in 19 years, through the leadership of JERRY LEWIS and the Appropriations Committee, we cut nondefense discretionary spending, the first time in 19 years.

We did not cut mandatory spending, but we worked hard to slow the growth curve, and we did that. Mandatory spending, by the way, is where two-thirds of all spending actually occurs. And for the first time in 9 years, we slowed the growth of mandatory spending. Those are two huge accomplishments. I hope that the Democrat majority in the time they have will be able to show a similar accomplishment. I am not encouraged so far by what I see. I think with all of their rhetoric about openness and transparency and curbing earmarks, it bodes very ill, despite that rhetoric, in trying to tar and feather the Republicans with these slanderous statements that they have, indeed, overturned their own process and they are going to airdrop in the earmarks in the conference committee.

Yes, it has been asserted there are no earmarks in this Homeland Security bill. That is right, but there will be, and they will be in this bill in the conference report where all we can do is vote ''yes'' or ''no,'' no chance to amend or affect the process. That goes completely against what the majority party asserted would be their policy. And we have to keep calling attention to this to have the world understand what is going on here. This is fundamental to the consideration of all the other appropriations bills. We have to get this process established.

They ran their campaigns last November on the idea that the earmarks are going to be open and accountable, and the first thing they did was to go way back in time and do something where they are completely shielded from public view until the last minute when they get dropped in. That is wrong. We will not accept that, and we will not go easily into that good night until and unless you reform that policy. It is completely unacceptable to campaign about openness and transparency for earmarks, and then to go in exactly the opposite direction, have no openness and no transparency and no accountability.

□ 1415

That is very, very wrong, and I hope that people will clearly see that.

Mr. Chairman, I yield any remaining time that I have to Mr. MCHENRY, if he would care to offer any additional insights.

Mr. MCHENRY. Mr. Chairman, I thank my colleague from California, to reiterate my earlier point, which is, we need to lay clear these earmarks. We need to know what they are in the legislation so that the American people can judge for themselves the worthiness of the programs and the money allocated for them.

Now, we just want a clear, open, transparent process which is what the new majority, what the new Speaker campaigned upon.

Now, we had this long debate last night after 10 o'clock. We went on for hours and hours and hours about this process until after 2 in the morning. Now, I understand the Speaker went home to sleep and the rest of us sat here and debated, but that's a whole other issue. If the Speaker had been here, Mr. Chairman, they would know that this is an important debate for the American people to hear.

Ms. GIFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it's important to really focus on the substance of this bill, and I rise today in strong support of this Homeland Security bill.

I represent southern Arizona. My district, the 8th Congressional District, shares 120 miles with the country of Mexico. We are facing a security and immigration crisis in my district and across the Nation. The flood of illegal immigrants and drug trafficking continues to place an undue burden on not just our health care system but our schools, our first responders and on our local law enforcement.

Currently, the Tucson sector is the most porous section along the U.S.-Mexico border. On average, every day the Border Patrol apprehends about 2,000 illegal immigrants and approximately 2,500 pounds of drugs. While

most illegal immigrants are coming here for economic opportunities and don't want to do harm to anyone, probably about 10 percent are involved in criminal activities.

Nationally, the Border Patrol arrests 1 million illegal immigrants annually and seizes over 1 million pounds of marijuana and 15 to 20 tons of cocaine.

Smugglers' methods, routes and modes of transportation are potential vulnerabilities that can be exploited by terrorists attempting to do the American people harm.

Border security must be strengthened, and all of the options for accomplishing this must be on the table. Success requires a multifaceted approach. We need to build fences, we need to deploy sensors, we need to utilize the latest technologies, such as UAVs, and take advantage of advanced technology in terms of detection.

I'm pleased that this legislation makes border security a priority and provides the funding that we badly need along the U.S.-Mexico border. The improved border security that this bill will fund is a crucial component in passing comprehensive immigration reform that is tough, practical and effective. I hope to work with my colleagues on both sides of the aisle to pass legislation later that includes components of border security, along with comprehensive immigration reform.

Now, the bill that we are discussing today provides $8.8 billion for the Customs and Border Protection agency, which is $50 million above the President's request, and $647 million, nearly 8 percent, above fiscal year 2007. It provides funding for 3,000 additional Border Patrol agents, and this will bring the total number of Border Patrol agents up to 17,819 by the end of fiscal year 2008.

This bill also funds the SBI, the Secure Border Initiative. This is going to be rolling out in Sasabe in southern Arizona, and it funds this initiative at the President's requested level of $1 billion. It requires the Department of Homeland Security to justify how it plans to use these funds to achieve operational control of our borders.

So I urge my colleagues to pass and I urge the President to sign this very important legislation. Our border communities urgently need this funding to stem violence and lawlessness and prevent terrorism that could possibly impact the United States along the southern border.

I urge the Members on both sides of the aisle to move forward on this legislation.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

This debate that began yesterday and continues today is really about two things. One thing we've heard a lot about here recently in the last few speeches that people have given is whether or not the majority party wants to have earmark spending that is secret and that is not subject to individual vote. We believe that such spending ought not to be secret and ought to be subject to an individual vote. That's one thing.

But there is another thing, and that is that this bill simply spends too much. This bill has an increase in it, and I know the gentleman from North Carolina and I had a discussion on this yesterday. Let's just talk about the nonemergency spending.

This bill increases spending from year to year by 13.6 percent. Again, that is a lot. It is a lot more than inflation, which has been running under 3 percent. It is a lot more than most people see as an increase in their salaries. Why, in fact, if someone out there listening, Mr. Chairman, makes $15 an hour, if they were to get a similar increase this year, they would make over $17 an hour next year. I mean, most people out there making $15 an hour would love an increase to $17 an hour, but they're probably not going to get a $2 increase, but yet this bill proposes to expand the spending by 13.6 percent.

Now, people on the other side of the aisle, Democrats that continually criticize our amendments and the things we're talking about by saying that we are cutting spending, the two amendments before us right now and the previous amendments we voted on last night and most of the amendments, if not all, that we're going to see later, are not cutting anything. They are slowing the growth. If you get $1 a month and somebody gives you $2 a month, that's an increase; it's not a cut. But they keep saying cut on the other side of the aisle so much that I believe perhaps a little visual assistance is required.

So, Mr. Chairman, I just want to make this very, very clear. One equals one. If you are getting $1 and you still get $1, that is not a cut. That's the same amount of money that you had before. Two is actually more than one. So that if you were getting $1 and now you get $2, that also is not a cut, even if you wanted $3. Because what Members on the Democratic side of the aisle continue to say is, oh, we're getting one, we want three, you're only going to give us two and so, therefore, it's a cut. No, it is not. One equals one, two is more than one, regardless of what you want.

Mr. ROGERS will propose an amendment later that has already been described by the other side as a massive cut, except it will leave a 7 percent increase, I believe, roughly, in spending in this bill. A 7 percent increase from year to year is not a cut.

The amendment that is before us right now, Mr. MCHENRY's amendment, proposes to spend less money than the bill before us on the Secretary's bureaucratic operation, but it actually allows the Secretary's bureaucrats to spend more than they spent last year. That, again, is not a cut.

So, Mr. Chairman, let us make it clear here that Republicans are not proposing to cut this bill. We are not proposing to cut spending in the Department of Homeland Security. We are proposing to increase it at a rate which is sustainable because if you continue to increase things at 13.6 percent a year, then that requires that everyone out there who's making that $15 an hour get a raise to $17 and give it all to the government in order to keep paying for this sort of increase. American taxpayers cannot afford that kind of increase after increase after increase.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree we should be debating substantively whether or not we have reached perfection in the amount of resources we have put to homeland security, and if Members on the other side think that no additional funding for homeland security is necessary, no additional border guards, no additional funding for immigration, that's their right.

If they have so little confidence in Secretary Chertoff and the other appointees of the Bush administration to decide what they need to administer their responsibilities, that's their right. In the Senate, they call it ''a vote of no confidence'' formally. Here the vote of no confidence in Secretary Chertoff will be the constantly repeated phrase, ''those bureaucrats,'' and apparently Members do not have any confidence in the appointees of the Bush administration. That's their right.

What they don't have a right to do, it seems to me, is to totally forget history. Now, we are told, and I guess I should express my admiration for so many Republicans who are fighting for the rights of others. In our society, people fight for their own rights, but we genuinely honor people who fight for the rights of others, people who are not themselves victims, but fight to protect others who have been victimized.

Well, a number of the Republicans are in that category. They are fighting very hard for the right to vote against earmarks. What's interesting is that many of the Republicans who over these past couple of days have been fighting for the right to vote against earmarks always vote for earmarks, and I don't just mean in overall bills.

The gentleman from Arizona (Mr. FLAKE) took the floor and acknowledged that he had offered 39 amendments in the last Congress to cut out earmarks and he lost 39 times. The overwhelming majority of Republicans voted 39 times against the gentleman from Arizona. So we have Republicans

yesterday, and I will have the RECORD and we'll have the rollcall, we will have people who said you must give me the right to vote against these earmarks who then never voted against a single earmark. And that is admirable.

It is admirable when you, yourself, have no intention of voting against earmarks when, in fact, you are 39 for 39 in voting to keep earmarks in the bill. And by the way, one might think the gentleman from Arizona is irrational. I do not. I voted with him on a number of occasions, not the majority, but I voted with him on some.

The gentleman from Arizona is a careful Member. He selected the most, to him, outrageous earmarks, and we have Republicans who voted for all 39 outrageous earmarks, according to the gentleman from Arizona. The great majority of the Republican Party voted overwhelmingly to reject the earmarks that, of course, their appropriations colleagues had put in the bill.

So, Mr. Chairman, is that not admirable, Members who got up here and said, How dare you not let us vote against earmarks, when they themselves had no intention of doing that? This is the vegetarians rushing forward to defend the slaughter of beef cattle. This is atheists insisting that people be given a religious day of worship.

This is a very, very impressive display of concern for the others. These are people who themselves apparently intend to vote for every earmark that comes down the pike. They never met an earmark they didn't like, because if the gentleman from Arizona has done all of his careful research, and he's presented 39 earmarks that he thinks are particularly egregious and Members have voted against him on every one and have voted to keep all 39 earmarks, they've never met an earmark they didn't like.

So their insistence on delaying this bill and repeating arguments. I must say I was here all night last night. I walked in and I don't object to dilatory tactics. I object to excruciatingly boring dilatory tactics. I must say, Mr. Chairman, the Members on the other side are the least imaginative filibusterers I've ever seen. They just repeat themselves and repeat themselves, and stuff that was uninteresting and flat in the first place does not improve with age.

But whatever their tactics, understand they are employing them on behalf of the right of the others to vote against earmarks because it is clear that the overwhelming majority of Republicans have no intention of voting against earmarks, at least not based on the record. They not only voted for bills with earmarks, the gentlewoman from North Carolina acknowledged that earmarks had increased from 1,500 to 15,000 under Republicans, but then, of the 15,000 earmarks, when one of our most diligent Members, the gentleman from Arizona, proposes to kill 39 of the earmarks, the overwhelming majority of Republicans voted against him 39 times.

So, for that dedication to preserving a right that they themselves have no interest in exercising, I give them credit, for very little else, Mr. Chairman.

□ 1430

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the folks on our side, we certainly care about the security of the United States, we care about the security of the homeland, but we also care about how the tax dollars of American families are spent.

The previous speaker talked about the right to vote on earmarks and how some of those people are going to vote for these earmarks. But it's not just about the right to vote on earmarks. It's about the right of American families and American citizens to see what those earmarks are that their elected officials may vote for or against.

I guess I look at this in this light, to paraphrase the line from the movie, ''show me the earmarks.'' Show me the earmarks. Because when you see the earmarks, then you are going to see where the money is going. That's what the American people want to know. We have talked about the term transparency a lot in this debate, because the reason it's so important is the lack of transparency inevitably leads to more spending.

That's just the way it works. We have got to know what's going on. If we don't, more spending is going to occur. If you don't take my word for it, look at the numbers. This bill increases spending 13.6 percent. It's spending that always drives. Spending is the problem. We hear the term, the old cliche with politicians, tax-and-spend politicians. It's really the opposite. It's really the opposite. It's spend-and-tax politicians. Spending drives the equation.

If you think about this, the spending contained in this bill, in the budget we passed that was passed a few weeks back, that spending inevitably will lead to higher taxes. Every single good tax cut that has been put in place over the last 6 years, under the Democrat spending plan, is going to go up, money that would be in the pockets of families to spend on their kids, their goals, their dreams, things that their kids care about, things that their family cares about, their business to reinvest it there. All those things that they would like to spend their money on, those taxes will go up, take money from the hardworking family of this country and give it to government. That's what we are talking about.

That's why we are talking about some of these issues. We want you to show me the earmarks, show us what's there so we can see where ultimately the spending will go and the American people, more importantly, can ultimately see that.

I am reminded of a debate that I had back in my days of the State House. There was a tax increase that was moving through our assembly, I was opposed to it, and I remember a reporter coming up to me and saying Jordan, you are so opposed to this tax increase, you think it's so bad for families and taxpayers across the State of Ohio, he said. But where's the outcry? Where are those families storming the State House to talk about this huge tax increase that you are fighting against?

I said, you know, they're too busy working to pay those taxes to storm the State House. That's the truth. We have got to remember the families out there who have been working hard, making their businesses succeed, making their families reach their goals and dreams they've set. We have got to remember those as we go through this debate.

I would be happy to yield to my colleague from North Carolina who is, I know, the sponsor of the second amendment.

Mr. MCHENRY. I thank my friend and colleague from Ohio. This is about whether or not to restrain the growth of government. This is about ensuring the integrity of taxpayer money in this process. It's about ensuring that we know where our taxpayer dollars are going and that there is public scrutiny to that, not just scrutiny from a narrow few in this body.

But while the Speaker slept last night, we were working on the floor to bring this issue to the American people. While the Speaker slept, we made the case to the American people that this is an important debate to restrain the growth of government, even within the Department of Homeland Security's bureaucracy.

We want to make sure the taxpayer dollar is spent wisely, efficiently, and effectively. This is a healthy debate, because we on this side of the aisle want to restrain the growth of government while those on the other side want to grow and grow and grow the government in all the bureaucracy, especially here in Washington D.C.

It's very important. It's very important for us to engage in this dialogue and debate, for the American people to have scrutiny over this process and through this process. While the Speaker slept last night, we worked till 2 in the morning, till past 2 in the morning, to make sure the American people knew what this new majority, what this new direction was all about.

Mr. JORDAN of Ohio. I thank the gentleman from North Carolina for his work.

Mr. REYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in deference to the comments of the last speaker, I think

the American people know what's going on here. They know that almost 6 years after 9/11 and over 5 of those years during the time that they controlled this Congress, they couldn't do what we have been able to do with this funding for Homeland Security. They couldn't do it, or they wouldn't do it.

But either way, Homeland Security funding is vitally important.

Why? It's important because it sends a strong, clear message to all the employees of the Department of Homeland Security, including Customs and Border Protection officers, that serve us, serve us well, valiantly around the clock, that we think their work is important.

Last summer, in August, we had a series of hearings. I went to, I think, five or six of those hearings where a number of my colleagues on the other side of the aisle were present as well.

They talked about doing everything that was possible to secure our country's borders. They talked about supporting the Customs and Border Protection officers. They talked about providing them the tools and the weapons and the technology, all the kinds of things that sounded really good.

Yesterday and today, they're singing a different tune. They're talking about stalling. Every minute that we talk about silly things, we aren't talking about serious problems, that demand serious efforts, serious problems that demand serious solutions.

At the very minimum, serious problems that demand serious debate. We don't need Members citing ''Animal Farm,'' which, that's all well and good to make a point, but the American people know that instead of an animal farm, this is a body of a ship of fools here.

We don't need cute and silly things like one is one and two is more than one, because it insults the very people that they profess to support, the employees of the Department of Homeland Security, DHS. By the way, every minute that we take doing these kinds of silly things here, professing to want to debate seriously, we also take time away from the largest increase ever for veterans funding, which is the next bill that's waiting to be taken up here on the floor of the House.

Again, 5 years after 9/11, they couldn't do it, they wouldn't do it. Now they've decided that they're not going to let us follow through on the hollow promises that they had made for 5½ years after 9/11.

These are serious issues that we have an obligation seriously to solve, an obligation that we owe, not just the American people, but the employees of the Department of Homeland Security.

I spent 26½ years serving this Nation proudly on the border. I know the integrity. I know the hard work. I know the dedication that the employees of the Department of Homeland Security give each and every day.

They are, or they should be, respected and are not being respected by the kind of silly debate that has been going on here from Members of the other side of the aisle. I think they deserve better, I think our country deserves better, I think we all deserve better when we reflect that this is the people's House. We deserve better than that kind of silly debate.

I believe that it's important that we return to a process, the regular order of continuing to debate this funding for a very important agency 6 years after 9/11.

Let's get to the business that we were sent here to do. People put their faith and trust in us. Let's not betray that faith and trust. Let's do our job.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to make, essentially, two points. First, my friends in the minority lack credibility on the issue they have raised last night and today; and, second, this bill is far too important to be stalled, delayed, put off by blatantly partisan tactics.

On the first point, why does the minority party lack credibility on this issue? Well, one of the two parties during the last 6 years took the largest surpluses, I think we have had in history, and managed to turn those surpluses into deficits, a multitrillion dollar turnaround that was accomplished in a record short time. That party was the party of my friends in the GOP. That's the same party today that is arguing for fiscal responsibility.

One of the two parties presided over the greatest growth and expansion and acceleration and abuse of the earmarking process in history, brought that process to a point where it accounted for more earmarks and more dollars than ever before. That party was also the GOP.

One of the parties in this House presided over a period that resulted in more indictments of Members, more investigations of Members, more appearance of impropriety than any time since ABSCAM or Watergate. That party was the Republican Party.

That same party that abused the earmark process, that had no earmark transparency is now objecting to what? It is now objecting to an earmark process that is better, that is more transparent than it has ever been. That party is objecting to the work of the majority which eliminated all earmarks in last year's bill.

So here you have a party that has demonstrated over the last 5 or 6 years utter fiscal irresponsibility, a lack of willingness to reform the earmark process, now complaining that, okay, the Democrats are reforming the process, they are making it more transparent, but we are complaining because we think they should take it much farther.

Well, I think the last 6 years demonstrated a lack of credibility, a serious lack of credibility among my friends in the minority party.

Why is this bill so important? Why is this bill essential to move forward, and why are these partisan stalling tactics so questionable?

This is the bill that provides the resources to defend our country. I am just going to focus on one because there are numerable areas of this bill that are so vital. But if you go back 5 or 6 years ago when President Bush and Senator KERRY had their debate, they were asked what is the number one security threat facing this country. Their answer surprisingly was the same, nuclear terrorism, the idea that al Qaeda could get nuclear material and bring it into this country.

Well, there are only so many things that prevent al Qaeda from doing that. It's not their lack of motivation or will. Osama bin Laden has already talked about wanting an American Hiroshima. The obstacles are getting the materiel, fashioning the bomb, and getting it into the country. Getting the materiel, unfortunately, is not very difficult, given the plentiful amounts of highly enriched uranium in the former Soviet Union.

Building a bomb is not that difficult because the technology is now decades old. Getting into the country, unfortunately, is not very difficult. That's something this bill seeks to address by deploying radiation-detector portal technologies; and more than just deploying them, as essential as that is, doing the analysis to find out which of the portal technologies will be most effective in keeping a nuclear or radiological weapon out of the country. These are the kinds of investments that are being delayed, stalled, run down by a party that has run our Nation's finances into the ground in the last 6 years, that is complaining about an earmark process better than anything they proposed.

We need to move this bill forward. My friends in the minority don't have the credibility on this issue. They may have had it at some point, but they lost it in the last 6 years. This is not the way to retrieve it.

We need to move this bill forward. Now is the time to do it. We need to implement these reforms to improve our safeguards against nuclear material getting into this country. We need to ensure that our cargo is protected.

We need to ensure that any number of investments that are made in interoperable communications equipment and our firefighters and our police officers are made, and they are made now.

I urge this bill move forward. I urge the delay come to an end.

□ 1445

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

I want to talk about what my friend from California just mentioned. And I

want to just simply say that I think that the gentleman from California is truly a gentleman, and I enjoy the time we've spent together. But there are just a few things I think need to be corrected.

Number one, the gentleman mentioned that over the last 6 years, the Republicans, when they were in charge, squandered the opportunity, lost the credibility. Well, guess what? It's only taken 6 months for this majority, maybe 6 years for the former majority; 6 months, and this majority has turned their back on earmark reforms. Six months into the new majority, and this majority has turned this thing upside down.

What do I mean when I say that, Mr. Chairman?

Let me just quote our current Speaker, on December 14, 2006, ''We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve.''

What happened?

Well, a number of things happened. Under the Republican majority, earmarks got out of control. Under the Republican majority, waste occurred. Let me be the first one to say that.

So what happened?

In the last session, Republicans changed the rules. We said, if you're going to have an earmark, a pork-barrel project, Number one, we've got to see it. It's got to be in the bill. A Member has to have their name attached to it, so they have to defend it.

But most importantly, the American people need to see this, and it needs to be in the bill as it comes to the House floor, as it goes to the Senate Chamber, so that the American people have time to look at it, so that transparency and sunlight can bring accountability to the process, and so that we, as the people's Representatives, each and every one of us, representing 670,459 people, can have judgment, can vote on it. That's transparency. That's accountability. It happened late in our majority, but it happened.

What did the Democrats do as they took over the majority?

To their credit, Mr. Chairman, they extended, enhanced and improved upon these rules. So I would, at this moment, like to give some bipartisan credit to the fact that we negotiated these earmark reforms in the last session, and Speaker PELOSI and the Democrats, to their credit, carried them over and made them better.

Where are we 6 months later? Where are we 6 months into this new majority? We went three steps forward, and now we went six steps backwards.

Mr. Chairman, what are we doing?

No transparency, no earmarks in these bills, no opportunity for the American people, the public, to see what's in this legislation. All we have in these bills are big slush funds, a $5.9 billion slush fund in the bill that's coming up next, a $20 billion earmark slush fund in the bill coming after that.

What does that mean?

They're putting billions and billions of dollars of fiscal space of a general earmark in these bills, and they're simply saying, this money will be earmarked afterwards, when I, the chairman of the Appropriations Committee decide to put this money in to go toward pet projects, pet constituencies, at my choosing, at my scrutinizing, after Congress has the ability to consider these things on their own merits.

Is that transparency? Is that accountability? Absolutely not, Mr. Chairman.

They have gone backwards, back on their word, back from bringing transparency and accountability to Congress.

So let me just say for the record, both parties have messed this up. Both majorities have seen the light, and this majority is going backwards on this. That is what this is all about.

We recognize we've got to have more transparency and accountability in the way we spend taxpayer dollars. That's one of the problems we have. The other problem is this idea that we can just spend our way into prosperity, this idea that we can just spend more and more and more money, and all things wrong in America will be fixed. If only we take more money out of people's paychecks, bring them up here to Washington and spend their money, every problem can be solved.

This is the problem we have at a basic philosophical level. Here is where we are just 6 months into this new majority.

The President gave us a budget. His budget increased spending across all levels of government. His budget increased discretionary spending. Well, what happened since that budget came? Six billion new dollars in February in the omnibus appropriation. Then, just last month, $17 billion in new spending of unrelated, nonrequested spending in an emergency appropriation bill to go to funding the troops in Iraq, $17 billion that has nothing to do with Iraq. And now, $21 billion in more spending. $43 billion out the window, out the door in new spending in just 6 months.

How do you balance the budget, Mr. Chairman? You balance it by controlling spending.

The Acting CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. RYAN of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. RYAN of Wisconsin. We believe you balance the budget by controlling spending, not raising taxes. And at the end of the day, this is what the differences are.

The majority brought to the floor a bill and passed the largest tax increase in American history. They modified it to possibly reduce that to the second largest tax increase in American history. So what can they do? Raise more spending and raise taxes to balance the budget.

We want to balance the budget at a much lower level of taxing and spending. We want more transparency in the process. We want to control Federal spending, and we want the American people to see exactly how their money is being spent so that their Representative can call these issues into question, not put the power in one man's hands here in Congress, which is the current proposal before us.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it's been an interesting process these last, give or take, 24 hours. As a freshman legislator who spent 24 years in the Tennessee State senate, in those 24 years in the senate I saw the parties work together. Democrats and Republicans worked together for the betterment of our State. We had Republican governors. We had Democratic governors. We had Republican and Democratic legislators.

What America wants is for the parties to work together. On most of the bills we've had, they were brought by Democrats, and it's been called a Democratic Congress, but many of the bills that were passed by this Congress were done in a bipartisan way.

There were Republicans who voted for stem cell, not a majority, I believe, but Republicans voted for the stem cell research. There were some Republicans who even voted for the minimum wage. There were Republicans who thought prescription drug prices should come down. There were Republicans who even cared about college loans being brought down. There were bipartisan efforts to bring about progress.

There was much less bipartisanship in the effort to save lives in Iraq and end that wasteful and unfortunate policy we have in the Middle East, but—however, there was bipartisanship.

During this debate, one of the most serious requests debates we could have, the Homeland Security bill to protect us from natural disasters, to protect us from foreign enemies and terrorists, we have gotten into the most divisive partisan debate that I've seen in this Congress in the 5 months I've been here.

Much of the debate has not been about the Homeland Security bill, unfortunately, Mr. Chairman. It's been about attempts to attack our Speaker, the first woman ever elected Speaker of this House of Representatives, a great day in this country when the glass ceiling was broken, when a great lady was put in this position, the highest position a woman has ever been in in the legislative body in the history of the United States. To try to tear down the Speaker, trying to tear down the party and trying to bring up other

issues, rather than talking about Homeland Security.

Yesterday, Congressman ARCURI spoke, a former prosecutor. He said, you know, in opening statements if a person talks about the facts, they've got a case. And if they talk about things other than the facts, they don't. And the opposition party has not talked about the facts. They've brought up everything but the facts of the Homeland Security bill. They really haven't shown where there are problems with this bill.

The previous speaker, Mr. Chairman, talked about, used all the buzz words, the buzz words of ''slush fund,'' ''pet projects,'' ''pork'' and others.

The truth of the matter is, Mr. Chairman, and he knows it as well as everybody else knows it, he's not against those things. He just wants his slush fund, his pet projects and his pork. And when people throw those terms out, because that's not what they are, they are Congress citing specific needs to be placed in the law to that represent their districts. But then what he does is disparage government.

I have spent my life in government, my entire life, and I've found it a great calling, and I think we should all try to make people think more and better about government and have young people see this as a high calling, Mr. Chairman. There are young people in our audience. They should see this as a place where they want to serve and see government as working, and I think some of them do.

But to use these terms in a disparaging way when what the party's trying to do is to say, we want our share, we want our earmarks, not pork, but our earmarks, is wrong. And it's wrong when you take the oath of office to uphold the Constitution. You should be upholding government and supporting government.

And it's unfortunate we've seen this. This has been a low point in the Congress since I've been here.

I am proud to be a part of this Congress. There are many Members on the other side of the aisle that I'm proud to serve with as well. There are some very, very fine people, and I'm sure the gentlemen who have spoken today are all fine people.

But we need to rise above some of this partisanship, try to pass this Homeland Security bill, protect our country, and inspire people to serve in government and realize that it's a process, and the process involves the Senate, and it involves the executive, it involves both sides of the aisle. And to try to tear down one side tears down government in general. We're all part of the process, and I wish we'd work together and pass this bill.

We were up till 2 o'clock this morning because of seven moves to rise and have the committee adjourn. All seven failed. They knew they were all going to fail. And it was a burden on the staff, it was a burden on the Congress, and probably a burden on people that wanted to watch something else on C–SPAN last night.

But with that, Mr. Chairman, I just encourage our colleagues to support this bill, to protect America and to have a debate that is germane to the issues concerning homeland security.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word. I intend to yield a couple of minutes to my colleague here.

But before I do, my colleague who just spoke said that we ought to be working together, and I really agree with that. The problem is, to my knowledge, the people on our side really weren't consulted about these appropriation bills in any real detail, and we didn't know that they were going to put pork-barrel projects in the bill after the fact, maybe in conference committee when we didn't have any idea what was going on there and we didn't have any control over those bills because they weren't, those pork-barrel projects weren't debated here on the floor.

So let me just say that we really should work together, and I hope you'll convey that to the chairman of the Appropriations Committee, so in the future we won't be taking this much time on the floor.

I will be happy to yield to my colleague.

Mr. RYAN of Wisconsin. I thank the gentleman from Indiana for yielding.

I want to say to the person who just spoke, who referenced me, that my motivation here is just to come and get more pork for myself. I know the gentleman's new here, but he doesn't know me, if that's what he said.

He also mentioned that you want to make this system more democratic. We should be here fighting for good government and for democracy and fairness. Is giving one man in this body this power like Caesar, to decide whether or not earmarks go in and out of bills, democratic? Is that small D democratic?

Is giving all the power to one chairman on how all 32,000 earmark requests in his power, is that democratic? Or should we have the ability, as Democrats and Republicans, in a small D democracy, the ability to vote on these things?

Shouldn't the American people have the choice and the ability to see how their money is being spent? Or should we, in the name of good government, give the chairman of the Appropriations Committee sole discretion, sole decision-making power, on how tens of billions of dollars are spent on tens of thousands of projects?

That's democracy? That's good government? That's fairness? I think not, Mr. Chairman.

Mr. Chairman, the idea that we should simply relegate our power, our voting cards, our ability to speak on behalf of our constituents, to one chairman of one committee to spend tens of billions of our taxpayers' hard-earned dollars on tens of thousands of projects, if we think that that is good government, that is fairness, that is what democracies do, that is not my opinion. That is not my value. That is not what I think democracy is all about.

I believe we are here to fight for fairness, transparency, accountability. And what we are here to do is to make sure that our taxpayers dollars are spent wisely, that they are spent in a transparent way, that there is accountability in this system.

Why on earth does each and every one of us want to delegate our lawmaking power and authority to one person to decide how our taxpayer dollars are spent is beyond me. But for those of you who say that our motivation is simply to get a bigger slice of the pie, to get more pork-barrel spending, that's just not the case. And I think that's insulting.

□ 1500

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Tennessee.

Mr. COHEN. I apologize to you for that. I don't know you personally, and I was reflecting on the politicians in general, all of our government representatives, Democrats and Republicans. So as far as any direct thing, I shouldn't have said that specifically, and I think you have got a wonderful reputation and I appreciate the fact that your germaneness has returned to you in this debate.

Mr. RYAN of Wisconsin. I appreciate that and I want to be fair and civil here.

But this is a big issue, Mr. Chairman. It is not about delaying some bill. It is about bringing accountability and transparency back to the process in how we spend taxpayer dollars, and it is about not going back on your word, and that is what this majority is doing.

Mr. BURTON of Indiana. Reclaiming my time, Mr. Chairman, I thank the gentleman for his remarks, and I agree with him.

The fact of the matter is that there is billions of dollars in pork that is stuck in this bill or will be stuck in this bill and nobody in this place knows what it is going to be. And many of the liberal newspapers that support your side of the aisle, the Democrat side of the aisle, are taking issue with this practice. So even your own supporters, the New York Times and Washington Post, are giving you Hades for this.

So I would just like to say my colleagues, you ought to reevaluate what you are doing today because I think it is hurting you. You are sticking a knife in your own foot by doing this.

Now, the thing I would like to say before my time runs out is that the Democrats, since they have taken charge, have increased in authorization bills by $105 billion in new spending. They are hiding pork, as I said, from the American people.

They want to let the tax cuts expire, which means that everybody in this country will have a tax increase. In Indiana it will amount to about $2,200 per person. That is because you are letting the tax cuts expire.

The Acting CHAIRMAN (Mr. RAHALL). The gentleman's time has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. Mr. Chairman, if the tax cuts expire, that in effect is a tax increase. And that tax increase will amount to $392 billion on the American people, the largest tax increase in American history.

This second-degree amendment here only cuts $9 million in spending. Just $9 million. You guys have already authorized $105 billion in new spending. Why in the world would you object to a $9 million spending cut? It doesn't make sense.

My colleague from Tennessee just said that we ought to work together. I really agree with that, and I hope that my colleagues on the other side of the aisle and the appropriations chairman will take that to heart and in the future not do the things that he did in this bill so we won't have to stay here all night and all day debating the same paragraph in one bill because you won't work with the Republican minority. You always complained about us and now you are doing worse.

The Acting CHAIRMAN. The Chair would remind the gentleman from Indiana to address his remarks to the Chair.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in order to work in this House, there are many good friends that we engage with, and I just listened to a good friend of mine on the other side of the aisle. But I think we are missing the straight and narrow road as our colleagues continue to be repetitive and a broken record.

Let me indicate that almost like the terminology ''border security'' and ''war against terror,'' there is no disagreement between the parties in terms of transparency, I would hope, in this new Congress. My good friends on the other side of the aisle know that the stumbles that they made in the last Congresses motivated the American public to change hands as it relates to the majority. It is certainly foolish for them to think that this majority would muddle it up by not furthering the challenges and the instructions given by the people, which was transparency. And I know that they know that no earmark will move to finality without the American public's having the opportunity to scrutinize and to assess those earmarks of each Member. Earmarks that must serve the American public not special interests.

But now we are in a state which calls to question the commitment of the minority to this whole issue of homeland security. I know that all of us can find a number of different ways to utilize these dollars. What we found from many Members on this side of the aisle is that we have attempted to plus-up, for example, the urban area grants, which help the high-tier, particularly sensitive, and troubled and terror-prone cities around America, that is, moving dollars to improve the security of vulnerable areas.

The simple reduction of funds does not speak to the singular question and the responsibility of the Homeland Security authorizing committee, which I have the honor of serving on as the subcommittee Chair with my chairman, the Honorable BENNIE THOMPSON.

We know every day, as the chairman of the subcommittee on Homeland Security for appropriations, DAVID PRICE, does, and I know his ranking member, that every day questions of homeland security appear before the American public. I have a personal remembrance, Mr. Chairman, of singing on the steps of this body ''America the Beautiful'' on that forlorn day, a day that no American could ever have imagined in their life, those who were not of the World War II generation to have remembered Pearl Harbor, but no one could have fathomed the strike that came to us on September 11, 2001. It was then that we changed our complete mindset that we had no time, no leeway, no latitude, if you will, to play around the edges of homeland security. We are doing that and we have done that last night. We did that all into the wee hours, playing around homeland security.

And while we fiddle away the time, the first responder and port security grant program is languishing, dollars that are needed by those on the front lines. State grants regarding law enforcement, urban area grants that Houston, as one of the tier-one cities, certainly would be losing and many in the State of Texas. Albeit the incident at JFK is still being explored, even the thought that individuals would have the knowledge to explode a pipeline that would then literally obliterate an airport and the surrounding areas says that we are fiddling while Rome is burning.

And so I want to work with my colleagues. I know that the chairman of this subcommittee does. The chairman of our full Committee on Homeland Security, the authorizing committee, wants to as well. There are issues that we want to confront, and, certainly, I want the most secure airports one can find, not only the area where the traveling public is but the area where employees are, the area where workers are, the back part of the airport. I want pipelines to be safe.

And as it relates to the issue dealing with preparedness, we were in a subcommittee hearing today where the question has come up whether the disabled are secure, whether the vulnerable communities are secure.

So, Mr. Chairman, let me simply say we are fiddling while Rome is burning. We need to move forward because the question will be for the American public when a tragedy happens, as I close, where were you and what did you do? They will just film what happened last night and what is happening today, and we will not be able to answer the question with dignity.

The leadership in this House believes in homeland security. We need to move this bill forward.

Mr. MCCAUL of Texas. Mr. Chairman, I move to strike the last word.

I too am a member of the Homeland Security Committee. I was also a Federal prosecutor in the Public Integrity Section in Washington, and I also serve on the Ethics Committee. I would respectfully submit that we are not muddling up the process but rather trying to restore ethics and integrity to the process and to this institution.

In my view, this is Congress at its worst. Our colleagues on the other side of the aisle have created a secret slush fund with billions in secret earmarks hidden from public scrutiny. This comes on the heels of many broken promises that we heard, promises such as from Speaker PELOSI: ''We will bring transparency and openness to the budget process and to the use of earmarks.''

The majority leader, STENY HOYER, said: ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of the night.''

Yet that is exactly what is occurring in this body. CNN, not exactly a conservative think tank, actually said that the Democrats promised reform and it is not happening: ''The 'anti-earmark reforms' are just for show. Mere window dressing.'' This process signals a retreat in the secret dealings and a guarantee of fiscal and ethical abuse. Earmarks should always be open to public vetting, full debate, and floor challenge, as we attempted to do in the last Congress.

Now, Mr. OBEY and the Democrats are stuck between the pork and those campaign promises that they made. And so those promises are given away. The majority wants this Congress to operate behind closed doors in dark corridors where the precept of Justice Brandeis that ''sunlight is the best disinfectant'' is hardly known. The powerful impact of public debate and a free press are critical features of an American democracy and they are missing,

Mr. Chairman. They are missing here today in this Congress.

Secrecy creates a breeding ground for corruption. Openness is an important part of ensuring that government officials are acting in the best interest of the public and that the citizens are not being manipulated by special interest groups.

Here we have one man, one man and an unelected staff, determining the power of the purse for the United States Congress, acting on behalf of 435 Members elected by the United States. Yet we have one man to make all the decisions about the spending for the United States Government. This is not, I submit, a democracy. This is a monarchy.

And to quote James Cooper: ''A monarchy is the most expensive of all forms of government, the regal state requiring a costly parade, and he who depends on his own power to rule must strengthen that power by bribing the active and enterprising whom he cannot intimidate.

''A nation is truly corrupt, when, after having, by degrees lost its character and liberty, it slides from democracy into aristocracy for monarchy; this is the death of the political body . . . ''

Someone said: ''The best weapon of a dictatorship is secrecy, but the best weapon of democracy should be the weapon of openness.'' That is what we are trying to achieve here today.

I will close with a quote from Lord Byron, and I think he sums up this debate better than any quote I have heard when he said: ''The Cardinal is at his wit's end; it is true that he had not far to go.''

Mr. WELCH of Vermont. Mr. Chairman, I move to strike the last word.

The question of earmarks really has two questions to it. But, first, why are we here having a debate about earmarks? We are because in the 12 years before the last election, the use of earmarks, something that has been around since the beginning of the Republic, exploded and it went from around $5 billion in the budget to around $13 billion in the budget. And it really raises two questions, aside from the political opportunism that may present itself in this debate.

The first question about earmarks is whether it is appropriate for individuals who have the most power in this Congress to take advantage of their situation to get appropriations that go to their districts. Generally, the projects that are funded are projects that are supported and worthwhile. But, in fact, in the budgetary process, it is the people who are in the right committees or have the most power that have the opportunity to get the greatest benefit.

□ 1515

By the way, that is a fairness issue just within this body, because if there is going to be allocation of resources, they should be extended for the benefit of the entire country, people in each and every one of the 435 congressional districts, people in each of the 50 States and our territories.

The second issue is a budgetary reform issue. If you have appropriation by earmarks, if highway projects are funded on the basis of who is on the committee or who is in leadership or who has the ear of the Chair, then it means that decisions are being made on personal relationships as opposed to public need.

I come from a State legislature, Mr. Chairman, where we had to wrestle with this question of earmarks. And every legislator had an immense amount of pressure on them to deliver for their district; in fact, the needs of the district were compelling and reasonable. We had to struggle with an approach that would take the limited funds that were available in our treasury and allocate them for highway projects on the basis of where the greatest need was in the State, not on the basis of who had the most clout.

So, Mr. Chairman, this debate that has resulted in eight motions to rise, spending over 10 hours on what essentially looks like a minor and very political amendment is really not about earmarks, because there has been a complete erasing of history in the role that the other side has played in getting us to the point where we are on earmarks.

Also, this debate on earmarks is taking place in the Homeland Security bill, which is a bill that traditionally has not had earmarks. We could be having a debate about the MILC price support program and arguing about earmarks, but there are no earmarks that have been part of the Homeland Security bill in this Congress or, to its credit, in prior Congresses.

So, why is it that we are arguing about, admittedly an important issue, the question of earmarks and what impact it has on questions of fairness and what impact it has on questions of fiscal responsibility in the Homeland Security bill, that has independent integrity and importance to the people of this country, and where the history has been that there are no earmarks?

It would allow a reasonable observer to conclude that essentially this is about politics. In fact, it is my view and, I think, the view of most people that we really should not be injecting politics into the question of homeland security.

Mr. Chairman, you come from the City of New York. You, better than anyone else, know the urgency of making certain that we have our borders protected, that we are taking aggressive and effective measures to combat terrorism, to detect terrorists coming into our country, to have adequate funds and resources for our local fire departments and our local police stations. So, Mr. Chairman, the loser here is one person, it is the American people. And who wins and who loses in this political debate, whether it's the other side or our side, we will let the commentators decide.

We are making no progress on moving ahead on an earmark reform approach, largely because the vehicle that the other side has chosen to use is holding hostage a Homeland Security bill that doesn't have earmarks in it, won't have earmarks in it, in the past has not had earmarks in it.

The Acting CHAIRMAN (Mr. WEINER). The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. FALLIN

Ms. FALLIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. FALLIN:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $138,000)''.

Ms. FALLIN. Mr. Chairman, this amendment would reduce the executive salary in the Office of Secretary and Executive Management account to the FY 2007 level, representing a $138,000 reduction from the $4.588 million to $4.45 million. The current bill's funding level represents a 3 percent increase over 2007 FY budget enacted.

There has been at least $105.5 billion in new Federal spending over 5 years authorized by the House Democrat leadership this year. The current Federal debt is $8.8 trillion, roughly $29,000 for every U.S. citizen, and growing by over $1 billion a day. Entitlement spending, Medicare, Medicaid and Social Security is out of control, and within a generation will either force significant cutbacks in services and benefits, or we are going to have to have massive tax increases.

Mr. Chairman, the Congressional Budget Office and Government Accountability Office has been warning Congress that the growth in direct spending, i.e., spending that is on autopilot, and the outside annual spending process are occurring at an unsustainable rate due to well-known demographic trends and other factors.

Discretionary spending has also grown exponentially and must be brought under control.

This amendment will be the first step of many necessary steps enforcing fiscal discipline and sanity upon the Federal Government and out-of-control Federal deficit spending. We must restore fiscal discipline and find both commonsense and innovative ways to do more with less. The Federal budget must not grow faster than American families have the ability to pay for it.

Mr. Chairman, I have to say that in my State, my citizens are very concerned about spending in Washington. I have heard a lot of talk this year about the elections and what occurred during the elections, and that voters gave us a mandate for change here in Congress, that they didn't want business as usual. People have told me that Congress spends too much, and we have to remember that the money that we spend here is not our money; it's the taxpayers' money.

And the taxpayers' pocketbooks are stretched these days. The price of gasoline has been skyrocketing, the price of health care, the price of prescription drugs. Families are just squeezed these days. And I believe it is time that we have this discussion about controlling our spending.

Mr. Chairman, I don't have a problem with slowing down this process. I think the American people want us to slow down the spending process. They want us to look at balancing our budget. They want us to prioritize here in Congress what's important, what's a spending priority. They want us to reduce the deficit.

They want to know where the money is going. They appreciate us fine-tuning our appropriation bill. And it seems reasonable to me that we have this discussion. That is why I support this amendment.

There is a 13 percent increase in spending in this appropriation bill, and that's huge. When you have $1 billion here and $1 billion there, that all adds up, and we still have many other appropriation bills to consider. And frankly, no one in my district has called me to say, you know what? The government doesn't spend enough. I want you to spend more. They want us to look for government waste. They want us to control spending.

And while we are increasing spending in this Congress, we have yet to even look at other issues that we need to discuss, the rising costs of entitlements, Medicare, Medicaid and Social Security.

Mr. Chairman, last night I heard the majority leader talk about securing America and the funding of homeland security and how important this piece of legislation is. I appreciate his comments, and I agree with that; it is important that we secure America. I don't believe that anyone on my side of the aisle objects to funding homeland security. The objections that we have been talking about over the last 24 hours are about spending. It is about the process of determining how the earmarks are processed and projects are processed.

I want to remind this House that the President and a Republican Congress led the effort to fund homeland security and to protect our Nation. We support homeland security. But I would also like to suggest that securing America also means the financial security of America, the financial security of our Nation. And financial security comes through transparency, openness and open discussion on this House floor of spending and spending priorities, and allowing Members to participate and to vote on those priorities in the light of day.

This process of voting on a level of funding for homeland security, then having a conference report and then having one person in Congress and their staff decide on the add-ons, the earmarks we're spending, to me just doesn't pass the openness test and the transparency test.

The Acting CHAIRMAN. The time of the gentlewoman from Oklahoma (Ms. FALLIN) has expired.

(By unanimous consent, Ms. FALLIN was allowed to proceed for 2 additional minutes.)

Ms. FALLIN. When I was a kid, we used to have a game we played called ''King of the Hill.'' And that would be when one person would get on this hill and we would fight off others who would come and try to take control.

This process reminds me of the game ''King of the Hill'', where one person is trying to play that. I just don't believe, Mr. Chairman, that that is the right thing to do.

This is our opportunity in Congress to show that we mean business in controlling our spending, we mean business in reducing our deficit, we mean business in transparency and openness of earmarks. And we can't lose this opportunity, we can't take a step back.

Mr. Chairman, I would just like to request that our appropriations chairman, who is a very capable and able man, delay consideration of this bill until we have proper transparency in the earmark process. It is a choice that the majority can make now, starting with this first appropriation bill. The majority is in control. And also, the appropriations chairman could come to the floor to this debate and assure this body and the Members that we will be able to see the individual earmarks and vote on them on this floor.

This process will not allow us to do that the way it is now. And what better way to start off the appropriations process than to start with this bill, with transparency on the earmarks, transparency of funding?

Let's fix it now, Mr. Chairman.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to offer a few comments on the proposed amendment, and perhaps a reality check, since the Member offering the amendment has neglected some important facts that would put this in perspective.

Mr. Chairman, this is an amendment that, once again, goes after the Office of the Secretary of Homeland Security. Virtually every amendment we have dealt with in this long debate has chosen that target.

We just finished 10 hours of debate on an attempt to cut in half the Secretary's legal advice office. Now, this amendment would cut funding from the requested level for the Office of the Executive Secretary.

Our friends on the other side of the aisle have spoken all day about the President's requests. Well, what the introducer of this amendment didn't tell us was that the bill, actually cuts $539,000 from the President's request for this item. So we are well under the President's request, and she wants to cut it further.

For department operations overall, we have cut $73 million from the President's request, and our recommended amount is also less than was provided for 2007. So, it is not as though we are funding the departmental offices lavishly. Quite the contrary, we have scrutinized the requests carefully. We have cut the requests considerably. But we have tried to give the Department the funds that it needs to maintain its own operations.

Now, we have debated an amendment for 10 hours having to do with the general counsel's office. Last night, we were treated to eight motions to rise, eight motions to go home without continuing or completing work on this bill. I think any fair observer would say this is an attempt to obstruct and to delay. These are desultory motions.

So, now we have another amendment in that same vein. This comes on top of days of our Republican friends railing against bureaucrats. Not one voice on the minority side said a thing in defense of the Bush Administration's legitimate needs for the Department, needs which we have assessed and have actually cut back the funding for, but needs which, nonetheless, one would expect Republican Members to have some interest in, some sensitivity to. Not one voice was raised in defense.

□ 1530

All I can say is that we have scrubbed these administrative items very conscientiously. We have reduced them overall and in particular. So we are confident in our recommendations. But we do have to ask, why? Why should we, on this side of the aisle, stand up for the administration, stand up for the Bush administration's own

Department, when Republicans themselves are unwilling to do so?

Now, we are well aware that not every Republican feels this way. There are Republicans and Democrats who have worked in a bipartisan way on Homeland Security on this bill and over many years. But the group of Republicans who are dominating this debate seem to have no regard for that, no interest in it. So it falls to us to defend their own administration. And we are not inclined to make a very strong recommendation on this amendment.

If the Republican Members of this House want to take money away from this account that we have already reduced considerably, then they can be our guest.

Mrs. MUSGRAVE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard comments in this Chamber today that there are attempts on this side of the aisle to obstruct. I'll tell you what the attempt is that we are making over here. It is to shed light on a topic that is now of interest to Americans. We had a Member come into the Chamber last evening, and he was talking about an earmark that he had requested, the ''Bridge to Nowhere.''

There aren't a lot of people that understood our jargon. They didn't understand our acronyms. It seems like every occupation has its own language. But when the American people started reading about the ''Bridge to Nowhere,'' when it was on the cover of Parade magazine, when you were in the doctor's office waiting and you picked up the Reader's Digest trying to kill a little time, golly, here was an article in the Reader's Digest about the ''Bridge to Nowhere.''

So suddenly the term ''earmark'' has come to be understood by the American public. They started reading a little more, and they started finding out about earmarks and how people in Congress with seniority, with a great deal of power because of their seniority, had the ability to direct spending.

It is like when I talk to a high school or a junior high or middle school class. I always tell them, Government has no money of its own. The only money that government has is the money that is extracted from its citizens.

Mr. Chairman, I try to impress this upon young people and try to get them prepared for the first day after they have worked on a job. They get their paycheck and then they take a look at it, and they see how much government is taking out of their paycheck. I want them to start thinking right away about how government spends its money.

I think a lot of Americans, whether Democrat, Republican, if you looked at the political spectrum, whether they were conservative or moderate or liberal, they got a little upset to think about how some individuals had that much power to take tax dollars from people all over the United States and spend them on a project that they deemed important.

I will never forget the first time I was in a press conference, Mr. Chairman, with a number of other Members when we were looking at an omnibus bill, and the visual, just having all those pages right there on a chair was startling. There were all those things in there called ''earmarks,'' and some were just downright silly. I mean, the American public would groan when they would think that Members would take money from citizens around the country and then spend them that way.

So as we worked through this reform process, as we talked about it, we had heroes in our midst that would get up time after time and try to go after some of these egregious earmarks and get beaten back. But you can't always determine who is going to win the war when you look at individual battles.

Although those individual battles were lost, we are going to win the war on this earmark thing because the American people know right from wrong. They know there should not be an abuse of power where someone on their unelected staff, and I have to tell you, I admire the staffers on Capitol Hill, most of them are young, because we have long days and we have hard work and it takes someone with a sharp mind and dedication to work, but they are not accountable to anybody's constituent.

When I go home to my district, I can read letters to the editor about me. People can call me personally on the phone. People can come to my office. Even though each of us represents over 600,000 people, we are approachable, and we have to be accountable. But staff is not accountable when you have power vested in one individual.

In my family we have a little saying. We say, Does somebody think they are God? And because we are God-fearing Christians, we do not believe that we are talking about capital G-O-D. What we are talking about is G-A-W-D. Who does an individual think they are when they try to exercise this kind of power?

The American public has an innate sense of right and wrong. The public's business should not be done in private, with one all-knowing individual surrounded by staff, getting in letters or comments whether this earmark is good or this earmark is bad. Maybe eventually we will have a sign that says ''thumbs up'' or ''thumbs down'' just to conserve time. That is not right. The American people know it, and we all know it.

There has been a problem with earmarks for a long time. Today is the day that we need our friends on the other side of the aisle to admit what we know what they know, and what they know we know, and reform this process.

The Acting CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. MUSGRAVE) has expired.

(By unanimous consent, Mrs. MUSGRAVE was allowed to proceed for 1 additional minute.)

Mrs. MUSGRAVE. Mr. Chairman, today is the day that we know the American people deserve to know how their tax dollars are being spent. If we're going to have earmarks, let's have the whole Congress, 435 of us, duly elected by our constituents, give it an up-or-down vote and have individuals who want an earmark have the courage to stand up and convince them, again, whether Republican, Democrats, conservative, moderate, liberal, wherever you put them on the political spectrum, the American people's business should be conducted in public, and the American people know that.

Mr. FEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I never thought I would say that I really miss the grand old days of the liberal tax-and-spend party, because the great liberals in our Nation's recent history were never ashamed about being honest with the American people that they wanted to raise taxes and they wanted to increase spending. In fact, they campaigned on increasing taxes and they campaigned on increasing spending.

One of the problems we have with the hypocrisy in what is going on in the last 6 months is that we are dramatically increasing taxes, $392 billion, secretly and surreptitiously, through the budget bill that repeals the most pro-growth tax cuts since Ronald Reagan was President. And now we have a process by which American taxpayers' money will be spent in secret, behind closed doors and in the dark. I really admire the grand old liberal days, when raising taxes and increasing spending was something that was done just right out in the open, where everybody could see it and debate it.

I have heard in the last 10 hours of debate that Republicans have been accused of being repetitious. It is better to be repetitive than disingenuous or hypocritical, in my view.

Winston Churchill once famously said that there is nothing that one government learns so readily from another as how to spend other people's money. I would tell you that there is a critical process that is being undermined here that is important to a functioning Congress and that will embarrass this institution if we don't stop it right now.

That is why this debate is so important. It is not about $1 million or $1 billion here or there. It is about how we go forward in spending the people's money in a transparent, honest and open fashion.

We have had our Democratic colleagues point out, I think fairly, that Republicans maybe aren't in the best glass house to throw stones when it

comes to the issue of spending money or earmarks. I will tell you that it is very important that we acknowledge Republican failures.

Not all of us were happy with some of the things that happened in my last 6 years. For example, I voted against numerous GOP-led appropriation bills. I voted for virtually all of Congressman JEFF FLAKE's amendments. I was on occasion punished by having my own priorities stripped out of bills.

I voted for cuts in every GOP appropriations bill in my first 6 years. I criticized our Republican President for overspending and for not exercising his veto to discipline Congress. I criticized my own leadership. I supported every reform effort I can think of in the methods of opening up earmark processes to transparency and honesty. I even went on national TV and said that the Republican-led Congress was spending money like drunken sailors.

I have to tell you, a Navy captain in California admonished me. He said Congress was not spending money like drunken sailors; that drunken sailors spend their own money, and, when they run out, they quit spending. And I have to give it to him.

So I want to tell you that not all of us are coming here and ridiculing things that we have not ridiculed in the past. I applauded the Democratic reforms that were promised in terms of transparency and earmarks. As soon as we were told back in January that the reform-minded Democrats were going to open up the process and make it transparent, I said publicly that that would be one good thing about a Congress that I otherwise disagreed with its priorities.

But here I am 6 months later ruing the day that I ever said something nice about intentions, because the intentions never materialized. In fact, we have gone dramatically backwards. We are now going to have 434 of us give our proxy to the appropriations chairmen, all the cardinals and Chairman OBEY, and we are going to let them decide how to spend the people's money.

We did away with proxy voting decades ago in Congress, and now we are going to have spending by proxy. That is wrong. It is fundamentally an affront to the American people, and it undermines the entire legislative process.

I can tell you that I was Speaker of the Florida legislature, and when there was trouble because of poor spending, it was almost always due to lack of honesty, openness, and transparency. And the Democratic leadership will rue the day, sooner than later, that it put a cloud of secrecy around spending the taxpayers' dollars. They will regret going back on their word.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was doing some math, and I am sure my colleagues are aware of this. If you are not, you might be shocked. We spent 10 hours on a debate to cut $8 million from the general counsel. Now, you talk about waste. This place runs, the electricity runs, the people are on salary, and that side made us spend 10 hours just to cut $ 8 million, with eight motions to rise to stop the work.

Now, nowhere does anyone get up and discuss the issues in this bill. The bill continues to be a good bill. No matter how much you attack it, no matter how much you avoid dealing with the true issue, the center issue, it continues to be a good bill. I think what is happening here is, as time goes on and different folks and different Members pay attention, we have to continue to repeat some of the things that we have said before, because you put us in that situation.

So, with that in mind, let me remind you that this is the Homeland Security bill. This is the bill and this is the issue that, according to a lot of folks on talk radio, the Republican Party is supposed to be very strong on. Democrats are supposed to be strong on some issues and Republicans are supposed to be strong on some issues, but according to what you tell the world, you are stronger on this.

Mr. Chairman, they claim to be stronger than anyone else in the universe on homeland security, yet you have spent all night, all night, trying to destroy this Homeland Security bill which protects the homeland.

□ 1545

As I said before, I represent New York City. I was in New York on the day of September 11 and we personally, as the rest of the Nation well knows, suffered the pain of having a terrorist attack. Immediately thereafter, we came to the House floor and we created the Department of Homeland Security. That's what this bill is. This is not a bill that talks about earmarks.

Let's try it again.

Now, as you know, I speak two languages, but out of respect to the stenographer, I won't use Spanish, so I will remind you in English, there are no earmarks in this bill. I would say it in Spanish, but I don't know how to say ''earmarks'' in Spanish. As soon as I do, I'll find a way to say it.

But I'll say it in English again: There are no earmarks in this bill. There's only security for the homeland. There's port security. There is work for border agents. There is strengthening of cargo shipments, of our airlines, of finding ways to protect ourselves from the possible next terrorist attack. That's what this bill does.

And you spend hour after hour after hour with procedural motions to adjourn to go home, to stop working and telling us that there are somehow earmarks in here that have to come to the light of day and telling us that a new process and a new system has been invented. Yes, a new one is in place. It's one that is going to tell us who, which Member of Congress, asked for money to go to a certain program in his or her district and throughout the Nation.

And let me tell you something. I don't have a problem with that. I don't think that the administration or the bureaucrats are the only people who know how to spend money. I think I know how to spend some dollars in my district. And all an earmark is, is that we tell the agency, spend so much money, usually a very small amount in that particular group, to help that particular group of students, or that particular environmental issue, or to clean up that particular toxic waste. There's not a problem with that.

But when you stand here and tell us that this is what this bill does and that somehow there is a system that has been set up that is horrible, you're kidding yourselves. And so I must do something that I didn't want to do, and I'm not going to mention names because that's not proper. But do you know, my fellow Republicans, that 65 of you have written letters to me, chairman of a subcommittee, asking for 137 projects totaling close to $350 million?

Now, I didn't get a chance to ask my chairman, Mr. OBEY, but the committee that I chair, Financial Services and General Government, is not one of the larger budgets. I shouldn't admit that in public, but it isn't one of the largest budgets, and it doesn't have that many areas where you can earmark even if you wanted to. But 65 of you have asked for 137 programs for $340 million. Some of you have spoken on the floor.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind all Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I move to strike the last word and to speak in favor of the gentlelady's amendment.

Mr. Chairman, Fred Bastiat said in the dawn of this Republic that government is that great fiction through which everyone endeavors to live at the expense of everyone else. I am not sure if there are too many subjects other than earmark transparency being debated here today that hold more relevance to such a comment, and I am afraid that Members of both parties are unwilling to admit that.

It is critically important that we do because it comes down to the very core of who we are as Americans and whether or not we are still capable of self-governance, and whether or not we will allow the fabric of liberty that has been so carefully woven throughout the years to be torn asunder while we all stand by and watch.

So to that end, Mr. Chairman, let me remind Members of this body of some

of the promises made by those in the majority only a few short months ago.

One prominent Member said explicitly, ''We will bring transparency and openness to the budget process and to the use of earmarks.'' Another said, ''We are going to adopt rules that make the system of legislation transparent so that we don't legislate in the dark of night. We need to have earmarks subject to more debate. That's what debate and public awareness is all about. Democracy works if people know what's going on.'' Of course this was after campaigning on the pledge to, quote, ''make this House the most honest, ethical, and open Congress in history.''

But, Mr. Chairman, these promises, though unequivocally made, have been unequivocally broken. Reforms designed to ensure openness, transparency and accountability have been trampled underfoot by the very Members who so vocally called for their enactment. We saw this most egregiously in March of this year with the emergency supplemental legislation, when funds were desperately needed to provide for our men and women in uniform and instead they were laden with $21 billion in irrelevant pork-barrel spending.

Mr. Chairman, I am afraid we are seeing it again today in this capricious decision to blatantly shut the American public out of one of the most important and necessary duties of this House and our representative form of government, that of allocating taxpayer funds for the general good of the American people.

The chairman of the Appropriations Committee has arbitrarily decided that a few select Members of Congress are more capable of ascertaining the public good than the public is itself. Their actions imply that these Members should be allowed, behind closed doors, to decide where tax dollars are spent without being indebted in any way to the collective intelligence and scrutiny of the general public, the press, the media, the blogosphere, and the American people themselves, of course, who are given the charge to keep their elected Representatives accountable.

Mr. Chairman, in any other case, this would be called an oligarchy, the bureaucratic rule of the few over the many. It was this very arbitrary confiscation of power that once caused our Nation's founders to throw off the yoke of the Crown of England. A single glance at the footnotes of history demonstrates clearly that breaching that dam sets up a dangerous and degenerative historical precedent.

James Madison in the Federalist Papers presaged this misappropriation of power that we are witnessing today when he said it this way: ''The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality. Yet there is no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice.''

Mr. Chairman, I urge every Member of this body to recall our commitment to God and the people we serve, to preserve the rules of justice. Hidden slush funds, overseen by a very few people in the dark of night, that is not justice, Mr. Chairman. Camouflaged tax increases that could be the largest in history, that is not justice.

We come here in a moment of contention, but we can turn that moment of contention into a time to restore the transparency and accountability to this appropriations process, and I hope we do that, Mr. Chairman. I hope we vote for the gentlelady's amendment.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

My friend who just spoke and those on the other side of the aisle are fond often of quoting our Founding Fathers. I'm not a student of James Madison or some of his brethren, but I would think that they would be turning in their graves if they watched how this House worked for the last 12 years.

I come here as a freshman Member and I am speaking from what I saw from the outside. I am sure this analogy has been used here on the House floor over the course of the last 10 hours, but listening to folks on the other side of the aisle, my Republican friends, complain about the issues of fiscal responsibility and transparency has got to conjure up the image of the bull in the china shop. If you let a bull into a china shop for 12 years and then he just tears down everything off the walls, he knocks over every case, he breaks every single glass in there. And then in this case, he runs out of the china shop and says, Well, why don't you go in there and clean that up? Why doesn't somebody go clean up the mess that we just made?

That's what happened in this House from those of us who watched it from afar on the issues of transparency and on fiscal responsibility.

You know, it's interesting. I sat here last night being called back and forth to the floor for, I guess, eight different motions to shut down this House and to stop the Homeland Security bill from going forward, and I wondered why hadn't that happened in the last 12 years. Why wasn't there a night while we were wasting billions of dollars on this floor in Iraq, $9 billion that we found out are totally unaccounted for? Why didn't we shut down the House one night to talk about that?

As thousands of FEMA trailers were stranded on open lots in the southeastern United States, why didn't we shut down this House for one night to talk about that over the last 12 years? While $70 billion in corporate giveaways were handed out through the Medicare bill, why didn't we shut down this House to talk about that?

Millions of dollars in no-bid contracts. Record deficits year after year. Why on earth wasn't this House shut down like it was last night over the last 12 years?

The American people are probably asking that same question, and there is probably one answer: This House changed hands. There is a different party in charge. And so now there is a very different standard that applies here. The questions that should have been asked for 12 years, well, now in a political context they are being asked today.

I also don't shy away, Mr. Chairman, from the fact that as a new Member, I'm also one of the younger Members here. So I kind of feel that I have an obligation to talk for the millions of my generation that have just become utterly turned off to politics. And when they look at a House being shut down overnight into today, who knows how many more days, to prevent a fairly nonpartisan Homeland Security bill that will protect them, that will protect their parents, their neighbors, that will make their communities a safer place, they know this is about politics, not policy.

And so I think about all of those people who, as they watch this process unfold, are losing their faith in this institution. As angry as I am about the double standard that's applied, about the hypocrisy that's exercised on this House, this House thick with irony over the past several days, I think also about what people think when they see members of the Republican Party playing politics with the issue of homeland security.

Now, we hear claims that this isn't obstruction. We don't have a problem with slowing down the House to talk about this. Well, I would say this. I think that my friends on the Republican side of the aisle, they vastly underestimate the gullibility of the American people. They also vastly overestimate the amount of patience that the American public has left for the games that are being played here on the House floor.

We have an obligation to do all the things that we were sent here to do, to fund homeland security, to protect this Nation. We also have an obligation to live up to the expectations that people had of this Congress when it changed hands, to take the politics out of this House and to start doing the right thing for the American people, not the right thing for either political party.

I would ask we don't go through tonight what we did last night, that we start doing what's right for the American people on policy rather than what's right for the Republican minority on politics.

Mr. McCOTTER. Mr. Chairman, I move to strike the last word.

I appreciate the opportunity to address the Chair. I will resist the temptation to point out how my Tigers took two out of three from your Mets recently.

I, too, am Generation X and was interested in some of the remarks that were put forward on the floor. First, I do not know that the people who wrote the Federalist Papers and came up with the system of limited government would be rolling in their graves at any attempt that we engage in to stop the obfuscation of earmarks within a process that is less than transparent.

I would also like to note that it is my preference to refer to the bull in the china shop as the bull in the Communist China shop. And speaking of bull, let us not forget that for 4 days this Chamber dealt with little else than a nonbinding/impotent resolution on Iraq that resulted in absolutely nothing except the people's business being delayed for that period of time.

Today, we are here about earmarks and not in general, but in particular the process by which they are inserted into appropriation bills. It seems to me that one of the fundamental problems we have in addressing this is the lack of openness and transparency in the process and that is what this endeavor is about.

It would also strike me that in discussing this process, it is odd to hear the new majority using the President of the United States' budget requests as an absolute baseline of fiscal sanity when throughout the course of the last 4 years in which I have served in this body, they have decried this President of the United States as the epitome of fiscal insanity.

So a baseline request from the President is just that. It is a request.

Now, in many ways we are then bound as an institution to give deference to both the authorizing committees and then the appropriating committees. But we do not delegate carte blanche our individual power which is vested in us by our constituencies to then oversee the work product of both the authorizing committees and the appropriating committees.

□ 1600

Today we are engaged in trying to exercise and reaffirm the right of not only ourselves but of Members on the other side of the aisle to be able to exercise that power that has been temporarily vested in them by their constituents to fully and fairly vet these bills and to make sure that the appropriations are what they are claimed to be, and to make sure that they are put to the best, most efficient and effective purpose that they can be on behalf of the American people.

Part of the reason this is necessary is not everyone in this Chamber takes the same approach to earmarks as other Members might. Some Members do no earmarks at all. Some Members prefer to do many, many earmarks. And some Members, I cite myself, do earmarks at the request of their local municipalities so we can serve as conduits back to our States.

I come from Michigan. It is critical to us that we receive our fair share of Federal spending because we pay more than our fair share of Federal taxes. My State, Michigan, is a donor State. Michigan is currently in a one-state recession, and it is very important that our taxpayers receive their money back. But that is my individual approach. That approach has to be vetted by 434 of my colleagues here, and only an open and transparent process will ensure that if I have made a priority request through a earmark, it is in keeping with the best interest not only of my district but within the best interest of the entire American people.

It would seem to me this is a very reasonable approach, it is a very reasonable request, and it is a request that we are pressing today, as we did yesterday, and will continue to do so because it is part of our constitutional obligation we take as Members of this body.

Were we to do otherwise, it would be a dangerous precedent to set because in my mind we are tragically on the verge of coming up with a new kind of system which will allow very little transparency and openness and thus injure the ability of not only ourselves but the American people to know how their money is being spent.

In the past there was the old joke that in the Congress you had Republicans, Democrats and appropriators. If the process that we in the minority find so offensive is allowed to proceed, you will now have four distinct entities. You will have Republicans, you will have Democrats, you will have appropriators, and you will have super-appropriators.

I don't know if the new super-appropriators get to make these decisions in the dead of night, also get to wear a cape and cowl, if they come with a sporty car so they can chase down Federal earmarks, or if they have a cave or a pole to slide down at their leisure as they go off to work to spend other people's money.

I think, however, this would be a tragic development and would oppose it.

The Acting CHAIRMAN. The time of the gentleman from Michigan (Mr. McCOTTER) has expired.

(By unanimous consent, Mr. McCOTTER was allowed to proceed for 30 additional seconds.)

Mr. McCOTTER. Finally, as a member of Generation X, I would like to ask the baby boomers who devised this process to do as you Age of Aquarians often do, let the sun shine in.

Mr. JOHNSON of Georgia. Mr. Chairman, I move to strike the last word.

I came to Washington, D.C. on January 4 and was sworn in, took a solemn pledge to go to work on behalf of the citizens of this great Nation. We went to work, this side of the aisle, and even with some of our brothers and sisters from the other side of the aisle, we passed legislation. We did things for the least of these, such as the minimum wage. Since then we have taken care of our veterans.

Everything that we have done has ended up being objected to by either our Chief Executive or by our friends on the other side of the aisle. It seems like there is no interest in effectuating good legislation on behalf of the people of this country. It seems as if there is a conspiracy to hold things up now that there has been a change in power. It seems there is a conspiracy to throw monkey wrenches in the plans of those on our side who would do things to pull this country out of morass that it has been in for the last 6 years.

Last night, Mr. Chairman, was a culmination of that conspiracy. It resulted in us being here until 2 a.m. handling trivial motions which were designed to obstruct the progress of the Homeland Security bill which has made its way through committee and has found itself now in a state for final passage.

This is a bill that has no earmarks in it, yet we have got the other side claiming that there is something bad about earmarks happening. The thing is the American people want us to pass this bill. It is going to provide moneys for Customs and Border Patrol and border protection. It is going to help reduce lines at airports by helping fund the Transportation Security Administration, TSA. It will fund the Coast Guard. It will even provide funds for FEMA. And it will provide funding for State and local formula grants. Are we going to pass this bill? Yes, it is going to pass overwhelmingly when the other side finishes playing their games. But the American people see through this.

It is deeply disappointing that we would treat these appropriations bills as a means by which we exercise futile, meaningless and deeply partisan tactics instead of doing the hard work that the American people put us here to do.

I need to remind Members present here today that this debate that we are having about earmarks is really no debate at all, and it is putting needed funds at risk to combat terrorism, and it hurts us in keeping our promises to our veterans and all of the important other issues that this bill addresses.

My home State of Georgia in particular will be better prepared with needed funding delivered to the Urban Area Security Initiative and first responders.

The Hartsfield-Jackson Airport in Atlanta, the busiest airport in the world, should not suffer because the

minority side chooses to hold the Transportation Security Administration funding hostage.

But instead of debating the merits of the bill, they choose to play political games. I choose to work. I ask my friends to please drop the political showmanship and let's proceed to do what the American people want us to do and what they expect us to do and that is to go to work and allow ourselves to be guided by the mandate that the American people have given us.

They clearly told us to gather on this sacred floor to find solutions to the problems that they are confronted with on a daily basis and not to engage in the spectacle like what we did last night.

My friends on the other side of the aisle, you decided to take this vital bill that would provide us with needed protection and turn it into a political exercise. Now is not the time and here is not the place to do that. Let's get on with the business and move this bill forward.

Ms. FOXX. Mr. Chairman, I move to strike the last word.

It is clear that the gentleman from Georgia is new here because he has obviously not seen this process played out in the past, or seen his colleagues on his side take days and days and days to take care of appropriations bill and to throw problems in our way.

What he is saying is so disingenuous. This bill does not have to be approved until October 1. The budgets are out there for these agencies until October 1. This does not have to be done today; it doesn't have to be done tomorrow. There is plenty of time to do this.

But what the Democrats have allowed us to do is to expose their hypocrisy. They are giving us that opportunity. Now, we could stop all of this debate immediately, and we would be happy to do that. All they have to do is stop shrouding the earmarks in secrecy. They think that our wanting to expose their secret earmarks is trivial. My constituents in the Fifth Congressional District of North Carolina don't think that is trivial.

And my colleague here earlier who said that Republicans ask for earmarks, certainly Republicans ask for earmarks, and I think that is appropriate. I didn't ask for any earmarks in this bill. I don't know anybody who asked for earmarks in this bill, but people do. But he misses the whole point, as the Democrats do. They are now trying to turn this on us. They are in the majority. They can handle this problem easily. All they have to do is put out a list of the earmarks, and let everybody know what they are.

No, we have a chairman who wants to have those earmarks in secret until after the bills are passed and then vote on them.

Also, my colleague from New York talks about wasting time. Ladies and gentlemen, I have just been dying to talk about this, and he has given me the perfect opportunity. The majority party said we are going to have people in Washington 5 days a week so you will work. Well, I work very hard when I'm in my district. I know they love to be in Washington, D.C., but let me tell you about waste of time. Let me tell you about some of the bills that have been brought to this floor for us to vote on. It goes on and on and on. There has been one substantive bill signed by the President in 6 months of this Congress.

But let me tell you some of the wonderful, exciting, necessary bills: Recognizing National Americorps Week; supporting the goals and ideals of National Public Works Week; honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary; in observance of National Physical Education and Sports Week; supporting the goals and ideals of Financial Literacy Month; honoring the 50th anniversary of the international geophysical year; expressing the support for National Foster Parents Day; honoring the life and accomplishments of Gian Carlo Menotti; recognizing the benefits and importance of school-based music education; recognizing the 45th anniversary of John Hershel Glenn's historic achievement; supporting the goals and ideals of National Community College Month.

That's why we come to Washington 5 days a week and that our colleagues think that our wanting to shed the light of day on these egregious earmarks is trivial? Folks, I want to tell you, the people in my district do not think it is trivial, but they think some of that stuff we have been voting on, and I could spend the next 5 days reading out the titles of these bills when we talk about waste of time.

But let me tell you, even their press, their friendly press, gets it; and I think the American public gets it. They want to change the topic and make it look like we are obstructing justice. We are shedding light on the problems.

CNN, again, not a bastion of conservativeness said: When Democrats took control of Congress, they promised lawmakers would go public with their requests for funding. They have not done so.

Earmarks should be scrutinized before spending bills go into effect. They are not doing that.

OBEY'S move for staff scrutiny comes at the expense of greater openness and examination by the public and other lawmakers. That is from AP.

This is from Roll Call: This year despite promises to run the most open and honest House ever, Democrats began by making sure that no challenges would be in order if Obey certified that a bill was free of earmarks.

It is over and over again. Even the press that normally supports them is saying they have made a mistake, they have overreached. We don't need more secrecy in this process. We want things out in the light of day. If I ask for a earmark, I better be proud of it and to have it published, and I am. But they don't want to do that. They want to keep it secret. And then they want to let the staff vet the earmarks, not even the Members. That is not the way to operate the House of Representatives.

Mr. GINGREY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague from Georgia, Representative JOHNSON from DeKalb County, spoke just a few minutes ago. I have great respect for the gentleman from Georgia, a freshman Member doing a great job in this body. Of course he talked about the underlying bill and what is wrong with the bill.

Well, I move to strike the last word in support of the amendment. The gentlelady from Oklahoma, the former lieutenant governor, a long-term lieutenant governor, I think the first ever in the history of the State of Oklahoma, female lieutenant governor, I support her amendment. And I say to the gentleman from Georgia, my good friend, there is nothing wrong with the underlying bill, and possibly he is correct. As the subcommittee chairman has said, there are no earmarks in this Homeland Security bill or traditionally in a Homeland Security bill.

But the problem with the bill is it is an increase up to 14 percent in spending on that particular appropriations bill, 7 percent more than what is in the President's budget, what the President called for.

So as the gentlewoman from Oklahoma knows with her amendment, it is just one more opportunity to try to bring, as she is doing, to bring fiscal responsibility into the process and say some of these programs, you can pick them apart and name certain ones.

□ 1615

We have to have that, but pretty soon, we're talking about $60, $70, $80 billion worth of additional spending that the Democrats are going to bring on the backs of the American taxpayer at the end of this fiscal year, and that's what we're railing against. And I would say that to my good friend from Georgia, the gentleman from DeKalb.

But more than that, Mr. Chairman, much more than that, of course, is this issue of earmarks. I talked to a good supporter from my district just recently, in fact this afternoon, and he reminded me of the outrage at our own party, at our Republican Party, and reminded me that we are in the minority because of not being fiscally responsible, fiscally prudent, losing our brand, if you will, not fulfilling the pledges upon which we took office, indeed upon which the President took office 6½ years ago.

Yes, certainly our party is outraged and we get the message, and that's why we are determined to bring fiscal responsibility to the people's House and this issue of earmarks and all of this pork, the Democrats, the Democratic majority got that majority by railing against maybe the sins of my colleagues in regard to earmarks.

So this is what really it's all about, not particularly that we're opposed to this specific appropriations bill on homeland security. And I think the subcommittee chairman has done a good job, just as the ranking member has.

But Mr. Chairman, let me just say this. Here is what the Democratic majority has an opportunity to do. They can take all of these bills, all of these appropriations bills back to the Rules Committee and bring them to the floor with a closed rule, something that's unprecedented, and I don't think that the majority will do that. I hope they won't do that, but they could.

This is the option I would recommend. I recommended it yesterday when I spoke on another amendment. Mr. OBEY, the chairman of the Appropriations Committee, Mr. Chairman, has said that he's going to take all of the earmarks that he plans to airdrop in a conference report, where none of the Members will have an opportunity to vote up or down, but he's going to airdrop them, but he is going to shine some sunshine, some daylight, on that by publishing them before the August recess in the CONGRESSIONAL RECORD; and any Member, they will have an opportunity, maybe over that month, to look at all of those earmarks. And if they don't like them, they can write a letter to the chairman of the Appropriations Committee and say, I'm opposed to that particular Member's earmark.

And then who makes a decision? One person. He's not God. He's just chairman of the Appropriations Committee, and he makes a decision, well, am I going to airdrop those amendments, yes or no?

Well, I want to suggest once again, Mr. Chairman, to Chairman OBEY, here is what you can do. All of those earmarks that you publish in that CONGRESSIONAL RECORD before the August recess, you can bring those back.

The Acting CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGREY) has expired.

(By unanimous consent, Mr. GINGREY was allowed to proceed for 1 additional minute.)

Mr. GINGREY. Then when we come back from the August recess, he can bundle those all up as a bill or a resolution coming through the Appropriations Committee, having a special rule, hopefully an open rule, bring it to the floor of this House, and then let each and every Member vote those earmarks up or down. And you can have them sectioned off for each of the 11 or 12 appropriation bills.

That's the opportunity that we want to give to the new majority, and I hope the leadership will, in consultation with the chairman of the Appropriations Committee, a member of almost 40 years of this body, will come to that conclusion, because as one of my colleagues said last night, we don't want to trade in our voting card for a piece of paper and a pen so that we can write a letter.

That's taking away the rights of the minority, but even more importantly, Mr. Chairman, it's taking away the rights of the American people. It's unfair. It's not the right thing to do.

And I pledge and plead and beg my colleagues in the majority to do the right thing.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we come here this afternoon on the eve of one-quarter of the way through the 110th Congress, and we have to ask ourselves, what now that the Democrats are in control of this House have they wrought? Three things: The largest tax increase in America's history on America's families; secondly, a breaking of the rules and/or their promises; and finally, what we learned last night, slush funds in very important appropriations bills.

If you were listening to this discussion last night, some of our friends on the other side of the aisle, in essence, justified their actions here today with this legislation by looking back to a couple of incidents in the past, back in the 1990s or what have you, and said, well, if it was done in the past, we're going to continue this tradition in the future.

I think the gentleman from Minnesota raised the point before quite accurately. Did they not hear the message that the voters of this country sent in the November election? I can tell you, we heard that message loud and clear.

The American public is tired of politics as usual. The American public is tired of the games in Washington. The American public is tired of changing the rules as you go along just to get your end.

We heard that message, and that is why we came to the floor last night and today. We are not politicizing this. We are just trying to protect the American public on important issues such as homeland security. At the end of the day, we heard. On the other side of the aisle, we thought the other side of the aisle did.

On these three points, tax increases. I have the opportunity and honor of serving on the Budget Committee, and I quite honestly was amazed, after all the hearings that we heard at the beginning of the year about the fiscal constraints we should be living under and the problems that we have, and yet we saw the budget that they presented us at the time of a $392 million tax increase in their original budget would affect everybody with tax increases.

Increase in the marginal rate of $182 billion; reduction in the child tax credit of $27 billion; increase in the marriage penalty of $13 billion; increase in the death tax, $91 billion; increase in the capital gains and dividend tax, $32 billion; other tax increases, $47 billion, all huge numbers. But if you break it right down to the individual family, you know what it comes out to be? Well, the New York Times answered that question.

They said the average family of four living in my area in the State of New Jersey, would see their taxes go up by around $50 or $100 or more. That's what the other side gave us when they gave us the largest tax increase in U.S. history.

Breaking of the record, breaking of promises, breaking of the rules. Well, if you follow what we do here on the floor, you will recall that it was just about a month ago when the other side of the aisle was trying to change the rules of the House that had been put in place as far back as 1820 to allow the minority to have the opportunity to offer motions to recommit and the like in the manner in which we have done in the past, as I say, for over 200 years. We fortunately were able to thwart those moves. We hopefully will be able to thwart their moves now as they try to break the rules again when it comes to transparencies and earmarks and the like.

And finally, when it comes to the third point, slush funds, slush funds? Can you imagine that we're still talking about in this day and age Members from the other side of the aisle creating an appropriation process where there are slush funds, where one Member is going to decide where literally billions and billions of American taxpayers' dollars go?

These are not just my comments as far as the criticism of the other side of the aisle. Let's take a look at what outside individuals and the media are commenting on this.

Public Citizen's Craig Holman said, speaking of what the Democrats are doing, ''It violates the whole spirit of the reform itself. We really did expect that earmark requests were going to be an open book so that all of America could sit there and take a look at who is requesting what earmark.''

Over on CNN, not a conservative network by any means, CNN's John Roberts said, ''The question people are asking today is, 'What happened to the Democrats' promise to shed light on the earmarks?' Because this plan as announced seems to do the opposite.''

Brianna Keilar, also from CNN, ''Democrats now are on the defense with Republicans . . . But advocacy

groups say'' their actions ''still violate the spirit of what Democrats said they would do when they came into power in January.''

Mr. Chairman, we are not trivializing this. If anything, the other side of the aisle is trivializing a very important piece of legislation, Homeland Security, an issue that is extremely important to my district, inasmuch as we live in the shadows of the Twin Towers.

Let's hear what the American public says and return civility and the rule of law to the House of Representatives.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to commend my colleague from North Carolina for his leadership on the Homeland Security Appropriations bill, and I applaud him and members of the subcommittee who helped craft this bill.

The Homeland Security Appropriations bill is a top priority for the country, and it should be a top priority for every Member of this body.

Now, let's be clear. This bill protects the American people on Wall Street and on Main Street, on your street and on my street. We owe it to the American people to provide the highest levels of safety and security possible, and this bill does just that. The legislation will help protect our homes, families and communities from those who would do us harm.

This bill protects our borders. It fully funds the Customs and Border Protection Agency and adds 3,000 new Border Patrol agents to secure our borders.

This bill funds our first responders and provides them with the critical equipment that they need. It ensures that our own local police departments have access to the information and intelligence they need to perform a meaningful role in counterterrorism.

This bill restores the President's cuts to firefighters to ensure that those who protect our homes, our small businesses, our schools and our communities have the resources that they now lack to keep us safe.

The bill restores critical interoperability funding that will allow local police, firefighters and emergency responders to communicate during a crisis.

This bill protects our airports and our airplanes with baggage screening funding, and it protects our ships and seaports with funding for maritime security.

Mr. Chairman, I have my 8-year-old daughter with me this week, and as we observe the antics from my friends across the aisle, I'm reminded of a game that my daughter often plays with her friends called Consequences. Probably each of us has played that game at one time or another, but not when the stakes are as high as they are in this Chamber.

Basically what happens is, each child writes down on cards an event and a consequence of that event. The cards are shuffled and read out loud in a muddled sequence, with one event leading to consequences that then make no sense at all. This is not child's play, and Members of the people's House play the game of Consequences at their peril.

By obstructing this critical bill, they have elevated the politics of pork over the security of the American people.

Mr. Chairman, Republicans should stop playing the political game of consequences and join Democrats in focusing on getting things done and protecting our homeland, because the real consequences of holding up this bill are serious. That is what the election on November 7, 2006, was about.

I was elected in the 109th Congress, and I didn't see any of my colleagues on the other side of the aisle leaping to their feet to demand that their name be published next to the appropriations request that they submitted. I didn't see anybody leaping to their feet on the other side of the aisle insisting on reform. Where were the reformers on the other side of the aisle in the 109th, in the 108th, in the 107th, in the 106th? Where were they?

Now, suddenly, they're leaping to their feet, saying to the American people that they know what the election on November 7 was about. Why didn't they do any of this or insist on any of this before now? Because they didn't believe in it.

Mr. MCHENRY. Mr. Chairman, will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I appreciate my colleague yielding. There's a simple fact. We had a strong earmark rule in the last Congress, and we're asking you to reinstate the earmark rule.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, if you had one, it was not evident. It was absent because one of the main reasons that the people insisted upon putting Democrats in the majority and moving this country in a new direction is because there was an absence of reform here, an absence of oversight, an abdication of the Congress' responsibilities.

And that's why Democrats are in charge. That's why we are making sure that we actually reform the process, put transparency into the appropriations process, own up to the earmarks that we sponsor and make sure that people know what we're asking for when we want to bring home funding to our districts, not do it in the shadows as was the practice up until the 110th Congress.

□ 1630

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to respond to my colleague from Florida. What she said was factually incorrect. The Republican Congress put in a strong earmark reform so the American people can see what we are spending here on this House floor. It's a matter of transparency and openness which the Democrats campaigned upon. What they have done in this whole process is put those earmarks back in the shadows, in the shadows of the chairman's pocket, and the chairman can divvy them up as he sees fit.

That is not the direction we should be moving in, and we are not delaying this bill. What we are doing is having a debate on the size and scope of the government and whether or not we should allow pork-barrel projects to invade our appropriations process or whether or not we should have openness and restrain the size and growth of government. That's what this debate is about, and it's a good debate.

Mr. Chairman, I yield to my colleague and friend from Kentucky for the remainder of my time.

Mr. DAVIS of Kentucky. I thank the gentleman.

Mr. Chairman, I think it's somewhat ironic. Listening to the words of the gentlewoman from Florida reminds me of a comment that Machiavelli made centuries ago. He said: ''For this is the tragedy of man—circumstances change, but he does not.''

It's fascinating that the Democrats ran on a platform of wanting to bring about the most ethical Congress ever, but, frankly, I have to say it's a sham based upon this approach to earmark reform. This is not earmark reform.

In fact, the reason we were here last night, contrary to the comments from the other speakers, was to protect the American people and to protect their right to accountability for every dollar that is spent in this Chamber. Let's look for a moment on the structure of accountability before talking about the validity of earmarks.

Last night, when we asked about the ability to debate specific spending bills, we were told, oh, this is in the guise of transparency, but, of course, you won't be able to vote on the individual earmarks. You can only vote after those have been dropped in after the conference report.

I would have to say this is a most surprising thing. In fact, we were told, with tremendous sincerity on the part of the gentleman from Wisconsin, that, in fact, this would be a wonderful way to protect the people's rights to transparency, and, frankly, wall us completely out of the process.

How is that? Well, I would be able to object to egregious spending. We have seen that in a number of areas through the years on both sides of the aisle. But how would we object to that from my office in Kentucky? I would be able to write a letter to the chairman of the Appropriations Committee. In fact, the staff members would make the decision

on whether that was a legitimate earmark or not.

I have great respect for the staffs that work at all the committees in our offices and the House. But I would like to remind the gentleman from Wisconsin, the Members from the other side of the aisle, that last November, in the election that they claim the American people chose to have a new direction, I didn't see the name of any staff member from Capitol Hill on a Federal ballot anywhere in the United States.

The people who were elected to uphold and defend the Constitution, who were to make sure that the people's money was spent wisely, were not staff members. The staff members were accountable to elected officials. Ultimately, the elected officials have to make those decisions because we are the ones that were accountable to the people.

What will the public know about these earmarks? All they see of them is at the last minute when we get into a position of simply voting up or down on a conference report where we will not have that ability to debate or to discuss those bills.

In fact, let me be clear about this. I don't think earmarks in and of themselves can be bad. They can be very good, but they should all be subject to public debate here in this Chamber on this floor or in this committee where they can be voted on up or down by a majority of Members clearly making a decision and being accountable for those decisions.

There are many good earmarks: investing in public works, creating jobs that can lay a foundation for future growth. The root of this practice is based on the idea there are many funding priorities very specific and unique to districts or regions of the country that should be decided by our elected officials, not some faceless bureaucrat in Washington, not some person hidden in a cubicle or an office away from the light of scrutiny and accountability.

To say this is bringing an ethical posture to Congress, I beg to differ with that. In fact, I believe what it would do is increase the likelihood of malfeasance on the part of taxpayers' dollars by taking away the direct accountability with Members of Congress.

In the Fourth District, I don't want a faceless bureaucrat to make those decisions. In fact, I am proud of every earmark that I have secured for the Fourth District of Kentucky. I want the people to know that this is how we believe, working with our local leaders, that taxpayer dollars should be reinvested in our communities, how their dollars should be spent that they can see that firsthand and see that return.

However, the process would be significantly improved if every earmark were defined in the bill, their sponsors named and that we have the ability to challenge those and let each Member defend the merits on return and investment to the American taxpayer on each one of them.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been a wonderful debate. For about 30 years, I hung around courtrooms and watched lawyers talk to juries, and a lot of times lawyers use terminology that people didn't understand.

We just used a ton of terminology, and every once in a while pick up on one or two that I think that maybe newcomers to this House really don't understand, maybe someone else that might be in the House or listening to the House might not understand. I want to talk about some of those things.

First I would like to address, before I do that, I want to point out that we have done an awful lot of talk about history. You know, last year is history.

In fact, yesterday is history. Today is reality and tomorrow, who knows.

But there was just a tirade of numbers thrown out of Congresses just a few months ago. If you want to play that game, then let's take the 40 years prior to the Republicans coming into the majority of Congress and say, what about those 20 Congresses that had the opportunity to reform the appropriations process?

That's a ridiculous argument. That argument carries no water whatsoever. The reality of the problem that we are addressing on earmarks actually came to the forefront when the vast majority of the people that sit in these chairs, in both parties, were surprised by the activities of a few who violated their sacred trust to the United States Government.

We had an election where all of us got painted with the brush of that few. But the reality is, the vast majority of people on this side of the aisle, and I am sure my colleagues on the other side of the aisle, were shocked to disbelief over some of the things that occurred with Members of the Congress, and are continuing to occur, to come to light. Recently, we had light spread on another shocking event that we have had here in Congress.

You know, the nature of democracy is that problems leap up in your face, and you react to those problems. We have had leap into our face that secretism when dealing with money causes people like Jack Abramoff to end up in prison, and those that may be associated possibly end up in prison.

If you look and study what happened, it's all secret things. That's the real offense we are talking about, when we say let's let daylight in on this earmark process. A term that we have used a lot is airdrop, but most people think airdrop, plane, parachute, that drops it in.

What we are really talking about is once a process goes through the House and the Senate, bills come to a conference committee, which is made up of representatives of both bodies. It is in a closed room behind closed doors where the bills are worked out to where they can get a compromise that both bodies can then vote on.

When we refer to airdrops, these are these expenditures and appropriation bills that when it comes back to this body, if we can dig through and find it, we go, where in the heck did that come from? We can't find any record anywhere of anybody talking about that in the Senate of the House. There it is. Where did that come from? So it's like it dropped out of thin air.

I think that's where the term ''airdrop'' gets its meaning. It's that when the Members of this body and the other body look at the final product and say where did that come from.

I think the proposal that's being made by the majority on their new earmark reform, by its very definition, creates a large body. We hear 31,000 possible ''where did that come from'' from for every Member of this body, except maybe one and some staffers who, some believe, are more competent than the Members of this body.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. CARTER) has expired.

(By unanimous consent, Mr. CARTER was allowed to proceed for 1 additional minute.)

Mr. CARTER. Mr. Chairman, when we had these scandals, and we had the debate last term of Congress about this airdropping, this appropriations process, the public asked us to put what we were doing under a microscope and then let them see it.

That's what we are doing today. That's what we are going to continue to do until the whole process is visible and out in the daylight, and that's what this is all about.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to support the Homeland Security appropriation, and I would just have to say the word ''irony'' has been used by both sides of the aisle quite a bit. I think the irony here is that the Republican side of the aisle is trying to do what they did last year, which is not to pass a budget, not to pass appropriations and try to bring this country to a halt by delaying, delaying, delaying.

Well, that's fine and dandy for them to play those kinds of games, but this country expects a change. It voted for a change in direction. It voted for strong national security, which this bill reflects and represents.

This bill reflects and represents protection on our borders, protection on our ports. We have additions to FEMA so that we have protection and response to natural disasters. Instead, our friends would like to stall and hold this Chamber hostage because they

can't get the pork they want. They want their pork, and they want to eat it too.

Ladies and gentlemen, this is wrong. This stalling tactic has got to stop. This Nation deserves much better than what we are seeing from the Republican side of the aisle.

They would like us to ignore the fact that billions of dollars are missing in Iraq under their administration and under their leadership. They would like us to forget the fact that there were sweetheart deals to Halliburton and to many others where there was no bid and no contracts.

They would like the country to forget history, which has brought this country into the biggest debt that we have ever seen. They would rather talk about earmarks, which they really mean to be pork, because they aren't going to get their pork. They aren't going to get their bridge to nowhere because we are not going to let them have that. We will fight for the American people every day, as long as it takes.

We are here because of guys like Jack Abramoff, Duke Cunningham, Bob Ney, Mark Foley. Those are the individuals that helped create a Democratic majority because people were tired of it, and they wanted a change in direction.

We're going to change the focus of this Congress and this Nation from what the Republicans did, which was the wealthiest 1 percent to the hard-working people in the middle. We passed a minimum wage law. We passed bills out of here to reduce the cost of prescription drugs under Medicare part D. We are focused, ladies and gentlemen, under this bill on the national security of the United States of America.

Instead, our friends on the other side are focused on pork and their bridges to nowhere.

This is a travesty; this is a delaying tactic. This is not in the interests of the United States of America. I support this bill and ask for an ''aye'' vote.

Mr. DAVIS of Kentucky. Mr. Chairman, I move to strike the last word.

Before I speak, I would like to just share one thing. The gentleman who was just speaking reminds me again of the comment that Machiavelli made that the tragedy of man is that circumstances change, but he does not.

And in all of this rhetoric, I would remind the gentleman we were actually debating a Homeland Security bill, I haven't heard one person answer our reasoned arguments to ask them to defend the appropriations chairmen or the Speaker's approach to earmarks by taking them off the floor and out of committee and removing them from debate and accountability.

I happened to be in the meetings last year where the Republican conference was at work to move to improve the accountability. Certainly, I believe in complete transparency of records, and we have heard nobody defend the chairman's position on this.

I have heard no Democrat get up and defend the chairman's position on earmarks at all. They want to use ad hominem arguments, talk about yesterday. I think the gentleman is right: what happened yesterday, in fact, is history.

So far, to make this the most ethical House in history, I would think that openness and transparency would improve accountability, and not simply contribute to the increase of greenhouse gases in the atmosphere.

□ 1645

We talk a lot about that, but I think that a lot has been created inadvertently from the other side.

The issue is not whether earmarks themselves, it's not whether earmarks themselves are good or bad. It's simply having a mechanism for accountability for the American people so that they can see that.

One perfect example is a large project of national and regional significance that's in my district that affects 71 congressional districts. We worked together in a bipartisan manner through the 109th Congress to secure all of the funding necessary to the lead-up to the construction of the Brent Spence bridge on I–75 that connects Northern Kentucky and Cincinnati. This was not a Republican or Democrat project, it was an American project where many, many Members, ranging from south Florida, all the way to the Upper Peninsula of Michigan, up into the Northeast saw their districts, their industries, their jobs affected by that meaningful investment in infrastructure that would benefit the Nation as a whole.

We wanted that accountability. We debated it in public. We talked about it repeatedly. We made the case not only to one another in the House, but to the American people, that there would be a return on investment.

And I think, at the end of the day, that's the real key. Projects like that are not bridges to nowhere. Projects like that in the full disclosure of the light of day show a proper stewardship of the tax resources of the American people that are given to us to spend. But to take it away and not answer the fundamental question, to say that these are tactics to stall for pork, I would respectfully disagree with the comments that have been made, because nobody has defended the fundamental question that accountability, in fact, has been taken away and removed.

NANCY PELOSI, the Speaker of the House, stated on March 17, 2006 that ''before Members vote on the bill, there should be an appropriate time for people to be able to read it, that it be a matter of public record. And if there's an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there.''

Unfortunately, moving to a concept of omnibus bills or dropping them in at the conference where there's not that room for debate or discussion, I think it creates opportunities that, I won't go so far as to suggest that there's an issue with integrity, but more importantly, as a businessman, as somebody who was a consultant helping companies to maximize their investments, their productivity, to keep their jobs and to grow, there's a greater risk of redundancy. There's a greater risk of waste. There's a greater risk of less efficient ways to go about solving the problem in a particular region.

The benefit of debate and the benefit of dialogue is to give us a synergy that, at the end of the day, will give us results that will benefit the American people. And I think that we've been trusted with the people's money.

This legislation, today, the structure and the reason that we have been put into a position where we have to exercise process to force this debate, is no different than what happened a month ago when a germaneness rule, where the minority had the opportunity to offer alternative opinions that had been in place since 1822; folks who stated that they were respecters of the institution moved to strike that rule, and we were simply informed an hour before it was going to go into effect, and we exercised our rights through procedure to remove all unanimous consent and to move to a place where this had to be brought into the light of day because of the opportunities that were given for Members before.

At the end of the day, that was wisely repealed that there could be some degree of comity and debate. In this same vein now, I think it's important that, rather than returning to the politics of yesteryear, of a bygone era, I think what we need to do is move forward in a spirit of openness.

We live in an information world that's interconnected and open and gives access. Let's give the people access to all the earmarks. Give it to them early. Let Members on both sides of the aisle stand by their projects, justify them to the American people.

The Acting CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DAVIS of Kentucky was allowed to proceed for 1 additional minute.)

Mr. DAVIS of Kentucky. And with that, at the end of the day, what we come up with is not a majority or minority solution, not a Democrat or Republican or liberal or conservative solution. We come up with an American solution that optimizes the resources that we are entrusted with by the American people.

Mr. THOMPSON of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it's been 5 years since the Department of Homeland Security was established. November's election demonstrated that the Nation agreed with the Democrats' new direction for America.

In the movie A Few Good Men, Tom Cruise asked Jack Nicholson for the truth. Nicholson's response: You can't handle the truth.

Mr. Chairman, can the minority handle the truth? I submit to you today that the minority cannot, in fact, handle the truth. Mr. Chairman, the truth is that the minority can hear the heart of the American people no more than they could before November.

Truth is, Mr. OBEY has made this process way more transparent than it was under the minority's watch. The truth is, we have much more of an efficient process. Most importantly, the truth is that there are no earmarks in this bill that we're debating here today.

The appropriations measure has been on the floor for 12 hours and still counting. Eight motions for the committee to rise later, the minority continues to stifle progress, the minority continues to foster trivial debate to defer and deter us from our mission.

Perhaps the minority's not in touch with the interests of our Nation. The Nation is interested in leadership that remembers not to forget. The Nation is looking for leadership that remembers 9/11, leadership that remembers Katrina, leadership that realizes that there are still vulnerabilities that we need to address to prevent the next terrorist attack or natural disaster.

Chairman PRICE has showed leadership by addressing these issues in this bill, as my committee addressed in H.R. 1, 1401 and 1684.

We owe Department employees, we owe the Department's management, and we owe our great country the passage of this appropriations measure.

Mr. Chairman, I invite my colleagues in the majority to join me as chairman of the House Homeland Security Committee in passing a measure that brings us one step closer to protecting this Nation.

Homeland security is not a partisan issue. Mr. Chairman, it's an American issue. If we agree on that, then let's end this obstruction and pass this bill.

Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to just say that American ingenuity and civic involvement have come forward again. The American people are a creative and involved people. And I have here a letter from a blog site called porkbusters.org; let me just read you a couple of sentences from this blog site.

''As you know, Internet technology has made research faster and easier than at any previous time in human history. By releasing your 32,000 earmark request publicly, I, and other taxpayers across the country could work together in a cooperative effort to determine which Members of Congress may have financial conflicts attached to their earmark requests, which local projects may be unworthy of Federal funding, and which may have value to the taxpayers.

''Thanks for your consideration of this matter. I and millions of my fellow taxpayers across America stand ready to help you evaluate these 32,000 earmark requests. After all, we are the ones who are paying for these requested projects; the least we can do is help you evaluate their merit.''

We have volunteers now coming forward that are willing to help the overworked staff on appropriations that apparently do not have the time to look at these earmarks, and haven't had time over the last several months. Although we've had time for a lot of other things to do, but we haven't had time for that. So volunteers are now coming forward, and the American people are standing ready and they will be willing to help.

And on another note, I would just like to give a question to the colleagues I have on the other side of the aisle. I hear a lot of discussion about what's in the bill. And the bill has many good things. No one's denying that. There are some problems with the bill. The bill has some really good projects in it.

But why not talk about the earmark process that amounts to doing it in secret, that amounts to doing earmarks in the month of August when we're out of session, when we can't debate it, when it's going to be done in conference committee? We will not have a chance to vote one by one on these earmarks.

And you know that, generally speaking, past history is that the earmarks will be passed. Even when they're challenged, even when they're brought into the sunshine. They will, generally speaking, be passed. So really what do you have to be afraid of? They're probably going to pass anyway, unfortunately, even the most egregious ones. So you really have nothing to fear, and you really don't need to hide them, but you're doing so anyway, and I think that that's wrong.

Mrs. DRAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield my time to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentlelady, and I'll consume just a portion of the time.

First off, to the gentleman from the other side of the aisle asking what truth is, and he went through a litany of truths, I ask, are his truths the same truths as America's truths when it comes to what is occurring here?

And as the gentleman behind me from Michigan, who is often quoting lyrics of music from Jesus Christ Superstar, are truths not unchanging law? And in this case, I would suggest that they are. Your laws are constantly being changed, or I should say your rules are constantly being broken that you implement and that you promise. So your truths are simply truths based upon laws that have been rules that you decide in November you're going to promise and then later on break.

As I've said each time that I come to this floor, what has this Congress under the Democrat leadership brought us? The largest tax increase in U.S. history; a breaking of the rules, so that now we see that they can change their definition of truths; and as we learned last night, surpluses, or rather, hidden fees and funds within these accounts as well.

But the point that I wanted to make at this point is to a point that the chairman raised last night, and that is to the difficulty of actually trying to address these earmarks. He said that they would rely upon the staff of his committee to effectuate this.

While I think we all take our hats off and commend the work of his committee. The staffers for the Appropriations Committee are probably some of the best and the brightest that this House has. These Members of the Appropriations Committee are also the same Members who appropriate their own salaries, for that matter. That committee is charged with the responsibility of bringing these facts not only to the House, but to the American public as well.

If the truth is that they are unable to perform their job, perhaps they can look outside this Chamber for assistance. I have a letter here of an organization, a good government organization, that made such an offer. Tim Phillips from Americans for Prosperity indicated to Chairman OBEY just a week ago, realizing what he had heard as well from Chairman OBEY that he is having difficulty, as he said, the extra time ''to evaluate the 36,000-plus earmark requests that have been submitted to the Appropriations Committee this year.''

The chairman says, I think we have a hell of a lot more ability than the individual working alone to do it, referencing the staff.

Well, Mr. Phillips, of American Prosperity came up with, I think, an appropriate manner or way to address these problems, if his committee and his staff and himself are not able to get this job done on time as the American public wants him to. May I read from the letter which says, ''I think that the thousands, the millions of individual taxpayers, working together, could greatly aid you in completing your earmark request evaluation before you resort to sticking earmarks into unamendable final legislation behind

the closed doors of a conference committee. That's why, on behalf of thousands of Americans for Prosperity members from coast to coast, I'm writing to offer our help to you and your staff in evaluating this year's earmark request.''

You know, it's interesting. The chairman said last night that it would take literally weeks, if not months, to get the job done if they were to start right now. I think we have to ask the question, why are we even considering them starting right now? Why haven't they started weeks ago on this matter?

Let me get back to the letter. ''As you know, Internet technology has made research faster and easier than at any previous time in history.'' This is the crux of the argument. ''By releasing your 36,000 earmark requests to Americans for Prosperity, our allies and other taxpayer groups, and to concerned citizens around the country, we will be able to unleash taxpayers across the country in a cooperative effort to determine which Members of Congress may have financial conflicts attached to their earmark requests, which local projects may be unworthy of Federal funding and which may be of value to the taxpayer.''

He thanks him for the consideration, the members of Americans for Prosperity, millions of taxpayers who stand ready to help to evaluate those 36,000 earmark requests because, after all, it is those millions of American taxpayers, they're the ones, at the end of the day, who are going to be responsible for paying for those requests.

The least that we can do in this House is, if the chairman and his committee and his side of the aisle cannot get the job done, the least we can do is turn over that responsibility and seek the assistance of the American taxpayer.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oklahoma (Ms. FALLIN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oklahoma will be postponed.

□ 1700

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $237,765,000, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided,* That of the total amount provided, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations and $300,000 shall remain available until expended by the Federal Law Enforcement Training Accreditation Board for the needs of Federal law enforcement agencies participating in training accreditation: *Provided further,* That no funding provided under this heading may be used to design, build, or relocate any Departmental activity to the Saint Elizabeths campus until the Department submits to the Committees on Appropriations of the Senate and the House of Representatives: (1) The published U-Visa rule, and (2) a detailed expenditure plan for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008.

AMENDMENT NO. 9 OFFERED BY MRS. DRAKE

Mrs. DRAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. DRAKE:

Page 2, line 16, after the dollar amount, insert ''(reduced by $10,400,000)''.

Page 17, line 23, after the dollar amount, insert ''(increased by $9,100,000)''.

Mrs. DRAKE. Mr. Chairman, I introduce an amendment today to highlight the importance of State and local law enforcement participation in immigration enforcement.

The intent of this amendment is to fully fund the President's budget request of $26.4 million for State and local law enforcement support for the training and support for the voluntary participation of local law enforcement officers and immigration law enforcement as authorized under section 287(g) of the Immigration and Nationality Act.

This program is designed to enhance cooperation and communication between Federal, State, and local law enforcement in identifying and removing criminal illegal aliens. Under 287(g), ICE provides State and local law enforcement with the training and authorization to identify; process; and, when appropriate, detain immigration offenders they encounter during their regular daily law enforcement activity.

It is very important to note that the 287(g) program is not used for rounding up illegal aliens in random street operations. This program is targeted specifically for those individuals who pose a significant threat to public safety and national security. Additionally, the 287(g) program is not used to determine the legal status of witnesses and victims of crime. Officers in the 287(g) program are trained to respect the status of witnesses and victims involved in a criminal case in order to ensure the integrity of our criminal justice system.

Currently, the 287(g) program is implemented in 13 jurisdictions. Perhaps the jurisdiction with the greatest success in this program is Mecklenburg County, North Carolina. In just 12 months, Sheriff Jim Pendergraph has been able to identify and deport nearly 1,900 criminal illegal aliens, most of whom had been previously ordered deported by an immigration judge. This program is working and the demand for participation among the States is increasing.

And in the report accompanying this appropriations bill, the committee has acknowledged the importance of identifying criminal illegal aliens while incarcerated in our State and local jails. Participation in the 287(g) program can rectify that problem.

Immigration enforcement is clearly a Federal responsibility. It is the Federal Government's primary duty to ensure the safety and security of its citizens. But we cannot do it alone. We need the assistance of our State and local law enforcement who encounter these issues on a daily basis.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I wish, Mr. Chairman, to offer some comments on this amendment.

The amendment offered by the gentlewoman from Virginia would reduce the Department of Homeland Security Under Secretary for Management Account by $10.4 million and reallocate $9.1 million of the funds to the ICE 287(g) program. Because of the differences in outlays, the remaining $1.3 million cannot be used.

Now, as we have said on this floor many times in the last 18 hours of debate, our Republican friends seem determined to trash the front offices at the Department of Homeland Security. They rail against bureaucrats. They have no regard for the President's requests for those front offices. The fact is that the Under Secretary for Management funding is critical for the Department of Homeland Security to ensure that it develops its new headquarters in a consolidated way and that it does its job.

But if our friends on the Republican side of the aisle are not going to defend their own administration's needs in this regard, let alone their budget requests, I and my colleagues here are not inclined to do so. So our colleagues will need to look at this amendment and maybe they will want to support it, the source of funding notwithstanding.

Let me say something about the recipient of these funds, the 287(g) program. Now, the ICE 287(g) program does require additional funding next year, and it requires additional funding because of the emphasis that we are placing in our bill on the necessity of ICE's getting serious about preventing the release of prisoners, people who

have committed serious crimes, who are deportable, permitting the release of those people back out on the streets. It is just outrageous that criminals who have been convicted, who have committed serious crimes in this country are being put out on the street without their status even being checked.

So we do have in this bill a requirement for ICE to contact every prison, jail, and correctional facility in this country on a monthly basis to identify removable criminal aliens. And we have provided a good deal of additional 287(g) funding to enroll correctional facilities in this program and to provide training and technical support to participants so they can provide accurate and actionable data to ICE agents.

So we have tripled ICE's funding. We have tripled ICE's funding. We have more than tripled the amounts provided in fiscal year 2007, that was $5.4 million, to $17.3 million in fiscal year 2008. Now, we think that is sufficient to enable ICE to undertake these duties as well as to carry on its existing functions because, first of all, it is a tripling in funding. Secondly, the Department has yet to obligate more than half of a $50 million appropriation made in 2006 for this program. It has not yet been obligated.

I have to say to my colleagues that as far as the 287(g) program is concerned, the availability of funding is not the issue. Trying to increase participation rates is the issue. But it is not just a matter of throwing money at the problem, as our friends like to say.

So ICE is going to take on, we hope and believe, significant new responsibilities. We have provided funding to accomplish that, and we are also, of course, assuming that the Department is going to obligate that $50 million that is sitting there already.

Now, our colleague has offered an amendment to provide yet more funding for ICE, funding that it is not clear to me that she has really analyzed how and when the funding can be used. But if she wishes to take yet another bite out of her own administration's front office accounts at Homeland Security, then, again, she can be our guest.

I do want my colleagues to know, though, that we are serious about this prison program. We think of all the priorities in terms of deportation, this is at the top of the list. It is a major feature of our bill. ICE is going to be directed to undertake this as a top priority. We know it will require funding. We have provided the funding, and perhaps in the best of all worlds this additional funding contained in this amendment would help this function be performed even more effectively. That would be a positive way to look at it, and for that reason we will not be opposing the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentlewoman's amendment. I have some concerns about the offset, but I believe this amendment will help restore balance to ICE's enforcement resources as well as the agency's support for State and local officials. As I said when we opened this debate, I believe a fiscally responsible funding level includes sufficient resources to carry out all legislative functions and directions.

This amendment helps to restore some balance of resources to meet the bill's mandate for ICE to contact every correctional facility across the country, over 5,000 of them, at least once a month to identify incarcerated aliens that can be deported and to initiate those deportation proceedings. That mandate is a lofty goal. Over 5,000 local and State jails and detention facilities that you have got to contact monthly and talk to the jailers who are State or local officials and are not being paid to help you with this, it is an unfunded mandate, and who are also not qualified to judge whether or not a person that is incarcerated is an illegal alien. It is not their job, and they are not trained for it. So that is going to be a difficult goal to implement and one that is unfunded but, I think, worthwhile.

So I remain concerned that the bill presupposes that ICE can simply redirect resources from some other vital criminal investigation or fugitive operation to meet this unfunded mandate. I mean, ICE is understaffed as it is with personnel out there. You take a lot of personnel off of what they are doing now to check with every jail in the country, 2,000 of which hardly have any incarcerated aliens in them anyway, and you have got to take that personnel off of fugitive operations, catching people who are not in jail who are rapists and murderers and thieves, and deport them.

So the bottom line is we have got to have some more money for ICE to do this new chore. In fact, the bill even suggests resources can be drawn from the 287(g) program to meet this mandate. But then the bill reduces funding for that very program by almost 30 percent below the request.

So restoring the $9.1 million cut in the 287(g) program will provide additional funds to help State and local correctional facilities at the ID and processing of illegal aliens, the very priority the bill is trying to force. In fact, over 40 percent of the local law enforcement officers trained to date through the 287(g) program are from jails and correctional facilities in States like Florida, Arizona, Alabama, North Carolina, California.

Look at some of the notable results from the ICE's 287(g) program.

□ 1715

I am quoting from the Nashville City Paper printed April 24. ''If the first week's worth of figures hold up, the number of illegal immigrants deported in the first year of the national 287(g) program would be more than 4,200, or equal to 11 percent of Nashville's total, legal and illegal, Hispanic population, according to a City Paper analysis of the first batch of 287(g) immigration enforcement data.''

Bottom line, Mr. Chairman, the 287(g) program is too vital a program in the fight to secure our borders to accept the bill's $9.1 million cut.

I urge Members to support the Drake amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with the distinguished chairman of the Subcommittee on Homeland Security on the Appropriations Committee.

Mr. Chairman, we have learned from the recent devastation of Hurricanes Katrina, Rita and Wilma, as well as Tropical Storm Allison, which devastated my city of Houston in 2001, that severe consequences can result from not having the proper hurricane preparedness plans and outreach efforts in place prior to such a disaster.

In my own district in Houston, and in New Orleans, and in communities throughout America, we have personally seen firsthand that minorities, the elderly, the disabled and impoverished populations have not been adequately prepared for the upcoming hurricane seasons or, in fact, hurricane seasons in the past.

I am particularly dismayed that these vulnerable populations have not been targeted by outreach efforts communicating the need to prepare for a major hurricane or other natural disaster. Hurricanes Katrina and Rita struck some of America's most vulnerable and disadvantaged communities. Even rural communities have suffered from the lack of focus on emergency preparedness, communities which are just now beginning to find their feet again after these devastating storms.

National, State and local governments have not fulfilled their responsibility to ensure that they are not, once again, left to face nature's wrath alone. My colleague from Minnesota, Representative JIM RAMSTAD, has stated that the disaster in the gulf coast region exposed the enormous gaps in the emergency planning preparedness and management for people with disabilities. We desperately need to fill these gaps.

Mr. Chairman, I had intended to offer an amendment to H.R. 2638, the Homeland Security Appropriations Act of 2008, that would have provided an additional $5 million to FEMA to support emergency preparedness outreach and program efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

However, money does not answer all questions, and I would be willing to forgo offering my amendment if the chairman would be willing to work with me to ensure that FEMA makes specific efforts to engage those most vulnerable members of our communities in programs that would involve the necessary preparedness, education, training and awareness that is necessary to prepare our communities.

Mr. PRICE of North Carolina. I thank the gentlelady from Texas for raising this important issue. I will be happy to work with you on it. I want to thank you for your leadership on the issue. I agree with you, as the chairman of a Homeland Security subcommittee, that much more must be done to engage our communities about the need to be prepared for all types of disasters and that special efforts are required to engage the most vulnerable members of our communities. It is a very valuable focus that you brought to this.

So that's why we fund FEMA's management and administration account at $685 million, $150 million above the current fiscal year. FEMA has told us of its plans to engage in this type of preparedness effort. We intend to monitor that. We strongly support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank you.

I am aware of dedicated community activists that have stepped forward to fill the void left by Federal, State and local governments. Currently, FEMA's national preparedness director only has an acting deputy administrator rather than the permanent leadership this office requires. Further, this administrator testified before our Homeland Security Subcommittee that our national strategy for citizen preparedness must be rooted in strong local efforts to integrate citizens and communities, and requires locally or regionally developed plans to address each community's unique risk and capabilities.

He also testified to the need for utilizing volunteer services, since there are not enough emergency responders to take care of everyone in every location during the most critical time.

I understand the chairman believes there are funds available in the legislation for FEMA to reach out to these State and local activists and groups to provide them with the resources that they need to continue their vitally important work, and to work to ensure that the absolute debacle that we saw 2 years ago before, during, and after Hurricane Katrina is never allowed to happen again. One such activist is Mr. Charles X. White, who has worked tirelessly to provide much-needed resources for Houston's vulnerable communities.

In light of predictions of a devastating hurricane season this year, we must take action to ensure that those who are reaching neglected segments of our American population are adequately funded, including these vulnerable populations, racial, ethnic, disabled, elderly and others.

I look forward to working with you, Mr. Chairman, on report language as this bill goes forward, to ensure that hurricane preparedness outreach to vulnerable communities is a priority for FEMA.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentlewoman. I will be happy to work with her on report language.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his work on this legislation, this appropriations bill. And I thank you on behalf of the vulnerable communities across America who may be facing a tough hurricane or man-made disaster season.

We need FEMA to focus their attention. I thank the gentleman for his work and his support.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

I rise in support of the amendment from the gentlelady of Virginia, and also in support of the 287(g) program.

I want to thank the ranking member for mentioning our program in Nashville, Tennessee, and talking a little bit about that. He gave us some information about why this program works. I would like to expand on that for just a couple of minutes, and then I'm going to yield to the gentleman from Virginia for a couple of minutes of remarks.

The program in Nashville, the 287(g) program there, is working. We understand that it yields results. You heard about the first week's results from this program.

Now, the reason we need to put our money where our mouth is and the reason the funding needs to support the language in the bill is because this is a program that saves local governments money. And it works. And there is a waiting list to get into this program.

Now, a follow-up on the comments that the ranking member made from the June 10 issue of the Nashville Tennesseean. Fifteen deputies from the Davidson County department underwent training, and now they check the immigration status of every foreign-born person that is booked to that jail.

Also, they have 213 inmates that were held on immigration orders during the program's first 45 days. It is a sharp increase from the 151 metro jail prisoners subjected to immigration holds in the year of 2006. This is paying for itself. It is getting results. That is why this program deserves to be fully funded.

At this point, I would like to yield to the gentleman from Virginia (Mr. CANTOR) for his 2 minutes of remarks.

Mr. CANTOR. I thank the gentlelady. And I want to commend the committee for bringing this bill forward, but really take some difference in the remarks that were made regarding the gentlelady from Virginia's amendment on the 287(g) program. I couldn't think of anything that would be more effective in helping us enforce the law in the interior of this country than additional funds for this program.

As some of the speakers prior to me have said, we need all hands on deck as far as the criminal population that has made its way into this country. We need the ability to go after these criminals, in the words of the gentleman from Kentucky, these rapists, these murderers and these thieves. And there is no more effective way to identify them than to empower the folks, the first responders that are on the ground in our communities across this country.

Now, some of the words from the gentleman of North Carolina, the chairman of the subcommittee, were that, in fact, we have too much money in this program and it hasn't been used, and, in fact, they are unobligated funds. Well, then I would say to the gentleman and to my colleagues that we haven't done our job, because we have got to do our job to put the vision out there that we intend to get serious about the illegal immigration population, especially those that are criminals in this country.

The American people expect us to enforce the law. This vehicle allows the Federal Government to step up to the plate to provide local law enforcement and our agencies at home the necessary resources and the tools with which to identify and apprehend the illegal population that has run afoul of our law in the interior of this country.

Not more than a month ago we saw the individuals in New Jersey; we saw them apprehended, planning a terrorist attack on Fort Dix in that State. Later, we come to find out that those individuals had had various run-ins with the law, and in fact, combined, 75 times had been involved with some type of either traffic violation or other criminal interdiction, but yet these individuals were never identified as being illegal.

We have got to make sure that that scenario is not repeated. We have got to empower the most powerful force we've got, which is that on the grounds and in our local community.

So I would urge my colleagues to join the gentlelady from Virginia Beach in making sure that we adequately fund this program and insist that our local law enforcement agencies have the necessary tools and the resources that they need to assist in enforcing the law.

Mrs. BLACKBURN. I would yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I thank the gentlelady for yielding. And to both Members, there are just a few thousand ICE agents, but there are literally hundreds of thousands of local law enforcement officials.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. BLACKBURN was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Kentucky. If 287(g) would provide the training and the authority for the local law enforcement to do just as the gentleman has said, think of the law enforcement power that can be brought to bear on the severe problem the country faces of getting rid of convicts in the penitentiaries, as well as fugitives on the run and on the lam, and raping and plundering and robbing in the country. I think it's as simple as ABC. I don't know why we don't do more of it.

I thank the gentlelady.

Mrs. BLACKBURN. Mr. Chairman, precisely, there are 13 jurisdictions that have this program. It works. We need this Nation right. The cop on the beat needs the information to get to these criminals that are on our streets.

Let's fully fund the 287(g). We're looking at $36.3 billion. There is money to do this right and be a good steward of our taxpayers' money.

Mr. FARR. Mr. Chairman, I rise to strike the last word.

I rise on this issue with just some concern here that we don't lose perspective of what we're really trying to accomplish.

This was an issue brought up in the committee, probably the most popular issue of all, which was that we wanted ICE, which is the second largest law enforcement agency in the country next to the FBI, at the rate it's growing, it's going to be bigger than the FBI, we wanted them to do their job of being able to determine whether people who had been arrested at the local level and were in jail, maybe not yet sentenced, but were pending trial or were being held, that somebody would review their legal status.

The question is that this program that we are debating and wanting to put more money into, and frankly, the committee doubled the amount of money that's going into it, which is a grant program to local governments, not all local governments are keen on wanting to do this. Why? Because they have emphasized what they call ''community policing.''

They want the local law enforcement officer to be a friend of the community in order to be involved with the community, to have communities trust them. And if they think that the local law enforcement is also the Border Patrol, they are going to shut up and stop talking to cops. And you get all kinds of issues with this, particularly when it comes to children who are afraid of law enforcement, and so on, if they are the ones that are going to arrest their moms and dads.

So, let's put this into some perspective. What we really need to do is make sure that the ICE, the Federal law enforcement, does their job. Why? Because they are trained.

I have a note here from my sheriff saying that the ICE comes to our jails in Monterey County, a small rural county in California, three times a week. He said the number of confirmed, undocumented prison inmates varies. Last quarter, there were 52 identified undocumented inmates in Monterey County. The previous quarter there were also 52; prior to that, 72.

Some of the inmates claim citizenship status or legal permanent residency and don't have their documentation order. It takes some time to label them and do all that legal background work.

□ 1730

That is not what the legal background work is. We have that information. That is Federal information.

As we pointed out before, we have no national ID. None of you in here can prove you are an American citizens by any card you carry in your wallet, unless you want to show your voting card, but they won't accept that in the airport so I don't know what valid status that has.

The point here is, let's not stop making ICE do their job. They should be doing these local jail checks. If you want to do additional training for local jailers, that is fine. That is what this program is about. But don't substitute it so the local government has to do it, because I think you ought to believe that criminal management up to your local elected officials, your sheriffs and your police chiefs, to make that decision.

This is the second largest police force in the United States. It ought to be doing jail checks. They are the ones that have the qualifications to look into the Federal Information Bank to see whether these people are properly documented, and I think we ought to make sure that they do their job.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I just want to say the gentleman is absolutely right. We have to separate what ICE does from local law enforcement. This is trying to backdoor immigration reform. We really need, not piecemeal immigration reform, if we are going to do it.

ICE, in relation with the jails, that works. Make sure the incarcerated criminals are tracked in the right direction. But to go into neighborhoods using local law enforcement that is now using ICE money to train them really, I think, undermines the law enforcement system in that community, and law-abiding citizens who would be willing to help solve a crime are now being victimized.

If we are going to do immigration reform, let's do it. Let's do it in the right way. But let's not manipulate local law enforcement, who in fact have made official statements on the record that they would prefer not to be engaged in Federal immigration work.

So I thank the gentleman for the point that he has made, and I hope that this body will get down at some point to a reasonable and rational response to the problems of the immigration system.

Mr. FARR. Mr. Chairman, reclaiming my time, this amendment has been accepted. I am just concerned that we still need to put pressure on ICE to do the real jail checks.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I talk to my local sheriffs back home, one of whom actually burned out the battery on my cell phone, what they want to do is do what people expect them to do, and that is help the very overtaxed, no pun intended, ICE employees who are out there trying to apprehend the criminals, the criminal illegal aliens.

In Florida, we were able to train 35 State and local law enforcement people under this program, under the 287(g) program. It is a good program, and, believe me, it is very much wanted by many local sheriffs, sheriffs who also get elected like we do and who get frustrated when ICE is unable to come to the jail with the frequency that they need to, who are frustrated because the citizens want illegals who have criminal records, they want them off the streets, off their lawns, and they want to once again be able to reclaim their communities, very often, from a lot of illegal activity.

The 13 jurisdictions that use the 287(g) program are very happy with it. We need to adequately fund it, and I commend my colleague from Virginia for introducing this amendment. It is a good amendment and one that I think the American people certainly would want to have well-funded because of its efficacy.

Again, I commend the gentlewoman.

Mr. POE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in my other life, before coming to Congress, I spent 22 years on the criminal court bench in Houston, Texas, trying all kinds of criminals. During that experience, I learned a lot about the way the world really is.

It is unfortunate that, in the society we live in, the Immigration Service cannot protect the United States as far

as interior enforcement goes. There aren't enough interior enforcement agents to track down people who are illegally in the system. When I say ''in the system,'' I am talking about the criminal justice system.

What happens too often is a person is arrested for a crime. He is put in jail. The person is illegally in the United States, but nobody knows about that. They are sentenced to some term in jail or in prison. They get out, and they continue to stay in the United States illegally. That continues to be a problem, especially in big jurisdictions like Houston, Texas, where I am from.

They are committing more crimes, yes. The last three peace officers in the City of Houston that have been shot, Mr. Speaker, were all shot by people illegally in the United States. Two of those individuals had been arrested several times and yet kept being released. The problem breaks down in the local jails.

It needs to be clear that this program, the 287(g) program that is being funded and that we are asking more funds to be appropriated for, is voluntary. Cities are not required to participate.

Sanctuary cities, and we know what cities they are, that harbor illegals, they won't participate. They don't have to participate. But not all cities in the United States are sanctuary cities.

Some cities want to help clean up the crime problem in their neighborhoods. One way they can do it is to receive Federal funds, going to local law enforcement, who know best about policing and who the people are in the area and what criminals they are; to track those individuals illegally in the country and make sure they are legally deported back where they came from. We find that it works, and it works very well.

For example, in local jails, sheriffs use the 287(g) program to find out who foreign gang members are, like the MS–13 gang members. Once they are in custody, they can determine who those individuals are, that they are illegally in the United States, and, as soon as they are released from jail, which happens to all of them, rather than be released back on the streets of our cities, they will be deported back where they came from.

Now that doesn't seem to happen as much as it should. We have ''catch and release'' of illegals in our county jail system. Then we got to go catch them again and then try to have them deported after some crime is committed.

So I think it is wise to use the 750,000 local peace officers in the United States, those peace officers that want to participate in the 287(g) program, train them with Federal funds and allow them to police their own jails and their neighborhoods so that people who are convicted of criminal conduct, that are illegally in the United States, once they are captured, we can deport them rather than continue to release them back on our streets.

So I want to commend the gentlewoman from Virginia for proposing this important amendment asking for more funds for local law enforcement to do their job. Obviously, the Federal Government cannot, has not done its job in protecting interior enforcement, and I think it is a wise use of money to allow local law enforcement to do so.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment to fully fund ICE's request of $26.4 million for its 287(g) program. Let's just get down to sort of the cop's nitty gritty here.

Just 2½ years ago, I left the King County Sheriff's Office as the sheriff in Seattle, Washington, an 1,100-employee organization with a $110 million budget. I started in 1972 as a 21-year-old police officer in a patrol car for about 5 years. I worked in the jail, and I worked as a property crimes detective, and for the most part of my career, I was a homicide investigator. I worked with all kinds of communities.

All the different diverse communities that we serve across this Nation exist in King County, Seattle, Washington. I understand the theory of the Community Oriented Policing program. We implemented that program in the King County Sheriff's Office. It is one of those programs that really comes natural to a police officer working on the streets in their patrol car. They want to connect with their community. They want to be friends with their community, as mentioned earlier by my colleague across the aisle.

Part of the Community Oriented Policing program is to make friends and engage in conversation and build relationships, but it is also our job as law enforcement officers, local law enforcement officers across this Nation, to enforce the law. Sometimes we make friends doing that. We save lives doing that. But sometimes we make enemies.

In the process of making friends and making enemies and protecting our neighborhoods, we also build partnerships with those communities, but we also build partnerships beyond that. We build partnerships with the Federal Government. We build partnerships with the FBI, with the U.S. Attorney's Office, with DEA, with ICE, with Border Patrol. I could go on and on and on with the Federal agencies that join in concert, in partnership, with local law enforcement every day.

In Federal task force organizations, like the Joint Analytical Centers, the Joint Terrorism Task Forces, the HIDTA, High Intensity Drug Trafficking Areas, the Violent Offenders Task Force, the VICAP Program, and I could go on and on and on with Federal agencies and Federal programs and Federal task forces that come together; it is about partnerships between local law enforcement and Federal law enforcement. And it is about training, joint training, with each of these agencies so that we can get our job done, that we can protect this country.

I understand that. I worked as a partner with the Federal agencies when I wore a police uniform on the street. I worked with as a partner with Federal agencies as I wore my suit and tie and my uniform as the sheriff for 8 years in King County. These partnerships are essential. They create a seamless web, a seamless web of sharing information across all spectrums of the Federal, local, State law enforcement.

There is no undermining of the local police department when partnerships are created with the Federal Government. It is an uplifting and exciting experience to work with all of these agencies and train together to finally learn what each one of us does and what we can bring to the table as a team as we protect our country.

So Homeland Security now, as a fairly new agency with 22 departments, is another one of those agencies that we have to work with, and ICE is one of those.

This training program creates an understanding. It helps police officers understand and respect civil liberties. It helps police officers understand and respect civil rights. It helps police officers at the local level in training with the Federal Government understand and respect the diverse communities that we serve. Why would we not want to have our local police officers participate in training that helps give us a broader understanding of the diverse community we serve?

It makes no sense to me to be against increasing this budget to what ICE has asked for. It makes no sense at all. If we are truly interested in civil liberty, civil rights and respecting each other's diversity, we would want this training.

Let's make a point clear: This is voluntary. This isn't mandated by the government. Every police department and Sheriff's office across the country can volunteer for this program.

So, Mr. Chairman, this is a great program. I commend the gentlewoman from Virginia for bringing this forward. I fully support this amendment, and encourage my colleagues on both sides of the aisle to vote in favor of it.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Has the gentleman from Texas spoken on this amendment yet?

Mr. CARTER. No, I haven't.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I am very pleased that I follow my colleagues that have worked in law enforcement, for I, too, have worked in the court systems of criminal justice.

This 287(g) program to me is an exciting idea that has great potential, and I would love to see it expanded to where we have trained every law enforcement officer in America in just the style that my colleague from Washington just described, so that they can not only honor the diversity as he described, but also can participate in enforcing the laws of the United States, where the resources required for interior enforcement of the immigration laws, the number is overwhelming. To me, it is a good use of resources to use good, honest law enforcement wherever it exists to enforce the laws of this land.

□ 1745

I thought about this the other night, because it's an experience that most everyone here probably, if they will confess, has had. If you live in Houston, Texas, where my colleague, Ms. JACKSON-LEE, lives, or pick a town, it doesn't really matter, Washington, DC, Cincinnati, Ohio, and you get a parking ticket, if you fail to pay that parking ticket, you're probably going to get a notice from the department that takes care of parking tickets, and they're going to send you that notice and tell you that you have failed to appear to answer to this parking ticket.

They're going to stick a fine on there to go with the parking ticket fine. It could be $100, it could be $50, whatever the jurisdiction chooses, and then that letter is going to say, if you don't pay these two offenses, then we're going to issue a warrant for your arrest on a parking ticket.

Believe me, it happens every day. Ask my daughter, okay? Now, they probably aren't going to get out and serve that warrant unless they do some mass roundup, but generally they don't do that. But you're driving down the street, if you get that ticket in Houston, Texas, and you happen to be in Dallas with a broken taillight, and a police officer stops you to tell you he wants to give you a warning about your broken taillight and he runs the national system of warrants that's available across this Nation. Guess what he finds? They have a warrant for your arrest for a parking ticket in Houston, Texas, and he will arrest you; and he will put you in jail or hold you until you deal with that ticket.

Now, that's what happens to every American citizen that follows the scenario that I just gave you, or could happen to them.

Now, 18 months ago, when I was meeting with ICE people, I asked them how many absconders we had from these folks that were catch-and-release that had been ordered to court and had failed to appear on the ICE warrants. I found the number was approximately 700,000 people. It's probably more now, because I'm talking about 18 months ago; that's the number they gave to me.

And I asked the ICE agents, are there warrants issued for their arrests? Are they in the system? And will local law enforcement respect those warrants? And I couldn't get an answer. I was privately told, ''No.''

Now, this program, with trained officers out on the street, at least we could pick up violators of the Federal law who had disrespected the court system created by this Federal law and had failed to appear in that court. At least we could pick them up in the manner we pick up people who get a parking ticket.

We have to be inventive in this problem that we are facing with massive violation of the law in the immigration system. And I think the 287(g) is the core, so that we train to find these people in prison. There were times when we were at the jail commission trying to close our county jail for overcrowdedness that the district judges would review it every Friday evening, and we would find that 30 percent of the inmates in our jail would be illegal aliens. Thirty percent. And sometimes higher.

Let's have trained people. Let's support this amendment. Let's have trained people and let the departments that want to participate put trained people on the street to deal with ICE issues.

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

I've been listening to the debate on this particular amendment, and I've heard a number of people who are opposed to it speak, I suppose, about their theories, about how this won't work or why it may not be effective or what it may do or affect people in a community or whatever.

I am here, Mr. Chairman, not to talk about theories or not to talk about speculation, but to talk about what this particular program has done, in fact, in Orange County, California. My congressional district is entirely encompassed within the County of Orange in California. There are five other Members of this body whose congressional districts are either entirely within Orange County, California, or partially within Orange County, California, and two jurisdictions within that county, both the Orange County sheriff's department and the police at the city of Costa Mesa, California, have been engaged in this program.

I would like to read from a press release that was issued from the Office of Sheriff-Coroner Mike Carona. This press release was issued just last month relative to the effectiveness of the program that is the subject of the lady from Virginia's amendment.

It says, ''Since the inception of Orange County Sheriff Michael Carona's cross-designation program in January 2007, deputies have increased the number of immigration holds by more than 400 percent, from approximately 350 to over 1,600. Of this amount, more than 1,000 of the undocumented individuals who were booked into Orange County jail were charged with felony law violations, and over 100 were known gang members.''

Now, Mr. Chairman, this is fact, that since the Orange County sheriff's department participated in this program and had its deputies trained on how to enforce our illegal immigration laws, they have taken off the street 1,600 illegal aliens, 1,000 of whom were felons. So because of this program, there are 1,000 fewer illegal immigrant felons walking the streets in Orange County, California.

That is not theory. That is not conjecture. That is actually fact.

Also, in the city of Costa Mesa, which I do not represent, but is represented by Congressman ROHRABACHER, but it's adjacent to my district, they've recently trained their officers in enforcing immigration laws, and between March and May of 2007, they identified and placed containers on 146 illegal immigrants in the city jail, and of this amount, 53 had committed felonies.

Now, this is in addition to the 1,000 felons that I talked about before, because it's a separate jurisdiction, a separate city police force dealing with their jurisdiction within the County of Orange.

So, Mr. Chairman, this program is effective, and I know some people who are opposed to this amendment have said that somehow it's going to disrupt community relations or something like that. I can tell you that the Orange County sheriff's office has been very, very involved in the community generally, broadly in Orange County, both in ethnic communities and in regular communities, and very involved in stopping drugs.

Because what a lot of people are interested in, particularly in some lower-income communities, is getting the drug dealers and getting the problems that drugs create out of their community. That's what they're interested in. They're not necessarily interested in protecting felons or in making sure that somehow when we have illegal alien felons that we handicap or restrict the ability of local law enforcement to find those people, identify them and bring them to justice and eventually out of this country.

So, Mr. Chairman, I support the amendment from the lady from Virginia, and I support it on the basis of actual, real experience that has happened in my county; and, that we know of, well over 1,000 felons who are no longer on the street.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been down this road before in this discussion, and it's easily something that the other

party wants to do in spite of the fact that their local governments tell them they don't want this done. I think the public and all Members really need to understand what this is about. This is about the fact that there are people in this country who are undocumented. That's a fact. How do you remove them out of the country is another issue.

What happens while they're living in this country is the issue at hand. Now, throughout the discussion on immigration, we've had questions like, if a person is here, undocumented, and they have a child, do you say to that child, you can't go to a public school because your parents are here undocumented?

Well, if you think they're leaving tomorrow or next year, that might work. But if you think that eventually whatever plan we come up with allows X number of children to stay in the country, then you can't deny them education because you're just creating a generation of Americans who won't get education.

Then you move on to step two. At times, we have said that if a person is here undocumented, they should not get any kind of emergency medical care. Well, besides the humaneness of that, that we should never deny medical care to anyone, there is the issue of, so do you want the person working at a local hamburger place serving you food while they are ill and not able to treat their disease and the germs they may spread around. That is an issue.

This one is really a classic one. This is where you say to your local police department, we want you to enforce immigration law. And just about a unanimous cry throughout the Nation has been from police departments saying, Don't give us that responsibility. We don't want it. We don't need it.

The reason they don't want it and they don't need it is for a very proper crime-fighting purpose. A local police department, a local law enforcement department, makes contacts in the community, finds out who's committing crime in the community by talking to folks. Traditionally, undocumented folks have known and have felt secure in that they can tell a police officer that a crime has been committed and point a finger at the person who's committed the crime, knowing very well that their conversation is about crime and not about documentation or about their status as a citizen or a noncitizen, an illegal or undocumented person within the country.

That is the reason why just about every police department in the Nation, sheriff's, whatever they are called in different communities, have said, don't give us that responsibility; we don't want it because we want to keep this relationship going with this community, knowing well that we can get information out of them.

And they are not dealing with us on an immigration law issue. That's why we have ICE. That's why we have all other people in the country that enforce immigration law.

But now we bring it, since September 11, to a new point, and that is, what if in the gathering of information that could lead to the prevention of a terrorist attack, you can't get information from some folks because they're afraid that while speaking to you, their immigration issue comes to light rather than their information on the fact that there could be a terrorist plot being planned somewhere.

This is a classic case of the old line throwing the baby out with the bath water. Yes, there is an immigration issue, and we are trying to deal with it, all of us. And, yes, I know that there are some people that are very upset about the fact that there are people here who are not legally in the country.

□ 1800

But now to go and say that you're the party for law and order, Mr. Chairman, and at the same time say, but we want to tie the hands of our local law enforcement in gathering information, is a terrible mistake.

You will continue to do what you want. Eventually more and more police departments will tell you that they don't want this job; they don't want this responsibility. And somehow we will continue to get it wrong. Don't tie the hands of our law enforcement folks. Let them continue to gather the information they need.

Mrs. MYRICK. Mr. Chairman, I move to strike the last word.

I appreciate the comments of the gentleman from New York, but we solved that problem in my community of Charlotte, North Carolina. We have a police department that has relationships with the people in their community, and they go out and deal with them; and the sheriff is handling our 287(g) program. We have one of the most successful ones in the country, and it is very simple. The misconception is out there of what the 287(g) program is really about. It is about people who have committed some kind of a crime, just like you and me, who are booked into the jail, and that is why it is perfect for the sheriff to handle it, because then they are booked into the jail, then the sheriff has the ability to check the national database and see if that person has any violations anyplace, anywhere else in the country. That is the beauty of the program.

We started it in our city. Our sheriff, Jim Pendergraff, has very successfully found ways to grow this program. And in the first few months, actually, we had over a thousand people who were removed and deported that were criminals on the street. It is working very well.

Again, I go back to the fact, and I thank the gentlelady from Virginia for this amendment because it is crucial we have these all over the country.

The Senate bill said there were only 50 programs going to be authorized. We have 3,200 jails in the country. That doesn't cut it. ICE can't do it all. They literally can't, and local law enforcement is in a perfect position to be able to help.

Since we started it in Mecklenburg County, all of the counties around us are also doing the same program because they have found that people are moving into their county to avoid being caught in Mecklenburg. So we have our surrounding districts who are applying, have applied or are now doing the 287(g) program in addition to Mecklenburg. It really works. It is a good program, and I totally support the efforts to see this come to fruition as an amendment.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would yield to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I would just like to point out that the reason I chose this funding, the Office of the Secretary of Management, is because in researching this, I realized there was an $89 million increase between 2007 and 2008 funding. That is a 60 percent increase. I think it is important that money be spent in our communities.

I would also like to point out that I did research the $50 million that was referenced in the report, and that report isn't very accurate because by the end of this month, there will be roughly $1 million left in that account, not $50 million. In 2006, $5 million was appropriated for operating expenses. In 2007, it was $5.4 million; and then there was the $50 million appropriated for start-up costs. But by the end of this month, those will have been almost spent.

With the hard work of people like Sheriff Pendergraff in North Carolina and our other sheriffs across the Nation, the public is aware of the services, the resources, the technology and the training, that can be provided through this program.

Unfortunately for us in Virginia Beach, all of America heard of the very, very tragic accident that took the lives of two beautiful young women at the hands of an illegal alien DUI driver who had been apprehended in our community at least three times and was still back out on the street.

This is a voluntary program, but citizens in our State are asking: How can you break our law, be in our justice system and be right back out on the streets again? This is a program that deals with people who have been apprehended and not victims or witnesses.

There are also State-level programs. With our DMV, I think every one of us would want to know that our DMVs can find fraudulent documents because of these resources that are available.

And in regards to our correctional systems, for local governments to be telling ICE right in the very beginning, ICE can have all of the paperwork done and be ready when that person is released for that person to be deported, just like that, no additional cost of detainment.

Mr. Chairman, I want to thank my friends today who have spoken on behalf of this amendment, and I certainly appreciate the chairman of the subcommittee saying he is willing to accept this amendment. I think all of America thanks you.

Mr. AKIN. Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I wanted to compliment the gentlewoman for being an aggressive leader on this subject. She is very knowledgeable on the subject and has done a great deal of work in backgrounding on the amendment she has brought forward. She is doing a great service to the country in this effort. I want to compliment and thank the gentlelady for a great job.

Mr. PENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, but I come to the floor today having responded to the gentlelady from Florida, a distinguished colleague in the Democrat majority, who asked I think a very poignant question on the floor within the last hour, and that was: Where are the reformers?

I must admit, Mr. Chairman, I didn't get the whole gist and the whole context of her question, but it seemed to me that could be a headline. That could be the lead of an editorial. It really represents the question in which much of the exercise in which we are now involved could be summarized.

The chairman of this committee I think has earned throughout his career the label of reformer. I give Chairman OBEY that with great respect, not just as a colleague but as a man who has earned that reputation.

But today, as someone who over the last 6 years in this Congress has engaged in fights almost exclusively with my own colleagues on the Republican side, to achieve the beginnings of earmark reform, I ask: Where are the reformers?

And let me specifically say to my Democrat colleagues who share my passion for transparency and accountability, I ask the question: Where are the reformers?

In the last 3 years, and there are colleagues in this room whom I consider not just friends but good friends with whom I have clashed. The ranking member of this subcommittee, we have been on this floor together, Republican on Republican, using, in some cases, the same tactics that we are using today, but we were not training them on the majority. We were training them on our own. We were training these tactics on our own Republican colleagues. That is how passionately we felt for the need for point of order protection in conference reports and for fundamental earmark reform. It would be Members of the Republican Study Committee that virtually singularly took on, not Democrats in the minority, we took on Republicans in the majority. And it was painful among our friends to do it, but we withheld our support for the majority budget. We negotiated fairly but firmly with our own colleagues and friends to achieve the beginnings of earmark reform, requiring that people add their names to earmarks, requiring that earmarks be included in legislation, that they be subject to challenge on the floor of this Congress. These were modest gains, and clearly, the result of election day on November 2006, they were too little, too late. Our clock ran out on this side of the aisle.

But we were fighting on this side amongst ourselves and making halting progress toward earmark reform. That is why, as I watched this debate and as I participate in it, I will be here, as we say in Indiana, until the cows come home. I ask with a sincere heart: Where are the reformers in the majority? Where are the reformers who will come down into this well, and I see some up there that wear that label and deserve it, but on this issue, where are the reformers who are willing to come into this well and say, how about ''no''? How about we don't bring appropriation bills to the floor without all of the spending items in the bill, including Member projects and earmarks, so they can be subject to the accountability and the scrubbing of the legislative process?

I know it is inconvenient. I do not question for one second the sincerity of the chairman of this committee, that he is trying and laboring to find a way forward to achieve his goals. But at the end of the day, we cannot set aside the accountability of the legislative process. I ask again: Where are the reformers?

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from California.

Mr. FARR. I thank the gentleman for yielding.

I have been in elected office, local, State and Federal, for 34 years, and I cannot imagine how any of your community got built without earmarks at the local level, the State level and the Federal level.

There are also earmarks in the bill the President sends down. I think you have misstated the whole symbol of earmarks. The reform in here is more severe than any local, State or Federal office has ever had in the history of the United States.

Mr. PENCE. Reclaiming my time, the distinguished gentleman should know that I have supported earmark reform, not banning earmarks, but we can't have earmarks that deny the legislative process here on the floor. Where are the reformers?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not intended to speak, and I certainly am not directing my comments to the gentleman who just spoke, but I do want to make a few comments about the issue of so-called earmarks.

For the last 2 days, Member after Member in this institution have traipsed to the well or stood at the committee table and misdescribed and mischaracterized my proposals and the proposals that several other Democrats have made to reform the earmarking process.

I would simply say, I would have been greatly, if I had had any regard at all for those who were making those statements, I would have been upset. Let me simply say there are many Members—well, that is not true. There are some Members who have embarrassed this institution by the carelessness of their earmarks who came to the well and sounded off as so-called champions of reform.

There are Members who have come up to me and chastised me because I was insisting on a 50 percent reduction on earmarks; who have sent me letters asking for earmark after earmark after earmark. And there are a great many Members of this body who are not members of the Appropriations Committee who seem to have a memory lapse and forget that the bridge to nowhere, and most of the actions by Mr. Cunningham had nothing to do with the appropriations process; they occurred on legislation out of other committees.

I want to make clear, I hate the earmarking process. I absolutely detest it, not because earmarks are wrong, I think 90 percent of the earmarks attached by Members of both parties are perfectly legitimate, and they are a whole lot more on target than the misdirected spending of some of our bureaucrats and the misdirected analysis of OMB, and I know that from personal experience.

The reason I hate earmarks is because they suck everybody in. They suck them into the idea that we have to be ATM machines for our districts, and so they focus on the tiny portion of most bills that are earmarks instead of focusing on the policy that is represented by the legislation that we produce.

□ 1815

It's a whole lot more important to know whether we have adequately funded education or whether we have funded the right programs in education

and refused to add funding to some of the worst programs in education than it is to know whether a Member got a $200,000 earmark for an after-school center.

I want the public to know all of that. Every earmark I've ever gotten I believe I've put out a press release and talked as loud as I could and tried to get as much attention to it as I could, because I believed in it.

But what I don't believe in is people who walk both sides of the street. I could tell you what they call them in my hometown. The letter begins with W, and I just want to say that I'm going to be very interested in seeing which Members ask for earmarks and which don't, and I'm going to be very interested in seeing which Members vote for the amendment that I intend to attach to every appropriation bill, which would call for a total elimination on earmarks. I want to see how many of you actually vote for it. I want to see how many of you do not give hypocrisy a bad name.

I thank the House for its attention.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the timing of this discussion, I really asked to be recognized to address the Drake amendment, but as I listened to the chairman of the Appropriations Committee, I think there are some things that we need to take up and add to this particular discussion that he's opened up.

And that is, what do we do about this conundrum of earmarks? First of all, we do have too many earmarks, and I've not been one that's said that that solves our spending problem here, but I think it puts bait out there for people to do things that, first of all, if the bloggers could see the things that are going on, they would weigh in on us, and perhaps that would be some of the regulatory function that the bloggers could perform.

But a couple of nights ago, I sat down and went through two appropriations bills. One of them was the omnibus spending bill for 2005, 1,600 pages; another appropriation bill, 400 pages; all together, 2,000 pages. And I didn't read it all, wouldn't have been possible, but I leafed through that appropriations bill, and I find in there earmarks that wouldn't be identified as earmarks. I find in there language that says this funding shall go to this company as funded in previous years.

And my recommendation to the chairman of the Appropriations Committee, who hopefully would hear what I would have to say, that being a bill I introduced last year called the CUT Act, ''cut unnecessary tab,'' as in a bar tab, unnecessary spending. But what it does is it solves the problem that's been identified here and, to some degree, described by the chairman of the Appropriations Committee and articulately addressed by Mr. PENCE and others here on this floor.

It puts us all up to public scrutiny. Sunlight is the antidote, and we ought to have enough pride in every earmark that we ask for that we would allow the public to see what we're doing with our spending.

And when I look through an appropriations bill, 2,000 pages of them, and I see that even if you knew what you were looking for, you couldn't identify that earmark, you couldn't identify the amount. You might identify the company that it goes to, but unless you had an in with the committee staff and you could trace back through that paperwork, and no one outside this Chamber that I know of can do that without favors by a Member, and a lot of Members couldn't walk in there and get that information, including myself. We need to set this all up for the public scrutiny.

So I spent a couple of years working through my proposal, and I'll hopefully be able to introduce the language again so it's here and goes into this discussion. But the CUT Act makes in order a bill to come to the floor once a quarter that is a rescissions bill and a rescissions bill only. It might just be a blank title offered by the majority leader or the minority leader on the other side, but every Member could bring an amendment down to that.

And it takes this idea that once you go to the conference report and you offer it to the House and the Senate, up-or-down vote, no amendments, no one can know what's in there and no one can read it all, no one can analyze it if they can read it all, but if we put that all up and post it up on the Internet and let the world look at what we're doing and then bring a bill to the floor that's a rescissions bill and let any Member bring an amendment to strike something like the reference was to the ''bridge to nowhere,'' put that up on an up-or-down vote and accumulate that list of rescissions. Then, in the end, we've got an appropriations process that everyone in this Chamber, no one will have an excuse to say I couldn't find that amendment; I couldn't find that language; I couldn't take it out; it wasn't my responsibility. We all become collectively responsible for every dollar spent by this Congress, and if we do that, we truly have sunlight and we truly have a full responsibility. And that's the step that we need to take.

The rest is rhetoric. The rest is hiding behind one side of political argument or the other, but if we're willing to put our earmarks up for an up-or-down vote and let this Congress go on record for any line item, then we truly have the sunlight on this that we've asked for; and I'd ask that consideration from the chairman of the Appropriations Committee.

The people that want to stand up for reform, here it is, the CUT Act.

And then in the moments I have left, I would add that I stand in support of the Drake amendment. And I grew up in a law enforcement family. You cannot enforce laws effectively if you're going to have local government or State law enforcement that decides that they can't engage in enforcing Federal law or vice versa. This has got to be a kind of working, compatible relationship so that the city police, county sheriffs, highway patrolmen and Federal officers all work in a collaborative arrangement. And we need to have the resources to train those local officers.

When we have people on the streets that are picked up two, three, four, five or six times for a traffic violation or an insurance violation, or in an accident or a minor misdemeanor, and they're released back into society and then someone is killed or someone is raped or someone is robbed from, the price to this economy and this society is horrible and horrendous.

And we can't get government to tell us what those numbers are, but I commissioned a GAO study here that was released in April of 2005 that produced those numbers, and I'll bring those numbers back to this floor.

Mr. HARE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I'm a new Member of this institution. I sat here last night, along with a lot of Members of this body; and on my way, walking to my apartment, I was walking with another freshman Member, and we were talking about what did we just do.

It was what we didn't do. We listened to procedure after procedure, stall after stall, finger-pointing after finger-pointing; and here we were talking about, I thought, an appropriation for something that is incredibly important to this entire Nation. Our national security is at stake.

I'm going to say something also as a new Member. I will comment on the bill in a moment.

I want to commend the chairman of the Appropriations Committee. Quite frankly, he has a much longer fuse than I have. So much finger-pointing going on. I know how much work that he and Representative PRICE and other people have put into these bills.

I'm not an appropriator. I'm a clothing worker, but I'm a freshman Member of this body, and I know finger-pointing when I see it. I know coming to the floor and getting your picture on TV and making sure the cameras hear every word that you say, but I also know the difference between right and wrong. And I will tell you this, Mr. Chairman, last night this was absolutely one of the worst dog-and-pony shows I've seen, and hopefully we will never have to revisit this again.

To the chairman of the Appropriations Committee, let me say, I understand how much work went into this, and to the appropriators, how many hearings went on. I heard about the 3½-

month delay that we were blamed about, but the very same chairman of the Appropriations Committee was verbally blasted in this Chamber because he had the unmitigated gall to try to put things in that would give hurricane relief to people affected on the gulf coast, give an opportunity for people to be able to have better lives, a farm disaster, wildfires that we don't have any money for to put out.

How quick we can be to criticize. It's easy, very easy to do.

I'm here tonight to say to this chairman of the committee and to the appropriators, I thank you for the hard work that you have done. We'll get these passed. We have agreed to a rule that opened this Chamber up to allow people to be able to do it, to be able to offer amendments and to come to the floor. I didn't think we offered it so that we could just have a 2 o'clock in the morning marathon, but I was elected to do the work of the people of the 17th Congressional District.

This bill fulfills the commitment to the 9/11 Commission's recommendations. How many years have we been waiting for that, Mr. Chairman?

It provides significant increased support to our first responders, to Customs and border agents and the Transportation and Security Administration. It appropriates $44 million above 2007 to infrastructure protection so communities can identify and assess critical security vulnerabilities. It funds disaster relief to the tune of $1.7 billion so our State and local governments can respond to declared disasters or emergencies.

My congressional district runs almost from the Wisconsin border to St. Louis. I've seen what floods can do to my district. I see what it could do to our farmers and how it can displace people. This bill provides $230 million to modernize and digitize over 100,000 flood maps used to determine rates for the National Flood Insurance program.

And the bill assures the consistent application of Davis-Bacon prevailing wage standards to construction projects funded with Federal grants. By guaranteeing payments of the prevailing local wage rate, this legislation facilitates a better standard of living and economic security for workers, particularly in rural communities and small towns in my district.

I want to close, Mr. Chairman, by again thanking the chairman of the Appropriations Committee. I thank my friend Congressman PRICE for the hard work that he's put in. As I said, these bills will pass, and we will let the people of our district and the people of this Nation be the ones to decide which one of us, which Member of this body, really came here to do the work of the people. I did and so did many, many of my colleagues in this Chamber. But I will tell you what I won't do: I will not go back to my congressional district and apologize for putting in for projects.

The Acting CHAIRMAN. The time of the gentleman from Illinois (Mr. HARE) has expired.

(By unanimous consent, Mr. HARE was allowed to proceed for 1 additional minute.)

Mr. HARE. Mr. Chairman, I'm not going to apologize for trying to keep my arsenal, the 7,500 jobs there that produce armor to keep our troops safe in Iraq. I'm not apologizing for trying to save the community of Galesburg that lost a plant because of unfair trade policies to Sonora, Mexico. I don't apologize for writing things and asking for money. It's the taxpayers' money.

I don't apologize for anything I came here to work on. I will continue to work. But let me tell you, I'm not going to go through another night like I had last night. I'm going to be very vocal, and I'm going to stand up and I'm going to defend the people of this district.

I'm going to defend our leadership because I don't think they need defense, but I think they need to know there are a lot of us that really believe in what they have been doing.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

I have great respect for the chairman of the Appropriations Committee, and I heard what he said about the position he's in. I don't envy being in that position, to try to wade through 30,000-some earmark requests. As he mentioned, there are some within that number that will embarrass this institution and embarrass the Members, I have no doubt of that; and I think that's part of the reason that those have not been made public. I think that is the reason that they are kept with the committee.

But we are in a situation now where this well has been poisoned. If we go ahead and go through with the proposal that we simply in August list the earmarks that are being put into the bill, that are going to be airdropped into the bill later, without the ability to challenge them individually, there will surely be accusations, founded or unfounded, that people are being targeted for their opposition to earmarks, to speaking out on the floor, for speaking about them, against them or for them, or people will be favored or not. That's the nature of the game. That's the nature of the political process.

So I think it will be virtually impossible to go through that kind of atmosphere without the process being tainted even further.

I believe the chairman when he says that he hates earmarks. I think if it were up to him, he would get rid of them, and I would certainly support him. I don't think that the Democratic Caucus would allow that to happen because I fear that they believe, as we did as Republicans, that that's the surest path to reelection, that you protect vulnerable Members by giving them earmarks, that you spread it around in ways that you can curry favor with your constituents and your voters.

□ 1830

I think that is a road that leads directly back to the minority, but I wouldn't propose to give advice in that regard. I think that's part of the reason we are where we are today.

But all I know is that, when we have a situation, there is no perfect solution, certainly. We are in a fix now. But a situation where you have a choice of actually putting earmarks in bills with information about who has requested that earmark, what entity that earmark goes to, or balance that against a process where you simply can write a letter to the committee and ask about specific earmarks, I think that we as Members should demand the latter.

I, for one, am not willing to trade in this voting card. This is a card that we all get when we are elected that we use multiple times a day on this House floor. It allows us to register our support or opposition for specific legislation.

I am not willing to give this up for the ability to write a letter to the chairman of the committee or anyone else in Congress. That's a bad trade. I don't think that's a trade that anybody should be happy with.

I am intrigued by the chairman's proposal to offer an amendment on each appropriation bill to strike earmarks.

I would be most pleased if the gentleman would be glad to yield time if he would explain that amendment there is to offer. I will support it. I will gladly support it. So I would love to learn more about it. Perhaps we can jointly sponsor it.

But until then, until then, I think the country deserves to know what's in the bills when we vote on them. We aren't well served with the process, however intended, a process that keeps earmarks secret until a time that it is too late to actually challenge that earmark on the House floor.

So I think that this is a fight that is worth fighting, and I am glad that my colleagues have taken it up.

I support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chair for this opportunity to explain my amendment to H.R. 2638, the "Homeland Security Appropriations Act for Fiscal Year of 2008." My amendment would provide an additional $5 million to FEMA, to support emergency preparedness efforts for vulnerable communities, including racial and ethnic minorities, persons with disabilities, the elderly, and the economically disadvantaged.

My amendment is very simple, but it is extremely necessary. In my own district in Houston, and in communities throughout America, minority, elderly, disabled, and improverished

populations have not been adequately prepared for the upcoming hurricane season. Special efforts must be made to engage these most vulnerable members of our communities in vitally necessary emergency preparedness education, training, and awareness.

I am particularly dismayed that these vulnerable populations have not been targeted by outreach efforts communicating the need to prepare for a major hurricane. Hurricanes Katrina and Rita struck some of America's most vulnerable and disadvantaged communities, communities which are just now beginning to find their feet again after these devastating storms. National, state, and local governments have not fulfilled their responsibility to ensure that they are not, once again, left to face nature's wrath alone.

We saw the utter failure of government response 2 years ago, when Hurricane Katrina struck our shores. One Katrina survivor, a resident of New Orleans named Charmaine Neville, told her story in an interview following Hurricane Katrina. Ms. Neville described having no way to evacuate the city before the storm hit, and her feelings of abandonment by the authorities. She discussed her personal efforts, and those of other volunteers, to rescue stranded and vulnerable individuals "from the hospices, from the hospitals and from the old-folks homes."

Ms. Neville's testimony is shocking, even 2 years later. She states, "I tried to get the police to help us, but I realized they were in the same straits we were," and tells the story of her personal rescue of 2 elderly women in wheelchairs. Ms. Neville recalls, "When we finally did get into the 9th ward, and not just in my neighborhood, but in other neighborhoods in the 9th ward, there were a lot of people still trapped down there . . . old people, young people, babies, pregnant women." She told the interviewer, "What I want people to understand is that, if we hadn't been left down there like the animals that they were treating us like, all of those things wouldn't have happened. When they gave the evacuation order, if we could've left, we would have left."

Another Hurricane Katrina survivor described the situation at a local hospital, where his wife was employed as a nurse, in the days following the storm. "You can imagine a hospital with 2,000 people and no electricity, water, food, or flushing toilets. Breathing machines did not work. Cell phones did not work. Because the computers stopped working, medicines were unavailable. Elevators in the 8 floor building did not work. We quickly ran out of food because the cafeteria and food were also in the flooded basement. The gains of 21st century medicine disappeared. Over 40 people died in the hospital over the next few days as we waited for help."

He went on to talk about the evacuation, stating, "The Katrina evacuation was totally self-help. If you had the resources, a car, money and a place to go, you left. The poor, especially those without cars, were left behind. The sick were left behind. The elderly were left behind. Untold numbers of other disabled people and their caretakers were also left behind. Children were left behind. Prisoners were left behind."

I believe in an America in which no one is left behind. I believe in an America where these vulnerable sectors of the population are targeted by education, training, and awareness programs; an America in which they receive the tools and resources that they need to survive the next disaster. And I believe that, thus far, federal, state, and local governments have failed to provide this.

In light of this lack of adequate response, dedicated community activists, like Mr. Charles X. White of Houston, have stepped forward to fill this void. Mr. White and his organization, Charity Productions, are working tirelessly to provide much-needed resources for the elderly, disabled, impoverished, and minority communities of Houston. Community projects, like Mr. White's, that reach vulnerable members of our population are particularly crucial in light of predictions of a devastating hurricane season this year.

I saw firsthand the plight of vulnerable populations after Hurricane Rita. During the hurricane, I fielded calls at Houston's Emergency Operations Center in order to facilitate obtaining assistance for elderly and disabled residents. I believe it is unconscionable to, despite the knowledge and experience we have gained in the past 2 years, allow this to happen again.

A major component of hurricane preparedness must be an evacuation plan. In New Orleans, residents were divided between those who had cars and could easily escape, and those who did not. Nationally, African Americans and Latinos comprise about 54 percent of those reliant of public transportation. Blacks are 6 times more likely than whites to travel via public transit.

Since Katrina, cities like New Orleans have made some attempt to address evacuation deficiencies. According to reports, New Orleans has developed a system of bus evacuation; however, managers of the program have released few details about accommodations for those individuals with limited mobility. Matthew Kallmyer, New Orleans' deputy emergency preparedness director, has been quoted as saying, "Those people need to go ahead and try to make their own plan, of course. At the end of the day, you know you are someone who has a disability. Try to go ahead and find the means to get yourself out or get yourself to one of the evacuation points."

We have an obligation to provide the American people with a disaster response system that works. We must not allow the lessons of Hurricanes Katrina and Rita to fall on deaf ears. My amendment seeks to fund the groups and programs that target vulnerable communities, to ensure that, when the next hurricane hits, these groups may be adequately prepared.

I look forward to working with the Appropriations Committee, and Chairman OBEY and Chairman PRICE, to ensure language in the Conference Report for H.R. 2638, the Department of Homeland Security Appropriations Act of 2008, which provides funds to FEMA for hurricane preparedness outreach to vulnerable communities.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. WEINER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

VICTIMS OF COMMUNISM MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, yesterday was the unveiling of the dedication of the Victims of Communism Memorial here in Washington D.C. It is a replica statue of Lady Liberty, the Lady Liberty that inspired the Chinese students and their fellow people in Tiananmen Square.

It was this period of time in which there was great hope within the Chinese people that their desire to breathe free would finally be realized. Yet that hope, that inalienable right, which we all as human beings share, was crushed beneath the tyrant yoke of the Chinese communist party.

Yesterday, at the dedication of that memorial, to not only those students and those Chinese people, yesterday at that dedication, which commemorated all the tens of millions who have died beneath the inhuman atheistic ideology of communism, the President of the United States made his remarks.

I wish to say that I have an enormous amount of respect for the President. He has been a steadfast leader, and I believe he is a good man, but I am saddened by the fact that he missed the opportunity, not to simply and nobly and necessarily commemorate the victims of communism and the triumph of liberty in parts of the world over that invidious ideology, but he missed the opportunity to issue a clarion call for the American people and all free peoples in our world to summon the courage to call for the end of communist regimes that still exist in our midst, Communist regimes from North Korea, to Cuba and, obviously, to Communist China.

For it is easy for people to believe that we had reached the end of history, to view communism as an ideology that is no longer a threat to our freedoms, our way of life and to the way of life to all people, yet it is.

When the Cold War ended, we had won the European theater of the battle between freedom and communism, and, yet, hundreds of millions across the globe remained enslaved. It is too little to say to them, good luck finding your freedom. If, we as a free people, are a beacon of hope to all humanity, we must also accept the responsibility

that we bear to do everything within our power to ensure that our fellow people have the opportunity to enjoy their freedom, for they are equally God's children, as are we.

So I would suggest to the President of the United States that he recall that the struggle, what John F. Kennedy called the bitter twilight struggle between freedom and communism is not over. It is not time for a victory lap. It is time for a rededication of ourselves as a free people of a Nation conceived in liberty to continue our historic and our moral mission to emancipate all humanity from this insidious ideology.

For we are a revolutionary country by birth, and we must remain a revolutionary country in present. If we fail that mission we lose part of ourselves, not only our legacy but the legacy we must leave to our children and to all humanity.

In conclusion, I would urge the President of the United States to realize that the victory over communism is not complete and that we as Americans must continue to be champions of human freedom in our world.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House, and we know that we have been working very hard over the last couple of days in trying to move these appropriation bills. I hope that we are successful and on schedule in moving these bills, because the American people deserve it.

Also, as you know, when the 30-Something Working Group comes to the floor, we share the latest numbers out of Iraq. Unfortunately, they have gotten greater than they were before as it relates to casualties. Total deaths in Iraq at this time stands, as of 10:00 a.m. on the 7th of June, 3,490; and wounded in action and returned to duty, 14,208; and wounded in action and not returned to duty, 11,622.

I think it's also important to know that when we moved the emergency supplemental act or bill, those two amendments did the following, one, provided those that are in harm's way with the necessary MWRAP vehicles that they needed for protection against IEDs, which is one of the main reasons why we lose men and women in Iraq.

It also set forth the benchmarks that we know that there will be two reports by September that will come before this Congress and that the dollars that are only troop essential, only for troops and not for the actual mission, will be taken under serious consideration.

I say, Mr. Speaker, that it's important that we have a bipartisan approach as it relates to looking at these two reports that will be given to us.

The only way we're able to find our way out of Iraq any time in the very near future is through a bipartisan spirit. I think it's important that we talk about this from a leadership standpoint.

To get out of Iraq and do the things that we need to do to meet the needs of this country, it's going to take courage; it's going to take leadership. I am not just talking about the elected leadership in this House on the Republican side or on the Democratic side, I am talking about leadership on behalf of the Members of this Congress in a bipartisan way from east to west, from south to north.

□ 1845

We have accomplished bipartisanship in the past on major issues that have come before this Congress. And many times I speak of the fact that it was the Democratic leadership that brought these issues to the floor, and we knew all along that a number of our Republican colleagues wanted to vote on these issues. But, now, in the 110th Congress we've provided an opportunity for them to do so. This is not a follow or lead kind of situation when it comes down to the safety of those that are in harm's way.

And I just wanted to also mention, not only the benchmarks, not only the reports and the debate that's going to be coming up on this floor between now and September, but also what took place in that other amendment, the full funding for the gulf coast area as it relates to Louisiana, Mississippi, even Texas, Katrina, Wilma, and Rita, funding that has been clogged up in this process for a very long time.

But I want to thank those that were very courageous in hanging in there and making sure in the bipartisan way that we passed that legislation to help those Americans that count on us to stand up on behalf of their needs as a country.

Also, I think it's important that within that legislation, that emergency supplemental that passed through, off this floor, in a bipartisan way, waived the 10 percent Stafford Act, which I recently heard my good colleague and my friend, the majority whip speak in a very eloquent way about this recently, Mr. CLYBURN.

9/11, the 10 percent requirement local match for Federal dollars in the Stafford Act, that's when Federal dollars are given to locals after a disaster, that the 10 percent match was waived. New York did not have to carry out that match. Even my very own community in south Florida, when Hurricane Andrew hit, that 10 percent was waived. And a number of other natural disasters, in California, one earthquake was 10 percent, was waived.

But until we had the strong leadership here in this Congress to even bring this issue to the forefront, because the administration did not want to deal with this issue, that it was brought to the floor to waive the funding for the people of New Orleans and the people of the gulf coast and all of the small parishes and cities in between. I think that came to some sort of number of 3.6-something billion, somewhere in that neighborhood, and that match alone saved the City of New Orleans, a little bit under a billion dollars with the 10 percent on that number.

I think it's important to understand that when we work in a bipartisan way, we can get things accomplished.

Now, could that have passed with just Democratic votes? Of course it could have. But there are less than 100 votes against us from sending those emergency dollars, not only to those victims of Hurricane Rita, Hurricane Katrina, Hurricane Wilma, but also it allowed us to have the opportunity to be able to stand up on behalf of the children without health insurance.

When I talk about bipartisanship and tie Iraq into that equation, I think it's important for me to pull the evidence out of how we've worked together under the democratic leadership in the House and bringing issues to the floor that we can be Americans on, not just Democrats and Republicans.

Implementing the 9/11 Commission recommendation, H.R. 1, passed with 299 votes, and with 68 Republicans voting in the affirmative with Democrats.

Raising the minimum wage, H.R. 2, passed 315, with 82 Republican votes, and the rest, a supermajority of them were Democratic votes.

Funding to enhance stem cell research, 253 in the affirmative, 37 of those votes were Republican votes.

Making prescription drugs more affordable for seniors, 255; 24 Republicans joined us in that effort.

Cutting student loan, low-interest rates in half, H.R. 5, 356 votes; 124 of those votes were Republican votes.

Working in a bipartisan spirit, creating a long-term energy initiative as it relates to making sure that we're able to invest in the Midwest versus the Middle East, 264 votes, which is H.R. 6, with 36 Republicans joining us in that effort.

I think it's important to know that, and that was just in the Six for '06. But I think it's important for the Members to understand that it's important, and as we approach these reports and these benchmarks and the things that the Iraqi Government must do to be able to continue to receive, even beyond the 3-month funding that we've put in place until September; I want the Members to pay attention to these reports as they come before the Congress.

I want them to pay attention to the debate that we will have next month on this issue, and vote as an American,

not as someone as a Democrat or Republican. I just want the Members to be able to understand that the Democratic leadership is providing this opportunity for us to come together as one on behalf of those that are in harm's way.

I think it's also important for the report that comes in in September, and I will tell you as a person that's paying very close attention to this, let alone, Member of Congress, I don't know if the report is going to be much better than what the situation is right now, but if there's a process to get our men and women out of—our combat troops, I must add, out of Iraq, going door to door, kicking in doors, 3:00 searches to bring about security in an area of Iraq or Baghdad itself, we have to allow the Iraqi Government to be able to do those things on behalf of their country to be able to carry out those security missions.

And I will tell you, someone that has, you know, children and, hopefully they will have children, and as we move on to future generations, I think it's important for us to understand that there has to be some point in this war where we give a supermajority of the responsibility of security to the Iraqi people.

I think it's very, very important that if we don't live by the rules that have been put forth in these benchmarks and the benchmarks that was in the emergency supplemental, and if we don't treat these two reports to Congress as Members of Congress versus a member of a given party, then this whole process that we set up to be able to give the administration an opportunity to share not only to the world, but to this Congress, that our mission there is still needed for security of the Iraqi people.

I think it's very, very important for us, because, you know, it's good to say, well, you know it's good to make sure that families are secure. But it's counterproductive in many ways. And Madam Speaker, I think it's important that we really reflect on what are the positives and the negatives.

Well, let me just talk a few minutes about the possible positives, making sure that we can help for a longer period of time the Iraqi Government to be able to secure itself and stand up on its own two feet, have the kind of democracy that's good for Iraq, probably not as good for the United States, but good for that area of the world. And there are some other countries and people are saying, Good job, United States. Those are the possible positives.

Let's talk about the negatives just for a minute; not to say that there aren't other positives that are out there, but I don't want to take too much time on this particular point.

The negatives: The negatives come in a package that many of us cannot comprehend. And I know a number of Members have not taken the privilege that many Members that are from the national security arena or serve on the committees, but I welcome the Members to go to the Pentagon, or I welcome the Members to get the kind of briefing that many of us have received here in Congress about what our men and women are doing in Iraq.

Well, it goes something like this, or you can just watch any of the cable news shows and it'll show you exactly what they're doing. Many times, as it relates to these security missions, because there's a civil war that's going on right now in Iraq that our troops are in the middle of, they have to carry out security missions. And in those security missions, many times, locks and deadbolt locks on doors are kicked in, and it's not at a reasonable hour when folks know when you're coming, house search, looking for insurgents. 3:00, 4:00 in the morning, families are brought into the middle of the floor, flashlights are shining in their face.

And I will tell you this: Someone that's living here in the United States, if something like that was to happen at my home, I'm pretty sure that all involved would never forget the event.

It's motivating our actions there of fighting on behalf of the Iraqi Government and the people and trying to keep the peace, even though we're all well-intentioned, and our purpose is not to harm individuals, but as you look at it, it's one of the things that kind of come along with security in that part of the world. And it's necessary as long as we're there. And that's the reason why we have to get our combat troops out.

Just like many Americans were super-motivated after 9/11 to go to either one of our Armed Forces offices to sign up to join the military and go to Afghanistan, these young men, mainly, and women, are signing up to join the jihad against the United States of America in a radical way. And it doesn't make sense to a lot of us, but all they remember is that someone who had a U.S. flag on their shoulder kicked in their door, and instead of bringing the peace, and instead of us getting the kind of rose petals and seen as liberators; and as it was explained to us by the administration and by many of the folks that came before the Armed Services Committee, I think it's important for us to understand that the negative is the counterproductive action that is taking place now that's putting us in a situation that we've never been in before, where we have other countries questioning our motivation for being in Iraq.

So I want to make sure I'm saying it in a very plain way, because I'm not trying to get into acronyms and trying to head into an area that many Members, because you don't serve on the area or the subject, or you haven't served professionally in the Armed Forces, or you haven't been in a command position, I'm not talking—and I haven't either, but I want to make sure that we all understand, because I think the coming days and the coming weeks are going to be very, very important to not only the future of Iraq, but also the future of our country. I want to make sure that we have an opportunity to talk about some other issues here today.

But I wanted to recognize my colleague from Pennsylvania, who is here to not only talk about this issue, but other issues that may be facing the Congress.

I yield to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Thank you for yielding. I wanted to also speak about Iraq and our U.S. security.

I've always felt that Iraq is a tragic misadventure. I can remember being on the ground for just a short period of time, 2 months after the war in Afghanistan began, and I saw what needed to be done. I brought an aircraft carrier battle group back, 30 ships, 15,000 sailors, Special Forces, SEALs, Marines. And then I went back on the ground 18 months later in Afghanistan and I saw what had not been accomplished because we diverted our attention, our resources, Special Forces, psychological forces, civil affairs forces to Iraq.

I have always believed that not only is Iraq a tragic misadventure, but there is a strategy by which we can redeploy out of Iraq and not leave a failed state.

□ 1900

I have never believed in doubling down on a bad bet, and that is what we have done by this most recent surge of forces into Iraq. The last 2 months have proven that. We have had more U.S. casualties among our forces than any 2-month period back to 2004.

There is only one solution to Iraq, and that is not by continuing to flow forces there. It is by setting a date that is certain, a specific date by which everyone knows we will redeploy out of Iraq. I believe that this date certain, much like a tax policy here in the United States, is something that can begin to change the structure of incentives within Iraq and about the surrounding countries so that their behavior in Iraq, as well as in the critical Nation's of Iran and Syria, changes. If we are to set a date certain, the Iraqis will begin to understand that no longer will we continue to provide a political and a military cover for their 32 ministries in their government, that each is headed by an individual that is bent not upon Iraqi ambitions but personal ambitions to ensure that they consolidate as we provide them cover for their personal fiefdoms. We should let them know that we will no longer let them pursue these ambitions; that they must step up and assume personal, professional responsibility for the challenging political questions that must be addressed.

When Senator HAGEL and I went together to Iraq, we had the most senior Shia and Kurd leaders tell us that the reBaathification law, which would welcome back in the Sunnis, was something that was not only not important, but in their minds, it was appeasement. When will they begin to make the political decisions, to make the political accommodations to begin to reconcile their country so there can be stability? A date certain, at a certain length of time, my bill has said, for the last 4 months, at the end of December, is the one remaining leverage that we have in that region to also turn to Iran, who is involved destructively with Syria in this war, making us lead profusely while we are there, to change their incentives so that they understand that if we no longer keep this top on a simmering pot, that they will have to deal with the stability that will ensue.

There are 4 million Iraqis that have been dislocated from their homes, 2 million of which have overflowed the borders. The Iranians and the Syrians do not want to have the remaining refugees come over their borders so that they have to deal with that instability. And, second, they do not want a proxy war between these two allied nations, Shia, Iran, on the one hand; and Sunnis, Syria, on the other, as they then would be left fueling different religious factions, a proxy war between themselves if we are not there. If the United States has the confidence to lead not just with its military but with diplomacy in that region, bringing Syria, Iran together to understand that the term ''insh'Allah'' that is so well known in the Middle East, God willing, tomorrow, will no longer be accepted by us. Give them a date certain by which we should redeploy, because we also need to remember the length of that time cannot for us be tomorrow.

It took us 6 months to redeploy out of Somalia with a much, much smaller force. In Iraq, we have 160,000 troops and over 100,000 U.S. civilians. It will take us some months. But under a date certain, we can leave behind a strategy that can leave an unfailed state as we redeploy within that region to our bases in Oman, Qatar, and Bahrain, carry a battle group into Afghanistan and many to come home because we have an army that does not have one unit that is ready to deploy anywhere in this world from home because they are in such a low state of readiness.

As I conclude, I ask this Congress, the Democratic party, to ensure they pursue the strategy that will leave not an unfailed state but a state that is stabilized to some degree as we work with the regional nations to also understand to never again put our troops between us and the President.

Being in the military has the dignity of danger. It is a dangerous business, but it doesn't have to be unsafe. We must do this on an authorization bill, not an appropriations bill. The moneys should flow for the safety of our troops as we do an authorization bill, set a date certain, 6, 9 months from today, and safely redeploy our troops as the one remaining leverage for those nations in that region to come together under U.S. confidence so that we can leave that nation, build up our strategic security again and focus on the rest of the world and here at home. And I am very grateful for the time.

Mr. MEEK of Florida. Madam Speaker, I thank my friend from the great State of Pennsylvania. I think it is also important.

It is also important to recognize those that have been in the field. Like I said, I personally haven't, but I am a Member of Congress, and I do pay very close attention to what those that are in the field have to say about what is happening in the field and also with the administration. And it has been a great discussion.

One would say, we have a Democratic House, and we have a Democratic Senate. Why can't we bring about an end to this war? Well, I will tell you one thing: It can't be without effort.

We have talked so much, Madam Speaker, on this floor about Iraq that it is almost like Iraq, Iraq and that other issue, Iraq. And I think the reason why we have talked about it is the fact that we know that we have to bring an end to what we have presently in Iraq right now. And just like my good colleague from Pennsylvania said, it is going to take time. I mean, it is almost like when you are moving out of a neighborhood or out of a house, you just can't do it in a day. It is going to take time for you to pack and do the things that you need to do, and that is even more difficult when you start looking at moving brigades and battalions and also assets.

I want to just go through, Madam Speaker, the time line because I want to make sure that Members know that many of us here on this floor have done our due diligence in trying to get ourselves out of this situation. And we know, as it relates to the timeline, and I already talked a little bit about the benchmarks, but in February, there was a vote on this floor, which was a nonbinding resolution, but it sent a very strong message to the President of the United States that we did not stand with him as it relates to the surge technique that he came up with or the escalation of troops, as I call it, in Iraq. The Congress voted in the affirmative philosophy saying that it would actually work. That is one. It happened in February.

Also, there was also a resolution that imposed restrictions on the White House to responsibly begin a withdrawal of U.S. troops from Iraq. That was another vote that took place here on this floor, which then the President vetoed. It passed the House, passed the Senate, and he vetoed it. Then there was a big meeting at the White House of Republicans and the President, enough Republicans to assure that the Congress could not override the President's veto. I think 1 day or 2 days after that, I think, we remember everyone kind of came out in front of the White House, and they said, ''We support the President.'' And I am talking about the Republican conference in the House, mainly House Members, and they said, ''We will not participate in the overriding of the President.'' We know that took place.

But still this Democratic House, along with the Speaker and I would even add maybe a couple of Republicans, and I am not sure, so don't quote me on that, voted to override the President's veto. And we failed. We did not have enough votes to do it. Why? It wasn't because Democrats went south on us or they didn't vote to override the President's veto. It happened because we didn't have the votes. We didn't have the bipartisan spirit that we needed to make it happen, and it did not happen.

Also, when we look at the force protection and when we look at the things that our men and women have, I would say it was a courageous vote if you voted for the supplemental or you voted against it. It was courageous. And, also, I think it is important for us to understand that many of the issues that we are facing right now and our troops having what they need through the Defense Authorization bill; we imposed the readiness standards on the Armed Forces and making sure that there are standards. We knew. We took this from the DOD rules, but no one wanted to enforce it over there. We voted for being responsible and complete as it relates to the redeployment of our troops and to be able to withdraw our troops again, a vote that received 171 votes. Many of the members of the Out of Iraq Caucus and others spearheaded that vote. And I voted for it. I think it is important for us to understand that that time has now come. So we have to get that process started.

One may say, well, why don't we stop? Well, the reason why we had to make sure that the men and women have what they needed, and no one wants anyone in the field not having what they need, is that we do have a political battle going on here and we do have a political impasse that is going on right here between the administration, members of the Republican Party that are in the U.S. House of Representatives and Senate, and it is important that we get past that impasse.

And that is the reason why, Madam Speaker, when I started out here today in this Special Order, I said it is going to take the bipartisan spirit that we had in the Six in '06 initiatives. It is going to take the bipartisan spirit that we had on the two emergency supplemental amendments. It is going to

take that bipartisan spirit for us to get there.

Now we have these benchmarks. Now we have reports that are going to have to come before Congress. And I am asking the Members to not look at it as a Republican or a Democrat or I am a real Republican or I am a conservative, a liberal Republican or a moderate or a conservative Democrat or a moderate Democrat. It doesn't matter. You have got to look at it through the eyes of being an American. And I think it is very important that we realize that, come the dates of the benchmark, when the reports have to come before the Congress, which is July 15 and September 15, that action has to be taken, and there will be other votes that will be coming up. There will be votes that will be introduced in September to deauthorize the war. That is not a secret. I will say it right here. It is going to happen. So do your reading. Do your research. Do your soul searching. Talk to your constituents because the bottom line is it is what it is. It is what it is. We are in the middle of a civil war in Iraq. And I don't need to even go back to the whole thing about Iraq originally having nothing to do with 9/11. We all know that. I don't even need to go back to the fact that we were told and the country was told about weapons of mass destruction, and there were no weapons of mass destruction. We all know that. I don't even need to go back to the administration, the Republican leadership at that time, saying we will use the revenues from oil in Iraq to be able to fund the war, and we will be greeted as liberators, and it will be the best thing since apple pie and Chevy trucks. We already know that, and I don't need to go back there and elaborate further on those issues.

A lot of folks like to talk about the past. Someone took a vote a couple months ago and has got a problem with that vote. Well, that's fine. You can have a problem with that vote. Let's talk about the votes that are coming up. Let's talk about the benchmarks where one has to report before Congress. Let's also talk about July 15. Let's talk about September 15. Let's talk about what is going to happen when the 3 months of authorization or funding that was given in the emergency supplemental, let's talk about that. Let's talk about looking at a step-by-step process to deauthorize the war in Iraq. Let's talk about those issues. Let's act on those issues.

And to those that believe that this war should have ended yesterday and that it has not ended yesterday because there is not enough leadership on the Democratic side to make it happen, well, look at this and listen to this: There wouldn't even be a vote on the floor if it wasn't for the Democratic leadership bringing these issues up. It wouldn't even be in the newspaper. It wouldn't have been considered. There wouldn't have been a number of hearings that have been held in the Rayburn building, the Armed Services Committee and in the Foreign Affairs Committee and the Appropriations Committee.

□ 1915

We have already surpassed the hearings on Iraq and all of those committees in this Congression alone, and we're not even past 7 months yet. So, for those that are saying well, what is the House doing and what is the Senate doing? Understand this; in the Senate, it's hard to even get the votes to even get half of the stuff that we've done here in the House, not because the will is not there, it's because we don't have that bipartisan spirit that I spoke of.

I think it is important here in this House that we realize, I mean, last night was a perfect example, that we have to work in a bipartisan way if we're going to stand up on behalf of the American people. We may have impasse, but we've got to get beyond that. We've got to make sure that we run this House in a way that the American people can be proud of it.

But, you know, it's one thing about procedural motions, Mr. RYAN, my good friend from Ohio, and it's another thing about action. And because so many American lives are in jeopardy in Iraq right now in the middle of a civil war, we don't have enough time to play politics here in Washington. The only thing that we have to do is to allow our troops to have the kind of representation, and their families, here in this House and over in the Senate and in the White House that will eventually reunite those families with their fathers, their mothers, their sisters and their brothers. There is a process. The name of this action of getting out of Iraq is not checkers, it's chess. We have to think about it and it has to be thought out.

We're not trying to microwave major decisions. But I can tell you, we don't have enough time for those who want to play ''operation run the clock out'' and see how long can we go until we get that end date. My good friend from Pennsylvania was just here saying that there has to be an end date. On the lease of a car, there is a date that you've got to return the car back in. On a loan, there is a date that the loan has to be paid off. There is a date that it has to be paid.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield.

Mr. RYAN of Ohio. The opposite of that, if there is not a date certain, that means that there is no end. And quite frankly, if there is no end in sight, how do we expect the Iraqi troops to get trained and to actually stand up if they think we are going to continue to be there? You know, it's like raising kids, at some point they've got to leave the house. They've got to stand up on their own. They've got to go pay their own rent, their own cars, their own insurance and everything else. I think that is what we are trying to communicate. We're not saying we want an end date just to have an end date. There is a reason. I think it is important for the Iraqis to know that the American people are not going to support this forever, and they need to stand up, regardless of what side you are on on the vote a few weeks ago or at the beginning of the war.

I want to talk about what happened last night and today on the House floor and what bill we were trying to pass. As most people know who are paying attention to this now, we have a procedure here where we bring a bill to the House floor after it goes through the committee process. And yesterday it came to the House floor and it was what we will call an open rule, so anyone can offer an amendment. There were over 140 amendments to the Homeland Security bill. And our friends in the minority who used to run the Chamber, Republicans, Madam Speaker, were frustrated about earmarks in the congressional process, and so they were protesting this bill. They kept invoking a motion called a motion to rise, which basically ends debate on the bill and on the amendments and stops the process. They did this, I think, nine times last night, and debate went until 2 in the morning.

I share this with other Members and those paying attention, Madam Speaker, because they, in essence, filibustered the Homeland Security bill. And it is important for us to recognize what this bill does. This funds the Homeland Security Department. I want to go through this because our friends filibustered more border patrol agents, 3,000 that the Democrats were trying to fund and get to the border so that we can secure our border.

Now, we hear from our friends on the other side about border security, about illegal immigrants, about all of this stuff that they keep talking about about illegal immigrants and terrorists. Last night and today, Mr. MEEK, we tried to put 3,000 Border Patrol agents on the border, and they filibustered the bill. So we have not had a vote on this bill. It has not passed the House.

We had money in here for first responders, for our firemen, those people who would arrive on a scene first in the most critical time in the most critical positions. They filibustered that. So this bill did not pass the House.

We have equipment and technology that will allow us to keep our ports safe and to monitor what is coming into our ports and detect possible attacks on the United States; the Republicans filibustered that. And this bill did not leave the House floor today as it was scheduled. State grants for law

enforcement, $90 million, urban area grants. The list goes on and on. Transit grants; emergency management perform grants; fire grants; metropolitan medical response grants; interoperable communication grants; port security grants; REAL ID grants; explosive detection systems; air cargo explosive screenings. It did not pass the House because the Republicans filibustered the bill today. You know why? Because of earmarks. And you know what? There wasn't one earmark in this bill, not one; not a Democratic earmark, not a Republican earmark. It was pure politics today on the House floor, Mr. MEEK. You know it, I know it, they know it. And who suffered through all of this? The American people.

Let me make one final point before I volley it back over to you. The National Intelligence Estimate stated last year that the war in Iraq has created more terrorists around the world who hate America. Okay. So whether you were for or against the war in Iraq at this point is irrelevant, really. What are we going to do now? Well, the National Intelligence Estimate has said that there are more terrorists who hate America now. So now there are more terrorists out there than there were before, around 9/11, that are going to come to America and try to harm us.

So, in order to combat that, the majority of the Democrats are saying, why are we fighting this war in a country that had nothing to do with 9/11, was not harboring terrorists, was not the Taliban, right? And we have this war going on. Democratic philosophy is, fund the Homeland Security bill. Protect our ports; protect our borders; fund our first responders. Let's put some money so we can have more Arabic-speaking translators so that the stuff we are pulling down off the satellites we can translate. Right now we don't even have enough translators to translate the tapes that we are taping from the satellites from terrorists around the world.

Let's be smart. This isn't 1940. You don't drop big bombs anymore. Everything is decentralized; it's more delicate, it's more complicated. It takes a more complex constructive debate, not filibustering the demagogue earmarks in a bill where there are no earmarks.

I thought what happened in the last 24 hours has been a real disservice to the American people, and I think it continues to point out why they had a change of heart in the last election.

A couple of the comments that I would like to respond to, Mr. MEEK, that were made today and last night. First of all, we hear a lot from our Republican friends, Madam Speaker, that the Democrats are fiscally irresponsible, okay? Which holds absolutely no water.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, I always get into this thing that I don't even like to say what they say because it's just so, you know, it's almost like because they say it, I guess that it's supposed to be true. It is so far from the truth. It's almost like if you get a letter and you say, wow, in this letter it says that the rain goes up from the ground and into the sky, let me go outside and check. I mean, it's so funny. I mean, you know the rain comes down, so why do you have to check their point that it goes up?

You know, I came today, Mr. RYAN, to talk about and hopefully provide some verbal leadership in a bipartisan spirit, because if it was just politics I would say, well, Republicans keep doing what you're doing and we're going to keep doing what we're doing and we will see next November how the people feel about it. You continue to dig the hole. But you know something, Mr. RYAN? The difference between politics and what happened on this floor last night and today is the fact that American lives are at stake.

Mr. RYAN of Ohio. That's right.

Mr. MEEK of Florida. It's not politics. This is blood. It's family. You know? And it's very, very important that we all understand our responsibility.

I also think, Mr. RYAN, as you go on to speak in a very forceful way, and I am glad that you are doing that, as a member of the Appropriations Committee, that if we are going to get through this process we have to think about the institution of the House of Representatives.

Now, I am not a Member of Congress with a conspiracy theory, but the last time we were in control, all of the appropriations bills passed the floor and went through the process, conference and everything, on time. It wasn't continuing resolutions upon continuing resolutions upon 3 more months of a continuing resolution and say, oh, my goodness, we're into the following year. It wasn't that kind of effort. It was running the government like it is supposed to be operated.

We came in here this week to complete how many appropriations? Four, five appropriation bills? Four appropriation bills. And now we find ourselves behind schedule. We find ourselves in a posture that we did not plan to be in, and that's running behind, not because the will wasn't there on behalf of the committee, not because the staff didn't do what they were supposed to do to prepare the necessary bills to move to the floor and through committee and through subcommittee, it's because of the procedural moves that some Members of the House, Republicans, use.

Mr. RYAN of Ohio. Will the gentleman yield?

The arguments we were hearing today from our friends, two things that really struck me as funny, actually, it was so outrageous, one is, we are not fiscally responsible, Madam Speaker. That was the first argument is that we're not fiscally responsible. This is coming from a party who, in the last 6 years, Republican House, Republican Senate, Republican White House, borrowed more money from foreign interests than every President and Congress before them combined. Now we are going to get lectures on fiscal responsibility. Borrowing money from China, Japan, OPEC countries, South Korea, the list goes on and on. And we've only been in charge 5 months. We haven't even passed a bill yet and now they're saying we are fiscally irresponsible. It doesn't hold any water.

And then the other comment was that we are not spending the money properly. This is coming from the party that has been running the war in Iraq, where they are giving more money to Halliburton. Halliburton has already been fined for marking up food, trying to basically war profiteer off of what's going on in Iraq. The Pentagon lost a trillion dollars and nobody even knows where it is. And we're going to get lectures on how we are spending our money. Same group of people who oversaw Katrina, the disaster where people were dying because of the poor investment, poor management, poor execution, poor planning of this administration with a Congress that provided zero oversight, we are going to get lectures on how to spend money and how to run government. Doesn't hold any water.

Now, here's why I think, and I'm going to get out here on a limb here a little bit, Mr. MEEK. Here is why I think our Republican friends are trying to filibuster and distract and throw up red flags and put some smoke into the air to try to distract, and mirrors, just to try to get everybody thinking differently.

□ 1930

Here is why I think. I want to just briefly review what we have done with our budgets out of committee. Some haven't passed yet, but some are on their way, and we are going to get these through, because the American people deserve it.

Our veterans budget, Mr. MEEK, was the largest, and we all know the veterans' problems across the country, we don't have to outline them, the largest increase in veterans spending in the history of the VA. Our veterans who come back home will be taken care of.

Saying that we support our troops is not a punchline for us. It is something that we take to heart. Budgets are about priorities and values, and in our budgets we have the largest increase for veterans. We have programs that are funded in there for brain injuries, for posttraumatic stress, to make sure the drug supply stays safe for our veterans, and on and on and on. We fixed

the Walter Reed problem, rehabilitation, prosthetics. Everything that is needed for our veterans, they got.

In the last 21 years, there has been a small coalition of veterans groups who have their own little budget that they submit to Congress. Never before has Congress met what they wanted in their budget, until this year. We not only met it, we surpassed it by $230 million. We went above and beyond even what the veterans groups were asking for, because that is the commitment that we have.

With that coming down the pike, if I was in the minority and been in charge for 16 years or 14 years and had a President, a Republican President, and didn't deliver on any of that, I wouldn't want to talk about the Democrat's success either. I would want to start all kinds of other fights and filibusters and do everything else.

That is just the beginning. In the education bill, we increased the Pell Grant by $600 or $700. In Ohio, for example, where Governor Strickland now passed a budget where there is a zero percent increase in Ohio college tuition next year and a zero percent the next year, it used to be 9 percent and 9 percent, you take that, if you are a student going to school in Ohio, you go from 9 percent increases to zero percent increases and a $700 bump on your Pell Grant, that is a tax cut for average families.

We have increased Community Health Centers, so poor and middle-class people can go to a Community Health Clinic, by $400 million. Thousands of people in America who didn't have access to healthcare will now have access to it, at least through a clinic.

EvenStart, Head Start, after school programs, all funded with increases from the Democratic Congress. We passed the minimum wage, Mr. MEEK. We passed a $200 million-plus investment in alternative energy resources and research.

Now, I am done, but I just want to make the point that with all of this positive news going on, Mr. MEEK, I wouldn't want to talk about our budgets either. I would filibuster anything to prevent the Democratic Congress from passing these bills, taking them to the American people and campaigning on them next year.

Mr. MEEK of Florida. I think what is important, Mr. RYAN, is that we look at this thing for what it is, we look at it for what it is, and we let it be known, because you know, it takes us a little while, Mr. RYAN, to kind of get ourselves in the grove of really talking about the situation at hand.

The situation is, unfortunately, politics is overruling the governance of this country. It is almost like having someone at the dining room table, Mr. RYAN, that will continue to be disruptive when you are trying to have a decent conversation at the table.

Now, let me just tell you, last night about 11 p.m., it was very interesting to hear some of the debate, about, you know, it wasn't about the fact that there was a lack of border agents in this bill or ICE agents or there was a lack of homeland security equipment to follow up on all the 9/11 recommendations. That wasn't the argument. It wasn't an argument that we were being weak on something. The argument was all about, well, you know, somebody told me that this is the procedure and I disagree with the procedure. This is the homeland security bill, and as we started to go through the process of showing that Democrats can govern, it was, well, how can we disrupt that process?

Now, there are two things, Mr. RYAN, when you were talking that came to mind. The President has said, as a matter of fact, he hasn't said it, he sent a letter to the Speaker saying that if you send me a bill that is over the budget that I sent you, then I am going to veto it. That means if we have any great ideas as it relates to doing something about healthcare in this country, the President is saying I don't want to hear it, because it is not in my budget. So shall it be written, so shall it be done.

I know the President is a little spoiled. I know he is accustomed to having certain things from the rubber-stamp Congress and all, and this is a new kind of thing for him and the administration. But I think it is important that we pay very, very, very close attention to what is happening as we start to think about democracy.

Now, to say you are going to veto something, that means two things. This is speculation, maybe. Our colleagues on the other side of the aisle are saying, let's slow this thing down a little bit, because we get all of these bills passed, which they will pass, and then it goes to the President and he starts to veto these bills. Then they call us on the next day, the President, ''come down to the White House,'' like they did when we passed the emergency supplemental, putting not only dates of redeployment, but also benchmarks, and if they weren't met, then redeployment would start automatically, and then had an end date as relates to making sure we get a majority of our combat troops out of Iraq. He called the Republicans down to the White House and they said, we are not going to override you. Okay.

Will they do that, or can they do that, Madam Speaker, when it comes down to education? Will they do that or can they do that when it comes down to homeland security? Will they do that, and when I say ''they,'' the Republicans, stand with the President when it comes down to the largest increase in the VA history? Can they stand with the President to withstand an override or to help him withstand an override? That is the problem.

So as we start to look at this issue and as we start to march down the road of responsibility and moving this country in a new direction, that is what the people voted for, and, guess what? Some Republicans were elected on new direction too. Folks wanted a change. They wanted to come to Washington and do what they needed to do. Independent thinkers.

It didn't look like that last night. It looked like, you know, well, the leadership has told us this is what we have to do, and if we have to be here and the sun is going to rise, that is fine. We will be here.

I voted against rising last night. It is already on the record. It was on the board. I voted against it, because I didn't believe that it was right to allow anyone to do what they were doing to the level that they were doing it. That is fine.

The Democratic side, we have done motions to adjourn, done motions to rise. But, guess what? One or two or three times, maybe. But when you start making history, and I haven't checked, maybe I need to check with the Clerk's Office or the Historian of the House, of double digit motions to rise in the middle of the night, that is something that we must question.

So, Mr. RYAN, as we start to focus on this issue of the true motivations of what is happening with these appropriations bills, I think the Six in 06 was a little bit too much for the Republican minority to swallow and go home and explain. And I think because there has been a date certain, again, Madam Speaker, it is interesting, we have a date certain to pass these bills off the floor, I think that they don't want to go home the 4th of July weekend and start to explain why they didn't vote for the largest increase in VA history, why they didn't vote for education and healthcare for our children, why they did not vote to protect our environment, why did they did not vote as it relates to the issues of transportation and infrastructure, and why, you know, Mr. RYAN, in closing, I take that from you, sir, why did we continue to stand with the President to withstand an override, because the President has said I am going to veto any bill that comes to me $1 over the budget.

Now, here is the President that has sent us into a free-fall as it relates to deficits as far as the eye can see and record-breaking borrowing from foreign nations, higher than it has ever been in the history of the Republic. This is coming from this President. It is coming from the administration and the minority that was in the majority in the last Congress and the Congress before that of borrowing money in a rubber stamp fashion.

I just want to say that, because we have to figure out who is the pot calling the kettle black.

Mr. RYAN, we are brushing up on the last minute. I am going to yield back,

and then you claim the time and we can go from there. You will have time.

Madam Speaker, I want to thank the leadership and also the Members for allowing me to serve, and I yield back the balance of my time.

THE 30–SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. GIFFORDS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Madam Speaker, we are going to be brief. We just wanted to make a few more points here before we wrapped things up.

One of the issues that is a major issue for the country, for the Congress, for the American people, for people living on border states, is Customs and border protection.

We sat here many nights, Mr. MEEK and I, and listened to our friends come on the other side and give 5-minute speeches, 1-hour speeches, on the issue of immigration, on the major threat to the United States of America of illegal immigrants coming over our border.

In this homeland security bill that our Republican friends filibustered today and yesterday, there is $8.8 billion for Customs and border protection. $1 billion is provided for border security fencing and tactical infrastructure, along with 3,000 additional Border Patrol agents being funded.

Now, we have a bill that they agree with. I mean, you want to talk about the Potomac Two-Step, Mr. MEEK? We have got a bill here that, across-the-board, everybody agrees with. You ask them why they are not voting for it, and they say, because we are against earmarks.

We say there are not any earmarks in here. Now why are you voting against it? Politics.

We have got to get past this, especially on an issue so critical as this.

Now, we added $27 million for 250 additional Customs and Border Patrol Agents for commercial operations and validations of commercial vehicles, verifying that trusted shippers have placed necessary security measures mandated in the SAFE Port Act. I mean, I don't understand. I mean, you know, this is my fifth year here, but I don't understand.

We are trying to pass a homeland security bill, and one of our friends, our buddy from North Carolina on the other side, said today that we should have passed the defense bill first. That was his big argument he made today, when we just passed a defense supplemental bill for $120 billion, with close to $100 billion of defense spending in there. We just passed one, and the funding goes until September 30th.

We are talking about protecting the homeland, Mr. MEEK. We are not talking about all these other great things we are doing. This is essential. This is our constitutional duty, is to protect the country. Article I, Section 1 of the United States Constitution, Mr. MEEK, creates this House right here, and that is our first obligation, to make sure that we support that.

So I think it is important that those folks who are at home find out what is going on in this bill. Those folks in our own congressional districts across the country, who are members of law enforcement, who are police, fire, they need to know that we had millions and millions, and it probably adds up to billions of dollars, in here.

□ 1945

One of the things you hear about is intra operable communication grants. If you hear from our local police and first responders, it is that they don't have the proper equipment in a crisis situation to communicate with each other. So we put in here $50 million to continue a program to help local police, firefighters and first responders to talk to each other during a crisis.

Fire grants, $800 million; that is $500 million above the President's request to address communications and staffing problems facing local fire departments.

Emergency management performance grants. And $300 million for all hazard grants, State and local emergency managers, national emergency management agency performance grant report. There is a $287 million shortfall in that program. We are trying to fix it. We are trying to fix it. And we had a filibuster last night until 2 in the morning last night.

Mr. MEEK of Florida. We are trying to slingshot the firefighters and first responders in for a win. We are trying to give those protecting our homeland on the front line, we are trying to give them what they need.

There is an old saying that the field mouse is fast, but the owl can see at night. I think it is very, very important that everyone understands that even though procedural, and it may be funny in the Republican conference, oh, we showed them, remember the CONGRESSIONAL RECORD reflects what one says and what one does.

If you want to take the time, and I want to say in the 30–Something Working Group we want to be correct. We found eight motions to rise last night. As we talk about this, when I go back home I tell my constituents, we are doing everything possible to end this war in Iraq. The last thing that we want to do is not give our service men and women what they need while we get through this partisan impasse.

Secondly, it is going to take a bipartisan fix to deal with Iraq. Democrats cannot do it alone because we don't have the votes. We have put benchmarks and redeployment of combat troops and moving our troops out to the peripheral, giving more responsibility to the Iraqi government, defunding some of the things that we said we would fund to the Iraqi government based on the fact that we don't want to reward lack of work or bad behavior or lack of accountability.

And I think as we start all of these different agencies that are looking into these issues, as they start to release the reports and as we start to look at them, we look at the lack of funding and the lack of accountability that has taken place in Iraq. As we look at this, I came to the floor to share with my Republican colleagues and be on the record so that Americans will know that you all of us have a choice. Over 70-plus percent of Americans, and I am not going to an exact number, but 70-plus percent of Americans would like to see us out of Iraq.

Democrats, Republicans, people that vote for the first time, Independents, are waiting for the kind of leadership that should happen and needs to happen, but it has to happen in a bipartisan spirit. I didn't see any Democrats saying we will not participate in overriding the President's veto. I want to also say that the President wouldn't even have the opportunity to take out his veto pen if it wasn't for a Democratic Congress bringing that issue to the floor and voting in the affirmative to make it happen. It would not have happened. I share that with my constituents and Members of Congress.

I think it is important when we look at the issue, 218 gets us to where we need to be in terms of votes. But we need more Members to tell the President, we will not stand for the status quo because American lives are at stake. We know that many members of the Bush administration are well intended. I don't think that they are saying we are going to continue to carry out bad ideas that bring about bad results. I don't think that is premeditated thought. But those of us who are paying attention, reading and listening, understand that what we are doing now is not the answer.

I can commend many of the Members for voting or against the spirit of benchmarks and voting for accountability. I commend that. But July 15, September 15, it is going to be an opportunity for folks to be able to hear information and to be able to bring that information to the House of Representatives and for us to take a vote and for us to take a vote in the affirmative.

So those who went to the White House and said, we will stand against our very own colleagues in Congress if you try to override the President, to think about it. Think about it if you are going to go down there again. Think about appropriation bills where America is in need of domestic attention. The will of a majority here in this

House is concerned about education, concerned about health care, concerned about the lack of resources our veterans have. We are concerned about our transportation and infrastructure. We are concerned about moving in the direction of creating our own energy, investing in the Midwest versus the Middle East and concerned about homeland security.

Do you want to continue to stand with the President against the will of the majority of the Congress when the American people are on the side of the U.S. Congress as it relates to Iraq? How many times do you want to walk through the gates of the White House and stand with the President on this very issue?

So I want to, I implore my colleagues, my Republican colleagues, I am not saying, stand with Democrats; I am saying, stand with your constituents. Stand with the American people. Stand with what is making sense right now, and that is making sure that we get our troops out of the middle of a civil war.

Mr. RYAN of Ohio. Two points I want to make before we wrap things up here tonight. I appreciate what you've said.

One of the provisions in this Homeland Security bill, and I keep going back through here to see what our Republican friends filibustered, and we have heard a lot over the last couple of years about airport security, obviously after 9/11.

I want to share with the American people, Mr. MEEK, and get into the CONGRESSIONAL RECORD exactly what is in this bill for transportation security. There is $6.62 billion, $307 million above last year, $219 million above the President's request.

There are three major components of this bill: Explosive detection systems, there is $849 million for procurement, installation and maintenance of equipment to protect commercial aircraft. This allows the TSA to address the most pressing needs identified in their recent aviation baggage screening study. They studied it and said, here is what we need. We said, here is $849 million, get what you need to make the American people safe when they fly.

Air cargo explosive screening, $78 million, which doubled the amount of cargo screened on passenger aircraft.

Our friends on the other side of the aisle filibustered this bill. It did not pass because of what they were doing.

Secure flight certification, TSA would certify that no security risks were raised by TSA secure flight plans that would limit screening of airline passenger names only against a subset of the full terrorist watch list, another mechanism to protect the American people.

Three major components of protecting the people when they travel, make this process easier and safer at the same time; our Republican friends filibustered this issue last night and today.

I want to end with one point. Conservatism is dead. I want to be completely clear about this. This isn't a George Bush, Madam Speaker, has screwed things up so bad we can fix it if we are just more conservative. Republican House, Republican Senate, Republican President, implemented the neoconservative foreign policy and implemented the conservative agenda without any inhibitions, without any barriers. It was all implemented.

Their tax policy, their spending policy, their foreign policy, their domestic policy, all passed the Congress and was implemented, and we have the largest gap between the wealthy and the poor since 1929. We have a foreign policy disaster that doesn't even need an explanation it is so atrocious. From the Middle East and all over the world, we are less safe today than we were just a few years ago because of this philosophy on government.

They have run down government for a decade and a half to two decades now, and when you turnaround and you need health care or you need FEMA to be able to react to a natural disaster, it doesn't work because you ran it into the ground. The philosophy doesn't work. It is not enlightened. It is not flexible. It is eight key words, and if you can't fit the whole problem of society and the complexity of society into those eight key words, then it doesn't work. And that is what we have seen happen.

We need a government that can change, that is responsive, that adapts to the needs of our society. And our conservative friends have wrecked it. Now we have the keys to the car, and we are trying to do some things that are constructive. And we understand that they were incapable, Madam Speaker, of governing, but it doesn't mean that they should then impede us from doing it. That is what we want to do here.

Port security, border security, fire grants, police, first responders, all of these things are in this bill that our friends filibustered, and you will see our agenda implemented. You have already seen it in the increase in the minimum wage. You will see it with more community health clinics. You will see it with funding of Head Start. You will see it with Early Start and after-school programs, safer food. You will see it with transportation investments. You will see it from the Democratic Congress.

Their agenda has been implemented over the last 6 years without anybody to stop them, and it doesn't work, period-dot. The field mouse is fast, but the owl sees at night.

Mr. MEEK of Florida. Mr. RYAN, it is almost like that was a benediction of our Special Order here today. I just want to say, because you are going to have to yield back your time, that I want to not only commend those who work here in the House, the Clerk's Office and the Sergeant's Office and the Capitol Police and the folks from the physical plant, clerical staff and what have you, I appreciate it. It was a long night last night, and it has been a long week.

Also, Mr. RYAN, I think it is important, I want to thank you for coming down to the floor. I want to thank Mr. SESTAK for coming to the floor, my good friend from Pennsylvania, who spoke in a very forceful way about this issue of Iraq.

Madam Speaker, I am glad that, on the Democratic side of the aisle, we still have the resolve that we had when we were in the minority. Mr. RYAN and I both have an opportunity now to serve on two wonderful committees.

□ 2000

I actually serve on two. He serves on the mighty and very powerful Appropriations Committee that he reminds me of constantly, and I have the opportunity to serve on the Ways and Means Committee and the Armed Services Committee, through waiver of the Democratic Steering Committee.

So the fact that we would come to the floor to say that we promised the American people that we were going to do things differently and that we had a new direction and still feel that it's our job to come to the floor and ask our colleagues on the Republican side of the aisle to work with us and work by us on these national security issues and the issues that are facing our children I think speaks to the level of intent that we had of saying, if you give us the opportunity to lead, we will lead.

So, with that, I thank Mr. RYAN for allowing me to be a part of your hour.

Mr. RYAN of Ohio. Madam Speaker, I thank Mr. MEEK. It's always an honor and a pleasure to be with you. If I don't get an opportunity to, I'd like to wish you a happy Father's Day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. TAUSCHER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Members (at the request of Mr. WALBERG) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 19 and 20.

Mr. FRANKS of Arizona, for 5 minutes, today, June 14 and 15.

Mr. GINGREY, for 5 minutes, today, June 14 and 15.

Mr. JONES of North Carolina, for 5 minutes, June 19 and 20.

Mr. MCCOTTER, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

ADJOURNMENT

Mr. RYAN of Ohio. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), the House adjourned until tomorrow, Thursday, June 14, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2185. A letter from the Under Secretary Rural Development, Department of Agriculture, transmitting the Department's final rule — Rural Economic Development Loan and Grant Programs (RIN: 0570-AA19) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2186. A letter from the Director, Executive Office of the President, transmitting a request for FY 2008 budget amendments for the Departments of Commerce, Energy, Homeland Security, Justice, and Transportation, as well as the Legal Services Corporation; (H. Doc. No. —37); to the Committee on Appropriations and ordered to be printed.

2187. A letter from the Associate Director, FinCEN, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Imposition of Special Measure Against Banco Delta Asia, Including Its Subsidiaries Delta Asia Credit Limited and Delta Asia Insurance Limited, as a Financial Institution of Primary Money Laundering Concern (RIN: 1506-AA83) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2188. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Financial Services.

2189. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Oversight of Credit Rating Agencies Registered as Nationally Recognized Statistical Rating Organizations [Release No. 34-55857; File No. S7-04-07] (RIN: 3235-AJ78) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2190. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 03-15 RM-9832] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2191. A letter from the Acting Legal Advisor to the Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — MARITEL, INC. and MOBEX NETWORK SERVICES, LLC Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees [WT Docket No. 04-257 RM-10743] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2192. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies [ET Docket No. 03-108] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2193. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Modifications of Parts 2 and 15 of the Commission's Rules for unlicensed devices and equipment approval [ET Docket No. 03-201] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2194. A letter from the Assistant Bureau Chief for Management, IB, Federal Communications Commission, transmitting the Commission's final rule — The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band [IB Docket No. 06-123] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2195. A letter from the Associate Chief Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Propietary Network Information and Other Customer Information IP-Enabled Services [CC Docket No. 96-115 WC Docket No. 04-36] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2196. A letter from the Acting Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [WT Docket No. 99-87 RM-9332] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2197. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revision of Parts 2 and 15 of the Commisson's Rules to Permit Unlicensed National Information Infrastructure (U-NII) devices in the 5 GHz band [ET Docket No. 03-122] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2198. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Emergency Preparedness Policies Developed for Nuclear Materials Facilities (RIN: 3150-AI17) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2199. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Fees (RIN: 3150-AH99) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2200. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 3 (RIN: 3150-AH98) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2201. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NAC-MPC Revision 5 (RIN: 3150-AI13) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2202. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2203. A letter from the Secretary, Department of the Interior, transmitting the 2006 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

2204. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2006, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2205. A letter from the Senior Vice President, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2006 Annual Report, pursuant to Public Law 105-225, section 803 112 stat. 1362; to the Committee on the Judiciary.

2206. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of a draft bill to authorize additional judicial resources in the United States bankruptcy courts; to the Committee on the Judiciary.

2207. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2006, pursuant

to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

2208. A letter from the Commissioner, Social Security Administration, transmitting the 2007 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

REPORTS FOR COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DINGELL: Committee on Energy and Commerce. H.R. 948. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; with an amendment (Rept. 110–191 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

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

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than July 20, 2007.

PUBLIC BILLS AND RESOLUTIONS

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

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Mr. HARE, Ms. DELAURO, Ms. SOLIS, Mr. PAYNE, Mr. GRIJALVA, Mr. KUCINICH, Mr. KILDEE, Ms. SHEA-PORTER, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, and Mr. ANDREWS):

H.R. 2693. A bill to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl; to the Committee on Education and Labor.

By Mr. TOWNS:

H.R. 2694. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself and Mr. LEWIS of Georgia):

H.R. 2695. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. LAMBORN:

H.R. 2696. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAMBORN:

H.R. 2697. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forces receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. GORDON):

H.R. 2698. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Mr. WALZ of Minnesota, and Mr. ARCURI):

H.R. 2699. A bill to amend title 38, United States Code, to repeal authority for adjustments to per diem payments to homeless veterans service centers for receipt of other sources of income, to extend authorities for certain programs to benefit homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SHEA-PORTER:

H.R. 2700. A bill to suspend implementation of an Absolute Priority issued by the Department of Education on July 3, 2006; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself, Mr. DEFAZIO, Ms. NORTON, Mr. NADLER, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, Mr. CAPUANO, Ms. CARSON, Mr. HIGGINS, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. HALL of New York, and Mr. MCNERNEY):

H.R. 2701. A bill to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCOTT of Virginia (for himself, Mr. CARNEY, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SALAZAR):

H.R. 2702. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 2703. A bill to amend the Private Security Officer Employment Authorization Act of 2004; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. MARIO DIAZ-BALART of Florida):

H.R. 2704. A bill to give the consent of Congress to an agreement or compact between Alabama, Florida, Louisiana, Mississippi, and Texas for the purpose of establishing an all-hazard mitigation, readiness, response, and recovery plan, and for other purposes; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Mr. FORTUÑO, and Ms. BORDALLO):

H.R. 2705. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. FOSSELLA, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. EHLERS, Mr. HOEKSTRA, Mr. GERLACH, Mr. BLUNT, Mr. CHABOT, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. RADANOVICH, Mr. PITTS, Mr. RENZI, and Mr. AKIN):

H.R. 2706. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 2707. A bill to reauthorize the Underground Railroad Educational and Cultural Program; to the Committee on Education and Labor.

By Mr. NADLER (for himself, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. HIGGINS, Ms. SOLIS, Mr. GRIJALVA, Mr. MICHAUD, Mr. RUSH, Mr. SCOTT of Georgia, Mrs. CAPPS, and Mr. HONDA):

H.R. 2708. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older and for such screening and annual magnetic resonance imaging for women at high risk for breast cancer if the coverage or plans include coverage for diagnostic mammography for women 40 years of age or older; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. LOBIONDO):

H.R. 2709. A bill to extend the minimum wage index established by regulation for each all-urban State under the Medicare inpatient hospital prospective payment system; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 2710. A bill to repeal and modify certain provisions of law relating to the review of the detention of enemy combatants; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. GOODE, Mr. DEAL of Georgia, and Mr. AKIN):

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who owe permanent allegiance to the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

79. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 31 opposing the Rockies Prosperity Act; to the Committee on Natural Resources.

80. Also, a memorial of the Senate of the Territory of American Samoa, relative to a resolution opposing legislation that would direct the Department of the Interior place

three measures on the voting ballot for the next general election in the territory; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

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

H.R. 19: Mr. LINDER.
H.R. 39: Mr. MCNERNEY.
H.R. 63: Mr. ROGERS of Kentucky.
H.R. 111: Mr. HALL of New York.
H.R. 154: Mr. PRICE of North Carolina and Mr. FORTUÑO.
H.R. 174: Mr. STARK and Mr. SIRES.
H.R. 181: Mr. COHEN.
H.R. 223: Mr. DAVID DAVIS of Tennessee, Mr. DANIEL E. LUNGREN of California, and Mr. INGLIS of South Carolina.
H.R. 250: Mr. KIRK.
H.R. 260: Mr. ROTHMAN.
H.R. 282: Mr. MCCOTTER.
H.R. 322: Mr. WALSH of New York.
H.R. 406: Mr. KENNEDY.
H.R. 446: Mr. TIBERI.
H.R. 491: Mr. SHERMAN, Mr. DAVIS of Illinois, and Mr. TANNER.
H.R. 507: Mr. PATRICK MURPHY of Pennsylvania, Ms. NORTON, Mr. WAMP, Mr. CONAWAY, Mr. GONZALEZ, Mr. BERMAN, Mr. BARTLETT of Maryland, Mr. CARNAHAN, Mr. JEFFERSON, Ms. HERSETH SANDLIN, Mr. GILLMOR, and Mr. SNYDER.
H.R. 552: Mr. ABERCROMBIE and Mr. BOSWELL.
H.R. 566: Ms. KAPTUR and Mr. SERRANO.
H.R. 620: Mr. MOORE of Kansas.
H.R. 660: Mr. WEINER and Mr. SMITH of Texas.
H.R. 676: Mr. BECERRA.
H.R. 695: Ms. ZOE LOFGREN of California.
H.R. 748: Mr. BARROW, Mr. TURNER, Mr. MILLER of North Carolina, Mr. HINOJOSA, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 808: Mr. STARK.
H.R. 861: Mr. ADERHOLT and Mr. REHBERG.
H.R. 871: Mrs. MALONEY of New York.
H.R. 891: Mr. FRELINGHUYSEN.
H.R. 898: Mr. BISHOP of Georgia.
H.R. 900: Mr. CUMMINGS, Mr. DAVIS of Alabama, and Mr. BISHOP of Utah.
H.R. 923: Mr. SMITH of Texas, Ms. ZOE LOFGREN of California, and Mr. SHERMAN.
H.R. 927: Mr. TOWNS and Mr. PICKERING.
H.R. 957: Mr. BROWN of South Carolina and Mr. BUYER.
H.R. 969: Mr. MCGOVERN, Ms. HIRONO, Mr. CONYERS, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. HALL of New York, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Ms. CLARKE, Mr. FARR, and Mr. GEORGE MILLER of California.
H.R. 980: Mr. TURNER, Mr. BOREN, Mr. JEFFERSON, and Mr. HALL of New York.
H.R. 1023: Mr. POE, Ms. SUTTON, Mr. LATHAM, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. ROGERS of Michigan, Ms. JACKSON-LEE of Texas, Mr. GRAVES, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. LARSEN of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. WALSH of New York, Mr. MARCHANT, Mr. RADANOVICH, Mr. RYAN of Wisconsin, Mr. SESTAK, Mr. CULBERSON, Mr. BOYD of Florida, and Ms. PRYCE of Ohio.
H.R. 1029: Mr. CARNAHAN and Mr. LINCOLN DAVIS of Tennessee.
H.R. 1061: Mr. MCGOVERN.
H.R. 1063: Mr. INGLIS of South Carolina.
H.R. 1069: Mr. AL GREEN of Texas.
H.R. 1070: Mr. DAVIS of Illinois.
H.R. 1127: Mr. COOPER and Mrs. EMERSON.
H.R. 1142: Ms. SOLIS, Mr. DOYLE, and Mr. LEWIS of Georgia.
H.R. 1154: Mr. BRADY of Pennsylvania, Ms. MOORE of Wisconsin, and Ms. SUTTON.
H.R. 1190: Mr. LEWIS of Georgia, Mr. LUCAS, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Ms. LEE, Mr. RUSH, and Ms. CORRINE BROWN of Florida.
H.R. 1193: Mr. MITCHELL, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OBERSTAR.
H.R. 1222: Mr. DAVIS of Illinois.
H.R. 1223: Mr. DAVIS of Illinois.
H.R. 1280: Mr. RANGEL.
H.R. 1295: Mr. JINDAL.
H.R. 1343: Ms. HARMAN, Mr. SMITH of Nebraska, Mr. CARNEY, Mr. BISHOP of Georgia, and Mr. BOOZMAN.
H.R. 1350: Mr. KUCINICH.
H.R. 1357: Mr. BROWN of South Carolina, Mr. HENSARLING, Mr. BUYER, and Mr. TIBERI.
H.R. 1460: Mrs. GILLIBRAND, Mr. MEEK of Florida, Ms. HIRONO, and Mr. BRADY of Pennsylvania.
H.R. 1524: Mr. ALLEN.
H.R. 1532: Mr. SPRATT and Mr. LARSEN of Washington.
H.R. 1537: Mr. GILCHREST and Ms. HARMAN.
H.R. 1567: Mr. DOGGETT and Mr. POMEROY.
H.R. 1582: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1644: Mr. DICKS, Mr. REICHERT, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. LARSEN of Washington, and Ms. BALDWIN.
H.R. 1709: Mr. BISHOP of New York, Mr. WEXLER, Mr. MILLER of North Carolina, and Mr. MANZULLO.
H.R. 1713: Ms. KILPATRICK, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. CONYERS, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1728: Mr. ALLEN, Mrs. MALONEY of New York, and Mr. SERRANO.
H.R. 1730: Mr. TANNER.
H.R. 1738: Mrs. MCCARTHY of New York and Mr. COHEN.
H.R. 1759: Mr. MCCOTTER and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1801: Mr. PICKERING.
H.R. 1809: Ms. HIRONO.
H.R. 1810: Mr. PASCRELL.
H.R. 1823: Mr. MCCAUL of Texas, Mr. FORBES, Mr. WALSH of New York, and Mr. BARTLETT of Maryland.
H.R. 1924: Mr. LARSON of Connecticut and Mr. BAKER.
H.R. 1926: Mr. RANGEL and Mr. RUSH.
H.R. 1947: Mr. CAPUANO and Mr. DEFAZIO.
H.R. 1977: Mr. CAMPBELL of California.
H.R. 2005: Mr. WILSON of Ohio and Mr. CONYERS.
H.R. 2014: Mr. TOM DAVIS of Virginia.
H.R. 2015: Mr. YARMUTH, Mr. MEEKS of New York, and Ms. SOLIS.
H.R. 2017: Mr. COHEN and Mr. MEEKS of New York.
H.R. 2040: Ms. DELAURO and Mr. WYNN.
H.R. 2053: Mr. GONZALEZ and Mr. LAMPSON.
H.R. 2054: Mr. MCINTYRE.
H.R. 2060: Mr. SHUSTER and Mr. JORDAN.
H.R. 2066: Ms. HARMAN and Mrs. MCCARTHY of New York.
H.R. 2075: Mr. KILDEE.
H.R. 2095: Mr. MOLLOHAN and Mr. BRALEY of Iowa.
H.R. 2102: Mr. WALBERG, Mr. RUPPERSBERGER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. LAMPSON, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. BUTTERFIELD, and Mr. ORTIZ.
H.R. 2116: Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. LATOURETTE, Ms. SCHAKOWSKY, and Mr. KANJORSKI.
H.R. 2125: Mr. MOLLOHAN.
H.R. 2139: Mr. SHERMAN, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. BOYD of Florida, Mr. RAHALL, Mr. CLEAVER, Mr. CALVERT, Mr. DAVIS of Kentucky, Mr. MCHENRY, and Mr. PEARCE.
H.R. 2165: Mr. OLVER, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. CRAMER, Mr. BOREN, Mrs. GILLIBRAND, Mrs. LOWEY, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. VELÁZQUEZ, and Mr. RYAN of Ohio.
H.R. 2215: Mr. DELAHUNT and Mr. MCNERNEY.
H.R. 2216: Ms. ZOE LOFGREN of California and Mr. HASTINGS of Florida.
H.R. 2217: Ms. ZOE LOFGREN of California and Mr. HASTINGS of Florida.
H.R. 2238: Mr. MCDERMOTT.
H.R. 2255: Mr. INSLEE.
H.R. 2265: Ms. WOOLSEY.
H.R. 2274: Mr. CANTOR, Mr. RUPPERSBERGER, Ms. HARMAN, Mr. CRENSHAW, Mr. WELLER, Mr. KIRK, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.
H.R. 2286: Mr. BILBRAY and Mr. FEENEY.
H.R. 2290: Mr. KIND.
H.R. 2295: Mr. MELANCON, Mr. DOGGETT, Ms. HERSETH SANDLIN, Mr. JONES of North Carolina, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. LEVIN, and Mr. POMEROY.
H.R. 2304: Mr. MILLER of North Carolina.
H.R. 2332: Mr. BUYER and Mr. HENSARLING.
H.R. 2365: Mr. MILLER of North Carolina and Mr. PENCE.
H.R. 2366: Mr. WYNN.
H.R. 2407: Mr. BROWN of South Carolina, Mr. AL GREEN of Texas, and Mr. YOUNG of Florida.
H.R. 2421: Mr. MEEKS of New York.
H.R. 2453: Mr. MATHESON.
H.R. 2473: Mrs. BOYDA of Kansas.
H.R. 2478: Mr. MILLER of North Carolina.
H.R. 2484: Mr. FILNER.
H.R. 2508: Mr. BOOZMAN.
H.R. 2514: Mr. KANJORSKI.
H.R. 2580: Mr. BURTON of Indiana.
H.R. 2593: Mr. CUELLAR, Mr. FILNER, and Mr. RODRIGUEZ.
H.R. 2596: Mr. BISHOP of New York, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. MILLER of North Carolina, Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. FARR, Mr. DAVIS of Illinois, and Mr. MCGOVERN.
H.R. 2604: Mr. MCGOVERN, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, and Mr. BERMAN.
H.R. 2617: Mr. COHEN and Mr. MEEKS of New York.
H.R. 2630: Mr. SCOTT of Georgia and Mr. BISHOP of New York.
H.R. 2633: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2640: Mr. ROSS and Mrs. CHRISTENSEN.
H.R. 2669: Ms. HIRONO, Mr. HARE, Ms. CLARKE, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. SARBANES.
H.R. 2677: Mr. BONNER, Mr. POMEROY, Mr. FORTUÑO, MR. MCHUGH, and Mr. LATOURETTE.
H.J. Res. 12: Mr. ROYCE and Mr. WALDEN of Oregon.
H. Con. Res. 75: Mr. KIRK, Mr. COHEN, and Mr. MCNERNEY.
H. Con. Res. 108: Mr. FRANK of Massachusetts, Mr. JEFFERSON, and Mr. ROGERS of Alabama.
H. Con. Res. 162: Ms. SHEA-PORTER.
H. Res. 54: Mr. PETRI.
H. Res. 67: Mr. TIAHRT.
H. Res. 231: Mr. RYAN of Wisconsin, Mr. COBLE, and Mr. WOLF.
H. Res. 232: Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, and Mr. MCCOTTER.
H. Res. 282: Mr. REICHERT, Mr. DAVIS of Alabama, Mr. KANJORSKI, and Mrs. MILLER of Michigan.

H. Res. 356: Mr. PALLONE.
H. Res. 415: Mr. FALEOMAVAEGA.
H. Res. 417: Mr. ARCURI.
H. Res. 445: Mr. GONZALEZ.
H. Res. 467: Mr. FOSSELLA.
H. Res. 482: Mr. WALSH of New York.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

49. The SPEAKER presented a petition of the City of Santa Cruz, California, relative to a petition advocating for funding for the National Marine Sanctuary Program; to the Committee on Natural Resources.

50. Also, a petition of the California State Lands Commission, relative to a Resolution expressing support for Senate Bill 151, which would prohibit new oil and gas leases in federal waters off California; to the Committee on Natural Resources.

51. Also, a petition of the California State Lands Commission, relative to a Resolution expressing support for H.R. 1187; to the Committee on Natural Resources.

52. Also, a petition of the Santa Fe County Commission, New Mexico, relative to Resolution No. 2007-45 opposing the United States Citizenship and Immigration Services (USCIS) Fee Increase; to the Committee on the Judiciary.

53. Also, a petition of the Town of Woodstock, New York, relative to Resolution No. 171-07 requesting an investigation of the activities of President George W. Bush and Vice President Richard B. Cheney to the end that they may be impeached and removed from office; to the Committee on the Judiciary.

54. Also, a petition of the Town of Shelburne, Massachusetts, relative to a Resolution calling upon the United States House of Representatives to investgate charges and vote to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

55. Also, a petition of the Town of Colrain, Massachusetts, relative to a Resolution calling upon the United States House of Representatives to investigate charges and vote to impeach President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

56. Also, a petition of the Town of Leverett, Massachusetts, relative to a Resolution requesting the investigation of the activities of President George W. Bush and Vice President Richard B. Cheney to the end that they may both be impeached and removed from office; to the Committee on the Judiciary.

57. Also, a petition of the County Board of Shelby, Illinois, relative to Resolution 2003-21 requesting that legislation not be supported that would adversely effect the Second Amendment, the Right to Keep and Bear Arms; to the Committee on the Judiciary.

58. Also, a petition of Mr. Cecil Ray Taylor, a citizen of Independence, Missouri, relative to petitioning the Congress of the United States for action on possible misconduct or disability on the part of Missouri Judges or Court Commissioners; to the Committee on the Judiciary.

59. Also, a petition of Twelve Mayors of Ohio and Kentucky, relative to a Resolution calling on the Congress of the United States to remove the ''Tiahrt Amendment'' illegal gun trace restrictions; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 128: Page 6, line 5, after the first dollar amount, insert ''(increased by $125,000,000)''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 13, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 14, after the dollar amount, insert ''(reduced by $125,000,000)''.

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 129: At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to used to fill FTE positions within the Transportation Security Agency until the number of Customs and Border Patrol agents has reached the congressionally authorized level.''.

H.R. 2638

OFFERED BY: MR. PEARCE

AMENDMENT NO. 130: At the end of the bill (before the short title), insert the following new section:

SEC. 544. None of the funds made available in this Act may be used, either directly or indirectly, for projects or activities occurring on land obtained after June 23, 2005, through eminent domain by a State, unit of local government, or the Federal government, unless the owner of the land was paid an amount as just compensation that was triple the value of the land as appraised by an independent licensed appraiser or real estate agent at either the time that the land was condemned or the time that the land was obtained, whichever is higher.

H.R. 2638

OFFERED BY: MR. ROYCE

AMENDMENT NO. 131: Page 11, line 24, insert before the first comma the following: ''(in accordance with clauses (i), (ii), (iii), (iv), and (v) of section 102(b)(1)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)''.

Page 11, line 25 strike ''.'' and all that follows through page 16, line 2 and insert ''.''.

H.R. 2641

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2641

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 6: Page 27, line 4, after ''expended'' insert the following: '': *Provided*, That $173,250,000 of the amounts provided are available for nuclear weapons dismantlement activities at Department of Energy facilities authorized for such activities, of which $91,000,000 is for the Pit Disassembly and Conversion Facility Project at the Savannah River Site, South Carolina''.

H.R. 2641

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 7: At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to administer the ''Yucca Mountain Youth Zone'' website.

H.R. 2642

OFFERED BY: MRS. DRAKE

AMENDMENT NO. 6: Page 44, after line 22, insert the following new section:

SEC. 223. Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the status of the number of pending disability benefit claims and the actions taken by the Secretary to reduce processing time for veterans disability claims.

H.R. 2642

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2642

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT NO. 8: Page 19, beginning on line 15, strike section 125.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 5: Strike section 104.

H.R. 2643

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 6: Strike section 105.

H.R. 2643

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 7: Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

EXTENSIONS OF REMARKS

SOUTHWESTERN RANDOLPH HIGH SCHOOL—OUR MOST VALUABLE TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. COBLE. Madam Speaker, on behalf of the Sixth District of North Carolina, I would like to personally congratulate the Southwestern Randolph High School varsity softball team on its win at the North Carolina High School Athletic Association 3–A softball championship. On June 2, 2007, the Southwestern Randolph Cougars accomplished a phenomenal feat in completing the season with an almost perfect record of 31–1. Even more remarkably, the team finished the season with no losses to other 3–A schools and was able to claim the first state championship for the school since 2001.

Congratulations are in order for Anna Maness who was named the tournament's Most Valuable Player, not only because of her accomplishments on the field, but also because of her attitude about the game. In fact, Maness told the Asheboro Courier-Tribune, ''I couldn't have done it without defense; I couldn't have done it without the offense. It should say Most Valuable Team.'' It is this kind of teamwork that makes the entire Southwestern Randolph team special. Maness should also be commended on her impressive efforts during the tournament, striking out 16 batters and allowing no runs.

Looking at the roster, it is easy to see that the most noteworthy thing about this group of young women is their ability to work together. The seniors on the team: Valerie Campbell, Brittany York, Jessica Hogan, Natalie Haithcox, Ashley Seawell, and Kendra Cox finished their four years together on the team with an impressive 110–13 record, making it to the final tournament every year but one. Cougars Head Coach Steve Taylor told the Asheboro Courier-Tribune that he credited the success of the seniors to the fact that, ''all their work ethics were positive toward reaching their goals.''

The entire roster contributed to Southwestern Randolph's latest softball triumph. The other members of the team included: Brittany Marsh, Stacy McCaskill, Ashley Jones, Nicole England, Kristen Simmons, Dalton Brower, Brittany Garren, Amelia Frye, Holly Berry, Katheryn Auman, Cynthia Hayes, Hannah Hughes, and Erin Billups.

Those who didn't wear a uniform, but contributed in so many other ways, can equally share the accolades coming to Southwestern Randolph's champions. We start with Head Coach Steve Taylor, Assistant Coaches Lee McCaskill, Danny Campbell, and Wendel Seawell, Athletic Director Gary Leach, and Principal Dr. Chris Vecchione. Congratulations are also in order for the faculty, staff, students, and families of Southwestern Randolph High School on another outstanding athletic season.

Madam Speaker, I join the people of the Sixth District of North Carolina in congratulating everyone involved in this outstanding athletic achievement. I am glad to see that these young athletes were able to see their hard work and determination lead to a state championship.

JOHN HAYDEN CHIAVETTA MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate John Bryan and Rebekah Sparrow Chiavetta on the birth of their second child, John Hayden Chiavetta. John was born on Thursday, May 24, 2007 and weighed 6 pounds and 15 ounces. My wife Faye joins me in wishing John and Rebekah and their daughter, Charlotte, great happiness upon this new addition to their family.

As the father of three, I know the joy and pride that John and Rebekah feel at this special time. And I know that Charlotte is excited to have a brother with whom she can share the wonders of childhood. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world. I know the Chiavettas look forward to the changes and challenges that their new son will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch him grow.

I welcome young John into the world and wish John and Rebekah all the best as they raise him.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATION ACT, 2008

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. BLUMENAUER. Madam Speaker, as we consider the FY 2008 Military Constructions Appropriations Act, I am concerned that we are significantly under funding our commitment to clean up communities impacted by base closures in the past. There is an estimated $3.5 billion backlog of environmental cleanup at bases closed during the previous BRAC rounds. Unfortunately, the funding levels in this bill are not enough to make a dent in cleaning up bases closed in previous BRAC rounds.

The bill does include significant funding to deal with cleanup at bases closed in the 2005 BRAC round. The irony is that the new round of BRAC has so much money appropriated that current outlays will spend less than 10% in the upcoming fiscal year of its budget authority while in the same vein the Legacy BRAC account will be spending nearly half of its budget authority in the same fiscal year. I appreciate that there is an increase above the President's budget for this effort, but it is simply not enough to make up for past years of Congress abrogating its responsibility of environmental restoration of past BRAC rounds.

Communities across the nation have waited decades for remediation and at the current levels of funding will have to wait for over 40 years before the job is done. In order to address this problem, I am submitting the following amendment with my colleague Congresswoman BROWN-WAITE in order to properly finish the job of environmental clean up at former military bases before we can fully address a new round of cleanup.

The amendment I am offering decreases by $201,000,000 the Base Realignment and Closure Account 2005 account and increases the Base Realignment and Closure Account 1990 by $50,000,000 in order to work towards this goal. CBO has scored this amendment as outlay neutral.

CENTRAL DAVIDSON HIGH SCHOOL—OUR PERFECT SOFTBALL CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2007

Mr. COBLE. Madam Speaker, pitching a perfect game is certainly an amazing feat on its own. Pitching a perfect game in the championship, however, is something particularly special. Words cannot describe just how rare this feat is. So, please allow me to brag for just a bit about the remarkable achievements of Chelsea Leonard and the rest of the North Carolina State High School Athletic Association 2–A softball champion Central Davidson High School Spartans.

On June 2, 2007, Ms. Leonard pitched Central Davidson to a resounding 4–0 victory over South Brunswick High School, while not allowing a single hit. She also struck out 18 of 21 batters. And on her way to winning MVP of the tournament, she tallied an impressive 53 strikeouts while compiling a 3–0 record. What's more, she didn't allow a single run or even a hit for 19 innings. Folks, these numbers are simply off the charts.

And while Chelsea—a sophomore no less—performed spectacularly throughout the state

tournament, the rest of the team was equally impressive. In the run-up to the Spartans' second consecutive year in the state softball finals, every member of the team contributed to a sparkling 32–1 record. So, please allow me to recognize every member of this fine team: Ashley Hulin, Tess Swing, Carrie Jernigan, Whitney Lohr, Heather Lanier, Nicole Perry, Lindsay Thore, Hannah Buie, Alison Lohr, Erin Cole, Gina Antonucci, and Haley Hanes all contributed to this special season with their pitching, hitting, base running, and fine defense.

Accolades are also in order for the talented coaching staff, including, of course, Head Coach and Athletic Director Gene Poindexter who brought his team back to the finals after a difficult loss in that game last year. His hard work over the past 8 years has been instrumental to the Spartans' success. The assistant coaches—Steve Hayes, Brian Starnes, Jim Welborn, Greg Leonard, Richard Cid, Sterling Charles, Mike Pickett, and Jordan Stogner—all deserve special recognition. This sensational season would not have been possible without their help or without the support of Principal Kevin Firquin. And I cannot forget to mention the terrific fans who supported the team throughout the entire season and who came out in force to cheer on the Spartans in the state tournament.

Madam Speaker, this was a spectacular season for the Central Davidson High School softball team. I am sure that everyone in the Sixth District of North Carolina will join me in congratulating all of these fine athletes and the rest of the Central Davidson High School community on their outstanding achievements.

IN RECOGNITION OF DAVID BYRON CHAPEL AS A U.S. PRESIDENTIAL SCHOLAR

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor David Byron Chapel, a constituent from Parma, Michigan who has been named a member of the 43rd Class of Presidential Scholars. The Presidential Scholarship was established in 1964 to honor our countries most distinguished graduating high school seniors. Only 144 high school seniors are offered the title of a Presidential Scholar, and I am proud to honor David Byron Chapel as one of Michigan's two Presidential Scholars.

Mr. Chapel's work has spanned all areas of community service; from mission trips with his youth group, local service projects, peer tutoring and his church music program. David has touched the lives of many with his service.

Highlights of Mr. Chapel's volunteer work include a center for underprivileged children, summer Vacation Bible School, fundraising projects for his school's Academic Boosters Club, frequent visits to his local nursing home to spend time with the elderly, and service as a substitute Church pianist. In addition, David has spent numerous weekends helping with Church maintenance, local landscaping and yard work, as well as operating his own small-scale lawn care business.

David's academic achievements are exemplified through the numerous scholarships he has already been awarded. He has received such awards as the Marsh Family Scholarship and the University of Michigan Regents Merit Scholarship for exemplary academic performances throughout his high school career. In addition to these prestigious awards, David has received numerous other recognitions.

These are not the first awards Mr. Chapel has received to honor his achievements. David has been named a National Merit Finalist, Student of the Month, Big 10 Drum Major and Best Supporting Actor in his high school drama program. He has also worked diligently to receive his Academic Letter and Pin, the Community Service award all four years of high school, Honor Roll and All A's Award's each semester.

I offer the congratulations of the U.S. House of Representatives to Mr. David Byron Chapel for his leadership, dedication to community service, and being named a U.S. Presidential Scholar.

TRIBUTE TO JOHN AND JOAN SHAMP

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mrs. MYRICK. Madam Speaker, I rise today to honor a great couple who are a wonderful example of what is right with America. John and Joan Shamp just celebrated their 50th wedding anniversary! Sadly, in America, it has become a rare thing for two people to stay together this long.

They are the proud parents of five children and very involved in the lives of their grandchildren. They exemplify achieving the American dream through hard work, and they demonstrate the love of a strong family who are there to help each other and others daily. I wish them many more happy years!

HONORING UNITED STATES COAST GUARD COMMANDER WILLIAM J. QUIGLEY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding career of William J. Quigley, on the occasion of his retirement from the United States Coast Guard.

Commander William J. Quigley is the Prospective Commanding Officer of the Coast Guard Cryptologic Group. He assumed his current duties as the Coast Guard Liaison Officer to the Commander, Naval Security Group, Fort George G. Meade, Maryland in 2004. Immediately prior to this assignment, he served as Chief, Intelligence Resource Management Office, Intelligence Directorate, U.S. Coast Guard Headquarters, Washington, D.C.

Commander Quigley was born in Lowell, Massachusetts and grew up in Hudson, New Hampshire. A 1984 graduate of the Coast Guard Academy, Commander Quigley began his career as a deck watch officer aboard the Coast Guard Cutter (USCGC) ALERT (WMEC–630) in Cape May, New Jersey. Commander Quigley's service included numerous afloat assignments and is a qualified Coast Guard Cutterman.

Commander Quigley's shore side assignments include duty as a Watch Officer at the Coast Guard Intelligence Coordination Center in Washington, D.C.; the supervisor of the Coast Guard Detachment at the Navy Operational Intelligence Center in Suitland, Maryland; the Coast Guard Liaison Officer to the Department of State in Washington, D.C. and Chief, Operational Analysis and Planning Division, Office of Operations Strategic and Business Planning, U.S. Coast Guard Headquarters.

Commander Quigley holds a Bachelor of Science degree in Electrical Engineering (BSEE) from the U.S. Coast Guard Academy, New London, Connecticut and a Master of Science degree in Strategic Intelligence (MSSI), earned at the Joint Military Intelligence College, Washington, DC. Individual military awards include the Meritorious Service Medal with Gold Star, Coast Guard Commendation Medal with gold star and operational distinguishing device, the Coast Guard Achievement Medal with gold star and operational distinguishing device, the Commandant's Letter of Commendation, the National Defense Service Medal with bronze star, the Global War on Terrorism Service Medal and the Humanitarian Service Medal. Commander Quigley is married to the former Paula May Harris of Hampden, Massachusetts. They currently reside in Millersville, Maryland with their two sons, Kyle and Connor.

Madam Speaker, I ask that you join with me today in honoring Commander William J. Quigley, a man whose deep commitment to the United States and the United States Coast Guard has gone above and beyond the call of duty in service to our great country.

IN PRAISE OF ARMY SGT MATTHEW SOPER

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor and praise Sergeant Matthew Soper, a constituent of mine who died while serving his country in Iraq; Sgt. Soper's truck was hit by an IED in Iraq on June 6, 2007.

SGT Soper of Jackson was 25-years-old. Sergeant Matthew Soper served in the Michigan Army National Guard's 1461st Transportation Company based in Jackson. Sergeant Soper was courageous as he manned the front vehicle gun in his company.

SGT Soper's family has said the military changed their son and brother. His sister stated he joined the military to "call something his own," and to make people proud. Nothing serves as greater evidence to the heart of this

young man than his selflessness in volunteering for a second tour of duty in Iraq. SGT Soper's first tour was in 2004 and 2005. I stand here today to tell the country and SGT Soper's family how proud of him I am.

The country mourns the loss of a soldier and we celebrate his life. My thoughts and prayers are with Matthew's family. I thank them for their beloved sons' dedicated service to the United States. May God be with them.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

JUNE 12, 2007

Rollcall vote 461, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

JUNE 13, 2007

Rollcall vote 462, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 463, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 464, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

Rollcall vote 465, on motion that the committee rise and leave as unfinished business—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted ''aye.''

TRIBUTE TO DR. JOSEPHINE ELIZABETH SEATON FRANKLIN

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. WYNN. Madam Speaker, I would like to take this opportunity to draw your attention to Dr. Josephine Elizabeth Seaton Franklin. This remarkable woman is celebrating her 80th birthday July 1, 2007. As a founding member and first president of Theta Rho Omega Chapter, Alpha Kappa Sorority, Dr. Foster has had a monumental role in the Chapter's scholarship work and community service.

Through the Josephine Elizabeth Seaton Foundation, the Theta Rho Omega Chapter has provided funds for academic scholarships. The Chapter has given more than $90,000 to scholars and community service projects. Dr. Franklin is a native of Cleveland, Ohio and holds a master degree and doctorate degree in education. Throughout her lengthy career, Dr. Franklin has continued to demonstrate a love of education. She has taught in Virginia, Michigan and Chicago. Dr. Franklin's steadfast commitment to others undoubtedly exemplifies her generosity of spirit and dedication to countless educational and humanitarian causes.

Dr. Franklin's birthday on July 1st is special because this gracious and admirable woman has devoted herself magnanimously to helping others. She is recognized by her community, her friends, and her loved ones as a pillar of strength and compassion. Dr. Franklin's effort to make the world a better place is truly admirable.

INTRODUCTION OF LEGISLATION TO DIRECT THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO ISSUE A STANDARD REGULATING WORKER EXPOSURE TO DIACETYL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Ms. WOOLSEY. Madam Speaker, I am introducing legislation today that will require the Occupational Safety and Health Administration to issue an emergency interim final standard, and after 2 years, a final standard to protect workers against a butter flavoring chemical called diacetyl. Exposure to diacetyl has been found to cause a devastating lung disease known as bronchiolitis obliterans, or ''popcorn lung.'' Diacetyl has been described by NIOSH as causing ''astonishingly grotesque'' effects in workers' lungs—often in a very short time period.

Dozens of workers at microwave popcorn factories or factories where flavors are produced have become sick, and several have died. Others are awaiting lung transplants. Thousands more workers are exposed at factories that make or use flavorings throughout the country. The Workplace Protections Subcommittee held a hearing in April on OSHA's failure to issue health and safety standards. Eric Peoples, a former employee of a Missouri popcorn plant who is awaiting a double lung transplant, testified that he was never informed of the hazards of diacetyl while working at the plant. ''I played by the rules. I worked to support my family. This unregulated industry virtually destroyed my life. Don't let it destroy the lives of others,'' Peoples asked the committee.

The interim final standard will apply to the food flavorings industry and the microwave popcorn production and packaging industry. This bill will also require OSHA to issue a final diacetyl standard within 2 years of issuing the interim final standard. The final standard will apply to all locations where diacetyl is processed or used. Although we are expecting OSHA to follow the normal administrative procedures for issuing the final standard, we expect the agency to do whatever is necessary and allowed by the various procedural laws and regulations to ensure that the final standard can be issued within the 2-year deadline. In any case, the interim final standard will remain in effect until the final standard is issued.

It is with some reluctance that I offer this legislation. Over 35 years ago, Congress gave OSHA the authority to address workplace hazards, and gave the agency the ability to issue emergency standards. But OSHA has not acted. OSHA has known that diacetyl causes bronchiolitis obliterans or popcorn lung for over 5 years ever since the National Institute for Occupational Safety and Health published evidence in 2002 linking diacetyl to bronchiolitis obliterans, yet OSHA has not even issued an information bulletin. Last year, House Democrats urged the Labor Department to address this serious health hazard. OSHA has not responded. Also last year, two labor unions, supported by a letter signed by 42 of the Nation's leading occupational health scientists and physicians, petitioned the agency for an emergency standard. OSHA has still not responded to that petition.

The measures required by the bill are feasible and affordable. In fact, they are the same measures already recommended by the Flavor and Extract Manufacturers Association, the main industry association for the flavorings industry, in 2004. The association has voted to support this legislation and the issuance of an OSHA standard.

The measures mandated by this bill are also consistent with recommendations from the National Institute for Occupational Safety and Health, NIOSH, and we expect OSHA to work closely with NIOSH to ensure that the final standard is fully protective and completed by the deadline set by this bill.

It is clear that an emergency exists and that this hazard presents a grave danger and significant risk of life-threatening illness to exposed workers. If OSHA will not act, then Congress must act.

INTRODUCTION OF THE AMERICAN CITIZENSHIP AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. PAUL. Madam Speaker, I rise to once again introduce the American Citizenship Amendment. Currently, any person born on American soil can claim American citizenship, regardless of the citizenship of that child's parents. This means that any non-citizen who happens to give birth in the United States has just given birth to an American citizen, eligible for all the benefits and privileges afforded to citizens.

Madam Speaker, this is unacceptable and is far from what our Founders intended when they drafted our Constitution. It undermines the very concept of citizenship as enshrined in the United States Constitution: to be constitutionally entitled to U.S. citizenship one must be ''born . . . in the United States'' and ''subject to the jurisdiction thereof.'' This second, and most important, part means that in order to gain U.S. citizenship one must owe and actively express allegiance to the United States in addition to the act of being born on United States soil.

Practically, what the current state of affairs does is cheapen citizenship. Rather than impart all the obligations and responsibilities of being an American, it becomes merely a ticket to welfare and other Federal benefits. The history of the United States is that of immigrants, but previously individuals from diverse backgrounds accepted the obligations of citizenship in exchange for the great benefits of living in the United States as Americans.

This proposed constitutional amendment restores the concept of American citizenship to that of our Founders. This legislation simply states that no child born in the United States whose mother and father do not possess citizenship or owe permanent allegiance to the United States shall be a citizen of the United States. It is essential to the future of our constitutional republic that citizenship be something of value, something to be cherished. It cannot be viewed as merely an express train into the welfare state. I hope my colleagues will join me as cosponsors of this legislation.

SUPPORT FOR AN INDEPENDENT AND DEMOCRATIC KOSOVO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. HASTINGS of Florida. Madam Speaker, I have just returned from official travel as Chairman of the Helsinki Commission to several locations in Europe and the Middle East. One stop was Kosovo, which is presently high on the international agenda.

As we all know, the Special Envoy for the UN Secretary-General, former Finnish President Maarti Ahtisaari, has submitted a comprehensive proposal for settling the status of Kosovo. If adopted, the proposal would end the eight years of limbo in which Kosovo has found itself since the NATO intervention ended a long period of brutality and repression by Serbian authorities under the leadership of Slobodan Milosevic. Nevertheless, some countries represented on the UN Security Council have problems with the Ahtisaari plan, and Russian opposition, based at least in part on issues having little if anything to do with Kosovo and the Balkans, would doom action at the United Nations. Last week's G–8 summit failed to break the impasse within the international community.

During my stay in Kosovo, I was thoroughly briefed by the U.S. Office in Pristina, led by Tina Kaidanow, as well as by Brigadier General Douglas Earhart of the 29th Infantry Division, who commands U.S. forces in Kosovo as well as multinational task force located in the southeast portion of Kosovo. The head of the OSCE Mission in Kosovo, German Ambassador Werner Wnendt, provided the perspective of one of the international missions in the field. I also had the opportunity to meet the Kosovo Prime Minister, the Minister for Communities and Returns and representatives of the Kosovo "Unity Team." I traveled to Mitrovica where I also met representatives of the Serb community, and I visited areas at different locations where housing has been built to accommodate the return of those Serbs and Roma displaced by violence.

Based on my observations, I support the Ahtisaari proposal. It provides for independence for Kosovo, which I believe can be justified on grounds of what happened in Kosovo under Serbian rule as well as the right of self-determination, a right included in the Helsinki Final Act. The overwhelming majority of the people of Kosovo want independence, and the United Nations made it a credible possibility in Security Council Resolution 1244, adopted at the end of the Kosovo conflict in 1999.

At the same time, and perhaps more important, the Ahtisaari proposal contains provisions regarding the decentralization of powers to Serb-majority municipalities, numerous human rights protections for ethnic communities, and the protection of religious and cultural heritage sites so important to the Serb community. If implemented, these provisions offer a good possibility for the Serb and other non-Albanian communities to survive in what would be a multi-ethnic Kosovo. Independence would be supervised by the international community, to ensure both a smooth transfer of authority and full implementation of the proposal.

As Chairman of the Helsinki Commission, I remain naturally concerned about the human rights situation in Kosovo. My priority is a Kosovo where human rights and fundamental freedoms are respected, and where democracy, tolerance and the rule of law are established, regardless of the course or outcome of deliberations on Kosovo's status. Such a Kosovo does not yet exist; many problems remain. I do believe, however, that in a situation where no answers are easily found the Ahtisaari plan has the best potential to achieve these goals, and I will work to ensure that the Helsinki Commission encourages their achievement even after status is determined.

I wish to conclude my remarks, Madam Speaker, by announcing my intention to cosponsor House Resolution 309, expressing the sense of the House that the United States should support independence for Kosovo. Some of the concerns expressed in an alternative piece of legislation, House Resolution 445, are ones that I share, but continued delay on this issue helps nobody on the ground. The Ahtisaari proposal, in addition to addressing status, provides a means for securing the return and sustainability of the Serb and other ethnic communities in Kosovo, and I believe the people of the region would be best served by trying to make its provisions a reality.

HONORING MSGT RICHARD J. BRULE UPON HIS RETIREMENT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to MSgt Richard J. Brule, as he retires from the United States Air Force. MSgt Brule hails from Colorado Springs, CO and enlisted in the USAF on May 14th, 1987. During his tenure, he has consistently shown leadership and motivational skills in training other personnel in various skills.

MSgt. Brule began his Air Force career as an experienced mechanic and while at Nellis A1C, helped to establish a "Self Help" bay by building, supplying and mounting a tool shadow board in the minor maintenance section. This project enabled local organizations to perform their own minor maintenance which helped to clear the work order backlog, often returning vehicles to service within the same day. Continuing his exemplary service, Brule was selected as "Airman of the Quarter" while stationed at RAF Bentwaters in the UK. During operation Desert Storm, Sergeant Brule played a key role in preparing and deploying 120 vehicles to the AOR.

Shortly after arriving at Aviano AFB in Italy in 1992, Brule was promoted to the rank of Staff Sergeant. His mechanical knowledge and management skills led to his selection as NCOIC of the Privately Owned Vehicle Inspection Center. In 1996, SSgt Brule was assigned to F.E. Warren AFB in Wyoming and was selected as Noncommissioned Officer in Charge of the 90th Security Forces Squadron Vehicle Repair Station, where he was responsible for the maintenance of 125 rapid response vehicles. Within a year of arriving at Sembach Annex, Germany, SSgt Brule was again promoted, this time to Technical Sergeant, where he assumed a great deal of responsibility. Finally, in 2006, MSgt Brule arrived at the 1st Detachment, 345th Training Squadron at Naval Base Ventura County, in my Congressional District. MSgt. Brule is currently teaching the gas phase and pipeline.

It is my pleasure to submit this to the CONGRESSIONAL RECORD, recognizing the character and dedication of MSgt Brule, upon his retirement.

HONORING CHIEF OF POLICE DAN MONTGOMERY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the retirement of Chief of Police Dan Montgomery, of Westminster, Colorado.

Chief Montgomery's retirement was news in my district, and I believe it is fitting to honor his public service in the Denver metropolitan area for nearly four decades. Chief Montgomery has served as the Chief of Police in Westminster for more than 24 years. Such a life-long commitment to public safety is deserving of special recognition.

Dan Montgomery is passionate about protecting the public and realized early in his life that his calling was to serve in the police force. From his first job as a campus police officer, to his leadership as a police chief for one of Colorado's fastest growing suburban communities, Chief Montgomery has demonstrated a strong commitment to upholding law and order in our society. As a field officer, he will be remembered for his work on the Leeora Rose Looney case in Lakewood, Colorado, in 1971. Chief Montgomery leaves a professional legacy as a law enforcement official who always "supported his troops."

Madam Speaker, I ask my colleagues to join with me in expressing our gratitude to Police

Chief Montgomery, and others in the law enforcement community just like him, for their steadfast commitment to justice and public safety. We also recognize Chief Dan Montgomery's leadership and fortitude. I am also proud to acknowledge Police Chief Montgomery's accomplishments as noted in the following article published by the Westminster Window on May 24, 2007.

POLICE CHIEF SET TO CAP CAREER

(By Rachel Ceccarelli)

Westminster Police Chief Dan Montgomery says he is ready to finish his 45-year career in law enforcement.

Montgomery will retire as Chief of Police on June 1, and Deputy Chief Lee Birk will take the lead.

''It just dawned on me one day that I have been married to my wife Bonnie for 46 years and been a police officer for 45,'' Montgomery said. ''It was just time.''

Montgomery says he decided it was time to retire and devote more time to his wife, grown children and granddaughter.

Nonetheless, he plans to continue doing some part-time police consulting.

Montgomery has been the Westminster Police Chief for more than 24 years.

His career began in the 1960s as a police officer in Los Gatos, California. After years of working in California, he moved to Colorado to work with the Lakewood Police Department.

It was at this job that Montgomery encountered what he considers his most memorable and difficult case.

''I haven't forgotten about Leeora Rose after all these years,'' Montgomery said.

Leeora Rose was a 20-year-old waitress at a Lakewood doughnut shop who disappeared on Aug. 20, 1971. Police found her raped and killed three days after her disappearance.

Montgomery said after months of investigations, a single fingerprint on a coffee cup left behind by a suspect solved the case. The fingerprint matched that of a man named Carl Taylor. After his arrest, he and his partner in crime, Sherman McCray, admitted to 15 homicides across the United States. They were sentenced to life in prison.

Montgomery said as far as he knows, Taylor is still in prison, and McCray committed suicide in 1988.

''I didn't like the carnage left behind by criminals, so I decided to do something about it,'' said Montgomery on why he chose a career in law enforcement. ''That was my calling.''

Montgomery said as he continued his police work in Westminster, he knew that he wanted to be a chief that supported officers.

''My motto is support me and I'll support you,'' said Montgomery, adding that he doesn't mean blindly agreeing with everything his officers do but supporting them when it's needed.

Birk said Montgomery was an excellent chief to work with at the department.

''Dan has been a great role model and mentor,'' said Birk, adding that Montgomery's leadership has set him in the right direction to take over as police chief.

Public support for police officers is one thing Montgomery said was his career highlight along with the passage of the public safety tax in 2003. Montgomery said the fact that City Council and residents voted to pass the ballot issue was integral to the operation of the police department.

''It's my crowning moment of glory,'' Montgomery said. ''It really was a team effort, and I don't know where we would be if it hadn't passed.''

Montgomery said he knows the police department will be left in good hands with Birk replacing him and the public safety tax in place.

In his spare time, Montgomery plans to golf and spend time with his family.

What Montgomery said he would miss the most is the relationships he has created with city staff and members of the police department.

He will also miss fighting crime.

''I'm going to miss putting punks, perverts and predators in jail,'' Montgomery said.

RECOGNIZING INDEPENDENCE, MISSOURI SCHOOL DISTRICT ''COMMUNITY SCHOOLS' NATIONAL AWARD FOR EXCELLENCE''

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Independence, Missouri school district on winning the Coalition for Community Schools' Award for Excellence.

Every year the Coalition for Community Schools honors communities and schools that are dedicated to the goal of the Coalition of bringing together the expertise of schools and their communities to help students succeed. Independence, Missouri is being recognized this year for their outstanding core principles. They are result-oriented, address real student and family needs, and engage students and school and community leaders.

The Coalition for Community Schools will honor Independence along with 2 other communities and 3 schools with a breakfast on Capitol Hill on June 14th.

Madam Speaker, I proudly ask you to join me in thanking the members of Independence, Missouri. Their dedication to the education of our youth is a credit to our Nation, and I am proud to represent them in the United States Congress.

TRIBUTE TO STERLING INTERNATIONAL, INC.

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Sterling International Incorporated for celebrating 25 years in business. Since inception, the core focus of Sterling's business has been to build and sell highly effective and environmentally responsible pest control products that are safe for the consumer, easy to use, and reasonably priced. In the past 25 years, Sterling has steadily grown its business and is the leader in its market niche.

Company founder and President Rod Schneidmiller developed Sterling's first product, a reusable fly trap, by experimenting in his kitchen and later began selling it throughout eastern Washington in 1982. Ace Hardware was the first retailer to buy Sterling's product on a national level in the mid-1980s, which resulted in a huge breakthrough in awareness and acceptance of the insect trap category. Today, Mr. Schneidmiller's innovations include a disposable trap for flies and a reusable trap for yellow jackets.

Twenty-five years after the company's humble start, Sterling International sells its line of fly traps, along with yellow jacket and Japanese Beetle traps, throughout the U.S. in retailers such as Wal-Mart, Home Depot, Lowe's, Ace Hardware and True Value Hardware. The company also distributes its product internationally, to customers in Europe, Asia, South America, Australia, Africa and the Middle East.

With a world-class insect research laboratory as part of its headquarters in Spokane, Washington, Sterling will soon release even more ground-breaking consumer products that will make pest control smarter.

Madam Speaker, I rise today to recognize Mr. Rod Schneidmiller and Sterling International Incorporated for their outstanding accomplishments. I invite my colleagues to join me in celebrating 25 years of service from Mr. Schneidmiller and Sterling International Incorporated.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote No. 453 on June 12, 2007.

If present, I would have voted: rollcall vote No. 453, Crowley Amendment on Homeland Security Appropriations to increase terrorism prevention funding in urban areas by $50 million and decrease funding for the Office of the Secretary and Executive Management by $15 million and the Office of the Under Secretary of Management by $35 million, ''nay.''

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. WESTMORELAND. Madam Speaker, from 6:00 p.m. until the end of the legislative day, I traveled home due to an unexpected medical condition of a family member. As a result, I missed a number of votes. Had I been present, I would have voted the following:

''No'' on the Crowley Amendment No. 21 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 453).

''Aye'' on the Campbell (CA) Amendment No. 43 to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 454).

''Aye'' on the Reichert Amendment to H.R. 2638, the Department of Homeland Security

Appropriations Act for Fiscal Year 2008 (Rollcall 455).

''Aye'' on the King (IA) Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 456).

''Aye'' on the Lamborn Amendment to H.R. 2638, the Department of Homeland Security Appropriations Act for Fiscal Year 2008 (Rollcall 457).

''Aye'' on the motion that the committee rise (Rollcall 458).

''Aye'' on the motion that the committee rise (Rollcall 459).

''Aye'' on the motion that the committee rise (Rollcall 460).

''Aye'' on the motion that the committee rise (Rollcall 461).

''Aye'' on the motion that the committee rise (Rollcall 462).

''Aye'' on the motion that the committee rise (Rollcall 463).

''Aye'' on the motion that the committee rise (Rollcall 464).

''Aye'' on the motion that the committee rise (Rollcall 465).

HONORING OFFICER ROBERT HODGES FOR HIS VALIANT SERVICE TO THE SOUTHLAKE DEPARTMENT OF PUBLIC SAFETY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. MARCHANT. Madam Speaker, I rise today to express my gratitude and praise to Officer Robert Hodges of the Southlake Department of Public Safety for his invaluable contributions to his community and for his bravery in times of turmoil.

Officer Hodges has loyally served as a police officer for more than 18 years. He began his career with a five-year stint at the Lake Worth Police Department, worked shortly for the Sansom Park Police Department and has spent his last 12 years with Southlake DPS.

In 1997 Hodges obtained his Instructor certification and began teaching other officers the skills necessary to be a Motorcycle Traffic Officer. Over the past 10 years, Officer Hodges has taught many of the Traffic Officers throughout the Dallas/Fort Worth area such skills and his dedication has affected the lives of many officers in the region.

Throughout his career, Officer Hodges has also touched lives in many other roles. In 2003 he initiated the first-ever police ''Motorcycle Rodeo'' to raise funds for Special Olympics. Through Officer Hodges' efforts and the Motorcycle Rodeo, more than $12,000 was donated to the Special Olympics. The following year, Hodges organized a second Motorcycle Rodeo and managed to raise another $7,000 for the cause. And 5 years ago, Officer Hodges was awarded the department's Life Saving Award and is credited for saving the life of a two-year-old child. In the incident, Hodges responded to a drowning call involving the small child who had been retrieved from a pool and was non-responsive. Officer Hodges cleared the child's airway and began administering CPR. Through his quick actions, he revived the child and kept her stable until medical help arrived.

Madam Speaker, I am deeply honored to pay tribute to the life and accomplishments of Officer Robert Hodges. I would also like to recognize his wife, Beth Hodges, and his son, Bobby Hodges, for their immense courage during difficult circumstances. It is a privilege to represent the Hodges family in the 24th District of Texas and I pray for God's blessings upon them.

FREEDOM FOR LÁZARO JOAQUÍN ALONSO ROMÁN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Lázaro Joaquín Alonso Román, a prisoner of conscience in totalitarian Cuba.

Mr. Alonso Román is a peaceful pro-democracy activist who desires freedom for the people of Cuba. His dream is that all Cubans be allowed to freely exercise their fundamental human rights. Unfortunately, the nightmare that is the totalitarian dictatorship specifically targets those courageous men and women who bravely risk their lives and the safety of their families to shed light on the realities of totalitarian Cuba.

On July 13, 2005, Mr. Alonso Román was shamefully arrested while participating in a peaceful pro-democracy demonstration in Havana honoring the victims of the ''13 of March'' tugboat massacre of 1994 in which 72 men, women and children were chased down and attacked by the regime's security thugs for attempting to flee the dictatorship in search of freedom. More than half of the unarmed refugees on the tugboat were systematically drowned at the direct order of the tyrant while they struggled to stay alive in the ocean waters.

After serving 21 months of a two-year ''sentence'' for ''public disorder, rebellion and reckless endangerment'', Mr. Alonso Román was released from the infernal dungeons on April 24, 2007. On May 19, less than a month later, Mr. Alonso Román was thrown back in the dictatorship's hellish gulag for expressing concern over why the regime's gangster thugs were deliberately harassing him and demanding to see his identification papers. According to his wife, Juana Delma Ruiz, his mere questions were enough for the regime's thugs to brutally handcuff and shove her husband into a police car and drag him to Dragones Prison in Havana.

Once in the irons of Dragones Mr. Alonso Román was informed that he would be ''tried'' on trumped-up charges of ''resisting arrest and contempt'' which would lead to more undeserved misery and suffering of the confines of a totalitarian dungeon. Let me be clear, Mr. Alonso Román is being caged simply for questioning the injustice with which he is treated.

An injustice anywhere is an affront to justice everywhere, said Dr. Martin Luther King, Jr. Mr. Alonso Román is representative of the longing for freedom of the Cuban people and their rejection of the brutality, depravity and oppression of the totalitarian regime. It is reprehensible that thousands of men and women like Mr. Alonso Román are languishing in hellish conditions because they refuse to accept the tyrannical dictatorship in Cuba today.

Madam Speaker, it is unconscionable that peaceful Cubans are locked in a tyrant's dungeons for believing in a free Cuba. My Colleagues, we must demand freedom and human rights for all people, including those who live under the vicious and unforgiving darkness of totalitarian regimes. We must demand the immediate and unconditional release of Lázaro Joaquín Alonso Román and every political prisoner in totalitarian Cuba.

IN RECOGNITION OF DENNIS ALLEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Dennis Allen, and to celebrate over 35 years of service to northeast Ohio's children. As Dennis retires from service, I join the chorus of thousands that have been touched by his guidance.

Since 1971, when he began his career as a teacher, Dennis has demonstrated an unflagging commitment to the children of northeast Ohio. After 5 years as a teacher, Dennis moved into a career as an administrator, acting as a principal and later as superintendent. He has spent the last 12 years as the superintendent of Rocky River School District, stewarding the district through an unprecedented period of growth and accomplishment.

Dennis has been the recipient of numerous awards, and has been called upon frequently to share his expertise and wisdom. Northeast Ohio has been the beneficiary for over 30 years, and I am grateful for his unmatched contributions to our community.

Madam Speaker and colleagues, please join me in honoring Dennis Allen for his service to northeast Ohio. Throughout his career, Dennis has held fast to his conviction that a strong foundation for a child and a community begins with a quality education. May future generations of educators draw inspiration from his efforts.

THE INTRODUCTION OF THE FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am pleased to introduce the Federal Aviation Research and Development Reauthorization Act of 2007. I am joined by BART GORDON, Chairman of the Science and Technology Committee, as an original cosponsor of the Act.

This legislation is focused on ensuring the FAA will have the tools that it will need to keep the Nation's air transportation system safe, efficient, and environmentally friendly. To that end, the act reauthorizes a range of important R&D activities at the FAA, starts up new initiatives in some key areas, and contains provisions aimed at strengthening the interagency Joint Planning and Development Office, JPDO, which has the responsibility of planning and developing the Next Generation Air Transportation System, NextGen.

With respect to the JPDO, the act responds to the recommendations of the Government Accountability Office, GAO, as well as other expert witnesses that the Space and Aeronautics Subcommittee heard from at our recent hearings by including provisions aimed at strengthening the effectiveness of the JPDO. These include such things as: (1) strengthening the authority of the JPDO Director; (2) requiring each participating agency or department to identify a senior official to be in charge of its activities in support of the NextGen initiative; (3) requiring an integrated plan with date-specific timetables for implementation of NextGen capabilities; (4) requiring the JPDO' s Senior Policy Committee to meet at least four times per year; (5) having OMB coordinate each agency or department's budget in support of the NextGen initiative; (6) directing JPDO to develop contingency plans for dealing with degradation of the NextGen system due to a natural disaster, major equipment failure, or act of terrorism; (7) requiring the JPDO to establish noise, emissions, and energy consumption requirements for the NextGen system; (8) directing JPDO to develop an R&D roadmap for the integration of unmanned aircraft systems (UAS) into the national airspace system; (9) having GAO carry out annual reviews of JPDO's effectiveness.

As important as the JPDO and the NextGen initiative are, the act recognizes that the FAA, in coordination with other agencies such as the National Aeronautics and Space Administration, NASA, has a critical role to play in supporting other important aviation R&D activities, a number of which have been underfunded in recent years according to' the testimony of the GAO and FAA's own R&E advisory committee. To that end, the act augments the President's funding requests for human factors research, weather research, unmanned aircraft systems research, and energy- and environment-related research.

In addition, recent announcements from Europe regarding the potential imposition of emissions penalties on aircraft operations in the next decade have made it clear that the United States needs to better understand the impact of aviation on the climate as well as what might be done to mitigate that impact. This legislation takes the first step in that direction by directing the FAA, in coordination with NASA and the U.S. Climate Change Science Program to develop a plan for such research and then having the National Research Council carry out an independent assessment of that research plan.

The Nation's colleges and universities have an important role to play in carrying out research in support of the Nation's future air transportation system. At the same time, that research is a critical means of helping to train the next generation of scientists, engineers, and aviation specialists that we will need over the coming decades. Thus, this act establishes a research grants program involving undergraduate students. It also contains provisions aimed at strengthening FAA's Centers of Excellence program.

The act also contains R&D provisions to continue engine research, in coordination with NASA, that has the goal of enabling existing general aviation aircraft to operate with unleaded aviation fuel. In addition, the legislation continues the Airport Cooperative Research Program and also establishes a runway research program that should benefit both general aviation and commercial air carrier airports.

Finally, in view of the increased importance of space weather to aviation, especially with the increased incidence of flight operations over the polar regions, the act establishes a multi-agency research program to conduct research on the impacts of space weather on aviation and air passengers.

Madam Speaker, air transportation is central to the Nation's economic well-being, our international competitiveness, and our quality of life. FAA's R&D programs play an important role in ensuring the continued safety and efficiency of America's air transportation system, and I believe that the Federal Aviation Research and Development Reauthorization Act of 2007 will keep FAA's R&D enterprise healthy and productive.

CELEBRATING THE POST, TEXAS, CENTENNIAL

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. NEUGEBAUER. Madam Speaker, It was an honor to join the residents of Post, TX, on June 3, 2007 to celebrate the community's centennial.

As the Congressman for the 19th district, I often travel back and forth from Lubbock to the southern part of the district around Abilene. One of my favorite parts of the trip up and down U.S. Route 84 is approaching Post and looking across the caprock in the distance.

During my trips to each of the district's 27 counties, I also have developed an even deeper appreciation for many of the other qualities that make west Texas so special. Our region is home to the best people in the world who are always ready to welcome you into their hometowns.

Another quality that makes west Texas special is the strong sense of patriotism that so many West Texans possess. We see this patriotism in the great numbers of young people who volunteer to defend freedom and protect American citizens by serving in the United States military.

This tradition continues on today. It continues in the form of young men and women like Colter Creech from Post. Colter—who has the distinction of being accepted into two military service academies—will attend the United States Air Force Academy beginning this summer.

Colter is a fine example of the type of young people that come from Post and towns like it across west Texas. He is smart, patriotic, and understands the importance of serving his country. Our freedom and the freedoms of millions across the globe will depend on fine young Americans like Colter.

As the residents of Post reflect on and celebrate their history, they can also look forward to a promising future knowing that the west Texas values that have sustained their community through the years continue to do so today.

ZION PRESBYTERIAN CHURCH CELEBRATES 200 YEARS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, let us give praise to the longevity of Zion Presbyterian Church in Columbia, Tennessee as they celebrate the 200th anniversary of their founding. Many churches are often the social center for the communities they serve. Zion has long been ministering to the spiritual needs of Maury Countians and striving to provide a better life to those living abroad during their many mission trips.

Founded in 1807 by descendants of Scottish and Scott-Irish Presbyterians, the first house of worship was erected in the center of the 5,120 acres of land they purchased from the heirs of General Nathaniel Greene. With a strong commitment to God and their faith in the human spirit, may Zion Presbyterian Church continue their outreach and ministry.

TRIBUTE TO CIVIL AIR PATROL CADET TECHNICAL SERGEANT CHRISTINE SPECHT FOR PLACING SECOND IN THE CAP 2007 NATIONAL DRUG DEMAND REDUCTION POSTER CONTEST

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Civil Air Patrol (CAP) Cadet Technical Sergeant Christine Specht for placing second in the CAP 2007 National Drug Demand Reduction Poster Contest.

Since 1994, the CAP has hosted the Drug Demand Reduction Program to promote and support education, community involvement, social responsibility, and respect for others. This year, the competition was sponsored by the National Headquarters of the CAP at Maxwell Air Force Base in Alabama, and open to distinguished members of the Cadet Program from all fifty states and two territories.

Cadet Technical Sergeant Specht entered the contest inspired by the CAP core values of Integrity, Volunteer Service, Excellence and Respect and by her desire to instill those values in her subordinate cadets. As a staunch

opponent of any form of drug abuse, Cadet Technical Sergeant Specht believes we should all do our best to live up to these core values.

I could not agree more.

Madam Speaker, on March 26, 2007, she was awarded the CAPs second place honors for her extraordinary ability to impart those values through artwork. Today, in honor of her legendary dedication to bettering the citizens of Michigan and of her contributions to the CAP, I ask my colleagues to join me in recognizing Cadet Technical Sergeant Christine Specht for her loyal and selfless service to our community and our country.

HONORING REVEREND DR. SAMUEL SIMPSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. ENGEL. Madam Speaker, Reverend Dr. Samuel Simpson, Pastor of the Bronx Baptist and Wake Eden community Baptist Churches in the Bronx was born in Jamaica West Indies. He relocated to the United States in the early sixties. He and his wife Lola Campbell have three children and five grandchildren. He is well known in the Bronx and the West Indian communities throughout the State and beyond.

In addition to leading the Bronx and Wake Eden congregations, Rev. Simpson has been instrumental in starting the Honeywell Baptist Chapel, and a newer mission in the Spring Valley area. Grace Baptist Chapel in the northern section of the Bronx is an offshoot of Bronx Baptist Church. Rev. Simpson also communicates his strong belief in helping people via the media, and writes a weekly column for the Carib News. Periodically he is heard on Family Radio and has been the subject of three books: ''What God did for Me,'' ''Sam Simpson, Architect of Hope,'' and his most recent ''To Dream the Impossible Dream.''

He serves in many capacities in the Baptist denomination. Among his leadership roles has been President—Baptist Convention of New York for two terms, and Moderator—Metropolitan New York Baptist Association. Other areas of service were: President and Board Chairman of Protestant Council of Churches of New York, President, Bronx division of Council of Churches, Chairman of the Board and President, Bronx Shepherds Restoration, and Board Member, Northeastern Bible College. Rev. Dr. Simpson is a true man of God and a firm believer in serving the total person. He has worked tirelessly for his community both within and outside the Bronx seeking to improve the temporal and spiritual aspects of his congregation and his community.

We are a stronger, better community for his work.

CONGRATULATING THE INDEPENDENCE, MISSOURI SCHOOL DISTRICT

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. CLEAVER. Madam Speaker, I rise today to congratulate the Independence, Missouri School District for receiving a 2007 Community Schools National Award for Excellence. This prestigious award is bestowed upon only two other areas in our nation by the Coalition for Community Schools, honoring communities that demonstrate a commitment to creating community schools.

The Independence School District has worked tirelessly through its ''Inspiring Greatness Initiative'' to put public schools at the center of a connected community, To do this, the Independence School District has initiated programs that serve children, families, and the community before, during, and after school. In this way, the public schools become a hub for the larger community, connecting families and resources.

The ''Inspiring Greatness Initiative'' has had many successes. ''Kids' Safari,'' the school district's before and after school program, which has been studied by Yale University, has resulted in increased classroom performance; greater self-reliance and task completion; and better school attendance, with students in the program attending significantly more days of school per year than those not in the program. In addition, the Independence School District is reaching out to families, providing over 17,000 home visits by social workers in 3 years, and running programs that result in 80 percent of children having contact with the school district before Kindergarten.

The Independence School District is a model of community participation in our schools. Each school has a Site Council, bringing together parents, teachers, students, and community members to assess and address the needs of the school and the neighborhood. In turn, the schools actively give back to the community, providing countless volunteer hours. With the help of the Local Investment Commission, the Independence School District has created a web of partnerships between government, business, and families, with community schools at the center. These partnerships are renewing community involvement and participation.

Madam Speaker, please join me on this wonderful occasion in congratulating the Independence School District; its dedicated staff, students and parents; its outstanding Superintendent, Dr. Jim Hinson, who recently received the distinguished 2007 Robert L. Pearce Award from the Missouri Association of School Administrators; and its superb Board of Education. Their hard work and unwavering commitment are a source of pride to the Fifth District of Missouri, and I urge my colleagues to join me in expressing sincere congratulations to the Independence School District for this remarkable achievement.

TRIBUTE TO LAURA M. TOY, FOR HER DISTINGUISHED CAREER SERVING THE STATE OF MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the distinguished career of Laura M. Toy, former Michigan State Senator representing the 6th District of Wayne County.

Throughout her career, Senator Toy improved the lives of countless citizens. Born on December 22, 1951, Senator Toy was raised in Livonia, Michigan, where she still resides today. After graduating from Livonia's Bentley High School, where she was president of her graduating class, she earned an Associate of Arts degree from Schoolcraft College, and thereafter a Bachelor of General Studies Degree from the University of Michigan.

Senator Toy began serving her community at a young age. A longtime small business owner, as a child she first sold pot holders to the neighbors to purchase clothes for her sister, Carol. She also sold penny candy to neighborhood children out of her garage, and was a member of the local Girl Scouts council. Later in her career, Senator Toy became a 28 year co-owner of Cardwell Florist in Livonia and a 7 year member of the Schoolcraft Community College Board of Trustees. With tireless devotion, she dedicated her time to improving the community as a Livonia City Council member for 8 years, the Livonia City Treasurer for 3 years, and as the 19th District Michigan State Representative for 4 years.

Thereafter, on November 7, 2002, Senator Toy was elected to the Michigan State Senate. During her tenure, Senator Toy served as Chair of the Local, Urban and State Affairs, Senior Citizens and Veteran Affairs Committees, and Vice Chair of the Commerce and Labor Committee; and previously as Vice Chair of the Technology and Energy Committee. The sponsor of 22 Public Acts, she championed efforts to enhance Michigan's educational system, strengthen small businesses, and promote the rights of people with disabilities.

For her unwavering commitment to excellence, she has earned a number of prestigious awards, including: the Livonia Women of the Year and Outstanding Young Women of America awards, the Livonia Chamber of Commerce Athena Award, the YMCA Honorable Legislator Award, the University of Michigan Alumni Community Service of the Year Award, and the Schoolcraft College Alumnus of the Year Award. The Association of the Retarded Citizen also recognized her efforts to improve the lives of people with disabilities in 2000 with the Legislator of the Year award.

Senator Toy attributes her inspiration to the loved ones around her, including: her mother, Eileen Toy, who passed away in April of 2006, disabled brother Glen, who also passed away in 1998, sister Carol, brother Bruce, niece Corrin, nephew Christopher, and long-time business partner, Colleen Siembor. In return, her compassion, dedication, and loyalty continues to inspire all who know her.

Madam Speaker, during her distinguished career, Senator Toy has bettered the lives of countless Michiganders. As she embarks upon the next chapter of her life, I ask my colleagues to join me in applauding her legendary leadership, and in thanking her for her unfaltering service to our community and our country.

HONORING THE 100TH ANNIVERSARY OF THE HOLMESBURG BRANCH OF THE FREE LIBRARY OF PHILADELPHIA

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Holmesburg Branch of the Free Library of Philadelphia on celebrating its 100th Anniversary. I am proud that the Holmesburg Library has served the people of my district as a lending library since June 26, 1907.

The Holmesburg Library was named for Thomas Holme, who was granted the land that eventually became the Mayfair section of Philadelphia, in payment for his services as Surveyor General to William Penn. The Holmesburg Library began its development in the late 1800's, first as a subscription library and then becoming a free library in 1899 upon entering into an agreement with the Free Library of Philadelphia. In 1906, Andrew Carnegie, industrialist and philanthropist, donated funds for a new library building which opened on June 26, 1907. Andrew Carnegie's philosophy was that education is the key to life and that all people should have access to information through free local libraries.

The red brick library building sits on the main commercial avenue that defines the Mayfair neighborhood. Built in the Carnegie style with front steps leading up to a decorative and welcoming entrance, both the main and children's reading rooms maintain the integrity of the original architectural design to this day.

The Holmesburg librarians and staff work diligently to maintain the library as a hub of learning and community activity. Currently housing a collection of over 35,000 books and media as well as computers with Internet access for public use, the library has year-round programs that engage children and adults in lifelong learning pursuits, some in cooperation with local corporations and civic groups. Programs for youth include homework assistance, computer literacy, library skills, multicultural enrichment, and ''Science in the Summer.'' Adult programming includes reading enjoyment, how-to seminars on gardening, and other topics of interest. Family programming includes movie nights for everyone's enjoyment.

The volunteer Friends of Holmesburg Library sustain outreach, advocacy and fundraising activities to strengthen the library's presence in the community. Their most recent venture is the planting of a Children's Reading Garden to be dedicated at the Library's 100th birthday celebration on June 20, 2007.

Madam Speaker, I ask that my colleagues join me in celebrating Holmesburg Library's 100th anniversary milestone, and wish them many more years of community enrichment and service.

CONGRATULATING STUDENTS FROM HOLUB MIDDLE SCHOOL

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. AL GREEN of Texas. Madam Speaker, I rise today to congratulate four students from Holub Middle School in Houston, Texas.

Nicholas Chan, Andrew Ngo, Emily Tat and Eleanor Haack were among only 22 out of thousands of students selected to present their National History Day projects at the Smithsonian Art Museum and the National Portrait Gallery in Washington, DC.

Young history scholars were selected from Arizona, Florida, Iowa, Michigan, New Mexico, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Washington, and Wisconsin to present their work reflecting this year's National History Day theme ''Triumph and Tragedy in History.'' The National History Day program annually engages more than half a million students in grades 6–12 across the country.

I believe that behind every promising student is a dedicated and committed teacher. In addition to commending the accomplishment of these students, I would also like to recognize their teachers, Cindi Payne and Doni King, for their dedication to fostering an appreciation for American history among the students at Holub Middle School.

The history of our great nation is full of lessons that transcend generations. By learning from our past, we ensure a brighter future. Programs like National History Day help to highlight this important connection and encourage teachers and students to rise above what is written in text books by bringing history to life.

HONORING FAITH AND HARRY FEDER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. ENGEL. Madam Speaker, health care has never been more important, or more complex, in the United States than it is today. An efficiently functioning health care system requires many contributors, perhaps especially evaluation and quality improvement.

Harry Feder is a senior vice president and chief operating officer of IPRO, one of the Nation's largest and most experienced health care evaluation and quality improvement organizations, and the man responsible for ensuring that necessary and appropriate care is provided across the continuum of care.

Faith Feder is well known for her commitment to education, her abiding concern for the elderly and the care of the needy. As part of her commitment to education, she has served as both the Treasurer and President of the SAR Academy, where she led a parent body of its 600 children. In addition, she has been involved in numerous communal causes that treat the uninsured and assist the elderly. She is a founder and treasurer of Foremost Home Care.

Harry has in-depth knowledge of processes and issues surrounding the monitoring and assessment of the Medicare and Medicaid programs. He has extensive knowledge and a national perspective on programs dealing with Utilization Review, Quality Improvement, Managed Care, Long-Term Care, Fraud and Abuse, and Independent Review of Appeals.

He was awarded a Masters Degree in Public Administration from New York University Graduate School of Public Administration and is a lecturer in the Department of Health and Epidemiology at the Albert Einstein College of Medicine as well as on the faculty of the New York University School of Continuing Education.

Those are some of Harry's and Faith's accomplishments and just a few of the reasons that they are being honored by the Riverdale Jewish Center. For me, however, it is not only these accomplishments, but their being my close and dear friends for so many years that makes them so special.

TRIBUTE TO DETECTIVE SERGEANT DAVID G. WURTZ, UPON RECEIVING THE 2007 NATIONAL MISSING AND EXPLOITED CHILDREN'S AWARD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Detective Sergeant David G. Wurtz of the Oakland County Sheriff's Office upon receiving the 2007 National Missing and Exploited Children's Award for outstanding work in the case concerning Genevieve Nielson.

For nearly three decades, Detective Sergeant Wurtz has strived to better our community. Since joining the Oakland County Sheriff's Department in May of 1979, he has served in numerous Units, including the Road Patrol Unit, the Marine Division, the Protective Services Division, the Corrective Services Division, and in the Technical Services Division. In September of 1989, due to his superior investigative ability, Detective Sergeant Wurtz was promoted to Sergeant, and he currently serves in the Special Investigations Unit and as a hostage and crisis negotiator.

During his career, Detective Sergeant Wurtz has earned the recognition and admiration of his co-workers and community for his thorough investigations and criminal prosecutions. Recently, he teamed up with the United States Marshalls Service to investigate the kidnapping of Genevieve Nielson, the 21-month old infant who went missing during Mother's Day weekend in 1976. Detective Sergeant Wurtz has headed the case since 1990 and has a

large box of files dedicated to Genevieve. Finally, after years of searching, his commitment to justice in the joint investigation led to Genevieve's discovery in Arizona.

Madam Speaker, Detective Sergeant Wurtz's uncanny ability to collect critical crime scene evidence, sort through complex information, and coordinate the efforts of dozens of investigators has resulted in the apprehension of Oakland County's most vicious criminals. For his unfaltering dedication to the people of Oakland County and for his leadership in the case of Genevieve Nielson, Detective Sergeant David G. Wurtz has been recognized with the 2007 National Center for Missing and Exploited Children's Award. Today, I ask my colleagues to join me in honoring Detective Wurtz for his relentless pursuit of dangerous criminals and legendary service to our community and our country.

BAY PINES VA HEALTHCARE SYSTEM RECEIVES GOLD SEAL OF APPROVAL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. YOUNG of Florida. Madam Speaker, it is with great pride that I rise to report to my colleagues that the Bay Pines VA Healthcare System, which I have the privilege to represent, has just been awarded The Joint Commission's Gold Seal of Approval for meeting rigorous national standards for health care quality and safety.

This award in particular honors the staff, volunteers, and management team at Bay Pines for its Behavioral Health Care, Home Care, Long Term Care and Hospital programs. The Joint Commission is the Nation's oldest and largest health care standards-setting and accrediting body. The Gold Seal is the result of The Commission's unannounced, on-site evaluation of Bay Pines from April 10th to the 13th.

Following my remarks, I will include for the benefit of my colleagues more information about this award and the standards to which its recipients are held.

Madam Speaker, I would urge my colleagues to join me in congratulating Mr. Wallace M. Hopkins, the Director of the Bay Pines VA Healthcare System, the doctors, the nurses, and the volunteers at Bay Pines who are dedicated to caring for our Nation's veterans in a way befitting their brave and selfless service to our Nation and to the cause of freedom.

BAY PINES VA HEALTHCARE SYSTEM AWARDED ACCREDITATION FROM THE JOINT COMMISSION

By demonstrating compliance with The Joint Commission's national standards for health care quality and safety, Bay Pines VA Healthcare System has earned the Joint Commission's Gold Seal of Approval™ for its Behavioral Health Care, Home Care, Long Term Care and Hospital programs.

''We sought accreditation for our organization because we want to demonstrate our commitment to safety and quality care,'' says Wallace M. Hopkins, FACHE, Director. ''We view obtaining Joint Commission accreditation as another step toward achieving excellence.''

''Above all, the national standards are intended to stimulate continuous, systematic and organization-wide improvement in an organization's performance and the outcomes of care,'' says Darlene Christiansen, executive director, Hospital Accreditation Program, Joint Commission. ''The community should be proud that Bay Pines VA Healthcare System is focusing on the most challenging goal—to continuously raise quality and safety to higher levels.''

Hopkins spoke of his pride in a staff whose members ask what needs to be done to be accredited by The Joint Commission. ''In addition, they appreciate the educational aspect of the survey and the opportunity to interact with the team of surveyors.''

The Joint Commission conducted an unannounced, on-site evaluation of Bay Pines VA Healthcare System on April 10–13, 2007. The accreditation award recognizes Bay Pines VA Healthcare System's dedication to complying with the Joint Commission's state-of-the-art standards on a continuous basis.

Founded in 1951, The Joint Commission seeks to continuously improve the safety and quality of care provided to the public through the provision of health care accreditation and related services that support performance improvement in health care organizations. The Joint Commission evaluates and accredits nearly 15,000 health care organizations and programs in the United States, including more than 8,000 hospitals and home care organizations, and more than 6,800 other health care organizations that provide long term care, assisted living, behavioral health care, laboratory and ambulatory care services. The Joint Commission also accredits health plans, integrated delivery networks, and other managed care entities. In addition, The Joint Commission provides certification of disease-specific care programs, primary stroke centers, and health care staffing services. An independent, not-for-profit organization, The Joint Commission is the nation's oldest and largest standards-setting and accrediting body in health care.

CONGRATULATING THE HARLINGEN SOUTH HIGH SCHOOL BASEBALL TEAM

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the mighty Harlingen South High School Hawks, who last Saturday represented the City of Harlingen and the entire Rio Grande Valley of South Texas in the 2007 State Class 5A High School Baseball Championship. Harlingen South was first victorious over Midland Lee, 4–2, in its state semifinal game. The Hawks (38–6) then advanced to the state championship where they were defeated 6–1 by Houston Cypress Fairbanks (32–7). However, their performance in 2007 was nothing less than spectacular.

The Rio Grande Valley is a Texas region with a long tradition of great high school sports successes, with state titles in football and soccer. The Hawks were one win away from adding a baseball state title to our impressive history of victories.

When any high school team approaches the pinnacle of high school sports—state championship glory—the entire region comes together to cheer on that team. That was the case this year as the Hawks advanced one win at a time. This past Saturday, all of Harlingen and every city in South Texas watched on the edge of their chairs and on their feet. All high school rivalries in the Valley ceased and were united behind the Hawks as they faced their formidable opponent.

The Hawks have reminded all of us that with outstanding players, solid coaches, hard work, disciplined training, and supportive parents and school districts, more state titles are in our future. Thank you, Mighty Hawks, for representing your school and the Rio Grande Valley so admirably for all the State of Texas to see.

As their Congressman, I am so proud of the Harlingen South High School Hawks from Harlingen, Texas for their outstanding wins on the baseball field and for playing their heart out throughout the season and in their fight for the state crown. Please join me in applauding the coaches and each and every one of the Hawks:

Coach, Tony Leal; Assistant Coaches, Jesse Landeros, Rolando Ruiz, and Ignacio Medina; Joey Reyna, Junior, Outfield/Pitcher; Randy Cavazos, Senior, Outfield; Peter Maldonado, Junior, Outfield; Logan Brown, Senior, Shortstop/Pitcher; Michael Johnson, Senior, Third Base; Javier Torres, Senior, Outfield/Pitcher; Sean Messick, Junior, Outfield/Pitcher; Joey Garcia, Senior, Third Base/Outfield; Danny Gidora, Senior, Pitcher/First Base/Catcher; Andrew Huerta, Senior, Shortstop; Kaleb Bryan, Senior, Second Base; Adrian Ramon, Senior, Catcher/pitcher; Josh Martinez, Senior, Outfield; Jonathan Salas, Junior, Second Base; Steven Mata, Sophomore, Shortstop; Jonathan Lopez, Senior, Outfield; Daniel Cardenas, Junior, First Base; and Cody Thompson, Senior, First Base.

Again, congratulations to the Hawks and their families, Harlingen South High School, the City of Harlingen, and the Rio Grande Valley.

THE INTRODUCTION OF THE POST-9/11 VETERANS EDUCATION ASSISTANCE ACT OF 2007

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. SCOTT of Virginia. Madam Speaker, today I am proud to stand before this chamber and introduce the Post-9/11 Veterans Educational Assistance Act of 2007. This bill was first introduced in the Senate by my friend and fellow Virginia colleague, Senator JIM WEBB, earlier this year.

Not since Pearl Harbor has a single event so shaped a generation until the terrorist attacks of September 11, 2001. Like Pearl Harbor, September 11th became a call to arms for many Americans to join the Armed Forces.

For the 15 million veterans who returned home from World War II, Congress passed the first G.I. Bill of Rights of 1944. The first G.I. Bill helped veterans readjust to civilian life and afforded them the opportunity to do something

that many had missed out on—getting a college education. That first G.I. Bill paid for veterans' tuition, books, fees, room and board, and even provided them a monthly stipend. Approximately 7.8 million World War II veterans used the benefits in the G.I. Bill of 1944 to increase their quality of life through education.

After World War II, Congress passed several other G.I. Bills to provide educational benefits for veterans returning home from the Korean War and the Vietnam War. Since the Vietnam War, Congress passed two G.I. Bills that established peacetime educational benefits for members of the all volunteer Armed Services. Although the current Montgomery G.I. Bill of 1985 provides peacetime educational benefits, the current program was not designed to meet the needs of our current global situation—a situation in which several hundred thousand men and woman in uniform are fighting in Afghanistan and Iraq. Our military operations in Afghanistan and Iraq have strained our entire all-volunteer military, forcing many of our Reservist and National Guard units into extended tours of duty. Many of our men and women in the Army, Air Force, Navy, and the Marine Corps have served more than one tour of duty in Iraq and Afghanistan.

With hundreds of thousands of our brave men and woman currently fighting overseas in Afghanistan and Iraq, we need a new G.I. Bill to honor these veterans when they all finally return home. The Post-9/11 Veterans Educational Assistance Act of 2007 is designed to expand the educational benefits that our nation offers to our brave men and women who have served us so honorably and who have sacrificed so much since the terrorist attacks of September 11, 2001. The bill that I am introducing today is designed to give this generation, who took it upon themselves to enlist after 9/11, benefits very similar to those provided to the veterans of World War II.

Madam Speaker, the bill that I am introducing today would specifically increase educational benefits to members of the military who have served at least 2 years of active duty, with at least some period of active duty time served beginning on or after September 11, 2001. Veterans will be eligible to receive these benefits for no more than 36 months or 4 academic years and would have 15 years to exercise these benefits. The version of this legislation that I am introducing today limits benefit payments to the cost of the most expensive public institution in the state in which the veteran is enrolled. If the veteran chooses to attend a private institution, the veteran must pay the difference between the cost of the college of his or her choice and the most expensive public institution of the state in which the veteran is enrolled. Like the G.I. Bill of 1944, the Post-9/11 G.I. bill will pay for tuition, books, fees, room and board, and provide a monthly stipend of $1,000.

Madam Speaker, while in law school, I was privileged to serve in the Massachusetts National Guard and the U.S. Army Reserves. I fortunately was never called into active duty, but the circumstances of our global situation today have pulled thousands of Guard and Reservists out of college into active duty. I am proud to represent the Third Congressional District of Virginia which is home to thousands of military personnel. You can't go very far in my district without running into a military installation or a member of our Armed Forces. I see the sacrifices of our men and women and their families each and every time I return home.

Madam Speaker, it is time that we pass a G.I. Bill on the same scale of the first G.I. Bill that was passed at the end of World War II to meet the sacrifices of this generation. I am pleased to join Senator WEBB by introducing the Post-9/11 Veterans Educational Assistance Act of 2007 in the House today and I encourage my colleagues to support this legislation.

TRIBUTE TO MS. CHRISTINE ''CHRIS'' TORRES, UPON HER RECEIPT OF THE 2007 SUBURBAN REPUBLICAN WOMEN'S TRIBUTE TO WOMEN AWARD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2007

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Christine ''Chris'' Torres, upon her receipt of the 2007 Suburban Republican Women's Tribute to Women Award.

Since 1983, Chris has been actively involved in promoting the conservative principles of the Republican Party in Michigan. She supported Ronald Reagan's historic campaign for the Presidency and, later, became a precinct delegate by walking through Redford neighborhoods with her children and their friends, all the while dropping off literature and obtaining signatures for legislative proposals. In the years since, she also dedicated herself to the Bush-Cheney campaigns of 2000 and 2004, the gubernatorial campaigns of Dick Poshumus and Richard Devos, and the reelection campaigns of Mike Cox for Attorney General and Laura Toy for state Senate.

In 2004, she became a member of the Suburban Republican Women's Club where she serves as Chairman of Hospitality and as Chaplain. As the proud wife of Juan Manuel Torres for 30 years and the mother of six outstanding children, Chris is a deserving recipient of the Suburban Republican Women's Club's highest honor, the 2007 Tribute to Women Award. Importantly, Chris has also dedicated her time to the Michigan Right to Life organization by participating in annual benefits dinners in the southeastern district.

Madam Speaker, Chris's leadership and courage of convictions are an inspiration to her peers in the Suburban Republican Women's Club and our entire community. Thus, I ask my colleagues to join me in honoring Ms. Christine Torres for her selfless service to our community and our country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 14, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

June 19

9:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Juvenile Diabetes Research Foundation and the federal government, focusing on a model public-private partnership accelerating research toward a cure.

SD–106

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of June Carter Perry, of the District of Columbia, to be Ambassador to the Republic of Sierra Leone, Frederick B. Cook, of Florida, to be Ambassador to the Central African Republic, Robert B. Nolan, of Virginia, to be Ambassador to the Kingdom of Lesotho, and Maurice S. Parker, of California, to be Ambassador to the Kingdom of Swaziland.

SD–419

2:30 p.m.

Foreign Relations

International Operations and Organizations, Democracy and Human Rights Subcommittee

To hold hearings to examine the passport backlog and the Department of State's response to the Western Hemisphere Travel Initiative.

SD–419

Intelligence

To hold hearings to examine the nomination of John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

SD–106

4 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

Business meeting to markup proposed legislation making appropriations for Labor, Health and Human Services, Education, and Related Agencies for the fiscal year ending September 30, 2008.

SD–124

June 20

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider original bills entitled, ''The Higher Education Access Reconciliation Act'', and ''The

Higher Education Amendments of 2007'', and other pending calendar business.

SD–628

10 a.m.

Judiciary

To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.

SD–226

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reauthorization of the Hope VI Program.

SD–538

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold an oversight hearing to examine foreign aviation repair stations.

SR–253

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

SD–419

June 21

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of John L. Withers II, of Maryland, to be Ambassador to the Republic of Albania, Charles Lewis English, of New York, to be Ambassador to Bosnia and Herzegovina, Cameron Munter, of California, to be Ambassador to the Republic of Serbia, Roderick W. Moore, of Rhode Island, to be Ambassador to the Republic of Montenegro, and J. Christian Kennedy, of Indiana, to be Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

SD–419

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine energy efficiency technologies and programs.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

June 26

10 a.m.

Energy and Natural Resources

To hold an oversight hearing to examine the preparedness of the federal land management agencies for the 2007 wildfire season and efforts to contain the costs of wildfire management activities.

SD–366

Judiciary

To hold hearings to examine pending executive nomination.

SD–226

June 27

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold an oversight hearing to examine the federal death penalty.

SD–226

Veterans' Affairs

Business meeting to markup pending legislation; to be immediately followed by a full committee hearing to examine the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

SD–562

June 28

10 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration.

SR–253

July 11

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans Affairs health care funding.

SD–562

July 25

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans Affairs and the Department of Defense education issues.

SD–562

SENATE—*Thursday, June 14, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by Pastor James E. Sturdivant, Sr., Faith United Ministries, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Our Father and our God, in whose presence we enjoy the blessedness of life, we humbly call upon You. We acknowledge our limitations and total dependence upon Your strength, wisdom, insight, and direction. Hear our prayer, O God.

As we come to the opening of this session, we are mindful of Your admonition that we are subject to the governing authorities, their power is from You, and that we are to pray for them. It is for this reason that we commit these men and women, our Senators, to Your care. Please give them the grace to grapple with the difficulties of life, law, and legislature. During this season of transition, times of anxiety, we ask for the wisdom of King Solomon in handling issues that affect the welfare of the masses.

Continue to guard and protect the families and the loved ones of these, our officials. Allow these families to be a strong support system at home after long hours in these hallowed halls. We trust You to keep our Nation, we trust You to guide our leaders, and grant us Your peace.

This is our prayer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be no morning business today. Following the remarks, if any, of myself and Senator MCCONNELL, the Senate will resume consideration of the energy legislation.

There is currently pending a Bingaman first-degree amendment regarding renewables and a Domenici second-degree amendment on the same subject.

I am going to be meeting with the managers of the bill as soon as possible to find out how we are doing and what they think can be done to move us toward finalizing this bill. We have, in Senators BINGAMAN and DOMENICI, two real professionals in this body. They are both from the same State, both on the same committee, one is chairman and one is ranking on the committee, and that has gone back and forth in recent years. So I am confident we can move toward resolving this issue.

The other issue that is difficult that we need to work on is dealing with the efficiency of automobiles, the CAFE aspect of the bill. There should be an amendment laid down by Senator LEVIN on that matter. He thought he could do that today, so perhaps, when we dispose of this, we can move to that.

These are the two big issues, as I see them. There are other important issues, such as coal and gas, that a number of Senators want to debate, and we can do that. It is an important bill and, I repeat, a bipartisan bill. This is not a Democratic bill or a Republican bill. The only matters that came before the Senate were bipartisan bills that were reported out of the various committees, and we put those together and that is what is now on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I will shortly be making a statement in my leader time related to the Burma sanctions bill, which I introduce every year at this time, but I need to first consult with the majority leader.

For the moment, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. I thank the Chair.

(The remarks of Mr. MCCONNELL and Mrs. FEINSTEIN pertaining to the introduction of S.J. Res. 16 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

McConnell (for Domenici) amendment No. 1538 (to amendment No. 1537), to provide for the establishment of a Federal clean portfolio standard.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I ask unanimous consent that I may be recognized for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CRAIG THOMAS RURAL HOSPITAL AND PROVIDER EQUITY ACT

Mr. ROBERTS. Mr. President, today I am very proud and honored to cosponsor legislation along with my colleagues, Senators CONRAD, HARKIN, and several Members of the Senate Rural Health Care Caucus, to honor Senator Craig Thomas.

The bill is the Craig Thomas Rural Hospital and Provider Equity Act. As we all know, last week the Senate lost a steady hand and man who has done much for his State of Wyoming. Craig was dependable in the finest sense of the word. He was the epitome of what I believe a Senator should be.

On a personal note, he was not only a colleague but a dear friend, and I will cherish that always. He was also a fellow marine. In this case, Semper Fidelis, ''always faithful,'' is always appropriate. If anyone faced trouble in their life, the one person they would want by their side riding shotgun would be Craig Thomas. The people of Wyoming and all of Craig's colleagues knew that he fought for rural America and always put the needs of his State above all else.

On the health care front, Craig was truly a champion for strengthening our rural health care delivery system and provided much needed relief to our hospitals and other providers in our rural areas. He served for 10 years as the cochair of the Senate Rural Health Care Caucus. He actually took the reins over as cochair after my fellow Kansan, Senator Bob Dole, retired from the Senate. As I know personally, certainly, it is hard to follow in the footsteps of Senator Dole. But Craig Thomas did this with great ease and with great pride. His steady leadership put the caucus on the map, and he made great strides in showing all of our colleagues the true needs of rural health care. I know the members of the caucus will miss him and his leadership greatly.

One of the biggest accomplishments for Craig in the Rural Health Care Caucus was passage of the Medicare Modernization Act of 2003, which provided a big boost to our rural hospitals and our providers. Never before have I seen such recognition and support for our colleagues from all geographical areas—large, small, urban, rural—for including these badly needed rural health care provisions.

However, you would never know that it was Craig Thomas's hard behind-the-scenes work that caused these rural health care provisions to be included in the Medicare bill. Craig Thomas was more concerned with getting the work done rather than taking any credit. So instead of taking individual credit for his hard work and dedication on the Medicare bill, Craig simply applauded the entire Senate Rural Health Care Caucus and patted everybody else on the back—so typical of Craig.

However, Craig knew that while the passage of the Medicare bill was a giant step for rural health, we still have much more work to do to ensure our rural health care system can continue to survive. That is why we are proud and honored to carry on his legacy by introducing the Craig Thomas Rural Hospital and Provider Equity Act.

Craig and his staff have worked extremely hard over the last 6 months, getting this bill together, working with other members of the Rural Health Care Caucus to identify their top priorities. I thank his health staffer, Erin Tuggle, for being such a champion alongside of Craig. I know my staff worked extremely closely with Erin, as many others in the Senate staff have done. I have a great amount of respect for her hard work. Erin, we are proud of you and we thank you for everything you have done on behalf of rural health care.

We had actually planned to introduce this legislation last week with Craig leading the charge, but now Senators CONRAD, HARKIN, and I and the other members of the Rural Health Care Caucus will do our best to lead in his absence. I have made a personal commitment to making sure we get this bill done and ultimately provide the much needed relief to our rural communities.

The Craig Thomas Rural Hospital and Provider Equity Act recognizes that rural health care providers have very different needs than their urban counterparts and that health care is not one size fits all.

The Craig Thomas Rural Hospital and Provider Equity Act of 2007, makes changes to Medicare regulations for rural hospitals and providers recognizing the difficulty in achieving the same economies of scale as large urban facilities. This legislation equalizes Medicare disproportionate share hospital payments to bring rural hospitals in line with urban facilities. This bill provides additional assistance for small, rural hospitals who have a low volume of patients. Often, these hospitals have trouble making ends meet under the Medicare payment system.

The Craig Thomas Rural Hospital and Provider Equity Act also provides a capital infrastructure loan program to make loans available to help rural facilities improve crumbling buildings and infrastructure. In addition, rural providers can apply to receive planning grants to help assess capital and infrastructure needs.

The bill extends to January 1, 2010, two incentive programs aimed at improving the quality of care by attracting health care providers to health professional shortage areas. The first is the Medicare Incentive Payment Program, which provides 10 percent bonus payments to physicians practicing in shortage areas. The second is the physician fee schedule work geographic adjustment, which brings rural doctors' Medicare fee schedules for wages more in line with urban doctors'.

This bill also recognizes that other providers play a great role in the rural health delivery system. Our bill increases the payment cap for rural health clinics to keep them in line with community health centers, provides a 5-percent add-on payment for rural home health services and provides a 5-percent add-on payment for ground ambulance services in rural areas.

One of the provisions in the bill Senator Thomas particularly championed is a provision to allow marriage and family therapists and licensed professional counselors to bill Medicare for their services and be paid the rate of social workers.

Currently, the Medicare Program only permits psychiatrists, psychologists, social workers, and clinical nurse specialists to bill Medicare for mental health services provided to seniors. However, most rural counties do not have a psychiatrist or a psychologist. Marriage and family therapists and licensed professional counselors are much more likely to practice in a rural setting and are often the only mental health professionals available.

Finally, this bill uses technology to improve home health services and quality for care by creating a pilot program providing incentives for home health agencies to purchase and utilize home monitoring and communications technologies and facilitates telehealth services across State lines.

Mr. President, today I am proud and honored to co-author this bill on behalf of Craig Thomas. We all miss him greatly as a personal friend, confidant, and strong supporter. Our thoughts and prayers are with his wife Susan, his sons Patrick and Greg, and his daughter Lexie. With this legislation, Craig is still with us.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask for 2 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Senator, let me say before you leave, first, I would appreciate it if you would add me to the legislation, and, second, I thank you so much for doing this, for offering this piece of legislation. That is the best we can do. We can't bring him back—we can't do much. We just hope everything will go well with his family, and this will be something that in truth indicates how much we cared for him and what a true gentleman he was—strong of will and yet very kind and decent. We want to do this in his behalf. Thank you for doing it.

Mr. ROBERTS. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from New Mexico, who is himself a

strong champion for rural health care, and thank him very much for those personal remarks that are shared by every Member of this Senate.

I thank my colleague.

Mr. DOMENICI. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just recount the state of play and where we are. I have just spoken to my colleague, Senator DOMENICI. I advise all Senators and their staffs we are still hung up on the two proposals that relate to requiring utilities to produce a larger amount of their energy from renewables. The amendment I offered, which is designated the renewable portfolio standard, requires 15 percent for renewable sources. The amendment offered on behalf of Senator DOMENICI, which has a different base against which it is applied—but it has a requirement of 20 percent against that different base and has a wider list of ways that people can meet that requirement, a wider set of options available—is a second-degree amendment to my amendment.

It would be my hope that we could get a vote on both amendments today and move on to other items on the bill. This is a very important part of what we are trying to accomplish with this legislation, so I hope very much we can do that.

I do have a unanimous consent request that I will propound at this point.

I ask unanimous consent that the time between now and 11 a.m. this morning be for debate with respect to the pending amendments, with the time equally divided and controlled between myself and Senator DOMENICI or our designees; that no other amendments be in order prior to the vote; and that at 11 a.m., without further intervening action, the Senate proceed to a vote in relation to the Domenici second-degree amendment, to be followed by a vote in relation to the Bingaman amendment, as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, in light of the objection, I have no choice but to move to table the Domenici amendment, which I intend to do sometime after 11 o'clock. I understand there are committees meeting right now in important sessions, so I am not going to make that motion right now, but I expect to sometime after 11 o'clock. Then the Senate will be able at that point to go on record as to their views on the Domenici amendment.

The ACTING PRESIDENT pro tempore. The senior Senator from New Mexico.

Mr. DOMENICI. I want all the Senators who are concerned about this legislation, concerned about what they think might happen that is not good if, in fact, the Bingaman portfolio mandates become law, to understand I am holding down the amendments. Certainly we can, if they wish—many of our Members do wish to—not let the Bingaman amendment come up for a long time. We can do that. But we cannot then keep Senator BINGAMAN from tabling my amendment. There will be a motion to table, if that is what he desires to do, sometime before noon, if that is the time he desires. I wish he wouldn't do that. I would prefer we have a vote on ours and a vote on his. We have asked for that, side by side, with 60 votes on each one. That would be satisfactory to me. But that doesn't seem to be satisfactory to Senator BINGAMAN, which I thoroughly understand.

With that, those who want to speak against Senator BINGAMAN's amendment or in favor of the Domenici amendment, we gladly, on our side, accept anything you would like to say. Come down here before 11, or shortly after 11, and you will be heard. For those who want to be part of what is normally called a filibuster, or delaying tactic, and have asked me to be here with you, I do not mind doing that. In fact, that is my job.

I think some of you should come down and speak and be heard on the matter. I wish you would.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to speak in favor of the Bingaman amendment. I have worked with Senator BINGAMAN not just in this iteration of our energy policy choices but also previously as a member of the Energy Committee when we put together an EPAct 2005.

My belief is we ought to manifest change here, and the change with respect to the proposal offered by my colleague, Senator BINGAMAN, is to require that 15 percent of the electricity that we would generate in the future would come from renewable energy sources. That is change.

I do wish to say to my colleague from New Mexico, Senator DOMENICI, we work together on the Energy and Water appropriations subcommittee, and we have a good working relationship. I do not believe he needs to in any way injure or demolish the Bingaman amendment in order to achieve his goals because, frankly, Senator DOMENICI has pushed very hard, for example, to advance the nuclear energy industry in this country.

In conversation with him, as I have told him, I believe we are going to see additional nuclear energy power in this country because we now come to a different intersection. That intersection includes energy and climate change. As a result of climate change being a part of this calculation, I think there will be some additional nuclear energy in our country. I might say that Senator DOMENICI has made a substantial amount of progress in recent years, both on the policy side and also the appropriations side, in advancing those issues.

So the point I would make is this: I do not think one has to in any way injure what Senator BINGAMAN is doing in order to accomplish the other pieces that Senator DOMENICI wishes. Because of that, I do not support the Domenici amendment which I think injures the center of what Senator BINGAMAN is trying to do, because I support the renewable portfolio standard. I do not particularly like that name because it is not a very identifiable name. I used to call it homegrown energy. But whatever it is, it is saying: We need a change.

What is that change? Well, let's decide that a portion—15 percent—of our electric energy in this country shall come from renewable sources. We have the capability of producing renewable energy from a variety of sources: wind energy, biomass, solar, and others. There is great promise in a number of these areas. Take a look at what Europe is doing in solar energy. Some of the very large solar energy applications are very promising and exciting, bringing prices down with substantial widespread development.

Let me just mention wind energy for a moment. I know some have said this is only about wind energy, but that is not the case at all. But wind energy does have substantial potential. Taking energy from the wind, using the new, advanced, highly capable turbines, and using that energy to produce electricity—what a wonderful thing that is. In fact, it is not even a new idea. Go to a farmstead that has long since been abandoned and take a look at what the homesteaders did on their farmsteads. They used their wind and their wind-charger devices to pump water to produce some electricity. This is not a new idea, but the new part of it is the unbelievable technology leap in turbines, to be able to put up these wind towers and take from the wind the energy through these turbines to produce electricity and extend America's energy supplies.

Frankly, you can do even more with them, if you like. For example, we have a project in North Dakota that I have helped create that I am very proud of. We are taking energy from the wind to produce electricity and using that electricity in the process of electrolysis—separating hydrogen from water and creating a hydrogen fuel and storing the fuel. So think of that. Use a turbine to take energy from the wind and produce hydrogen fuel. That is pretty remarkable. There is so much we can do. Now, I am talking about wind, but

you can talk about biomass, you can talk about wood chips, you can talk about all of the biomass that is available in all parts of the country.

I know some have said, when talking about wind, that there are certain parts of this country that have a fair amount of wind, other parts do not have as much, and in any event, it is an intermittent source of energy. That is true, but that does not deny the fact that there are other kinds of renewable sources of energy, including biomass and other forms of energy, that can be used to meet this new standard we ought to be embarking upon. For example, we ought to be encouraging solar energy. That is why this amendment by Senator BINGAMAN makes so much sense.

There is this old saying: If you do not care where you are, you are never going to be lost. Well, that is true. I mean, if you do not set some standards, you are never going to wonder whether you got there. If you did not decide where you were going and did not care where you were, I guess you will never come up short, will you? But I think the entire goal here of trying to put together a new energy policy ought to be change, and change with respect to the production of electricity, in my judgment, would be to say: Let's require 15 percent of our electric energy to come from renewable energy.

Now, frankly, a lot of the utility companies around the country are moving aggressively in those areas. I mean, they are moving aggressively in pursuit of that kind of policy. I commend them. Boy, I think many of them are moving in a way that is something they deserve great compliments about. They understand renewable energy. Yes, even intermittent sources of energy, if you put them together in different ways, can provide almost a stable source of baseload.

So I think this amendment is one of the most important amendments on this Energy bill because it represents profound change. We have only 2 or 3 percent of the electricity in this country now produced by renewable sources of energy. We can just blithely go and act as if, you know, things never change and we don't have to worry, we can just be happy and decide we don't want to change in this area, or we can decide now that as we debate the policies, let's try to develop fundamental change. That is what the Bingaman amendment does.

I understand the resistance to it. I understand there is always resistance to change. That is just a fact. There was an old codger who was once interviewed by a radio station. He was 80-something years old. The radio reporter said to him: Well, you must have seen a lot of changes in your long life. He said: Yep, and I have been against every one of them. Easiest thing in the world to be against change. In many ways, it is the most natural thing in the world to be against change.

There are two changes here. The change with respect to the 15 percent—that change makes great sense. Senator DOMENICI is also pursuing change in a different way. I think that makes some sense, moving in other areas, but that should not be done in a way that injuries the Bingaman amendment because I think, as I indicated previously, this issue of clean energy, which represents the addition of more hydropower, which I support, which represents the understanding we are going to have additional nuclear energy, which I think most in this body understand given the intersection now of climate change and energy—but that ought not and does not have to come at all at the expense of what Senator BINGAMAN is promoting with respect to fundamental change in the construct of the electric energy that is delivered around this country.

Mr. President, it will be a profound disappointment if we go through a second round of energy policy discussion on the floor of the Senate—we did it a couple of years ago; we are doing it now—it will be a profound disappointment if we are not able to enact what is called a renewable energy standard or renewable portfolio standard. I think one would be able to look at this and say: Well, yes, you talked about energy. Yes, you did some things that were good. But you missed a very important opportunity. This legislation was brought the floor of the Senate on a bipartisan basis; that means the absence of partisanship.

Senator BINGAMAN and Senator DOMENICI, both people who know a lot about energy, both have been leaders of the Energy Committee—I have worked with both, and have great regard for both of them. So we did not, in the Energy Committee, push this amendment to have a renewable portfolio standard because we knew it would cause a division in what was brought to the floor of the Senate. I think it was almost unanimous in the Energy Committee, Republicans and Democrats. Now there is a division. I don't think so much that it is Republican or Democratic, but there is a division with respect to this larger question: Should our electric energy reflect a change in how it is produced? Should we require those who produce electricity in this country to produce 15 percent of it from renewable sources—solar, hydro and wind and biomass and so on? The answer ought to be a resounding yes. It ought to come in a chorus from this Senate because it reflects exactly the right kind of change.

The question my colleague, Senator DOMENICI, is asking with his second-degree is one that, in my judgment, I would prefer he ask without injuring the Bingaman proposal. I don't think we have to try to defeat a 15-percent requirement in order to say we believe there are constructive choices ahead of us with respect to other forms of energy.

That is why I hope—I know there is this discussion about, we ought not to have two votes, a vote on the Bingaman amendment and a vote on what I believe is a second-degree, and each should require 60 votes. I don't support that at all. That does not make any sense. Let's try now to do two things. Let's try, in this area of constructing energy policy, to pass the Bingaman amendment which reflects real change. The construct of our electric production in this country ought to be 15 percent from renewables. If we cannot do that, then we are not going to make great progress in changing energy policy. After we do that, I would hope we could talk about Senator DOMENICI's aspirations. Could we use more hydropower? Sure. Do I support that? Yes, absolutely. Are we on the road to additional nuclear energy? Absolutely, and much to the credit of his work in the authorizing and the Appropriations Committee. But that need not be done at the expense of a policy that says: We ought to, as a matter of course in this country, require 15 percent of our electricity to come from renewable sources.

You know, this whole energy issue is interesting. I mentioned the other day that we just take it all for granted. Every single day, we get up in the morning and we just flip a switch; normally it is down, we put it up. All of a sudden, there are lights. We plug something into a wall which looks like an ordinary wall, with a couple of holes in it, and all of a sudden, you can shave or you can run a hair dryer, you can run an electric toothbrush. Through the rest of our entire day, it is all about energy. We just take it for granted until it does not exist. When that energy does not exist, our lives change. The water is not hot—there are so many things in our lives that come from energy, and we just take it all for granted.

Sixty percent of our oil comes from off our shore, much of it from very troubled parts of the world. We want to deal with that. We produce a substantial amount of electricity, and we now understand there is an intersection between the energy production and also climate change in our country that we have to address, not just in our country but on this planet. So we bring a bill to the floor that has portions of each. This is not so much a climate change bill as it is an energy bill, but it reflects in the bill itself—recognizes where we are headed as a Congress with respect to all of it.

I have said previously and I believe that we will continue to use fossil fuels—coal, oil, and natural gas. That is just the fact. The question is not

whether we use them; it is how we use them. That is why some of us are offering amendments. I will work on the appropriations side on the issue of clean power and the issue of clean coal technology and so on. But even as we do that, as we decide we will continue to use fossil fuels, we should not embrace the same old nonsense we have heard for decades around here; that is, real men dig and drill. If you are a real man, you dig and drill. If you are talking about renewables, somebody can pat you on the forehead and say: Good try. Its kind of a softheaded thing to be talking about, but it does not have the equivalence of understanding that you need to dig and drill for America's future. Yes, we need to dig some. Yes, we need to drill some. We are going to use fossil fuels. But we need to understand that renewables are no longer just some sort of sideshow. Renewable energy is a significant part of our capability. If we do not exercise that capability and use it in a way that benefits our energy supply and also benefits the climate change issues we confront, then we will have fallen far short of what we should do.

I see my colleague from Idaho is here. I wanted to mention that he has spoken on the floor about the need to increase supply, and he and I agree on that. We introduced a piece of legislation called the SAFE Act which supports increased automobile efficiency. It also supports increased production of fossil fuels, of oil.

I see Senator CRAIG in the Chamber. He and I are filing an amendment that deals with the increased production recommendations we had previously made in legislation that is called the SAFE Act, Security and Fuel Efficiency Energy Act. It would authorize additional production, particularly in the Gulf of Mexico where the greatest potential production exists. From my standpoint, Senator CRAIG and I have had long discussions about this. We have filed the amendment. My expectation is I would not call that particular amendment up. From what we have learned in the Chamber, I don't think we have the capability to get the votes for that particular amendment.

I believe filing it is important to say this: We need to do a lot of things well, and we need to do a lot of things right in order to address the energy issue. Part of it is conservation. Part of it is efficiency. Part of it is production. There exists substantial additional production capability in the Gulf of Mexico that is untapped that I believe we ought to consider for additional production. Senator CRAIG and I have worked on that.

The amendment is filed. It is likely we will not call it up for consideration because we do not have the capability to get that enacted in the Senate. Everything has a maturity date, and this is short of that date. But because the Senator from Idaho came on the floor, I wanted to mention that important issue.

Energy legislation that works for this country is balanced legislation which balances a range of issues.

I am happy to yield to the Senator.

Mr. CRAIG. I thank the Senator for yielding. I appreciate the filing of that amendment.

What Americans are frustrated by—and I think the Senator realizes that—is the lack of balance. He and I have said that. We can conserve and we can change and we can adjust and we can adapt, but we also have to produce, and that brings the balance. I think what you and I did very early this year helped drive the debate that is on the floor now, when we looked at biofuels and efficiencies and production in the SAFE Act and began to argue and articulate those points of view. I thank the Senator for filing that amendment because that completes a very necessary package that brings us to the reality of what Americans want from their energy portfolio.

Mr. DORGAN. Mr. President, let me thank my colleague. I have been pleased to work with him. Both of us have been putting together a piece of legislation we introduced earlier this year. We believe there needs to be some significant balance. We support conservation. We support efficiency and additional production, all with appropriate safeguards and restrictions.

Finally, the amendment offered by Senator BINGAMAN, I believe Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, have done a good job in bringing a bill to the floor that allows us early on this year, in June, to debate an energy policy so we can get something through the Congress. This is a good bill. It is not the best bill, necessarily, but it is an awfully good bill. I commend their work. I believe we will lose something important if we get involved in this debate about the Bingaman amendment, the 15-percent RPS, and we decide we can't move in that direction.

There is a Cherokee Indian chief who once said: The success of a rain dance depends a lot on the timing. Timing is everything. That is especially true in a public policy debate. We have been at this for a long while talking about a requirement, a mandate that a certain portion of what we produce for electricity come from renewables. The only way we are going to get there is to pass legislation to do it. Senator BINGAMAN proposes—and I support, as do others—a 15-percent requirement. It adds to the bill. It creates an important public policy change that will add to this bill in a way that tells the American people: We are about constructive change for energy security. I hope very much we can pass this amendment.

People need to understand, while Senator DOMENICI has offered his as a second degree, some of what he is trying to do makes a lot of sense to me and is being done in other venues and should be done in other circumstances and can be done exclusive of the Bingaman amendment. What he aspires to do and what I support, in many cases, ought not be done at the expense of obliterating the 15-percent RPS that Senator BINGAMAN and I and others are trying to get done. I hope we can move on at some point, have an up-or-down vote on the Bingaman amendment, and add something in policy to this energy bill that all of us will be proud of in the future.

There are many utilities moving in this direction, probably not quite this aggressively, but they are moving in this direction because they too believe this is essentially good public policy. My hope is the Bingaman amendment will be approved by the Senate, perhaps today, and all of us will believe we have significantly strengthened the Energy bill we are considering today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the debate that has had the Senate occupied for the last several days is a fundamentally very important debate, for not only this Senate but certainly for the American people. There are a variety of things that have grasped the attention of the American consumer at this moment. Obviously immigration has been one, and we have been aggressively involved in that in the Senate the last month. The other thing happens weekly, when that consumer goes to the gas pump and pulls his or her car up and fills it. All of a sudden, they pay a $45 or a $50 or a $60 or a $70 fuel bill. They say: My goodness, how am I going to readjust my family budget to fit these kinds of needs?

The broad bill we have before us is in part attempting to address that issue. There is no question about that. We are working very hard to get this country back into the business of production but in a diversified way. That is important. We should not be held hostage by foreign energy suppliers. Yet over the years we have drifted into that environment for a lot of reasons, some of them of our own doing, because we constantly restricted our own ability to produce and we have set standards that make it much more expensive to produce. Some of that production has gone offshore. But we have also grown, and we demand more. We have larger cars, and that is our choice in the marketplace.

At the same time the American consumer is being hit by pump shock today, or nozzle shock, whatever you want to call it, in the reality of what we are about.

On the electricity side of the issue—because that is a bit more subtle, because that bill doesn't happen every

day or every other day or twice a week at the pump by the digits rolling in the pump to show you what it is going to cost you—it comes once a month in a power bill or it may even be automatically deducted from your checking account. The subtlety of energy costs from the electrical side are less, but they are still very real. In creating an abundant electrical market, we ought to be extremely careful that we don't limit it in a way that continually drives up the cost of electrical production.

We have said, and we are continuing to say, the old concepts of electrical production are largely out or at least they aren't as clean as we want them to be. Because in the context of this whole energy debate, several years ago entered the concern about climate change, therefore, the emission of greenhouse gases that some believe are a major contributor to the warming of our globe. That is in dispute. I believe it is legitimately in dispute as to what or how or in what volume greenhouse gases play to climate change and warming, but the reality is, Americans say today: It has to be clean, or you shouldn't produce it. So we are now on the floor debating, if you will, cleanliness. Some years ago we started talking about that and we said: Well, the only way, 10 or 12 years ago, you could get clean into your electrical production was wind and solar.

In the Clinton years, because of the environmental movement and the power they had over that administration, they no longer said hydro is allowed to be considered a renewable or a clean fuel. It is an anomaly of the past, and it dams up rivers and changes the ecosystems of aquacultures. We can't go there anymore. So they pulled hydro out of the mix and out of the blend. As a result, it doesn't get fitted into the environment of a renewable portfolio standard of the kind we are debating today.

What evolved out of a 1990s debate to today is a standard we call RPS the Senator from New Mexico has introduced, and it is largely a wind standard. Yes, it includes biofuels, but it is dominantly driven by wind today. It creates a unique niche in the electrical market for wind, and it subsidizes wind. It requires that to meet the standard, you pretty much have to go wind.

I have not disagreed in total with it in the past, although I have opposed it because I think it is an arbitrary act on the part of Government to distort the marketplace. But at the same time there is no question, through tax subsidy, a tax credit, that we have, in fact, driven the marketplace toward wind. That was then. What is now?

The world has changed since the mid-1990s, since the concept of RPS. But we are still here having a 1990s debate when we ought to be having a 2010 and a 2020 debate. That debate is not all about renewable and all about wind. It is partially about it, but it is not all about it. Today it is about wind, biomass, biofuels in a lot of forms, nuclear—clean, nonemitting sources. It is about new hydro efficiencies. We are learning very rapidly that efficiencies in the marketplace can create quantum leaps in savings and, therefore, less growth rate in demand of production.

All of those ought to be a part of a test today, if we are going to establish national policy. If we are going to demand certain levels of performance out of the production side of our utility industry, our electrical industry, then we ought to be balanced. We ought to be broader and, most importantly, we ought to use a new, modern definition, a new, modern screen, a measurement. I don't think it is RPS anymore. I think it is clean.

Having said all of that, if RPS survives this debate, here is what is going to happen. It is going to be a very expensive trip for the consumer and the taxpayer. If RPS survives and we don't move to a newer standard and we put into place the kinds of demands that take us to a 15-percent requirement and then we turn to the Finance Committee, I believe Senator BAUCUS and Senator GRASSLEY—and we will debate that as it relates to wind energy and a tax credit on a 1, 3, 5, sometimes 10 years, someday probably a 10-year involvement—what will it cost? It is estimated it could cost $3 billion, $5 billion, $10 billion, $15 billion, in a direct Government subsidy, a tax credit, to produce the RPS requirement that is being proposed.

Fairness is fair. A CPS requirement will cost some money. We are having it costed out today. We don't believe it will be anywhere near as dramatic, because it will be spread amongst a much broader portfolio than the narrowest of an RPS. Is this an expensive process? You bet it is. When you enter a new technology into the market that isn't as efficient or competitive, you subsidize it.

That is what we are doing with wind today. But we are creating a new uniqueness. We are saying: OK, here is a market niche for your wind. We are going to give you some of the market. Then we are going to give you tax credits and benefits to get into the market because we want you producing wind. So we are creating a very unique market niche, and we are saying to all the utilities: You have to meet it.

Well, 23 States are already out in front of us. They have some form of RPS or renewable portfolio standard. Some of them are higher than the Bingaman standard, some of them are lower. But there is a movement out there, and there ought to be flexibility in that movement, instead of the rigidity that is the reality of the current RPS. That is what we offer in a CPS or a clean portfolio standard—broaden the base, get modern, let's do not keep regurgitating the past.

I am always amazed that once one group—any group, any interest group—locks on to an idea they can capture the mind with, and they ride that idea for decades, sometimes when it no longer fits the technology of the day or the demands of the marketplace. I believe RPS is that idea that got locked on to in the mid-1990s that no longer fits the marketplace today. I do believe CPS fits the climate change concern, fits the regional disparity as a result of the geography of our country, where there is wind and no wind. I tell some of my southern Senator friends there is a lot of hot air in the South but there is not any wind. Well, there is not any wind in the South. So they have to go out and buy it.

You have utilities in Florida buying wind farms out in the Midwest. Is that somehow going to make Florida cleaner? Why don't we give Florida the opportunity to build clean energy right in Florida, instead of buying something out in the Midwest to offset? It is a strange thing. It is kind of like: Well, we believe in a very green standard. You are going to have to buy your way in if you cannot produce your way in.

I disagree with that. I think you ought to be able to produce your way in. I do not mind clean standards, but I do not think you ought to disadvantage certain regions of the country by the standard you are requiring. CPS changes that. It says we are requiring a cleaner standard in new production. You can do it through wind, as the Senator from New Mexico is proposing; you can do it through biomass; you can do it through new nuclear; you can do it through new hydro; You can do it through new efficiencies. If someday—and I believe it will—coal to liquids comes on line, you can do it through carbon sequestration or, ultimately, we may be able to retrofit our existing coal-fired generation facilities in a way to capture that carbon and sequester it. If we can, shouldn't they get credit for it? Shouldn't there be some benefit for cleaning up the air, instead of letting that remain dirty, but you buy your way out of it by going somewhere else to buy something that is clean?

That is an interesting concept, but that is the concept if you do not identify with the marketplace and you do not identify with the regions and the capability of the regions and the uniqueness of our country today. That is why Southern Senators are frustrated at this moment, because the amendment on RPS says you cannot do it by what we say so you have to go somewhere else and buy it.

Let's make the standard uniform. Let's make it fit all parties. Let's allow it to reflect the diversity of the countryside and the resource that is available in the countryside. We think

that is possible. We think if you do it, it is less expensive than the RPS that is currently being proposed.

Here is what I am suggesting to those who are a little concerned about budget exposure because we have not seen what the Finance Committee will do. But if the Finance Committee brings about the tax credits that we think for a 1-, a 3-, and a 5- and someday a 10-year reality, that cost could be $3 billion, $5 billion, $10 billion, $15 billion. Current law is here. Future law could well be here based on what we think the Finance Committee will offer. So we create the marketplace niche today for wind, and tomorrow we finance it. It is a very expensive proposition.

I have wind farms coming up in Idaho, and I am glad they are there, and they are going to blend and be a part of our overall economy. I am all for wind, but I am not just for wind. Again, it is a concept whose day has matured. It is an idea that now fits well beyond the 1990s into the year 2000 and beyond, as new concepts come on board.

In other words, let's get modern. Let's build a policy for the future. Let's don't simply react to the past because the interest groups of the past are still here driving it. Let's think beyond that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Idaho leaves the floor, I wish to make a short statement and then pose a question to him so I am sure we are understanding things correctly.

My short statement is that the Energy Information Administration has made it clear they see the main beneficiaries of the renewable portfolio standard proposal I have put forward—not as wind—they see the increase in wind capacity at 50 percent, but they say biomass will increase 300 percent. Beyond that, they recognize biomass currently produces more electricity—about twice as much electricity—as does wind. So they see a dramatic increase in biomass, which the Southeast part of the country has a great deal of. They also project a 500-percent increase in electricity production from solar power.

But to the point the chart makes that the Senator from Idaho has in the Chamber, first of all, there are two ways—Mr. President, this is in preface to a question I am going to pose to the Senator from Idaho. There are two ways we are trying to stimulate more use of renewable energy and more production of renewable energy. One is through the Tax Code. As he points out, there are various tax credits—the production tax credit, the investment tax credit for various kinds of renewable energy. The other is through what I have proposed here, which is the renewable portfolio standard, which is a requirement that utilities produce power from these sources.

Now, if we just do the tax provisions, and do not do the renewable portfolio standard, then that is what is indicated on the bottom line of the chart, as I understand it. You get the substantial increase in budget impacts—that the red line reflects—if you do both, if you do the tax provisions and you also do the renewable portfolio standard because the renewable portfolio standard will ensure that more people qualify for the tax credits because you are going to be producing more electricity from solar, you are going to be producing more electricity from wind, you are going to be producing more electricity from biomass. Every time you do, it costs the Federal Treasury because that new energy is eligible for these tax credits.

Am I understanding correctly that is why the budget impact is reflected as it is there?

Mr. CRAIG. Mr. President, that is my understanding, I say to the Senator, if there is a renewal of the tax credit based on what we think Finance will do. Here is the problem—

Mr. BINGAMAN. Mr. President, let me ask another question. Does the chart the Senator from Idaho has on the floor assume there is a renewal of the tax credit or that the tax credit expires?

Mr. CRAIG. It assumes there is a renewal of it. Because what you do, what you know you are doing, if your policy becomes law—there is no opt out at this point—you drive the entire national utility marketplace to a standard. By driving them there, you give them this opportunity, and it is a U.S. tax opportunity. There is no question that is the tax credit. You must go here. And when you go there, you can identify with the tax credit under the assumption—and that is fair—the Finance Committee is going to come forth with it. And we have every reason to believe they will.

That is what drives it. The reason it does is because, if you do not, you put the industry in a very precarious situation. Wind today does not pay its way. It is still on the margin. Based on its productivity in certain wind patterns, it has to be subsidized to fit into the market. How you subsidize it is through the credit, or you are simply saying you are going to do something you cannot afford to do, so you are going to have to go right to the ratepayers and charge them a much higher price than you otherwise would with the credit to come into compliance with the RPS.

Yes. So that is the appropriate assumption of this chart.

Mr. BINGAMAN. Mr. President, let me ask one other line of questioning to the Senator, and I appreciate his answer.

The Domenici proposal, which is the alternative the Senator from Idaho is advocating for, as I understand it—not only as it has been described by the Senator from Idaho but by my colleague from New Mexico and others—not only would encourage utilities to produce more power from the sources I have identified—the renewable sources, traditional renewable sources of solar, wind, biomass, geothermal, tidal and all—but it also says we want to encourage more production of nuclear power, as I understand it.

Mr. CRAIG. And new hydro, where it fits, and efficiencies and sequestration, yes.

Mr. BINGAMAN. Would the Senator from Idaho agree with me that to the extent that amendment is successful in doing that, in encouraging all of that additional nuclear power, nuclear generation, and all, that also is going to cost the Treasury, and that is also going to drive up what is indicated on the chart?

I notice there is no line on the Senator's chart to represent what the fiscal impact on the budget would be from the Domenici proposal. But my assumption is, it would be at least as expensive to the Federal budget as mine would be, or else if it would not be as expensive that is because the Domenici amendment would not be as effective in promoting development of these sources; am I correct?

Mr. CRAIG. Mr. President, I say to the Senator, you are correct to assume a CPS standard would have a budgetary impact as much as an RPS standard. The RPS standard—as I have said, it is a bit old school, so it is considerably more measurable, and you are forcing production into a narrower slot in the marketplace—wind and bio—whereas we are broadening the slot dramatically.

Yes, there are some of those new nuclear plants, as you know, as it relates to the Energy Policy Act of 2005 that are going to have some tax benefits. The first certain numbers are. Sequestration, more than likely—to encourage it, and to make it reasonable in the marketplace—is going to have some tax consequence. We promote efficiency in the marketplace through that. But in all fairness to the Senator, it is not yet a measurable item. Those who are looking at it now say it is probably spread and less costly, but it is also more than just a cost item.

As I said, if you take a Florida utility that meets the standards by buying wind in the Midwest, it does nothing for the airshed in Florida; whereas, a CPS says you can build clean in Florida and benefit the airshed of Florida. I think there is the other side of that value.

Lastly, if I could react, and the Senator would allow me to, I am all for biofuels. But driving the biofuel market under the current technology—I

am surprised some environmentalists are not reacting because it is not a totally clean emitting technology. We are all for it because it is renewable. I am for it because it helps us clean up the forest floors and do a lot of other things that are the right things to do out there. But we also know when you burn it—and you are burning it—you have carbons, and that is escaping to some degree.

So driving it is the right thing but giving clean options is also the right thing. That is what CPS does.

Thank you.

Mr. BINGAMAN. Mr. President, I see my colleague from Georgia is in the Chamber wishing to speak on the bill. I will defer to him, and we will come back for additional debate in the coming hour.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank both distinguished Senators from New Mexico.

I rise for a few minutes to talk about this bill and the renewable portfolio standards and the effects on my State of Georgia.

I associate myself with the remarks of the distinguished Senator from Idaho. I did not hear them all, but I heard the narrow stovepipe versus the broad approach, and that is one of the things I want to talk about because we have a diverse country with many assets that regionally are very different. If we are going to have renewable portfolio standards that call on us to find renewable energy to reduce our dependence on foreign oil, we have to exploit and promote all those sources, not narrow those sources.

I also wish to quote from our prayer this morning from Pastor Sturdivant. Pastor Sturdivant called on all of us during this process of legislation, prayed for us to have patience. I do think we all need to have patience when dealing with this bill because I wish to tell my colleagues what the effect of the renewable portfolio standards are on the State of Georgia. We don't have the wind to meet the standards; we don't have it. The tax that would in turn be imposed on these utilities, all regulated, thus ultimately paid by the taxpayer, would be the following: On electric membership cooperatives it would be a half a billion dollars between now and 2020, and on Southern Company, it would be $7.6 billion.

Now, I know the bill attempts to exempt electric membership cooperatives, but when you analyze the bill, 7 of Georgia's 42 cooperatives would be included. Those 7 cooperatives produce 50 percent of all the energy generated by cooperative services in Georgia. So, therefore, because of the way it is worded in its current form, and as I understand the Bingaman amendment, 10 States, mine being one of them, would be in a position of not being able to meet the standard because of nothing beyond their control and would have an imposition of taxation that ultimately goes to our ratepayers, both to either the Southern Company or the electric membership cooperatives who are not exempt, to the tune of almost a total cumulatively of $8 billion.

Now, one of the things this bill talks about at its outset: It says this is to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy sources. I wish to talk for a minute about a clean, renewable, alternative energy source that we know exists, that we are currently utilizing, and that for some reason, we continue to stay away from reenergizing, and that is nuclear energy. We had great testimony by Vice President Gore before the EPW Committee earlier this year, and each of us on the committee got to ask the distinguished Vice President a question—or more questions—5 minutes' worth of questions. When it came to be my time, I asked the Vice President, accepting that every factor in the global warming argument is correct, how can we not seek to reenergize the nuclear energy in this country to help meet that demand of lessening carbon, having renewable sources of energy that are safe, efficient, and inexpensive? That is the question I pose today: How do we look toward meeting the challenges of removing or lessening our dependence on foreign petroleum, and yet not get back in the business of building nuclear powerplants? It is something I think is essential for us to do, and an energy bill that does not include it as a renewable source of energy is missing the boat.

My State of Georgia has nuclear powerplants. When I was in the State legislature, we were building plans for them. The Southern Company wants to get licensing to put another reactor on Vogle to expand its capacity. In talking about nuclear energy, most of the fears that resulted in the 1970s, although well-founded because of Chernobyl, have, in fact, proven American technology to be superior. The Three Mile Island accident that happened in the 1970s was a tragic accident, but it proved the redundant fail-safe mechanism of the Nuclear Regulatory Commission standards in the building of nuclear powerplants. That was technology of the 1970s and late 1960s. Today we have the knowledge we have gained from over 30 more years of the use, development, and understanding of nuclear power.

Today, we power our nuclear aircraft carriers, such as the Eisenhower returning from the Persian Gulf, on nuclear energy. In Georgia, the Trident submarines, where our sailors, at close quarters for months on end under the sea, live comfortably and with a nuclear reactor. Why is it, when we have petroleum prices running through the roof, when we want to sequester carbon and reduce its input, do we still look the other way on a source of energy that is reliable, that is safe, that is inexpensive, and that now we know its byproducts are recyclable for further use? This brings me to a second point.

Four Senators in this body, the two Senators from South Carolina and the two Senators from Georgia, along with the Governors of both of those States and the mayors and city councils of the City of Aiken, SC, and Augusta, GA, have gone to the Department of Energy and said: Why not take the Savannah River plant, which for years manufactured the warheads for our nuclear weapons, and turn it into a mock facility to recycle spent nuclear material back into productive energy-generating nuclear material. So you have two States volunteering to recycle. You have a process that allows it to become renewable. You have a Federal investment already at a site that has been used for years. These are the types of creative things we need to do as we pursue reducing our dependence on foreign oil.

Nuclear energy will not do it all. Wind cannot do it all. Solar cannot do it all. Hydro cannot do it all, and biomass cannot do it all. But collectively, together, operating as a team, incentivizing by the laws we pass, we have a chance to do exactly what the title of this bill portends.

I wish to associate myself entirely with the remarks of the Senator from Tennessee yesterday afternoon, Senator ALEXANDER, who so eloquently expressed the punitive nature of the RPS standards in the Bingaman proposal as far as his State of Tennessee and my State of Georgia. I also associate myself with what Senator CRAIG from Idaho said. If we are going to seek alternatives, let's seek them all. Let's seek safety. Let's encourage them through tax policy, and let's reduce our dependence, but let's not make the reduction approach so narrow we penalize some and reward others.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am glad our country continues to focus on what we can do better to produce energy for electricity, fuel for our automobiles, and the like, in a way that is friendly to our environment and promotes our national security because in many situations, we are far too dependent on nations that are not friendly

and are hostile, actually. Huge amounts of our wealth each year, particularly for the fuel that goes into our automobiles, is transferred to nations, such as Venezuela. It has made them very rich in the short term, and as a result, as Tom Friedman, a writer, said: The richer they get, the worse they behave. So we need to reduce the amount of America's wealth being transferred abroad.

With regard to electric power, almost all of that power is generated domestically with our own energy sources and by our own American people. It is not as significant for us in the economic and national security area as is automobile gasoline, 60 percent of which is imported. That is why I think when it comes to choices, we need to emphasize automobile fuels and what we can do to reduce our dependence and improve efficiencies.

I have been pleased to serve with Chairman BINGAMAN on the Energy Committee. I just joined that committee. He is a man of intelligence and decency and commitment to doing right. We have had quite a number of hearings. We have not gone into this issue lightly. I am, however, reluctantly compelled to oppose his renewable portfolio standard amendment and would like to share a few thoughts about it.

First, the overall estimate is that in areas of the country that do not have the natural conditions that allow us to expand renewable energy sources there will be huge costs that will be borne. It seems that some like to suggest those costs will fall on the utilities. Nobody likes utilities because they send us a bill every month. We tend to forget they send us electricity every month also. But they send us a bill every month, and if we don't pay it, they will shut off our electricity. It is not a very pleasant thing to hear from your utility. But utilities throughout America are regulated utilities. What they charge has to be approved by public service commissions or commissions of a like nature.

We have a public service commission in Alabama. Those public service commissions monitor their profits and monitor their charges for electricity and disapprove many times requests for rate increases.

There is a principle that each and every one of our Senators need not forget; and that is, if areas that don't have the capacity to generate electricity with renewables have to pay the penalties and have to pay for other ways to get electricity, that cost, which some have estimated to be $100 billion to $200 billion annually, is the equivalent of this Congress taxing the people in those areas of the country $100 billion to $200 billion and directing it to be spent in this fashion whether or not it is the best way to protect our environment.

In an economic sense and in a true sense, we are saying we are not going to tax the people in the country to fund these programs. We are just going to pass a mandate, and we are going to mandate it on these businesses. And if they cannot meet it, then we are going to require them to pay a penalty. We didn't tax them, we are not taxing anybody, and we are going on about our business and we are going to move us to a more renewable portfolio—a good goal, you see.

But if you step back and look at this, it is the equivalent of taxing the people hundreds of billions of dollars, and that tax will be passed on to consumers of electricity. Already their gasoline prices have gone up dramatically, and now we are seeing some rise in electricity rates, and this is going to be passed on. There is no free lunch. It will be passed on, and the people to whom it is going to be passed on to the most are the people in my State because our wind resources will not work.

Wind in some areas of this country will work. It really will. It can be virtually competitive with other sources of electricity, and that is nice; although in areas that are fairly congested with people, people don't like all these wind turbines. But out West, in some areas, I assume there is still potential to expand wind, and I am for that. I just don't like to see us require wind turbines where it is not going to work, or solar panels where it won't work.

In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area. It is not effective anywhere really. It is much more expensive than any other form of generating electricity and least effective in the Northeast. Even in the Southeast, because of our thunderstorms and our long periods in which we have cloudy weather, it is an unpredictable source of electricity, and it is very expensive anyway. It will be a great expense.

I share with my colleagues a letter from the Southeastern Association of Regulatory Utility Commissions. These are the people who, for the most part, are elected by their constituents. They represent the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. They are very much opposed to this amendment, not because they are not for renewables, not because they want to defend some utility, but because they know if this amendment is adopted, rates are going to go up on their constituents and with nothing to show for it.

This is their May 31 letter, just a few weeks ago, to the leadership in this body and the House. They say:

> . . . to express our concerns about the nationwide, mandatory federal renewable portfolio standard being discussed/introduced by Senator BINGAMAN. As state regulators, we are responsible for ensuring that retail electricity consumers receive affordable, reliable electric service. We are concerned that a uniform, federal RPS mandate fails to recognize adequately that there are significant differences among the states in terms of available and cost-effective renewable energy resources and that having such a standard in energy legislation will ultimately increase consumers' electricity bills.

Then they go on to note, quote:

> The reality is that not all States are fortunate enough to have abundant traditional renewable energy resources, such as wind, or have them located close enough to the load to render them cost effective. This is especially true in the southeast and large parts of the Midwest.

They go on to say, quote:

> Our retail electricity customers will end up paying higher electricity prices, with nothing to show for it.

With nothing to show for it.

So the letter goes on, and they say, quote:

> While State public service commissions and energy service providers should certainly consider available and cost-effective renewable energy resource options as they make long-term decisions for incremental energy needs, the imposition of a strict Federal RPS mandate, as contrasted with a State-driven cost-effectiveness determination, will only result in higher electric prices for our consumers.

So that is the fundamental concern.

The goal of how we can go about this is complicated. I think we can make progress toward more renewable energy sources, but I don't see how we can omit nuclear power as a major player in this as the source of tremendous amounts of electricity with no adverse emissions into the atmosphere. How we could be ignoring that is difficult for me to understand, I would say to my colleagues.

My goal is pretty simple, in how I analyze legislation. First, I believe we ought to consider our national security. How does it help us remain independent? Does it impact our economy adversely? A healthy, growing economy is good for this country. I certainly think we should not and must not have a goal of raising energy costs, whether it is gasoline at the pump or electricity on the monthly bill. Raising those prices cannot be our goal. It can only make us less competitive in this competitive global marketplace.

Our goal cannot be to raise prices, but I will tell you that it is a secret, unstated goal of many of the people who are driving some of this legislation. They think if they can drive up the price of gasoline, if they can drive up the price of electricity, the average person won't use so much of it because they do not have enough money to pay for it.

Well, that is not good. Our goal as a nation should be to have safe, clean, reliable energy available at a cost as low as possible as part of living a healthy,

productive life. Electricity in nations that have it readily available compared to countries where it is not available have twice the lifespan. You have twice the lifespan if electricity is readily available in your country as you do if you don't. It is a tragedy to see countries struggle so badly. So it is a blessing for us. Energy is not something bad. It is a fabulous blessing to our Nation to have it as readily available as we do, and we need to keep that cost down.

The proposal requires all distribution utilities that sell more than 4 million megawatt hours a year to meet targeted levels beginning in 2010. The RPS standard in this amendment requires each such utility to have 15 percent of its load in renewables, and renewables are only solar, wind, geothermal—there is no geothermal out East, either; there is no ocean capability in our area of the country—biomass—some small possibility but nothing like this area—landfill gas—which is only incremental—and the like. It does not include nuclear or hydro, which is so important.

The Domenici substitute would require 20 percent by 2020, but it would allow for new nuclear and incremental nuclear, new hydropower, and certain efficiency measures to qualify. Even then, I am afraid we cannot reach that number.

According to the Energy Information Administration, current nonhydroelectric renewables only account for 2.3 percent of total generation in the United States. To get to 15 percent of all electricity from this source would require us to increase that production over six times. That is a lot—over six times the current rate. So under these standards, as they are written today, according to the Tennessee Valley Authority, according to the Southern Company and other companies that are in our area of the country, they say there is only one way, one thing they can do, and that is to pay the Department of Energy the two-cents-per-kilowatt-hour penalty to meet these targets.

Let me tell you, two cents per kilowatt-hour is a big deal. Huntsville Utilities in Huntsville, AL, a progressive utility run by the city, a board appointed through the city, states that the Bingaman RPS and even the Domenici CPS would cost them $4.2 million in 2010. This is just the city of Huntsville—$4.2 million; $8.8 million in 2013; $14.1 million in 2017; and $19.8 million in just 1 year—2020. That is a lot of money on a city—$19 million a year, $4 million a year. They are trying to manage their budgets carefully.

The Tennessee Valley Authority, the governmental entity Franklin Roosevelt started back many years ago, the conservative TVA—this is a quasi-government agency—estimates that systemwide it would cost an additional $70 million to comply with the 3.75-percent RPS requirement in 2011 and $410 million to meet the full 15 percent requirement in 2020. That is $400 million for the TVA system per year. That is a lot of money.

I think Senator ALEXANDER had raised some points: Well, what if you used all that money—the $100 billion, $200 billion—how could you use it if you just applied it in some rational way to include renewables and reduce our dependence on foreign oil and keep the cost of energy at a good level and encourage research and development? Man, you could put scrubbers on every coal plant in the country. You could build nuclear plants in large numbers. We could do lots of things. So this is a cost we are imposing, but the movement it will accrue in the direction we want to go is not great. The Association of Regulatory Utility Commissioners said, quote, ''There will be nothing to show for it.''

That is the problem I have. I want to move in this direction. I would like to see us use more biofuels, and I believe there is a potential for that. That is the only thing that seems to be viable in my area of the country, is expanded use of biofuels. But this is really such a huge step that I don't think there is any way it can be met except by paying penalties or a tax. Also, the way this thing works is the money may very well end up just going to the Government in the form of compliance payments or a penalty or a tax, maybe as much as $100 billion.

I really am excited about the leadership Senator BINGAMAN and Senator DOMENICI have given to the Energy Committee. We have had lots of hearings with some of the world's best experts on energy. We all share a view that if we develop a good energy policy, we can improve our environment, we can strengthen our national security, we can improve our economy, and the like. Any change that can actually reduce our consumption of energy and actually pay for itself over a period of time is a step we clearly should take. But when you are taking steps that are likely to cost far more than the benefit you receive, you have to be very cautious.

Remember, we are not spending Federal taxpayers' money and, therefore, creating a cost. We are passing a law which mandates that the citizens around the country, particularly in areas that don't have readily renewable power, will have to pay more for their electricity to meet this standard. And they are going to have to pay a lot more. The cost is going to be very significant, and the question is, Would that cost have been better spent in other areas? I suggest that it would. Some people have already made some suggestions about how we could spend that money better.

I thank my colleagues for giving me a few moments to talk about this amendment. I am sorry I could not be in agreement with it. The goal is worthy. My analysis of it is the burden will fall disproportionately on constituents in my area of the country, particularly in my State, and therefore I must oppose it. I think we can do better in how to achieve this goal.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, just to advise folks of what I believe the course is going to be here in the next few minutes, Senator CANTWELL from Washington is waiting to speak. She is going to speak for up to 10 minutes or something in that range; Senator CORKER is here from Tennessee, and he wishes to speak for a relatively short period also; and then, as I have indicated to Senator DOMENICI, it will be my intent at that point to move to table his amendment.

So that is my expectation of how we will proceed. I am not asking for any consent to do that, but I wanted to advise Senators.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak in support of what is the Bingaman amendment, to make sure we diversify our national energy supply by investing in 15 percent renewables, and against the Domenici amendment, which the chairman of the Energy Committee, the Senator from New Mexico, just mentioned he is going to make a motion to table pretty soon. I agree to tabling that amendment.

Let me say that I have listened to a lot of the debate on renewables and what we need to do, and I have heard a lot of people talk about wind out here and a lot of people talk about solar. I look at this a little differently. I really think this debate is all about natural gas.

I say it is about natural gas because I listen to the farmers in Washington State and throughout America about the high price of natural gas. I hear how much the price of natural gas is going up. The issue is that natural gas is used both for our electricity grid and it is used as a product to make a solid for fertilizer that farmers need, and the price is going up. It has gone anywhere from what historically used to be $2, to $7 or $8, and in some cases we have seen it go as high as $14 or $15.

What I am saying is that we are having competition for natural gas between our electricity grids and our farmers. The future of natural gas is only going to increase. It is only going to increase. That leaves us with one choice; that is, to diversify off of natural gas for our electricity grid. How do we diversify off natural gas for our electricity grid? We start planning for renewables.

I know there are many utilities wandering the Halls of Congress trying to lobby against this particular provision of the United States setting a goal of

focusing on renewable energy. I would say to them: Go look at how the U.S. economy is being impacted because we are already dependent on coal, already dependent on nuclear power, and already dependent on this natural gas that is continuing to rise at steady levels and is going to impact our agricultural economy.

In fact, 15 years ago, only 10 percent of our U.S. nitrogen, a fertilizer product, was imported. Today about half of it is imported. We have seen many of these businesses, over 21 of them in the United States, shut down because of these high costs. What we need to do is push to give alternative fuel; that is, alternative sources of electricity generation, an opportunity to be used in America. The best way for us to do that is to set this mandate in Federal policy so we can protect consumers from the high cost of natural gas in the future.

To do nothing is to say that farmers are going to have to pay more or maybe go out of business or their products are going to be too expensive for international markets or say to consumers: You are going to pay more for your electricity because natural gas prices are going to rise or we can say to consumers instead: We took active measures to diversify our electricity supply and to start using other renewables that will help in getting off the high cost of natural gas.

To my colleagues who come to the floor and say alternative fuels are going to cost more, doing nothing is going to cost more, and depending on the current infrastructure is going to cost more because we already know those supplies are going to go up. Let's take the use of natural gas down by creating other alternatives.

I happen to believe that creating those other alternatives actually will save consumers. I know people have mentioned how the Union of Concerned Scientists say it will basically generate $16.7 billion because of what it will generate in new economic activity, by using alternative fuels. I do applaud the former chairman of the Energy Committee, the other Senator from New Mexico, Mr. DOMENICI, because he did get the ball rolling with the last Energy bill, getting us focused on incentives for renewable energy. My State probably has taken more advantage of that than just about any other State in the variety of products that we are producing. We now have, in some of the communities of our State, the alternative generation community—whether it is wind or solar or alternative fuels. They are actually out there producing large quantities of cheaper electricity for the grid, and they are also becoming some of the largest employers in some of our rural communities. From an economic development perspective, it is working. In fact, one analysis on a national level says the clean energy strategy could generate as much as $700 billion in economic activity and create 5 million new jobs.

That is not just on this particular Bingaman amendment proposal but the whole package, of which this is a symbol of the kinds of activities that could be done with our electricity grid.

Let me say something about other sources because we keep hearing, again, about wind and solar. This is a lot about biomass. I am a big believer that we are going to see a lot of biomass generation across this country—whether you are talking about switch grass or whether you are talking about using waste to supply new electricity.

Two major industries just came by my office—one a big timber interest and another a big existing oil company—talking about how they are going to diversify in Southern States on biomass. I know of many investments in the southern parts of our country in biomass, so I expect to see a lot of jobs created in the southern region of the United States from biomass. We have to push forward in saying we as a nation want to see a percentage of our electricity grid from that biomass—not just solar, not just wind, but from that biomass. To me, this is a great opportunity to do that.

One cost that no one is talking about, because no one has put a price on it, is the future cost of continuing to rely, with our electricity grid, on CO_2 emittance and the cost to our environment of relying on coal and some of our other generation sources in this issue. I know my colleagues are working on what we think the cost of that will be to future generations. But what is clear when you look at this debate is that part of our clean energy policy, when the electricity grid diversifies off of the more expensive products that we know are going to go up, like natural gas, it creates more jobs in the short term and diversifies our portfolio, driving down the demand for natural gas and helping us on supply. It also helps us with that hidden cost that we all are actually paying in the pollution of our current electricity grid. It is helping individual regional economies grow.

I think the chairman of the Energy Committee, Senator BINGAMAN, has put forth a great proposal on 15 percent. Let's make sure we take this stance so we let Americans know we don't think the existing energy stream is what we are going to saddle them with for the future. The American people believe alternative fuel can help us off of this dependence we have right now on fossil fuel, and they believe its development will be cheaper, cleaner, and more efficient for us in the future. But we have to show them the Senate gets it and understands and is willing to set that goal into Federal statute.

I hope the President will also join in this effort because the President, as Governor of Texas, implemented a similar mandate in Texas. I think it worked very well for them so I hope he will lend his support; come up to the Hill and encourage people that the high cost of natural gas on our farmers, on our businesses, is something we are not going to tolerate, its continuing to rise is something we are not going to tolerate. We are going to diversify off of that, protect consumers, and give them alternative fuel sources to supply our electricity grid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise today to speak in strong support of the Domenici amendment. I want to say as I begin my comments I think we are extremely blessed in this Senate to have the two very distinguished Senators from New Mexico, two Senators I respect greatly and have advanced the energy agenda in our country in a very beneficial way.

While I speak against the Bingaman amendment, I do so with tremendous respect for his leadership on our committee. I look forward to working with him on many future endeavors. However, today, I must say I am in strong opposition to that amendment. I have just come to the Senate 5 months and 2 weeks ago. One of the things the American people see in the Senate is the tendency to want to create one-size-fits-all programs and not take into account the various differences that exist around our country. That happens in so many programs we put in place here in Washington. People back home do not understand how we can be so shortsighted as to try to put in place one-size-fits-all programs.

I think it is admirable that we are moving toward renewables. I am very proud to be focused heavily on that in our Energy Committee and very supportive of the base bill, with some amendments, that is before us today. But this is nothing more than a tax, a tax on Southeast United States, a tax where basically it is a transference of wealth from Southeast America to other parts where wind and solar take place.

To me, a much more sensible approach is to say we do want to use clean technologies, as the Domenici amendment does. We want to use clean technologies, but we want to let the market do that. We want to include technologies like nuclear. Many utilities around the country have invested heavily in nuclear. We are finding even better ways to process the unutilized fuel that is left. To me, what we ought to be doing is setting a standard that allows many technologies to be brought into America's energy production so that we are, as the Senator from Washington just mentioned, far less dependent on carbon-emitting fuels, far less dependent on natural gas,

which is compromising our ability to compete in other areas, in other industries, because of the high price of natural gas.

I rise today, even though Tennessee is playing a role in wind and solar. We have 500 employees in Memphis, TN, who are making solar technology. I applaud the efforts to promote that technology in America. But I rise to say the Bingaman amendment is a very shortsighted amendment that does create a one-size-fits-all policy that does not take into account the various geographical differences that exist in our country. The Domenici amendment tries to rectify that. I speak today in strong support of that amendment and hope that others in the Senate will realize what we are doing and, hopefully, they will embrace a standard that moves our country ahead while taking into account the various geographic differences that exist.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me say a few words about the Domenici amendment, which I will move to table. I know my colleague, Senator DOMENICI, wishes to speak in support of his amendment. I certainly will not make the motion to table until he gets a chance to do that.

Let me say why I think his amendment is a major mistake for the Senate to adopt and why we should table the amendment. The underlying amendment that I offered tries to put in place a requirement that over the next couple of decades we move toward more electricity in this country being produced from renewable sources. We have a very extensive list of what we are talking about. We are talking about solar energy, wind energy, geothermal energy, biomass, ocean tidal current wave energy, incremental hydropower, landfill gas—those are all what are defined as renewable energy sources, and we are trying to stimulate the production of electricity from those sources.

We have said we have to get to a point by 2020, each utility does, where it is either producing 15 percent of the power that it is selling from those sources or it is buying 15 percent, taking 15 percent of what it is selling from someone else who has produced it from those types of sources or it is buying credits from someone who has produced more than they were required to and therefore has sold them credits or they have made a compliance payment. Those are all ways that utilities can comply.

The Domenici amendment comes along and says three things: First, it purports to say the 15 percent is not the right percentage, it ought to be 20 percent. That sounds encouraging for those of us who like renewable energy. But there is a bit of a sleight of hand in there, and let me explain what that is.

In that amendment they say you take the base amount of electricity that the utility sells and then go back and define what is the base amount of electricity that the utility sells. It is what they sell minus what they are selling that is produced from nuclear. That is 20 percent. So instead of taking 15 percent of 100 percent, which is what my amendment proposes, they are taking 20 percent of the lower amount, which would be 18 percent of the base because 20 percent of our electricity today is produced from nuclear power. So we have essentially a requirement that would be something in the range of 16 percent instead of the 15 that I have asked for.

Then they say: OK, let's define the requirement in a way that it does not just include those things the Bingaman amendment calls for; that is, production of electricity from solar power, wind power, geothermal, biomass, ocean tidal, current wave energy, incremental hydropower, landfill gas; you get credit for doing any of those if you want to do them. But if you want to build a nuclear plant, we will give you credit for that too. If you want to improve energy efficiency, we will give you credit for that too. If you want to adopt the demand-response program to reduce the demand of your customers, then we will give you credit for that too. If you want to adopt capture-and-storage technology for carbon in some coal plant, we will give you credit for that too.

Then it has a general catchall. It says: The Secretary of Energy can pick out other things in the future he may think people ought to get credit for. So what it does is it eliminates any real requirement that any company, any utility, actually go and produce additional power from renewable sources. That was the whole purpose of the Bingaman amendment.

There is one other provision I want to alert my colleagues to, because it is a very important provision, and this relates to the States' abilities to opt out. I know various people have been here and said: Well, States ought to be able to opt out. Well, you don't have a national renewable standard. You don't drive the development of these technologies in a national market if it is up to each State to decide whether they want to participate.

There is a provision in here called Governor certification. This is on page 9 of my friend's amendment. It says: On submission by the Governor of a State to the Secretary—that is the Secretary of Energy—of a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, under this section the State may elect not to participate.

Under this section, it is clear to me the problem with the Domenici amendment is it essentially prescribes that utilities should do what they are doing at any rate. Then it sets up a complicated procedure of credits and monitoring and trading they have to comply with as well. But it does not require any change in the mix of energy they are, in fact, producing and selling. That, of course, is the purpose of the Bingaman amendment, which is a second-degree amendment.

I do think it is very important we table this amendment so we have a chance to consider the Bingaman amendment and add it to this bill. For that reason I urge my colleagues to support the motion to table which I will make following the remarks of my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, I know this is a difficult situation for the Senator from New Mexico, because on big matters of energy for the last 3 years, I have been working with my colleague, and we end up coming forth with bipartisan ideas.

In fact, the basic underpinning of this bill that was brought before us is bipartisan. If we can keep all of that that came through us, it will be a very big and powerful bill. I am not sure we can, because there will be those who are trying to take out big pieces of it before we are finished.

But after the bill was out of committee and here on the floor, Senator BINGAMAN proposed an amendment I could not possibly support, so it did not end up in our bill. So it is not bipartisan; it is his. I have to oppose it.

First, let me say if I were Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, or South Carolina—and I am not, and nobody sent me here to represent them or defend them, but they are busy and some of them understand this issue. I hope they will vote accordingly. These States I have just mentioned—Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana and South Carolina—are the States that are going to have to pay into this program and they get nothing for it. They cannot produce wind energy, and so Florida is going to pay $21 billion over the course of this legislation; South Carolina is going to pay 6; Alabama is going pay to 7, and so on. I think any piece of legislation that comes to the floor in the field of energy that is so distorted that right off the bat we can come here, whether we are from New Mexico or whether we are from Louisiana, we can come here and say this about our sister States and our fellow Senators should not be adopted. There are not enough Senators to join this list, but we ought to protect them, and we ought to inquire very seriously how can this be such a good bill.

Incidentally, these States have to pay 2 cents per kilowatt-hour. That is where this money comes from I am talking about that I just said they are going to have to pay. That is a huge amount of money they are going to have to pay, these States I am here trying to protect. I am asking them to come down and protect themselves a little more, because I need your help. If you do not help, and if you do not stand up and not let this amendment even pass, ultimately you have got to have a filibuster on this amendment, you southerners and you people I just mentioned, because this is the worst bill that could ever happen to you.

Now what happened was the wind experts and the wind people in this country got big headed. They got a big head. You see, I love them. I have been part of giving them every energy credit we could give to wind energy. Wind is doing preposterously well, but not because it is, per se, such a great source of energy. We are giving it subsidies. And when you give the subsidies, it is a natural that it is clean. I am not so sure it is pretty. After people had it around a long time, they began to complain. But in my State it is terrific. It is up in the low mountains where it can't be seen too much. The ranchers who lease their land love it too because they get paid very heavily, I say to my friend from Alabama.

But the problem is we should have allowed more energy sources included in this major program. My definition changed from Senator BINGAMAN's to clean, to offer clean energy into this proposal. We raised it to 20 percent with these new kinds of energy I have described many times here on the floor, that everybody supports, that we ought to encourage as much as we are encouraging wind, which cannot be built in certain States of the Union, and yet this is a national policy. Openly he states it is a national policy.

My friend Senator BINGAMAN says what is wrong with mine is it is not national. I guess that means his must be a national policy. But it is not, because the States I mentioned cannot do it. They cannot produce the wind that is contemplated by this amendment. Since they cannot produce it, they have to pay a fine, a pretty whopping penalty.

I think we ought to try every way we can to try to get alternatives that are clean and put them in this mix. I believe we ought to keep it open as long as we can for those who develop new sources to get in. I am not embarrassed that our amendment says you can let some new sources of energy in after the amendment is adopted, even 5 or 10 years into it. If, in fact, America is acting the way it normally does, they will do that.

I want to give those technocrats we like and love who get things done maximum time to get in and improve clean energy and put it in this mix likewise, since I do not think wind ought to be the national energy. I am not impressed with wind being the national energy source for America. Right now we are stuck; it is probably crude oil that is the energy of America. We don't want it, but it probably is. But I don't think we want to say America has nominated, of all of the sources we have, wind to be the national source of energy.

I think that is what it says, because my opposition and good friend says mine is not national, his is, so he is bragging about it being national. I do not see why it needs to be national.

I never heard of a weaker energy policy being national for America than wind. I mean, it is pretty. It produces energy. It has got a lot of problems. It does not produce it all the time, so you have to have backup energy for it. But it is pretty good stuff. I mean, it is doing a great job.

What we ought to do is we ought to make sure it continues to get its tax incentive. That would be the best thing we could do to keep wind energy going. We don't need this for it. What we need is a 5- or 10-year assurance that we are going to have the tax credit, if that is what people think. That is another thing you look at. This is not even an energy source that can make it on its own, and we are trying to make it the national energy source, the national energy. It cannot do it on its own. Right? It cannot do it without tax incentives right now. Maybe it can later. Maybe that is the way a lot of them start and maybe later on they get there.

I hope my friends in the wind industry don't think what Senator DOMENICI has been saying here on the floor is anti-wind. It is anti what people are trying to make wind be when it can't be; that is what I am. I have supported everything that has caused wind to move ahead.

I urge my fellow Senators today not to table the Domenici amendment and to leave pending in the Senate two amendments, the Domenici amendment and the Bingaman amendment. Don't kill mine. Leave his here, leave mine here. We will probably get up, get off that amendment, go on to something else in the bill. But even if we close mine, then I urge all of those who are here, who are listening and who understand, we ought to be very careful about adopting this national standard, wind; that you watch out and make sure that we try to force 60 votes on this amendment before it can breathe as an amendment that will be part of this bill.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I would, but I don't want to hold him up.

Mr. SESSIONS. I won't persist. I thank the Senator for comments that are very valid for my part of the country.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table the Domenici amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Okalohoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was annoucned—yeas 56, nays 39, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—56

Akaka	Grassley	Nelson (NE)
Baucus	Gregg	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Sununu
Conrad	McCaskill	Tester
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

NAYS—39

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Bennett	Dole	Martinez
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Stevens
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner

NOT VOTING—4

Coburn	Johnson
Dodd	McCain

The motion was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

Ms. KLOBUCHAR addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BINGAMAN. I withhold that suggestion.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to set the pending amendment aside. I have an amendment, No. 1557, at the desk and am asking for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, I am disappointed the Senator from New Mexico has objected to the consideration of my amendment No. 1557. It provides for a national greenhouse gas registry and has the support of many people on the other side of the aisle as well as this side of the aisle. I ask that we try to work this out in the future, but I ask that I may discuss this amendment.

My amendment, which I have submitted with Senators SNOWE, BINGAMAN, COLLINS, CARPER, COLEMAN, and KERRY, establishes a national greenhouse gas registry—a comprehensive and uniform method of tracking greenhouse gas emissions by major industries. This registry creates a national framework for credible and consistent greenhouse gas emissions reporting.

Currently, reporting of greenhouse gas emissions data falls under a number of different Federal and State programs. Reporting is largely voluntary, and the criteria and reporting formats are inconsistent. The resulting data is meager and unsatisfactory.

The Klobuchar-Snowe-Bingaman amendment requires the Administrator of the EPA to gather complete, consistent, transparent, and reliable data on greenhouse gas emissions at the facility level. It builds upon existing reporting requirements to minimize the impact on businesses as well as the EPA.

This amendment is very similar to legislation that has passed this Senate twice in the past 5 years as part of comprehensive energy legislation.

A little over 5 years ago, Senator BROWNBACK, along with then-Senator Corzine, passed an amendment creating a greenhouse gas registry. This registry would have been voluntary, but after 5 years—if the registry contained less than 60 percent of the total national greenhouse gases in the United States—mandatory reporting of greenhouse gases would have been triggered.

Now it has been over 5 years since the passage of that amendment in this body of Congress, and we still lack credible greenhouse gas emissions data from nearly all major sectors of our economy.

This amendment is simpler than the Brownback-Corzine amendment, requiring reporting from a little over 10,000 establishments in the U.S. economy, representing over 80 percent of our human-induced greenhouse gas emissions, without requiring costly monitoring equipment for smaller entities.

Collection of greenhouse gas emissions data is necessary to better understand how much greenhouse gas various sectors of our economy emit and design effective strategies to address greenhouse gas emissions.

Last week, on National Public Radio's ''Morning Edition,'' a reporter asked a seemingly simple question that helps illustrate the need for such a registry: Who is the largest producer of greenhouse gases in the country?

It turns out, finding the answer is not that simple. The reporter could not find an answer because we do not have an accurate and complete inventory of greenhouse gas emissions in this country.

This is a problem. As Peter Drucker, the famous business management scholar, has said:

> If you can't measure it, you can't manage it.

Without accurate measurement, it is hard to implement effective solutions. At the moment, there is a void of accurate measurements on greenhouse gases, and what data is available is not certified by either the EPA or a third party.

There is strong support in the business community for the establishment of a national registry. In January 2007, a group of businesses unified to form the U.S. Climate Action Partnership. This diverse group of businesses urged Congress to act within the year to create a greenhouse gas registry, along with a number of other steps. The group includes General Electric, DuPont, Duke Energy, General Motors, PG&E Corporation, and many others.

Mr. President, I ask unanimous consent that a list of the companies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USCAP MEMBERS

Alcan Inc.; Alcoa; American International Group, Inc. (AIG); Boston Scientific Corporation; BP America Inc.; Caterpillar Inc.; ConocoPhillips; Deere & Company; The Dow Chemical Company; Duke Energy; DuPont; Environmental Defense; FPL Group, Inc.; General Electric; General Motors Corp.; Johnson & Johnson; Marsh, Inc.; National Wildlife Federation; Natural Resources Defense Council; The Nature Conservancy; PepsiCo; Pew Center on Global Climate Change; PG&E Corporation; PNM Resources; Shell; Siemens Corporation; World Resources Institute.

Ms. KLOBUCHAR. The strength and breadth of this coalition demonstrates the fact that the U.S. business community anticipates a mandatory greenhouse gas reduction program coming into force. Having accurate greenhouse gas emissions data is necessary to assess risks of capital investment decisions.

It also provides an opportunity for major industries to gather information on greenhouse gas emissions from previous years and make good decisions on the design of any future greenhouse gas regulatory program.

In response to the absence of action by the Federal Government, 31 States—representing over 70 percent of the population of this country—have banded together to create a greenhouse gas reporting system called the Climate Registry.

While it is a good start, and a sign of bipartisan impatience with the Federal Government's inaction, this registry is no substitute for a comprehensive national registry. You now have a situation where 31 States are having to start their own registry because we have not acted.

The other issue with the 31-State registry is that it does not require mandatory reporting or third-party verification. Its participants range from States that are moving to impose mandatory greenhouse gas reduction programs to those that are beginning to evaluate whether to take any steps.

According to Arizona Governor Janet Napolitano:

> The State Climate Registries are another example of how States are taking the lead in the absence of Federal action to address greenhouse gas emissions in this country.

These States will benefit from a national registry, which will reduce administrative costs, centralize technical expertise and support, and greatly reduce the risk of under- or over-reporting.

As the Climate Registry—the nonprofit entity coordinating the 31 States' efforts—claims:

> The creation of a Federal greenhouse gas emissions reporting system would be a significant step forward in U.S. climate policy that will build on the progress made through existing reporting systems and make it easier and less costly for corporations to track and report their greenhouse gas emissions.

We need a greenhouse gas registry because there simply isn't a consistent set of data. We have a patchwork system that is simply unworkable for accurate data measurement. We can't make good policy choices unless we collect good data.

At the Federal level, the Environmental Protection Agency and the Department of Energy collect a lot of data on energy production and consumption. However, the quantity and quality of the data vary greatly across different fuels and different sectors. For example, data on crude oil and petroleum product stocks is collected weekly from selected oil companies, while data on energy use in the industrial sector is collected only once every 3 years through surveys. In some cases, the EPA collects the data itself, while in other cases, the data is collected through State or Federal agencies.

There are two existing programs that provide some, but not nearly enough,

data on greenhouse gas emissions. The first is the Department of Energy's 1605(b) Program, and the second is EPA's Climate Leaders Program. However, neither of these programs gathers facility-by-facility emissions data. Additionally, both of these programs are voluntary with no means of verifying greenhouse gas emission reports. The PEW Center on Global Climate Change, as well as the National Commission on Energy Policy, have criticized both of these programs for lacking rigorous reporting standards and verification requirements, allowing for the double-counting of reductions and failing to account for overall greenhouse gas emission increases. This inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company, as well as a lack of comparability of results from reporting program to reporting program. We need to have consistent, high-quality data across all sectors, which is what I call a national carbon counter system.

Our amendment—again, a bipartisan amendment—seeks to create common standards for measuring, tracking, verifying, and reporting greenhouse gas emissions by major industries. These standards do not currently exist at either the State or the Federal level.

This amendment does not place limits on greenhouse gas emissions; it simply requires that the EPA establish and maintain a database of greenhouse gas emissions. A national greenhouse gas registry will create reliable and accurate data that can be used by public and private entities to inform their financial decisions and allows investors to identify and manage future risks and opportunities.

The amendment has a number of checks to ensure it does not harm small businesses, as defined by the Small Business Administration, which emit less than 10,000 metric tons of greenhouse gases. It will promote full and public disclosure by requiring the EPA to post greenhouse gas emissions on its Web site. You really can't see greenhouse gas emissions, but at least you will be able to check the Web site. It will build on existing reporting requirements to minimize the impact on businesses and the EPA.

This amendment is not designed to support any specific legislation or policy position; it simply ensures that greenhouse gas emission data will be generated and collected in a consistent manner, regardless of its intended use. We will be able to make good decisions in the future on policy only if we have good and accurate information.

I would note that Senator BOXER is also a cosponsor, in addition to Senators SNOWE, COLLINS, and COLEMAN, and Senator KERRY and Senator BINGAMAN, who is managing this Energy bill, as well as Senator CARPER.

I would like to add that I am very disappointed that the Senator from New Mexico has objected to me putting this amendment in at this time. There is support on the Republican side of the aisle for this bill. I am hoping I can work with him and others to finally get this amendment admitted and considered by the Senate. I believe it is very important. I think it is the least we can do to begin information-reporting and to begin doing something about climate change. So I will work with the Senator from New Mexico and others to be able to get this amendment considered.

I thank the Chair.

AMENDMENT NO. 1573 TO AMENDMENT NO. 1537

(Purpose: To provide for a renewable portfolio standard)

Ms. KLOBUCHAR. Mr. President, on behalf of Senator BINGAMAN, I call up amendment No. 1573 and ask for its immediate consideration.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], on behalf of Mr. BINGAMAN, proposes an amendment numbered 1573 to the Bingaman amendment No. 1537.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, June 14, 2007, under ''Text of Amendments.'')

Ms. KLOBUCHAR. Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I know there are other amendments pending, but I wish to speak to an amendment that is to be offered by our colleague, the Senator from Minnesota, Ms. KLOBUCHAR, on creating a national greenhouse gas registry. I am pleased to join her in this effort because I do think it is so critical if we are to aggressively and comprehensively address the question of climate change and instituting some major initiatives with respect to global warming. I am pleased to join Senator KLOBUCHAR and the Senator from New Mexico, Mr. BINGAMAN, in offering this amendment at the appropriate time today.

I know Senator KLOBUCHAR has spoken to the question, and I want to make sure I have the opportunity to express my views on creating this greenhouse gas registry which I think is absolutely essential in fulfilling the existing void by requiring vital information to help us more effectively and efficiently reduce our Nation's carbon dioxide emissions.

I know this is Senator KLOBUCHAR's first major initiative in the Senate as one of our newest colleagues. I had the pleasure of working with her on this initiative. No question it is going to be a major contribution to the environmental debate and to our national energy policy because a greenhouse gas registry is an absolutely integral beginning for collecting emissions data that will lead to an economy-wide number for our Nation's greenhouse gas emissions.

Everyone rightly speaks of the increased greenhouse gas emissions that scientists, through peer-reviewed research, have verified are creating the temperatures to rise, severe droughts, weather events to intensify, and sea levels to rise around the globe. We now have sufficient scientific certainty to know we must act to decrease carbon dioxide emissions, the largest greenhouse gas pollutant both domestically and globally.

While there is this sense of urgency, as there should be, I think we well recognize all the consequences of our failure to act both internationally as well as domestically. The United States EPA has no facility-by-facility inventory to even accurately report emissions in the United States. We simply have no solid number representing how much carbon is even emitted.

While the powerplant sector is responsible for reporting under the Clean Air Act, the Government has no accurate system to account for the largest U.S. emitters, as we are currently under an incomplete and voluntary system for reporting yearly emissions for non-powerplant facilities.

Now is the time to follow the lead of our neighbor to the North, Canada, which already has a mandatory registry system in place. In fact, the Senate has addressed establishing a greenhouse gas registry in the past. Specifically, the 107th Congress 2002 Energy bill called for a national database for greenhouse gas emissions with voluntary reporting language, and also a hard trigger that I proposed that made the program mandatory after 5 years if industry had not stepped to the plate and voluntarily reported and reduced greenhouse gas emissions. Yet, regrettably, no bill emerged from conference that year.

I have no doubt our Nation would be in a much better position today if such a provision had been put in place 5 years ago. I also have no doubt the United States would have engendered more respect internationally if we had instituted a mandatory program for greenhouse gas emission reductions.

Indeed, let us recall—and I certainly do because I was here, I was in the

House of Representatives at the time—the United Nations Framework Convention on Climate Change that was signed by former President Bush and ratified by the Senate and which entered into force on March 21, 1994. The United States agreed to gather and share information on its annual greenhouse gas emissions.

In response, the EPA makes an estimate on what the total U.S. greenhouse gas emissions are every year. Frankly, I would call it more of a guesstimate because how precisely and exactly can emissions be reported under the United Nations Framework Convention on Climate Change when accurate data is not even available to the EPA from well over half of the emitters in the United States?

There are around 12,000 U.S. industries, from petroleum refiners, cement and steel manufacturers, chemical plants, and others, that do not have to report any greenhouse emissions whatsoever. They are only being asked to participate in a voluntary reporting scheme called the Department of Energy's 1605(b) voluntary registry program which has been marginally successful at best when one considers that according to the Energy Information Administration, in 2005, only about 200 companies voluntarily reported their emissions—only 200, Mr. President. It is truly alarming there is no comprehensive national accounting of greenhouse gas emissions for major emitters in the United States, nor is there any certification that the reported greenhouse gas emissions are even accurate.

The Department of Energy's Office of Policy and International Affairs is only asked to review the 1605(b) guidelines every 3 years. All we are requiring today is a mandatory greenhouse gas emissions registry to secure accurate numbers. For those who don't favor advancing climate change legislation, they should at least be concerned that the United States meets its obligations by accurately reporting its total annual greenhouse gas emissions, not having a guesstimate or uncertain data, but data that give us the most precise and accurate information.

For those of you, like myself, who support a market-based carbon cap-and-trade system, as called for in the Kerry-Snowe legislation and the Lieberman-McCain climate bill to decrease domestic greenhouse gas emissions through a carbon cap-and-trade system, the registry we are requesting has to be the very first step. It is an integral component to any type of carbon cap and trade we might initiate in the future.

We are being proactive by not waiting until we have established a cap-and-trade system that will require reporting emissions for major industries. This will jump-start the actions in the United States for decreasing emissions.

A trading system carries with it a value of every ton of carbon. A ton of carbon not emitted is worth a credit that can be sold to a company that emitted a ton too much. So we will need a level of detail and verification to make the market truly work in distributing credit for tons not emitted in the shortest timeframe possible.

The European Union has been a living laboratory for its bold step in setting up the world's first carbon cap-and-trade system. They modeled its greenhouse gas emissions scheme after a sulfur dioxide cap-and-trade program that was put into place by the Clean Air Act amendments of 1990 to combat acid rain.

A European official, in appraising the mistakes made with their still new system, said:

> You need a registry, and you need a reporting vehicle.

That information gathering is vital, ''a very important first step,'' he indicated.

I recall it took EPA 5 years to get the acid rain program up and running because powerplant operators had to install devices to gather pollution rates. The European Union is going through similar growing pains because they had no registry of verified data to make its cap-and-trade system work accurately. Too many credits were given.

So a national greenhouse gas registry is a crucial precursor to both mandatory and market-based carbon cap-and-trade regulations of industrial greenhouse gases that contribute to global warming which we know has been verified indisputably by the numerous reports and scientific data and studies, such as from the Intergovernmental Panel on Climate Change.

It is quite simple: If there is no system for counting carbon emissions, there is no accurate way these emissions can be reduced, and certainly there is no accurate way they can be capped or a trading scheme developed.

Once again, the States are undertaking initiatives. They are certainly assuming a leadership role for climate change actions. There are 31 States, with California and the New England States in the lead, that represent more than 70 percent of the population in the United States that are now participating in the Climate Registry, all measuring in the same manner and jointly tracking greenhouse gas emissions from major industries.

This partnership with the climate registry is yet another example of the States going farther than the Federal Government and taking the initiative and taking the steps essential to combating global warming.

More significantly, the emissions statistics of the new registry are subject to third-party verification as opposed to the Federal voluntary program that doesn't require any verification of any kind and, therefore, undermines the certainty, the credibility, and the confidence in that information because it has not been certified in any way.

I hope my colleagues will support this initiative offered by Senator KLOBUCHAR, Senator BINGAMAN, and myself to establish this essential accounting tool that will give businesses and policymakers the ability to track emissions as a building block for climate change emissions reduction initiatives that are currently before Congress.

Very recently, the Senator from Massachusetts, Mr. KERRY, held a meeting with a number of CEOs of various major corporations around the United States who have supported a carbon cap-and-trade system. They have joined in a major partnership, the U.S. Climate Action Partnership, with environmental organizations and other stakeholders in support of initiating domestic climate change initiatives and legislation.

This is very significant because these companies and these corporate executives have indicated their support for a carbon cap-and-trade system for the very first time because they understand that many of the States, as I indicated, the 31 States—with California having taken the lead and now the New England States and my State of Maine is certainly one of them that has been in the forefront of environmental leadership—have adopted the various regulations that will be part of a carbon cap-and-trade system.

The fact is, these States have taken the lead, and they have been very aggressive and bold in their steps to reduce emissions in their respective States and regions. Now companies understand the true value that will emerge in having one national standard so they have predictability, if they have a national standard that creates a carbon cap-and-trade system, so they can plan for the future. After all, companies have to make long-term decisions and have to have lead time in making decisions 30 to 40 to 50 years and beyond. So they have to understand exactly what regulations they will be governed by. They want the certainty, and they do not want to deal with States' different rules and regulations. They would like to be governed and regulated by one standard, a Federal standard, with respect to regulations through a national carbon cap-and-trade system.

In our discussions during the course of that luncheon, they indicated a greenhouse gas emissions registry would be absolutely integral to this process; that, in fact, it is the very first step that is so essential in developing the predictability, the certainty, and the confidence in the data that has been yielded so we know for sure which companies are emitting how much so the carbon cap-and-trade system that is ultimately put in place is put in place with confidence. We can then

have a verifiable trading system that can buy and sell credits that will be important to this process if we are going to establish a cap and trade program to ultimately reduce carbon dioxide emissions which is, of course, what it is all about if we are ever going to begin the process of curtailing climate change and to avert any increases in the Earth's temperature by the year 2050, which most scientists have indicated is the tipping point. We have to prevent an increase in the Earth's temperature by more than 2 degrees centigrade by the middle of this century.

Ultimately, it is going to require a major reduction in carbon dioxide emissions at least at a minimum at 65 percent, which is the legislation I have joined Senator KERRY on that will achieve that level in order to avert that climatic tipping point we obviously want to accomplish over the next few decades.

This carbon cap-and-trade system is going to be a vital component to bringing everybody on board in industry, and having an economy-wide approach is very important if we are going to be effective in curtailing these emissions that indisputably and undeniably are having an unambiguous impact on our environment. The science has obviously been verified by so many of the reports that have been issued in the last couple of years and these reports are alarming. Now is the time to begin action. So I want to commend my colleague from Minnesota, Senator KLOBUCHAR, for taking this initiative for a national greenhouse gas registry. By all accounts it is absolutely an integral part of our effort as we begin to take the measures needed to be proactive in combating global warming.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise to speak about an amendment I filed that would extend the current tariff on imported ethanol by 2 years. Over the past 2 years, I have been proud to stand with my colleagues in the Senate as we have made clean renewable energy a top priority in our national energy policy. The Energy Policy Act of 2005, passed in the previous Congress, made a historic commitment to renewable fuels by establishing a national renewable fuels standard and extending several important renewable energy tax credits. This law has effectively promoted homegrown sources of energy such as ethanol and biodiesel. The bill before the Senate today builds upon that success by boosting the renewable fuels standard to 36 billion gallons by the year 2022 and establishing other valuable incentives for renewable energy production.

The amendment I have offered to the underlying bill would significantly add to the existing renewable energy incentive promoted by this bill. My amendment would extend the 54-cents-per-gallon tariff on ethanol imports through 2010. The current tariff is set to expire at the end of 2008.

This energy legislation does some great things for renewable fuels such as corn-based ethanol and advanced biofuels such as cellulosic ethanol. However, if we increase the renewable fuels standard without extending the tariff on ethanol imports, we are sending a mixed signal to our ethanol producers, their investors, and the farmers who sell their products to ethanol plants. In essence, Congress is telling the ethanol industry that we are demanding more of your product, but at the same time we are going to open the backdoor and begin subsidizing foreign sources of ethanol.

We need to ask: What is the purpose of the ethanol import tariff, and what will happen if the tariff is allowed to expire? First, the ethanol tariff serves to offset heavily subsidized ethanol from foreign countries. Brazil, which is a world leader in ethanol production, has been subsidizing its ethanol industry for the past 30 years. Now that Brazil's ethanol industry is mature and meeting a high percentage of Brazil's fuel needs, Brazil is hungry to export their subsidized ethanol to the United States. In 2005, Brazil exported 33 million gallons into the United States. In 2006, that number increased more than tenfold to 433 million gallons. That same year Brazil paid over $220 million in duties to import this amount of ethanol. Further, Members of Congress and the American public have every reason to believe this trend will continue well into the future and will certainly be expedited if the tariff is allowed to expire.

According to media reports, Brazil's state-run oil firm, Petrobas, has publicly announced plans to build an ethanol-only pipeline from central Brazil to ports in the western part of Brazil in order to more easily export ethanol to North America and Asia. According to the Inter-American Development Bank's Global Biofuels Outlook for 2007, Brazil will be exporting almost 1.6 billion gallons of ethanol by 2012. Clearly, foreign producers of ethanol would love to import billions of gallons of unregulated ethanol into our country.

The second purpose of the ethanol tariff is to offset the current tax credit available to domestic blenders of ethanol. It is important to remember that each gallon of ethanol that is blended with gasoline in the United States currently receives a 51-cent-per-gallon tax credit. This tax credit, which has played a leading role in ethanol's success story, does not discriminate between domestic or foreign sources of ethanol. If a shipment of Brazilian ethanol arrives at a U.S. port and is blended with gasoline on U.S. soil, this Brazilian ethanol is eligible for the blenders tax credit. This tax credit is currently scheduled to expire at the end of 2010.

Extending the ethanol import tariff to correspond with the expiration of the tax credit is in the best interest of our ethanol producers and the American taxpayer. If the tariff expires before the ethanol blenders tax credit expires, American taxpayers will be subsidizing hundreds of millions of gallons of foreign-made ethanol each year. Simply put, the well-intentioned policy of boosting the renewable fuels standard could have serious unintended consequences, if the ethanol tariff expires at the end of 2008. In fact, we would merely trade our dependence upon foreign sources of oil for a new and growing dependence upon foreign ethanol. This tradeoff is dangerous and will undermine hard-fought efforts to grow our domestic ethanol industry which is creating jobs and economic growth in America's heartland.

Critics of the tariff claim that we will need ethanol imports to meet a growing demand for ethanol and to comply with the strengthened renewable fuels standard. However, the facts tell a very different story. Our Nation's current domestic production capacity is 6.2 billion gallons of ethanol. According to industry experts, an additional 6.4 billion gallons of capacity are currently under construction and will soon be refining ethanol. That is a total of 12.8 billion gallons in current and planned production. By comparison, the heightened renewable fuels standard in this bill is 12 billion gallons in 2010, the year the ethanol import tariff would expire under my amendment. The renewable fuels standard will require 12.6 billion gallons in 2011. Clearly we do not need imported ethanol to meet the renewable fuels requirement included in this bill.

The Senate has also voted on extending the ethanol tariff to the year 2010. During debate on the transportation reauthorization bill in the 108th Congress, 76 Senators voted in favor of extending the ethanol tariff through the year 2010. Again, I stress, the Senate is already on record in support of the very proposal outlined in my amendment.

In addition to extending an effective renewable fuels policy, my amendment would also shed light on a disturbing loophole in our trade policy which allows foreign ethanol producers to avoid the ethanol tariff by shipping ethanol

through the Caribbean Basin Initiative. The CBI is a Cold-War-era policy established to promote the political and economic stability of 24 Caribbean countries. Under the Caribbean Basin Initiative, many goods, including ethanol, can be shipped into the United States duty free. Brazil is currently shipping wet ethanol, ethanol that contains 10 percent water, to beneficiary countries, only to be dehydrated and shipped to the United States duty free. According to the Congressional Research Service, ethanol dehydration plants are currently operating in Jamaica, Costa Rica, El Salvador, Trinidad, and Tobago, all of which are Caribbean Basin Initiative countries.

Although Caribbean Basin Initiative imports are capped relative to the size of the U.S. ethanol market, these imports are increasing rapidly and could reach 2.5 billion gallons by the year 2022, under an expanded renewable fuels standard.

The troubling part of this policy is that it is unclear how much of this ethanol actually originates in Caribbean countries. If the majority of this ethanol is simply dehydrated in Caribbean countries, then the purpose of the ethanol tariff and of the Caribbean Basin Initiative is being subverted. My amendment calls for a study of Caribbean Basin Initiative imports to determine the origin of these imports and the economic impact on both the domestic ethanol market and the economies of the Caribbean Basin Initiative countries.

My amendment also promotes renewable energy on another front. Part of the revenue generated by duties applied to ethanol imports would be directed to a renewable energy fund within the United States Treasury.

This fund would be dedicated to funding renewable energy systems rebates, which were authorized in section 206 of the Energy Policy Act of 2005. Transfers from this fund would be subject to appropriations.

The section 206 rebate program offers incentives for the installation of renewable energy systems in homes and small businesses. The amount of the rebate is 25 percent of the costs for purchasing or installing the equipment or $3,000, whichever is less.

According to the Energy Information Administration, section 206 rebates could increase residential renewable energy consumption between 7 trillion to 14 trillion Btu's by the year 2010.

The Energy Information Administration also predicts that section 206 rebates would greatly increase the use of geothermal heat pumps, residential wood stoves, solar technologies, residential wind turbines, and wood-pellet and corn-burning stoves.

This commonsense, bipartisan measure gives consumers choice and flexibility to produce and consume renewable energy in their homes. Although it was supported by the Senate in 2005, it is yet to be funded. My amendment would direct some of the revenue generated from extending the tariff toward funding this important program.

Specifically, it would direct up to $100 million in 2009 and $150 million in 2010 to fund the renewable energy systems rebate program—well below the $250 million authorized level.

In conclusion, ethanol is being produced here at home at record levels, but it is an industry that is still in its infancy, and we need to be doing all we can to invest in it and encourage its growth—not the growth of foreign ethanol companies. I encourage my colleagues to support my amendment which will keep American-made, homegrown renewable fuels at the forefront of our national energy policy.

Mr. President, I yield the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Warner amendment No. 1566 is offered and reported by number, the amendment be temporarily set aside and that the Klobuchar amendment No. 1557 be called, and once reported by number, the amendment be set aside and we return to the Warner amendment No. 1566.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1566 TO AMENDMENT NO. 1502

Mr. WARNER. Mr. President, pursuant to the unanimous consent agreement, I now call up the amendment I have at the desk. It is No. 1566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1566 to amendment No. 1502.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State)

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

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

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer and my colleagues and, indeed, the floor managers for giving me this opportunity.

I rise to bring before the Senate an amendment similar to amendments I have put forward on this same subject in years past, but I think at this time on this particular bill it is extremely important this body——

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I ask my colleague from Virginia to suspend for a moment while the clerk calls up the Klobuchar amendment, as provided for?

Mr. WARNER. Mr. President, I apologize, and I certainly allow that to go ahead. I thought that was done.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1502

(Purpose: To establish a national greenhouse gas registry)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Ms. KLOBUCHAR, for herself, Ms. SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 1557 to amendment No. 1502.

(The amendment is printed in the RECORD of Wednesday, June 13, 2007, under ''Text of Amendments.'')

Mr. BINGAMAN. Mr. President, I thank the Senator from Virginia, and please proceed.

Mr. WARNER. Mr. President, parliamentary inquiry: I say to the distinguished floor manager, do we have to lay this amendment aside and then go back to mine or is that taken care of? Could we ask the Parliamentarian to clarify the situation in light of the recent UC agreement?

The PRESIDING OFFICER. Under the order we now return to the Warner amendment.

Mr. WARNER. Automatically; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the distinguished Presiding Officer.

AMENDMENT NO. 1566

Mr. President, as I was saying, I have raised this basic amendment or similar ones to it over the years, but I think it is particularly pertinent this Chamber once again address this issue. I am anxious the Chamber give it very serious consideration because our situation in the United States of America and, indeed, in the context of the global demand for energy, is becoming more serious.

Our citizens are laboring under higher prices—be it for home heating oil, gasoline, natural gas—and we must look at the full potential of America to help resolve this situation. So in that sense we could, hopefully, reduce some of our dependence on the need to import various forms of energy from abroad.

It is my firm belief the United States must take a balanced approach toward its energy policy. Not only must we increase conservation—I support that—and efficiency efforts—I strongly support that—use more alternative and renewable fuels—I support that, to the extent we can; there is quite a deliberation going on as to the ability of certain States, including mine, which does not have a lot of natural wind power during much of the year, to try to bring in wind power but, nevertheless, I encourage clean coal technology. The bottom line is, we simply have to look at the natural resources we have in this country.

Because the United States has strong domestic natural gas resources, and because the potential for increasing our domestic supply exists—because the demand is ever increasing for natural gas—I bring forward this amendment.

Natural gas is the fuel of choice for many of America's businesses and industries. Today, natural gas meets 23 percent of U.S. energy requirements. It heats 57 percent of U.S. households and accounts for 90 percent of the new electricity—new electricity—capacity built in the last 5 years.

I might also add, for those colleagues who have an interest in gasohol, look at how most of the gasohol is produced and its reliance on natural gas. That is a growing source of energy for our country, and it involves a large usage of natural gas.

Our supply clearly is not meeting our growing demand. Prices—I find this astonishing—prices for natural gas have risen 74 percent since 2000. That is in the last 7 years. Domestic production has remained comparatively flat, but imports are on the rise.

I want Senators who are thinking maybe this amendment does not meet all of their needs to think carefully about what I have said: a 74-percent increase in prices, domestic production remaining basically flat, and our imports, at considerable prices, are on the rise.

It is time America turned to its own resources. Therefore, I offer today an amendment to the pending legislation that seeks to allow my State—the Commonwealth of Virginia, providing its Governor and the State legislature concur—to explore for natural gas offshore. If that exploration—the first step. This is a two-step amendment. It simply says, first, the Governor and the State legislature—going through the various procedures with the Department of the Interior—can explore. If they find a reservoir of natural gas which economically can be extracted to help meet America's needs, then they can start a second step. The Governor has to go back to the State legislature, and with the concurrence of our Government—the legislature and Governor acting together—then, working with the Department of the Interior, the State can provide for the extraction of this natural gas, which will come—all of it—to America—it is ours—thereby lessening our reliance on importing it.

I know the Virginia General Assembly, over the years, and the Governors of Virginia have already expressed—the last two—a measure of support for exploring—I underline and I carefully delineate ''exploration'' from ''extraction.'' The Virginia Governor and the State legislature have indicated, in various ways, they are receptive to a program regarding the exploration of natural gas off the Atlantic Coast.

The amendment I offer today returns power to the Commonwealth of Virginia, using this two-step process I have outlined, to make decisions about exploration and, if they wish to go to the second step, taking the second procedure to extract that gas for purposes of bringing it to America.

So, specifically, it first allows the Governor of our State to petition the Department of Interior for a targeted waiver from the current moratorium to explore for natural gas in the waters of the Outer Continental Shelf. That term is well defined.

Should this exploration justify a second step—namely, that the exploration shows there is a sufficient reservoir for economic extraction—then the Governor goes back to the legislature, and if they agree, they can further pursue that extraction by working out arrangements, which are well known, with the Department of Interior; namely, to petition the Department of Interior for the various permittings that are required.

Again, the Virginia General Assembly has already passed legislation in favor of, and the Governor of Virginia has already expressed his support for exploring—that is ''exploration''—for natural gas in this area offshore.

When drafting this legislation, I was certain to note that Virginia's neighbors should also have an input on what goes on near their own coastlines. Consequently, if Virginia petitions the Secretary of Interior for the right to explore—that is, do the exploration—or the right to extract—a subsequent

step—the Secretary of the Interior, in both instances, shall provide our Atlantic coastal neighbors with an opportunity to comment on the petition or petitions coming from the State of Virginia, because I want to ensure that these neighboring States have a voice in this process before the Secretary of the Interior—and therein resides the ultimate authority—issues the appropriate concurrences to, first, explore and, then subsequently, to extract.

This amendment also addresses a matter of equity by allowing for revenuesharing between the Federal Government and the Commonwealth of Virginia for this offshore reservoir of gas, should it be produced, that is extracted and brought to America.

My bill is modeled, in large measure, after last year's Gulf of Mexico Energy Security Act, S. 3711. That bill states that 50 percent of all revenue would be tagged for the General Treasury. Mr. President, 37.5 percent would be for the Commonwealth of Virginia. Mr. President, 6.25 percent would go to the land and water conservation fund for conservation purposes.

In addition, I have put in here—and this is for the first time that I have seen it—I want to alleviate the concerns of bordering States, and therefore, in this bill, another 6.25 percent of any revenues would be placed into a fund administered by the Secretary of the Interior which would be used to mitigate for any damages incurred by those several States as a consequence of the drilling, the exploration process, and the subsequent extraction process.

Now, it is highly unlikely, with the advanced technology, that anything would occur. You need only look at the aftermath of the travesty we experienced with the various hurricanes in the gulf recently: While some rigs were made inoperable, to the best of my knowledge, there was no consequent damage to the shoreline as occasioned by the disruption of the operation of those rigs, certainly none of any great consequence. So I repeat that it is a source of revenue for Uncle Sam, the State, and it seems to me to be very equitable in the distribution of these funds.

I once again note that this bill is natural gas only. There is no mention, no request for other products such as oil.

I have again tried to make it clear that this Nation is in dire straits regarding its domestic energy supply and its ever-increasing reliance on foreign energy. Now is the time for each Member of the Senate to stand and be counted. Geological exploration and geological analysis of these areas offshore to date have indicated that there are potentially enormous reserves of natural gas off the Atlantic coastline. I say to my colleagues, I say to every citizen of this country, now is the time we should begin to, first, find out and corroborate and verify the existence of those reserves and, second, let the individual States decide for themselves by a Democratic process—i.e., the Governor working with the State legislature—to start the extraction of those natural resources of gas.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1578 TO AMENDMENT NO. 1566

Mr. MENENDEZ. Mr. President, I have a second-degree amendment to the Warner amendment No. 1578, and I ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 1578 too amendment No. 1566.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the approval of certain States before approving a petition for the issuance of leases authorizing the conduct of exploration or extraction activities)

Beginning on page 4 of the amendment, strike line 20 and all that follows through page 5, line 3, and insert the following:

''(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

''(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

Mr. MENENDEZ. Mr. President, I appreciate and respect the desire of the Senator from Virginia to be an advocate for his State for the pursuit of whatever natural resources it may have. However, the ocean is not refined to defined blocks that can be confined in terms of consequences. We share that Atlantic Ocean along many States. So the decision of one State, while it may be seen to be sovereign to it, actually has a ripple effect to other States, and the consequences can be very significant.

Now, the Warner amendment, far from helping end our dependence on oil, is seeking to tap another vein to feed our oil and our fossil fuel addiction. I would say to all of my colleagues in this body, all States and Members of those States who reside within the Outer Continental Shelf should be paying a lot of attention to this amendment because the undoing of the moratorium for one State can create a domino effect that will undo the whole basis of the moratorium throughout both the east and west coasts. That moratorium has existed for a quarter of a century, and for good reason. It has existed for a quarter of a century, and for good reason because it is about preserving the very essence of other natural resources as well—the shorelines of those States which often generate billions of dollars in economic activity—and also about being good stewards of the land for future generations of Americans.

Now, I appreciate that the Senator from Virginia has in his amendment a percentage of the proceeds, some which will go to the Commonwealth of Virginia, some which will go to a fund to potentially mitigate damages, but that recognizes, in fact, that damage is possible to other States. I don't want to be in a position of New Jersey having to mitigate damages caused to its coastal shoreline which is critical in estuary capacity, critical in terms of the economy of our State, critical to the fishing industry of our State, critical to the tourism of our State, and critical to the State of New Jersey. I would replicate that through other States throughout the Atlantic seaboard as well as on the Pacific seaboard. So having a fund that says to other States: Well, if there is damage, we will work to mitigate it, is not very consoling. And to think that one would say: We will only drill for gas, don't worry about it, it is not about oil, we are only going to drill for gas, but if while we are drilling for gas we happen to hit oil, to believe that, oh, we are going to stop and plug it up and we are not going to pursue oil exploration I think is rather ludicrous.

The Clean Energy Act of 2007 which we are debating is supposed to be—supposed to be—about transforming our economy from one based on fossil fuels to one based on renewable energy; from an economy which threatens our planet to one which is sustainable; from energy sources which are old and inefficient to ones which conserve our resources and use them efficiently. Instead, this amendment would promote oil and natural gas drilling in the mid-Atlantic. To me, that is an unacceptable threat to New Jersey's coastline.

The area the Senator from Virginia is interested in opening to drilling is about 75 miles from Cape May, NJ—more than close enough for spills to pollute New Jersey's beaches. Furthermore, any drilling in the mid-Atlantic puts us on a slippery slope toward a day when oil rigs are the norm along the entire eastern coast. One of the greatest jewels of New Jersey is without a doubt our shore. Millions of people visit the Jersey shore every year, bringing an estimated $20 billion into the State's economy—$20 billion into the State's economy—and creating hundreds of thousands of jobs. We simply cannot afford to put our shoreline at this type of risk.

Mitigation doesn't help us. We had a time in New Jersey history where oil slicks, where garbage came up on New Jersey's beaches and shores, and the

consequences were enormous for the State's economy, for the vitality of the communities that are along the shoreline, consequences in employment. We worked very hard at cleaning up through the Clean Water Act and other initiatives to make sure the shoreline was preserved for future generations of New Jerseyans and, for that fact, the entire Outer Continental Shelf for the future generations of Americans who call that part of our country home.

Now, the proponents of this amendment say that other States on the east coast will have the opportunity to provide input into any drilling decision, but to be very honest, the Secretary of the Interior will have the ability just to ignore their views and approve a recommendation for drilling anyway. Actually, this administration has already, through the mineral-mines management part of the Interior Department, been promoting a plan that actually seeks to create more drilling off the Outer Continental Shelf. It is an advocate of that regardless of any potential consequences to natural resources. So I have no faith in a Secretary of Interior directed by an administration that promotes drilling, and all he has to do is say: OK, I heard you, New Jersey; thank you, but no thanks. That doesn't do anything to safeguard the sovereignty of any State that may be affected by the decisions of another State as it relates to the Outer Continental Shelf. This would leave States well within the scope of environmental impacts helpless—helpless—to stop most leases and, more importantly, for the circumstance at hand in my home State of New Jersey, we could not object to any drilling off the coast of Virginia—object in a way that would ultimately have a consequence—even though this drilling could seriously endanger our coast.

Now, the proponents of this measure also claim drilling for natural gas will not have any negative environmental impact on our shores. With all due respect, that assertion is just simply not rooted in science, and it couldn't be more wrong. Massive amounts of waste muds and drill cuttings are generated by drilling operations. Most of this waste is dumped untreated into surrounding waters. Drilling muds often contain toxic metals, including mercury, lead, and cadmium. Mercury in particular has been found in very high concentrations around rigs in the Gulf of Mexico and has raised significant concerns about contamination of fish.

In our own State of New Jersey, one of the challenges—and I know Virginia has very significant port activity as part of its economic generation—where there are ports, in the nature of the activity that takes place in those ports, there is often contamination of various sites. We had that reality as we dealt with the Port of Elizabeth in Newark and the Port of Newark in New Jersey, the megaport of the east coast. So the reality is that drilling muds often contain toxic metals, and mercury in particular is one of those.

A second major polluting discharge is called produced water. Produced water typically contains a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc, toluene, and can contain varying amounts of radioactive pollutants. All major field research programs investigating produced-water discharges have detected petroleum hydrocarbons, toxic metals, and radium in the water column downcurrent from the discharge. Again, these pollutants have a devastating effect on fish populations that are already under considerable stress, particularly along the eastern seaboard, and those industries are very important, not only to the economies and the jobs they create and the economies of those States but to the consumers of those States who seek to have fish as part of their daily diet.

Now, even if offshore areas are leased for gas exploration, there is always the possibility that oil could also be found, and if oil is found, the exploration company will surely drill for it since there has never been an instance where a lease prohibits—prohibits—an oil company from developing oil if oil is found in a ''gas-prone region.'' Without such a restriction included in the lease, there would be no assurances that oil, in fact, would not be developed, raising the possibility of an oil spill.

According to the Department of the Interior, 3 million gallons of oil spilled from Outer Continental Shelf oil and gas operations in 73 incidents between 1980 and 1999. Oil is extremely toxic to a wide variety of marine species. Even if oil is not found, liquid natural gas condensates and can also spill. These gas condensates are highly toxic to virtually all forms of marine life.

Those are just some of the environmental concerns. But beyond these environmental impacts, the Department of Defense has specifically expressed grave concerns about drilling off the coast of Virginia. In a letter drafted on April 10, 2006, to the Minerals Management Service, the Department of Defense made it clear that drilling off the coast of Virginia would interfere with the Department of Defense training and testing exercises.

The letter states in part that proposed drilling would compromise the Virginia Cape's operations area. The Navy, Army, Air Force, and Marine Corps all use the Virginia Cape's operation area for critical training that could not be accomplished elsewhere.

The letter makes clear that any structures built in the water where these types of activities are conducted would severely restrict military activities to test missile systems or have amphibious or air training missions. The letter by the Department of Defense concludes by saying:

> [b]ecause hazards in this area to operating crews and oil company equipment and structures would be so great, the department opposed oil and gas development activity in this Outer Continental Shelf planning location.

The moratorium this amendment would begin to undo began in 1981, and it has continued ever since then. Congress has imposed restrictions on the Outer Continental Shelf leasing in sensitive areas off the Nation's coasts. These moratoria now protect the east and west coasts of the United States and a small portion of the eastern Gulf of Mexico near Florida.

The moratoria reflects a clearly established bipartisan consensus on the appropriateness of OCS activities in sensitive areas of the country, and they have been endorsed by an array of elected officials from all levels of Government and diverse political persuasions.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. MENENDEZ. In a moment, I will be happy to. I strongly oppose lifting these protections because not only is there concern for my home State of New Jersey, which has enormous consequences, but at the same time, the incredible domino effect it can have as it relates to the overall moratorium on the Outer Continental Shelf. Anyone who believes it can just be done for Virginia and that others will not pursue it and they have at least under this amendment's procedures very little to say—they can raise a clamor, but they have no real ability to do anything.

My amendment simply says, if we are going to let this happen, those States within 100 miles from where the drilling should take place should have some significant say, the ability to have a significant say about their future as well, their economies as well, and the right to be good stewards of the land for future generations of their States and of this Nation as well.

I am happy to yield to my distinguished colleague from California.

Mrs. BOXER. Mr. President, I have a couple questions for the Senator. I am very taken with his response to this amendment offered by my dear friend, one of the senior members of the Environment and Public Works Committee. I feel the Senator from New Jersey has hit on a number of points, and I wish to go over them. So if we reiterate, I think it is important.

This Energy bill is supposed to be about reducing our dependence on fossil fuels, not increasing it. It seems to me that by turning to the same old, same old is ignoring the fact that our coastlines and our shores and the area out 50 miles where this will kick in are huge economic engines for our various States.

So doesn't my friend believe, to restate his argument in a slightly different way, that we are going back to the same old solutions and ignoring

what has happened in the last 20 years since we protected our coasts, that the economic engines of our coastal States have driven jobs and tourism and all the good things that come with a protected coast?

Mr. MENENDEZ. I appreciate the Senator's question. The reality is that for a quarter of a century, we have had a moratorium exactly because we have come to understand that the values that are generated by our coastal regions, in economic terms, in terms of the environment, in terms of marine and aquatic life, in terms of all the ripple effect that means, has a greater value than any of the deposits that might exist there.

The Senator from California is absolutely right as well, if all we are going to do is go back to what this bill seeks to undo, which is our dependency on oil, whether that oil is foreign or that oil is domestic, at the end of the day, it is a nonrenewable source, it is a highly polluting source, and it has consequences to the ozone. Yes, the Senator is absolutely right. That is why I oppose it.

Mrs. BOXER. I have a further question. I would like to get the attention of Senator BINGAMAN, if I may, on this particular question because there are some people in this Chamber who think this particular amendment just deals with Virginia. Is it not so, if we look at page 2, it deals with any coastal State, and it is defined here to mean Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida? So we are not just dealing at all, as I understand it, with one State. It appears as if we are dealing with a number of States on the east coast, if not all the States that border on the coast.

Mr. MENENDEZ. I think the latest copy of the amendment that was filed, the final copy that was filed by Senator WARNER only says the State of Virginia, if I am not mistaken, on page 2 at line 21. But I do believe, however, that the consequence of opening the Outer Continental Shelf, even for one State, has a ripple effect to all the States the Senator mentioned.

Mrs. BOXER. So the amendment I have in front of me, 1566, is not the amendment that is before the Senate; is that correct? Parliamentary inquiry to the Presiding Officer: Is amendment No. 1566 not before the Senate, or has it been modified since it included all the other States?

The PRESIDING OFFICER. It is before the Senate.

Mr. BINGAMAN. Mr. President, I perhaps can clarify for the Senator from California, there is a definition of Atlantic coastal States on the second page of Senator WARNER's amendment. But the definition, as I read the amendment, is there for the purpose of defining which States are eligible to comment on a petition the Governor of Virginia would make or submit. Only the Governor of Virginia and only the State of Virginia is affected by it, except to the extent these other States have a right to comment.

Mr. WARNER. Mr. President, I simply say to my distinguished colleague and chairman of the Environment and Public Works Committee, on which I am privileged to serve, this amendment is carefully drawn to apply only to Virginia.

Mrs. BOXER. Yes, I understand.

Mr. WARNER. The Senator can oratorically describe something. This is a one-State package.

Mrs. BOXER. I thank the Senator. That is why I took the floor to ask some questions because my staff reading of it was not correct. I am glad it only applies to Virginia.

However, my next question I was going to ask of my friend from New Jersey is this, because I think it is very important: We have one country from sea to shining sea. It seems to me my friend is pointing out, even with comments from other States, if, in fact, one particular Governor prevails, will there not be impacts most likely on other States?

Mr. MENENDEZ. Yes. The answer, in my view, is clearly yes. I appreciate that Senator WARNER says this is drafted only for the State of Virginia. It is drafted only for the State of Virginia so far as that State will make a determination as to whether to exempt itself from the moratorium. But the consequences of that action clearly have, in my mind, consequences to other States that will be absolutely neutered in their ability to do anything more than to vociferously object but without consequence. So, therefore, a drilling takes place. Even the Senator recognizes by virtue of having in his amendment a provision where some of the royalties go to the State of Virginia, some go to a fund for the purposes of damages done by a spill. So, therefore, there is a recognition of the possibility of damage, and who is that damage to? To other States.

I don't want to be in a position of having to draw on a fund because my State has been damaged. I wish to avoid the damage in the first instance, and that clearly cannot be done under the amendment as offered. That is why my second-degree amendment is so critical to States for them to have a say as well about their well-being.

Mrs. BOXER. I am not going to take very much time. I say to my good friend, I know he is just looking at his own State but, in essence, what he will do today, if he succeeds, is to destroy, I believe, a very important bipartisan environmental agreement that has been in place for decades now—I guess it is, what, 25 years or so, or getting close to that—where we have basically said as Republicans and Democrats: We have a God-given country, and one of our most precious resources is our coastlines, our shores; that because we have stood together, shoulder to shoulder, on this issue perhaps until this moment—and I hope not, but so be it, we are going to find out—we send a signal to our States that they should preserve and protect their coastlines and, indeed, to many in the private sector who have taken advantage of the fact that the beauty of our coastlines, the beauty of our oceans that attract millions of tourists, not just from around the United States to our coastlines but from throughout the world.

I would hate to see us today, through the amendment process, without a pretty good hearing, take a step to cast asunder 25 years of bipartisanship and agreement by Presidents, both Republican and Democratic.

Look, we know we want to become energy independent, and I think this underlying bill takes us very far down that road. Why turn to the same-old, same-old answers, when we have within our grasps the ability to get better fuel economy in our cars, the ability to get new kinds of renewable fuels, the ability to look forward, not backward, and not cast asunder the beauty we have inherited, I believe, from our Creator?

I hope we can stand firm on this point because I am very fearful that if this idea is adopted, it is the beginning of the unravelling of something of which I have been so proud to be a part. I came to the Congress in 1982. I know my colleague has been here much longer than that. The fact is, since that time, we have worked in such a good way to preserve and protect the coasts.

Again, I thank my colleague.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mrs. BOXER. I will be happy to.

Mr. MENENDEZ. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will be happy to yield. I wish to make sure I have not yielded the floor.

Mr. WARNER. Mr. President, this measure is deserving of a strong colloquy. I have often felt it is through the colloquies that the Senate does its best work, not through a series of canned speeches and everybody getting up and down. Anyway, so much for that.

The Senator from California said 25 years this moratorium has been in effect. I say to my good friend, I have been here 29 years, and I have watched the Nation in these 25 years grow more and more dependent on foreign energy. When this moratorium was put in, we didn't have $4 to $5 a gallon gasoline prices. We didn't have natural gas at its all-time high. I say to my good friend from California, this is a changing world, and we cannot lock ourselves into a world that existed 25

years ago and ask our citizens to continue to bear these ever-increasing costs.

This Senate last year approved legislation which granted to the several States in the gulf the right to continue drilling. So it is not as if I am breaking a precedent. Other States have been accorded this right. Why deny my State, if my citizens, my Governor, decide it is in the best interest of our State? Is there nothing left to States rights?

The Senator talks about this pollution thing—

Mrs. BOXER. Mr. President, is the Senator asking a question?

Mr. WARNER. Yes. Then I will pose a second one.

Mrs. BOXER. I will answer that one because it was so brilliantly posed. I got caught up in the Senator's poetic expression. I don't want to forget.

I think Senator MENENDEZ, and pretty soon we are going to hear from an eloquent opponent of Senator WARNER's amendment, Senator NELSON from Florida, they are going to express how they feel being on the east coast. I am on the west coast. But, again, to me the beauty of this whole moratorium has been that we have said our coastlines and our ocean, that those are national treasures, east coast, west coast. And I think my colleague, Senator MENENDEZ, has pointed out, it isn't as easy as all that. You are not going to build some kind of a sand dune around the drilling. You don't know what could happen. You don't know how far the problem could go. I know the Senator talks about the mitigation fund, but that just speaks to the point. So it isn't just about one State, it is about an entire coast, and it is about a precedent.

Let me just say to my friend that the world has changed after 9/11. I voted to go to war against bin Laden—and we are still waiting—and, clearly, we learned very quickly over the years that we have to not be dependent on foreign oil, but we also understand we need a strong economy and a good economy, which means some other things, too. It means a beautiful coast, it means a healthy tourist industry, it means a healthy fishing industry.

There are more jobs in tourism in my State than almost any other sector. So I think it is simplistic to say the only thing that drives us is oil. As I said, the beauty of the underlying bill is that we want to get past that and into the new solutions that are coming. We are going to have a vote, probably, on the CAFE standards, corporate average fuel economy, if Senator FEINSTEIN's provision remains. It will be the equivalent of taking 5 million cars off the road.

So there are new ways to think about the future, new ways to get off of foreign oil, and I don't think a good new way is to cast asunder years of bipartisan agreement and perhaps endanger the economies of many States along the Atlantic coast.

The PRESIDING OFFICER. The Senator from New Jersey has the floor. If there are other Senators who wish to ask a question, they need to ask it through the Senator from New Jersey.

Mr. WARNER. If the Chair would indulge as much colloquy as is possible—and before the chairman leaves, she posed, in a sense, a situation. So if I could ask just two quick questions, I ask of my colleague.

Mr. MENENDEZ. I would be happy to yield to the Senator from Virginia for the purpose of propounding his questions.

Mr. WARNER. I thank my colleague.

Now, the Senator from California is the distinguished chairman of the Environment and Public Works Committee, and she has raised this specter of oil flow, and my good friend from New Jersey is talking about the oil that has washed up.

Does the Senator from California know what percentage of the oil that reaches our beaches, absent a tanker problem, the oil that seeps from this drilling, what percentage ever comes to shore?

Mrs. BOXER. We don't have any offshore oil drilling very much anymore in California, but I am familiar with the big spill that occurred in Santa Barbara, which was so devastating that our State said never again, and our Governors, Republicans and Democrats, have said never again to drilling in State waters.

Now, I can't give the Senator an answer to his question, but I have seen Exxon *Valdez*, and I have seen the great damage that has been done in my home State, as we study what happened in Santa Barbara. It is fortunate we don't have much offshore drilling in my State anymore, so I would be happy to have my friend put that in the RECORD.

Mr. WARNER. I thank my colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD the following from the National Academy of Sciences, a very trusted and respected objective organization. According to their studies, less than 1 percent of petroleum seepage comes from drilling and extraction activity—63 percent, conversely, comes from natural seepage; 32 percent from cars, boats, and other sources; and 4 percent from transportation.

So I just have to say this is workable.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will not ultimately object, but I would note that it is not just the potential from drilling and it is not just the potential of oil spills from drilling. I have listed in my remarks a series of other consequences environmentally from drilling, but it is also the consequence of when drilling takes place and then we have, during hurricane seasons, the consequences to those drill rigs and how that can create a disruption.

So there are many facets that are involved that are not addressed by the National Academy of Sciences information. But as it relates to the Senator's unanimous consent request, I will withdraw my objection so that he may enter that into the RECORD, and I will reclaim my time.

Mr. WARNER. Well, then, I would say to both colleagues, if I could, lastly, put the question to both colleagues, because this is intrinsic to the debate: Is it your position that the United States of America shall never permit its several States to ever, ever, ever drill offshore, be it east coast, west coast? And, somehow, I don't know how you rationalize it, we will let the gulf do it, but we won't let the two coasts do it?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WARNER. If I could have my colleague answer that question.

Mrs. BOXER. I will wait in line. It is his time.

Mr. MENENDEZ. Reclaiming my time, I appreciate the dialogue, and if the Senator from California would like to respond, I will yield to her.

Mrs. BOXER. I would. I want to be very clear—very clear. I support drilling where it makes sense to drill. I oppose drilling where it doesn't make sense. I submit to my friend and to the Senate and to the American people that we made a very wise bipartisan decision a long time ago—and I think we should stick to it—that the fact is, it is important for the economy of the coastal States to keep and preserve the coast in the pristine nature in which it was given to us by God. That is my view, and I hope we will not support this amendment.

Mr. MENENDEZ. Mr. President, reclaiming my time, I see my colleague from the State of Florida is here, and he has a lot of experience in the situation, so I will be happy to yield to him for his comments.

Mr. NELSON of Florida. Mr. President, I thank the Senator, and while the chairman is here and while the distinguished Senator from Virginia is here, for whom, he knows, I have the utmost respect, I want to point out very respectfully to the Senator that the statistics that he just indicated from the National Academy of Sciences do not take into consideration the natural disasters that occur, such as hurricanes.

As a result of the 2005 hurricanes all along the gulf coast, oil rigs upended, and there were oil slicks on the beaches and the shores of Louisiana. We have innumerable photographs of pelicans and other birds completely covered. So there is the fact on the Atlantic coast and the gulf coast of hurricanes.

The other thing I wanted to point out to the distinguished chairman because someone will argue that the Senator from Virginia is only proposing gas drilling, as the Senator from California knows, it was a gas well off of Santa Barbara three decades ago that suddenly spilled all of that oil, from which came this moratorium that was placed on the Continental Shelf of the United States.

Now, with regard to the point of the distinguished Senators from Virginia about drilling in the gulf but not off the rest—

Mr. WARNER. Parliamentary inquiry, Mr. President: I believe the Senator from New Jersey has the floor, and I believe the rules do not permit him—

Mr. NELSON of Florida. He yielded to me.

Mr. WARNER. I think he yielded for the purpose of a question, not to your right to the floor. Just a technicality, but I think we ought to—

The PRESIDING OFFICER. The Senator from New Jersey has the floor. The Senator from New Jersey may yield for a question.

Mr. WARNER. That is right, but, Mr. President, I don't hear the question. I hear a speech. That is fine. I think we want to hear the speech. I don't wish to deny him the right to speak, but let us at least follow parliamentary procedure.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Mr. President, if the Senator from New Jersey will yield.

Mr. MENENDEZ. I will be happy to yield.

Mr. NELSON of Florida. I will put it in the form of a question. But the Senator from Virginia knows that this Senator did not object when he did not make his remarks in the form of a question.

Now, my question to the Senator from New Jersey would be, since this Senator was one of the people who crafted with other Senators the compromise off the Gulf of Mexico last year, giving—I might remind the Senator from Virginia—twice as much area to drill but was kept off the State of Florida for the purposes that we have been discussing, but for another reason was kept off, and that was the U.S. military—the largest training and testing area in the world—would the Senator from New Jersey be surprised to know that the Department of Defense, Department of Navy, has objected to the drilling that the Senator from Virginia has proposed off of his coast?

I read specifically a letter dated April 10, 2006, from the Assistant Secretary of the Navy:

> We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia.

It goes on to reaffirm:

> Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

I would further ask the Senator from New Jersey, does he not remember that was one of the strongest arguments that this Senator made in designing the area that could be drilled in the Gulf of Mexico, basically off of Alabama and Louisiana and keeping it away from the training and testing area where the live ordnance and the testing of new weapons is?

Then, because of that, would it surprise the Senator from New Jersey that one of the most eminent supporters of the U.S. military—the Senator from Virginia, the person whose knee I have sat at and learned so much as the former chairman of the Senate Armed Services Committee—would now be in contradiction with the request of the U.S. military? Would the Senator believe what I just said?

Mr. MENENDEZ. Well, I appreciate the Senator from Florida asking a question and raising a concern. I expressed it in my comments. I am familiar with the letter of the Department of Defense to the Minerals Management Service of the Department of the Interior that made clear that drilling off the coast of Virginia would interfere with the DOD's training and testing exercises, and it went on for a variety of reasons and then concluded by saying:

> Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning area.

So, yes, I am aware, and it is an additional concern. However, I know the Senator from Virginia has an exceptional record, which we all admire, in his support of the Nation's military forces. I am sure that somehow he believed he could overcome that objection. Nonetheless, it is an objection on the record in addition to the objections of States such as my own.

What I hope, in reality, is that the second-degree amendment I have offered to the amendment from the Senator from Virginia would be accepted and we could move forward because it still would allow Virginia to move forward, but it would give those States whose coastline is within 100 miles of the coastal waters of Virginia the real opportunity to work between States to come to a mutually satisfactory conclusion. I think that is a reasonable effort to try to achieve some compromise.

I know the Senator from Virginia raised previously with the chair of the Environment Committee: Well, does it mean that we shouldn't drill anywhere else? Well, the gulf coast had already been drilling. It had been well established. But there is a reason there is a moratorium for other parts of the country, and the distinguished Senator from Florida wanted to preserve what is a critical part of the Florida coastline, which means so much to Florida's economy and to all of us who visit, as Americans, the great State of Florida—what it means to us as Americans, as one Nation.

Yes, there isn't a one-size-fits-all policy, I say to my friend from Virginia. Just because the gulf coast has for quite some time pursued it, there are limitations, limitations the Senator from Florida created to ensure its coastline.

Last, we talk about the cost. What is the cost of an oilspill? What is the cost of a leakage? What is the cost of the consequences? What is the cost of a hurricane? What is the cost to the other States, not just New Jersey, but the other States within 100 miles of the coastal waters of Virginia?

I believe our amendment allows Virginia to move forward, but it has to move forward in concert with those States that can most profoundly be hurt, potentially, as is recognized by the amendment of the Senator by virtue of the fact of creating a fund for damage, so they can work together and come to a conclusion.

In the absence of that amendment being accepted, I have to notify the body that this is such a critical issue to my State and to others along the Outer Continental Shelf that this Senator is willing to spend as much time on the floor as is necessary to pursue the full discussion of this matter and, if necessary, to raise it to a 60-vote level because it is that critical an issue.

I thank the Senator from Florida for his observations. I thank him for his leadership in this regard, both past and present.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I wonder if I might reply to my good friend for a minute, and I will then likewise yield the floor so my colleague from Florida, my good friend, can continue in his own right.

First, I think I have worked out with the Department of Defense an answer to your question. I simply do not have with me at this time the documents, so therefore I am going to have to indulge the Senate by either laying my amendment aside or some other parliamentary procedure to let the Senate go forward until I can come back with that. I thank the Senator for bringing that up because it is an important consideration. We have a significant command there, the Atlantic Command.

I wish to go to the amendment of my good friend and read the last paragraph:

> Requirement.—The Secretary shall not approve a petition under this paragraph unless

the Governors of all States within 100 miles of the coast waters of the State—

presumably the State making the petition—

have approved the petition.

That gives all the Governors a veto power on this; Mr. President, would that be correct? I pose that as a question to my colleague.

Mr. MENENDEZ. I am happy to answer. What it is is an opportunity for those Governors within 100 miles of the coastal waters of the State of Virginia to work together to ensure that their interests are protected and maybe come to a collaborative approach as to how it might be done, which the Senator from Virginia does not, under his amendment, permit in any way whatsoever.

Mr. WARNER. There is a difference between the amendments. My amendment generally states the Secretary of the Interior, who is the final arbiter of this whole issue, would entertain the petitions from the several Governors, whatever geographic area, as he, the Secretary of Interior, makes a decision.

But I think the Senator has gone a step too far. If there is anything left of States' rights after this sort of paragraph, I don't know what it would be. Listen to what you say:

The Secretary [Interior] shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

It doesn't say anything about working it out. It is flat veto power put in the hands of such Governors within 100 miles.

Mr. MENENDEZ. If I can respond to my friend from Virginia, I would say under the amendment of the distinguished Senator, clearly there are no States' rights for those States that will be affected by the amendment of the Senator. Second, there can be no negotiation of any consequence if there is not some sound footing under which one can negotiate. If you have no right, then there is very little to negotiate.

Mr. WARNER. Mr. President, I am enjoying this debate, perhaps to educate the Senate. But I bring up another situation to my good friend who has recently joined this body. I don't know how many times I have gone to the floor and contested the right of the several States north of my State, largely, to ship through Virginia thousands of tons of garbage by truck, by rail, leaking, exuding methane gas in my State.

You have the good fortune of a clause in the Constitution on interstate commerce, by which you can throw up your hands and say it is the exercise of that constitutional power. You say my State cannot object to your shipping garbage through it every day. The Senator knows New Jersey ships through 1,000 tons of it. Yet you are saying to me, we cannot go through a process—working with the Federal Government of the United States and the Department of Interior—to drill offshore unless your Governor and all others, any one of the Governors within 100 States—if he has not given the approval, this thing stops?

Mr. MENENDEZ. If the Senator will yield, first of all it is all Governors within 100 miles, not 100 States.

Mr. WARNER. No, 100 miles.

Mr. MENENDEZ. But the distinguished Senator from Virginia has a very significant port operation in his State, and his trucks come through the interstate into the State of New Jersey and do quite a bit of damage on the roads of New Jersey along the way, in terms of the wear and tear, in terms of the movement of its product. Some of that product is not the most fanciful product we might all enjoy. That is the collectivity of our consequence as a Nation.

There is a reason there is a moratorium that we, collectively as a body, the Congress, have adopted for 25 years. The distinguished Senator, whom I admire so much on so many issues, wants to aggregate what the Congress has done as a body for his State, without recognizing there are consequences to others. I simply offer an amendment that says we will allow Virginia to do what they want, but they must do it in concert with those within 100 miles of its territorial waters. I didn't say the whole eastern seaboard but within 100 miles of its territorial waters, to make sure those States rights are not affected.

Mr. WARNER. Mr. President, ''in concert'' to me means entrusting to the Secretary of that department of our Federal system, by which the power resides, to grant or deny the license. That Secretary has to arbitrate the concerns of all Governors within 100 miles of this drilling, so to speak. I thought that is the only procedure I know. But I think you have gone to an extreme. You put an absolute veto power in.

At this time, I would like to advise my colleague that, in consultation with the managers of the bill, I would like to lay my amendment aside until I can give a definitive answer to the Senator from Florida. I think I have it worked out in the Pentagon, but I need to provide you with the documents to manifest that resolution.

I will put in a quorum call at this time, such that the managers can advise me.

I will withhold that if the Senator wishes to speak.

Mr. NELSON of Florida. I will only speak briefly, since the distinguished Senator from Virginia is going to lay his amendment aside. But I point out, when he does bring forth the documentation from the Department of Defense, it needs to answer the Assistant Secretary of the Navy's admonition:

. . . but because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

Further, I remind the two Senators involved in this colloquy—the Senator from New Jersey and the Senator from Virginia—one of the reasons we crafted the compromise last year that we did, that still allowed drilling in the central gulf area and indeed allowed more acres of drilling than had originally been sought, was we constructed it not only so it was far away from the pristine beaches of Florida, which are so necessary to our economy, that it did not intrude upon the military testing and training area, which is essential to the preparation for the defense of this country, but that in addition, we consulted all the nautical charts to find the currents so that if an oilspill occurred, it would lessen the likelihood that the currents would carry it to the coastline.

As the Senator talks as if 100 miles is some statute of the Holy Grail, I would simply say that what should be the concern, since Virginia happens to be close to North Carolina and South Carolina and also happens to be close to Maryland and Delaware and New Jersey—that what clearly ought to be considered are the water currents, the ocean currents, instead of an arbitrary question of miles.

Mr. WARNER. Mr. President, in reply to the question of my good friend, I remember that very well. As a matter of fact, he and I worked on that. I remember breaking out the charts in the Armed Services Committee and looking how the aircraft and everything would operate and the ships in that area. You are well spoken and well taken on that.

But I have to tell you, Senator, face to face, things have changed. Every day, things change. We have to reexamine, periodically, that framework of laws that have protected our environment, to a certain extent, in the light of our growing desperate needs for energy and the growing capability of our industrial base to do the drilling, to do the extraction in such a way as to minimally put at risk our environment.

I do not take a backseat to any person in this Chamber with regard to my fervor in protecting the environment. I don't want to be called a tree hugger, but I am one step removed. I work on that Environment Committee, where I have now served 24 years or something—I don't know, a long time.

Mr. NELSON of Florida. The Senator certainly doesn't take a backseat to anyone in this Chamber in his protection of the interests of the U.S. military.

Mr. WARNER. That is correct. But the military can't do a broad sweep. I know what is underlying this thing. I

have to get the papers here. There are certain navigational aspects of it, certain electronic aspects, but the military can't say no drilling on the east coast.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I further point out to the Senators involved in this debate that this Senator's perspective certainly agrees with that of the Senator, that we have to produce the energy we have to produce. But the problem is, what has changed and what ought to be changed, I say to the Senator from Virginia—the distinguished senior Senator from Virginia, for whom I have great affection and respect—is that the policy of this country has been drill, drill, drill for too long. It is time for us to break that psychology and start moving into alternative fuels other than oil.

This Senator from Virginia knows full well, as well as anybody else, there is this precarious flow of oil from all foreign ports, including the very hazardous port I visited in Nigeria, which is virtually unprotected to any kind of terrorist activity and from which this country gets 12 percent of its daily consumption of oil, from that one nation, Nigeria.

The problem has been the past and the present policy attempted not to be changed, this mindset of drill, drill, when, if we keep that up, we will not do what we have to do to protect ourselves; that is, break this dependence, wean ourselves from this dependence on oil.

So I am sure, with the eminent intelligence and salubrious nature of the Senator from Virginia, we can work this out.

Mr. WARNER. I hope it works out my way, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is soordered.

AMENDMENT NO. 1568

Mr. TESTER. Madam President, I know there is at least one amendment pending on the floor. I want to speak about a different amendment, but I am not going to call it up. I only want to talk about it with hopes that it will be called up in the near future and be given the kind of consideration we do here in the Senate, and hopefully get it put on this energy bill we are discussing. It is the geothermal initiative amendment.

I first thank my colleagues Senators BINGAMAN, REID, MURKOWSKI, STEVENS, SALAZAR, AKAKA, SANDERS, SNOWE, and HATCH for cosponsoring this amendment. It is all about geothermal energy. It is what geothermal energy can be as far as a key component to our Nation's energy security, and how it can help contribute to a national renewable electricity standard.

I have to point out that when we talk about the RPS amendment, the renewable portfolio standard amendment Senator BINGAMAN has, it seems as though the conversation always revolves around wind when, in fact, we ought to be talking about a lot more than wind.

One of those things is geothermal energy. Geothermal energy is something that is clean, it is efficient, it is, in fact, renewable and can fight climate change. Once again, this amendment will do several things to help our geothermal energy potential: It supports research and development, development and demonstration of commercial applications of geothermal energy projects, it supports State cooperative development programs, and it supports research and development of commercially viable applications. It advances high pressure and high temperature drilling so we can get into the zones that best have geothermal potential, and it prioritizes discovering and characterization of geothermal resources.

If you take a look at the map we have here of the United States, you take a look at this, and in the light green, or the lime green, I should say, is where we have less ability to have geothermal activity. The darker the green into the orange and red is where we have more potential. Through this bill we can help develop that potential and through an assessment determine where most of our ability to get geothermal energy is. I think it is quite extensive. As you can see, it is nationwide.

This amendment also has a national geothermal assessment component to it. The last time we had a comprehensive assessment for geothermal energy was back in 1978. We have got far better technology now, and we need to do it right this time.

Unfortunately, this assessment program did not receive funding to complete the assessment. But this amendment will provide the funding to give us the assessment. Take a look at the map of the United States. Take a look at the map of Montana. You can see once again we have tremendous ability for geothermal development here and in the Southwest. I live right here. It is blue. I can tell you from oil wells that were drilled over 60 or 70 years ago, there is geothermal potential there, but we do not know about it because we have not done the assessment for so long. It doesn't even show up. So there are a lot of areas around the country, I believe, where geothermal will work and help create our energy independence in a long-term energy policy.

This bill also gives assistance to academic institutions and State governmental agencies, particularly in the intermountain west and Alaska. These are institutions that are teaming up with businesses to get pipes in the ground.

Ultimately, we will have the ability, through this amendment, to maximize our ability to have geothermal energy to contribute to our electricity supply, heating supply, and other energy needs in this country.

A couple of months ago I had the opportunity to meet with President Grimsson of Iceland. Twenty-seven percent of their electricity comes from geothermal resources. Of course, in Iceland that makes sense. Eighty-seven percent of their homes are heated with geothermal heat. They even lay pipes in the ground to melt the roads and keep them free of snow in the wintertime. It is something that has already been done and that we can do here in this country. It does not apply just to Montana, it applies to the entire country, and we can have our geothermal resources developed. Montana has great geothermal resources, but we need to have an overall geothermal policy that maximizes our ability to draw energy from the heat in the ground, not only in places such as Montana, but also in places such as Arizona, Louisiana, Texas, Maine, and New Hampshire, and just about every State in the Union.

I will tell you this amendment is a bipartisan amendment. It is innovative, in that we have not even begun to tap our potential for geothermal energy in this country, and it is clean.

I would encourage all of the Members of this body, when this geothermal amendment comes to the floor, that we give it good consideration and attach it to the bill so we can have geothermal energy be a significant part of our energy future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, I recognize we are in the midst of a debate surrounding the Outer Continental Shelf.

I would ask unanimous consent to speak briefly as in morning business on a related but different topic.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Madam President, the facts about our Nation's energy consumption are not pretty right now. The

United States currently consumes one-quarter of the world's oil. Sixty percent of the oil we consume comes from foreign countries, including many countries whose interests are hostile to us.

To make matters worse, the oil used in the U.S. transportation sector accounts for one-third of our Nation's emissions of greenhouse gases. It is long past time for us to take significant steps to use oil more efficiently in order to deal with the dual challenges of climate change and energy dependence.

In January of this year, California took an important first step toward addressing this problem by establishing a low-carbon fuel standard for passenger vehicle fuels sold in the State. Under the California standard, the carbon intensity of these fuels would be reduced by 10 percent by the year 2020.

In signing the executive order creating the low carbon fuel standard, Governor Schwarzenegger noted some of the dangers of his State's excessive reliance on gasoline: volatile oil prices dictated by hostile foreign countries, lack of economic security, American jobs at risk, businesses in jeopardy, and, most importantly, dangerous levels of greenhouse gas emissions. I applauded the Governor's leadership on this issue and want to take his proposal one giant step further.

Today, I rise to suggest that it is time for us to establish a national low carbon fuel standard for the entire transportation fuel pool in the country, whether the fuel is used for cars, trucks, or airplanes. I recognize we will not be able to move this necessarily on the legislation currently pending, but it is important for us to introduce the concept. I have already spoken to Senator BINGAMAN.

If my proposal were to become law, by the year 2015, the carbon emissions in our national fuel supply would be 5 percent less than they are now. By the year 2020, the carbon emissions would be 10 percent less. The effect of these seemingly modest reductions would be significant. According to one estimate, a national low carbon fuel standard would reduce annual greenhouse gas emissions by about 180 metric tons in 2020. This is the equivalent of taking 30 million cars off the road by 2020.

My amendment would reduce carbon emissions overall in the transportation fuel pool, but it would not dictate what feedstocks could satisfy the low carbon fuel standard or how many gallons of a particular fuel would have to be produced. Instead, fuels could be mixed and matched to achieve the carbon reduction targets. In essence, the market would dictate what pool of fuels would be sold in the United States in order to satisfy requirements. The fuels could be corn-based ethanol, cellulosic ethanol, biodiesel made from soybeans, electricity used by plug-in hybrid vehicles, or perhaps some kind of fuel that has not even been developed yet. The only requirement is that the overall mix of fuels sold in the United States would have to meet the carbon reduction targets set forth in my proposal.

This is a new concept. Indeed, fewer than 6 months have passed since California adopted it. I know some of my colleagues are not familiar with how it would work, so let me address the relationship between the low carbon fuel standard and something we know a lot about, the renewable fuels standard.

Under the able leadership of the two Senators from New Mexico, the Energy Committee has crafted the underlying bill to require greater volumes of biofuels in our national fuel supply. The bill increases national production goals in the RFS over the next 15 years and establishes the first production targets of next-generation fuels such as cellulosics. Under the bill, the RFS target would increase to 36 billion gallons of renewable fuels by the year 2022. When combined with the new advanced biofuels requirement in the bill, this would result in an estimated 2 to 6 percent reduction in carbon emissions in our national fuel pool in 15 years. These are significant reductions, but I believe we can do better.

My low carbon fuel standard would require a 10-percent reduction in carbon emissions by 2020. I know that sounds ambitious, but the magnitude of our Nation's problems demands bold and innovative action. Indeed, the experts with whom we have consulted firmly believe that a 10-percent reduction is realistic, with greater research in advanced biofuels and new fuel sources. But that research will only happen if businesses are assured of a market for their new products. Just as the existing RFS has spurred the construction of ethanol plants, a low carbon fuel standard would incentivize development of new advanced fuels.

We in Congress support biofuels because these fuels strengthen our energy security, support our rural economies, and reduce our greenhouse gas emissions. But our current policy doesn't recognize producers when they do a better job achieving these goals. Our farmers, manufacturers, and investors are ready to produce better biofuels, fuels that are more efficient, fuels that support a broader base of rural communities, fuels that reduce greenhouse gases by 90 percent or more, but they need a signal that their investment in better performance will be recognized in the marketplace.

Let me be clear: A low carbon fuel standard is not intended to replace the RFS. Instead, the two standards would complement each other by encouraging greater use of renewable fuels. Here is an important difference between the two standards: The RFS evaluates renewable fuel based on the feedstock that creates the fuel, while the low carbon fuel standard looks at the carbon emissions produced by the fuel. That is an important distinction as we wrestle with perhaps the greatest challenge of our generation—climate change.

Going forward, it is not enough just to say that a fuel uses homegrown products such as corn or soybeans. We also need to look at what effect the fuel has on carbon emissions. This amendment does that and, in doing so, offers something for everyone. If you support rural America, this approach ensures widespread development and use of biofuels from agricultural products. If you support energy security, this approach reduces our consumption of oil by 30 billion gallons by 2020, 60 percent of which would have to be imported from foreign sources. If you support certainty for industry, this approach provides the market certainty that is critical for investment dollars in key technologies. Most importantly, if you support the environment, this approach reduces carbon emissions by 180 metric tons by 2020 and ensures that any future billion-dollar capital investment in a fuel plant would have to produce a fuel with better life-cycle greenhouse gas emissions than conventional gasoline because under a low carbon fuel standard there would be no place for carbon-intensive fuels.

The energy debate this week underscores the fact that as we pursue the best course of action for our energy independence, there are no perfect answers. There is no single fuel or feedstock that offers the best combination of affordability, reliability, transportability, and sensitivity to the environment. Even if there were, I am not sure we in this Chamber would be the most qualified to identify it. But our current course; that is, maintaining our dependency on an unstable region of the world for the fuel we cannot live without, is far too great a risk to delay action. That requires us to take aggressive action that will set the stage for the second and third generation of fuels that will truly help us achieve energy independence and fight global warming. A low carbon fuel standard accomplishes these goals.

Finally, let me say a word to my colleagues about climate change. I know that when it comes to the word ''carbon,'' the range of views among my colleagues is varied and complex. I am among those Senators who believe carbon from human activities contributes to climate change, that it is an immediate threat, and that we must immediately require emission reductions through a strong cap-and-trade system. Others among my colleagues agree with some type of carbon-controlled economy but disagree with the various legislative approaches to date. Still others believe the climate is in no imminent danger.

The approach I have suggested here today addresses carbon, but it allows

my colleagues to maintain their differences on the larger debate of climate change while coming together to achieve progress on all our multiple policy goals, whether it is ending our energy dependence, attacking the problem of climate change, promoting economic stability, or creating American jobs. I am aware this proposal may be a little bit ahead of its time, but given the magnitude of our problems, we can't afford to be too cautious in our policy solutions.

I am going to be urging my colleagues to learn more about this approach. I have talked to Senator BINGAMAN. I will be talking to Senator BOXER as well. My hope is that if we are not able to introduce this amendment during the current debate, we reserve time when we have a debate on dealing with global warming and climate change to ensure that this approach gets full consideration.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be recognized to call up amendment No. 1519; that once the amendment is reported by number, I be recognized to speak in reference to the amendment; that the amendment then be set aside, and Senator DEMINT then be recognized to call up his amendment No. 1546, and that once Senator DEMINT concludes his statement, the amendment be set aside; and that prior to Senator DEMINT being recognized, Senator BYRD be recognized to speak as in morning business; and that the DeMint amendment be called up after I conclude my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Thank you very much, Madam President.

AMENDMENT NO. 1519 TO AMENDMENT NO. 1502

Today, Madam President, I rise to offer an amendment with Senators SPECTER, LEAHY, GRASSLEY, BIDEN, SNOWE, FEINGOLD, COBURN, SCHUMER, DURBIN, BOXER, LIEBERMAN, and SANDERS, which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on the price of oil and to hold OPEC accountable when it does act illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix prices in violation of the most basic principles of free competition.

Our amendment—identical to my NOPEC bill, S. 879; legislation that now has 14 cosponsors—will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously four times since it was first introduced, including this April, and in 2005 passed the full Senate by voice vote as an amendment to that year's energy bill before being stripped from that bill in the conference committee. Last month, companion House legislation passed the other body by an overwhelming 345 to 72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long-needed tool to counteract this pernicious and anticonsumer conspiracy.

Throughout the last 2 years since we last considered this measure on the Senate floor, consumers all across the Nation have watched gas prices rise to previously unimagined levels. As crude oil prices exceeded $40, then $50, and then $60 per barrel, retail prices of gasoline over $3 per gallon have now become commonplace. While prices have temporarily receded from time to time, the general trend is consistently, and significantly, upwards. Gas prices have now increased 77 cents per gallon just since the start of the year to a national average of $3.07 per gallon, which is an increase of more than 30 percent.

As we consider gas price changes, one fact has remained consistent—any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented "we had a bad situation at the beginning of the year. It is much better now." The difference was OPEC's decision last fall to enforce combined output cuts of 1.7 million barrels of oil a day in order to drive up the price of crude oil. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is simply the result of changes in the cost of crude oil.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anticompetitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged in such an international price fixing conspiracy, there would be no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in Government has yet tried to take any action. This amendment will, for the first time, establish clearly and plainly that when a group of competing oil producers such as the OPEC nations act together to restrict supply or set prices, then they are violating U.S. law. The amendment will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

The suffering of consumers across the Nation in the last few years has made me and many others more certain than ever that this legislation is necessary. I urge my colleagues to support this amendment so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. The Senate should now join with 345 of our colleagues in the House of Representatives and vote to add the NOPEC legislation to the Energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. BIDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mr. LIEBERMAN, Mrs. BOXER, Mr. SANDERS, and Ms. KLOBUCHAR, proposes an amendment numbered 1519 to amendment No. 1502.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ____. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2007" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

Mr. LEAHY. Madam President, I am proud to join Senator KOHL in supporting his amendment to the Energy Act. Under Senator KOHL's leadership, the NOPEC bill has passed unanimously out of the Senate Judiciary Committee without amendment in four separate Congresses, under both Democratic and Republican leadership.

This NOPEC amendment will hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel. Unless this amendment becomes law, consumers across the Nation will continue to suffer.

According to a recent Washington Post article, gas prices last month came within a half-penny of the modern era's inflation-adjusted record set in 1981. The rise and fall of oil and gas prices has a direct impact on American consumers and our economy.

Prices have come down slightly in recent weeks, but that is no reason to condone anticompetitive conduct by foreign government cartels. American consumers should not be held economic hostage to the whim of colluding foreign governments.

Just a few days ago, the Associated Press reported Iran's oil minister's statement that the members of OPEC would not release more oil into the market. This, despite reports that demand is on the rise. Without collusion, OPEC members would compete to serve that demand and prices at home would fall.

When entities engage in anticompetitive conduct that harms the American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments. I am disappointed that the administration, which announced it would oppose this bill, does not share this view.

NOPEC has bipartisan, bicameral support. The Senate Judiciary Committee approved it unanimously, and the House passed it with 345 Members voting for it.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is long past time for Congress to act. I thank Senator KOHL for his leadership on this issue.

AMENDMENT NO. 1546 TO AMENDMENT NO. 1502

Mr. KOHL. Madam President, at this time I ask unanimous consent that Senate amendment No. 1546 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DEMINT, proposes an amendment numbered 1546 to amendment No. 1502.

Mr. KOHL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, parliamentary inquiry: What is the regular order?

The PRESIDING OFFICER. Amendment 1546, the Kohl amendment, on behalf of Senator DEMINT, is the pending amendment.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee has reserved the right to object.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, while my colleagues are seeing if they can work out the objection, let me proceed to speak about this amendment.

The amendment I hope to call up is amendment No. 1572, and it is an amendment which is part of——

Mr. ALEXANDER. Madam President, if the Senator will yield.

Mr. SALAZAR. I yield.

Mr. ALEXANDER. The Senator has a worthy amendment of which I am proud to be a cosponsor. At the moment we are checking with Senator DOMENICI, so if at this point the Senator wishes to speak to his amendment and give us a few minutes, we would appreciate that.

Mr. SALAZAR. That will be fine. I appreciate the Senator from Tennessee and his leadership, not only on these issues, but also on park issues and so many other issues that he has spent a long career working on in behalf of our country.

The amendment No. 1572, which I have introduced with my colleagues Senator BAYH, Senator ALEXANDER, Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, and Senator BIDEN, is an important amendment to move us forward in our vision of energy independence and to set America free from the addiction we have on imported oil. The amendment we have here is part of the DRIVE Act, which is sponsored by a group of 26 Senators, a true bipartisan coalition which has wanted to move forward in our efforts to set America free from our addiction to foreign oil.

The DRIVE electric amendment will make better use of the electricity in the transportation sector by spurring development and deployment of plug-in hybrid electric vehicles and by promoting oil savings at key transportation hubs, including airports and truckstops. The amendment we are offering today will move us toward our oil savings targets included in this bill by making better use of electric in the transportation sector.

Currently, it is our cars, trucks, boats, planes, and trains which account for about two-thirds of the Nation's oil consumption. The easiest way to save oil and reduce our dependence on imports is to first improve the efficiency of our vehicles, which we are doing in the underlying bill in a number of ways, especially by raising the CAFE standards and helping manufacturers refuel their vehicle fleets; secondly, by replacing the oil-based fuels that power our vehicles with energy from other sources.

The amendment we are offering today will help substitute electric for oil in the transportation sector in two ways. First, this amendment encourages commonsense oil-saving electrification measures at truckstops, ports, and airports. Our amendment directs the Secretary of Energy, in coordination with the Secretary of Transportation and EPA, to create a revolving loan and grant program to support the electrification of these transportation hubs.

You would be surprised at how much oil we can save through these simple measures. For example, truckers must rest 10 hours after driving for 11 hours. When they do this, they often park at truckstops, leaving their engines idling to power heaters, air-conditioners, TVs, or refrigerators. This overnight idling by long-haul trucks consumes around 20 million barrels of oil per year. The solution is very simple: You simply give truckers the option of plugging their trucks into an electrical outlet to power their systems while they are stopped at these truck stops. The EPA today estimates that this measure alone would save around $3,240 in fuel costs per truck parking space per year. We can take similar measures at airports and seaports to improve efficiency of handling cargo, refrigerating goods, and powering vehicles. Our amendment helps transportation hubs make these oil- and cost-saving investments.

The second way in which our amendment improves the use of electricity in the transportation sector is through the development and deployment of plug-in hybrid and electric drive technologies.

The National Renewable Energy Lab in Golden, CO recently conducted a simulation to assess the capabilities of plug-in hybrid electric technology. The simulation showed that a plug-in hybrid electric vehicle fleet with modest technological capabilities would double the fuel economy of a conventional fleet, with less than half the energy costs per mile.

Detroit is on the cusp of offering these plug-in hybrid electric vehicles to consumers across the Nation and across the world. Some of the prototypes are far more advanced than those which NREL studied and would get over 100 miles to the gallon, with energy cost to the consumer that is equivalent to around 75 cents per gallon of gas. These plug-in hybrid vehicles are a building block of our new energy economy, and we should be doing more to push these technologies out the door. Americans will benefit from these plug-in hybrid electric vehicles with lower costs and reduced emissions.

While the underlying bill would allow for basic and applied energy storage research, the amendment we are proposing would also establish an electric drive transportation research and development program. That program would stimulate research into high-efficiency onboard and offboard charging components, high-power and energy-efficient drivetrain systems, powertrain development and integration, the use of advanced materials technology, and several other areas that are key to getting electric and plug-in hybrid vehicles to the American consumer.

Our amendment will also help prepare utility companies to handle the added load these new vehicles will place on the electrical grid. We have directed the Secretary of Energy and EPA to work with the utilities to develop low-cost, simple methods of using off-peak electricity and better managing on-peak use to support a growing fleet of electric drive vehicles.

These investments in research and preparation of our electrical grid will usher in an era when all assumptions about how we power our cars and trucks will change. We will see oil consumption, emissions, and costs fall, and we will see a new way of innovation and design, with American engineers leading the charge.

So that America gets out front on the development of this electric drive revolution, we are creating a nationwide education program for electric drive transportation technology. The amendment will provide financial assistance to create new university-level degree programs for needed engineers, support student plug-in hybrid electric vehicle competitions, and promote other educational initiatives. We believe American minds can and should power this electric drive revolution so that our best and brightest are delivering the next generation of American cars to consumers.

I am proud of how far we have already come on the Energy bill that is before us today. Chairman BINGAMAN and Senator DOMENICI, along with the leaders of the Environment and Public Works Committee, the Commerce Committee, and the Finance Committee, have done yeoman's labor over the last 5 months to get us to where we are today.

The DRIVE Act electric amendment will magnify the positive impacts of this bill and accelerate the arrival of a clean energy future in which all Americans can access plug-in hybrid technologies that save them gas and money.

I urge my colleagues to support this bipartisan amendment which, again, has the cosponsorship of Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BIDEN, and my colleague from Tennessee, Senator ALEXANDER.

Madam President, I inquire of my friend from Tennessee if I can call up my amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, if I can say to the Senator through the Chair, the Senator still would like to have a chance to talk with Senator DOMENICI. In the meantime, both Senators WARNER and DEMINT have brief statements they would like to make. We are working quickly on Senator SALAZAR's amendment.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1566, AS MODIFIED

Mr. WARNER. Madam President, I call for the regular order, and I believe that will make my amendment pending. I send to the desk a modification. I have a right to modify my amendment.

The PRESIDING OFFICER. The Senator has that right, and the amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

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

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SEC. ___

No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

Mr. WARNER. Madam President, I should like to read it for the benefit of those following the debate. The modification is as follows. A new section is added to my amendment:

(5) No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The distinguished Senator from Florida referred to a letter he read regarding the concerns the Department of the Navy—and most specifically, the Office of the Assistant Secretary of the Navy—had with regard to the ability of this body to enact legislation which presumably would result in the Department of Defense finding that something was done inconsistent with our national security interests. So this modification corrects that so that the Secretary of the Interior, acting under my amendment, would not take any such action unless he had the concurrence of the Secretary of Defense.

I also have discovered, since the colloquy between Senator NELSON of Florida and myself, a letter which was written subsequent to the letter he had and addressed the Senate. This letter addresses a modification to the letter of April 10, 2006. This letter was written on November 27, 2006, and it states the following:

Notwithstanding the above, the Department is willing to discuss with you—

That is, the Department of Interior—

possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

The letter goes on to say:

Our departments—

That is, the Department of Defense and the Department of the Interior—

have worked closely together over the years to insure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our Nation's energy and national security goals. As the administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

Clearly, this indicates that with all good intention my colleague from Florida read the older letter which is now amended substantially by a subsequent letter that the Department of Defense will work with the Secretary of Interior to make certain that any action with respect to drilling off the coast of Virginia is not inconsistent with national defense requirements.

Madam President, I am perfectly willing to accommodate the managers as to how best they want to proceed on a vote. I hope I can get my amendment up this afternoon for purposes of a vote, but I leave that to the discretion of the managers.

I yield the floor, and I thank the Chair for her courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is pending. He called for the regular order.

AMENDMENT NO. 1546

Mr. DEMINT. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1546. It is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I understand the amendment is pending.

Madam President, my amendment will make it harder for this body to enact legislation that increases the price of gasoline. That may sound unneeded in a debate where the whole purpose is to supposedly relax the price of gasoline in this country, lower the price for our consumers. The whole bill is supposedly aimed at providing stable and affordable energy, including gasoline for all American citizens; however, I am disappointed that this bill actually does nothing to reduce prices and may very well show that Congress will propose policies that would raise the prices of gasoline in the future.

Specifically, there is nothing in the bill to ensure Congress will not enact legislation that actually increases the cost of gasoline. At the very least, this Senate should take a ''do no harm'' approach to legislating and enact safeguards to ensure that we do not increase the cost of gasoline for American consumers. My amendment will do just that. It is very straightforward. It would require that the Congressional Budget Office evaluate legislation and determine whether it would increase the cost of gasoline. If the legislation does increase the cost of gasoline, a 60-vote point of order would lie against the bill. This applies the same principles we use in the congressional budget process to energy policy.

The traveling public is coping with high prices of gasoline every day, and while there are many factors out of our control that are forcing up the cost of gasoline, we can control what we do in the Senate.

I know some of my colleagues may support policies that would raise the price of gasoline and, consequently, raise the point of order that I am proposing, but I encourage them to amend this bill anyway. If the policy they are proposing is important enough, then this body will come together with more than 60 votes to pass their bill.

We can adopt this commonsense proposal which ensures that at the very least, the Senate is less likely to increase the cost of gasoline as we seek to improve the Nation's energy policy.

I thank the Chair for this time. I encourage my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

(Purpose: To reduce United States dependence on foreign oil by promoting the development of plug-in electric vehicles, deploying near-term programs to electrify the transportation sector, and including electric drive vehicles in the fleet purchasing programs)

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, and Mr. BIDEN, proposes an amendment numbered 1572 to amendment No. 1502.

Mr. SALAZAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BROWNBACK be recognized to speak on this amendment for up to 10 minutes, and following Senator BROWNBACK, then to hear from Senator CARDIN for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I thank my colleague from Colorado for this recognition. I am a cosponsor of this amendment, and he is the lead sponsor of the drive electric amendment. This is an exciting bipartisan proposal. It has 26 cosponsors. It does one narrow issue, but it is a big one, and that is this: It gives consumers another option in the marketplace.

Right now, we are 97 percent dependent on oil for our transportation fuel. We are trying to expand that into ethanol, having more ethanol in the marketplace, and I think that is key. What this amendment focuses on is getting another option out there, a great one—it is an electric option—and to put it forward so we can have more transportation running off electricity. I think one of the key things for us to do in our future is to be able to reduce our consumption of oil, particularly foreign oil, and one of the key ways for us to do that is to have our transportation fleet become more electric—a plug-in technology where you plug the car in at night in the garage and you drive the next day. About half of the Nation doesn't drive over 30 miles a day. Having plug-in cars that can go that first 30 miles off electricity and then switch over, I would hope, to ethanol, E85 ethanol at that point, in fact, could reduce aggressively, substantially, and quickly our dependence on foreign oil.

This amendment is a part of an overall strategy that a number of us have put forward. One of the amendments of this strategy was passed on Monday, where an oil savings plan was put forward and accepted by this body in the overall bill.

Let me go to the specifics of this particular bill, if I could, and I know the Senator from Colorado will get to these more in depth, but the DRIVE electric amendment would expand the advanced transportation technology program in H.R. 6 and augment the energy storage competitiveness program in section 244 of the bill. The funding of $125 million would be authorized for the near-term deployment, market assessment, and the electricity usage provisions of the amendment.

The point of this is, if we are to rapidly expand plug-in technology, where the car is driven initially, or the pickup is driven initially off of electricity and then on to gasoline or ethanol, we need to get storage technology in the batteries. We need to get drive train technology to be able to do this, and it is within reach. I talked to a representative of General Motors yesterday about having the first wave of plug-in cars in the marketplace as soon as possibly 2008 or 2009.

These are exciting prospects, but you have clear hurdles that we have to overcome in the process. Those are identified in this bill, and we provide funding for the research in those areas to go forward. We also urge the Federal Government in fleet acquisition programs to establish under the Energy Policy Act of 1992 an assurance that fleet operators subject to that law can choose electric drive transportation technology, including hybrid electric vehicles, for compliance.

This amendment is endorsed by a large group, certainly electric companies, as you might suspect, but also others interested in stretching our fuel usage, our oil usage in this country, and getting it from other sources. I might point out, too, one of the things people ask about: OK, if you are going to switch to electric, you are going to have to build more power-generating units, and that may happen in the future. But initially we can handle this by using the power grid we have now in offpeak hours.

Most of the plug-ins will happen at night. Most of the recharging will happen at night. So you don't have to build additional capacity to be able to do this. It is good for the environment, reducing our CO_2 emissions overall into the atmosphere, and it is good for the economy. It develops a new way of moving forward on personal transportation on a mass quantity basis for us to be able to do it in this society and then sell that technology globally. So it helps our car manufacturers to be able to compete.

I think this is a win all the way around, and I am delighted to be a cosponsor of the amendment with my colleague from Colorado, Senator SALAZAR, and many others.

I would urge my colleagues to adopt this amendment as a key provision to how we become energy secure in the next 15 years, while at the same time growing our economy and helping the environment. All together it is an exciting and excellent amendment, and I urge my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I rise today in support of amendment No. 1572, the DRIVE Electric amendment. Senator SALAZAR is the sponsor. Senators BAYH, BROWNBACK, COLEMAN, KLOBUCHAR, SMITH, CLINTON, ALEXANDER, BIDEN, and I are cosponsors.

I know I speak for my fellow DRIVE Act cosponsors when I thank the members of the Senate Energy and Natural Resources Committee, led by Chairman BINGAMAN and Ranking Member DOMENICI, for reporting versions of DRIVE Act provisions out of that committee in May. And I know my fellow DRIVE Act cosponsors are as gratified as I am that Chairman BINGAMAN and 62 other Senators voted Tuesday to adopt the DRIVE Act's original oil savings requirement as part of this Energy bill.

During the debate preceding Tuesday's vote, Senator DOMENICI said that Congress should not abdicate its responsibility to spell out the policies that the Federal Government will use to achieve the oil savings targets that

now are part of this Energy bill. I could not agree more. That is why my DRIVE Act cosponsors are back here today to boost the Energy bill's transportation electrification provisions up to their original DRIVE Act strength.

Once restored to its original strength, the DRIVE Act's electrification program will give the Federal Government a vital tool that will take this Nation a considerable distance toward the oil savings targets that the Senate adopted on Tuesday.

Currently, our transportation sector runs on oil. That is the problem the Senate is trying to solve with this Energy bill. We are passing a law in order to move our transportation sector off of oil, in part by moving it onto alternative fuels. In expanding the use of various alternative fuels, we should not overlook our own existing electrical grid.

Most electricity generation in this country is fueled by domestically mined coal. A substantial amount of electricity generation in this country is fueled by uranium mined in the United States or Canada. While only a small amount of electricity is generated in the U.S. using renewable sources such as solar and geothermal energy, we know we can increase that amount substantially. Only 2 percent of the electricity generated in this country is generated using oil.

So the more that we use electricity to power our cars, trucks, trains, and ships, the more we will be using domestic energy sources, and the less dependent we will be on oil. Fortunately, the technology is now available to allow us to plug in our cars at night, when existing powerplants are underused and electricity is especially cheap, so that during the day, the cars run largely on battery power. And the technology is now available to allow trucks to plug in at truck stops—and ships to plug in at ports—so that they don't use oil to run their on-board systems when they're stationary.

The founder of a U.S. company called A123 testified before my global warming subcommittee in May about durable, safe, light-weight, high-capacity batteries his company has developed for vehicle use. He is using that technology to convert hybrid vehicles into plug-in hybrids today. He drives such a car every day. It gets 150 miles to the gallon. The electricity that it takes to drive the vehicle 40 miles costs about one-tenth as much as it costs to drive the same distance on gasoline. I understand that General Motors believes it can start selling such plug-in hybrid vehicles to American consumers within the next 2 years.

At the same hearing in May, the head of global research at General Electric testified that the company had already developed a hybrid electric locomotive.

Even if you count the pollution from the powerplants—including coal-fired powerplants—used to charge a plug-in hybrid or fully electric vehicle, or to run an idling truck or ship, powering these vehicles with electricity releases far, far less pollution into the environment than powering them with oil does.

The underlying bill contains some language to help accelerate the deployment of these electrification technologies in the transportation sector. The DRIVE Electric amendment would strengthen those provisions substantially. There is broad, bipartisan support here in the Senate for strengthening them. There is no reason not to strengthen them.

Here is what the DRIVE Electric amendment would do: The DRIVE Electric amendment would expand the Advanced Transportation Technology Program in section 245 of H.R. 6 and augment the Energy Storage Competitiveness Program in section 244 of H.R. 6.

More specifically, the DRIVE Electric amendment would expand the near-term vehicle technology deployment program in the underlying bill by adding a revolving loan program. This will maximize the effectiveness of the program in stimulating the installation of technologies to reduce petroleum use and cut emissions. In addition, the amendment sets forth types of projects—including port, truck stop and airport electrification—that will qualify for the program.

The amendment includes a program to remove barriers for existing and new applications of electric drive and hybrid transportation technologies. It would establish an electricity usage program to increase the understanding of and management of the electricity grid as a source of power for the transportation sector.

The amendment would also direct the Energy Department and the Environmental Protection Agency to develop information on the grid-side of electric drive technology. It would authorize grants for electric utilities to promote customer programs for load management and off-peak use.

While the underlying bill would allow for basic and applied energy storage research, the DRIVE Electric amendment would establish an electric drive transportation research and development program. That program would address additional research needs, including: high efficiency on-board and off-board charging components; high power and energy-efficient drive-train systems for passenger and commercial vehicles and for nonroad vehicles; control system development and power-train development and integration; application of nano-materials technology, and use of smart vehicle and grid interconnection devices and software.

The amendment also would direct the Energy Department to evaluate the benefits of plug-in electric drive technology, by creating testing programs to assess the full potential of benefits in terms of reducing criteria air pollutant emissions, energy use, and petroleum consumption.

The amendment also would establish a nationwide education program for electric drive transportation technology, including financial assistance to create new university-level degree programs for needed engineers, supporting student plug-in hybrid electric vehicle competitions, and other educational efforts.

Finally, the amendment would update the fleet acquisition program established under the Energy Policy Act of 1992 to assure that fleet operators subject to that law can choose electric drive transportation technologies, including hybrid electric vehicles, for compliance.

I believe this amendment is exactly the kind of commonsense, win-win, bipartisan measure that the American people like to see coming out of Congress. I respectfully ask that my colleagues support the DRIVE Electric amendment.

Mr. SALAZAR. Madam President, I thank my friend from Kansas for his great statement with respect to the DRIVE electric amendment, and I also recognize that he was one of the original members of the whole coalition that put together this DRIVE Act and was part of implementing the principles of the Set America Free Coalition.

Madam President, I yield the floor to my friend from Maryland, Mr. CARDIN, who is up next.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 1566

Mr. CARDIN. Madam President, let me thank my friend from Colorado for his courtesy.

This Nation needs energy independence for many reasons. We need it for our national security. We should not be making decisions on foreign policy based upon our oil needs from countries that disagree with our foreign policy objectives.

We need energy independence for economic reasons. Today, we held a hearing in the Committee on Small Business and pointed out the dangers to our economy because of the unpredictability of gasoline prices.

We need energy independence because of environmental issues. For this reason, I want to emphasize why I have great respect for my colleague from our neighboring State of Virginia, but I very much disagree with the amendment that he has submitted, and I urge my colleagues to reject the Warner amendment.

For 25 years, the Outer Continental Shelf moratorium and the long-standing Presidential OSC withdrawals have protected our coasts. There are several reasons I oppose the Warner amendment. Virginia and Maryland are

neighboring States, and we share a lot. We share a coast, we share the Chesapeake Bay, and we share a special way of life because of the Chesapeake Bay.

The coast and the bay are critically important to our region because of tourism, because of commercial and recreational sports fishing, because of the real estate impacts, and because of the quality of life. Billions of dollars in our economy depend upon the health of our coasts, and many jobs are dependent upon what we do in protecting our shores.

Gas drilling presents an unacceptable risk, and we should not allow it to take place. I heard my friend say this is a Virginia issue. No, it is not a Virginia issue. It will have a direct impact, or could have a direct impact on my State of Maryland and on neighboring States. Liquid gas condensed is highly toxic to marine life. Waste discharges, mud spills, everything you can conceive of related to drilling presents a true risk to the environment in my State and surrounding States. We don't need to incur this type of a risk.

Now, we don't have to look very far to see what has happened historically with spills. In 2002, there was a spill 150 miles—not 50 miles but 150 miles—off the coast of Spain. It affected 1,000 beaches in Spain and France. If there is a spill during unpredictable weather, it can be transmitted hundreds of miles and can affect an entire region. So this is a very important decision we are making as to whether to open up drilling along the Virginia coast, which will affect our entire east coast of the United States.

The main tragedy is that we don't need to do this. We can't drill our way to energy independence. The United States has but 5 percent of the world's reserves in oil and gas. That is not the way we are going to be able to achieve energy independence. The bill that we have before us is a balanced bill. It recognizes first and foremost that we need to become energy independent through efficiency, saving energy use, using less energy in our buildings, using less energy in transportation, and conserving our energy use. That is the first way to do it.

On alternative and renewable energy sources, yes, we can achieve a lot toward energy independence, and we also should be doing a lot more in research to determine ways in which we can use energy more efficiently and produce more alternative and renewable energy sources. But we are not going to drill our way out of our energy problems.

As I said in the beginning, energy independence is important for our security, for our economy, and our environment. I believe the Warner amendment will take us a step backwards in trying to make sure as we present policies to make us energy independent that we also protect our environment. I urge my colleagues to reject the Warner amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL PETER PACE

Mr. INHOFE. Madam President, the other day I saw something—and I should have it with me but I don't now—in the media that was critical of GEN Peter Pace, the outgoing Chairman of the Joint Chiefs of Staff. When I think of words to describe Peter Pace, the words that come to my mind are always loyalty and honor. Those happen to be the words of the United States Marine Corps. These are their watch words.

Peter Pace is today, and has always been, a true marine—the first marine to serve as both the Vice Chairman and Chairman of the Joint Chiefs of Staff. He is loyal to this country, its people, and to the men and women who wear the uniform of its Armed Forces.

He served this country with honor as a rifle platoon leader in Vietnam. He has done everything: a marine commander in Somalia, commander of U.S. Marine forces in the Atlantic, commander of the U.S. Southern Command, and then Vice Chairman of the Joint Chiefs of Staff.

As Chairman, he has led our military during one of the most critical times in history, fighting in wars against terrorists in Afghanistan and Iraq, engaged throughout the world providing support and aid to our allies and friends.

I have long been, and still am, a real fan of Peter Pace, and I cannot think of one military leader I have known in the 21 years I have served on the House Armed Services and the Senate Armed Services Committees who is a greater American than Peter Pace. Let me just pay this tribute to him today as one great marine and one great American.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1623 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, today we are considering the Energy bill. When you talk about energy policy, you think about—you almost can't separate it from trade policy, from manufacturing policy, from what is happening to American jobs and American industry. American manufacturing has been a bedrock of our country's strength and prosperity for much of this country's existence, certainly for the last century and a half. Our current trade policy has caused our Nation to hemorrhage manufacturing jobs and devastated communities in my home State of Ohio and across the Nation. Last week, Senator STABENOW and others participated in a manufacturing summit with leaders from Government and industry, trying to figure out how we remain competitive, how we shape trade and tax policies to help, not hurt, our small companies or medium-size manufacturers.

I live in a state, from Steubenville to Toledo, from Ashtabula to Dayton, where job loss has way too often been the order of the day—manufacturing jobs lost, often jobs going to Mexico when plants close, often jobs outsourced to China—so often devastating communities. When a plant shuts down in Lima or Mansfield or Zanesville or Marion, that is not just a loss to those workers or to those families, but it is layoffs of firefighters and police officers; it is fewer schoolteachers to teach children in those communities where parents may have lost their jobs. It is pretty clear as a Nation we need to fight back.

When I look at what this Energy bill can be about and the leadership of Senator BINGAMAN and what he is doing with this energy legislation, I think about Oberlin College. Oberlin College, a school in northern Colorado, is the site of the largest building on any campus in America that is fully powered by solar energy. Yet the solar panels in Oberlin College to power this solar building, this building on Oberlin's campus, were all purchased in Japan and Germany because we don't make enough of them in this country.

The same can be said for wind turbines. As we have begun to construct wind turbine fields around the country, looking at places such as Lake Erie and the Great Plains and other places, we know that most of the components for these wind turbines are built abroad. That is something where a manufacturing policy and an energy policy come together.

At the same time, we have seen across the hall, in the House of Representatives, a move afoot with the Bush administration to pass two more trade deals, a trade agreement with Panama and a trade agreement with

Peru. The trade policy in this country—you have to wonder how many more trade deals are we going to pass before the powers that be in the White House understand our trade policy has failed? Fourteen or fifteen years ago, when I ran for Congress, we had a trade deficit in this country of $38 billion. Today that trade deficit exceeds $700 billion. It is a growth of almost 20 times.

To understand in some sense what a $38 billion trade deficit that a decade and a half later is a $700-plus billion trade deficit means, think about it in these terms. The first President Bush said a billion dollar trade deficit translates into 13,000 lost jobs. Do the math and you can see why we have had the devastation across particularly the industrial Midwest, but also every State in this country has lost significant manufacturing jobs. Five million manufacturing jobs have been lost during the Bush administration, hundreds of thousands of those in Ohio, in places such as Bryan and places such as Portsmouth, in places such as Xenia and Springfield.

The President said he is willing to sign now a trade agreement with Peru and Panama, with labor and environmental standards in those trade agreements. That was the announcement the President recently made, the U.S. Trade Representative recently made. But go back and look. We have a history with this administration of not doing what they promised in trade agreements. Go back to an administration before, the North American Free Trade Agreement. They passed labor/environmental standards as a side agreement in those trade agreements, something probably they plan to do with Peru and Panama. Those side agreements for labor and environmental standards in the end meant absolutely nothing.

Then go back to the year 2000, where both Houses of Congress passed—I supported it—the trade agreement with Jordan. That trade agreement had strong labor and environmental standards. But one of the first things President Bush's Trade Representative did—back then it was Robert Zoellick—was to send a letter with the Jordanians regarding dispute resolution, saying they would not enforce, telling the Jordanian Government they were not going to make them enforce their labor and environmental standards.

What happened, you got a good trade agreement with strong labor and environmental standards with Jordan. When you don't enforce those standards, you end up with Jordan being a sweatshop and an export platform, with mostly Bangladeshi workers imported into Jordan, making textiles and apparel, mostly apparel, sewing clothes, as a sweatshop that simply violated all we say we stand for with American values and all we said we stood for in this trade agreement.

The point is, before we pass trade agreements, we need labor and environmental standards at the core of the agreement; we need commitment from the administration that they will, in fact, unlike in the past, enforce these labor and environmental standards; and we need benchmarks—as Senator DORGAN has said many times, benchmarks that allow us to gauge whether these trade agreements serve our national interest. We pass a trade agreement, and we then begin to measure its success. Does it mean more jobs or fewer jobs for American workers? Does it mean a trade increase in the trade deficit or does it mean a shrinking of the trade deficit? Does it mean an increase in income or does it mean stagnant incomes, as we have seen for so many American workers?

We know profits are up. We know salaries are up for top management. But we also know wages for most American workers—especially manufacturing workers but most American workers—have been flat. This was brought home to me at Senator STABENOW's manufacturing summit a week or so ago when John Colm, a businessman from Cleveland, handed me a stack of auction notices about this high. There were 47 of them he had received since December 2006. These were auction notices from small companies which were selling off their assets in machinery, which were cannibalizing their plants, selling off at rock-bottom prices because they can't compete with cheap imports and can't compete because of this unlevel playing field because of trade agreements and because of tax law in this country that is simply so uneven.

That is why, before we consider trade promotion authority, before we consider the Peru or Panama trade agreements, before we consider Colombia or South Korea trade agreements, we have to ask ourselves the question: Are these trade agreements fair to American workers? Will they help our communities? Will they help us strengthen the middle class or will these trade agreements continue to contribute to an exploding trade deficit, to lost jobs, to devastating communities all over my State of Ohio and all over the country? That is the fundamental question on trade policy—what does it do to strengthen the middle class? If it fails that test, these trade agreements should fail in the Senate.

We will hear more in the upcoming months about these trade agreements and about U.S. trade policy and how we cannot just oppose bad trade agreements but bring forward trade agreements with benchmarks that help American workers and help to strengthen the middle class.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1557

Ms. KLOBUCHAR. Mr. President, I am here to make some brief comments about amendment No. 1557, which was introduced today. I spoke about this earlier, but it had not yet been accepted and introduced.

I appreciate that Senator SNOWE, one of the coauthors on this amendment, also spoke. I wish to thank the other authors of this amendment. That would be Senator BINGAMAN, who is managing this Energy bill, as well as Senators CARPER, COLEMAN, KERRY, and BOXER.

This amendment is a very important one. It establishes a national greenhouse gas registry that will gather and consolidate consistent, transparent, and reliable data on greenhouse gas emissions.

Now, it may not be the most exiting amendment that is being introduced today or this week, but it is a very important one. The reason we need this amendment is we actually do not have mandatory reporting right now for greenhouse gas emissions. I think that is surprising for people. If you were to ask what are some of the largest emitters of greenhouse gasses, you would not be able to easily find that information. Recently, a reporter for National Public Radio tried to find out that answer. She was unable to do it.

Although most electric powerplants already report their carbon dioxide emissions to the EPA, this only represents 37 percent of total U.S. greenhouse gas emissions that are reported. As for the remaining greenhouse gas emissions data, the Department of Energy and the EPA collect data on energy production and consumption; however, the quantity and the quality of this data collected vary significantly across different fuels and different sectors. For example, data on crude oil and petroleum products is collected weekly from selected oil companies, while data on the industrial sector is collected only once every 3 years through surveys. In some cases, Federal agencies collect the data themselves, while in other cases data is collected through voluntary reports. This inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company within specific economic sectors, as well as the lack of comparability of results from reporting program to reporting program.

Many people have called for a national registry. Currently, as you know, 31 States have asked for some type of registry. They have actually

joined together and tried to create their own national registry because of inaction by the Federal Government. I cannot think of a better example when you have 31 States banding together when, in fact, they would prefer a national registry with the EPA. That is why these States are interested in a national registry.

We also have some significant businesses which would like to see a registry such as this. They have come together as part of the U.S. Climate Action Partnership. They have urged Congress to fast-track a greenhouse gas inventory and registry. They actually did this back in January of this year. We still see no action. These are companies such as Boston Scientific, BP America, Caterpillar, Deere and Company, Dow Chemical, Duke Energy, DuPont. It is time to act.

Justice Brandeis once talked about how the States were the laboratories of democracy and how one courageous State can go ahead and do things and experiment and set an example for the Nation. Well, that is happening right now across this country. He never meant, however, for the Federal Government to be complacent.

This is a simple piece of legislation with bipartisan support. It is time to act. This is the bill to do it. We can get the accurate data. It does not dictate the policy with greenhouse gas emissions. We will have as many policy choices as we do now; the difference is we will get this national greenhouse gas registry in place, not for small business, as there is an exemption, but for our largest emitters of greenhouse gases so that we can have accurate information with which to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1566 AND 1578

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the time until 5:20 today be for debate with respect to the Warner amendment, No. 1566, and the Menendez amendment, No. 1578, with the time to run concurrently and be equally divided and controlled between Senators WARNER and MENENDEZ or their designees; that the Menendez amendment be modified to be a first-degree amendment; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; and that if each amendment fails to receive 60 affirmative votes, it will be withdrawn; provided further that the first vote occur with respect to the Warner amendment; that if the Warner amendment does not receive 60 votes, then the Menendez amendment, as modified, be withdrawn; that at 5:20 today, the Senate proceed to vote in relation to the Warner amendment without further intervening action or debate; provided further that Senator LAUTENBERG control up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 1578), as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

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

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

''(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

''(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SEC. ___

No extraction or exploration under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to speak on behalf of my amendment, which presumably will be voted on here in a matter of minutes.

I accept the 60 votes because what I want to do is to have a record of just where the sentiments are among my esteemed colleagues with regard to what I view as an advancement in technology and a worsening of the situation with regard to our energy supply and why these two forces cannot converge in such a manner as to enable a Member of the Senate to acknowledge that a State has a right to utilize those resources on the Continental Shelf off of its shore. It just concerns me greatly. I mean, natural gas is up—a 78 percent increase in price since the year 2000.

My good friend and chairman of the Environment and Public Works Committee got up in her usual eloquent way to explain why she was very much opposed to my amendment. So I went back and did a little homework and determined that California is the second largest consumer of natural gas in the Nation. So I say to my colleague: Where is it going to come from? Where is it going to come from?

Florida. My good friend got up and raised a technical amendment, which momentarily knocked me off stride, but I went back and found documents which clarify the situation that the Department of Defense will work with

the Department of the Interior, and in no way should a petition be filed by the Governor of Virginia for a drilling permit to explore and determine the presence or absence of natural gas off our coast, in no way will that interfere with national security. And that letter is in the record. But he is very much against that. It is interesting; Florida consumes 2½ times the amount of natural gas that Virginia consumes, and New Jersey—my good friend who opposed me on this—consumes twice the amount of natural gas that the State of Virginia consumes.

My State is simply trying to manifest the courage, and thus far two successive Governors have broken ground on this, both of them distinguished members of the Democratic Party. And the State legislatures—coincidentally under the control of Republicans—have indicated Virginia's willingness to look in the direction of drilling offshore.

Our State, I believe, is on the verge of stepping up to accept the responsibility to help this Nation meet its needs to begin to prepare to ward off this energy crisis which is rapidly coming our way.

I thank Virginians. I would hope that given the right of States to make choices for themselves, my colleagues would see fit to recognize the problem of the shortage of energy and the need for States such as ours to step up and help.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, do I have any time constraints?

The PRESIDING OFFICER. Under the previous order, the remaining time is under the control of the Senator from New Jersey.

Mr. DOMENICI. How do I speak if I don't have any time?

I ask unanimous consent to be granted permission to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, if there would be equal time, 10 minutes on each side, I would not object.

Mr. DOMENICI. I am speaking on my own. I am not the proponent. Do you think it is fair that just for my speaking you must speak? If you do, I will have no objection.

The PRESIDING OFFICER. There is a unanimous consent request that there be a vote held at 5:20.

Mr. DOMENICI. I ask unanimous consent that he then have that time. I will take 5 minutes.

Mr. MENENDEZ. Mr. President, am I to assume the unanimous consent request is for 5 minutes additional for each side?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Mr. DOMENICI. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to my good friend, the Senator from Virginia, I sense what is going on here today would indicate you will have a hard time with this amendment and maybe you won't win. But I guarantee you it will not be long before what you espouse here happens. You will once again, as in so many other things, be ahead of the politicians. You will be two steps ahead of those who do things for political reasons around here instead of the many times you have come forth and put your Senate privileges on the line by doing what is right. Your State must be elated with the idea—if they aren't now, they will be—that they will have the option of letting drilling occur 50 miles off the coast. They won't see the drilling unless they have binoculars. So for those who say they are going to see one of these beautiful wells with all of the equipment, they better have binoculars to see it. For those who are worried about a spill, they will have to be grandmas and grandpas and even older than that before they see one, because even with the big earthquakes and the big things that happened in Louisiana, they didn't even get a spill. How are you going to get a spill if you can't get one out of that thing?

So here you come and you say, with natural gas at $7, feeding all the industries in America—and it does; natural gas feeds the underlying businesses that produce in America—they are all telling us the one thing that is forcing us to do what, to leave America, can you imagine, to be forced to go to another country? It used to be this or that, now it is: We can't afford natural gas. It is so cheap somewhere else, and we have it in abundance on our own property. Offshore is America's property. Here you come with a very innocuous proposal to let the State decide. Then if they say, OK, they, too, have said they are not afraid, then they are going to share in the royalties just like Louisiana and Mississippi. But guess what. The United States is going to share in not only the royalties, they are going to get natural gas for users in America who are desperate. The price used to be $1 and $2. You haven't seen that, and you won't see it. It is $7 for the unit we use. How could some company that uses that for its base industries survive?

If you are in the business of ethanol and running around here bragging about ethanol, let me remind you, the second biggest cost item for turning corn to ethanol, the second biggest cost product is natural gas. Then comes corn. Corn is first and then it. Can you imagine? It itself is making gasoline more expensive, not only natural gas, because we are making gasoline out of corn. Then we are spending a huge amount for the natural gas that goes into heating it, burning it and all the other things, and we can't even get an amendment adopted here today. I hope I am wrong. It used to be the States that didn't want us to. Now we have somebody else objecting. What is it, other States? We are going to have to go around with a cop and ask the States all around us.

I would hope we would pass the Warner amendment here today. This bill, which has nothing in it to produce anything, would at least turn a little bit toward production. You could put up a flag and say: We have an energy bill, and John Warner's amendment is the first one that produced any energy of any significance. We would all be glad to see that happen. We hope we have some other amendments that produce before we are finished.

Mr. NELSON of Florida. Mr. President, I understand my colleague, the distinguished Senator from Virginia, has submitted additional correspondence from the Department of Defense and I would like the opportunity to comment on this letter. The Department of Defense routinely provides generic comments, as requested by the Minerals Management Service, on the various steps leading to a Draft Proposed Five-Year OCS Leasing Program, and my friend, Senator WARNER, has apparently quoted, in part, from such a generic comment letter from Donald R. Schregardus, Deputy Assistant Secretary, Environment, of the Department of the Navy.

With all due respect to my colleague Senator WARNER, this letter only provides vague reassurances about the hopeful intent of the Department of the Navy to be able to work out, sometime in the future, remaining military space-use conflicts with proposed MMS OCS leasing activities in various areas.

In Florida, working out such space-use conflicts with military exercise and training areas took several years, and in the end required congressional action, which we completed only last December in this Chamber.

Further, the same letter from the Department of the Navy recently quoted by my colleague Senator WARNER goes on to say, and I quote directly from the letter:

> However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area.

While the Navy's letter goes on to conclude on a conciliatory note, hoping that things can be worked out in the future, such negotiations, as we have experienced in Florida for years, take time, effort, and often, a very long period of time.

We do not think that going forward with my friend Mr. WARNER's amendment at this time, in spite of the continuing clear concerns expressed by the

Department of the Navy, is a wise idea at this time.

I yield the floor.

Mr. WARNER. Mr. President, may I thank my colleague for his very thoughtful remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I ask if I may use 1 minute of the time of the Senator from New Jersey.

Mr. MENENDEZ. I am happy to yield to the distinguished Senator from New Mexico.

Mr. BINGAMAN. Let me speak very briefly to oppose the amendment by my friend and colleague from Virginia. In my view there are two reasons why we do not have drilling off the coast of Virginia. No. 1 is that the President, by executive order, has put a moratorium on any drilling off the coast of Virginia or the mid-Atlantic. Second, every year when we pass the Interior appropriations bill, we include in it boilerplate language. We have done it for a couple decades now. It says: No funds provided in this title may be expended by the Department of Interior to conduct oil and natural gas preleasing, leasing, or related activities in the middle Atlantic and south Atlantic planning areas.

If the Senator from Virginia wants to see drilling off the coast of Virginia, he should change this provision when we get to the Interior appropriations bill in 3 or 4 weeks. That is the place to get that changed. If that is not changed, I would say even if the Senator's amendment today were enacted, it would have no force and effect, because no funds could be spent to carry it out. In my view, it should be changed in that respect.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes 40 seconds.

Mr. MENENDEZ. I yield to the senior Senator from New Jersey 5 minutes and reserve the remainder of the time.

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from New Jersey.

I rise in opposition to the amendment offered by the Senator from Virginia. It is not often I disagree with the Senator from Virginia. I think this is the wrong course. To allow exploration and potential drilling off the coast of Virginia? We are from a State with a coastline that we cherish and must protect with all of our energy. Imagine the devastation an oil or a natural gas spill off the coast of Virginia would cause. New Jersey is only 75 miles from the proposed drilling sites off the coast of Virginia. An oil spill can travel hundreds of miles. For instance, when the Exxon Valdez dumped 11 million gallons of oil in Alaska, the oil traveled 470 miles. I was there within 3 days. It had already traveled hundreds of miles in Alaska. An oil spill from any offshore site off Virginia's coast could easily devastate the shoreline of our State and States up and down the Eastern Seaboard. It could poison the Atlantic and marine life that has made the ocean their home. It would damage our economy enormously. Our coastline accounts for approximately $50 billion a year in tourism every year and supports almost 500,000 jobs.

The Warner amendment calls for offshore exploration and drilling for natural gas. According to the Department of Interior, natural gas is seldom found as a solitary product. Oil is almost always found in those locations. So not only can natural gas have environmental problems, but drilling for natural gas can easily result in puncturing oil deposits and causing major spills.

According to the Department of Interior, approximately 3 million gallons of oil were spilled as a result of offshore drilling between 1980 and 1999. Each of these spills averaged more than 40,000 gallons. The Warner amendment will increase the likelihood of a spill ravaging our beaches. We won't allow New Jersey's coastline and our marine life to be placed at such a risk.

It is not just me who is urging my colleagues to vote against this. The Governors from New Jersey, Delaware, Connecticut, and Maine have written letters to Congress urging this body to act responsibly and not allow drilling off our coasts. The energy we might be able to get there pales in comparison to the damage we could do to our coastlines in a very short time.

Reluctantly, I say to my friend from Virginia, I oppose the amendment. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I hope all States within the Outer Continental Shelf understand the passage of the Warner amendment begins the undoing of the moratorium. For if one State is able to do this, the domino effect that could undo the whole basis of the moratorium that has existed for a quarter of a century will begin to be undone.

Secondly, this is not simply about Virginia's waters. These are Federal waters. This is the Federal Outer Continental Shelf. It is a national context in which we look at it. That is why we have a national moratorium.

Thirdly, even the Senator from Virginia recognizes that damage to other States can take place, because he creates a fund in his amendment to mitigate damages that may take place as a result of such drilling. I don't want my State or any other coastal State to have to deal with damages and to mitigate damages. I want to prevent those damages.

Fourthly, anyone who believes we are going to drill for gas and then maybe find oil and plug it up and not pursue the oil is living under a different set of illusions. That is the reality.

Lastly, I ask unanimous consent to have printed in the RECORD the April 10, 2006 letter from the Department of Defense to the Department of the Interior opposing such efforts for drilling off of Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY, THE ASSISTANT SECRETARY OF THE NAVY

Washington, DC, April 10, 2006.

Ms. R. M. ''JOHNNIE'' BURTON,

Director, Minerals Management Service, Department of the Interior, Washington, DC.

DEAR MS. BURTON: This is in reply to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Draft Proposed 5-Year Outer Continental Shelf, OCS, Oil and Gas Leasing Program for 2007–2012. I am responding as the Defense Department's Executive Agent for OCS matters.

The Department of Defense has reviewed the draft proposed program and the seven OCS planning areas proposed for leasing. Based on our review, we foresee no OCS-use conflicts within the lease sale areas proposed for the Alaska Planning Areas, and only minimal conflicts with the proposed lease sale areas within the Gulf of Mexico Planning Areas. We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia,

Notwithstanding the above, the eastern Gulf of Mexico remains an area of importance to the Department of Defense because of the critical military test and training activities the Department conducts there. These activities, which are intensifying, require large, cleared safety footprints free of any structures on or near the water surface. Because the majority of the new Gulf of Mexico proposed sale area is west of the Military Mission Line, MML, 86° 41′W longitude, the new proposed program should not present unmanageable effects on military test and training. A small area in the southeasternmost portion of the Central Gulf Planning Area crosses the MML, an area that the Secretary of Defense has stated is incompatible with drilling structures and associated development because of the diversity of military testing and training activities conducted there now, and those planned for the future. We therefore request this area be removed from the program. Also, stipulations mirroring those contained in current leases held by the oil/gas lessees will need to be included for new program areas that overlap our Gulf Range Water Test Areas. An example copy of the current stipulations is enclosed.

The draft program option of greatest concern to the Department of Defense involves the special interest sale proposed for the Mid-Atlantic off the coast of Virginia. The proposed area lies within the Virginia Capes, VACAPES, Operations Areas where the Navy's training and test and evaluation community conducts significant activity.

This is the Navy's primary area for weapons separation testing, conducting supersonic flight profiles, and performing target launches in support of acquisition programs and ship qualification testing. It is the designated area, both for test and evaluation

and for training missile launches, that requires cleared sea space as an impact area. It is also the Navy's primary area for conducting autonomous underwater vehicle testing from submarines. The VACAPES undersea, surface, and air space areas are critical to the development, fielding and certification of naval weapon systems; as a consequence, the Navy requires unencumbered access to the full expanse of this operations area. The Navy, Army, Air Force, and Marine Corps all use the VACAPES Operations Areas. Training operations that occur in the proposed oil and gas use area include aircraft carrier operations, amphibious vehicles operations, gunnery training, and F/A–18, F–15, F–16 and F–22 guns firings. Any structures built in the water where these types of activities are conducted, particularly low-level gunnery practice and missile separation testing, would restrict where military air wings can fire their weapons, drive aircraft further away from the coast, increase fuel costs and wear and tear on the airframes, increase flight times enroute to training areas, and increase the risk to aircrews due to the increased distance from emergency recovery bases. Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

The Navy has compiled an exhaustive and detailed assessment of the type, frequency, and sponsor of activities conducted in the VACAPES Operations Areas. This includes both current and future test activity and training. We are prepared to share this data, should it be necessary, with members of your staff that have appropriate clearances. We have attached for your immediate reference a map of the VACAPES test, evaluation, and training complex and a brief synopsis of the important military activities conducted there.

We support the promotion and production of offshore oil and gas exploration that is critical to our country's energy and national security and look forward to working with you and your staff in the period ahead to ensure success in this area.

DONALD R. SCHREGARDUS,
By direction.

Mr. MENENDEZ. I believe on all of these scores, this is not pursuing the renewable energy sources the underlying bill is all about. This undermines the moratorium on the Outer Continental Shelf. This puts at risk other States. This is not about Virginia alone. This is about the entire Federal Outer Continental Shelf. Other States have interests when one shore can ultimately create consequences on the rest of that coastline. Also the Department of Defense takes the position that it is in opposition. For all of those reasons, it is fitting and appropriate that we oppose the Warner amendment.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that a letter which superceded the letter to which the Senator from New Jersey referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY, OFFICE OF THE ASSISTANT SECRETARY (INSTALLATIONS AND ENVIRONMENT),
Washington, DC, November 27, 2006.

Ms. R.M. ''JOHNNIE'' BURTON,
Director, Minerals Management Service, Department of the Interior, Washington, DC.

DEAR MS. BURTON: This responds to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Proposed Program for Outer Continental Shelf Oil and Gas Leasing for 2007–2012 and accompanying Draft Environmental Impact Statement. I am responding for the Secretary in my capacity as the Defense Department's Executive Agent for Outer Continental Shelf matters.

The proposed program is very similar to the draft proposed program that we commented on in our letter to you of April 10, 2006. For the Gulf of Mexico Planning Region, we concur with the proposed program change that excludes from leasing the area east of the military mission line at 86° 41′ W longitude. As for the Alaska Planning Region, the Department is neither affected by nor objects to the proposed area reductions in the North Aleutian Basin and Chukchi Sea. Lastly, the Department supports the Mid-Atlantic Region proposed program changes that exclude the area within 25 miles of the coastline of Virginia and provide a no-obstruction zone from the mouth of the Chesapeake Bay as depicted in Map 9 of the published proposed program. However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area. Notwithstanding the above, the Department is willing to discuss with you possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

Our departments have worked closely together over the years to ensure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our nation's energy and national security goals. As the Administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

DONALD R. SCHREGARDUS,
Deputy Assistant Secretary (Environment).

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1566, as modified, offered by the senior Senator from Virginia, Mr. WARNER.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—43

Alexander	Domenici	McConnell
Allard	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Shelby
Bunning	Hagel	Specter
Burr	Hatch	Stevens
Carper	Hutchison	Sununu
Chambliss	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Landrieu	Warner
Craig	Lincoln	Webb
Crapo	Lott	
DeMint	Lugar	

NAYS—44

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Casey	Lieberman	Stabenow
Collins	Martinez	Tester
Conrad	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—12

Clinton	Ensign	McCain
Coburn	Feinstein	Obama
Coleman	Johnson	Roberts
Dodd	Levin	Sessions

The amendment (No. 1566), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment (No. 1566), as modified, is withdrawn.

Under the previous order, amendment (No. 1578), as modified, is withdrawn.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, my colleague from New Mexico wishes to make a statement for some of his colleagues before they leave.

The PRESIDING OFFICER. The senior Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, a number of Republican Senators have

indicated they are preparing amendments they want to get into this bill. I just want to remind my colleagues that it doesn't seem like it, but time has really been flying. We will be lucky if we are on this bill until Wednesday of next week, and when we come back on Monday, there are no votes. So if you have amendments, you had better get them ready and get them in, or we probably will not have them considered. You tell me about great things when we stand around here and talk, but I don't have your amendments, so it would be good if you have them. I assume Senator BINGAMAN has a similar request, maybe not.

The PRESIDING OFFICER. The junior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I underscore the point that my colleague has made. If Senators do have amendments they want to have seriously considered, they need to get them to us. We will be trying to consider or at least organize amendments tomorrow. We are not having rollcall votes, I have been informed by the majority leader, either tomorrow or Monday, but we are going to try to process any amendments we can get agreements to move ahead with. We urge Senators to get those amendments to us and get those amendments filed.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1572, AS MODIFIED

Mr. BINGAMAN. Mr. President, one amendment that was offered today by Senator SALAZAR on behalf of himself, Senator BAYH, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BROWNBACK, Senator LIEBERMAN, Senator COLEMAN, Senator BIDEN is an amendment related to plug-in hybrids. It is amendment No. 1572, as modified. We have now cleared this with all interested parties on both sides of the aisle. It is my information that it is ready for a vote. I will send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 119, line 1, strike "transportation technology" and insert "vehicles".

On page 121, line 4, after "equipment" insert "and developing new manufacturing processes and material suppliers".

On page 126, strike lines 9 and 10 and insert the following:

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

On page 126, strike lines 12 and 13 and insert the following:

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms.

On page 130, strike lines 5 through line 13 and insert the following:

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

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

(i) draws motive power from a battery with a capacity of at least 4 kilo-watt hours;

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

(iii) is a light-, medium, or heavy duty onroad or nonroad vehicle.

On page 130, line 16, insert "plug-in" before "electric".

On page 130, strike lines 17 through 21 and insert the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

On page 131, line 2, insert "plug-in" before "electric".

Beginning on page 132, strike line 1 and all that follows through page 133, line 9, and insert the following:

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term "qualified electric transportation project" means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term "qualified electric transportation project" includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

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

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

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

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

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

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

On page 133, between lines 9 and 10, insert the following:

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

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

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

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

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

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

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

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

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

(i) powered by—

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

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

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

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

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

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

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

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

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

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

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

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

(i) plug-in electric drive vehicles; and

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

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

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

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

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

''(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

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

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

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

(B) by adding at the end the following:

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

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

''(i) acquisition of—

''(I) a hybrid electric vehicle;

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

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

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

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

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

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

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

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

(5) by adding at the end the following:

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

On page 144, line 8, insert ''and the use of 2-wheeled electric drive devices'' after ''bicycling''.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment, as modified.

The amendment (No. 1572), as modified, was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I thank my colleague from Alaska for her courtesy in yielding me time to do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise this evening to speak in support of a bipartisan amendment to provide assistance to geothermal power development. This is the National Geothermal Initiative Act of 2007.

I can really get excited about geothermal. In the State of Alaska, where about 70 percent of our State's communities could theoretically tap into hot water from inside the Earth to produce electricity, the possibilities for us as a State are truly enormous. Alaska has nearly a dozen proposed geothermal projects right now that could proceed if there were additional Federal assistance to help in the identification of specific geothermal well sites or aid in the drilling or perhaps provide assistance to develop the geothermal turbines that operate more efficiently.

We have had great discussion on the Senate floor about the price of fuel, the price of energy. It is truly near record highs. Hot water heated naturally by the Earth supports zero fuel cost. Geothermal power only provides the Nation with three-tenths of 1 percent of its electricity at present. This is because of currently high capital costs of siting and building geothermal plants. Geothermal is not yet a mature technology.

Even though we have been trying to promote geothermal technology for over two decades now, there is still a great deal of work to be done. We have not finished a national geothermal mapping assessment. This was started back in 1978. It was never actually conducted in Alaska. But to be able to identify those areas in this country that hold geothermal potential is extremely important.

MIT recently published a report that suggested that geothermal power holds the promise of providing low-cost electricity for most of the Nation. Unlike the discussion earlier today where there was debate about wind generation, and some States are blessed with more wind than others, this MIT report suggests that with geothermal there is greater potential in so many parts of the Nation. But the Federal Government—and this is according to the MIT report—the Federal Government would need to increase its research and financial assistance to help prove the new technology. This is the technology to mine the hot rocks or to inject water deeper into the Earth to heat up, rather than simply tapping the natural hot water springs or only heated subsurface water pools closer to the surface where they are known.

What this amendment, the National Geothermal Initiative Act, would do would be to create a geothermal initiative that will lead to the completion of a geothermal resource base assessment by the year 2010. It will encourage demonstration plants to show the full range of geothermal production and push new technology in the engineering of geothermal plants.

Besides restating a Federal commitment to geothermal, this amendment would fund a national exploration and research effort on the development of geothermal information centers.

We had real reason to celebrate in the State of Alaska last year. A local geothermal developer by the name of Bernie Karl—he owns a small geothermal spring resort called Chena Hot Springs. This is about 35 or 40 miles outside of the community of Fairbanks. This natural hot springs has been there for years. There is a nice natural hot springs where you can come and bathe, and in the wintertime it is a wonderful spot for viewing the northern lights, since you are in these beautiful natural hot springs.

But Mr. Karl had a vision that he could take this small resort—they have about 65 beds there—that he could take this resort and power everything by geothermal. He could have the kitchen operating, he could have the lights on in the lodge, and he could go beyond that. He was going to be a self-sustaining resort. He was going to grow his own vegetables. So he built a beautiful greenhouse where they grow, hydroponically, tomatoes and lettuce. Mr. Karl visited me in January and he brought with him some of the produce that he had just picked the day before, in Fairbanks. In January, in Fairbanks and in Chena Hot Springs, he was coming from temperatures of about 40 degrees below zero. He is able to grow this incredible produce in these temperatures with a greenhouse that is completely heated and lighted by geothermal.

Right next door to his greenhouse he has an ice museum.

It is a large museum structure that has everything from knights in shining armor on horses that are larger than life-size, to a bar, a wedding chapel, bedrooms. The whole thing is an ice palace. He is able to keep it chilled, and you say, well, of course he can keep it chilled in Fairbanks in the winter: it is 40 below zero, but he is able to keep it chilled all throughout the summer using the geothermal energy he has tapped into. This is a remarkable demonstration of what can be done.

You need to understand that the technology he has utilized is not some incredibly difficult and complex technology. He utilized a technology that is designed by United Technologies to produce electricity from relatively cool water. The water that comes from these hot springs is about 160 degrees in temperature. They told Mr. Karl: That is not hot enough to generate the power you need; it needs to be hotter. He did not believe them. He said: I know I can make it work. For just a $1.5 million Federal grant, work at

Chena Hot Springs has confirmed that economic electricity can be generated from relatively low-temperature geothermal resources.

Mr. Karl has taken his initiative even further than what is happening at that small resort. He is saying: I can create more geothermal energy that we can sell down the road, sell into the system down in Fairbanks. But again demonstrating we do have enormous potential, we just need a little bit of assistance in demonstrating this technology. It truly opens the door to so many more communities in Alaska that could potentially benefit from geothermal power.

Right now, besides Chena Hot Springs, there are geothermal projects they are looking at in Akutan; this is down in the Aleutian chain. If you ever look at the Aleutian chain, that long strip of islands off the State of Alaska, it is nothing but a string of volcanos, enormous potential. There are also opportunities at Mount Spurr near Anchorage. We are looking at a situation within the south central part of the State where our natural gas resource in that area is waning. What better source to go to than Mount Spurr, just across the inlet, for that geothermal power. Near Naknek, there is great potential. At Tenakee Springs in the southeast, Pilgrim's Hot Springs in western Alaska—these are all ready to potentially produce power if there is some Federal assistance to help lower the cost of their development. This bill will also provide help to university-led geothermal research programs and set up a similar program in Alaska to help expand geothermal power.

Now, there are some who will argue that we do not need Federal aid for this, that geothermal is this mature technology, it has been around for a long while. But the new technology development, according to the MIT report, could result in geothermal power providing America with 100 gigawatts of electricity within 50 years, which is a significant portion of its future power needs, without the risk of supply disruption or fuel price fluctuation.

Then, of course, the other issue we are always very cognizant of on this floor is how we care for our environment, how we deal with emissions from our fuel and energy sources. With geothermal power, we do not produce greenhouse gas emissions, we do not release carbon into the environment. There is a significant, a hugely significant advantage given the current concerns over global warming and climate change.

I had an opportunity, not too many weeks back, to meet with the President of Iceland when he was visiting. I know he met with many Members of this body. I talked to the President of Iceland before. Coming from an Arctic environment, we share a lot in common; we like to exchange notes. We have always talked about the geothermal energy in Iceland and how that country has truly turned to that as their primary source of energy generation.

He indicated to me that just in this past year, he has had major corporations, international and national corporations from this country, looking to Iceland to locate their businesses. There used to be a time when countries would look elsewhere to find cheap sources of labor. Well, what companies are looking for now is affordable, reliable, clean energy.

Think about the potential again with geothermal. It is about as reliable as you are going to come across, just this constant bubbling source from underneath. It is absolutely clean. If we can develop the technology, it can be that affordable source.

Right now, we have researchers in the Alaska Aleutians hoping for a Federal grant to test whether new types of unmanned aerial vehicles can be used to pinpoint these geothermal hotspots, the exact spots where wells should be sunk to tap into the hot water resources. For a nominal Federal grant, this technology could be proven up and would save all geothermal projects many millions of dollars in drilling costs. This one project is an example of why and how Federal aid could be very useful.

This amendment would authorize a couple hundred million dollars in Federal funding for all forms of geothermal work over the next 5 years. That is less than what we have authorized for other forms of renewable energy in the Energy Policy Act of 2005 or have proposed for biomass, wind, solar, or hydrogen fuel development in EPAct and in this bill.

You don't hear people talk a lot about geothermal. You hear a great deal right now about wind, you hear a great deal right now about biomass. But we need to recognize the potential, the enormous potential geothermal holds for this country. As you hold it up against all of the other renewable sources, geothermal kind of sits out there all alone, by itself, along with ocean energy, which you are going to have another opportunity to hear me speak on that and the enormous potential we have with ocean energy. Geothermal and ocean received relatively little Federal assistance in the EPAct 2 years ago, but I believe geothermal is really on the verge of making great things happen in this country.

If we encourage geothermal development, I believe it will pay enormous dividends to the Nation. If we spend the money now to advance that technology, it will help the entire Nation, not just in the West but all across the country.

I urge my colleagues to take a look at the potential for geothermal and recognize that what we would do in this legislation is provide for that very necessary assessment to find out where this exists in terms of the ability to meet our growing energy needs and our desire to find those reliable, affordable, clean sources of energy. I hope my colleagues will endorse assistance to geothermal when this amendment finally comes to a vote.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FATHER'S DAY

Mr. BYRD. Mr. President, the Bible admonishes us to ''honor thy father and thy mother.'' Courtesy insists that ladies go first. Last month, the Nation honored mothers with Mother's Day. The ladies were treated to cards, flowers, phone calls, brunches, gifts, and sometimes precious handmade crafts from the preschool set. Retailers urged more extravagant manifestations of our love for our wives and mothers with a dazzling array of usually heart-shaped diamond jewelry, all of which is certainly deserved, even if not always affordable.

This Sunday, June 17, the fathers get their due. Lumpy clay bowls, aftershave lotion and cologne, odd pieces of sports paraphernalia and, of course, neckties in remarkable fashion colors constitute the classic Father's Day gift for the man who has everything. There does not seem to be quite the same level of extravagance in the gift suggestions by merchants, however, perhaps because men do not wear as much jewelry, and golf clubs do not lend themselves to heart shapes. For that I suppose we can all be grateful. Still, I am sure that most American fathers will enjoy being the center of the family's attention on Sunday. Fathers will enjoy their brunch. Fathers will enjoy a respite from lawn care and other chores. They might even indulge in an afternoon nap, a rare luxury—a rare luxury—for most family men.

Fathers deserve their day in the limelight. Good fathers are very busy men, and their contributions to the family merit recognition, just as much as their equally busy wives do. Good fathers work hard—they do—they work

hard to provide for their families, but they also invest a lot of time and energy into the home. They often fulfill the stereotypical ''dad role''—they keep the house and the yard in good repair, even if it means tackling mechanical or construction activities for which they have little training. They spend countless hours coaching neighborhood sports teams so that their sons and daughters learn the values of teamwork, leadership, and good sportsmanship. They help with the homework and with assorted school projects, patiently helping to build foaming volcanoes or seaside dioramas. They teach children to set a fishing rod, paddle a canoe, ride a bicycle, or build a dog house. They urge their children to try new things to push themselves harder, to struggle, to win graciously, and to lose with honor. Good fathers want great things for their children. Good fathers help their children to achieve by letting them know that they believe in them. That is a lot to accomplish in a few precious hours between getting home from work and getting to bed each night.

The great man who raised me, the greatest man I ever knew, was my old coal miner dad. I always called him my dad. My adoptive father was just such a good man. He walked to work in the coal mines every day, and he walked home at night. Tired he was, covered with coal dust. Tired as he always was, he always greeted me with a smile, a quick smile. And sometimes he had a cake, a cupcake in his lunch box, and he always saved the cake for me.

He took pride in my school work. Even though I wanted to go into the mines like him, he always told me not to do it, but to do well in school instead. He did not want me in the mines, in those dangerous days of long ago. He wanted better for me than he had. And he put his energy into urging me to do better. His influence on me has been a resource for my whole life. He is the greatest man I ever knew. I have met with Presidents, kings, and princes. He is the greatest man I ever knew.

I was blessed with a good father. I hope that everyone's father is as special to each of you. Fatherhood is a great gift. Fathers gain new responsibilities, but also gain the joys of having children. For children, to have a great father, whether he is one's biological father or one's adoptive father or just a father figure who influences one's youth, is a very special thing indeed.

It is certainly possible for a child to grow into a talented, accomplished, and good adult without the influence of a father figure, but good fathers and good mothers give their children an advantage. They give their children the security of knowing always that they are loved and that someone is rooting for them, someone is looking out for them. In that security, a child can find the confidence to try and to fail, and to try and to fail, and to try and to fail, and to try again, and to try and to fail again. It is a great and lasting gift that our fathers give to each of us, one that certainly deserves one day of recognition every year.

So, Mr. President, I close with a short poem by Holly Dunn called ''Daddy's Hands'' and a salute to fathers everywhere:

I remember daddy's hands folded silently in prayer.
And reachin' out to hold me, when I had a nightmare.
You could read quite a story in the callous' and lines.
Years of work and worry had left their mark behind.
I remember daddy's hands, how they held my mama tight
And patted my back for something done right.
There are things that I'd forgotten that I loved about the man
But I'll always remember the love in daddy's hands.
Daddy's hands were soft and kind when I was cryin'
Daddy's hands were hard as steel when I'd done wrong.
Daddy's hands weren't always gentle but I've come to understand
There was always love in daddy's hands.
I remember daddy's hands workin' 'til they bled
Sacrificed unselfishly just to keep us all fed.
If I could do things over, I'd live my life again
And never take for granted the love—
The sweet love——
in daddy's hands.

FLAG DAY

Mr. BYRD. Mr. President, June 14 is celebrated in the United States as ''Flag Day.'' Flag Day is not a big holiday. Offices will not close to observe it; stores will not hold special sales; no fireworks will light the sky; no special presents or dinners will make June 14 stand out for most people. I doubt that even the holiday card makers have put out much of a selection of cards to send to loved ones, reminding them that we are thinking of them on Flag Day. But it is a special day nonetheless. One may notice more flags than usual—small ones cantilevered into the breeze next to neighborhood front doors and larger ones snapping smartly before schools and storefronts. In Washington, DC, of course, we are blessed with a plethora of flags. Flag Day is a good time to take special note of them, flying proudly above the Capitol Building and in front of all the other government offices and monuments, like those encircling the Washington Monument. They are a grand sight every day of the year, but especially so on Flag Day.

Americans honor their flag, the Stars and Stripes, or Old Glory, on June 14 because it was on June 14, 1777—230 years ago—that the Continental Congress adopted a resolution to give the United States a national flag to replace the British Union Jack. A special committee was formed assigned to suggest the flag's design in a report. The resulting proclamation was brief but inspiring. It said, simply:

> That the flag of the United States shall be of 13 stripes of alternate red and white, with a union of 13 stars of white in a blue field, representing a new constellation.

The new flag was first carried into battle on September 11, 1777, at the Battle of Brandywine, as General George Washington attempted to prevent the British from advancing on Philadelphia.

The 13 stars on that first flag represented the 13 original colonies, but that constellation continued to grow as the Nation grew, until we became the 50 stars that grace Old Glory today. At first, the number of stripes grew as well, but that quickly became unwieldy, and the number of stripes reverted to 13, to represent the original 13 States in the Nation. George Washington is reputed to have said that:

> We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her.

Certainly, the original congressional proclamation did not specify the symbolism of the colors of the flag, or the design, but that has only left the field of symbolism wide open for poets and philosophers, for generals and Presidents as well as everyday citizens. The red has been seen as the blood that has been shed for our Nation, as well as for the red of the British Union Jack. The white has been seen as purity or hope, while the blue has been compared to honor or to the heavens that guard over the Nation. Flags are full of symbols, and Old Glory means many things to Americans. It sums up our Nation in a single icon, and we project our love, pride, determination and even, sometimes, our frustration on it.

The American flag usually brings out the best in us, or rather, the best in us usually brings out the American flag. There are few sights more moving than the sudden appearance of so many American flags on the afternoon of September 11, 2001, and in the days immediately after. The fierce determination and unshaken loyalty to our Nation in the face of a threat was clear in the sight of the flags that appeared on homes, stores, mailboxes and cars within hours of that unspeakable event.

The Stars and Stripes are seen when we celebrate, such as on the Fourth of July or at inaugurations. Old Glory also marks more solemn occasions. The sight of the American flag draped over the coffin of a soldier home from the war, to be solemnly folded and placed in the lap of his grieving family, is a grim reminder of the sometimes great

cost of serving our Nation. Those flags, sitting still folded in triangular flag cases on mantels, under shadowboxes with medals, and the small flags so carefully placed in front of the markers at veterans' cemeteries around the Nation on the last Monday in May, remind us of the close proximity between Memorial Day at the end of May and Flag Day in mid-June. But again soon, on July 4, we will see the Stars and Stripes back in party mode, flying proudly over our heads as a part of our grand national birthday celebration.

Mr. President, I like to close my observation of Flag Day with one of my favorite poems, by Henry Holcomb Bennett, entitled ''The Flag Goes By.''

THE FLAG GOES BY

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips.

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right, and law, Stately
honor and reverend awe;

Signs of nation, great and strong
Toward her people from foreign wrong;
Pride and glory and honor,—all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high;
Hats off!
The Flag is passing by!

Mr. CRAIG. Mr. President, today is a day of great significance to me and many Americans. In 1949, after decades of unofficial celebrations, President Truman signed an act of Congress that National Flag Day would be celebrated each year on June 14. Sadly, this national holiday goes unnoticed by far too many Americans. I wish to make a few brief comments about our Nation's flag on this day of celebration and remembrance.

Whenever I get a chance to speak with foreign visitors to the United States, I like to ask about their impression of the United States, especially if it is their first time visiting. Time after time, they express amazement at the abundant presence of the U.S. flag, not only in Washington, DC, but in cities and towns of every size across the Nation.

Truly, flags are flying everywhere, not only at government buildings but at restaurants, parks, malls, gas stations, along highways, not to mention inside and outside private homes. Flag pins adorn lapels, flag stickers grace our cars, flag designs make for popular home decoration, and on Independence Day, our clothing often takes on the theme of Old Glory.

Clearly, we Americans love our flag and love displaying it. It is an expression of patriotism, reverence, and love of country.

From 1776 to today, from the marines who fought their way to plant the flag at the top of Iwo Jima to the firefighters who lifted the flag above the ruins of the World Trade Center, it is clear that our flag represents so much more than a nation. In truth, the American flag represents thousands of years of struggle to achieve political liberty, religious autonomy, and freedom from want. More important, our flag represents the inspiration of the life of our Nation and what humanity has the potential to accomplish.

Throughout our Nation's history, the American flag has enjoyed the protection of its people and its laws. Unfortunately, this safeguard was eroded in 1989 by the Supreme Court decision in Texas v. Johnson. This decision, which many of my colleagues and I agree was misguided, found within the Constitution a right that had never before existed: the right to physically assault the flag under the first amendment. Since then, Members of Congress have been faced with reconciling the tension between ''free speech'' and the symbolic importance of the American flag. As citizens, we can no longer allow flag burning to be considered a ''norm'' in our society. Although we can do nothing when terrorists or those with anti-American sentiments defile our flag abroad, we owe it to our brave service men and women, to ourselves, and to our children to do something when it happens on our own soil.

Our colleagues in the House have submitted a joint resolution to amend the Constitution to allow Congress to protect our flag. I do not take amending the Constitution lightly, but I commend the sponsoring representatives for taking action on such an important issue.

On this Flag Day, I hope we can all remember that our flag is much more than tightly woven cotton mixed with beautiful colors. It is a true symbol of the struggle of this Nation to remain free and it flies tall as a reminder to all of the liberties that we enjoy as proud citizens of this country. The respect that our flag deserves depends on us. I will close by quoting Franklin K. Lane, former Secretary of the Interior, who said this about the flag:

> I am what you make me; nothing more. I swing before your eyes as a bright gleam of color, a symbol of yourself.

Mr. DOMENICI. Mr. President. I would like to take a few moments to observe Flag Day.

Two hundred thirty years ago this week the second Continental Congress passed a resolution that created the flag of our Nation. On Flag Day we commemorate the anniversary of this resolution and pay tribute to this honored symbol of the United States.

For every generation of Americans the flag has represented the highest ideals of our Nation, democracy, liberty, and justice. I am proud that although the number of stars has changed over the years, what our flag stands for has not.

I hope New Mexicans will take a moment today to honor the flag and all it represents.

HONORING THOMAS F. HOUSTON

Mr. LOTT. Mr. President, I wish to honor Thomas F. Houston for his 37 years of public service. For the past 9 years, Tom has served as the Senior Policy Advisor to the Director of the Naval Criminal Investigative Service. After almost four decades of service, he will retire this month after a career in which he served the United States in numerous capacities, including almost 20 years as a congressional staff member.

He left Mississippi in 1973 to join me on the staff of Congressman William Colmer. Tom served as Congressman Colmer's press assistant and later helped with my first campaign to replace our former boss. Tom's skill and hard work earned him a stint as deputy press secretary for the Ford-Dole Presidential campaign in 1976, and when that came to a close, Tom joined the staff of the House Committee on Government Operations, serving there until June 1989.

During his 12-year tenure on the committee, Tom had a major hand in writing a number of historical pieces of legislation, including the Inspector General Act of 1978 that first established Inspector General Offices inside Cabinet-level agencies to independently monitor their work.

In 1989, Tom left the Hill to join the George H.W. Bush administration at the Department of Defense. During the Persian Gulf buildup and war, he was the Director of the Desert Shield/Desert Storm Public Affairs Cell. That operation set the precedent for the military's public affairs policy during the recent wars in Afghanistan and Iraq. The impact of his tenure at the Pentagon is reflected in the fact that during just a 4-year period in office, Tom was twice honored by Secretary of Defense Dick Cheney with the Secretary of Defense Medal for Outstanding Public Service.

In 1992, Tom left the administration and returned to the Hill to serve as the communications director for the first Defense Base Realignment and Closure Commission. He met with potentially-affected communities and their congressional delegations to negotiate the best path forward for the transformation of the U.S. military. When the first commission began wrapping

up its work, he was named Staff Director to oversee the transition to the next round.

In 1995, Tom signed on as chief of staff to Congressman JIM SAXTON of New Jersey as the second BRAC round began. Congressman SAXTON's district stood to be hit hard by the BRAC process, and Tom devoted himself to helping see the Congressman and his constituents through the duration of the second round of the process.

When it came to a close in 1996, Tom accepted an offer to serve as the chief of staff to Senator KAY BAILEY HUTCHISON of Texas, a key member of the Senate Armed Services Committee at the time and later a member of the powerful Senate Appropriations Committee.

Tom's seemingly endless devotion to his country was only surpassed by his commitment to his family. Tom decided in 1998 to step away from the Hill in order to spend more time with his children. In a move he later called ''the best decision I've ever made,'' Tom took a job at the Naval Criminal Investigative Service, NCIS. He was recruited by NCIS Director David Brant, who charged him with overhauling the way the agency conducted its public affairs. Tom proceeded to do just that, working as head of communications for NCIS and Senior Policy Adviser to the Director to help bring about this revitalization that resulted in NCIS receiving the international recognition it enjoys today.

Tom worked tirelessly to make lasting improvements in the way NCIS approached public affairs during his tenure. Recruiting a top-notch media and congressional affairs team, he undertook an unprecedented public outreach campaign to make NCIS and its mission more widely known and better understood.

I am confident that his enormous efforts will continue to bear fruit for years to come. Perhaps the most well-known outcome of his efforts, though, has been in garnering NCIS international attention through the hit TV show ''NCIS,'' which Tom was instrumental in bringing about. The show has earned NCIS and its employees the kind of public acclaim few in Federal Government enjoy, and through constant collaboration with the show's producers, Tom has worked to ensure the show continues to be a credit to the hard-working men and women that make up the agency.

I would like to take this opportunity to congratulate, honor, and thank Tom and his wife Ginger for their friendship and contributions to our country.

BUDGET RESOLUTION ADJUSTMENTS

Mr. CONRAD. Mr. President, section 207(f) of S. Con. Res. 21, the 2008 Budget resolution, directs the chairman of the Senate Budget Committee to make appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between the budgetary impact of enacted legislation making supplemental appropriations for fiscal year 2007 and the corresponding levels assumed in S. Con. Res. 21. On May 25, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, became Public Law 110–28.

As enacted, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, contains changes in new budget authority, outlays, revenues, and other levels that differ from those assumed in the 2008 budget resolution. In total, Public Law 110–28 contains approximately $4.2 billion less in budget authority both in fiscal year 2007 and over fiscal years 2007 through 2012. It also contains $810 million less in outlays in fiscal year 2007 and approximately $4 billion less in outlays over fiscal years 2007 through 2012. In addition, it contains $54 million less in on-budget revenues over fiscal years 2007 through 2012 than was assumed in the 2008 budget resolution.

Most of the new budget authority and outlays contained in Public Law 110–28 was designated as an emergency pursuant to section 204 of the 2008 budget resolution. Those amounts are not counted for purposes of budget enforcement. As a result, the adjustments made for budget enforcement purposes differ from the total amount of the difference between Public Law 110–28 and the corresponding levels assumed in S. Con. Res. 21.

For purposes of the allocation provided to the Senate Appropriations Committee pursuant to section 302 of the Congressional Budget Act and the discretionary spending limits provided pursuant to section 207(b) of the 2008 Budget Resolution, new budget authority is decreased by $188 million in fiscal year 2007 and new budget authority and outlays are increased by $1 million each in fiscal year 2008. Similar adjustments will be made for purposes of enforcing the 311 aggregates in the Senate for new budget authority and outlays in 2007 and 2008. The 311 aggregates additionally will be adjusted for differences in debt service resulting from Public Law 110–28 versus what was assumed in the 2008 budget resolution.

For purposes of enforcing the 311 aggregates in the Senate, total on-budget revenues are adjusted downward by $17 million in fiscal year 2008 and by a total of $54 million over fiscal years 2008 through 2012, while off-budget Social Security revenues are adjusted upward by $17 million in fiscal year 2008 and by a total of $54 million over fiscal years 2008 through 2012.

Finally, I am making a clarifying and technical adjustment to the Senate Committee allocations provided pursuant to section 302 of the Congressional Budget Act and printed on pages 126 through 128 of House Report 110–153, the report accompanying S. Con. Res 21.

I ask unanimous consent to have printed in the RECORD a set of tables which show the revised allocations, aggregates, and other levels for use in enforcing the 2008 budget resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 207(f)

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.304
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.348
FY 2008	2,495.957
FY 2009	2,517.006
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,719.054
(3) Budget Outlays:	
FY 2007	2,299.749
FY 2008	2,468.215
FY 2009	2,565.589
FY 2010	2,599.173
FY 2011	2,691.657
FY 2012	2,703.260
(4) Deficits:	
FY 2007	399.409
FY 2008	452.374
FY 2009	451.778
FY 2010	429.698
FY 2011	341.409
FY 2012	214.964
(5) Debt Subject to Limit:	
FY 2007	8,931.441
FY 2008	9,501.905
FY 2009	10,070.588
FY 2010	10,618.023
FY 2011	11,072.960
FY 2012	11,414.285
(6) Debt Held by the Public:	
FY 2007	5,046.495
FY 2008	5,310.315
FY 2009	5,558.246
FY 2010	5,770.487
FY 2011	5,877.329
FY 2012	5,846.109
Section 102:	
(a) Social Security Revenues:	
FY 2007	637.586
FY 2008	669.015
FY 2009	702.868
FY 2010	737.598
FY 2011	772.611
FY 2012	807.933
Section 103:	
(19) Net Interest (900):	
FY 2007:	
New budget authority	344.496

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 207(f)—Continued

Outlays	344.496
FY 2008:	
New budget authority	370.507
Outlays	370.507
FY 2009:	
New budget authority	390.933
Outlays	390.933
FY 2010:	
New budget authority	414.561
Outlays	414.561
FY 2011:	
New budget authority	433.472
Outlays	433.472
FY 2012:	
New budget authority	448.386
Outlays	448.386
(19) Allowances (920):	
FY 2007:	
New budget authority	0.785
Outlays	0.785
FY 2008:	
New budget authority	−6.394
Outlays	−2.164
FY 2009:	
New budget authority	−6.897
Outlays	−6.322
FY 2010:	
New budget authority	−7.193
Outlays	−6.987
FY 2011:	
New budget authority	−7.298
Outlays	−7.184
FY 2012:	
New budget authority	−7.430
Outlays	−7.314
(21) Overseas Deployments and Other Activities (970):	
FY 2007:	
New budget authority	119.979
Outlays	31.125
FY 2008:	
New budget authority	145.162
Outlays	113.829
FY 2009:	
New budget authority	50.000
Outlays	109.064
FY 2010:	
New budget authority	0.000
Outlays	41.025
FY 2011:	
New budget authority	0.000
Outlays	13.300
FY 2012:	
New budget authority	0.000
Outlays	4.423

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—BUDGET YEAR TOTAL 2007

[In billions of dollars]

Committee	Direct spending legislation		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget Authority	Outlays
Appropriations:				
General Purpose Discretionary	950,316	1,029,465		
Memo:				
off-budget	4,692	4,727		
on-budget	945,624	1,024,738		
Mandatory	551,939	535,718		
Total	1,502,255	1,565,183		
Agriculture, Nutrition, and Forestry	14,284	14,056	69,157	53,045
Armed Services	98,717	98,252	102	112
Banking, Housing, and Urban Affairs	11,641	−1,788	1	1
Commerce, Science, and Transportation	16,278	8,257	1,060	1,026
Energy and Natural Resources	5,016	5,484	54	59
Environment and Public Works	42,426	1,687	0	0
Finance	1,011,515	1,017,805	417,759	417,995
Foreign Relations	15,769	15,763	164	164
Homeland Security and Governmental Affairs	102,150	98,545	20,656	20,657
Judiciary	6,811	6,945	617	611
Health, Education, Labor, and Pensions	12,922	13,144	4,371	4,224
Rules and Administration	67	39	121	121
Intelligence	0	0	256	256
Veterans' Affairs	304	354	37,621	37,447
Indian Affairs	451	448	0	0
Small Business	−78	−78	0	0
Unassigned to Committee	−580,291	−570,736	0	0
Total	2,260,237	2,273,360	551,939	535,718
Appropriations:				
General Purpose Discretionary	953,053	1,028,398		
Memo:				
off-budget	4,850	4,859		
on-budget	948,203	1,023,539		
Mandatory	589.022	575.329		
Total	1,542,075	1,603,727		
Agriculture, Nutrition, and Forestry	13,464	12,939	69,055	55,661
Armed Services	102,125	102,153	105	114
Banking, Housing, and Urban Affairs	13,296	−1,878	1	1
Commerce, Science, and Transportation	14,547	9,906	1,069	1,063
Energy and Natural Resources	5,071	4,757	54	55
Environment and Public Works	43,535	1,753	0	0
Finance	1,078,809	1,079,815	450,848	450,814
Foreign Relations	14,688	14,690	159	159
Homeland Security and Governmental Affairs	87,956	85,389	20,869	20,869
Judiciary	8,617	7,504	638	629
Health, Education, Labor, and Pensions	10,608	10,024	4,451	4,346
Rules and Administration	70	215	126	126
Intelligence	0	0	263	263
Veterans' Affairs	1,219	1,300	41,384	41,229
Indian Affairs	452	441	0	0
Small Business	0	0	0	0
Unassigned to Committee	−582,534	−574,753	0	0
Total	2,353,998	2,357,982	589,022	575,329
Agriculture, Nutrition, and Forestry	67,878	65,557	353,820	292,096
Armed Services	546,992	546,679	268	325
Banking, Housing, and Urban Affairs	64,093	−18,543	5	5
Commerce, Science, and Transportation	75,198	48,684	5,878	5,855
Energy and Natural Resources	25,838	24,730	264	265
Environment and Public Works	181,487	9,668	0	0
Finance	6,017,388	6,021,713	2,587,343	2,587,228
Foreign Relations	69,077	65,798	698	698
Homeland Security and Governmental Affairs	483,868	470,496	107,903	107,903
Judiciary	37,630	37,363	3,281	3,257
Health, Education, Labor, and Pensions	56,565	54,185	23,399	22,836
Rules and Administration	343	532	683	683
Intelligence	0	0	1,415	1,415
Veterans' Affairs	5,900	6,449	220,335	219,343
Indian Affairs	1,748	1,835	0	0
Small Business	0	0	0	0

ADJUSTMENT TO SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS PURSUANT TO SECTION 207(f) OF THE 2008 BUDGET RESOLUTION

[In millions of dollars]

	Initial limit	Adjustment	Revised limit
FY 2007 Budget Authority	950,504	−188	950,316
FY 2007 Outlays	1,029,465	0	1,029,465
FY 2008 Budget Authority	953,052	1	953,053
FY 2008 Outlays	1,028,397	1	1,028,398

HONORING JOHN WARNER

Mr. LUGAR. Mr. President, on June 5, I had the privilege of attending a gala where my friends Lee Hamilton and JOHN WARNER received the George C. Marshall Foundation Award honoring statesmen of courage and integrity.

At the event our former colleague, Senator Nancy Kassebaum Baker, introduced Senator WARNER. I appreciate this opportunity to share with my fellow Senators her speech honoring the distinguished career of our colleague and friend. I ask unanimous consent that the speech of Nancy Kassebaum Baker be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

I first met John Warner when the new Senators elected in 1978, including me, gathered in Washington. The teacher instructing us was Howard Baker.

John Warner already had behind him a distinguished career in service to his country—World War II, Korea, Under Secretary of the Navy and then Secretary of the Navy during the Vietnam War.

As a recipient this evening of the George C. Marshall Foundation Award, along with Congressman Lee Hamilton, I am certain that Senator Warner would agree with the emphasis that the George C. Marshall Foundation has placed on the importance of the ROTC and JROTC programs.

The idea of educating and training Army officers goes back to the 1700s. The first civilian institution of higher learning to incorporate military education into its curriculum was founded in 1819 in Vermont. There have been peaks and valleys in support of such a program ever since. It would be my hope that there could be ever stronger support to the JROTC and ROTC programs in training future leaders in responsibility, dedication and integrity in service to our country. I hope, John, you don think I am lobbying you as a member of the Armed Services Committee.

You may not remember, but I well do, my first debate in the Senate, June 1980. I had offered an amendment and you led the opposition. You kept saying ''my distinguished colleague of Kansas,'' and I kept saying this just makes common sense. The question was whether 18–19-year-old women should also be included in the reinstitution of the male-only registration program. It seems a rather quaint debate in the scheme of things today.

Time marched on—28 years—Senator Warner is now the second longest serving Senator from the Commonwealth of Virginia. I believe there has never been a Chairman of the Armed Services Committee who has been better prepared for an understanding of the Armed Services.

But beyond just material security interests you have provided thoughtful consideration of all issues facing our country and our Armed Services.

You are truly a Senator Statesman.

On behalf of the Marshall Foundation, I am pleased to present the 2007 George C. Marshall Foundation Award to Senator John Warner.

HONORING LEE HAMILTON

Mr. LUGAR. Mr. President, on June 5, I had the privilege of introducing my longtime friend and fellow Hoosier, Representative Lee Hamilton, at a gala where he received the George C. Marshall Foundation Award honoring statesmen of courage and integrity.

I appreciate this opportunity to share with my fellow Senators my speech honoring the distinguished career of this outstanding public servant. I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

Thank you for inviting me to attend this remarkable event, which honors two close friends and colleagues, Lee Hamilton and JOHN WARNER.

I have the special honor this evening to pay tribute to Lee Hamilton, with whom I served in the Indiana congressional delegation for more than two decades. Though born in Florida, Lee moved with his family to Indiana where he distinguished himself as a scholar and an athlete at Evansville Central High School and DePauw University. At DePauw, Lee graduated with honors, led the basketball team in scoring and rebounding, and received the Walker Cup, given to the senior judged to have contributed the most to the University during a 4-year career. Lee went on to earn a law degree from Indiana University. He practiced law before Indiana's Ninth Congressional District elected him to the House of Representatives in 1964.

Though our home state was not typically associated with international affairs, both Lee and I sought a seat on the foreign policy committees of our respective chambers, and both of us eventually became chairman. Over the years, we have shared a passionate interest in international affairs, and we have had the opportunity to work together on legislation and projects that we hope will stand the test of time.

The award that Lee Hamilton receives this evening honors the spirit of General George C. Marshall and the Marshall Plan. It is fitting that the George Marshall Foundation would honor the statesmanship and vision of my friend. As an exchange student in 1951 at Goethe University, Lee had the opportunity to study in Europe when the wounds of World War II were still fresh. I have heard him speak of his amazement that even 6 years after the end of the war, he could witness omnipresent bomb damage and encounter rationing that allowed students just one egg per week.

Lee saw firsthand the hope and goodwill that was fostered by the Marshall Plan, and he saw its tangible effects as our assistance began to take hold in many European nations. This success made a lasting impression on Lee that would influence his work in the U.S. House of Representatives.

During Lee Hamilton 34-year congressional career, he promoted the importance of the U.S.-European relationship as one of the pillars of American foreign policy. He was the Founding Chairman of the Congressional Study Group on Germany, which has facilitated a close working relationship between the U.S. Congress and the German Bundestag. For more than two decades, Members of the U.S. Congress and Members of the German Bundestag have traveled to each others nations to heighten appreciation for trans-Atlantic cooperation and communication. The deep cultural affinity the United States shares with Europe is rooted in our immigrant past and a century of common struggle for the values of democracy, human rights, and political freedom. Lee has always nurtured this relationship and recognized that whatever disagreements might exist, the fundamental interests of both sides of the Atlantic are best served by a resolute European-American partnership.

Having seen the transformational effects of U.S. foreign assistance first-hand, Lee Hamilton has been a stalwart advocate of diplomatic and economic engagement. Lee has always understood that effective diplomacy depends on personal relationships and developing respect for foreign perspectives and cultures. These are principles epitomized by General Marshall, and they are more vital today than ever. They are principles that are at the core of the recommendations of the September 11 Commission and the Iraq Study Group—both of which Lee Hamilton co-chaired with skill and dignity.

In the United States, Lee Hamilton is committed to making sure that the American citizenry knows how Congress works and why engagement with the world is important. His latest project, through the Center on Congress at Indiana University, will create a ''virtual Congress'' in which students from across the county can assume the role of a Member of Congress attending committee meetings, holding town hall conversations, and offering their own ideas to our current challenges. In this endeavor, Lee is elevating the process of learning about Congress and national issues to a new level. It will result in a better informed citizenry, and, in the end, better government—which is what Lee Hamilton's service to our Nation has always been about.

George Marshall once said that, ''Military power wins battles, but spiritual power wins wars.'' Lee Hamilton's service has epitomized this concept. And that is why European leaders, both current and past, follow a steady path to the doors of the Wilson Center for International Scholars. They know that, in Lee Hamilton, they have an extraordinarily experienced and trusted public servant who can offer sage advice and who continues to devote himself to strengthening the bonds that the Marshall Plan forged more than 60 years ago.

On behalf of the Marshall Foundation, I am pleased to present the 2007 George C. Marshall Foundation Award to the Honorable Lee Hamilton.

232ND BIRTHDAY OF THE UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the U.S. Army a happy birthday. It was 232 years ago today, June 14, 1775, that the Continental Army of the United States was formed.

Over the past 232 years, millions of men and women have served in the oldest branch of our Armed Forces. Their honor, courage, sacrifice, and service are the foundation of America's greatness. The Army principles of ''Duty,

Honor, Country'' represent the core values of America. Every generation of Americans who have served in the U.S. Army—from the Continental Army to our fighting men and women serving today in Iraq, Afghanistan, and elsewhere—has been shaped by these principles. They inspire us and will continue to serve as role models for future generations.

The Army has steadfastly protected our way of life and has never turned from a challenge. As the Army Song so eloquently says:

First to fight for the right,
And to build the Nation's might,
And The Army Goes Rolling Along,
Proud of all we have done,
Fighting till the battle's won,
And the Army Goes Rolling Along.

Today's soldiers are the newest generation in a long line of dedicated professionals who have put service to the Nation over self. These soldiers, just as those who have gone before them, will continue to protect our democracy and make the world more secure, peaceful, and prosperous.

On this 232nd birthday of the U.S. Army, we recognize and thank all those who have served or are serving our country with pride and honor in the uniform of the U.S. Army, especially those serving today in Iraq and Afghanistan.

''Happy Birthday'' to the U.S. Army. HOOAH!!!!

Mr. MARTINEZ. Mr. President, today, the U.S. Army celebrates its 232nd birthday. Since a time before the signing of the Declaration of Independence, the body that soon became the U.S. Army has proudly served the people of this land. This is a birthday that should be recognized by all Americans. Created by the Second Continental Congress in Philadelphia on June 14, 1775, our Founding Fathers possessed great vision when making the decision to establish the Army. They realized the importance of having a well-trained, reliable, always-ready Army to defend freedom and the rights of the people. The U.S. Army and its soldiers have admirably served in more than ten wars from the American Revolution to the present war on terrorism.

All branches of our military know the deepest depths of sacrifice; and as our oldest military branch, the U.S. Army and its 232nd birthday symbolize centuries of struggle and sacrifice on behalf of us all. Members of our armed services valiantly serve and strive to keep us safe, protect our way of life, and defend freedom whenever and wherever it is in harm's way. This June 14th—the day we also celebrate Flag Day—reminds us of the meaning of patriotism and the importance of service to country.

As there are Army birthday celebrations going on across the country—and the world—today, we should once again pause to remember the dedication of our brave men and women in uniform and their commitment to ''Duty, Honor, Country.''

To every member of our military—whether a veteran, active duty, or reserve—and your families, we say, thank you. You have helped, and continue to help keep our country free, safe, and secure. We honor your dedication and continual sacrifices.

And to the Army on this day, I say, Happy Birthday. Thank you for helping to keep America safe and free for us and the next generation. As the Army's slogan states: ''Army Strong.''

TRIBUTE TO KAZAKHSTAN AMBASSADOR KANAT SAUDABAYEV

Ms. LANDRIEU. Mr. President, I wish to send my best wishes to the new Kazakhstan Secretary of State, Kanat Saudabayev. Before assuming his new position, Secretary Saudabayev served as the Kazakh Ambassador to the United States for almost 7 years. During this time, I have had the privilege of working closely with Secretary Saudabayev in strengthening the relationships between Kazakhstan, the United States, and particularly Louisiana.

On May 15, 2007, Ambassador Saudabayev was appointed to the position of Secretary of State for Kazakhstan. This elevation follows a two-decade career as a diplomat. His postings include such important nations as the United Kingdom and Turkey during the 1990s. In December 2000, Secretary Saudabayev was selected as the Ambassador to the United States.

Secretary Saudabayev has proven what a skilled diplomat can do in Washington. Representing a young nation with immense potential, he has built Kazakhstan's reputation as a reliable ally in the war on terrorism and a pro-American voice in Central Asia.

While Ambassador, Secretary Saudabayev helped arrange two White House meetings between President Bush and Kazakh President Nursultan Nazarbayev, promoted massive U.S. investment in his country, and even turned a satirical movie about Kazakhstan into a promotional vehicle to attract tourists.

Additionally, I must express my personal thanks for Secretary Saudabayev and Kazakhstan's contributions to my home State of Louisiana. In the aftermath of Hurricane Katrina, Secretary Saudabayev presented $50,000 in donations to St. Bernard Unified School and education in New Orleans and made a significant donation to the Bush-Clinton Katrina Fund on behalf of Kazakhstan.

Kazakhstan and Louisiana have a unique and unprecedented relationship. Through Secretary Saudabayev's dedication and hard work, Kazakhstan and Louisiana have executed a direct trade agreement, a conduit of business and ideas between my home State and Kazakhstan. In addition to this, Secretary Saudabayev has been working with Congressman MELANCON and me to expand Louisiana's business presence in Kazakhstan. For example, we have been working toward opening Kazakhstan's energy markets to Louisiana companies.

Although Kazakhstan is a young nation, it has shown tremendous progress and occupies an enviable place in the international community. Secretary Saudabayev has made significant contributions to the establishment of strong and friendly relations between Kazakhstan and the United States, and I am confident that through his new role as the Secretary of State, he will continue to do so. Therefore, I would like to congratulate Secretary Saudabayev and look forward to working with him in his new capacity.

HONORING CAXTON PRINTERS

Mr. CRAIG. Mr. President, I wish to honor one of Idaho's oldest businesses—Caxton Printers of Caldwell, ID. This year they are celebrating their 100th anniversary; they are older than many Caldwell mainstays including the J.R. Simplot Company and the Caldwell Night Rodeo.

For 100 years, Caxton Printers has served the people of Idaho. Their ideals are reflected in the statement of one of the founders, J.H. Gipson: ''Books to us never can or will be primarily articles of merchandise to be produced as cheaply as possible and to be sold like slabs of bacon or packages of cereal over the counter. If there is anything that is really worthwhile in this mad jumble we call the Twentieth Century, it should be books.''

Well, times have certainly changed since then. One can only imagine what Mr. Gipson would say about the 21st century. Caxton Printers, though, continues to survive by focusing on quality—both in their service and in their product. My staff and I know this firsthand.

What they do for us, though, is just a sliver of their storied history.

During their first 100 years, the family-run business has been a shining example of a couple bootstrappers making it in the rural West. In fact, at one point, they were the exclusive printing and binding company west of Kansas City, and in the 1920s they decided to help western writers receive the attention they deserved. By 1928, they had produced five titles. Output steadily grew, and by 1936 they had released well over 100 new books. While they lost money on virtually every book published before World War II, Mr. Gipson ''felt repaid in producing at least a book or two which have a fair chance of gaining a place in the permanent literature of our country.'' Well, Caxton's most famous author, Ayn Rand, certainly achieved that acclaim.

Caxton Printers has helped to preserve and tell the history of the West. In addition to focusing their publishing on nonfiction books about the West, they have served as the Idaho State Textbook Depository since 1927. Just about every student in Idaho has been impacted by Caxton Printers. I can tell you that this Senator certainly appreciates all they do to preserve and tell the stories of the people, places, and events that shaped the West.

Over the past 100 years, Caxton Printers and the Gipson family have experienced a lot and, through it all, have prospered while remaining true to J.H. Gipson's philosophy of producing high-quality books and products. They make Idaho, and the West, proud.

DYSTONIA AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to call to the attention of my colleagues that the week of June 3 to 10 was Dystonia Awareness Week. The Dystonia Advocacy Coalition, through the commemoration of this week and a number of other outreach activities, sought to raise awareness of dystonia, a neurological disorder.

Dystonia is a movement disorder that causes the muscles to contract and spasm involuntarily. There is presently no cure, and although remarkable progress has been made in unraveling the causes and mechanisms of dystonia, the availability of effective treatments is limited. Approximately 50 percent of patients with dystonia have a genetically inherited form while the other half suffers from dystonia as a result of birth injury, physical trauma, exposure to certain medications, surgery, or stroke. Estimates suggest dystonia affects at least 300,000 people in North America.

Given the prevalence and limited treatment options for this disorder, I call on my colleagues to increase support for the National Institutes of Health, which funds dystonia research through the National Institute of Neurologic Disorders and Stroke, NINDS, the National Institute on Deafness and Other Communication Disorders, NIDCD, and the National Eye Institute, NEI.

I have consistently supported increases in NIH funding in the past and recently signed onto a letter asking for a 6.7 percent increase in NIH funding for the fiscal year 2008 appropriations bill. The lack of treatment options and a cure for serious conditions like dystonia underscores the overall need to support basic science and translational research that allows for the transfer of discoveries from the laboratory bench to actual medical treatments. I am continuing to develop legislation to enhance our Federal translational research efforts. I believe we can and must bring new treatments for diseases such as dystonia to the public faster than ever.

CONGRATULATIONS FOR REBEKAH FRESE

Mr. GRASSLEY. Mr. President, today I would like to recognize the accomplishment of a particularly talented student from my home State of Iowa. Rebekah Frese has been chosen to present her National History Day documentary, ''Boarding the Freedom Train: The Underground Railroad in Iowa,'' at the Smithsonian American Art Museum. I congratulate her on this achievement and commend her for her hard work and determination in creating such a wonderful project.

Rebekah's documentary highlights the significant role Iowa and Iowans played in the effort to ensure the safety of escaped slaves prior to the American Civil War. She is a student at the Lenihan Intermediate School in Melbourne, IA and was selected as one of 22 presenters out of 2000 finalists that attended the National History Day national contest at the University of Maryland June 10 to 14.

In Iowa, we take great pride in our educational system, and it is personally rewarding when one of our students sets themselves apart at the national level. Programs such as National History Day give students opportunities to succeed through hard work and determination, encouraging what is at the heart of the American spirit. I appreciate National History Day and its commitment to improving the teaching and learning of American history in our schools.

I would also like to take this opportunity to make special mention of teachers Millie Frese and Karen Roessler, who offered their assistance and encouragement to Rebekah while undertaking this difficult project. Quality teachers like these motivate and inspire students to push themselves to realize their potential. By helping to shape citizens and future leaders, teachers like Millie Frese and Karen Roessler are indispensable parts of our democracy. Once again, congratulations, Rebekah, for your first-class work bringing greater awareness to Iowa's role in the Underground Railroad.

ADDITIONAL STATEMENTS

HONORING LINDA DAVIS AND BRIGID O'CONNOR

• Mr. BAUCUS. Mr. President, I wish to honor Linda Davis and Brigid O'Connor. I want to recognize their public service, their courage, and their dedication. As public health nurses in Lake County, MT, they worked tirelessly since last year to manage the care of a person diagnosed with tuberculosis. They did this while continuing to ensure the safety of other Lake County residents.

Let me share with you a little more about Linda and Brigid.

Linda Davis has been the director of nursing services for the Lake County Health Department since 1991. Her vision and leadership have transformed Lake County's nursing services. Under her guidance, the office staff has grown from 3 to 15. And services have become more comprehensive.

For Linda, public health is about creating programs that address all the community's needs. Linda's resourcefulness and ingenuity have made her a success. She continues to overcome barriers and move forward. This current example of patient care shows that.

Linda is a dedicated public servant. She has worked in public health for 29 years, all in Lake County. And Linda is a fine example of Montana's education system. She is a graduate of the Montana State University-Bozeman School of Nursing.

Brigid O'Connor is the communicable and infectious disease nurse for Lake County. She has worked in public health for the last 10 years, all in Lake County. Before that, she worked in home health. Although Brigid is not originally from Montana, she has spent her entire nursing career in our great State. Brigid also received her degree from the Montana State University-Bozeman School of Nursing. Before moving to Montana, she spent some time in India working with leprosy patients. This experience moved her to pursue nursing. Brigid is a compassionate, driven, and dedicated professional.

The residents of Lake County are fortunate to be served by such outstanding nurses as Linda and Brigid.

The Lake County Health Department's handling of this case is exemplary. It worked because Linda and Brigid focused on patient education and community awareness. They balanced respect for a patient's rights with taking appropriate steps to protect public health.

Lake County is a low-incidence area. That means that these cases are uncommon. Typically, one patient a year is diagnosed with tuberculosis in Lake County. And that makes Linda's and Brigid's ability to react effectively even more impressive.

And people are recognizing Linda's and Brigid's handling of this case. The Montana Tuberculosis Officer is presenting the case at the Centers for Disease Control's annual meeting on tuberculosis.

This case exemplifies the creativity of individuals across Montana. It highlights their resourcefulness. The Lake County Health Department has been able to use emergency preparedness funds to help create an infectious disease response program. These funds

have also allowed them to step up their after-hours capabilities.

Linda and Brigid worked with the Montana Department of Public Health and Human Services in caring for this individual and the community. Responding to a challenge like tuberculosis requires cooperation, ingenuity, and hard work.

I am very proud, not only of Linda and Brigid's work, but of all of Montana's State and local health officials.

We are lucky in Montana. Even though we are a big State with a small population, we are well prepared to respond to such public health challenges because of our dedicated and capable public health professionals.

Working together, the Montana health care community has found ways to beat challenges like these, despite apparent obstacles.

We depend on our public health professionals to constantly come up with creative ways to respond to such challenges while continuing to provide high quality care for the sick.

Linda and Brigid are two such professionals. It is my honor to recognize them here today in the Senate. And it is an honor to be able to work with them to create a safe and healthy Montana.●

NATIONAL HISTORY DAY

● Mr. BINGAMAN Mr. President, today I recognize three New Mexico students who participated in the National History Day contest that took place earlier this week at the University of Maryland. More than half a million students in grades 6 through 12 from all over the country prepared research projects to be presented at local- and state-level competitions this year. I am very proud that three New Mexico students were chosen to present their National History Day projects at the National Portrait Gallery here in Washington yesterday.

Ryan Andrews-Armijo and Ashley Page, from Moriarty Middle School, used this year's National History Day theme: ''Triumph and Tragedy in History'' to produce a documentary entitled ''Breaking the Unwritten Rules.'' Ryan and Ashley put in many hours of hard work, researching the 1966 Texas Western Miners basketball team. I commend them for their excellent work.

Shannon Burns, from Los Alamos Middle School, filmed a documentary entitled:' ''Léaró Dóchias (Ray of Hope) The Irish Triumph over Tragedy in America.'' Shannon did a superb job in putting together a beautiful documentary about the history of Irish immigration in America.

Along with these three exceptional New Mexico students, I would also like to recognize their outstanding teachers: Ms. Bethany Vaughn from Moriarty and Ms. Gayle Beckett from Los Alamos. These teachers have demonstrated great skill and commitment in helping their students understand and appreciate history.

I commend Ryan, Ashley, and Shannon for their hard work and commitment to sharing our national history. They are models of student excellence not only for their peers in New Mexico, but for students nationwide.●

TRIBUTE TO LIEUTENANT COLONEL DAREL LEETUN

● Mr. DORGAN. Mr. President, on Saturday July 7, Hettinger, ND, population 1,574, a town near where I grew up, will celebrate its centenary. In honor of that historic date, the entire community is hosting a week of parades, speeches, dances, picnics, concerts and all kinds of entertainment.

Along with all the other centenary events, Hettinger has set aside time with a choir and a band to honor America's veterans. During the program the community will recognize the service of LTC Darel Leetun, a local son who earned the Air Force Cross and lost his life in Vietnam.

Darel Leetun's service is typical of the dedication and sacrifice that American veterans have exhibited throughout our history. But his individual story is remarkable. And I would like to spend a few minutes to tell you some of it.

Darel Leetun was born in Hettinger on December 24, 1932. He was raised in North Dakota and graduated from Steele High School and North Dakota State University. He served as a county agent, spent a year in India and then joined the Air Force and became a fighter pilot. He was sent to Vietnam.

On September 17, 1966, then-Captain Leetun took off on his 96th mission, leading a flight of F–105 Thunderchiefs against a high priority target near Hanoi. It was heavily defended and Captain Leetun had to lead his flight through intense and accurate flak, surface-to-air missiles, and MiG fighters.

On the bomb run, Leetun's Thunderchief was hit by ground fire. According to witnesses, his F–105 become a flaming torch and nearly uncontrollable. But Leetun remained in formation and delivered his high-explosive ordnance directly on target.

After releasing his bombs, Captain Leetun's plane went out of control and was seen to crash approximately 10 miles from the target area.

Other pilots in the flight saw the jet crash, but did not receive emergency beeper signals or see a parachute.

For a long time, his family did not know what had happened to him. They didn't know if he was killed in the crash or if he was a prisoner of war.

The Air Force declared Darel Leetun missing in action and promoted him twice. But finally, in 1975, the U.S. Government declared Lieutenant Colonel Leetun dead.

In 1995, remains that were believed to be Leetun's were found on a hillside by a joint U.S.-Vietnamese search team. It wasn't until 2005 that they were positively identified by American forensic experts in Hawaii.

Darel Leetun was buried with full military honors on July 8, 2005, at Arlington National Cemetery. I attended his funeral.

Darel's grandchildren Joni, Jack, and Jane sang ''America the Beautiful'' at the memorial ceremony in the Arlington chapel. Then eight Army horses drew his caisson down a twisting road to the grave site, where MG Charles Baldwin presented Darel's son Keith with the American flag that covered the casket.

The service ended with a 21-gun salute, followed by the playing of ''Taps.''

Darrel Leetun was awarded 14 medals for his military service, including the Distinguished Flying Cross, the Bronze Star, the Air Medal and the Purple Heart. He is the only North Dakotan from the Vietnam war who received the Air Force Cross for extraordinary heroism, which is the second highest medal for valor in combat.

Keith Leetun was only six when his father was shot down. He barely knew his father and he didn't know much about how he died.

But one day in 1992, Keith met his father's wingman on the golf course, completely by accident. They happened to be the only golfers on the first tee at 7 a.m. No one was around except the greens keeper. They started chatting and learned of their mutual connection to Darel Leetun.

When he found out that Keith was Darel's son, the wingman said, ''Your father was my mentor, best friend and the 'heart and soul' of the squadron. He was the life of the party and we called him 'Gravel'. He was a substitute pilot the day he got shot down. He went the extra mile and hit his target as his jet was on fire!''

Since then, Keith Leetun has been driven to share his father's story with other Vietnam veterans and to get them to share their own stories.

After the main veterans program in Hettinger, Keith and the rest of Darel Leetun's family will host a smaller program about Darel's life and military service called ''My Way Back.'' They are doing that not just to commemorate Darel, but to honor all Vietnam veterans and to encourage them to share their stories and experiences with each other and with the public.

Most Vietnam veterans were drafted into service. But they served honorably. Nearly 60,000 of them didn't come home.

By the time the Vietnam conflict ended in the 1970s, the war had split the Nation. In the ugliness of it, the returning veterans were often derided for their part in it.

Many of them were treated horribly. Much of the general public spurned them, and their government ignored them.

Fortunately, times have changed.

In 1982 the Vietnam Memorial Wall was dedicated with the names of the fallen etched into black granite. That has gone a long way toward healing the wounds of Vietnam.

And with today's wars in Iraq and Afghanistan, our country is beginning to pay more attention to the needs of all veterans. It is ironic that the Vietnam veterans who were cheated of their welcome home parades have been loud advocates of seeing that today's veterans get theirs.

LTC Darel Leetun is an example of the courage and sacrifice of all those who have followed orders and gone into harm's way in defense of our country. This Nation's survival depends on present and future generations of Darel Leetun's kind of soldier.

I wish to join the citizens of Hettinger, ND, in thanking Darel Leetun and all of America's veterans for their service to our country.●

TRIBUTE TO BOB BARKER

● Mrs. FEINSTEIN. Mr. President, Bob Barker has graced millions of living rooms with his warm presence and genuine manner. Sadly today airs his final episode hosting America's beloved ''The Price is Right'' on CBS, but today is appropriate to remember the impact this wonderful man had on all of us, as he became a piece of our history and a small part of our lives each day.

Bob Barker's name is synonymous with CBS's ''The Price is Right,'' which he began hosting on September 4, 1972. It ends today as the longest running daytime game show in television history. He holds a plethora of longevity records, including a record for holding a weekday TV job continuously for 50 years as of 2006, the oldest person to receive an MTV movie award for his role in the comedy ''Billy Madison,'' and he has hosted or appeared on a 5-day-a-week television program longer than anyone else in the history of television. Also on December 31, 2006, Bob Barker celebrated the anniversary of his 50th year on national television. He is truly a fixture in American culture and television legend. His grace and humor have truly contributed to his success, and will be missed greatly by his millions of loyal fans ranging from the young to the young at heart.

Bob Barker is also a strong advocate for animal rights, and brings that passion into his role as host of ''The Price is Right.'' He credits his love of animals and awareness to animal rights activism to his late wife Dorothy Jo. He continued the work in her memory. Bob insisted the show stop giving away fur coats as prizes, and formed the DJ&T Foundation that contributes millions of dollars to fund animal rescue and park facilities across the country. His passion for the cause has even brought him here to Washington, DC, where he spoke on Capitol Hill on the issue of animal rights.

Barker has been recognized for his success and talent by receiving 17 Emmy Awards and the Lifetime Achievement Award for Daytime Television in 1999. Barker has also had the honor of being inducted into the Academy of Television Arts & Sciences Hall of Fame. In March of 1998, to commemorate the five thousandth episode of ''The Price is Right,'' CBS dedicated the show's soundstage in his honor.

America will certainly miss being greeted by the smiling and vibrant face of Bob Barker each morning, however, his success in both his career and in life are indisputable. There is no doubt Bob Barker has positively impacted the lives of many, and on this day as we celebrate with Bob the airing of his final episode hosting ''The Price is Right,'' we should also extend our thanks to Bob for the many delightful years and countless memories he has granted us.●

TRIBUTE TO CONGREGATION BETH EL

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to Congregation Beth El on its 120th anniversary. The congregation will celebrate this milestone with a weekend of events titled ''May Ohr L'Ohr: From Light to Light'' on June 22 through June 24, 2007. This celebration will highlight the congregation's rich history and recognize its special place in the Grand Traverse community.

Congregation Beth El was formed in the late 1800s by Jewish immigrants arriving from Poland and Russia. In 1885, the cornerstone was laid for the Beth El synagogue, a simple two-story gable-and-clapboard structure. Today, the building is the oldest synagogue in continuous use in Michigan and is featured on the State Register of Historic Sites. The synagogue, originally built to hold an Orthodox congregation, has evolved over the years to serve all members of the Jewish community, as well as to welcome those of other faiths.

The vitality of Congregation Beth El can be attributed to the hard work, dedication, and vision of the congregation. The congregation, led in large measure by the executive committee, has sought to make the synagogue the center of the Jewish community's religious and social life. One such example is the summer rabbi program. The program enables young rabbis to travel to Traverse City to share their enthusiasm for and commitment to Judaism with members of the congregation and community. This program has been greatly successful and eventually led to a year-round rabbi presence for Congregation Beth El.

On the celebration of the 120th anniversary of Congregation Beth El, I would like to extend my best wishes to all members of the congregation. I also commend the leadership of Congregation Beth El on maintaining a synagogue that has provided a place for those seeking answers in Judaism and a center of Jewish activities in northern Michigan. Once again, congratulations on 120 years of service and growth in the Grand Traverse area.●

TRIBUTE TO TODD BEUKE

● Mrs. MURRAY. Mr. President, I wish to recognize Todd Beuke, a great contributor to the education community in the State of Washington. Mr. Beuke is an exceptional teacher who has been honored this year as a finalist for the Richard T. Farrell Teacher of Merit Award for his outstanding success in teaching history.

As a teacher at Sequim Middle School, Mr. Beuke has been able to create excitement in the classroom by using creative teaching methods that resonate with his students. Students and teachers alike have praised Mr. Beuke for his supportive teaching style and the comfortable environment he has created in which students can explore history.

Mr. Beuke is an innovator in Washington State education, an inspiration to his students, and a teacher capable of making history lessons relevant and accessible. Mr. Beuke's work extends beyond the classroom as well. He has helped expand the National History Day program throughout Washington State.

The National History Day program is a national education organization that encourages professional development and active student learning. The program provides publications and education programs that help guide teachers in methods to engage students and bring history to life. Washington State teachers and students have benefited from the effort Mr. Beuke has made to share information about the History Day program. The National History Day awards are a valuable way to highlight positive role models in our education system. I am proud Mr. Beuke has been nominated for this award.

I thank Todd Beuke for his work in the classroom and for his commitment to education in my home State. I am sure he will continue to be successful in inspiring students to enjoy the study of history.●

RECOGNIZING BRISTOL, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Bristol, SD. The town of Bristol will celebrate the 125th anniversary of its founding this year.

Located in Day County, Bristol was founded as a result of railroad expansion and named after the English city of Bristol by district railroad surveyor C.P. Prior. The town is a designated spot on the Yellowstone Trail, which once served as a route for covered wagons heading west. Found in the Glacial Lakes Region of northeastern South Dakota, Bristol offers excellent hunting and fishing opportunities. The town is also home to the Zucchini Festival, an annual summer event with games and activities centered on zucchini.

Bristol has served as home to famous residents throughout its abundant history. One such resident is longtime ''NBC Nightly News'' anchor Tom Brokaw. Mr. Brokaw's great-grandfather, Richard P. Brokaw, was one of the first families to settle in Bristol. He operated the Brokaw House, the first structure built in town. The hotel was built and rebuilt through the years to accommodate people attracted to Day County.

Since its beginning, Bristol has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Bristol will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Bristol on their anniversary, and I wish them continued prosperity in the years to come.●

RECOGNIZING AKASKA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Akaska, SD. The town of Akaska will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Akaska has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Akaska will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Akaska on their anniversary and wish them continued prosperity in the years to come.●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BLOCKING THE PROPERTY OF CERTAIN PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN BELARUS AS DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2007.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons with respect to Belarus.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 14, 2007.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD)

At 1:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 14, 2007, she had presented to the President of the United States the following enrolled bills:

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

S. 1537. An act to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2274. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Docket No. APHIS–2006–0169) received on June 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2275. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Black Stem Rust; Addition of Rust–Resistant Varieties'' (Docket No. APHIS–2007–0072) received on June 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2276. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report for the first quarter of fiscal year 2007 relative to the Joint Improvised Explosive Device Defeat Fund; to the Committee on Armed Services.

EC–2277. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fastener Quality Act'' (RIN0693–AB57) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessels Carrying Oil, Noxious Liquid Substances, Garbage, Municipal or Commercial Waste, and Ballast Water; Technical, Organizational, and Conforming Amendment'' ((RIN1625–

ZA13)(USCG–2007–38201)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2279. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: ULHRA Hydroplane Races, Howard Amon Park, Richland, Washington'' ((RIN1625–AA00)(CGD13–07–013)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2280. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Atchafalaya River, Berwick Bay, Berwick Bay, LA'' ((RIN1625–AA11)(CGD08–06–023)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2281. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Coast Guard Academy Commencement, New London, CT'' ((RIN1625–AA87)(CGD01–07–049)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2282. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' ((RIN1625–ZA08)(USCG–2006–25150)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2283. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Large Passenger Vessel Crew Requirements'' ((RIN1625–AB16)(USCG–2007–27761)) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2284. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations beginning with CGD05–07–020)'' (RIN1625–AA08) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2285. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 5 regulations beginning with CGD09–07–012)'' (RIN1625–AA00) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2286. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 4 regulations beginning with CGD11–07–010)'' (RIN1625–AA09) received on June 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2287. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Designation of Eligible Positions for Purposes of Safe Harbor Valuation Regulations'' (Rev. Proc. 2007–41) received on June 13, 2007; to the Committee on Finance.

EC–2288. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a correction to a previously submitted rule entitled ''United States – Singapore Free Trade Agreement'' (RIN1505–AB48) received on June 12, 2007; to the Committee on Finance.

EC–2289. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to IAEA technical assistance to Iran during calendar year 2006; to the Committee on Foreign Relations.

EC–2290. A communication from the Director, Human Resources Management Office, Federal Trade Commission, transmitting, pursuant to law, a report relative to the implementation of an alternative rating and selection procedure; to the Committee on Homeland Security and Governmental Affairs.

EC–2291. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 105. A resolution designating September 2007 as ''Campus Fire Safety Month''.

S. Res. 215. A resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Ms. CANTWELL, Mr. OBAMA, Mr. KERRY, Ms. STABENOW, and Mr. SALAZAR):

S. 1617. A bill to amend the Internal Revenue Code of 1986 to provide incentives for plug-in electric drive motor vehicles; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mrs. LINCOLN, Mr. SMITH, Mr. ALLARD, Ms. STABENOW, Ms. CANTWELL, Mr. CRAIG, Mr. WYDEN, Mr. CONRAD, Mr. NELSON of Nebraska, and Mr. KERRY):

S. 1618. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of a cellulosic biofuel; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 1620. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. CRAPO, Mr. HARKIN, Mr. ROBERTS, Mrs. LINCOLN, Mr. BUNNING, and Mr. SALAZAR):

S. 1621. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Ms. SNOWE:

S. 1622. A bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. STEVENS, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. BURR, Mrs. DOLE, and Mr. ALLARD):

S. 1623. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. NELSON of Florida, and Mrs. BOXER):

S. 1625. A bill to protect against the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself and Mr. OBAMA):

S. 1626. A bill to amend title XIV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. SCHUMER, Mr. VITTER, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. CLINTON, and Mr. INHOFE):

S. 1627. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. COLEMAN, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. KERRY, and Ms. COLLINS):

S. 1628. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:

S. 1629. A bill to request a study by the Federal Communications Commission on the interference caused by broadband Internet transmission over power lines; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1630. A bill to amend the Internal Revenue Code of 1986 to exclude certain tax-exempt financing of electric transmission facilities from the private business use test; to the Committee on Finance.

By Mr. KERRY (for himself and Ms. CANTWELL):

S. 1631. A bill to establish an emergency fuel assistance grant program for small businesses during energy emergencies; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1632. A bill to ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed; to the Committee on Commerce, Science, and Transportation.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. McCAIN, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REID, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. Res. 235. A resolution designating July 1, 2007, as ''National Boating Day''; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. CRAIG, Mr. KENNEDY, Mr. HAGEL, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. BYRD, Mr. DURBIN, Ms. SNOWE, Mr. ROBERTS, Mr. LOTT, Mr. COLEMAN, Mr. MENENDEZ, and Mr. AKAKA):

S. Res. 236. A resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 163

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 163, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 467, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 468

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 468, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 545

At the request of Mr. LOTT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 573

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 576

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 671

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 717

At the request of Mr. AKAKA, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 717, a bill to repeal title

II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 839

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 839, a bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects.

S. 872

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel.

S. 909

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 909, a bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 994

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1317, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1322

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1376

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1386

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1551

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1551, a bill to amend the Public Health Service Act with respect to

making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1592

At the request of Mr. BROWN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

AMENDMENT NO. 1518

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 1518 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1519

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1519 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1521

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1521 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1547

At the request of Mr. TESTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1547 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1556

At the request of Mrs. LINCOLN, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1556 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1557

At the request of Ms. KLOBUCHAR, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 1557 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Ms. CANTWELL, Mr. OBAMA, Mr. KERRY, Ms. STABENOW, and Mr. SALAZAR):

S. 1617. A bill to amend the Internal Revenue Code of 1986 to provide incentives for plug-in electric drive motor vehicles; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise to introduce the Fuel Reduction using Electrons to End Our Dependence on the Mideast Act of 2007, or the FREEDOM Act. Senators MARIA CANTWELL, BARACK OBAMA, and I have been working closely together since the beginning of the year to author this very important legislation. We believe the FREEDOM Act will begin a dramatic shift in the transportation sector away from liquid fuels and toward the greater use of electrons.

For years I worked hard to pass a strong tax incentive package for alternative fuel and hybrid electric vehicles in the form of the CLEAR Act, which was passed into law as part of the Energy Policy Act of 2005. When I first introduced the CLEAR Act, more than 7 years ago, there were only two hybrid vehicles available commercially. Today there are dozens of models of hybrids from which consumers can choose.

Already, the move toward hybrid-electric vehicles has helped to reduce the demand for liquid fuel in this country. It has also set the stage for the next technological step, the plug-in hybrid electric vehicle. This vehicle would have an extra battery pack, recharged from the electricity grid, giving the vehicle all the benefits of a plug-in battery electric vehicle but also the freedom and fuel efficiency of a hybrid electric vehicle once the battery has used up its charge.

With today's advanced plug-in electric and the coming plug-in hybrid

electric vehicles, most commuters will be able to make the round trip from home to work and back using very little or no fuel, relying instead on cheap, clean, and abundant electricity.

As you and many of our colleagues know, per mile, electricity can be much cheaper and cleaner than petroleum, and electrons are generated domestically and independent of the global oil market.

It is difficult to overstate the potential the change to plug-in electric vehicles could make in terms of our energy dependence on liquid fuels. R. James Woolsey, who is a member of the National Commission on Energy Policy, testified before the Finance Committee this spring. In his testimony, he cited a Department of Energy study that estimated that adopting plug-in vehicles would not create a need for new base load electricity generation plants until plug-ins constitute over 84 percent of the country's 220 million passenger vehicles. In other words, we already have the power we need to fuel the vast majority of the cars in this country right now, and it exists in the excess capacity of our existing powerplants. Because plug-in vehicles could mostly be charged at night, during the off-peak hours for electric utilities, this technology represents an elegant solution.

In terms of technology and industry focus, the United States is positioned to lead the world into the future with plug-in electric drive motor vehicles. The FREEDOM Act would help our Nation to take up that position by helping to develop the market, the technology, and the domestic production capacity needed to fulfill this role.

The FREEDOM Act's goals would be achieved through four strong tax incentives: First, a tax credit for consumers who purchase plug-in electric or plug-in hybrid electric vehicles; second, for a limited time, a tax credit for consumers who convert their hybrid vehicles to high quality plug-in hybrid vehicles; third, a strong tax incentive for the U.S. manufacture of plug-in vehicles and of major components of plug-in vehicles, such as batteries, electric motors, and electronic controllers; and finally, a tax credit for electric utilities that provide rebates to customers who purchase plug-in electric drive vehicles.

Freedom plug-in credits would cover the consumer purchase of vehicles that use batteries and that plug into the electric grid for at least part of their power. This would include plug-in electrics, plug-in hybrids, and others. The amount of the credit would be based on the kilowatt hours of the vehicle's battery pack, with a cap of $7,500 for passenger vehicles. The same is true for heavier duty vehicles, except that the caps are scaled up for each vehicle weight class.

Freedom conversion credits would go to hybrid-electric vehicle owners who choose to convert their existing hybrid vehicle to a high quality plug-in hybrid electric vehicle. These credits would also be scaled to the kilowatt-hours of the new battery installed in their vehicle. Only high quality conversion kits, which are certified to meet all highway safety and emissions standards would qualify for a freedom conversion credit, and the credits would be available until the market transitions to commercially available plug-in hybrid vehicles.

The FREEDOM Act also offers first-year expensing for companies setting up production capacity in the United States for plug-in electric drive vehicles and for major components of those vehicles.

Finally, in the case that an electric utility in the U.S. chooses to offer rebates to customers who purchase plug-in electric drive vehicles, the FREEDOM Act would reimburse the utility for part of that rebate in the form of a freedom utility credit. The amount of the Government reimbursement would be based on the rate of greenhouse gas emissions for each utility.

I want to emphasize that like the tax credits available under current law for hybrid electric vehicles, the tax incentives in the FREEDOM Act are temporary. They are needed in order to help get these products over the initial stage of production, when they are quite a bit more expensive than older technology vehicles, to the mass production stage, where economies of scale will drive costs down and the credits will no longer be necessary. Consumer acceptance of this exciting new technology is vital, and these credits will make it easier and more economical for consumers to choose vehicles that will move us away from dependence on less clean and more expensive transportation fuel produced by other nations.

The consumer acceptance of the hybrid electric vehicle has already proven a benefit to our Nation's energy security, and the plug-in hybrid will lead to an even more dramatic reduction in fuel use in this country. Years ago, I argued that the technologies developed to make hybrids possible would eventually lead us to a commercially available hydrogen fuel cell vehicle. I stand by that argument, and I believe that by the time plug-in hybrid electric vehicles become mass produced in this country, we will be ready to use hydrogen fuel cells to disconnect these vehicles from the grid and begin a new age in transportation with much greater freedom of movement and freedom from dependence of foreign oil.

Mr. President, I urge my colleagues to throw their full support for the FREEDOM Act.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1619. A bill to amend the Internal Revenue Code of 1986 to provide a credit for fuel-efficient motor vehicles, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today Senator BENNETT and I are reintroducing legislation to provide a significant financial incentive for automakers to produce, and for their customers to buy, more fuel efficient cars and light trucks in the form of consumer tax credits. Reducing our Nation's dependence on oil should not be a partisan issue and Senator BENNETT and I have worked together to come up with a plan that will encourage consumers to buy more energy efficient vehicles even if those vehicles employ technologies, such as electric hybrid drive trains or clean diesels, that cost more to produce.

Under our bipartisan, market-oriented bill, consumers who buy vehicles that are at least 25 percent more fuel efficient than the current corporate fuel economy standards, called CAFE, would get a rebate of at least $630 and as much as $1,860 for the most fuel-efficient cars. We have separate standards for cars and trucks so consumers can choose the type of vehicle they want and still get the credit as long as they choose a fuel-efficient model. Similarly, our bill is technology neutral. We don't provide a credit based on the kind of engine or drive train that a car or truck has. We provide a credit based on the level of fuel economy the vehicle achieves. So, manufacturers are free to pursue whichever efficiency technology they want and consumers have a greater choice of vehicles to purchase.

In the past, the automobile industry has said that increasing fuel economy standards is hard to achieve because car buyers place little value on fuel economy, especially if that fuel efficiency comes with added cost. They also argue that initial purchaser of a new car or truck will not keep that car or truck long enough to recognize the life-cycle fuel savings of a more efficient vehicle. The new program created by our bill directly addresses these concerns by providing tax credits to consumers for purchasing fuel-efficient vehicles.

Providing these credits to purchasers of fuel efficient vehicles will focus consumer attention on fuel efficiency at the time of purchase. For vehicles that qualify, the rebate amount would be printed on the window sticker on new vehicles, so consumers would know exactly how much they would receive at the time they buy a new vehicle.

The consumer would claim that rebate as a tax credit on his or her tax return. Alternatively, the rebate could be transferred to auto dealers, allowing dealers to provide the rebates to consumers as ''cash back'' at the time of purchase.

This legislation builds on the incentives that were provided in the 2005 energy bill specifically for hybrid gasoline/electric, lean-burn and fuel-cell powered cars. We believe the approach that we are advocating will be simpler and fairer. Unlike the 2005 credits, we don't pick specific technologies. Unlike the 2005 credits, we don't limit the amount of the credits to a specific number of vehicles or manufacturer. This approach does not pick winners and losers among competitive technology or companies. It takes a technology-neutral approach that allows any vehicle that has superior fuel efficiency to qualify for a tax credit, whether it uses hybrid or any other technology.

Finally, legislation already passed by the Senate Commerce Committee calls for the U.S. Department of Transportation to begin to increase the fuel efficiency standards of cars beginning in model year 2011. Our tax credit program, which will cover model years 2009, 2010 and 2011, will help bridge the gap between where we are now and implementation of the new fuel economy standards by encouraging consumers to buy those more fuel efficient vehicles earlier while helping manufacturers gear up to produce them.

I urge colleagues to help jumpstart our Nation on the road to oil independence and chart a new direction for our Nation's energy policy by supporting the OILSAVE Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1619

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Independence, Limiting Subsidies, and Accelerating Vehicle Efficiency (OILSAVE) Act''.

SEC. 2. TAX CREDIT FOR FUEL-EFFICIENT MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by inserting after section 30C the following new section:

''SEC. 30D. FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

''(b) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a motor vehicle (as defined under section 30(c)(2))—

''(1) which is a passenger automobile or a light truck,

''(2) which—

''(A) in the case of a passenger automobile, achieves a fuel economy of not less than 34.5 miles per gallon, and

''(B) in the case of a light truck, achieves a fuel economy of not less than 27.5 miles per gallon,

''(3) the original use of which commences with the taxpayer,

''(4) which is acquired for use or lease by the taxpayer and not for resale, and

''(5) which is made by a manufacturer for model year 2009, 2010, or 2011.

''(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount shall be determined as follows:

If the motor vehicle achieves a fuel economy of:	In the case of a passenger automobile, the applicable amount is:	In the case of a light truck, the applicable amount is:
27.5 miles per gallon	$0	$630
28.5	0	710
29.5	0	780
30.5	0	850
31.5	0	920
32.5	0	980
33.5	0	1,040
34.5	630	1.090
35.5	700	1,140
36.5	760	1,190
37.5	820	1,240
38.5	880	1,280
39.5	940	1,320
40.5	990	1,360
41.5	1,040	1,400
42.5	1,090	1,430
43.5	1,140	1,470
44.5	1,180	1,500
45.5	1,220	1,530
46.5	1,260	1,560
47.5	1,300	1,590
48.5	1,340	1,620
49.5	1,370	1,640
50.5	1,410	1,670
51.5	1,440	1,690
52.5	1,470	1,720
53.5	1,500	1,740
54.5	1,530	1,760
55.5	1,560	1,780
56.5	1,590	1,800
57.5	1,610	1,820
58.5	1,640	1,840
59.5 or more	1,660	1,860

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FUEL ECONOMY.—The term 'fuel economy' has the meaning given such term under section 32901(a)(10) of title 49, United States Code.

''(2) MODEL YEAR.—The term 'model year' has the meaning given such term under section 32901(a)(14) of such title.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meaning given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for

which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—

''(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

''(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

''(6) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(7) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(8) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(e) CREDIT MAY BE TRANSFERRED.—

''(1) IN GENERAL.—A taxpayer may, in connection with the purchase of a new qualified fuel-efficient motor vehicle, transfer any credit allowable under subsection (a) to any person who is in the trade or business of selling new qualified fuel-efficient motor vehicles, but only if such person clearly discloses to such taxpayer, through the use of a window sticker attached to the new qualified fuel-efficient vehicle—

''(A) the amount of any credit allowable under subsection (a) with respect to such vehicle, and

''(B) a notification that the taxpayer will not be eligible for any credit under section 30 or 30B with respect to such vehicle unless the taxpayer elects not to have this section apply with respect to such vehicle.

''(2) CONSENT REQUIRED FOR REVOCATION.—Any transfer under paragraph (1) may be revoked only with the consent of the Secretary.

''(3) REGULATIONS.—The Secretary may prescribe such regulations as necessary to ensure that any credit described in paragraph (1) is claimed once and not retransferred by a transferee.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(d)(4).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(d)(7),'' after ''30C(e)(5),''.

(3) The table of section for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Fuel-efficient motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act with respect to model years 2009, 2010, and 2011.

SEC. 3. SENSE OF THE SENATE REGARDING OFFSETTING REVENUES.

It is the sense of the Senate that the cost of the amendments made by section 2 shall be offset by equivalent revenues specified in related legislation.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 1620. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Oil Pollution Prevention and Response Act of 2007 with my colleague Senator KERRY, This comprehensive legislation strengthens and builds upon the Oil Pollution Act of 1990, OPA 90. Congress passed OPA 90 shortly after the Exxon Valdez ran aground in 1989, spilling 11 million gallons of crude oil in Alaska's pristine Prince William Sound, the largest spill in U.S, history. OPA 90 revolutionized oil spill risk management and we have OPA 90 to thank or improving oil spill prevention, preparedness, and response.

It is important to recognize that we have come a long way since OPA 90. This is especially true in my home State of Washington. The Coast Guard's District 13 leads the Nation in oil spill prevention and works closely with the State of Washington, tribal governments, and industry.

While we recognize the good work that is already being carried out in Washington and elsewhere, we must also look to continually improve our ability to prevent and respond to oilspills. While the probability of a major oilspill has been greatly reduced since OPA 90, the potential impact of such a spill is now greater than ever.

According to Coast Guard data, although the number of oilspills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant. In 1992, vessels spilled 665,432 gallons of oil; in 2004, the total was higher, at 722,768 gallons, and a significant numbers of spills are still occurring. In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships. Furthermore, even though the number of spills from tankers declined from 193 spills in 1992 to 36 spills in 2004, a single incident from a vessel like the Exxon Valdez can be devastating.

Again, to use examples from Washington State: Endangered species like salmon and southern resident orca whales are increasingly vulnerable to the acute and chronic impacts of an oilspill. We have a National Marine Sanctuary off our coast that demands stepped-up protection, and we must take care to hold up our trust obligations to treaty tribes whose usual and accustomed fishing grounds would be devastated by a major spill. This is all to say that we must factor the consequence major spill into our equations for risk. My colleagues from around the country can, I am sure, point to similar examples.

In August of 2005, I chaired a Commerce Committee Subcommittee on Fisheries and Coast Guard field hearing in Seattle. This hearing focused on improving our oil pollution prevention and response capabilities. As a result of testimony from that hearing and conversations with the Coast Guard and other stakeholders, I introduced the Oil Pollution Prevention and Response Act of 2006 last March.

The bill I introduce today, the Oil Pollution Prevention and Response Act of 2007, updates that effort and includes additional provisions.

New provisions include a requirement that the Coast Guard notify States and tribal governments of maritime incidents in Federal waters that have the potential to impact state resources. The bill would also atlthorize the Coast Guard to train and work with qualified State vessel inspectors to bolster their existing ability to inspect vessels in port.

Other new provisions include a requirement for the Coast Guard to promulgate regulations allowing vessel owners to form nonprofit cooperatives to streamline their compliance with vessel response plan requirements. Also new is an authorization for an education and outreach grant program to prevent the frequency of small spills that occur from recreational vessels.

The Oil Pollution Prevention and Response Act of 2007 retains key provisions from last year's bill that address a number of areas to improve prevention and response.

First, my bill directs the Coast Guard to finalize all rulemakings remaining from OPA 90 within 18 months. Remaining OPA 90 rules include the critical salvage and firefighting requirements, which would establish a national network of salvage and response vessels and equipment capable of assisting ships in distress. Implementation of the salvage and firefighting rule has been consistently pushed back, most recently in February of this year. It has been 17 years since the passage of OPA 90 and finalizing these rules in a timely manner

will greatly improve our prevention and response capabilities.

Because human error is the leading cause of accidental oilspills, the Coast Guard would be required to identify and pass regulations to address the most frequent sources of human error that have led to oilspills from vessels as well as ''near-misses.'' It would require the Coast Guard to ensure the safety of single hull tankers and other high-risk vessels by increasing inspections of such vessels. My bill would require the Coast Guard to address and reduce the increased risk of oilspills from oil transfers. It would also make companies that knowingly hire substandard single-hull tank vessels after 2010 ''responsible parties'' in order to provide a disincentive for such contracts.

Of particular importance to my State, the bill would provide a mechanism for year-round funding of the Neah Bay response tug, a key element of the oilspill prevention safety net for Washington State's Olympic coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of ''High Volume Port'' for Puget Sound to make westerly boundary begin at the entrance to the strait. This change would require oilspill response equipment to be stationed along the entire strait and not just east of the current line at Port Angeles. In addition, the Oil Pollution Prevention and Response Act of 2007 would require improved coordination with federally recognized tribes on oilspill prevention, preparedness, and response.

The bill would codify into federal law the establishment of the oilspill Advisory Council, which was created by the Washington State Legislature and Governor Gregoire in the wake of the October 2004 Dalco Passage Oilspill, and provide $1 million annually to support the council's important work. Finally, this bill would reiterate an OPA 90 directive for the Coast Guard and Department of State to enter into negotiations with Canada to ensure tug escorts for all tank ships with a capacity greater than 40,000 dead weight tons in the Strait of Juan de Fuca, Strait of Georgia, and Haro Strait.

The slow response to the oilspill in Daleo Passage in the Puget Sound was largely attributed to difficulties with detecting the oil that was spilled. The Oil Pollution Prevention and Response Act of 2007 would reinvigorate a Federal research program on oilspill prevention, detection, and response, and would establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels, including infrared, pressure sensors, and remote sensing. It would also require the Secretary of Homeland Security, in conjunction with other Federal agencies, to conduct an analysis of the condition and safety of all aspects of oil transportation in the United States, and provide recommendations to improve such safety. This was a specific recommendation of the U.S. Commission on Ocean Policy.

The Department of Justice has also noted that a major category of oilspills are intentional discharges of oil from vessels. The United States cannot address this problem alone. Thus, the bill would require the Coast Guard to pursue stronger enforcement measures for oil discharges in the International Maritime Organization and other appropriate international organizations.

Oilspill prevention and response is timely for Congress to consider because waterborne transportation of oil in the United States continues to increase, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high. Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, Hawaii, and Washington, and involved barges, tankers, nontank vessels, and oil transfer operations.

One thing we have learned from these spills is that prevention is more cost-effective than cleaning up oil once it is released into the environment. We have also learned that although double hulls and redundant steering do increase tanker safety, these technologies are not a panacea and we need to do more to ensure against oilspills.

The Federal Government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oilspills. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1620

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oil Pollution Prevention and Response Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PREVENTION OF OIL SPILLS

SUBTITLE A—COAST GUARD PROVISIONS

Sec. 101. Rulemakings.
Sec. 102. Oil spill response capability.
Sec. 103. Inspections by Coast Guard.
Sec. 104. Oil transfers from vessels.
Sec. 105. Improvements to reduce human error and near-miss incidents.
Sec. 106. Navigational measures for protection of natural resources.
Sec. 107. Olympic Coast National Marine Sanctuary.
Sec. 108. Higher volume port area regulatory definition change.
Sec. 109. Prevention of small oil spills.
Sec. 110. Improved coordination with tribal governments.
Sec. 111. Oil spill advisory council.
Sec. 112. Notification requirements.
Sec. 113. Cooperative State inspection authority.
Sec. 114. Tug escorts for laden oil tankers.
Sec. 115. Tank and non-tank vessel response plans.
Sec. 116. Report on the availability of technology to detect the loss of oil.

SUBTITLE B—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROVISIONS

Sec. 151. Hydrographic surveys.
Sec. 152. Electronic navigational charts.

TITLE II—RESPONSE

Sec. 201. Rapid response system.
Sec. 202. Coast Guard oil spill database.
Sec. 203. Use of oil spill liability trust fund.
Sec. 204. Extension of financial responsibility.
Sec. 205. Liability for use of unsafe single-hull vessels.
Sec. 206. Response tugs.
Sec. 207. International efforts on enforcement.
Sec. 208. Investment of amounts in damage assessment and restoration revolving fund.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

Sec. 301. Federal Oil Spill Research Committee.
Sec. 302. Grant project for development of cost-effective detection technologies.
Sec. 303. Status of implementation of recommendations by the National Research Council.
Sec. 304. GAO report.
Sec. 305. Oil transportation infrastructure analysis.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent in the United States for cleanup of, and damages due to, oil spills; while many social, cultural, economic, and environmental damages remain uncompensated.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels. The value of waterfront property, sport, commercial and tribal treaty fisheries, recreation, tourism, and threatened and endangered species continue to increase.

(10) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(11) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(12) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(13) The Federal government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

(14) Environmentally fragile coastal areas are vitally important to local economies and the way of life in coastal States and federally recognized tribal governments. These areas are particularly vulnerable to the threat of oil spills. Coastal waters contribute approximately 75 percent of all commercial shellfish and finfish catches, and over 81 percent of all recreational fishing catches in the United States, outside of Alaska and Hawaii.

(15) The northern coast of Washington State and entrance to Puget Sound is the principal corridor conveying Pacific Rim commerce into the State, to Canada's largest port, and to the United States' third largest naval complex. The area contains a National Marine Sanctuary, a National Park, and many National Wildlife Refuges contiguous with marine waters.

(16) State, local, and tribal governments have important human resources and spill response capabilities which can contribute to response efforts in the event of a significant oil spill. State, local, and tribal governments may have unique local knowledge of natural resources which can improve the quality of spill response. For these reasons, State, local and tribal governments need appropriate information to have knowledge of spills, as well as incidents and activities that may result in a spill, which can impact State waters.

SEC. 4. DEFINITIONS.

In this Act:

(1) AREA TO BE AVOIDED.—The term ''area to be avoided'' means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(4) NON-TANK VESSEL.—The term ''non-tank vessel'' means a self-propelled vessel other than a tank vessel.

(5) OIL.—The term ''oil'' has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(7) TANK VESSEL.—The term ''tank vessel'' has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(8) WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''waters subject to the jurisdiction of the United States'' means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21)) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

(9) OTHER TERMS.—The terms ''facility'', ''gross ton'', ''exclusive economic zone'', ''incident'', ''oil'', ''tank vessel'', ''territorial seas'', and ''vessel'' have the meaning given those terms in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

TITLE I—PREVENTION OF OIL SPILLS

Subtitle A—Coast Guard Provisions

SEC. 101. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 102. OIL SPILL RESPONSE CAPABILITY.

(a) SAFETY STANDARDS FOR TOWING VESSELS.—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.—No later than January 1, 2008, the Secretary of the department in which the Coast Guard is operating shall promulgate a final rule for Buzzards Bay, Massachusetts, pursuant to the notice of proposed rulemaking published on March 29, 2006, (71 Fed. Reg. 15649), after taking into consideration public comments submitted pursuant to that notice, to adopt measures to reduce the risk of oil spills in Buzzards Bay, Massachusetts.

(c) REPORTING.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

SEC. 103. INSPECTIONS BY COAST GUARD.

(a) IN GENERAL.—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall

transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Under Secretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted, the Secretary and the Under Secretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the extent that the Secretary and the Under Secretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Secretary, through the Commandant and in consultation with the Army Corps of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) REPORT.—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552b(e) of title 5, United States Code.

SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

(a) OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) EMERGENCY OIL SPILL DRILL.—

(1) IN GENERAL.—In cooperation with the Secretary, the Under Secretary of Commerce for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2008. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) OTHER REQUIRED DRILLS.—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries as well as areas identified in section 106(a) of this bill.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2008 $700,000 to carry out this subsection.

SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term ''higher volume port area'' in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA'' without initiating a rulemaking proceeding.

(b) EMERGENCY RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to emergency response plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 109. PREVENTION OF SMALL OIL SPILLS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 annually for each of fiscal years 2008 through 2012.

SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) NATIONAL PLANNING.—The Secretary shall assist tribal governments to participate in the development and capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources. The Secretary shall ensure that in regions where oil spills are likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the potentially affected tribes are included as part of the regional response team cochaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills; and

(2) provide training of tribal incident commanders and spill responders.

(c) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(d) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance and may include training for preparedness and response and provisions on coordination in the event of a spill. As part of these memoranda of agreement, the Secretary may carry out demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills to the maximum extent possible.

(e) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (d) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2008 through 2012 to be used to carry out this section.

SEC. 111. OIL SPILL ADVISORY COUNCIL.

Section 5002(k) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(k)) is amended by adding at the end the following:

''(4) WASHINGTON STATE PROGRAM.—

''(A) IN GENERAL.—For purposes of this paragraph, the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington is deemed to be an advisory council established under this section. The provisions of this section, other than this paragraph, do not apply to that oil spill advisory council.

''(B) FUNDING.—The owners or operators of terminal facilities or crude oil tankers operating in Washington State waters shall provide, on an annual basis, an aggregate amount of not more than $1,000,000, as determined by the Secretary. Such amount—

''(i) shall be made available to the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington;

''(ii) shall be adjusted annually by the Consumer Price Index; and

''(iii) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Washington State waters and the Council.''.

SEC. 112. NOTIFICATION REQUIREMENTS.

(a) MARINE CASUALTIES.—Section 6101 of title 46, United States Code, is amended by adding at the end the following:

''(j) NOTICE TO STATES AND TRIBAL GOVERNMENTS.—Within 1 hour after receiving a report under this section, the Secretary shall forward the report to each State and federally recognized Indian tribal government that has jurisdiction concurrent with the United States or adjacent to waters in which the casualty occurred. Each State shall identify for the Secretary the agency to which such reports shall be forwarded and shall be responsible for forwarding appropriate information to local and tribal governments within its jurisdiction.''.

(b) STATE-REQUIRED NOTICE OF BULK OIL TRANSFERS.—Notwithstanding any other provision of law, a coastal State may, by law, require a person to provide notice of 24 hours or more to the State and to the United States Coast Guard before transferring oil in bulk in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters. The Commandant may assist coastal States in developing appropriate methodologies for joint Federal and State notification of any such transfers to minimize any potential burden to vessels.

SEC. 113. COOPERATIVE STATE INSPECTION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized to execute a joint enforcement agreement with the Governor of a coastal state that meets the requirements of subsection (b) under which—

(1) State law enforcement officers with marine law enforcement responsibilities may be authorized to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary; and

(2) State inspectors are authorized to conduct inspections of United States and foreign-flag vessels in United States ports under the supervision of the Coast Guard and report and refer any documented deficiencies or violations to the Coast Guard for action.

(b) STATE QUALIFICATIONS.—To be eligible to participate in a joint enforcement agreement under subsection (a), a coastal state shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) demonstrate to the satisfaction of the Secretary that—

(A) its State inspectors possess, or qualify for, a merchant mariner officer or engineer license for at least a 1600 gross-ton vessel under subchapter B of title 46, Code of Federal Regulations;

(B) it has established support for its inspection program to track, schedule, and monitor shipping traffic within its waters; and

(C) it has a funding mechanism to maintain an inspection program for at least 5 years.

(c) TECHNICAL SUPPORT AND TRAINING.—The Secretary may provide technical support and training for State inspectors who participate in a joint enforcement agreement under this section.

SEC. 114. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

SEC. 115. TANK AND NON-TANK VESSEL RESPONSE PLANS.

Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations authorizing owners and operators of tank and non-tank vessel to form non-profit cooperatives for the purpose of complying with section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

SEC. 116. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

Subtitle B—National Oceanic and Atmospheric Administration Provisions

SEC. 151. HYDROGRAPHIC SURVEYS.

(a) REDUCTION OF BACKLOG.—The Under Secretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) NEW SURVEYS.—By no later than January 1, 2010, the Under Secretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Under Secretary to be critical areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary for the purpose of carrying out the new surveys required by subsection (b) such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) IN GENERAL.—By no later than September 1, 2008, the Under Secretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) PRIORITIES.—In completing the suite, the Under Secretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Under Secretary for the purpose of completing the electronic navigation chart suite $6,200,000 for fiscal years 2008 and 2009.

TITLE II—RESPONSE

SEC. 201. RAPID RESPONSE SYSTEM.

The Under Secretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database;

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills; and

(3) makes the data available to the public.

SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) IN GENERAL.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

(b) USE OF FUND IN NATIONAL EMERGENCIES.—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by inserting ''or'' after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

''(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

''(A) VESSELS.—In the case of a vessel—

''(i) any person owning, operating, or demise chartering the vessel; and

''(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

SEC. 206. RESPONSE TUGS.

(a) IN GENERAL.—Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(J) RESPONSE TUG.—

''(i) IN GENERAL.—The Secretary shall require the stationing of a year round response tug of a minimum of 70-tons bollard pull in the entry to the Strait of Juan de Fuca at Neah Bay capable of providing rapid assistance and towing capability to disabled vessels during severe weather conditions.

''(ii) SHARED RESOURCES.—The Secretary may authorize compliance with the response tug stationing requirement of clause (i) through joint or shared resources between or among entities to which this subsection applies.

''(iii) EXISTING STATE AUTHORITY NOT AFFECTED.—Nothing in this subparagraph supersedes or interferes with any existing authority of a State with respect to the stationing of rescue tugs in any area under State law or regulations.

''(iv) ADMINISTRATION.—In carrying out this subparagraph, the Secretary—

''(I) shall require the vessel response plan holders to negotiate and adopt a cost-sharing formula and a schedule for carrying out this subparagraph by no later than June 1, 2008;

''(II) shall establish a cost-sharing formula and a schedule for carrying out this subparagraph by no later than July 1, 2008 (without regard to the requirements of chapter 5 of title 5, United States Code) if the vessel response plan holders fail to adopt the cost-sharing formula and schedule required by subclause (I) of this clause by June 1, 2008; and

''(III) shall implement clauses (i) and (ii) of this subparagraph by June 1, 2008, without a rulemaking and without regard to the requirements of chapter 5 of title 5, United States Code.

''(v) LONG TERM TUG CAPABILITIES.—Within 6 months after implementing clauses (i) and (ii), and section 110 of the Oil Pollution Prevention and Response Act of 2007, the Secretary shall execute a contract with the National Academy of Sciences to conduct a study of regional response tug and salvage needs for Washington's Olympic coast. In developing the scope of the study, the National Academy of Sciences shall consult with Federal, State, and Tribal trustees as well as relevant stakeholders. The study—

''(I) shall define the needed capabilities, equipment, and facilities for a response tug in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic coast, provide rescue towing services, oil spill response, and salvage and fire-fighting capabilities;

'''(II) shall analyze the tug's multi-mission capabilities as well as its ability to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress and make recommendations as to the placement of this equipment;

''(III) shall address scenarios that consider all vessel types and weather conditions and compare current Neah Bay tug capabilities, costs, and benefits with other United States industry funded response tugs, including those currently operating in Alaska's Prince William Sound;

''(IV) shall determine whether the current level of protection afforded by the Neah Bay response tug and associated response equipment is comparable to protection in other locations where response tugs operate, including Prince William Sound, and if it is not comparable, shall make recommendations as to how capabilities, equipment, and facilities should be modified to achieve optimum protection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as necessary to carry out section 311(j)(5)(J)(v) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(J)(v)).

SEC. 207. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 208. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) MEMBERSHIP.—The members of the Committee shall be designated by the Under Secretary of Commerce for Oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Under Secretary, shall serve as Chairman.

(c) DUTIES.—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, and corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in

need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) QUINQUENNIAL UPDATES.—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) ADVICE AND GUIDANCE.—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) NATIONAL ACADEMY OF SCIENCE PARTICIPATION.—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (d), the Committee shall submit to Congress a plan for the implementation of the program.

(2) PROGRAM ELEMENTS.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) GRANT PROGRAM.—

(1) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) APPLICATIONS AND CONDITIONS.—In conducting the program, the Under Secretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) FACILITATION.—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) ANNUAL REPORTS.—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and on activities proposed to be carried out under this section in the current fiscal year.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) $200,000 for fiscal year 2008, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended, to fund grants under subsection (h).

(l) COMMITTEE REPLACES EXISTING AUTHORITY.—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant to carry out this section $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended.

(e) TRANSFER PROHIBITED.—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) ''Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990'', dated 1998.

(2) ''Oil in the Sea III, Inputs, Fates and Effects'', dated 2003.

(b) CONTENT.—The report shall contained a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) CONTINUING OIL RELEASES.—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) DOUBLE HULLS.—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) ALTERNATIVE DESIGNS FOR NON-TANK VESSELS.—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) RESPONSE EQUIPMENT.—An assessment of the sufficiency of oil pollution response and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural disaster or emergency.

By Ms. SNOWE:

S. 1622. A bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and recongifure them to include spectrum to be licensed for small geographic areas; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to encourage the deployment of next generation wireless services in rural areas. Cell phones have become a vital part of so many lives. Today, there are more than 200 million wireless subscribers in the United States alone, a subscribership that continues to grow. This burgeoning success makes it all the more imperative that we foster an environment where this technology and future wireless advancements can flourish and thrive.

As we consider the myriad issues affecting this debate, we must bear in mind that along with mobility, convenience and safety, cell phones today engender countless additional benefits from access to information, global satellite positioning, to entertainment. While wireless phones have been rapidly adopted by the general public, wireless service faces flaws that could hinder further adoption. I can tell you from firsthand experience how frustrated it can be when I am at home in Maine when I cannot get cellular service. Something must be done in order to improve advance the capability of wireless service that people across my State and others are relying on in increasing numbers every day.

We must be vigilant in safeguarding our smaller communities from remaining under served and strive to ensure that they are taken into account as the Federal Government shapes policy in response to this changing technological landscape. As many of my colleagues are well aware, wireless services, such as cell phones, handheld devices, and some Internet services use frequencies on the radio spectrum to transfer voice and data from one user to another. It is the job of the service provider to convert these airwaves into the valuable services that consumers demand. The quality of service in a given place depends on how much investment the service provider has put into infrastructure. More urban locations tend to have better service because the return on investment is much higher because of the concentration of customers. This reality does not mean that rural areas are left without service. Viable business models exist that can sustain service in these more remote locations. Oftentimes smaller, local wireless companies can serve these areas better than nationwide service providers.

But one of the greatest barriers to entry in the wireless industry is acquiring a spectrum license in which a service can be operated. Companies bid billions of dollars for rights to be one of the Nation's most critical technological resources. The digital television transition is on the verge of releasing new spectrum into the marketplace, the much-anticipated 700 megaHertz spectrum auction. While I am grateful that the Federal Communications Commission has stated its intention to auction off the spectrum in licenses that cover both large and small geographic areas, without this consideration, smaller companies will be unable to compete in the bidding process. That is patently unacceptable.

The bill I introduce today aims to address this problem by reiterating to the Federal Communications Commission the necessity of protecting smaller communities during the 700 MHz spectrum that will be auctioned as a result of the digital television transition. In the final auction rules, the FCC must divide some of the frequency allocations into smaller area licenses so that local and regional wireless companies can have an opportunity to compete in the bidding process. The proper balance of large and small licenses will encourage the deployment of advanced services throughout all parts of the United States.

This bill is not meant to circumvent the expertise or purview of the Federal Communications Commission, nor call into question its intentions. It merely directs the FCC to use its acumen and good offices to develop a plan that will benefit the entire Nation. Rural America deserves the same benefits of wireless technologies that are available in urban areas. This act gives those best able to serve remote areas the required tools to deploy those services.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. STEVENS, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. COCHRAN, Mr. BURR, Mrs. DOLE, and Mr. ALLARD):

S. 1623. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, today I introduce S. 1623. I introduce this bill to prevent the imposition of global taxes on the United States. The current efforts of the United Nations and other international organizations are to develop and advocate a type of tax system that will keep them from having to answer to anybody.

Last year, I introduced legislation, S. 3633, which garnered the support of 31 cosponsors, and I am pleased to reintroduce this bill today with 23 cosponsors.

This bill states if the United Nations or other international organizations continue to pursue global taxation, the United States will withhold 20 percent of the assessed contributions to the regular budget of these organizations. This measure will last until certification is given by the President to the Congress that no international organization has legal taxation authority in the United States, that no taxes or fees have been imposed on the United States, and that no taxes have been proposed by any of these international organizations.

One has to wonder sometimes what has happened to sovereignty in America. There are people in this body who don't think anything is good unless it is somehow proposed by some international organization, and quite often the interests of international organizations are not the same interests of our Nation. Our Government's primary leverage with the United Nations is controlling the flow of our regular contributions. By collecting enormous and global taxes on top of our regular contributions, the United Nations, or any other of these international organizations, would be accountable to no one. The United Nations' abuse of international trust, rampant corruption, and widespread waste are now all well-known. Allowing this clearly dysfunctional institution to extract U.S. dollars is absurd. Permitting this would condone the U.N.'s long sought-after goal of a U.N.-led global governance—something not in the best interest of the United States.

The United States already pays 27 percent of the U.N. Peacekeeping budget and 22 percent of the regular U.N. dues and special assessments, the majority of which our Government tracks very poorly. To further loosen the reins on the United Nations would be disastrous. We can't allow this to happen.

It is fascinating to watch the various things that are not in the best interests of this country and the fact that we are paying for 25 percent of that. This is a way we would be able to inject into this system something that would be far better and would take care of just the sovereignty of the United States; those things that are in our best interests and not just in the best interests of some international organization.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1624. A bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to

partnerships directly or indirectly deriving income from providing investment adviser and related asset management services; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my friend and colleague, Senator GRASSLEY, in introducing legislation to preserve the corporate tax base.

The Federal Government taxes corporations. The tax law treats corporations as economic entities, and taxes them separately from the corporation's shareholders. And the tax law treats partnerships differently from corporations.

Recently, some private equity and hedge fund entities have sought to go public without paying a corporate tax. The bill that we introduce today would treat all publicly traded partnerships that directly or indirectly receive income from providing investment advisory or asset management services as corporations. The tax law ought to treat as corporations entities that function as corporations.

Congress enacted the publicly traded partnership rules in 1987 to preserve the corporate tax base. Congress was concerned that publicly traded partnerships might be able to enjoy the privilege of going public like a corporation without the corporate toll charge. The House committee report stated:

> These changes [referring to the corporate minimum tax included in the 1986 Act] reflect an intent to preserve the corporate level tax. The committee is concerned that the intent of these changes is being circumvented by the growth of publicly traded partnerships that are taking advantage of an unintended opportunity for disincorporation and elective integration of the corporate and shareholder levels of tax.

Congress carved out an exception for those partnerships that receive 90 percent or more of their income from passive income. Passive income includes dividends, rents, royalties, interest, and the sale of capital gains. But Congress generally treated publicly traded partnerships that derive income from active businesses as corporations.

To emphasize that point, in 1987, the House committee report stated:

> In general, the purpose of distinguishing between passive-type income and other income is to distinguish those partnerships that are engaged in activities commonly considered as essentially no more than investments, and those activities more typically conducted in corporate form that are in the nature of active business activities.

This year, some private equity and hedge fund management firms are attempting to qualify for partnership tax treatment. They seek to do so even though they derive virtually all of their income from providing asset management and financial advisory services. These management firms argue that they are able to achieve this result by claiming that all of their income from asset management and investment advisory services is passive. But objective observers would say that this income actually arises from active businesses. Congress's intent in 1987 was to treat such publicly traded partnerships as corporations. In the legislation that we introduce today, we seek to ensure that Congress's original intent is carried out.

This legislation is also important to ensure that some corporations are not disadvantaged because they conduct business in the corporate form and pay taxes as a corporation. Asset management service and investment advisory partnerships provide the same types of active business services as their corporate competitors. Our tax system functions best when it is fair. The tax law ought to treat similarly situated taxpayers the same. Thus, these publicly traded partnerships should be taxed as corporations.

The legislation that we introduce today would clarify the purpose of the publicly traded partnership rules. Our bill would deny the ability of an active financial advisory and asset management business to go public and avoid a corporate level tax on a significant amount of its income.

Senator GRASSLEY and I have asked the staff of the Treasury Department for their views on these transactions, how they plan to address this issue, and whether they think additional statutory changes are necessary to clarify the intent of the publicly traded partnership rules. If a statutory change is needed, then this legislation will accomplish that change. If a change is not needed, then this legislation does not alter the ability of Treasury Department and the Internal Revenue Service to issue guidance and enforce congressional intent.

I urge my colleagues to join with Senator GRASSLEY and me to protect the original intent of Congress, to protect the tax base, and to treat similarly situated entities similarly. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill and an explanation and reasons for change be printed in the RECORD.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION FROM TREATMENT OF PUBLICLY TRADED PARTNERSHIPS AS CORPORATIONS NOT TO APPLY TO PARTNERSHIPS DIRECTLY OR INDIRECTLY DERIVING INCOME FROM PROVIDING INVESTMENT ADVISER AND RELATED ASSET MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 7704(c) of the Internal Revenue Code of 1986 (relating to exception for partnerships with passive-type income) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION NOT TO APPLY TO PARTNERSHIPS PROVIDING CERTAIN INVESTMENT ADVISER AND RELATED ASSET MANAGEMENT SERVICES.—This subsection shall not apply to any partnership which directly or indirectly has any item of income or gain (including capital gains or dividends), the rights to which are derived from—

''(A) services provided by any person as an investment adviser (as defined in section 202(a)(11) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-2(a)(11)) or as a person associated with an investment adviser (as defined in section 202(a)(17) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-2(a)(17)), or

''(B) asset management services provided by any person described in subparagraph (A) (or any related person) in connection with the management of assets with respect to which services described in subparagraph (A) were provided.

For purposes of subparagraph (A), the determination as to whether services provided by any person were provided as an investment adviser shall be made without regard to whether the person is required to register as an investment adviser under the Investment Advisers Act of 1940.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years of a partnership beginning on or after June 14, 2007.

(2) TRANSITION RULE FOR CERTAIN PARTNERSHIPS.—In the case of a partnership—

(A) the interests in which on June 14, 2007, were—

(i) traded on an established securities market, or

(ii) readily tradeable on a secondary market (or the substantial equivalent thereof), or

(B) which, on or before June 14, 2007, filed a registration statement with the Securities and Exchange Commission under section 6 of the Securities Act of 1933 (15 U.S.C. 77f) which was required solely by reason of an initial public offering of interests in the partnership,

the amendment made by this section shall apply to taxable years of the partnership beginning on or after June 14, 2012. Subparagraph (B) shall not apply to a registration statement which is filed with respect to securities which are to be issued on a delayed or continuous basis (as determined under the rules of the Securities and Exchange Commission promulgated under such Act).

A. TREATMENT OF PUBLICLY TRADED PARTNERSHIPS DIRECTLY OR INDIRECTLY DERIVING INCOME FROM INVESTMENT ADVISER SERVICES AND RELATED ASSET MANAGEMENT SERVICES

PRESENT LAW

Under present law, a publicly traded partnership generally is treated as a corporation for Federal tax purposes (sec. 7704(a)). For this purpose, a publicly traded partnership means any partnership if interests in the partnership are traded on an established securities market, or interests in the partnership are readily tradable on a secondary market (or the substantial equivalent thereof).

An exception from corporate treatment is provided for certain publicly traded partnerships, 90 percent or more of whose gross income is qualifying income (sec. 7704(c)(2)). However, this exception does not apply to any partnership that would be described in section 851 (a) if it were a domestic corporation, which includes a corporation registered under the Investment Company Act of 1940 as a management company or unit investment trust.

Qualifying income includes interest, dividends, and gains from the disposition of a capital asset (or of property described in section 1231 (b)) that is held for the production of income that is qualifying income. Qualifying income also includes rents from real property, gains from the sale or other disposition of real property, and income and gains from the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), or the marketing of any mineral or natural resource (including fertilizer, geothermal energy, and timber). It also includes income and gains from commodities (not described in section 1221 (a)(1)) or futures, options, or forward contracts with respect to such commodities (including foreign currency transactions of a commodity pool) in the case of partnership, a principal activity of which is the buying and selling of such commodities, futures, options or forward contracts.

REASONS FOR CHANGE

The rules generally treating publicly traded partnerships as corporations were enacted in 1987 to address concern about long-term erosion of the corporate tax base. At that time, Congress stated, ''[t]o the extent that activities would otherwise be conducted in corporate form, and earnings would be subject to two levels of tax (at the corporate and shareholder levels), the growth of publicly traded partnerships engaged in such activities tends to jeopardize the corporate tax base.'' (H.R. Rep. No. 100–391, 100th Cong., 1st Sess. 1065.) Referring to recent tax law changes affecting corporations, the Congress stated, ''[t]hese changes reflect an intent to preserve the corporate level tax. The committee is concerned that the intent of these changes is being circumvented by the growth of publicly traded partnerships that are taking advantage of an unintended opportunity for disincorporation and elective integration of the corporate and shareholder levels of tax.'' (H.R. Rep. No. 100–391, 100th Cong., 1st Sess. 1066.)

These same concerns hold true today, as industry sectors that have never conducted business as publicly traded partnerships start to shift into that form of doing business. News reports have called attention to transactions set in motion in recent months in which partnerships earning income from investment adviser and related asset management services made or will make their interests available on an exchange or market. This trend causes deep concern about preservation of the corporate tax base as it presages the transfer of corporate assets to publicly traded partnerships. When corporate assets are moved to partnership form without relinquishing that hallmark of corporate status, access to capital markets, some businesses are able to lower their cost of capital at the expense of the Federal Treasury. This result subverts a principal purpose and policy of the present-law rules treating publicly traded partnerships as corporations: to preserve the corporate tax base.

To the extent these transactions represent a trend toward increased utilization of publicly traded partnerships in the case of businesses earning income from investment adviser and related asset management services, there is the additional concern of distortions caused by inconsistent treatment under the tax law. The present-law exception in the case of partnerships, 90 percent or more of whose gross income is qualifying income, is not intended to encompass income from investment adviser and related asset management services. The bill serves to address this troubling trend by strengthening the rules treating publicly traded partnerships as corporations.

EXPLANATION OF PROVISION

The bill provides generally that the exception from corporate treatment for a publicly traded partnership, 90 percent or more of whose gross income is qualifying income, does not apply in the case of a partnership that directly or indirectly derives income from investment adviser services or related asset management services. Thus, such a partnership is treated as a corporation for Federal tax purposes and is subject to the corporate income tax.

Under the bill, the exception from corporate treatment for a publicly traded partnership does not apply to any partnership that, directly or indirectly, has any item of income or gain (including capital gains or dividends), the rights to which are derived from services provided by any person as an investment adviser, as defined in the Investment Advisers Act of 1940, or as a person associated with an investment adviser, as defined in that Act. Further, the exception from corporate treatment does not apply to a partnership that, directly or indirectly, has any item of income or gain (including capital gains or dividends), the rights to which are derived from asset management services provided by an investment adviser, a person associated with an investment adviser, or any person related to either, in connection with the management of assets with respect to which investment adviser services were provided. For purposes of the bill, these determinations are made without regard to whether the person is required to register as an investment adviser under the Investment Advisers Act of 1940. In the absence of regulatory guidance as to the definition of a related person, it is intended that the definition of a related person in section 197(f)(9)(C)(i) apply.

For example, a publicly traded partnership that has income (including capital gains or dividend income) from a profits interest in a partnership, the rights to which income are derived from the performance of services by any person as an investment adviser, is treated as a corporation for Federal tax purposes under the bill. As a further example, a publicly traded partnership that receives a dividend from a corporation that receives or accrues income, the rights to which are derived from services provided by any person as an investment adviser, is treated as a corporation for Federal tax purposes under the bill.

Under the Investment Advisers Act of 1940 definition, an investment adviser means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities. Under this definition, exceptions are provided in the case of certain banks, certain brokers or dealers, as well as certain others, provided criteria specified in that Act are met. These exceptions apply for purposes of the bill. No inference is intended that income from activities described in the exceptions is qualifying income for purposes of section 7704.

EFFECTIVE DATE

The bill generally is effective for taxable years of a partnership beginning on or after June 14, 2007.

Under a transition rule for certain partnerships, the bill applies for taxable years beginning on or after June 14, 2012. The transition rule applies in the case of a partnership the interests in which on June 14, 2007, were traded on an established securities market, or were readily tradable on a secondary market (or the substantial equivalent thereof). In addition, the transition rule generally applies in the case of a partnership which, on or before June 14, 2007, filed a registration statement with the Securities and Exchange Commission under section 6 of the Securities Act of 1933 (15 U.S.C. 77f) that was required solely by reason of an initial public offering of interests in the partnership. However, the transition rule does not apply if the registration statement is filed with respect to securities that are to be issued on a delayed or continuous basis (pursuant to Rule 415 under the Securities Act of 1933). Thus, a shelf registration on or before June 14, 2007, of interests in a partnership does not cause the partnership to be eligible for the transition rule. Rather, in the case of such a partnership, the bill is effective for taxable years of the partnership beginning on or after June 14, 2007.

Mr. GRASSLEY. Mr. President, this legislation that Senator BAUCUS and I are introducing addresses an important issue—preserving the integrity of the Tax Code. Recent public offerings, effected and announced, by private equity and hedge fund management firms have raised serious tax concerns that if left unaddressed have the potential to fundamentally reduce the corporate tax base over the long run, leading other individuals and business taxpayers with a greater share of the Nation's tax burden.

Congress enacted the publicly traded partnership rules in 1987 out of concern with erosion of the corporate tax base. Given the ease with which taxpayers can choose the type of entity for their business, an appropriate ''bright line'' to define entities that should be subject to a corporate level tax was considered to be those entities that are publicly traded. A hallmark of corporate status is access to public markets. Another concern was that the ability to be publicly traded without paying an entity level tax would create an unwarranted competitive advantage over publicly traded corporations.

These concerns—corporate tax base erosion and a tax-created competitive advantage—were not considered to be implicated in cases where the partnership's income is from passive investments because investors could earn such income directly—e.g., interest—or because the income is already subject to a corporate level tax—e.g., dividends. The following key quote from the legislative history illustrates this point:

> In general, the purpose of distinguishing between passive-type income and other income is to distinguish those partnerships that are engaged in activities commonly considered as essentially no more than investments, and those activities more typically conducted in corporate form that are in the nature of active business activities.

The recent and proposed public offerings of private equity and hedge fund

management firms claim to qualify for partnership tax treatment, even though virtually all of their income is derived from providing asset management and financial advisory services. This result is claimed to be accomplished by structuring service fees in a way that purports to characterize those fees as passive-type income. Whether or not these structures comply with the letter of the law, they are inconsistent with the purposes of the publicly traded partnership rules.

This legislation clarifies the purpose of the publicly traded partnership rules by denying the ability of an active financial advisory and asset management business to go public and avoid a corporate level tax on a significant amount of its income. Senator BAUCUS and I have asked Treasury for their views on these structures, how they plan to address this issue, and whether they think additional statutory changes are necessary to clarify the intent of the publicly traded partnership rules. If a change is necessary, this legislation will accomplish that change. If a change isn't necessary, this legislation does not alter the ability of Treasury and the Internal Revenue Service to issue guidance and enforce Congressional intent.

In his introductory remarks, Senator BAUCUS gave a technical description of this legislation and reasons for change, which reflects my understanding and intent in introducing this bill.

By Mr. BINGAMAN (for himself, Mr. COLEMAN, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. KERRY, and Ms. COLLINS):

S. 1628. A bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, today I introduce legislation with my colleagues, Senator COLEMAN, Senator LINCOLN, Senator BEN NELSON, Senator KERRY, and Senator COLLINS, that will help to address the critical shortage of nurse faculty and physical therapists that is facing our Nation. The nationwide nursing shortage is growing rapidly, because the average age of the nursing workforce is near retirement and because the aging population has increasing health care needs. And the shortage is one that affects the entire Nation. A 2006 Health Resources and Services Administration report estimated that the national nursing shortage would more than triple, to more than 1 million nurses, by the year 2020. The report also predicts that all 50 States will experience nursing shortages by 2015. Quite simply, we need to educate more nurses, or we, as a Nation, will not have enough trained nurses to meet the needs of our aging society.

One of the biggest constraints to educating more nurses is a shortage of nursing faculty. Almost three-quarters of nursing programs surveyed by the American Association of Colleges of Nursing cited faculty shortages as a reason for turning away qualified applicants. Although applications to nursing programs have surged 59 percent over the past decade, the National League for Nursing estimates that 147,000 qualified applications were turned away in 2004. This represents a 27 percent decrease in admissions over the previous year, indicating the need to scale up capacity in nursing programs is more critical than ever.

I know that in my home state of New Mexico, nursing programs turned down almost half of qualified applicants, even though the Health Resources and Services Administration predicts that New Mexico will only be able to meet 64 percent of its demand for nurses by 2020. With a national nurse faculty workforce that averages 53.5 years of age, and an average nurse faculty retirement age of 62.5 years, we cannot and must not wait any longer to address nurse faculty shortages.

Nursing faculty are not the only segment of the population that is aging. As the baby boom generation ages, there will be an increased need for nurses to care for the elderly. However, less than 1 percent of practicing nurses have a certification in geriatrics.

The Nurse Faculty and Physical Therapist Education Act will amend the Public Health Service Act, to help alleviate the faculty shortage by providing funds to help nursing schools increase enrollment and graduation from nursing doctoral programs. The act will increase partnering opportunities between academic institutions and medical practices, enhance cooperative education, support marketing outreach, and strengthen mentoring programs. The bill will increase the number of nurses who complete nursing doctoral programs and seek employment as faculty members and nursing leaders in academic institutions. In addition, the bill authorizes awards to train nursing faculty in clinical geriatrics, so that more nursing students will be equipped for our aging population.

By addressing the faculty shortage, we are addressing the nursing shortage.

The aging population will also require additional health workers in other fields. Physical therapy was listed as one of the fastest growing occupations by the U.S. Department of Labor, with a projected job growth of greater than 36 percent between 2004 and 2014. The need for physical therapists is particularly acute in rural and urban underserved areas, which have three to four times fewer physical therapists per capita than suburban areas. To address this need, the bill also authorizes a distance education pilot program to improve access to educational opportunity for both nursing and physical therapy students. Finally, the bill calls for a study by the Institute of Medicine at the National Academy of Sciences which will recommend how to balance education, labor, and immigration policies to meet the demand for qualified nurses and physical therapists.

The provisions of the Nurse Faculty and Physical Therapist Education Act are vital to overcoming workforce challenges. By addressing nurse faculty and physical therapist shortages, we will enhance both access to care and the quality of care. I would like to thank my colleagues, Senator COLEMAN, Senator LINCOLN, and Senator BEN NELSON, for their leadership and hard work on this important issue.

I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Nurse Faculty and Physical Therapist Education Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Nurse Reinvestment Act (Public Law 107–205) has helped to support students preparing to be nurse educators. Yet, nursing schools nationwide are forced to deny admission to individuals seeking to become nurses and nurse educators due to the lack of qualified nurse faculty.

(2) The American Association of Colleges of Nursing reported that 42,866 qualified applicants were denied admission to nursing baccalaureate and graduate programs in 2006, with faculty shortages identified as a major reason for turning away students.

(3) Seventy-one percent of schools have reported insufficient faculty as the primary reason for not accepting qualified applicants. The primary reasons for lack of faculty are lack of funds to hire new faculty, inability to identify, recruit and hire faculty in the competitive job market as of May 2007, and lack of nursing faculty available in different geographic areas.

(4) Despite the fact that in 2006, 52.4 percent of graduates of doctoral nursing programs enter education roles, the 103 doctoral programs nationwide produced only 437 graduates, which is only an additional 6 graduates from 2005. This annual graduation rate is insufficient to meet the needs for nurse faculty. In keeping with other professional academic disciplines, nurse faculty at colleges and universities are typically doctorally prepared.

(5) The nursing faculty workforce is aging and will be retiring.

(6) With the average retirement age of nurse faculty at 62.5 years of age, and the average age of doctorally prepared faculty, as of May 2007, that hold the rank of professor, associate professor, and assistant professor is 58.6, 55.8, and 51.6 years, respectively, the health care system faces unprecedented

workforce and health access challenges with current and future shortages of deans, nurse educators, and nurses.

(7) Research by the National League of Nursing indicates that by 2019 approximately 75 percent of the nursing faculty population (as of May 2007) is expected to retire.

(8) A wave of nurses will be retiring from the profession in the near future. As of May 2007, the average age of a nurse in the United States is 46.8 years old. The Bureau of Labor Statistics estimates that more than 1,200,000 new and replacement registered nurses will be needed by 2014.

(9) By 2030, the number of adults age 65 and older is expected to double to 70,000,000, accounting for 20 percent of the population. As the population ages, the demand for nurses and nursing faculty will increase.

(10) Despite the need for nurses to treat an aging population, few registered nurses in the United States are trained in geriatrics. Less than 1 percent of practicing nurses have a certification in geriatrics and 3 percent of advanced practice nurses specialize in geriatrics.

(11) Specialized training in geriatrics is needed to treat older adults with multiple health conditions and improve health outcomes. Approximately 80 percent of Medicare beneficiaries have 1 chronic condition, more than 60 percent have 2 or more chronic conditions, and at least 10 percent have coexisting Alzheimer's disease or other dementias that complicate their care and worsen health outcomes. Two-thirds of Medicare spending is attributed to 20 percent of beneficiaries who have 5 or more chronic conditions. Research indicates that older persons receiving care from nurses trained in geriatrics are less frequently readmitted to hospitals or transferred from nursing facilities to hospitals than those who did not receive care from a nurse trained in geriatrics.

(12) The Department of Labor projected that the need for physical therapists would increase by 36.7 percent between 2004 and 2014.

(13) The need for physical therapists is particularly acute rural and urban underserved areas, which have 3 to 4 times fewer physical therapists per capita than suburban areas.

TITLE I—GRANTS FOR NURSING EDUCATION

SEC. 101. NURSE FACULTY EDUCATION.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. NURSE FACULTY EDUCATION.

''(a) ESTABLISHMENT.—The Secretary, acting through the Health Resources and Services Administration, shall establish a Nurse Faculty Education Program to ensure an adequate supply of nurse faculty through the awarding of grants to eligible entities to—

''(1) provide support for the hiring of new faculty, the retaining of existing faculty, and the purchase of educational resources;

''(2) provide for increasing enrollment and graduation rates for students from doctoral programs; and

''(3) assist graduates from the entity in serving as nurse faculty in schools of nursing;

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an accredited school of nursing that offers a doctoral degree in nursing in a State or territory;

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) develop and implement a plan in accordance with subsection (c);

''(4) agree to submit an annual report to the Secretary that includes updated information on the doctoral program involved, including information with respect to—

''(A) student enrollment;

''(B) student retention;

''(C) graduation rates;

''(D) the number of graduates employed part-time or full-time in a nursing faculty position; and

''(E) retention in nursing faculty positions within 1 year and 2 years of employment;

''(5) agree to permit the Secretary to make on-site inspections, and to comply with the requests of the Secretary for information, to determine the extent to which the school is complying with the requirements of this section; and

''(6) meet such other requirements as determined appropriate by the Secretary.

''(c) USE OF FUNDS.—Not later than 1 year after the receipt of a grant under this section, an entity shall develop and implement a plan for using amounts received under this grant in a manner that establishes not less than 2 of the following:

''(1) Partnering opportunities with practice and academic institutions to facilitate doctoral education and research experiences that are mutually beneficial.

''(2) Partnering opportunities with educational institutions to facilitate the hiring of graduates from the entity into nurse faculty, prior to, and upon completion of the program.

''(3) Partnering opportunities with nursing schools to place students into internship programs which provide hands-on opportunity to learn about the nurse faculty role.

''(4) Cooperative education programs among schools of nursing to share use of technological resources and distance learning technologies that serve rural students and underserved areas.

''(5) Opportunities for minority and diverse student populations (including aging nurses in clinical roles) interested in pursuing doctoral education.

''(6) Pre-entry preparation opportunities including programs that assist returning students in standardized test preparation, use of information technology, and the statistical tools necessary for program enrollment.

''(7) A nurse faculty mentoring program.

''(8) A Registered Nurse baccalaureate to Ph.D. program to expedite the completion of a doctoral degree and entry to nurse faculty role.

''(9) Career path opportunities for 2nd degree students to become nurse faculty.

''(10) Marketing outreach activities to attract students committed to becoming nurse faculty.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to entities from States and territories that have a lower number of employed nurses per 100,000 population.

''(e) NUMBER AND AMOUNT OF GRANTS.—Grants under this section shall be awarded as follows:

''(1) In fiscal year 2008, the Secretary shall award 10 grants of $100,000 each.

''(2) In fiscal year 2009, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraph (1) in the amount of $100,000 each.

''(3) In fiscal year 2010, the Secretary shall award an additional 10 grants of $100,000 each and provide continued funding for the existing grantees under paragraphs (1) and (2) in the amount of $100,000 each.

''(4) In fiscal year 2011, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(5) In fiscal year 2012, the Secretary shall provide continued funding for each of the existing grantees under paragraphs (1) through (3) in the amount of $100,000 each.

''(f) LIMITATIONS.—

''(1) PAYMENT.—Payments to an entity under a grant under this section shall be for a period of not to exceed 5 years.

''(2) IMPROPER USE OF FUNDS.—An entity that fails to use amounts received under a grant under this section as provided for in subsection (c) shall, at the discretion of the Secretary, be required to remit to the Federal Government not less than 80 percent of the amounts received under the grant.

''(g) REPORTS.—

''(1) EVALUATION.—The Secretary shall conduct an evaluation of the results of the activities carried out under grants under this section.

''(2) REPORTS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under paragraph (1). Not later than 6 months after the end of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(h) STUDY.—

''(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this section, the Comptroller General of the United States shall conduct a study and submit a report to Congress concerning activities to increase participation in the nurse educator program under the section.

''(2) CONTENTS.—The report under paragraph (1) shall include the following:

''(A) An examination of the capacity of nursing schools to meet workforce needs on a nationwide basis.

''(B) An analysis and discussion of sustainability options for continuing programs beyond the initial funding period.

''(C) An examination and understanding of the doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

''(D) An analysis of program design under this section and the impact of such design on nurse faculty retention and workforce shortages.

''(E) An analysis of compensation disparities between nursing clinical practitioners and nurse faculty and between higher education nurse faculty and higher education faculty overall.

''(F) Recommendations to enhance faculty retention and the nursing workforce.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2), there are authorized to be appropriated $1,000,000 for fiscal year 2008, $2,000,000 for fiscal year 2009, and $3,000,000 for each of fiscal years 2010 through 2012.

''(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012.''.

SEC. 102. GERIATRIC ACADEMIC CAREER AWARDS FOR NURSES.

Part I of title VIII of the Public Health Service Act (42 U.S.C. 298 et seq.) is amended by adding at the end the following:

"SEC. 856. GERIATRIC FACULTY FELLOWSHIPS.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as geriatric nurse faculty.

''(b) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under subsection (a), an individual shall—

''(1) be a registered nurse with a doctorate degree in nursing;

''(2)(A) have completed an approved advanced education nursing program in geriatric nursing or geropsychiatric nursing; or

''(B) have a State or professional nursing certification in geriatric nursing or geropsychiatric nursing; and

''(3) have a faculty appointment at an accredited school of nursing, school of public health, or school of medicine.

''(c) APPLICATION.—An eligible individual desiring to receive an Award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the individual will meet the service requirement described in subsection (d).

''(d) SERVICE REQUIREMENT.—An individual who receives an Award under this section shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 50 percent of the obligations of such individual under the Award.

''(e) AMOUNT AND NUMBER.—

''(1) AMOUNT.—The amount of an Award under this section shall equal $75,000 annually, adjusted for inflation on the basis of the Consumer Price Index. The Secretary may increase the amount of an Award by not more than 25 percent, taking into account the fringe benefits and other research expenses, at the recipient's institutional rate.

''(2) NUMBER.—The Secretary shall award up to 125 Awards under this section from 2008 through 2016.

''(3) REGIONAL DISTRIBUTION.—

''(A) IN GENERAL.—The Secretary shall provide Awards to individuals from 5 regions in the United States, of which—

''(i) 2 regions shall be an urban area;

''(ii) 2 regions shall be a rural area; and

''(iii) 1 region shall include a State with—

''(I) a medical school that has a department of geriatrics that manages rural outreach sites and is capable of managing patients with multiple chronic conditions, 1 of which is dementia; and

''(II) a college of nursing that has a required course in geriatric nursing in the baccalaureate program.

''(B) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the 5 regions established under subparagraph (A) are located in different geographic areas of the United States.

''(f) TERM OF AWARD.—The term of an Award made under this section shall be 5 years.

''(g) REPORTS.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of the results of the activities carried out under the Awards established under this section.

''(B) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to Congress an interim report on the results of the evaluation conducted under this paragraph. Not later than 180 days after the expiration of the program under this section, the Secretary shall submit to Congress a final report on the results of such evaluation.

''(2) CONTENT.—The evaluation under paragraph (1) shall examine—

''(A) the program design under this section and the impact of the design on nurse faculty retention; and

''(B) options for continuing the program beyond fiscal year 2016.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To fund Awards under subsection (e), there are authorized to be appropriated $1,875,000 for each of fiscal years 2008 through 2016.

''(2) ADMINISTRATIVE COSTS.—To carry out this section (except to fund Awards under subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2016.

''(3) SEPARATION OF FUNDS.—The Secretary shall ensure that the amounts appropriated pursuant to paragraph (1) are held in a separate account from the amounts appropriated pursuant to paragraph (2).''.

TITLE II—DISTANCE EDUCATION PILOT PROGRAM AND OTHER PROVISIONS TO INCREASE THE NURSING AND PHYSICAL THERAPY WORKFORCE

SEC. 201. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) ESTABLISHMENT OF NURSE AND PHYSICAL THERAPISTS DISTANCE EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in conjunction with the Secretary of Education, shall establish a Nurse and Physical Therapist Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing and physical therapy education.

(2) PURPOSE.—The purpose of the Nurse and Physical Therapist Distance Education Pilot Program established under paragraph (1) shall be to increase accessibility to nursing and physical therapy education to—

(A) provide assistance to individuals in rural areas who want to study nursing or physical therapy to enable such individuals to receive appropriate nursing education and physical therapy education;

(B) promote the study of nursing and physical therapy at all educational levels;

(C) establish additional slots for nursing and physical therapy students at existing accredited schools of nursing and physical therapy education programs; and

(D) establish new nursing and physical therapy education programs at institutions of higher education.

(3) APPLICATION.—To be eligible to receive a grant under the Pilot Program under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary, in conjunction with the Secretary of Education, shall—

(A) submit to Congress a report concerning the country of origin or professional school of origin of newly licensed nurses and physical therapists in each State, that shall include—

(i) for the most recent 3-year period for which data is available—

(I) separate data relating to teachers at institutions of higher education for each related occupation who have been teaching for not more than 5 years; and

(II) separate data relating to all teachers at institutions of higher education for each related occupation regardless of length of service;

(ii) for the most recent 3-year period for which data is available, separate data for each related occupation and for each State;

(iii) a separate identification of those individuals receiving their initial professional license and those individuals licensed by endorsement from another State;

(iv) with respect to those individuals receiving their initial professional license in each year, a description of the number of individuals who received their professional education in the United States and the number of individuals who received such education outside the United States; and

(v) to the extent practicable, a description, by State of residence and country of education, of the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(B) in consultation with the Department of Labor, enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and submission of a report that includes—

(i) a description of how the United States can balance health, education, labor, and immigration policies to meet the respective policy goals and ensure an adequate and well-trained nursing and physical therapy workforce;

(ii) a description of the barriers to increasing the supply of nursing and physical therapy faculty, domestically trained nurses, and domestically trained physical therapists;

(iii) recommendations of strategies to be utilized by Federal and State governments that would be effective in removing the barriers described in clause (ii), including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(iv) recommendations for amendments to Federal laws that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(v) recommendations for Federal grants, loans, and other incentives that would provide increases in nurse and physical therapist educators and training facilities, and other measures to increase the domestic education of new nurses and physical therapists;

(vi) an identification of the effects of nurse and physical therapist emigration on the health care systems in their countries of origin; and

(vii) recommendations for amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived; and

(C) collaborate with the heads of other Federal agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived into the United States, to—

(i) address health worker shortages caused by emigration; and

(ii) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

(2) ACCESS TO DATA.—The Secretary shall grant the Institute of Medicine access to the data described under paragraph (1)(A), as such data becomes available to the Secretary for use by the Institute in carrying out the activities under paragraph (1)(B).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,400,000 to carry out paragraph (1)(B).

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1630. A bill to amend the Internal Revenue Code of 1986 to exclude certain tax-exempt financing of electric transmission facilities from the private business use test; to the Committee on Finance.

Mr. CRAPO. Mr. President, I am pleased to introduce today a bill to address the increasing need for electric power transmission in our country.

The Nation's network of transmission lines is the super-highway of the electric utility industry and the backbone of the electric grid. It serves as the means of moving large amounts of electricity continuously from powerplants to substations where it is distributed to homes and businesses.

A vibrant transmission system helps prevent reliability problems such as blackouts which have wreaked havoc in California, the Northeast, and the Midwest in the last 5 years. It enables regions rich in energy resources like wind, coal, natural gas, and hydropower, to export energy to power-starved regions of the country. It also serves as the engine of our Nation's economic well-being.

It has been widely acknowledged by Government and industry experts that investment in the transmission system has tapered off significantly and more investment is needed. Planning for the Nation's future electricity needs is a key consideration as adding transmission can take many years, even in the most streamlined process. Decisions on system enhancements needed in the next decade must be made today. As with other components of utility infrastructure, siting and building transmission lines is both difficult and very expensive, often costing much more than $1 million per mile.

Over the last two decades, transmission investment has decreased by $115 million a year, dropping from $5 billion annually in 1975 to $2 billion in 2000. The electric transmission line grid capacity has not been upgraded to meet growth demands, particularly in the rapidly growing West. In 2001, the estimated cost for infrastructure renewal was $1.3 trillion over a 5-year period. Today, that cost has risen to over $2 trillion.

Other investment barriers include lack of regional integrated planning and difficulty in siting new transmission lines. The process can involve acquiring land easements from property owners, and creating a cleared corridor, 70 to 100 feet wide and often many miles long. On top of all this is the uncertainty regarding investment risks and returns.

Adding large transmission lines also requires State regulatory approval, which involves significant permitting, research and modeling data, environmental information, cost comparisons, analyses of various options, discussions of scenarios and criteria used in evaluation, and other information.

Lack of new transmission directly affects the price of retail electricity as a decrease in available transmission lines leads to more limited access to electric generation plants. Any addition of powerplants, including nuclear facilities and renewables such as wind, would also require new transmission lines and facilities.

In short our Nation's economy and population are still growing, and so too are its power needs, but without new transmission, access to new power generation is static, which will in turn lead to rising retail and industrial power costs.

The Energy Policy Act of 2005 included several important provisions to encourage transmission investment. I believe there is more that we can do to accelerate the pace of investment in transmission infrastructure and to lower the cost of those investments.

My State of Idaho and several others have created State infrastructure authorities to finance and promote needed transmission investments. The creation of these State authorities is a new and innovative development that could be the appropriate catalyst for this needed investment. However, the full potential of these State authorities will not be realized under existing law.

As instrumentalities of the State, these authorities can issue tax-exempt bonds to finance transmission projects. But under current law, only a very limited number of industry participants such as other governmental entities, can use these facilities built with tax-exempt bonds. Clearly, we need a system in which new transmission facilities, regardless of the source of financing, are available for use by industry participants.

The legislation I am introducing today amends section 141 of the Internal Revenue Code to modify the so-called private use restrictions on tax-exempt financing of transmission facilities. Under this legislation, any issuer of tax-exempt bonds to finance transmission facilities would continue to be required to own the facilities. However, the operation or use of those facilities by a nongovernmental private party would not jeopardize the tax-exempt status of the bonds. As an example from my State, the Idaho Energy Resources Authority could issue tax-exempt bonds to finance a transmission line and all parties, private utilities, rural electric cooperatives, municipal utilities, independent power producers, could move power across that facility.

Thus, all segments of the industry benefit from new, low-cost investment in transmission. The basic requirement of section 141 that tax-exempt financed facilities serve a general public purpose and are owned by an eligible issuer is retained. And our whole Nation benefits from a transmission system that is more robust, reliable and cost effective.

My legislation sunsets in 5 years. This will provide Congress an opportunity to review the effectiveness and implications of this change in the code.

In addition to support for this proposal from various parties in Idaho, this concept has been endorsed by the Western Governors Association.

It is my hope that this commonsense proposal can be quickly enacted and that lower cost investments in the Nation's transmission grid can be made.

By Mr. KERRY (for himself and Ms. CANTWELL):

S. 1631. A bill to establish an emergency fuel assistance grant program for small businesses during energy emergencies; to the Committee on Environment and Public Works.

Mr. KERRY. Mr. President, last month, Americans emptied their wallets at the pump, paying record prices that reached $3.22 a gallon according to the Department of Energy's Energy Information Administration. This price represented a 28-percent increase over a period of just 2 months, and 52-percent increase since the end of January. Rising prices underscore the increased attention that small business owners are paying to this issue. According to a survey conducted by the National Small Business Association, NSBA, 62 percent of small businesses use vehicles for delivery or customer transportation, and a majority of those who use vehicles travel more than 50 mile a day.

According to the Energy Information Administration's June 12 update to the ''Short Term Energy Outlook,'' gas prices are expected to average $3.05 through the 2007 summer months, an increase of 21-cents over last summer's average price. Meanwhile, small businesses that operate close to the margin and that rely on vehicles every day to remain competitive are struggling to keep up.

These are the same businesses coping with considerable increases in the cost of providing their employees health care, the same burgeoning entrepreneurs that we count on to create roughly two-thirds of the new jobs in this country. These businesses can no longer be expected to shoulder a burden created by a Government that has been reluctant to shift its priorities from serving the same old special interests.

The good news is that right now, the Senate is debating legislation that would put the country on a clear path towards energy independence. In a single month, we could rewrite the shameful story of procrastination, manipulation and, most of all, failed leadership that has defined our energy policy for 30 years.

Democrats in the Senate are working to develop a comprehensive energy policy that will make America safer and will stabilize and lower fuel costs for small businesses and all Americans. But in order to effectively address energy security, the final legislation must include three components: 1. a major increase in the efficiency of all sources and uses of energy, from pick-up trucks to fluorescent light bulbs; 2. dramatic incentives for all renewable energy sources, including the requirement that at least 20 percent of our energy come from renewable sources like wind and solar by 2020; and 3. a comprehensive plan to get clean coal technologies and carbon sequestration off the drawing board and under construction.

These are the first steps Congress must take to address the long term security and stability of this country's fuel supply. But there are other steps we can take in the short term to make sure our small businesses are protected against dramatic interruptions in fuel.

Today, I am introducing legislation that creates an emergency fuel assistance program for small businesses in the event of a severe fuel interruption. Under this program, small businesses and farms that rely on fuel as a key operating cost would be eligible to receive grants to help them stay afloat during periods of extraordinarily high gas prices. This program could go a long way toward helping businesses operating close to the margin deal with costs that are beyond their control.

Specifically, the Small Business Emergency Fuel Assistance Act of 2007 would create a program within the Economic Development Agency at the Department of Commerce to assist small businesses through State grants during declarations of fuel emergency. The program is triggered by a Presidential declaration of fuel emergency, and would authorize the Secretary of Commerce to give grants to States to provide assistance to fuel-dependent small businesses. Eligibility for these grants is restricted to businesses with fewer than 50 employees or less than $5 million in annual gross receipts. Furthermore, to ensure that these businesses are also contributing to America's energy conservation efforts, eligibility would be contingent upon a business having a plan to become more energy efficient. The program would be authorized at $100 million per year, for 5 years.

For too long, we have asked Americans to put up with an energy supply that is unstable and flat out dangerous. The path to energy security, a path that is being cut in the Senate as we speak, will lead to stability and lower prices at the pump. In the meantime, this is a commonsense policy to aid our small business and small farm owners in the short term, so that they can continue to do what they do best, grow the American economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Emergency Fuel Assistance Act of 2007''.

SEC. 2. EMERGENCY FUEL ASSISTANCE PROGRAM.

There is established within the Economic Development Administration of the Department of Commerce, an emergency assistance program for small businesses and small farms dependent on fuel.

SEC. 3. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President determines that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration declared pursuant to subsection (a) shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 4. AUTHORIZATION OF GRANTS.

(a) IN GENERAL.—During any energy emergency declared by the President under section 3, the Secretary of Commerce is authorized to award grants to States under a declaration of fuel supply interruption in accordance with this Act.

(b) ALLOCATION FORMULA.—Subject to subsection (c), the Secretary shall award grants to States, in accordance with an allocation formula established by the Secretary, that is based on the pro rata share of each State of the total need among all States, as applicable, for emergency assistance for fuel interruption, as determined on the basis of—

(1) the number and percentage of qualifying small businesses and small farms operating within a State;

(2) the increase in price of fuel in a State; and

(3) such other factors as the Secretary determines to be appropriate.

(c) STATE ALLOCATION PLAN.—Each State shall establish, after giving notice to the public, an opportunity for public comment, and consideration of public comments received, an allocation plan for the distribution of financial assistance under this section, which shall be submitted to the Secretary and shall be made available to the public by the State, and shall include—

(1) application requirements for qualifying small businesses and small farms seeking to receive financial assistance under this section, including a requirement that each application include—

(A) demonstration of need for assistance under this section;

(B) a plan to decrease the total commercial energy usage of the small business through energy efficiency measures, such as those promoted through the Energy Star Program; and

(C) if a small business or small farm has previously received assistance under this section, evidence that the small business or small farm has implemented the plan previously documented under subparagraph (B); and

(2) factors for selecting among small businesses and small farms that meet the application requirements, with preference given to small businesses and small farms based on the percentage of operating costs expended on fuel.

SEC. 5. ELIGIBILITY.

A small business or small farm is eligible for a grant under this Act if—

(a) the average gross receipts of the small business or small farm for the 3 preceding taxable years does not exceed $5,000,000; or

(b) the small business or small farm employed an average of more than 1 and fewer than 50 qualified employees on business days during the preceding taxable year.

SEC. 6. DEFINED TERM.

In this Act, the term ''aggregate gross assets'' has the meaning given such term in section 1202(d)(2) of the Internal Revenue Code of 1986.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce $100,000,000 for each of the fiscal years 2008 through 2012 to carry out this Act.

By Ms. SNOWE:

S. 1632. A bill to ensure that vessels of the United States conveyed to eligible recipients for educational, cultural, historical, charitable, recreational, or other public purposes are maintained and utilized for the purposes for which they were conveyed; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Vessel Conveyance Act, a bill which would prevent inappropriate transfers of surplus United States vessels to nongovernmental organizations.

It has recently come to my attention that two decommissioned U.S. Coast

Guard ships that had been conveyed in legislation to a certain charitable organization are no longer being used for the purpose explicitly stated by law. In fact, the ships are no longer in the organization's possession. Unaware of the costs affiliated with maintenance of the ships, the recipient found itself unable to afford the upkeep. Against the spirit, if not the letter, of the law, the charity sold first one, and then the second ship, and pocketed the proceeds, which totaled $415,000.

Though the U.S. General Services Administration has a process in place for disposal of surplus vessels, I understand the value of dedicated vessel conveyances under certain circumstances. But we must recognize that these assets are the property of the American people, and they represent a significant investment of public funds. When Congress acts to convey such valuable items to a private entity, it also conveys the responsibility to use the vessel for a specific purpose. In cases where that responsibility has not been carried out, we must be able to seek recourse, and this bill would provide that tool.

Specifically, this legislation would expressly prohibit the recipient of a conveyed vessel from either selling it, or using it for commercial purposes. It would require the Administrator of the GSA to monitor conveyed vessels the same way he monitors ships dispersed under the standard GSA process to ensure that they are being used appropriately, and it gives her the power to reclaim the ship if she determines that those conditions have been violated. The bill would also eliminate the possibility of transfer to an organization lacking sufficient financial stability to maintain a given vessel. Finally, it includes civil enforcement provisions making recipients liable for fines of up to $10,000 per day that they are in violation of their conveyance agreement.

On the rare occasions when Congress determines that a certain asset is uniquely suited to assist a worthy and capable organization, I do not oppose a legislative conveyance. But I will not allow any organization to fleece the American taxpayers by biting the hand that has provided such a generous gift. I am pleased to introduce this bill today, and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vessel Conveyance Act''.

SEC. 2. CONVEYANCE OF UNITED STATES VESSELS FOR PUBLIC PURPOSES.

(a) IN GENERAL.—The conveyance of a United States Government vessel to an eligible entity for use as an educational, cultural, historical, charitable, or recreational or other public purpose shall be made subject to any conditions, including the reservation of such rights on behalf of the United States, as the Secretary considers necessary to ensure that the vessel will be maintained and used in accordance with the purposes for which it was conveyed, including conditions necessary to ensure that unless approved by the Secretary—

(1) the eligible entity to which the vessel is conveyed may not sell, convey, assign, exchange, or encumber the vessel, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel; and

(2) the eligible entity to which the vessel is conveyed may not conduct any commercial activities at the vessel, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, in any manner.

(b) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a United States Government vessel shall include a condition that the vessel, or any associated historic artifact conveyed to the eligible entity in conjunction with the vessel, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Administrator if, without approval of the Secretary—

(1) the vessel, any part thereof, or any associated historic artifact ceases to be available for the educational, cultural, historical, charitable, or recreational or other public purpose for which it was conveyed under reasonable conditions which shall be set forth in the eligible entity's application;

(2) the vessel or any part thereof ceases to be maintained in a manner consistent with the commitments made by the eligible entity to which it was conveyed;

(3) the eligible entity to which the vessel is conveyed, sells, conveys, assigns, exchanges, or encumbers the vessel, any part thereof, or any associated historic artifact; or

(4) the eligible entity to which the vessel is conveyed, conducts any commercial activities at the vessel, any part thereof, or in conjunction with any associated historic artifact.

(c) AGREEMENT REQUIRED.—Except as may be otherwise explicitly provided by statute, a United States Government vessel may not be conveyed to an entity unless that entity agrees to comply with any terms or conditions imposed on the conveyance under this section.

(d) RECORDS AND MONITORING.—

(1) COMPILATION AND TRANSFER.—The Secretary shall provide a written or electronic record for each vessel conveyed pursuant to the Secretary's authority, including the vessel registration, the application for conveyance, the terms and conditions of conveyance, and any other documents associated with the conveyance, and any post-conveyance correspondence or other documentation, to the Administrator.

(2) MONITORING.—For a period not less than 5 years after the date of conveyance the Administrator shall monitor the eligible entity's use of the vessel conveyed to ensure that the vessel is being used in accordance with the purpose for which it was conveyed. The Administrator shall create a written or electronic record of such monitoring activities and their findings.

(3) MAINTENANCE.—The Administrator shall maintain vessel conveyance records provided under paragraph (1), and monitoring records created under paragraph (2), on each vessel conveyed until such time as the vessel is destroyed, scuttled, recycled, or otherwise disposed of. The Administrator may make the records available to the public.

(e) COST ESTIMATES.—The Secretary may provide an estimate to an eligible entity of the cost of maintaining and operating any vessel to be conveyed to that entity.

(f) GUIDANCE.—The Secretary may issue guidance concerning the types and extent of commercial activities, including the sale of goods or services incidental to, and consistent with, the purposes for which a vessel was conveyed, that are approved by the Secretary for purposes of subsections (a)(2) and (b)(4) of this section.

SEC. 3. WORKING GROUP ON CONVEYANCE OF UNITED STATES VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group, composed of representatives from the Maritime Administration, the Coast Guard, and the United States Navy to review and to make recommendations on a common set of conditions for the conveyance of vessels of the United States to eligible entities (as defined in section 2(d)(2)). The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate.

SEC. 4. CIVIL ENFORCEMENT OF CONVEYANCE CONDITIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any eligible entity found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have failed to comply with the terms and conditions under which a vessel was conveyed to it shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $10,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty imposed under this section that has not been referred to the Attorney General for further enforcement action.

(b) HEARING.—For the purposes of conducting any investigation or hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(c) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the operation, maintenance, or disposition of a conveyed vessel, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) COLLECTION.—If an eligible entity fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount, and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any eligible entity that fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such the entity's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(e) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

SEC. 5. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the department or agency on whose authority a vessel is conveyed to an eligible entity.

(4) UNITED STATES GOVERNMENT VESSEL.—The term ''United States government vessel'' means a vessel owned by the United States Government.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REID, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, earlier this year, while the Senate was resuming its business in a new Congress, two dozen families on the other side of the world were fleeing their homes. Ninety-four men and women, some young some old, grabbed whatever belongings they could carry and headed north along the eastern Burmese border to escape the torment of a brutal regime.

Human rights officials tell us what happened next. Late last month, these families were forced to move again. And as I stand here today, they are cramped inside the homes of other refugees. We are looking forward to summer vacations. They are looking ahead at the bitter work of building new homes in the rain, with their hands, in a remote corner of a stark, isolated wasteland the world seems to have forgotten.

Mr. President, I am here to report that the United States has not forgotten. We will continue to shine a light on the oppressive and illegitimate military regime that drove these families from their homes. And I will rise every year, as I do today, with my good friend the senior Senator from California, to reintroduce a bill that extends for another year a ban on imports from Burma.

Republicans and Democrats work together proudly on some things in the Senate. The Burmese Freedom and Democracy Act is one of them. I am pleased to say that even though the control of Congress has changed, its commitment to the people of Burma has not. Senator FEINSTEIN and I are joined this year by 57 cosponsors, more than last year and the year before that. On the Republican side, for example, the people of Burma have no better friend than the senior Senator from Arizona, Mr. MCCAIN.

Support for the people of Burma is growing on Capitol Hill. Senator FEINSTEIN and the senior Senator from Texas recently formed the Women's Caucus on Burma. The First Lady attended its first meeting last month, adding her voice to a growing chorus of those opposed to the Burmese regime. The voices are not just coming from Washington. But the words and actions of Washington are beginning to cause others to take note of this dire situation.

Last year, the United Nations Security Council agreed for the first time to put Burma on its agenda. In January, a U.N. Security Council resolution that enjoyed the support of a majority of the Council's member nations was unfortunately blocked by Russian and Chinese vetoes. We remain encouraged by the fact that nine countries agreed to hold the regime accountable. We urge Russia and China to reconsider their stance.

We know others are beginning to notice Burma because 3 years ago the Association of Southeast Asian nations called the sufferings in Burma ''an internal matter.'' Yet today ASEAN recognizes that the ''Burma problem'' is its problem, too.

Southeast Asian leaders have spoken out more frequently and forcefully over the last year in calling for democratic reforms. They join the United States and other freedom-loving people who have demanded for years that the military thugs who control Burma loosen their grip.

We know others are starting taking notice because earlier this year the United Nations Secretary General, Ban ki-Moon, urged the release of Burma's roughly 1,300 political prisoners, including the world's only imprisoned Nobel Laureate, Aung San Suu Kyi.

And we know others are starting to take notice because that effort was followed by a letter signed by 59 former heads of state.

The Burmese military regime, the State Peace and Development Council, is on notice: the wider international community, including its neighbors, are increasingly aware and increasingly outraged by its behavior.

Mr. President, The purpose of sanctions is to change behavior. And the changes we seek, in partnership with the Burmese people, are these: concrete, irreversible steps toward reconciliation and democratization that include the full, unfettered participation of the National League for Democracy and ethnic minorities; ending attacks on ethnic minorities; and the immediate, unconditional release of all prisoners of conscience, including Suu Kyi. The regime also needs to know that a sham constitutional process and token prisoner releases will not be regarded by anyone as progress toward these goals.

The argument against sanctions—that they are most harmful to those they are meant to help—is well known. But it does not apply to Burma. It has long been the policy of the NLD, the winner of Burma's last democratic election, to seek reform through sanctions against the current regime.

And for good reason. Burma's military junta has maintained an iron grip on every aspect of the country's economy. Its leaders flaunt and squander

whatever wealth they can squeeze from Burmese workers, leaving the country's economy in ruins—but leaving enough aside for its current leader, GEN Than Shwe, to impulsively relocate the Burmese capital from Rangoon at a cost of millions, or to throw a wedding for his daughter that is reported to have cost millions more.

The military junta has complete control over the flow of goods and money in and out of Burma. And every dollar that is spent on Burmese products is money spent on financing the regime. It is the SPDC, not the allies of the Burmese people, who are responsible for Burma's economic woes.

As diplomatic pressure intensifies, as the rest of the international community undertakes the kind of change we have seen in ASEAN, the supporters of the Burmese Freedom and Democracy Act are confident this regime will be forced to change its ways.

The situation is urgent. Burma's military regime has become increasingly reckless. And the humanitarian situation is grave and deteriorating: the junta has intensified its abuse of minority groups through rape and forced labor. It continues to harass and detain a new generation of peaceful activists, activists like a young woman named Su Su Nway, who has inspired the world with her resolute defiance of forced labor practices.

In standing up to the Burmese regime, Su Su Nway drew inspiration from Suu Kyi. Now she is inspiring another generation of Burmese activists who are willing to defend their rights and, despite the danger to themselves, refuse to remain silent in the face of the abuses they see.

According to the Los Angeles Times, Su Su Nway was asked by a radio reporter last year whether she feared imprisonment. Her simple but eloquent response should give us hope in the determination of this new generation of activists. ''I will stand for the truth,'' she said.

The crimes of the Burmese government are well documented. Here is what we know: nearly 70,000 children have been taken from their homes and forcibly conscripted—that's more children than live in all of Lexington, the second-largest city in my State.

Forced labor is a daily threat in the southeastern Karen State, where military personnel force villagers to build roads and shelters, without food or pay, and to leave their homes and farms to do the work. Some are used as human shields against democratic insurgents.

These are the lucky ones. Others are forced to walk ahead of military convoys to act as human minesweepers. If there is a landmine, they blow up. It is from diabolical thugs like these that desperate, exhausted families are fleeing their homes.

Drugs and disease are spreading across Burma's borders along with its people, and it is no secret why. According to the World Health Organization, Burma is home to one of the worst AIDS epidemics in Southeast Asia. Yet it spent just $137,000 last year on the care and treatment of people with HIV/AIDS, even as it spends countless millions on Chinese and Russian tanks and jets.

You can tell a lot about a man from the company he keeps. We could say the same about governments. In late April, Burma established diplomatic relations with the government of North Korea for the first time in two decades. It was reported last month that a North Korean cargo ship docked in Burma. This is a disturbing development to those of us on the outside looking in. It can only be discouraging to democratic reformers inside Burma.

News of North Korea's presence on the Burmese coast came shortly after another troubling piece of news. In early April, Burma's second in command led a delegation on the nation's first-ever high-level trip to Russia. And last month, the Burmese government announced an agreement with Russia to build a nuclear research reactor in Burma.

This should send a chill up the spine of every one of us. Even peaceful nations that lack the proper legal and regulatory framework should not be allowed to have a nuclear program. Those that torture and abuse their own people and consort with rogue regimes such as North Korea should not be allowed to even contemplate it.

And this is how this rogue regime has held onto its power: Internal efforts at reform are violently stamped out, as they were when thousands of peaceful prodemocracy protesters were slaughtered in 1988. In response to a national election in 1990, in which Suu Kyi's party, the NLD, won 80 percent of the seats in a new parliament, the regime simply threw out the results.

By refusing to accept imports from a regime that terrorizes people like Suu Kyi, Su Su Nway, and so many others, we are standing up and facing these tyrants at our own borders and turning them back—until they release these prisoners and begin the process of democratization and reconciliation. Every dollar we keep out of the hands of this junta is one less dollar it can use to fund the conscription of children, its nuclear program, and the war it has waged against its own people for nearly two decades.

Later this month, Suu Kyi will celebrate her 62nd birthday, alone. I urge my colleagues to stand with her as that day approaches. By denying support for those who imprison her, we will pressure them to change.

There are fresh signs that these sanctions have begun to do their work. But we need to keep the pressure on. So I ask my colleagues to join me in supporting the Burmese Freedom and Democracy Act.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S.J. RES. 16

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator MCCONNELL and 54 of our colleagues to introduce a joint resolution renewing the ban on all imports from Burma for another year.

Simply put, the ruling State Peace and Development Council—SPDC—has not taken the necessary actions to warrant a lifting of the sanctions at this time.

Indeed, Burma represents one of the most critical human rights situations in the world today.

Aung San Suu Kyi, Nobel Peace Prize recipient and leader of the National League for Democracy, is confined to her home by orders of the military junta.

She has spent the better part of the past 17 years imprisoned or under house arrest and on May 25, 2003 her sentence was extended for another year.

There is no indication that the regime will free her anytime soon.

This is simply unacceptable. She should be released immediately and unconditionally and the regime should begin real and substantive national reconciliation talks with Suu Kyi's National League for Democracy—NLD.

The NLD, the winning party in Burma's last free elections in 1990 with 82 percent of the seats in parliament, is forbidden from participating in public life. For over 20 years, the military junta has been unwilling to take meaningful steps towards political reconciliation.

And let us not forget: 4 years ago government sponsored thugs attempted to assassinate Suu Kyi and other members of the National League for Democracy by attacking her motorcade in northern Burma.

Indeed, the human rights situation in Burma is deplorable and demands a clear, unified response from the international community: 1,300 political prisoners are still in jail; according to the U.N. Special Rapporteur, over 3,000 villages have been destroyed by the military junta; 70,000 child soldiers have been forcibly recruited; over 500,000 people are internally displaced in Burma today, and over 1 million people have fled Burma over the past two decades, destabilizing Burma's neighbors. Also, the practice of rape as a form of repression has been sanctioned by the Burmese military; use of

forced labor is widespread; human trafficking is rampant; Burma is the world's second-largest opium producer after Afghanistan and increasingly a source of trafficking of synthetic narcotics.

Some may argue that while the human rights situation is indeed deplorable, sanctions are not the proper solution and we should try a new course.

I agree that sanctions are not a panacea for every foreign policy concern. I am disappointed that Aung San Suu Kyi remains under house arrest and we still have not realized our goal of a free and democratic Burma.

Yet now is not the time to lift the import ban on Burma. First, the military junta has not fulfilled any of the obligations of the ''Burmese Freedom and Democracy Act of 2003'' that would allow a lifting of the ban. It has not made ''substantial and measurable progress'' towards: ending violations of internationally recognized human rights; releasing all political prisoners; allowing freedom of speech and press; allowing freedom of association; permitting the peaceful exercise of religion and; bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

If we were to allow the import ban to expire, we would reward the military junta for its inaction, its failure to fulfill these basic obligations, and its continued brutal crackdown on the human rights of the citizens of Burma.

We simply cannot afford to send that message to those who bravely stand up to the SPDC and reject their abuses.

I remind my colleagues that we are not voting to enact the import ban in perpetuity.

We are renewing it for one more year and we will have another opportunity to review its effectiveness next year.

Second, Aung San Suu Kyi and the democratic opposition continue to support the import ban.

They recognize that it is not directed at the people of Burma, but at the military junta that dominates economic and political activity in their country and denies them their rights.

Third, we are seeing progress in the international community in putting additional pressure on Burma.

In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino president Corazon Aquino, former Czech president Vaclav Havel, former British prime minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi.

They correctly noted that ''Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups.''

The calls for Suu Kyi's release are also coming from Burma's neighbors.

The Association of Southeast Asian Nations—ASEAN—now recognizes that Burma's actions are not an ''internal matter'' but a significant threat to peace and stability in the region.

At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release.

As Philippine foreign under secretary Erlinda Basilio said: ''It's a consensus that we want to see her early release.''

An editorial in the Jakarta Post recently commented that the regime's refusal to heed these calls ''shows its complete disregard for the growing values of ASEAN.'' That is from the Jakarta Post, May 29, 2007.

We are also seeing progress at the United Nations. In January, for the first time, the United Nations debated a binding, non-punitive resolution on Burma.

Among other things that resolution called on the military junta:

> . . . to take concrete steps to allow full freedom of expression, association, and movement by unconditionally releasing Daw Aung San Suu Kyi and all political prisoners, lifting all constraints on all political leaders and citizens, and allowing the National League for Democracy (NLD) and other political parties to operate freely.

While nine countries voted in favor of the resolution, I am extremely disappointed that China and Russia exercised their veto.

A report by former Czech President Vaclav Havel and retired archbishop Desmond Tutu of South Africa—''Threat to Peace: A Call for the U.N. Security Council to Act on Burma''—confirms the need for U.N. intervention. It details how the situation in Burma fulfills each of the criteria used for past intervention by the Security Council: overthrow of an elected government; armed conflicts with ethnic minorities; widespread human rights violations; outflow of refugees—over 700,000; and drug production and trafficking and the spread of HIV/AIDS.

I firmly believe that momentum for United Nations Security Council action is on our side and I am confident that body will revisit this resolution again this year.

I am also hopeful that the new United Nations Secretary General Ban Ki-moon will personally get involved in putting pressure on the military junta to respect the wishes of the people of Burma and the international community by releasing Aung San Suu Kyi and restoring democratic government.

In a letter signed by myself, Senator MCCONNELL and a bipartisan group of 43 other U.S. Senators we wrote:

> We urge you to personally intervene with the regime on a regular basis to establish concrete benchmarks and timetables for democratic progress in Burma. We also urge you to hold the Burmese government accountable for achieving those goals. The Burmese people deserve more than talk—they deserve action.

We can demonstrate to the Secretary General that we too are committed to action by passing this joint resolution promptly.

In conclusion, let me say that I believe the women of the U.S. Senate have a special obligation to speak out on this issue. Last month we came together to form the United States Senate Women's Caucus on Burma and hold our inaugural event with First Lady Laura Bush. I am proud to cochair that caucus with my friend and colleague from Texas, Senator KAY BAILEY HUTCHISON. Together we expressed our solidarity with Aung San Suu Kyi and called for her immediate and unconditional release so that a peaceful transition to a democratic government may begin.

It is my great hope that one day the United States Senate Women's Caucus on Burma will welcome Aung San Suu Kyi to Washington, DC, as the woman who led her nation from repression to freedom.

Archbishop Desmond Tutu has rightly said, ''As long as [Suu Kyi] remains under house arrest, not one of us is truly free.''

Today, I urge the State Peace and Development Council to release Aung San Suu Kyi immediately and unconditionally.

I urge the United Nations Security Council to pass a binding resolution on Burma.

And I urge the U.S. Senate to pass this joint resolution to renew the import ban on Burma for another year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 235—DESIGNATING JULY 1, 2007, AS ''NATIONAL BOATING DAY''

Mr. WHITEHOUSE (for himself and Mr. VITTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 235

Whereas the United States boating population exceeds 73,000,000 individuals utilizing and enjoying nearly 18,000,000 recreational watercraft;

Whereas the recreational boating industry provides more than $39,000,000,000 in sales and services to the United States economy and provides nearly 380,000 manufacturing jobs;

Whereas there are approximately 1,400 active boat builders in the United States with parts and materials being contributed from all fifty States;

Whereas boating appeals to all age groups and is a haven for relaxation that includes sailing, diving, fishing, water skiing, tubing, sightseeing, swimming, and more;

Whereas boaters serve as monitors and stewards of the environment, educating future generations in the value of this country's abundant water and other natural resources; and

Whereas Congress passed the Federal Boat Safety Act of 1971 and later created the Aquatic Resources Trust Fund in 1984, both of these actions having resulted in a decline in the rate of boating injuries: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 1, 2007, as ''National Boating Day'';

(2) recognizes the value of recreational boating and commemorates the boating industry of the United States for its environmental stewardship and innumerable contributions to the economy and to the mental and physical health of those who enjoy boats; and

(3) urges citizens, policy makers, and elected officials to celebrate National Boating Day and to become more aware of the overall contributions of boating to the lives of the people of the United States and to the Nation.

SENATE RESOLUTION 236—SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL ANTHEM PROJECT, WHICH HAS WORKED TO RESTORE AMERICA'S VOICE BY RE-TEACHING AMERICANS TO SING THE NATIONAL ANTHEM

Mr. BAYH (for himself, Mr. CRAIG, Mr. KENNEDY, Mr. HAGEL, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. CARDIN, Mr. BYRD, Mr. DURBIN, Ms. SNOWE, Mr. ROBERTS, Mr. LOTT, Mr. COLEMAN, Mr. MENENDEZ, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 236

Whereas a Harris Interactive Survey discovered that of men and women 18 years of age and older, 61 percent of those surveyed did not know all the lyrics of the first stanza of the national anthem, and of those who answered the question affirmatively, 58 percent had received at least 5 years of music education while growing up;

Whereas an ABC News poll revealed that more than 1 in 3 Americans (38 percent) do not know that the official name of the national anthem is ''The Star-Spangled Banner'', less than 35 percent of American teenagers can name Francis Scott Key as the author of the national anthem, and as few as 15 percent of American youth can sing the words to the anthem from memory;

Whereas the national anthem, ''The Star-Spangled Banner'', holds a special place in the hearts and minds of the American people as a symbol of national unity, resolve, and willingness to sacrifice in order to preserve the Nation's sacred heritage of freedom;

Whereas the National Anthem Project has inspired the American people to have a greater appreciation of their patriotic musical heritage while learning American history;

Whereas music educators are the among the leading caretakers of this important piece of our Nation's heritage, in that many students learn the national anthem in music class;

Whereas our Nation's future is enhanced by the quality of the historic knowledge and awareness provided to children of all ages through learning about the national anthem, and that high-quality music education represents a worthy commitment to our children and our Nation's future; and

Whereas, the national anthem is the symbol of American ideals and freedom around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the National Anthem Project;

(2) commends the American citizens who have participated in this project; and

(3) encourages the people of the United States to learn the national anthem, ''The Star-Spangled Banner'', and its proud history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1562. Mr. DORGAN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1563. Mr. DORGAN (for himself, Mr. CRAIG, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1565. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H .R. 6, supra; which was ordered to lie on the table.

SA 1566. Mr. WARNER proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1567. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1568. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1569. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1570. Mr. INHOFE (for himself, Mr. THUNE, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1571. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1572. Mr. SALAZAR (for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, Mr. BIDEN, Ms. KLOBUCHAR, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1573. Ms. KLOBUCHAR (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, and Mr. SALAZAR)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1574. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1575. Mr. VOINOVICH (for himself, Mr. CARPER, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1576. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1577. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1578. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mrs. DOLE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1579. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1580. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1581. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1582. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1583. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1584. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1585. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1566 proposed by Mr. WARNER to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1586. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, Ms. SNOWE, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1587. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1588. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1589. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1590. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1591. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1592. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1593. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1594. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1595. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1596. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1597. Mr. INOUYE (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1598. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1599. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1600. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1601. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1602. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1603. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1604. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1605. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1606. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1607. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1608. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1609. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1562. Mr. DORGAN (for himself, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—OUTER CONTINENTAL SHELF RESOURCES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Domestic Offshore Energy Security Act''.

SEC. 802. DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES.

(a) DEFINITION OF UNITED STATES PERSON.—In this section, the term ''United States person'' means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

(b) AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.—Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

(c) TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

''(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.''.

(d) MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.—

(1) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2), by striking ''125 miles'' and inserting ''45 miles'';

(C) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''45 miles''; and

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) REGULATIONS.—

(A) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(B) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(i) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(ii) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(iii) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(iv) provisions ensuring that—

(I) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(II) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(v) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(vi) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(3) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing,

preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

(e) INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES OFF SOUTHEASTERN COAST OF THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this subsection as the ''Secretary'') may conduct an inventory of oil and natural gas resources beneath the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) off of the coast of the States of Virginia, North Carolina, South Carolina, or Georgia in accordance with this subsection.

(2) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory, the Secretary shall use the best technology available to obtain accurate resource estimates.

(3) REQUEST BY GOVERNOR.—The Secretary may conduct an inventory under this subsection off the coast of a State described in paragraph (1) only if the Governor of the State requests the inventory.

(4) REPORTS.—The Secretary shall submit to Congress and the requesting Governor a report on any inventory conducted under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(f) ENHANCED OIL RECOVERY.—Section 354(c)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 15910(c)(4)(B)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(v) are carried out in geologically challenging fields.''.

SA 1563. Mr. DORGAN (for himself, Mr. CRAIG, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, insert the following:

SEC. 131. INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT RETAIL STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT RETAIL STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) BLENDER PUMP.—The term 'blender pump' means any fuel pump that—

''(I) combines ethanol and gasoline products from separate underground storage tanks;

''(II) uses inlet valves from the tanks to enable varying quantities of ethanol and gasoline products to be blended within a chamber in the pump; and

''(III) dispenses the various blends of ethanol and gasoline products through separate hoses.

''(ii) COVERED OWNER.—The term 'covered owner' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 15 or more retail station outlets, as determined by the Secretary.

''(iii) ETHANOL-BLEND FUEL.—The term 'ethanol-blend fuel' means a blend of gasoline not more than 85 percent, nor less than 70 percent, of the content of which is derived from ethanol produced in the United States, as defined by the Secretary in a manner consistent with applicable standards of the American Society for Testing and Materials.

''(iv) MAJOR OIL COMPANY.—The term 'major oil company' means any person, individually or together with any other person, that has an ownership interest in 200 or more retail station outlets.

''(v) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator and the Secretary of Agriculture.

''(B) ASSESSMENT.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall make an assessment of the progress made toward the penetration of not less than 5 percent of the market of fuel pump infrastructure for the production and distribution of ethanol-blend fuel (including the creation of adequate qualified alternative fuel vehicle refueling property that contains blender pumps).

''(C) REGULATIONS.—If the Secretary determines (based on the assessment conducted under subparagraph (B)) that adequate progress has not been made toward the penetration described in subparagraph (B), the Secretary shall promulgate regulations to ensure that, to the maximum extent practicable, each covered owner installs or otherwise makes available 1 or more pumps that dispense ethanol-blend fuel (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the retail station outlets of the covered owner specified in subparagraph (E).

''(D) CONSIDERATIONS.—In promulgating regulations, the Secretary shall take into account—

''(i) the number of retail gas stations that are wholly owned by major oil companies;

''(ii) the concentration of flexible fuel vehicles in a geographic area;

''(iii) any refueling infrastructure corridors established under section 121(b) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007; and

''(iv) any covered owners that own more than 15 retail station outlets.

''(E) APPLICABLE PERCENTAGES.—For the purpose of subparagraph (C), the applicable percentage of the retail station outlets shall be—

''(i) during the 10–year period beginning on the date on which any determination is made under subparagraph (C), 10 percent; and

''(ii) after the 10–year period described in clause (i), 20 percent.

''(F) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (C), the Secretary shall ensure that each covered owner covered by this paragraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps required under those regulations and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(G) PRODUCTION CREDITS FOR EXCEEDING ETHANOL-BLEND FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the retail station outlets of a covered owner at which the covered owner installs ethanol-blend fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the covered owner shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately following the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—A covered owner that earns credits under clause (i) may sell credits to another covered owner to enable the purchaser to meet the requirements of this paragraph.''.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 21, add the following:

SEC. 279. ENERGY EFFICIENT SCHOOLS.

(a) DEFINITIONS.—In this section:

(1) HIGH-PERFORMANCE SCHOOL BUILDING.—The term ''high-performance school building'' means a school building that integrates and optimizes all major high-performance building attributes, including energy and water efficiency, renewable energy, indoor air quality, durability, lifecycle cost performance, and occupant productivity.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means—

(A) energy produced using solar, wind, biomass, ocean, geothermal, or hydroelectric energy; or

(B) heating and cooling from a ground source heat pump.

(3) SCHOOL.—The term ''school'' means an accredited public school that is—

(A) subject to the authority of a State education agency; and

(B)(i) an elementary school or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(ii) a BIA school (within the meaning of section 9101(26)(C) of that Act (20 U.S.C. 7801(26)(C))).

(4) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(5) STATE ENERGY OFFICE.—The term ''State energy office'' means—

(A) the State agency that is responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322); or

(B) if an agency described in subparagraph (A) does not exist in a State, a State agency designated by the Governor of the State.

(b) ESTABLISHMENT OF PROGRAM.—There is established in the Department of Energy a program, to be known as the ''High-Performance Schools Program'', under which the Secretary may provide grants to State energy offices to assist school districts in the State—

(1) to improve the energy efficiency of, and use of renewable energy in, school buildings;

(2) to educate students regarding—

(A) energy consumption in buildings; and

(B) the benefits of energy efficiency and renewable energy;

(3) to administer the program; and

(4) to promote participation in the program.

(c) CONDITIONS OF RECEIPT.—As a condition of receiving a grant under this section, a State energy office shall agree to use the grant only to provide assistance to school districts in the State that demonstrate to the satisfaction of the State energy office—

(1) financial need with respect to the construction of new or renovated high-performance school buildings;

(2) a commitment to use the grant funds to develop high-performance school buildings, in accordance with a plan that the State energy office, in consultation with the State educational agency, determines to be feasible and appropriate to achieve the purposes for which the grant is provided;

(3) a commitment to educate students and the public regarding the energy efficiency and renewable energy uses relating to the program; and

(4) that the school district has conducted an energy audit satisfactory to the State energy office of the baseline energy consumption of the district.

(d) ADMINISTRATION.—

(1) SELECTION OF PROJECTS.—In selecting school districts to receive funds provided under this section, the Secretary shall—

(A) give priority to States that carry out, or propose to carry out, projects that—

(i) achieve maximum increases in energy efficiency; and

(ii) achieve maximum cost savings as a result of that increased efficiency; and

(B) ensure geographical diversity of distribution of funds throughout the United States, to the maximum extent practicable.

(2) USE OF GRANTS BY STATE ENERGY OFFICES.—A State energy office may use a portion of a grant received under this section—

(A) to evaluate compliance by school districts in the State with the requirements of this section;

(B) to develop and conduct programs for school board members, school personnel, architects, engineers, and other interested persons to advance the concepts of high-performance school buildings;

(C) to obtain technical services and assistance in planning and designing high-performance school buildings;

(D) to collect and monitor data relating to high-performance school building projects; or

(E) for promotional and marketing activities.

(e) SUPPLEMENTING GRANT FUNDS.—Each State energy office that receives a grant under this section shall encourage each school district provided funds by the State energy office to supplement, to the maximum extent practicable, the funds using funds from other sources in the implementation of the plans of the school districts.

(f) OTHER FUNDS.—Of amounts made available to carry out this section, the Secretary may reserve an amount equal to the lesser of 10 percent of the amounts and $500,000 for a fiscal year to provide assistance to State energy offices with respect to the coordination and implementation of the program under this section, including the development of reference materials—

(1) to clarify and support the purposes of this section; and

(2) to increase the quantity in the States of high-performance school buildings.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 1565. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 17, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 36, after line 22, add the following:

(b) BIOFUELS INVESTMENT TRUST FUND.—Section 932(d) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)) is amended by adding at the end the following:

''(3) BIOFUELS INVESTMENT TRUST FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the 'Biofuels Investment Trust Fund' (referred to in this paragraph as the 'trust fund'), consisting of such amounts as are transferred to the trust fund under clause (ii).

''(ii) TRANSFER.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Treasury shall transfer to the trust fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

''(B) INVESTMENT OF AMOUNTS.—

''(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the trust fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

''(ii) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(iii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

''(I) on original issue at the issue price; or

''(II) by purchase of outstanding obligations at the market price.

''(iv) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

''(v) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

''(C) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the trust fund under subparagraph (A)(ii) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(D) USE OF FUNDS.—

''(i) IN GENERAL.—Amounts in the trust fund shall be used, subject to the availability of funds provided in advance in any appropriations Act, to carry out the program under paragraph (1).

''(ii) TREATMENT.—Amounts in the trust fund used under clause (i) shall be in addition to, and shall not be considered to be provided in lieu of, any other funds made available to carry out this subsection.''.

SA 1566. Mr. WARNER proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

''(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

''(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

''(D) STATE.—The term 'State' means the State of Virginia.

''(2) PETITION.—

''(A) IN GENERAL.—The Governor may submit to the Secretary—

''(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

''(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

''(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

''(3) ACTION BY SECRETARY.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

''(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

''(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

''(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

''(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

''(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

''(ii) take into consideration, but not be bound by, any comments received under clause (i).

''(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to the State;

''(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5); and

''(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

''(I) reasonably foreseeable; or

''(II) caused by negligence, natural disasters, or other acts.''.

SA 1567. Mr. BINGAMAN (for himself, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, between lines 9 and 10, insert the following:

SEC. 246. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2013.

SA 1568. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, or emergency.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section authorizes the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SA 1569. Mr. DOMENICI (for himself, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SA 1570. Mr. INHOFE (for himself, Mr. THUNE, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our

Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of title IV, add the following:

Subtitle D—Miscellaneous

SEC. 471. AUDITS AND REPORTS.

(a) IN GENERAL.—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by adding at the end the following:

"SEC. 1021. AUDITS AND REPORTS.

''(a) AUDITS.—Not later than April 30 of the fiscal year in which this section is enacted, and every 2 years thereafter, the President shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit conducted by the Comptroller General of the United States that includes a detailed accounting of all funds from the Fund in excess of $100,000 that are—

''(1) disbursed by the National Pollution Funds Center; and

''(2) administered and managed by the receiving agencies, including final payments made through agencies, contractors, and subcontractors.

''(b) REPORTS.—Not later than February 28 of the fiscal year in which this section is enacted, and every February 28 thereafter, the Secretary, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of any other Federal agencies that, during the preceding fiscal year, received funds from the Fund in excess of $100,000, shall—

''(1) provide to the President a report accounting for the uses of the funds by the Federal agency, including a description of ways in which those uses relate to—

''(A) oil pollution liability, compensation, prevention, preparedness, and removal;

''(B) natural resource damage assessment and restoration;

''(C) oil pollution research and development; and

''(D) other activities authorized by this Act; and

''(2) make each report available to the public and other interested parties via the Internet website of the National Pollution Funds Center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Oil Pollution Act of 1990 (33 U.S.C. prec. 1001) is amended by inserting after the item relating to section 1020 the following:

''Sec. 1021. Audits and reports''.

SA 1571. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of subtitle D of title II, add the following:

SEC. 255. ENERGY-RELATED RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) information and opinions provided by individuals and entities of the academic and industrial sectors should be an important consideration with respect to energy-related research and development activities carried out by the Federal Government;

(2) in carrying out energy-related research and development activities, the Federal Government should regularly seek input from multiple sources, including the industrial sector, academia, and other relevant sectors;

(3) research is better focused around well-defined problems that need to be resolved;

(4) a number of potential problems to be resolved are likely to require input from a diverse selection of technologies and contributing sectors;

(5) sharing of information relating to energy research and development is important to the development and innovation of energy technologies;

(6) necessary intellectual property protection can lead to delays in sharing valuable information that could aid in resolving major energy-related problems;

(7) the Federal Government should facilitate the sharing of information from a diverse array of industries by ensuring the protection of intellectual property while simultaneously creating an environment of openness and cooperation; and

(8) the Federal Government should revise the methods of the Federal Government regarding energy-related research and development to encourage faster development and implementation of energy technologies.

(b) DEFINITIONS.—In this section:

(1) NETWORK.—The term ''network'' means the Energy Technologies Innovation Network established by subsection (d)(1).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) SURVEY.—The term ''survey'' means a survey conducted pursuant to subsection (c).

(c) ENERGY-RELATED RESEARCH AND DEVELOPMENT PRIORITIES.—

(1) IN GENERAL.—Not less frequently than once every 5 years, the Secretary shall conduct a survey in accordance with this subsection to determine the 10 highest-priority energy-related problems to resolve to ensure the goals of—

(A) maximizing the energy security of the United States;

(B) maximizing improvements in energy efficiency within the United States; and

(C) minimizing damage to the economy and the environment of the United States.

(2) SURVEY.—

(A) IN GENERAL.—Each survey shall contain a request that the respondent shall list, in descending order of priority, the 10 highest-priority energy-related problems that, in the opinion of the respondent, require resolution as quickly as practicable to ensure the goals described in paragraph (1).

(B) ANNOUNCEMENT.—The Secretary shall announce the existence of each survey by—

(i) publishing an announcement in the Federal Register; and

(ii) placing an announcement in a prominent position on the homepage of the website of the Department of the Energy.

(C) AVAILABILITY.—The Secretary shall ensure that each survey is made available—

(i) in an electronic format only through a link on the Department of Energy website;

(ii) for a period of not less than 21 days and not more than 30 days; and

(iii) to any individual or entity that elects to participate.

(D) ADDITIONAL INFORMATION GATHERING.—Each survey—

(i) shall require each respondent to provide information regarding—

(I) the age of the respondent;

(II) the occupational category of the respondent;

(III) the period of time during which the respondent has held the current occupation of the respondent; and

(IV) the State and country in which the respondent resides; and

(ii) may request, but shall not require—

(I) the name of the respondent;

(II) an identification of the employer of the respondent;

(III) the electronic mail address of the respondent; and

(IV) such other information as the Secretary determines to be appropriate.

(E) RESPONDENTS.—The Secretary shall seek responses to a survey from appropriate representatives of—

(i) the energy, transportation, manufacturing, construction, mining, and electronic industries;

(ii) academia;

(iii) research facilities;

(iv) nongovernmental organizations;

(v) the Federal Government; and

(vi) units of State and local government.

(F) NONPOLITICAL REQUIREMENT.—The Secretary shall ensure that each survey is conducted, to the maximum extent practicable—

(i) in a transparent, nonpolitical, and scientific manner; and

(ii) without any political bias.

(G) REPORT.—Not later than 180 days after the date on which a survey under this subsection is no longer available under subparagraph (C)(ii), the Secretary shall submit to Congress and make available to the public (including through publication in the Federal Register and on the website of the Department of Energy) a report that—

(i) describes the results of the survey; and

(ii) includes a list of the 10 highest-priority energy-related problems based on all responses to the survey.

(3) EFFECT OF RESULTS ON ENERGY-RELATED RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), on receipt of a report under paragraph (2)(G), the Secretary shall ensure that, during the 5-year period beginning on the date of receipt of the report, all energy-related research and development activities of the Department of Energy are carried out for the purpose of resolving, to the maximum extent practicable, the 10 problems included on the list of the report under paragraph (2)(G)(ii).

(B) ADDITIONAL PROBLEMS.—In addition to the activities described in subparagraph (A), during the 5-year period beginning on the date of receipt of a report under paragraph (2)(G), the Secretary may carry out, using the same quantity of resources as are allocated to [any 1 energy-related problem] included on the list of the report under paragraph (2)(G)(ii), energy-related research and development activities for the purpose of resolving, to the maximum extent practicable, 2 additional energy-related problems that—

(i) are not included on the list; and

(ii) are high-priority energy-related problems, as determined by the Secretary.

(d) ENERGY TECHNOLOGIES INNOVATION NETWORK.—

(1) ESTABLISHMENT.—There is established an information and collaboration network,

to be known as the ''Energy Technologies Innovation Network''.

(2) PURPOSE.—The purpose of the network shall be to provide a forum through which interested parties (including scientists and entrepreneurs) can present, discuss, and collaborate with respect to information and ideas relating to energy technologies.

(3) OPERATION OF NETWORK.—

(A) IN GENERAL.—The Secretary shall offer to enter into a contract, after an open bidding process, with a third party to operate the network.

(B) REQUIREMENTS.—The third party selected under subparagraph (A) shall—

(i) have experience with respect to the establishment and maintenance of a comprehensive database of Federal research and development projects that is—

(I) easily searchable;

(II) open to the public; and

(III) capable of expansion;

(ii) provide a secure electronic forum to enable collaboration among users of the network; and

(iii) collaborate with the Secretary to protect the intellectual property rights of individual users and governmental agencies participating in the network in accordance with paragraph (6).

(4) REQUIRED CONTRIBUTORS.—Each research laboratory or other facility that receives Federal funding shall provide to the network the results of the research conducted using that funding, regardless of whether the research relates to energy, subject to the condition that revelation of the research will not adversely effect national security.

(5) OTHER CONTRIBUTORS.—Other entities, including entities in the academic and industrial sectors and individuals, may participate in the network to actively contribute to resolving—

(A) the energy-related problems included on the list of the report under subsection (c)(2)(G)(ii); or

(B) any other energy-related problem that the contributor determines would advance the goals described in subsection (c)(1).

(6) PROTECTION OF INFORMATION AND IDEAS.—In collaborating with a third party in operating the network under paragraph (3), the Secretary shall employ such individuals and entities with experience relating to—

(A) intellectual property as the Secretary determines to be necessary to ensure that—

(i) information and ideas presented, and discussed in the network are—

(I) monitored with respect to the intellectual property owners and components of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations);

(ii) information and ideas developed within the network are—

(I) monitored with respect to the intellectual property components of the developers of the information or ideas; and

(II) protected in accordance with applicable Federal intellectual property law (including regulations); and

(iii) contributors to the network are provided adequate assurances that intellectual property rights of the contributors will be protected with respect to participation in the network;

(B) setting up, maintaining, and operating a network that ensures security and reliability.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1572. Mr. SALAZAR (for himself, Mr. BAYH, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, Mr. BIDEN, Ms. KLOBUCHAR, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

On page 119, line 1, strike ''transportation technology'' and insert ''vehicles''.

On page 121, line 4, after ''equipment'' insert ''and developing new manufacturing processes and material suppliers''.

On page 126, strike lines 9 and 10 and insert the following:

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

On page 126, strike lines 12 and 13 and insert the following:

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms.

On page 130, strike lines 5 through line 13 and insert the following:

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid, or fuel cell vehicle that can be recharged from an external source of electricity for motive power.

On page 130, line 16, insert ''plug-in'' before ''electric''.

On page 130, strike lines 17 through 21 and insert the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

On page 131, line 2, insert ''plug-in'' before ''electric''.

Beginning on page 132, strike line 1 and all that follows through page 133, line 9, and insert the following:

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

On page 133, between lines 9 and 10, insert the following:

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad battery electric, hybrid, or fuel cell vehicle that can be recharged from an external source of electricity for motive power.

(G) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

(i) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

(ii) an internal combustion engine or heat engine using any combustible fuel.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) ELECTRIC DRIVE TRANSPORTATION RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for electric drive transportation technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Hybrid Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section.

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.''.

On page 144, line 8, insert ''and the use of 2-wheeled electric drive devices'' after ''bicycling''.

SA 1573. Ms. KLOBUCHAR (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, and Mr. SALAZAR)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after Title in the first line of the amendment and insert the following:

VIII—RENEWABLE PORTFOLIO STANDARD

SEC. 801. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	Minimum annual percentage:
2010 through 2012	3.75
2013 through 2016	7.50
2017 through 2019	11.25
2020 through 2030	15.0

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act.

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (a) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) PENALTY.—

''(i) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (a) for a reason outside of the reasonable control of the utility.

''(ii) AMOUNT.—The Secretary shall reduce the amount of any penalty determined under

paragraph (2) by the amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

''(B) REQUIREMENT.—The Secretary may waive the requirements of subsection (a) for a period of up to 5 years with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements because of a hurricane, tornado, fire, flood, earthquake, ice storm, or other natural disaster or act of God beyond the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

''(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(j) SUNSET.—This section expires on December 31, 2030.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable portfolio standard.''.

This Title shall take effect one day after the date of this bill's enactment.

SA 1574. Mr. LAUTENBERG submitted an amendment intended to be

proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—FEDERAL GREENHOUSE GAS EMISSIONS

"SEC. 701. DEFINITIONS.

''In this title:

''(1) AGENCY EMISSION BASELINE.—The term 'agency emission baseline', with respect to a Federal agency, means such quantity of the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions used to calculate the emission baseline as is attributable to the Federal agency.

''(2) DIRECT EMISSION.—The term 'direct emission' means an emission of a greenhouse gas directly from a source owned or controlled by the Federal Government, such as from a fleet of motor vehicles.

''(3) EMISSION ALLOWANCE.—The term 'emission allowance' means an authorization to emit, for any fiscal year, 1 ton of carbon dioxide (or the equivalent quantity of any other greenhouse gas, as determined by the Administrator).

''(4) EMISSION BASELINE.—The term 'emission baseline' means a quantity of greenhouse gas emissions equal to the aggregate quantity of direct emissions, energy indirect emissions, and indirect emissions for fiscal year 2005, as determined by the Office in accordance with section 702(b)(3).

''(5) ENERGY INDIRECT EMISSION.—The term 'energy indirect emission' means an emission of a greenhouse gas resulting from the production of electricity purchased and used by the Federal Government.

''(6) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(7) INDIRECT EMISSION.—

''(A) IN GENERAL.—The term 'indirect emission' means an emission of greenhouse gases resulting from the conduct of a project or activity (including outsourcing of a project or activity) by the Federal Government (or any Federal officer or employee acting in an official capacity).

''(B) INCLUSIONS.—The term 'indirect emission' includes an emission of a greenhouse gas resulting from—

''(i) employee travel; or

''(ii) the use of an energy-intensive material, such as paper.

''(C) EXCLUSION.—The term 'indirect emission' does not include an energy indirect emission.

''(8) OFFICE.—The term 'Office' means the Federal Emissions Inventory Office established by section 702(a).

''(9) PROTOCOL.—The term 'protocol' means the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard developed by the World Resources Institute and World Business Council on Sustainable Development.

"SEC. 702. FEDERAL EMISSIONS INVENTORY OFFICE.

''(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency an office to be known as the 'Federal Emissions Inventory Office'.

''(b) DUTIES.—The Office shall—

''(1) as soon as practicable after the date of enactment of this title, develop an emission inventory or other appropriate system to measure and verify direct emissions, energy indirect emissions, indirect emissions, and offsets of those emissions;

''(2) ensure that the process of data collection for the inventory or system is reliable, transparent, and accessible;

''(3)(A)(i) not later than 1 year after the date of enactment of this title, establish an emission baseline for the Federal Government; or

''(ii) not later than 180 days after the date of enactment of this title, if the Office determines that Federal agencies have not collected enough information, or sufficient data are otherwise unavailable, to establish an emission baseline, submit to Congress and the Administrator a report describing the type and quantity of data that are unavailable; and

''(B) after establishment of an emission baseline under subparagraph (A), periodically review and, if new information relating to the base year becomes available, revise the emission baseline, as appropriate;

''(4) upon development of the inventory or system under paragraph (1), use the inventory or system to begin accounting for direct emissions, energy indirect emissions, and indirect emissions in accordance with the protocol;

''(5) ensure that the inventory or other appropriate system developed under paragraph (1) is periodically audited to ensure that data reported in accordance with the inventory or system are relevant, complete, and transparent;

''(6) not later than 1 year after the date of enactment of this title—

''(A) develop such additional procedures as are necessary to account for emissions described in paragraph (3), particularly indirect emissions; and

''(B) submit to Congress and the Administrator a report that describes any additional data necessary to calculate indirect emissions;

''(7) coordinate with climate change and greenhouse gas registries being developed by States and Indian tribes; and

''(8) not later than October 1 of the year after the date of enactment of this title, and annually thereafter, submit to Congress and the Administrator a report that, for the preceding fiscal year, for the Federal Government and each Federal agency—

''(A) describes the aggregate quantity of emissions (including direct emissions, energy indirect emissions, and indirect emissions); and

''(B) specifies separately the quantities of direct emissions, energy indirect emissions, and indirect emissions comprising that aggregate quantity.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this title.''.

SA 1575. Mr. VOINOVICH (for himself, Mr. CARPER, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 12 and all that follows through page 42, line 8, and insert the following:

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon the request of the borrower, the Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee, on the condition that the Secretary has—

''(A) received from the borrower a payment in full for the cost of the obligation; and

''(B) deposited the payment in the Treasury.

''(2) LIMITATION ON AMOUNT.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.

''(3) APPROVAL OF APPLICATIONS.—

''(A) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee not later than 1 year after the date of receipt of the application.

''(B) REPORT.—The Secretary shall submit to Congress an annual report on the approval

or disapproval of all loan guarantee applications that includes—

''(i) the reasons for each approval and disapproval; and

''(ii) an evaluation and recommendation by the Secretary for the termination of authority for each eligible project category described in section 1703(b).''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary in a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SA 1576. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) GENERAL SERVICES ADMINISTRATION FACILITY.—

(A) IN GENERAL.—The term ''General Services Administration facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility), that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''General Services Administration facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''General Services Administration facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(3) OPERATIONAL COST SAVINGS.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of geothermal heat pump technologies, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator, that achieves cost savings sufficient to pay the incremental additional costs of using geothermal heat pump technologies by not later than the date that is 5 years after the date of installation of the technologies.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of geothermal heat pumps at General Services Administration facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of geothermal heat pump recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF GEOTHERMAL HEAT PUMP TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of geothermal heat pump technologies in General Services Administration facilities; and

(ii) the availability to managers of General Services Administration facilities of geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of geothermal heat pumps by Federal agencies in General Services Administration facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify geothermal heat pump technology standards that could be used for all types of General Services Administration facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies in each General Services Administration facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing heating and cooling technologies with geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each General Services Administration facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing heating and cooling technologies with geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GENERAL SERVICES ADMINISTRATION FACILITY GEOTHERMAL HEAT PUMP TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of geothermal heat pump technologies is designated for each General Services Administration facility geothermal heat pump technologies and practices facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) includes an estimate of the funds necessary to carry out this section;

(B) describes the status of the implementation of geothermal heat pump technologies and practices at General Services Administration facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(C) identifies within the planning, budgeting, and construction processes, all types of General Services Administration facility-related procedures that inhibit new and existing General Services Administration facilities from implementing geothermal heat pump technologies;

(D) recommends language for uniform standards for use by Federal agencies in implementing geothermal heat pump technologies and practices;

(E) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of geothermal heat pump technologies and practices;

(F) achieves substantial operational cost savings through the application of geothermal heat pump technologies; and

(G) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (F).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SA 1577. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF ALIENS WHO HAVE INVESTED IN PETROLEUM DEVELOPMENT IN CUBA.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) undertake the necessary measures to deny the Cuban regime the financial resources to engage in activities that threaten—

(A) United States national security, its interests and its allies;

(B) the environment and natural resources of the submerged lands of Cuba's northern coast and Florida's unique maritime environment; and

(C) that prolong the dictatorship that oppresses the Cuban people; and

(2) deter foreign investments that would enhance the ability of the Cuban regime to develop its petroleum resources.

(b) EXCLUSION OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) is amended by inserting after section 401 the following:

"SEC. 402. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO CONTRIBUTE TO THE ABILITY OF CUBA TO DEVELOP PETROLEUM RESOURCES OFF OF CUBA'S NORTHERN COAST.

"(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who the Secretary of State determines is a person who—

"(1) is an officer or principal of an entity, or a shareholder who owns a controlling interest in an entity, that, on or after May 2, 2006, makes an investment that equals or exceeds $1,000,000 (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period), that contributes to the enhancement of Cuba's ability to develop petroleum resources of the submerged lands of Cuba's northern coast; or

"(2) is a spouse, minor child, or agent of a person described in paragraph (1).

"(b) WAIVER.—The Secretary of State may waive the application of subsection (a) if the Secretary certifies and reports to the appropriate congressional committees, on a case-by-case basis, that the admission to the United States of a person described in subsection (a)—

"(1) is necessary for critical medical reasons or for purposes of litigation of an action under title III; or

"(2) is appropriate if the requirements of sections 203, 204, and 205 have been satisfied.

"(c) DEFINITIONS.—In this section:

"(1) DEVELOP.—The term 'develop', with respect to petroleum resources, means the exploration for, or the extraction, refining, or transportation by pipeline or other means of, petroleum resources.

"(2) INVESTMENT.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Cuba (or any agency or instrumentality thereof) or a nongovernmental entity in Cuba, on or after May 2, 2006:

"(A) The entry into a contract that includes responsibility for the development of petroleum resources of the submerged lands of Cuba's northern coast, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

"(B) The purchase of a share of ownership, including an equity interest, in that development.

"(C) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

"(D) The entry into, performance, or financing of a contract to sell or purchase goods, services, or technology related to that development.

"(3) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to aliens seeking admission to the United States on or after the date of the enactment of this Act.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall impose two or more of the sanctions described in paragraph (2) if the President determines that a person has, on or after May 2, 2006, made an investment that equals or exceeds $1,000,000 (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period) that contributes to the enhancement of Cuba's ability to develop petroleum resources of the submerged lands of Cuba's northern coast.

(2) SANCTIONS DESCRIBED.—The sanctions to be imposed on a sanctioned person under this subsection are as follows:

(A) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(B) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(i) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.);

(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(iii) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(C) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(D) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—

(i) IN GENERAL.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(I) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(II) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(ii) TREATMENT OF SANCTIONS.—The imposition of either sanction under subclause (I) or (II) of clause (i) shall be treated as one sanction for purposes of this subsection, and the imposition of both such sanctions shall be treated as two sanctions for purposes of this subsection.

(E) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(3) PERSON DEFINED.—In this subsection, the term "person" includes a foreign subsidiary of a person referred to in paragraph (1).

SA 1578. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mrs. DOLE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Beginning on page 4 of the amendment, strike line 20 and all that follows through page 5, line 3, and insert the following:

"(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

"(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

"(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

SA 1579. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, after line 23, add the following:

SEC. 113. NATIONAL LOW-CARBON FUEL STANDARD.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CONVENTIONAL TRANSPORTATION FUEL.—The term "conventional transportation fuel" means any fossil-fuel-based transportation fuel used in the United States as of the date of enactment of this Act.

(3) FUEL EMISSION BASELINE.—The term "fuel emission baseline" means the average lifecycle greenhouse gas emissions per unit

of energy of the average of fossil-based fuels in commerce in the United States during the period of calendar years 2005 through 2007.

(4) GREENHOUSE GAS.—The term ''greenhouse gas'' means any of—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(5) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means, with respect to a fuel, the aggregate quantity of greenhouse gases emitted during production, feedstock production or extraction, distribution, and use of the fuel, as determined by the Administrator.

(6) LOW-CARBON FUEL.—The term ''low-carbon fuel'' means fuel produced, to the maximum extent practicable, in the United States—

(A) that meets the requirements of an applicable American Society for Testing and Materials standard; and

(B) the lifecycle greenhouse gas emissions of which are lower than the fuel emission baseline, as determined by the Administrator.

(7) OBLIGATED PARTY.—

(A) IN GENERAL.—The term ''obligated party'' means an obligated party as described in section 80.1106 of title 40, Code of Federal Regulations (or a successor regulation).

(B) RELATED TERM.—The term ''any and all of the products'', when used with respect to an obligated party, means diesel and aviation fuel, home heating oil, and boiler oil to be included in the volume used to calculate the requirements applicable to the obligated party under this section.

(b) NATIONAL LOW-CARBON FUEL STANDARD.—Not later than January 1, 2015, the Administrator shall, by regulation—

(1) establish a fuel emission baseline based on the average lifecycle greenhouse gas emissions per unit of energy of the average of fossil-based fuels in commerce in the United States during the period of calendar years 2005 through 2007;

(2) identify qualifying low-carbon transportation fuels based on—

(A) whether the lifecycle greenhouse gas emissions of a fuel are lower, per unit of energy delivered by use of a specific quantity of the fuel, than the fuel emission baseline, including the percentage greenhouse gas emission reduction provided by the fuel to the fuel emission baseline;

(B) whether a fuel—

(i) achieves a substantial reduction in petroleum content over the lifecycle of the fuel; or

(ii) otherwise contributes to the energy security of the United States; and

(C) with respect to calculation of the lifecycle greenhouse gas emissions of vehicles operating on electricity or a hydrogen fuel, the quantity of energy delivered by use of the fuel, which shall be determined by calculating the product obtained by multiplying—

(i) a unit of energy delivered by use of the electricity or hydrogen fuel; and

(ii) an adjustment factor determined by the Administrator to reflect, with respect to the fuel emissions baseline and any improvement relating to the domestic energy security of the United States resulting from petroleum otherwise displaced, the substantial lifecycle greenhouse gas benefits of using the electricity or hydrogen fuel, on a per-mile basis, resulting from reasonably anticipated energy efficiency of an average—

(I) battery electric vehicle;

(II) plug-in hybrid electric vehicle; or

(III) hydrogen fuel cell vehicle;

(3) establish a low-carbon fuel certification and marketing process—

(A) to certify fuels that qualify as low-carbon fuels under this section;

(B) to make those certifications available to consumers; and

(C) to label and market low-carbon fuels;

(4) publish fuel-use compliance scenarios describing the estimated volumes per year of low-carbon fuels required to meet each requirement described in subsection (c); and

(5) establish—

(A) for fuels blended with low-carbon fuel, as part of the renewable identification number program of the Environmental Protection Agency—

(i) an intensity number measured in the quantity of lifecycle greenhouse gas emissions per unit of energy provided by use of the fuel; and

(ii) an index number representing the percentage reduction of greenhouse gas emissions achieved by the fuel as compared to the fuel emission baseline; and

(B) for electricity from the electric power transmission and distribution system expected to be used as a motor vehicle or nonroad fuel, a process for generating and assigning identification numbers for electricity incorporating, to the maximum extent practicable, clauses (i) and (ii) of subparagraph (A).

(c) REQUIREMENTS APPLICABLE TO OBLIGATED PARTIES.—

(1) REQUIREMENTS.—

(A) CALENDAR YEARS 2015 THROUGH 2020.—Not later than January 1, 2015, the Administrator shall, by regulation, require each obligated party to reduce the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of fuels introduced into commerce by the obligated party to a level that is, as determined by the Administrator, to the maximum extent practicable—

(i) by calendar year 2015, substantially equivalent to at least 5 percent below the fuel emission baseline; and

(ii) by calendar year 2020, substantially equivalent to at least 10 percent below the fuel emission baseline.

(B) CALENDAR YEAR 2021 AND THEREAFTER.—For calendar year 2021, and by not later than each fifth calendar year thereafter, the Administrator shall, by regulation, require each obligated party to reduce the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of fuels introduced into commerce by the obligated party to a level that, as determined by the Administrator, is progressively lower, but not a level higher than, the previous years, unless the Administrator, in coordination with the Secretary of Agriculture and the Secretary, establishes an alternative required percentage reduction based on—

(i) a review of the implementation of this paragraph during the period of calendar years 2015 through 2020;

(ii) the expected annual rate of future production of low-carbon fuel;

(iii) the impact of low-carbon fuels on the energy security of the United States;

(iv) the impact of low-carbon fuels on the infrastructure of the United States, including the deliverability of materials, goods, and products other than low-carbon fuel;

(v) the sufficiency of the infrastructure of the United States to deliver low-carbon fuel; and

(vi) the impact of the use of low-carbon fuel on other factors, including—

(I) job creation;

(II) the price and supply of agricultural commodities;

(III) rural economic development; and

(IV) the environment.

(2) FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations in accordance with this subsection, the average lifecycle greenhouse gas emissions of the aggregate quantity of fuel introduced by an obligated party for calendar year 2014 shall be at least 3 percent below the fuel emissions baseline.

(d) DOMESTIC FEEDSTOCK STUDY.—Not later than 3 years after the date of enactment of this Act, the President, in conjunction with the Secretary of Agriculture, the Administrator, and the Secretary, taking into consideration recommendations issued by the National Academy of Sciences, the Food and Agricultural Policy Research Institute, and not more than 2 additional appropriate independent research institutes, as determined by the President, shall establish and apply a methodology to assess and quantify environmental changes associated with the increase in the volume of renewable fuels required by this subsection, as compared with the effects of an increase in conventional transportation fuels otherwise displaced as a result of this subsection, as applicable, for the purpose of negating overall adverse environmental impacts, particularly with respect to the effects on or changes in—

(1) the national security of the United States;

(2) the rural economic development of the United States;

(3) the energy security of the United States;

(4) land, air, and water quality of the United States;

(5) deforestation;

(6) areas containing significant concentrations of biodiversity values (including endemism, endangered species, high species richness, and refugia), including habitats in which any alteration of the habitat would render the habitat unable to support most characteristic native species and ecological processes;

(7) the long-term capacity of the United States to produce feedstocks for low-carbon fuels;

(8) land enrolled in—

(A) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

(B) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(9) the impact on areas at risk of wildfire, including areas in the vicinity of—

(A) buildings and other areas regularly occupied by people; or

(B) infrastructure;

(10) the conversion of biowaste and other wastes into fuels, as compared with use of those wastes for other beneficial purposes, and any potential for the generation of toxic byproducts resulting from that conversion;

(11) the conversion of nonrenewable biomass into biofuel;

(12) materials produced, harvested, acquired, transported, or processed that would have, as an adverse result, an exemption from otherwise applicable Federal law (including regulations); and

(13) such other matters or activities as are identified by the President.

SA 1580. Mr. BAYH (for Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 23, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, line 1, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, line 4, insert '', methanol, and other renewable fuels'' after ''ethanol''.

On page 7, lines 6 and 7, strike ''and food waste and yard waste'' and insert ''food waste, yard waste, and municipal solid waste from which all recyclable materials and nonbiomass materials have been removed''.

SA 1581. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	1.9%	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1582. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 6 and 7, insert the following:

(D) GOALS.—In promulgating regulations pursuant to this paragraph, the President shall take into consideration the goals of—

(i) providing credits under this section to motivate blenders to incorporate existing infrastructure in the transportation, storage, blending, and distribution of any alcohol-based biofuel; and

(ii) encouraging blenders to share any credits provided under this section with pipeline and common storage facilities, which incorporate practices to achieve fungibility, pipeline transmission, commingling, and common storage of biofuels with hydrocarbons.

SA 1583. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 113. ACCELERATED FUEL WAIVER BLENDS.

Section 211(a) of the Clean Air Act (42 U.S.C. 7545(a)) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(2) by adding at the end the following:

''(2) REQUIREMENT.—In promulgating regulations pursuant to paragraph (1) relating to the provision of a waiver under subsection (f) or any fuel registration requirement under this section, the Administrator shall provide for the expeditious registration, to the maximum extent practicable, of any fuel that contains an oxygenated blending component, including fuel that contains—

''(A) C1- to C6-based alcohols;

''(B) C5 to C6 carbonates (such as dimethyl carbonate and diethyl carbonate); or

''(C) any other additive that improves the thermal efficiency or fuel economy of the fuel.''.

SA 1584. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 113. TREATMENT OF CERTAIN GASOLINE.

(a) IN GENERAL.—Section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)) is amended by adding at the end the following:

''(6) TREATMENT OF CERTAIN GASOLINE.—

''(A) IN GENERAL.—For purposes of this subsection, gasoline described in subparagraph (B) shall be considered to be substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975.

''(B) DESCRIPTION OF GASOLINE.—Gasoline referred to in subparagraph (A) is gasoline that—

''(i) contains not more than 3.7 percent oxygen, by weight, such that the gasoline is equivalent to E–10 gasoline; or

''(ii) contains a greater quantity of oxygen, as the Administrator may determine, by regulation.''.

(b) EFFECT OF SECTION.—Nothing in the amendment made by subsection (a) affects subsection (h) of section 211 of the Clean Air Act (42 U.S.C. 7545).

SA 1585. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. WARNER to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 5, and insert the following:

ural disasters, or other acts.

''(5) LIABILITY.—

''(A) IN GENERAL.—The State shall be liable for the costs incurred by any other State as a result of any oil or natural gas spill or other damages caused by offshore drilling or other activities conducted in the coastal zone of the State under this subsection.

''(B) INCLUSIONS.—Costs for which the State shall be liable under this paragraph include the costs associated with—

''(i) any environmental cleanup;

''(ii) any economic damages to the coastline of the affected State resulting from the oil or natural gas spill; and

''(iii) any other damage to the affected State.

''(C) ORIGINAL JURISDICTION.—Notwithstanding any other provision of law, the Supreme Court shall have original jurisdiction over a claim to recover costs under this paragraph.

''(D) AMOUNT.—If an action is brought under subparagraph (C), the Supreme Court shall determine the total amount of the costs for which the State shall be liable under this paragraph.''.

SA 1586. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, Ms. SNOWE, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—GEOTHERMAL ENERGY

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Geothermal Initiative Act of 2007''.

SEC. 802. FINDINGS.

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources;

(B) to develop and demonstrate the potential for geothermal heat exchange technologies for heating, cooling, and energy efficiency; and

(C) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

SEC. 803. NATIONAL GOAL.

Congress declares that it shall be a national goal to achieve at least 15 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

SEC. 804. DEFINITIONS.

In this title:

(1) INITIATIVE.—The term ''Initiative'' means the national geothermal initiative established by section 805(a).

(2) NATIONAL GOAL.—The term ''national goal'' means the national goal of increased energy production from geothermal resources described in section 803.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 805. NATIONAL GEOTHERMAL INITIATIVE.

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States;

(E) to develop the tools and techniques to construct an engineered geothermal system power plant; and

(F) to deploy geothermal heat exchange technologies in Federal buildings for heating, cooling, and energy efficiency.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center;

(D) support cooperative programs with and among States (including geothermal facilities that are operational as of the date of enactment of this Act, the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives) to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering;

(H) support the development and application of the full range of geothermal technologies and applications; and

(I)(i) study the potential to apply geothermal heat exchange technologies to new and existing Federal buildings; and

(ii) in cooperation with the Administrator of General Services, develop and carry out 2 demonstration projects with geothermal heat exchange technologies, of which—

(I) 1 project shall involve the construction of a new Federal building; and

(II) 1 project shall involve the renovation of an existing Federal building.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

SEC. 806. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as are necessary for each of fiscal years 2014 through 2020.''.

SEC. 807. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 808. ALASKA GEOTHERMAL CENTER.

(a) IN GENERAL.—The Secretary may participate in a consortium described in subsection (b) to address science and science policy issues relating to the expanded discovery and use of geothermal energy, including geothermal energy generated from geothermal resources on public land.

(b) ADMINISTRATION.—The consortium referred to in subsection (a) shall—

(1) be known as the ''Alaska Geothermal Center'';

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among—

(A) institutions of higher education in the State of Alaska;

(B) other regional institutions of higher education; and

(C) State agencies;

(3) include—

(A) the Energy Authority of the State of Alaska;

(B) the Denali Commission established by section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277); and

(C) the University of Alaska-Fairbanks;

(4) be hosted and managed by the University of Alaska-Fairbanks; and

(5) have—

(A) a director appointed by the head of the Energy Authority of the State of Alaska; and

(B) associate directors appointed by each participating institution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.

SA 1587. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 26__. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make grants to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for projects.

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions, engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use a grant provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SA 1588. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF DEVELOPMENT OF CARBON LABELING SYSTEM FOR GOODS SOLD IN THE UNITED STATES.

(a) IN GENERAL.—For purposes of increasing awareness of carbon emissions, not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a study of the potential for creating a carbon labeling system for all food, goods, and products sold or manufactured in the United States.

(b) INCLUSIONS.—The study under subsection (a) shall include the development of a cogent and effective carbon emission standard that—

(1) is feasible for implementation by producers and manufacturers; and

(2) is based on carbon emissions, from the manufacturing to marketing stages, of all food, goods, and products sold or manufactured in the United States.

SA 1589. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, strike line 17 and insert the following:

(C) PREFERENCE.—In providing financial assistance under this subsection, the Secretary shall give preference to higher-education for-profit partnerships involved in the development of liquid crystal, photovoltaic, and wind technologies that—

(i) increase energy efficiency; and

(ii) improve the economic competitiveness of the United States.

(D) COMPETITIVE AWARDS.—The provision

SA 1590. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 199, line 5, insert ''**, INSTITUTIONS OF HIGHER EDUCATION, AND NONPROFIT HOSPITALS**'' after ''**GOVERNMENTS**''.

On page 199, lines 12 and 13, strike ''governments (such as municipalities and counties), with respect to local government buildings'' and insert '' governments (such as municipalities and counties), institutions of higher education, and nonprofit hospitals, with respect to buildings operated by those entities''.

On page 200, line 3, insert ''in which the local government, institution of higher education, or nonprofit hospital, as applicable, is located'' after ''community''.

On page 201, line 4, insert '', institution of higher education, and nonprofit hospital'' before ''that receives''.

On page 201, line 6, strike ''local government''.

On page 201, line 7, insert ''sustainable and'' before ''cost-effective''.

On page 201, line 20, strike ''$20,000,000'' and insert ''$25,000,000''.

SA 1591. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. PREFERENCE FOR EXISTING AND FORMER DEPARTMENT OF ENERGY FACILITIES AND SITES.

In selecting sites or facilities for the conduct of projects and activities authorized under section 963(c) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)) (as amended by section 302) and sections 303 and 304, the Secretary shall give preference to—

(1) Department of Energy sites and facilities in existence on the date of enactment of this Act; and

(2) Department of Energy sites and facilities that have been deactivated or decommissioned before the date of enactment of this Act.

SA 1592. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. EMISSION STANDARDS FOR SPARK-IGNITION ENGINES.

Section 213 of the Clean Air Act (42 U.S.C. 7547) is amended by adding at the end the following:

''(e) EMISSION STANDARDS FOR SPARK-IGNITION ENGINES.—

''(1) DEFINITION OF SPARK-IGNITION ENGINE.—In this subsection, the term 'spark-ignition engine' means an engine that uses spark-ignition (as described in section 89.2 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection)).

''(2) STANDARDS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall by regulation establish standards for the reduction in emissions of total hydrocarbons, oxides of nitrogen, and carbon monoxide from spark-ignition engines as specified in the following table:

''Emission limitations for spark-ignition engines

Type of spark-ignition engine	Required reduction in HC + NO_x	Required reduction in CO	Applicable model years
Outboard or personal watercraft marine engine producing more than 45 hp.	12 g/kW-hr	185 g/kW-hr	2011 and thereafter
Sterndrive or inboard marine engine	3 g/kW-hr	65 g/kW-hr	2010 and thereafter
Class I engines producing less than 30 hp	8 g/kW-hr		2012 and thereafter
Class II engines producing less than 30 hp	7 g/kW-hr		2011 and thereafter''.

SA 1593. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, line 14, strike ''(e)'' and insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) sold in the United States fewer than 0.5 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(B) will sell in the United States fewer than 0.5 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.''.

(f)

SA 1594. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF ESTABLISHMENT OF A REFINED PETROLEUM PRODUCT RESERVE.

(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies as the Secretary determines to be necessary, shall

conduct a study on the need for, and feasibility of, maintaining a refined petroleum product reserve.

(b) COMPONENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider whether consolidation in the oil industry during the 1990s resulted in reduced commercial crude oil and refined petroleum product inventories;

(2) evaluate whether other major energy-consuming countries hold significantly different quantities of commercial and strategic stocks of crude oil and refined petroleum products, as compared to the United States;

(3) analyze whether strategic stocks of refined petroleum products held by the Federal Government could be used to increase flexibility in the motor gasoline, diesel, and jet fuel markets of the United States;

(4) determine the types of storage facilities that may be appropriate for maintaining a refined petroleum product reserve, including identification of specific facilities and or potential facilities that could be used for a refined petroleum product reserve;

(5) address the comparative benefits of storing motor gasoline, diesel, and jet fuel in a refined product reserve; and

(6) identify potential barriers to the establishment of a refined petroleum product reserve.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section.2

SA 1595. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 19 and 20, insert the following:

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms.

SA 1596. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. STUDY OF ADEQUACY OF REFINING INFRASTRUCTURE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the adequacy of the refining infrastructure in the United States.

(b) EVALUATIONS.—In conducting the study, the Comptroller General shall include an evaluation of—

(1) each action taken by the United States to ensure the energy security of the United States in the event of a hurricane or other natural disaster;

(2) whether the refining infrastructure of the United States is adequate for the future; and

(3)(A) whether, in the absence of additional capacity, providing product stocks to existing refineries would improve supply reliability during supply disruptions; and

(B) the costs associated with providing those product stocks.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes the results of the study, including any recommendations.

SA 1597. Mr. INOUYE (for himself, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike lines 1 through 17.

Beginning on page 56, line 17, strike through line 4 of page 59.

On page 277, between lines 5 and 6, insert the following:

SEC. ——. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SA 1598. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike ''and''.

On page 7, line 16, strike the period and insert ''; and''.

On page 7, between lines 16 and 17, insert the following:

(vii) natural gas, including liquid fuels domestically produced from natural gas; and

(viii) coal-derived liquid fuels.

On page 13, after the table, between lines 5 and 6, insert the following:

(B) ENVIRONMENTAL COMPLIANCE VALUE.—

(i) IN GENERAL.—In addition to the requirements of subparagraph (A)(ii), the President shall designate additional compliance value factors based on the environmental performance of each alternative fuel, based on criteria and other pollution reductions, in an amount equal to an additional compliance

value of 0.10 for every 10-percent reduction in the emissions of nitrogen oxide, sulfur dioxide, volatile organic compound, particulate matter, or any other air pollutant listed as a criteria pollutant by the Administrator of the Environmental Protection Agency.

(ii) METHOD OF DETERMINATION.—In determining a factor under clause (i), the President shall use the findings of the regulatory impact analysis of the Environmental Protection Agency for the renewable fuel standard dated April 2007.

On page 13, line 6, strike ''(B)'' and insert ''(C)''.

On page 13, line 7, strike ''(C)'' and insert ''(D)''.

On page 14, line 15, strike ''(C)'' and insert ''(D)''.

On page 14, line 16, strike ''(D)'' and insert ''(E)''.

On page 15, line 6, strike ''(D)'' and insert ''(E)''.

On page 15, line 8, strike ''(C)'' and insert ''(D)''.

SA 1599. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. ALTERNATIVE HYDROCARBON AND RENEWABLE RESERVES DISCLOSURES CLASSIFICATION SYSTEM.

(a) IN GENERAL.—The Chairperson of the Securities and Exchange Commission shall appoint a task force, to be composed of representatives of the Federal Government and the private sector (including experts in the field of dedicated energy crop feedstocks for cellulosic biofuels production), to analyze, and submit to Congress a report (including recommendations) on—

(1) modernization of the hydrocarbon reserves disclosures classification system of the Commission to reflect advances in reserves recovery from nontraditional sources (such as deep water, oil shale, tar sands, and renewable reserves for cellulosic biofuels feedstocks); and

(2) the creation of a renewable reserves classification system for cellulosic biofuels feedstocks.

(b) DEADLINE.—The task force shall submit the report required under subsection (a) by not later than 180 days after the date of enactment of this Act.

SA 1600. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 151. EVALUATION OF FISCHER-TROPSCH DIESEL AND JET FUEL AS AN EMISSION CONTROL STRATEGY.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, the Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, shall—

(1) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(2) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(3) submit to Congress recommendations on the most effective uses and associated benefits of those ultra-clean fuels with respect to reducing public exposure to exhaust emissions.

(b) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall issue, to the extent necessary, such guidance and technical support documents that the Administrator determines would facilitate the effective use and associated benefits of Fischer-Tropsch fuel and blends.

(c) REQUIREMENTS.—In carrying out this section, the Administrator shall take into consideration—

(1) the use of neat (100-percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(2) the production costs associated with domestic production of those ultra-clean fuel, and prices for consumers.

(d) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(1) not later than 180 days after the date of enactment of this Act, an interim report on actions taken to carry out this section; and

(2) not later than 1 year after the date of enactment of this Act, a final report on actions taken to carry out this section.

SA 1601. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 25, add the following:

(3) SALE OF CREDITS.—

(A) IN GENERAL.—The President shall make available additional credits under this subsection for sale to refineries, blenders, and importers that are subject to subsection (b)(2)(B) at a price of $1.00 per gallon of gasoline equivalent.

(B) USE OF CREDITS.—A refinery, blender, or importer may use a credit purchased under subparagraph (A) to comply with the renewable fuel obligation applicable to the refinery, blender, or importer under subsection (b)(2) for the calendar year in which the credit is purchased.

(C) DEPOSIT OF REVENUE.—For each of fiscal years 2008 through 2022, revenues received as a result of sales of credits under this paragraph shall be deposited into the general fund of the Treasury.

SA 1602. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SA 1603. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

On page 142, strike lines 19 through 25 and insert the following:

''subject to section 400AA requiring that—

''(A) not later than October 1, 2015, each Federal agency shall achieve at least a 20-percent reduction in petroleum consumption, and shall increase alternative fuel consumption by not less than 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005; and

''(B) of the inventory of the Federal fleet—

''(i) not less than 15 percent shall be hybrid or flex-fuel vehicles by January 1, 2015; and

''(ii) not less than 25 percent shall be hybrid or flex-fuel vehicles by January 1, 2020.

On page 143, lines 5 and 6, strike ''and the alternative fuel consumption increases'' and insert '', the alternative fuel consumption increases, and the hybrid or flex-fuel vehicle requirements''.

SA 1604. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, add the following:

SEC. 279. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES AND STANDARDS.

(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES AND STANDARDS.—

(1) UPDATING.—

(A) IN GENERAL.—The Secretary shall facilitate the updating of national model building energy codes and standards at least every 3 years to achieve overall energy savings, compared to the 2006 International Energy Conservation Code (referred to in this section as the ''IECC'') for residential buildings and ASHRAE/IES Standard 90.1 (2004) for commercial buildings, of at least—

(i) 30 percent by 2015; and

(ii) 50 percent by 2022.

(B) MODIFICATION OF GOAL.—If the Secretary determines that the goal referred to in subparagraph (A)(ii) cannot be achieved using existing technology, or would not be lifecycle cost effective, the Secretary shall establish, after providing notice and an opportunity for public comment, a revised goal that ensures the maximum level of energy efficiency that is technologically feasible and lifecycle cost effective.

(2) REVISION OF CODES AND STANDARDS.—

(A) IN GENERAL.—If the IECC or ASHRAE/IES Standard 90.1 regarding building energy use is revised, not later than 1 year after the date of the revision, the Secretary shall determine whether the revision will—

(i) improve energy efficiency in buildings; and

(ii) meets the targets established under paragraph (1).

(B) REVISION BY SECRETARY.—

(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets established under paragraph (1), or if a national model code or standard is not updated for more than 3 years, not later than 2 years after the determination or the expiration of the 3-year period, the Secretary shall amend the IECC or ASHRAE/IES Standard 90.1 (as in effect on the date on which the determination is made) to establish a modified code or standard that meets the targets established under paragraph (1).

(ii) BASELINE.—The modified code or standard shall serve as the baseline for the next determination under subparagraph (A)(i).

(C) NOTICE AND COMMENT.—The Secretary shall—

(i) publish in the Federal Register notice of targets, determinations, and modified codes and standards under this subsection; and

(ii) provide the opportunity for public comment on targets, determinations, and modified codes and standards under this subsection.

(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

(1) STATE CERTIFICATION.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, each State shall certify to the Secretary that the State has reviewed and updated the residential and commercial building code of the State regarding energy efficiency.

(B) ENERGY SAVINGS.—The certification shall include a demonstration that the code of the State—

(i) meets or exceeds the 2006 IECC for residential buildings and the ASHRAE/IES Standard 90.1–2004 for commercial buildings; or

(ii) achieves equivalent or greater energy savings.

(2) REVISION OF CODES AND STANDARDS.—

(A) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has reviewed and updated the building code of the State regarding energy efficiency.

(B) ENERGY SAVINGS.—The certification shall include a demonstration that the code of the State—

(i) meets or exceeds the revised code or standard; or

(ii) achieves equivalent or greater energy savings.

(C) REVIEW AND UPDATING BY STATES.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2) or makes a negative determination under subsection (a)(2)(A), not later 3 years after the specified date or the date of the determination, each State shall certify that the State has—

(i) reviewed the revised code or standard; and

(ii) updated the building code of the State regarding energy efficiency to—

(I) meet or exceed any provisions found to improve energy efficiency in buildings; or

(II) achieve equivalent or greater energy savings in other ways.

(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—

(1) IN GENERAL.—Not later than 3 years after a certification of a State under subsection (b), the State shall certify that the State has achieved compliance with the certified building energy code.

(2) RATE OF COMPLIANCE.—The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the code during the preceding year.

(3) COMPLIANCE.—A State shall be considered to achieve compliance with the certified building energy code under paragraph (1) if—

(A) at least 90 percent of new and renovated buildings covered by the code during the preceding year substantially meet all the requirements of the code; or

(B) the estimated excess energy use of new and renovated buildings that did not meet the code during the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the code during the preceding year.

(d) FAILURE TO MEET DEADLINES.—

(1) REPORTS.—A State that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

(A) the status of the State with respect to completing and submitting the certification; and

(B) a plan of the State for completing and submitting the certification.

(2) EXTENSIONS.—The Secretary shall permit an extension of an applicable deadline for a certification requirement under subsection (b) or (c) for not more than 1 year if a State demonstrates in the report of the State under paragraph (1) that the State has made—

(A) a good faith effort to comply with the requirements; and

(B) significant progress in complying with the requirements, including by developing and implementing a plan to achieve that compliance.

(3) NONCOMPLIANCE BY STATE.—Any State for which the Secretary has not accepted a certification by a deadline established under subsection (b) or (c), with any extension granted under paragraph (2), shall be considered not in compliance with this section.

(4) COMPLIANCE BY LOCAL GOVERNMENTS.—In any State that is not in compliance with this section, a local government of the State may comply with this section by meeting the certification requirements under subsections (b) and (c).

(5) ANNUAL COMPLIANCE REPORTS.—

(A) IN GENERAL.—The Secretary shall annually submit to Congress a report that contains, and publish in the Federal Register, a list of—

(i) each State (including local governments in a State, as applicable) that is in compliance with the requirements of this section; and

(ii) each State that is not in compliance with those requirements.

(B) INCLUSION.—For each State included on a list described in subparagraph (A)(ii), the Secretary shall include an estimate of—

(i) the increased energy use by buildings in that State due to the failure of the State to comply with this section; and

(ii) the resulting increase in energy costs to individuals and businesses.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to enable the national model building energy codes and standards to meet the targets established under subsection (a)(1).

(2) ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States to—

(A) implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or greater energy savings than the national model codes and standards;

(B) improve and implement State residential and commercial building energy efficiency codes; and

(C) otherwise promote the design and construction of energy efficient buildings.

(f) AVAILABILITY OF INCENTIVE FUNDING.—

(1) IN GENERAL.—The Secretary shall provide incentive funding to States to—

(A) implement this section; and

(B) improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

(2) FACTORS.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State to—

(A) implement this section;

(B) improve and implement residential and commercial building energy efficiency codes; and

(C) promote building energy efficiency through the use of the codes.

(3) ADDITIONAL FUNDING.—The Secretary shall provide additional funding under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

(A) to a State that has adopted and is implementing, on a statewide basis—

(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2006 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE/IES Standard 90.1–2004, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

(B) in a State in which there is no statewide energy code either for residential buildings or for commercial buildings, to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

(4) TRAINING.—Of the amounts made available under this subsection, the Secretary may use to train State and local officials to implement codes described in paragraph (3) at least $500,000 for each fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) $25,000,000 for each of fiscal years 2006 through 2010; and

(ii) such sums as are necessary for fiscal year 2011 and each fiscal year thereafter.

(B) LIMITATION.—Funding provided to States under paragraph (3) for each fiscal year shall not exceed ½ of the excess of funding under this subsection over $5,000,000 for the fiscal year.

(g) TECHNICAL CORRECTION.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.''.

SA 1605. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

On page 117, between lines 15 and 16, insert the following:

SEC. 234. STATE REQUIREMENTS FOR ENERGY EFFICIENCY.

Section 327(d) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''paragraphs (2) through (5)'' and inserting ''paragraphs (2) and (3)''; and

(ii) by striking ''such State regulation is needed to meet unusual and compelling State or local energy or water interests'' and inserting ''the benefit of the State regulation outweighs the cost of the State regulation''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) DEFINITIONS.—In this subsection:

''(i) BENEFIT.—The term 'benefit' means—

''(I) the lifecycle cost savings to consumers of a State that files a petition under subparagraph (A); and

''(II) the energy savings to consumers of a State that files a petition under subparagraph (A).

''(ii) COST.—The term 'cost' means any burden to the consumers of a State, including additional costs from manufacturing, distribution, sale, or service of a product covered by the regulation of the State on a national basis.'';

(2) in paragraph (3), by striking ''significantly burden'' and all that follows through the end of the paragraph and inserting ''not provide any benefit.''; and

(3) by striking paragraphs (4) through (6).

SA 1606. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, which was ordered to lie on the table; as follows:

Beginning on page 93, strike line 2 and all that follows through page 95, line 25, and insert the following:

of the final rule establishing a standard.

''(5) FAILURE TO PUBLISH FINAL DETERMINATION OR STANDARD.—Notwithstanding section 327, if the Secretary does not publish a final determination for a product by the date required under paragraph (1) or a final standard requiring greater energy efficiency or lower energy use than the federal minimum standards in effect for a product by the date required under paragraph (3), no State standard for the product shall be preempted until the earlier of—

''(A) the date on which an amended final standard for the product published by the Secretary takes effect; or

''(B) the date that is 3 years after the date of publication of a final determination of the Secretary not to amend the applicable standard.''.

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal central and commercial air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

''(ii) MORE STRINGENT STANDARD.—Clause (i) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(D) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—After issuance of the most recent final rule for a product under this subsection, not later than 5 years after

the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

''(ii) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(iii) FINAL RULE.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.

''(iv) FAILURE TO PUBLISH FINAL DETERMINATION OR STANDARD.—Notwithstanding sections 327 and 345(b)(2)(A), if the Secretary does not publish a final determination for a product by the date required under clause (i) or a final standard requiring greater energy efficiency or lower energy use than the federal minimum standards in effect for a product by a date required under clause (iii), no State standard for the product shall be preempted until the earlier of—

''(I) the date on which an amended final standard for the product published by the Secretary takes effect; and

''(II) the date that is 3 years after the date of publication of a final determination of the Secretary not to amend the applicable standard.''.

SA 1607. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1608. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102(1)(B)(v), strike ''and'' at the end.

In section 102(1)(B)(vi), strike the period at the end and insert ''; and''.

At the end of section 102(1)(B), add the following:

(vii) after December 31, 2015, any fuel that—

(I) is not derived from crude oil; and

(II) achieves—

(aa) as compared to conventional gasoline, lifecycle emission reductions of 2 or more air pollutants, including—

(AA) sulfur dioxide;

(BB) nitrogen oxides;

(CC) carbon monoxide;

(DD) particulate matter with a diameter smaller than 10 microns; and

(EE) volatile organic compounds; and

(bb) a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline.

In section 102, redesignate paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and insert between paragraphs (2) and (4) (as so redesignated) the following:

(3) CLEAN FUEL.—The term ''clean fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that—

(A) is not derived from crude oil;

(B)(i) as compared to conventional gasoline, has lower lifecycle emissions of 2 or more air pollutants, including—

(I) sulfur dioxide;

(II) nitrogen oxides;

(III) carbon monoxide;

(IV) particulate matter with a diameter smaller than 10 microns; and

(V) volatile organic compounds; or

(ii) achieves a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline; and

(C) has lower lifecycle greenhouse gas emissions than conventional gasoline.

In section 102, strike paragraph (6) (as so redesignated) and insert the following:

(6) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) clean fuel.

In section 111(a)(1)(B)(i)(II), insert ''(other than clean fuels)'' after ''renewable fuels''.

SA 1609. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested

persons and affected States on the application.''';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(1) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 14, 2007, at 9:30 a.m. in open session to mark up the Dignified Treatment of Wounded Warriors Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 14, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on communications policy issues implicated by the upcoming auction of frequencies in the 700 Megahertz band.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 14, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization

Authorization of Subpoena in Connection with Investigation of Legal Basis for Warrantless Wiretap Program

II. Bills: S.535—Emmett Till Unsolved Civil Rights Crime Act (Dodd, Leahy, Schumer, Kennedy, Hatch, Specter, Cardin, Durbin, Whitehouse); S.456—Gang Abatement and Prevention Act of 2007 (Feinstein, Hatch, Schumer, Specter, Biden, Kyl, Cornyn, Kohl); and S.1145—Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse).

III. Nominations: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

IV. Resolutions: S. Res. 105—Designating September 2007 as Campus Fire Safety Month (Biden, Kennedy). S. Res. 215—Designating Sept. 25, 2007 as National First Responder Appreciation Day (Allard, Graham).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''The impact of rising gas prices on America's small businesses,'' on Thursday, June 14, 2007, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. BINGAMAN. I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled ''Importing Success: Why work-family policies from abroad make economic sense for the U.S.'', in Room 216 of the Hart Senate Office Building, Thursday, June 14, 2007, from 10 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Kusai Merchant, who is a fellow in the office of the majority leader, be granted floor privileges during the consideration of H.R. 6 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that during consideration of the Clean Energy Act of 2007 that Katie Fechko, a fellow in my office, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent that Mike Burke, a detailee serving in my office, be granted the privilege of the floor during consideration of H.R. 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING AND SUBMISSION OF TRIBUTES TO SENATOR CRAIG THOMAS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the tributes to Senator Thomas in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until June 29, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 164, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 164) authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NELSON of Florida. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 164) was agreed to.

NATIONAL MEN'S HEALTH WEEK

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 213 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 213

Whereas, despite advances in medical technology and research, men continue to live an average of almost 6 years less than women, and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 218,890 in 2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 11 through 17, 2007, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That Congress—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

ARMY SPECIALIST JOSEPH P. MICKS FEDERAL FLAG CODE AMENDMENT ACT OF 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, H.R. 692.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 692) to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, it is critically important that each time a soldier, sailor, airman, or marine is lost in battle, their families, friends, and communities are shown the respect and support of a grateful nation. Tragically, Michigan has lost more than 135 heroes in the wars in Iraq and Afghanistan. One of the most powerful ways we honor those who have made the ultimate sacrifice for our country is to fly the flag they fought under at half-staff.

On many occasions during the course of the wars in Iraq and Afghanistan, Governors around the country have issued proclamations for State agencies and residents to lower our Nation's flag to honor fallen servicemembers from their States. Many Federal agencies in those States comply with such proclamations, but some have not. To those mourning the death of a loved one, this inaction can be hurtful and interpreted as indifference to their loss. I know my colleagues will agree that this is certainly not the message our Government wants to send to the families of our men and women in uniform.

This legislation would prevent this situation by giving Governors the explicit authority to order our Nation's flag lowered to half-staff when a member of the Armed Forces from their State dies while serving on active duty. It would also require federal agencies in that State to lower their flags consistent with a Governor's proclamation. The House of Representatives passed identical legislation on May 15. I am pleased that my colleagues support this legislation so that all levels of our Government will send a clear and consistent message when members of our military are killed in the course of their service to our country.

One of my greatest honors as the chairman of the Senate Armed Services Committee is to spend time with our troops, and they are as courageous, honorable, and capable a fighting force as the world has ever known. These men and women have made a commitment to protect our Nation. We need to make an equally strong commitment to honor them when they make the ultimate sacrifice for our country. We owe our fallen soldiers, their families, and their communities a unified showing of respect.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 692) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JUNE 15, 2007

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, June 15; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders

reserved for their use later in the day, and the Senate then resume consideration of H.R. 6, comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Friday, June 15, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 14, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 2007.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, early Founders of the Nation on this day in 1777 adopted a flag to symbolize their solidarity in defense and in belief of a new type of Republic. They selected stars and stripes to speak both of colonial individuality as State rights drawn upon a broader field of Federal identity. Our Pledge as a people means even more in today's world on this Flag Day.

Lord, fill us with promising hope and peaceful unity as we stare at the starry sky. Enable us to reach out further and further in the broad bands of freedom and compassion to fellow citizens of this world most in need.

Lord, may this flag, before which we stand, be a mirror of this people and a sign of promise to others that equal justice under governing law assures progressive victory over egoism and evil, both in times of prosperity and adversity, in times of war, and peace.

In our allegiance we witness to ''one Nation under God'' as a promise of what others in this world can yet become. For this, we Americans stand together today, proud and strong, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. HOBSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

REPUBLICANS DELAY ACTION ON POPULAR MEASURES

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I am sure that people around the country have been wondering what was going on here for the past couple of days. My concern is that the people in Missouri's 5th District are quite concerned about homeland security and many of the issues that we must resolve.

For example, there has been a delay on the construction of a fence on our southern border. If this were in a court, it would be called obstruction of construction. It is a problem that is being caused by this unnecessary delay initiated by the other party.

This is a good bill. It had bipartisan support in the Appropriations Committee, but leaders on the other side of the aisle are choosing to delay things with political games. And so my hope is that from this day forward that both sides will work together to get a solid Homeland Security bill approved, as the American public deserves.

COMPLAINTS DEPARTMENT IS NOT GOOD ENOUGH

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I love my colleague from Missouri, appreciate his leading our prayer breakfast during the week; but he is wrong. This is not a delaying tactic. We have been bringing things out into the open with this bill, with our discussions of the Homeland Security bill, and he knows and we know that the bill does not have to be approved until September because it doesn't go into effect until October so we are not delaying any fence building.

The discussions we have been having on the floor have been tremendously enlightening, as the Republicans have fought literally through the night to restore openness to our government. My colleagues on the other side of the aisle have raised these complaints that we are distracting from the real issue.

The debate on making earmarks public before we vote on the bill is the real issue. I can think of nothing more important than defending the rights of Members of this House to contest potentially wasteful spending requests. But as we have highlighted for the past couple of days, the majority wants to kill that right and instead replace it with a complaints department and massive slush funds. A complaints department is not good enough. My constituents, and every American, deserve to know what will be in this bill before we vote on it and telling us to write a letter to the committee when to contest an egregious earmark once they are announced merely amounts to wallpapering over the core issue here.

We need openness. And the more my colleagues in the majority fight to keep earmarks secret, the more Americans will see them as the party of hypocrisy.

OPPOSE COLOMBIAN TRADE AGREEMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to a free trade agreement with Colombia. The Colombian Government has ties with paramilitary organizations and international criminal networks. Each year more unionists are killed in Colombia than the rest of the world combined, many at the hands of country paramilitaries. Yet Colombia is not willing to investigate these murders and prosecute perpetrators.

In 2006, seventy-two trade unionists were assassinated. The perpetrators continue to enjoy 98 percent impunity. Colombia's labor laws also do not conform with ILO recommendations. A trade agreement with Colombia, in my opinion, could cost more U.S. jobs and increase our debt. It would further impoverish rural communities in Colombia and reduce access by Colombians to new medicines.

A U.S. trade policy should promote a democracy based on protection of fundamental human rights, and not a race to the bottom. I urge my colleagues to reject a trade agreement with Colombia.

UNDERAGE COLLEGE DRINKING

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, binge drinking is the silent health epidemic attacking America's underage college students. It is defined as five consecutive drinks for men and four consecutive drinks for women. According to the National Council on Alcoholism and Drug Dependence, 43 percent of college students state they are binge drinkers. Parents and college communities are rightfully concerned.

However, some universities ignore the problem and, in fact, are complicit in this drinking binge. Middlebury College in Vermont claims to have the cure for binge drinking: lower the minimum drinking age from 21 to 18. The former college president proposes that lowering the drinking age will encourage students to drink responsibly. That is an irresponsible statement. This will only encourage younger people to get drunk.

The answer lies in admitting the problem, enforcing underage drinking laws, and educating students on the effect of binge drinking. Lowering the minimum drinking age just adds fuel to the epidemic and gives students a legal license to drink. Colleges cannot consent to the binge drinking by ignoring the problem and making outlandish statements.

And that's just the way it is.

CLEAN ENERGY REVOLUTION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, next week the House will take the second step in the clean energy revolution. The new Congress a couple months ago passed a bill, the first step, to reel back $14 billion of tax giveaways to the oil companies and create a fund for clean energy; but the second step starts next week.

When we take that step, we ought to be invested with the same ambition and innovative spirit of these companies that are doing great work around America, like A123 Battery Company that is making a battery so you get 150 miles a gallon in a plug-in hybrid; the Imperial Fuel Company, the biggest biodiesel supplier in the western hemisphere; the RAMGEN Company, making a compression technology to burn clean coal cleanly.

We ought to be invested with the same spirit of innovation that we had when John F. Kennedy stood behind me in 1961 and said we are going to do the Moon. So next week when we start, we should not hear the voices of timidity saying that we cannot improve our fuel mileage. We need a giant leap for mankind with innovation. Americans are a people with can-do spirit, and we will do it next week.

OPEN AND HONEST?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I am intrigued by the other side's definition of what constitutes ''open and honest.'' After all, that was their pledge to America last year: if given control of Congress, they would make it the most open and honest Congress ever.

So how has it been going? They started their new openness campaign by not allowing a single amendment to be offered on legislation for nearly a month. That's right. That's right. No amendments from Republicans.

Not long after that, they had threatened to clamp down on a basic right of the minority, the motion to recommit that hasn't been changed since 1822.

And now that appropriations season is officially under way, more progress. The Democrats decided to take the earmark process behind closed doors and away from the public eye.

Closed rules, threatening basic minority rights, secret slush funds for earmark spending. Mr. Speaker, these tactics seem rather closed and deceptive to be taking place in the most ''open and honest'' House in history.

ENERGY AND WATER APPROPRIATIONS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of Ohio. Mr. Speaker, during this year's appropriations process, Democrats have brought forward funding bills that allow the Federal Government to meet the needs of the American people while adhering to fiscal responsibility and balancing the budget in the next 5 years.

One example of this is the 2008 Energy and Water Appropriations bill which was supposed to be on the floor today, but it has been delayed by the Republican Party. This legislation works to force the twin concerns of global climate change and the national energy crisis that is weighing on our country. It includes over $3 billion for researching climate change and the technologies to help slow it down, and invests in renewable energy programs that both reduce greenhouse gases and help our Nation meet its energy needs.

I hope my colleagues on the other side of the aisle will join us in moving this important process forward so we can produce positive results for the American people.

ONLINE PREDATORS THREATEN CHILDREN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, last night Michael Macalindong of Fox Lake, Illinois, was charged by Federal authorities with luring a 15-year-old minor to his home. This happens too often in America.

What is new is that Macalindong used a social networking site, Facebook.com, to attack a minor child. Congress can do something about this. Sexual predators now use MySpace.com and Facebook.com to attack not dozens of children but thousands.

In the last Congress, we overwhelmingly passed the Deleting Online Predators Act by a vote of 400–15, but this act stalled in the Senate. The House should now take up this bill again, now with over five dozen cosponsors, to protect children.

The danger posed by predators online in Facebook and MySpace have turned those sites into a virtual hunting ground. This was not part of my childhood, but it is now part of growing up in America. Our laws are falling behind the cyberthreat to kids, and Congress should pass the Deleting Online Predators Act.

HONORING CORPORAL JEREMIAH COSTELLO

(Mr. HARE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARE. Mr. Speaker, on June 2, Illinois lost another great American hero when Corporal Jeremiah Costello of Carlinville was killed in Iraq by an IED.

Corporal Costello joined the Army in pursuit of becoming an Illinois state trooper, leaving his 4-year-old daughter in the care of his mother and stepfather. Like the 21,000 single parents serving in Iraq, Corporal Costello struggled with being away from his daughter, yet he bravely fought with courage.

Corporal Costello was posthumously awarded the Bronze Star and the Purple Heart. He is remembered as a cheerful young man with a knack for improving people's moods and surprising loved ones with gifts.

As Father's Day approaches, I ask my colleagues to remember Corporal Costello and his 4-year-old daughter, Lilly, and the approximately 2,000 children who have lost a parent in the Armed Forces over the last 5 years.

On behalf of the 17th Congressional District of Illinois, I extend my thoughts and prayers to the Costello family. Corporal Costello's service to his country will not be forgotten, and a

grateful Nation stands humble. Thank you, Corporal Costello.

□ 1015

LET THE GAMESMANSHIP STOP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we have had a wonderful, vigorous and robust debate on the floor of this House for the past couple of days. It has dealt with earmarks and transparency in those earmarks.

I think it is noteworthy that the American people have spoken out, and I thank them for the support that they have shown us and their participation with us in this debate. And I thank them for their awareness of the fact that this is the people's House, that how we spend their tax money is very important. They deserve to know how we're going to spend that on the front end before we vote, and they do expect the reforms that we initiated last year on earmarks to be enacted this year.

They also were asking, Where's the fence? They are aware that there is gamesmanship that is taking place. So, to my colleagues on the other side of the aisle, I say, Let the gamesmanship stop. Let's be focused on addressing the security of this Nation. Let's be respectful of one another in word and deed.

MORE PROOF THAT THE PRESIDENT'S TROOP ESCALATION PLAN IS NOT WORKING IN IRAQ

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, this week we received more proof from Iraq that the President's troop escalation plan is failing.

A senior U.S. military commander told the Washington Post yesterday that if the President really wanted to stem the violence in Iraq, he would have to send an additional 20,000 U.S. troops there, something that no American would support. But even then, it appears that Iraq will remain incapable of taking full responsibility. Iraq is in a civil war, and our troops, it is not the job of our men and women in uniform to be refereeing a civil war.

Last week, one of our generals put a surveillance out to determine who was laying these IEDs that are killing our troops, and it turned out to be Iraqi security forces, people who work with us by day and then were trying to kill our soldiers by night.

It is time for Democrats and Republicans to work together to bring the President to his senses, to change the direction of the war in Iraq.

WE NEED A STRONG AND SECURE BORDER

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, it is in the best interests of our country to have a strong and secure border. At a time when it's more important than ever to know who is entering and who is leaving our country, we should not be tying up funding in more bureaucratic red tape.

Our constituents are begging for something to be done, yet the language in the Homeland Security appropriations bill will cripple the ability of the border fence to be built in high-priority areas.

I understand that process and procedure are important, but this Congress has already made its stand on the fence when, in a bipartisan fashion, it supported the Secure Fence Act back in October.

In the words of Sheriff Pendegraff of North Carolina, if your bathtub is overflowing, would you get a mop and bucket, or would you turn off the spigot? Mr. Speaker, it's time to turn off the spigot, close our borders and build the fence.

SILENCE ON PALESTINIAN VIOLENCE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, once again, the world has seen another outbreak of Palestinian violence in the Gaza Strip. At least 14 people were killed and 70 were wounded the other day in Gaza City, bringing the total to at least 63 people having been killed.

Fatah and Hamas are tearing the Palestinian area of the Gaza Strip apart in what they call a political rivalry, and the Palestinian people are paying a price for Palestinian violence. Governments from around the world and the Arab world have said nothing about this violence, while Palestinians kill each other.

I just want you to think for a second, if this was a result of Israeli-Palestinian hostilities, would the international silence and the silence of the Arab world be this deafening? Does anyone really believe that if this level of violence existed between Israel and Palestinians that the U.N. would not be called into an emergency session to condemn Israel for the violence?

Those same countries that normally attack Israel, I would hope you now find your moral voice and your moral conscience with the attack and senseless violence that is leaving the Palestinian people so hopeless.

WE ARE NOW ALL FLAKES

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the debate over the last 2 days has been described in many different ways. I would like to describe it as a tribute to the gentleman from Arizona (Mr. FLAKE).

I have referred to him in the press as Don Quixote with couth, referring to the fact that in the past he has stood there as a solitary figure trying to bring sense to this place when we're dealing with earmarks.

President Nixon once said looking at certain figures about population that we are all now Malthusian. He was proven wrong.

I think I can say without contradiction, after the debate on the floor and resolution of the dispute we've had and the seriousness with which we're about now to undertake the issue of earmarks, we are now all Flakes.

REPUBLICANS ARE MAKING A MOCKERY OF THE HOUSE FLOOR, DELAYING ACTION ON POPULAR MEASURES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, it appears that the House Republicans are operating from the same playbook as President Bush.

Over the first 5 months of this year, this new Democratic Congress has approved more than 45 key measures, most of them with strong bipartisan support. Unfortunately, President Bush has been a stubborn opponent of our efforts to move this Nation in a new direction. He opposes or has threatened to veto 60 percent of the House's work.

The President threatened to veto a Defense authorization bill because he believed it gave our brave soldiers fighting in Iraq and Afghanistan too big a pay raise. His administration opposes a bill that would make college more affordable by cutting student interest rates in half. And he has once again threatened to veto legislation promoting life-saving embryonic stem cell research.

While the President has been obstructing our agenda for months, House Republicans have jumped on the bandwagon and are now delaying critical appropriations bills. Rather than obstructing the process, Republicans should join us in passing bills that will help us better secure the homeland and better serve our veterans.

TRANSPARENCY IN EARMARKS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to

address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, for the last 2 days, I've sat on the floor waiting to introduce and have debated an amendment that I have.

And what that amendment does is that amendment provides an additional $89 million to go toward building the border fence. That fence is to keep out those people who may be criminals, who may be terrorists, who America was promised that we would build the fence.

What has all of the delay been? Let me tell you what the delay has been. The delay has been about your tax dollars.

I've got a dollar bill here in a clear transparent folder. It's about transparency of earmarks. It's about the fact that we should be voting on bills where we know what that earmark is, what those earmarks are, regardless.

Now, here's the way it was last year when we voted on appropriations bills. We knew where those earmarks were. We knew who introduced them.

This is what it is this year. It is a hidden appropriation pool that we will not know who this money's going to.

DEMOCRATS WANT TO PROVIDE OUR VETERANS HISTORIC FUNDING; REPUBLICANS JUST OBSTRUCT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, this week Democrats are trying to honor our Nation's veterans and servicemembers by fulfilling our sacred obligation to provide for their care.

We would like to bring a bill on the floor today that includes the largest increase in veterans' health care funding in the 77-year history of the Veterans Administration. It is enthusiastically endorsed in its current form by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and countless other veterans' service organizations. It should have been on the floor yesterday, but House Republicans continue to obstruct the process.

I ask my colleagues across the aisle to join us in supporting bills that will secure America by better providing for our veterans. Forcing meaningless procedural motions does nothing. Think of all the great things we can accomplish on the House floor for our veterans if we just simply work for the greater good.

Last week, every single member, Republican and Democrat, of the House Appropriations Committee supported the Military Construction and veterans funding bill. They all supported it because it provides for our veterans, as we promised.

I would hope today that Republicans would stop obstructing the process so that we can produce real results. Our veterans deserve nothing less, and they are watching.

CONSERVATIVES ARE RETURNING TO THEIR ROOTS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, my Democrat colleague is misinformed. We've had a big debate this week between Republicans and Democrats about the size and scope of government, whether or not there should be a secret slush fund for earmarks. And you know what? Today, what's happening here today is that this body is coming in the conservative direction.

My voice is weary, but my spirit is strong because conservatives have a victory that we're very close to achieving here today because we've brought pressure on the Democrat leadership to free up, to make public, to be honest about the earmarks they have put in and a slush fund they have put into this appropriations bill.

And the American people should be proud because finally conservatives are returning to their roots and talking about restraining government spending.

I'm very proud of the actions that my conservative friends are taking on this House floor to hold the Democrats accountable for their slush fund, their secret earmarks and their pork-barrel projects. And I urge the body to move in the conservative direction.

REPUBLICANS ARE ALL ABOUT DELAY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, nothing could be further from the truth than the Republican claims of increased spending. The fact of the matter is, during the 12 years that they were in the majority spending on the budget on appropriations bills increased every year. It was a free-spending Congress. It was a Republican Congress that continued to put this country further and further into debt.

And now that the Democratic majority is trying to pass bills, what is happening on the other side? They're trying to delay it. That's all they're about is delay.

They couldn't pass a budget in the last Congress. They couldn't pass the appropriations bills before they lost control. They increased spending every year. Don't believe their rhetoric.

When Democrats took control, we vowed to do things differently. We vowed to pass a budget, and we did that earlier this year. We also vowed to pass every appropriations bill in a timely fashion, and that's what we're trying to do.

But rather than joining us and making this institution run more smoothly, congressional Republicans have chosen to constantly bring forward procedural motions to delay action on the spending bills that help us protect our homeland and help the veterans.

TRANSPARENCY AND ACCOUNTABILITY ARE NEEDED IN SPENDING

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, on this Flag Day we celebrate liberty. On this Flag Day, we celebrate democracy. And on this Flag Day, we're hopeful that the majority party will recognize and honor democracy and liberty by allowing all Members of the House, Republican and Democrat, the right to see and to know everything in appropriations bills, spending bills, before we vote. That's what our constituents expect, and that's what they demand.

These past 2 days have been an eye-opener for America, clearly demonstrating that Republicans are the champions of fiscal responsibility and honest debate as we've fought for democracy on the floor of this House.

Transparency and accountability in spending will confirm for the American people that new leadership is needed to preserve not just the Federal budget, but the family budget as well; and the American people are watching.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1925

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 7 o'clock and 25 minutes p.m.

PERMISSION TO FILE SUPPLEMENTAL REPORTS ON H.R. 2641, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008; H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008; AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. OBEY. Madam Speaker, I ask unanimous consent that:

(1) the Committee on Appropriations be permitted to file supplemental reports to accompany H.R. 2641 and H.R. 2643, respectively; and

(2) during further consideration of H.R. 2638 in the Committee of the Whole pursuant to House Resolution 473, the pending amendment offered by Mrs. DRAKE shall be debatable for 10 further minutes, equally divided and controlled by the proponent and an opponent, and notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

pro forma amendments offered at any point in the reading by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding funding for border fencing and technology;

An amendment by Mr. MCHENRY regarding funding for Citizenship and Immigration Services;

An amendment by Mr. FERGUSON regarding funding for Buffer Zone Protection, which shall be debatable for 5 minutes;

An amendment by Mr. BURGESS regarding funding for Secure Flight, which shall be debatable for 5 minutes;

An amendment by Ms. CORRINE BROWN of Florida regarding funding for the Office of Inspector General;

An amendment by Ms. CORRINE BROWN of Florida regarding funding for FEMA management and administration;

An amendment by Mr. KING of Iowa regarding funding for Drug Smuggler Lookout Posts;

An amendment by Mr. PEARCE regarding funding for Customs and Border Protection;

An amendment by Mr. SHAYS regarding funding for sharing information with Interpol;

An amendment by Mr. KUHL of New York regarding a Western Hemisphere Travel Initiative study;

An amendment by Mr. KUHL of New York regarding a northern border study;

An amendment by Mr. CONAWAY regarding funding for invasive species removal;

An amendment by Mr. HUNTER or Mr. ROYCE, Mr. KING of Iowa or Mr. FRANKS of Arizona regarding the Secure Fence Act;

An amendment by Mr. CARTER regarding border fencing requirements;

An amendment by Mr. SOUDER regarding a report on use of air and marine interdiction assets;

An amendment by Mr. MCCAUL of Texas regarding unmanned aerial systems;

An amendment by Mr. KING of Iowa regarding funding for worksite enforcement;

An amendment by Mr. SOUDER regarding funding for Deepwater;

An amendment for Mr. BILBRAY regarding funding for REAL ID;

An amendment by Mr. DENT regarding funding for Secret Service protective missions;

An amendment by Mr. JINDAL regarding funding for FEMA disaster relief for hurricane preparedness;

An amendment by Mr. DAVIS of Kentucky regarding funding for Commercial Equipment Direct Assistance grants;

An amendment by Mr. LANGEVIN regarding funding for cybersecurity research and development;

An amendment by Mr. KING of New York regarding funding for domestic nuclear detection;

An amendment by Ms. CORRINE BROWN of Florida regarding airport employee screening pilot program;

An amendment by Mr. MCCAUL of Texas regarding the MAX-HR project;

An amendment by Mr. THOMPSON of Mississippi to strike section 537(b) relating to small business;

An amendment by Mr. DEAL of Georgia regarding limitation on use of funds to put out to pasture horses and mules;

An amendment by Mr. ELLSWORTH regarding limitation on use of funds for contractors delinquent on Federal debt;

An amendment by Mr. HENSARLING regarding limitation on use of certain FEMA grant funds;

An amendment by Ms. JACKSON-LEE of Texas regarding a report on pipeline and refinery vulnerability;

An amendment by Mr. LATOURETTE regarding the Western Hemisphere Travel Initiative;

An amendment by Mr. ORTIZ regarding limitation on funding for border fencing;

An amendment by Mr. POE regarding limitation on use of funds to implement plans under section 7209 of the Intelligence Reform and Terrorism Prevention Act;

An amendment by Mr. ROGERS of Kentucky regarding a reduction in funding;

An amendment by Mr. ROGERS of Kentucky regarding limitation of total number of airport screeners;

An amendment by Mr. ROGERS of Kentucky regarding the Davis-Bacon Act;

An amendment by Mr. TANCREDO regarding limitation on use of funds to carry out visa waiver program;

An amendment by Mr. TANCREDO regarding limitation on use of funds in contravention of section 642(a) of the Illegal Reform and Responsibility Act;

An amendment by Mr. PRICE of Georgia regarding limitation on use of funds for research on global warming;

An amendment or amendments by Mr. PRICE of North Carolina regarding funding levels;

An amendment by Mr. OBEY prohibiting funding for earmarks; and

An amendment by Mr. FORBES prohibiting use of funds for temporary protective status.

□ 1930

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Homeland Security each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROGERS of Kentucky. Madam Speaker, reserving the right to object, if the gentleman would join in a colloquy, a question has arisen as to whether or not when this bill goes to conference with the other body and there should be items that are included in the conference report that comes back to the House, items that were not included in either the Senate-passed version or the House-passed version, would those items be subject to a point of order when the conference report hits the House floor?

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, my understanding, and if the gentleman will shortly yield to the distinguished minority leader and the distinguished majority leader, but my understanding of this provision is that it seeks to assure that there are two kinds of remedies available to items that are in conference. My understanding is that if the Senate adopts an amendment and the conferees do not like that amendment, then their remedy is to oppose the Senate amendment in conference and refuse to accept it. The question

then becomes, well, what is the remedy of each individual Member if something is airdropped that was not in either the House or the Senate bill?

My understanding of the provision is that at that point, any Member has the right to raise a point of order against consideration of the conference report, and if that point of order is upheld by the House, then the conference report is sent back to the conferees for correction or adjustment.

Mr. ROGERS of Kentucky. Madam Speaker, reclaiming my time, I appreciate the gentleman's explanation, and I would be happy to yield to the minority leader.

Mr. BOEHNER. Madam Speaker, I thank my colleague for yielding.

The purpose of this remedy, a point of order on consideration of the conference report, is to deal with earmarks that may have not been considered by the House or the Senate, what we have come to term airdropped earmarks. There are cases where over the length of the consideration of an appropriation bill in the House and the Senate, circumstances may change and there may be a reason to put an earmark, if you will, in an appropriation. And to preserve the right for all Members to consider these earmarks, having the point of order on the consideration of the appropriation bill, we believed, was an appropriate way for any Member to bring to light one of these earmarks. There is 10 minutes of debate on each side, and then the House can decide whether to proceed with the consideration of the conference report or not.

Mr. ROGERS of Kentucky. Madam Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

I would echo the comments of both Mr. BOEHNER and Mr. OBEY. We were pleased to support and will be offering very shortly that protection. So I say to the gentleman from Kentucky, we expect to do that in the next few days, and this conference report, when it comes back, will be subject to this point of order.

Mr. ROGERS of Kentucky. Let me clarify that point briefly. The proposed rule change will not take place until some time later.

Mr. HOYER. It will be done very soon.

Mr. ROGERS of Kentucky. In the meantime, we are taking up this bill.

Mr. HOYER. Yes. If the gentleman will yield further, I have indicated to the minority leader that no conference report will be considered on the floor until we adopt that amendment, but I expect to adopt that amendment, frankly, before your bill gets to the Senate.

Mr. ROGERS of Kentucky. So that the point of order would lie, as the minority leader has said, to this bill.

Mr. HOYER. Yes, it will.

Mr. ROGERS of Kentucky. I thank the gentleman.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I think for the edification of my colleagues who may not be on the floor right now, they would like to make absolutely sure how this procedure is going to work.

As I understand it, when the conference report comes back, we have the right to raise an objection or point of order against the whole bill. But what about individual projects that are put in the bill? Will we be able to raise a point of order against each one of those projects that are put in the bill, that are airdropped into it in the conference committee?

One of the reasons we have been debating this so strongly over the last couple of days is because we want to make sure that the Members have a right to vote on these projects. There is a considerable amount of money in the bill which is not designated for any individual project right now. So if it is the whole conference report that we have to raise a point of order against, that is not getting to each individual airdropped earmark that is put in the bill.

Mr. BOEHNER. Madam Speaker, if the gentleman would yield further, we went through a great debate last year over this issue. As we all know, we have work to do, and to allow debate on a conference report on every individual issue, you get into a ping-pong effect of the House objecting to one issue, a Senate issue, we could send it over there, they would send it back, we would never get the bill finished.

The idea behind the point of order on the conference report is to bring this issue to light, and if you bring an issue to light that is of such substance, the House may in fact vote to sustain the gentleman's point of order and there is no consideration of the conference report.

But we have never been able to find a way to get to each particular item in a conference report, as the gentleman has suggested.

Mr. BURTON of Indiana. Madam Speaker, if the gentleman would yield further, I think this is very, very important. There are many of us, for years, that have come down and fought against individual pork-barrel projects, and it was my understanding over the last few days that we were going to try to make sure we knew what was in this bill, and if there were earmarks in there we didn't want, we would have an opportunity to vote on each individual earmark.

Now you are going to have a bill that is going to go over to the Senate without any earmarks in it, I would like to know also how much money is in here for earmarks, but it is going to go to the Senate and it is going to come back with airdropped earmarks in it, and we will not be able to vote on each one of those, as we would right now if we were going to debate each individual earmark that is put in the bill.

I understand what the minority leader is saying, but this is of concern I think to a lot of us, because if we get the whole enchilada and we can't go to the individual earmarks that are put in the bill because they are airdropped in, we don't really have a chance to cut out any of the pork.

Mr. BOEHNER. If the gentleman from Kentucky will yield further, the agreement that we have come to with our colleagues on the other side of the aisle is that for 10 of the 12 appropriations bills, the earmarks will in fact be listed.

Traditionally, the Homeland Security appropriation bill has had very, very few earmarks in it. It won't be like you have to go through a whole laundry list to determine what is in it. Secondly, the bill that we expect to be before us tomorrow, the Military Quality-of-Life Veterans bill, it also has earmarks, but almost all of them have been scrubbed by the Department of Defense, and I think there has been an understanding that, given the time constraints, that these two bills would in fact move without earmarks but that the next 10 bills would have earmarks included in them.

Mr. BURTON of Indiana. If the gentleman would yield further, let me just say that I don't know how much money is in here, is in this bill for earmarks that may be airdropped in. Nobody has told me how much money is in here.

Mr. ROGERS of Kentucky. Madam Speaker, reclaiming my time, I can tell you there is zero in this bill.

Mr. BURTON of Indiana. If the gentleman will continue to yield, in the conference committee they will airdrop earmarks in and we will not be able to vote for those individual earmarks; is that correct? We are going to have to vote on the whole conference report, up or down, or raise a point of order against it, which is the same thing.

Mr. BOEHNER. If the gentleman would yield, if you raise a point of order on the consideration of the conference report and the House agrees with your point of order, the consideration of the conference report is stopped and what in real terms happens is the conference report goes back to conference where the issue that was brought to light is dealt with.

There are a lot of ways to deal with, let's say in your case, what you would call an objectionable earmark by bringing that point of order and having the House's support. Basically it goes back and you begin to deal with it.

Mr. ROGERS of Kentucky. To also clarify that, that is precisely and exactly what we voted on last year; is that correct?

Mr. BOEHNER. This is precisely the rule that was adopted by the House last September.

Mr. BURTON of Indiana. Well, if the gentleman would yield further, you are our leader and I certainly won't try to object, because you think this is the right thing to do. But it does bother me, I have to tell everybody and I hope the people watching in their offices, it bothers me that we are not going to have a chance to vote on any airdropped earmarks that will be put in this bill in conference.

I know what you are saying. I understand. But I think it is a tough issue for you right now. But I don't like it.

Mr. ROGERS of Kentucky. Madam Speaker, I thank the minority leader and majority leader and the chairman for their clarification.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. SHADEGG. Madam Speaker, reserving the right to object, I would like to clarify the unanimous consent request that is before us and get a further understanding of any other agreements that may have been reached. And I would appreciate if I could clarify these points with the distinguished majority leader and the chairman of the Appropriations Committee.

First, as I understand it, the agreement is that with respect to the 10 bills that will come up following this bill and Military Construction, that is the bills that we would begin on, I presume, Monday, there is an agreement that all of those bills will come to the floor with all of the earmarks which are proposed to be placed into those bills added to those bills before they come to the floor.

That is an extremely important point. That was the issue we have debated for the last few days. We believe that sunshine is the best way for us to ascertain what is in those earmarks. Admittedly, we may have no objection to any of those earmarks, but that is only possible if we know that the earmarks which are to be added to those bills are added to the bills before they come to the floor.

So, I would like to know if in fact that is the agreement that has been reached.

I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, if the gentleman will yield, it had been the intention of the minority leader, the majority leader, and myself to try to get the House moving on this bill tonight so that we aren't here until 4 in the morning. Then, while this bill is proceeding, we intend to sit down and to lay out an additional colloquy which will walk Members through all of the other items that reflect any additional understandings that will be attendant to the appropriations process.

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Let me simply say to the gentleman, for the convenience of the House so we don't keep them here until 4 in the morning, we would like a little time so that we work out a clear understanding that we are all saying the same thing, that we will shortly be back to the House for an additional briefing on those matters, if that still meets with the approval of the two leaders.

Mr. SHADEGG. Reclaiming my time, then I guess it is my understanding, at least so far as the chairman of the Appropriations Committee is concerned, there is no agreement that all future earmarks will be added to the bills at this point in time?

Mr. OBEY. That's not correct. There is an understanding that has been reached. It is a little more complicated than the gentleman has expressed. But the intent is that all of the bills will, by the time the bills move to the Senate, have an opportunity for earmarks to be attached to the bills.

Let me just walk you through what my understanding is with respect to all of the subcommittees.

Mr. HOYER. Before you do that, will the gentleman yield?

Mr. SHADEGG. I would be happy to yield to the majority leader.

Mr. HOYER. The gentleman is going to, I think, outline our understanding of the agreement. But the answer to your question is yes. Every earmark starting with Monday forward, obviously we know that these two bills are moving tonight, our agreement is that every earmark going forward will be included in the bills.

The only complication is both sides have recognized that on the Energy and Water bill, it is going to take a very substantial time, so that the earmarks that would otherwise be included in the Energy and Water bill will be included in a subsequent bill, to then be attached prior to the Energy and Water bill going to the Senate. But that will be open for full debate and amendment to remove those earmarks.

So the answer to your question is yes.

Mr. SHADEGG. Reclaiming my time, as I understand it, then, with regard to nine of the 10 remaining bills which have been mentioned by the minority leader, all of those bills would, in fact, have all earmarks listed in them before they come to the floor. Is that correct?

Mr. OBEY. That is correct, as I understand the agreement.

As the majority leader has pointed out, the only exception to that is that the Energy and Water bill needs to proceed, but it takes a longer period of time to prepare the earmarks. So we will complete action on the Energy and Water bill except for the question of which earmarks would be attached to that. We will then have a separate report which is reported to the House, and the House will then have the opportunity to consider those earmarks. And after that consideration is completed, then, only then, will that bill be sent to the Senate. So when it goes to the Senate, it will be one document.

Mr. HOYER. If the gentleman will yield again to me, it is my understanding, as I said earlier, and Mr. OBEY, I believe, the Energy and Water earmarks will be attached to a subsequent appropriations bill so that, in fact, it will have its own earmarks and the Energy and Water earmarks, all of which will be subject to review, notice, transparency and action on the floor.

Mr. SHADEGG. Reclaiming my time, then, as I understand it, for the nine bills other than Energy and Water, the earmarks will be included on those bills before they come to the floor for debate. For the Energy and Water bill, because of the additional time that is required, the earmarks would be listed, then subsequently attached to a bill that comes to the floor and could be debated and challenged on the floor before that bill is presented to the Senate; is that correct?

Mr. HOYER. If the gentleman will yield, and I want the gentleman from Wisconsin to correct me, but my understanding is they may not be listed because the problem is that the time to vet those, and both sides agree, is a longer time. But we want to move the Energy and Water bill. It will not move out of this House. All of the earmarks that would be attached to that bill will be attached to another bill, will be listed, will have the author and the assertations and they will be subject to a vote on the House floor as any other.

So prospectively all 10 bills moving forward will have it. It is just that the Energy and Water will be not done together; they will be done separately.

Mr. SHADEGG. Reclaiming my time, but those earmarks would be subject to challenge and debate here on the floor.

Mr. HOYER. Yes.

Mr. SHADEGG. At least a point in time before the bill is transmitted to the Senate; is that correct?

Mr. HOYER. That's correct.

Mr. OBEY. Yes.

Mr. SHADEGG. Let me ask a second question.

As I understand it, there is some discussion, and perhaps I should yield to the minority leader on this point, with regard to an attempt to reach a unanimous-consent agreement on each bill as that proceeds forward. Is that correct?

Mr. HOYER. Yes.

The minority leader might want to answer that as well.

Mr. SHADEGG. I would be happy to yield to the minority leader.

Mr. BOEHNER. I appreciate the gentleman yielding. And, yes, we on both sides of the aisle over the last number of years, the appropriators have worked through a unanimous-consent request to provide for the consideration of a lot of these bills, under an open rule. We still have an open rule. But the agreement has been, over the past several years, that we work through that process with the Members to make sure that Members have all the time they need to debate their amendment. But, again, it's a unanimous-consent agreement, which means unanimous.

Mr. HOYER. If the gentleman will yield, I don't want to undermine our full explanation of this event, but when the minority leader says, ''all the time they need,'' neither the minority or the majority have ever thought that other Members needed as much time as the Members think they need. So with that caveat, you can consider it in that context.

Mr. SHADEGG. Reclaiming my time, with the exception of that remark, is the understanding as explained by the minority leader the understanding of the majority leader?

Mr. HOYER. It is.

Mr. SHADEGG. I would be happy to yield to the chairman of the Appropriations Committee.

Is that also your understanding?

Mr. OBEY. Yes. The understanding is that, as we have in the past, the intention is to reach unanimous-consent agreements under which each of the bills will be considered. And it is our hope that that time will be reasonably reflective of what it has been in the past.

It is also the intention that the bill managers will be expected to be reasonably flexible in establishing those time limits as some modest additional flexibility is required.

Mr. SHADEGG. Reclaiming my time, as I understand it, this is an attempt to make sure that we don't waste time on dilatory tactics; that, rather, we proceed through these in an orderly fashion, but if someone has a substantive objection, that should be accommodated; is that correct?

Mr. OBEY. That's our understanding. As a practical matter, last year, if you take all of the appropriation bills, the House expended approximately 108 hours of debate. We think that somehow within time reasonably close to that and with reasonable flexibility between bills, we ought to have sufficient expression of views by the Members to make intelligent choices and move the people's business forward.

Mr. SHADEGG. Reclaiming my time, I appreciate the patience of all the gentlemen in this conversation. I would like to just confirm two more facts and then be happy to the yield to the ranking member on this particular bill who would like to ask a question.

The minority leader just indicated that all of these bills under the contemplated agreement would come to the floor under an open rule. Is that the understanding of the majority leader and of the chairman of the Appropriations Committee?

Mr. OBEY. That's above my pay grade. That's up to the Rules Committee and the leadership. Let the leadership respond.

Mr. SHADEGG. Reclaiming my time, that is not a part of the agreement? I thought I just understood the minority leader to state that that was a part of the agreement.

Mr. HOYER. Will the gentleman yield?

Mr. SHADEGG. Certainly.

Mr. HOYER. No, it was part of the agreement. And we expect to move forward on open rules. But I want to make it clear and don't want to undermine the agreement but I want to make it clear, if we are subjected to what we believe were dilatory tactics, then that would not be consistent with the agreement and, therefore, our provision would be that, in lawyer's terms, the agreement had been breached. But it is part of the agreement.

Mr. SHADEGG. Certainly.

Mr. OBEY. If the gentleman would yield, let me make clear, I requested an open rule for the bills that have been approved by the Rules Committee so far, and I intend to keep doing so unless we think that those open rules are so abused and so far a departure from what we have expressed as our general intentions that some other course is required.

Mr. SHADEGG. Reclaiming my time, I have just one further fact I would like confirmed, actually from both the majority and minority side, and, that is, nothing in this agreement precludes the right of any Member to object to a unanimous-consent agreement on each bill as they proceed.

Is that the understanding of the minority leader?

Mr. BOEHNER. Unanimous means unanimous.

But I think both sides have agreed that we will work with our Members to ensure that they have the right to offer their amendments, that we try to come to some agreements on time so that the process can move along. But that does not mean that we are interested at all in infringing on any Member's right to offer their amendment.

But I do believe that Members on both sides of the aisle want to see this process move along, and that's why it is under consideration for each of these bills that there would be some unanimous-consent agreement that we would come to.

Mr. SHADEGG. Reclaiming my time, I certainly understand the intent of the agreement and the intent of those of us who have been engaged in this discussion for the last 2 days. I simply want to get clearly on the record that any agreement which is intended to move the body forward and move through these bills and to do it as we have done it in the past with an open rule and then hopefully at some point a unanimous-consent agreement, that that remains subject to the objection of an individual Member to say, I object to the unanimous consent.

Mr. OBEY. If the gentleman would yield.

Mr. SHADEGG. I would be happy to yield to whichever of you would prefer.

Mr. OBEY. It is our intention with respect to open rules to make virtually the same request of the Rules Committee with respect to each bill that was made by your party when you were in the majority. And it is our hope that you will respond as we did in the minority by agreeing to reasonable time limits on each of those bills in return for that.

Mr. SHADEGG. Certainly. And I think we will. Except, as you say, you're not sure if you understand what would be dilatory tactics. We're not sure if we understand and can't know now what we might consider to be a substantive amendment which you would view wasn't.

And so I just want to confirm that the right of an individual Member on the minority side to object to the unanimous-consent agreement remains intact and hasn't been waived by any portion of this agreement.

And I presume that's the understanding of the majority leader.

Mr. HOYER. That is the understanding of the majority. The leader, your leader and I, have spent substantial time together over the last 48 hours discussing this agreement and discussing it with Mr. OBEY and Mr. LEWIS. Clearly we are proceeding in not as a definitive way as we might otherwise have proceeded, and we are proceeding with reliance on the good faith of each to proceed in a manner that we believe accommodates what has been done last year and what we hope will be done this year and, that is, consider these bills with the inclusion of the earmarks in the bills in a manner that facilitates their being passed through this House.

Mr. SHADEGG. I thank the gentleman for his comments. I thank all the gentlemen.

I would be happy to yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I will be very brief. I thank the gentleman for yielding. On the Energy and Water bill, I'm a little confused.

Mr. OBEY. Would the gentleman yield?

Mr. ROGERS of Kentucky. I will be happy to yield.

Mr. OBEY. It has been suggested to me that we can clear this up by my simply reading the statement that we had intended to read to the House at a

later point. If the gentleman would indulge me so I could do that, I think it will answer virtually all of the questions that people have.

This is that statement.

Mr. SHADEGG. I think it's my right to yield, and I would be happy to yield to the gentleman.

Mr. OBEY. The House is now proceeding under a unanimous-consent agreement which in addition to the hours already covered will limit total time for consideration of this bill to 24½ hours. This is a limit of an additional 6½ hours which we will have to endure tonight.

The UC agreement also allows the filing of supplemental reports to enable earmarks to be added to the Interior and Energy and Water appropriation bills without returning the bills to committee. It is expected that this will slow down consideration of the Interior bill by about a week.

We will complete action on the Energy and Water bill on the floor next week, but will not send it to the Senate until the House has an opportunity to act upon the projects that will be attached to that bill. That bill will probably not be sent to the Senate until July.

This agreement is part of a larger agreement that contains the following additional understandings:

There will be a unanimous-consent agreement for Military Construction that limits consideration of amendments and time on that bill.

With respect to the Homeland and Military Construction bills, both bills will be allowed to proceed without earmarks, which, if they are provided, will be added in conference. The intention is that when those bills come back from conference, a point of order against consideration will be in order against any projects that were not in the House or Senate bill, and if those points of order are upheld by the House, the report will go back to the conference for adjustment.

The Financial Services, Foreign Operations and Legislative Branch bills, three bills that have already been reported out of committee, will briefly be sent back to committee so that earmarks can be added. The minority party has agreed to expedited procedures to consider these bills once the earmarks have been attached. That will slow consideration of the bills by up to 2 weeks.

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CJS will not be considered until the proposed earmarks are ready for attachment, hopefully before the July 4 recess.

The Labor-HHS, Transportation, HUD and Agriculture bills will be considered after the July 4 recess, that is a change, in order to give committee staff more time to include earmarks for those bills.

The minority has agreed that they will help facilitate reasonably speedy consideration of the remaining bills. The expectation is that the House will adopt UC agreements to place reasonable limitations on the time for consideration for each of the appropriations bills which are expected to be roughly and generally similar to the overall time agreements that were adopted for consideration of appropriation bills in the past.

The bill managers will be expected to be reasonably flexible in establishing those time limits if modest flexibility is required. This is the understanding of the Appropriations Committee and the House Democratic and Republican leadership.

The House should be pleased with this agreement because it recognizes the reality that there is not enough time to responsibly include earmarks in the earliest appropriations bills to be considered by the House. While providing that recognition, it assures a reasonable process that will provide an opportunity to question earmarks.

Mr. ROGERS of Kentucky. Madam Speaker, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Let me thank the chairman for that clarification.

Mr. SHADEGG. Reclaiming my time, I appreciate the gentleman's clarification. I do have one question. As I listened to the gentleman explain the agreement and read it, I believe the gentleman said that it is the intention that there will be a point of order in place with regard to this bill and the MILCON bill. It is my understanding there is actually an agreement on that point.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. The rule change that has been discussed earlier on the point of order on the consideration of an appropriation conference report with regard to airdropped earmarks is expected to be offered to the House under unanimous consent agreement on Monday evening.

Mr. SHADEGG. I thank the gentleman.

We are all operating on good faith here. I simply want to establish that there will be a point of order in place before these two bills return from conference.

Mr. HOYER. Yes. That is what I represented to Mr. ROGERS, and I repeat it to you. Yes.

Mr. SHADEGG. I thank the gentlemen for their patience.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. MCHENRY. Madam Speaker, reserving the right to object, I want to fully understand the agreement put forward.

I ask the majority leader and the Appropriations Committee chairman, as I understand it, laid out through this colloquy and this series of questions, there are three separate issues at hand.

First, the House rules under that unanimous consent agreement Monday night, the House rules will revert to the point of order that Republicans put in place in the last Congress, the Congress put in place, that Members can lodge a point of order against earmarks; is that the case?

Mr. BOEHNER. If the gentleman would yield?

Mr. MCHENRY. With all due respect to the minority leader, I was trying to get a commitment from the majority leader since they are in fact in the majority, but I would be happy to yield to my Republican leader.

Mr. BOEHNER. I appreciate the gentleman yielding because we have come to an agreement amongst us. The rule we are talking about putting in place is identical to what we had last year on the consideration of a conference report that has earmarks in it that had not been considered by the House or the Senate. And that rule change will be proffered, we believe, on Monday evening by the majority leader.

Mr. MCHENRY. Does the majority leader concur with that?

I am happy to yield.

Mr. HOYER. I thank my friend for yielding.

I want to tell my young friend from North Carolina, that is the representation I have now made three times. I have made it to your leader. I suggest you ask your leader whether he trusts me to do that.

Mr. MCHENRY. Reclaiming my time, I certainly want to understand this agreement, and since it is a unanimous consent put before the House, we need to have unanimous consent to proceed with that. I want to understand the three elements of this rule and since the majority leader does schedule the floor, Madam Speaker, I want to make sure I understand the agreement since you actually control the floor.

Mr. BOEHNER. Would the gentleman yield?

Mr. MCHENRY. I would be happy to yield.

Mr. BOEHNER. The gentleman from Maryland, the majority leader, has given me his word. The gentleman and I have a long relationship. I have not one doubt that Monday evening this unanimous consent agreement will be entered into.

Mr. MCHENRY. Reclaiming my time, as I understand it, there are three elements to this agreement. I want to actually have on the record what this agreement is, not simply a discussion behind closed doors, because as we heard earlier today, Madam Speaker, as some of us heard earlier today, there

was an agreement reached last night and then there was a change of heart from the majority and leadership on the majority side. And I want to ensure we have a proper understanding of what that was, instead of what we read in the papers and the rumors we hear.

Mr. OBEY. If the gentleman would yield?

Mr. MCHENRY. I would be happy to yield.

Mr. OBEY. Let me correct the gentleman in one respect. There was no change of heart on the part of the majority leadership on anything to my knowledge.

Secondly, if we are talking about trust, the fact is that I have been asked in this agreement to trust the word of the minority leader that when we describe what the conduct will be during future appropriation bills, that that conduct will be reasonably close to what is described on this paper. There is no guarantee in this paper to me that that conduct will be appropriate conduct.

In this case, however, I am simply taking the word of the majority leader and the minority leader. If it is good enough for me, I hope it is good enough for you. And when the day comes that we cannot trust the word of the majority leader or the minority leader in this House, then this House is really in sad shape.

Mr. MCHENRY. Reclaiming my time, I wanted to lay before the House what the three elements, as I understood it, are. And I have full faith. I know the gentleman is an honorable man. I am not questioning the integrity of any of my colleagues in this process. I certainly have the utmost respect for the majority leader and the Appropriations Committee chair. But I actually want to understand the agreement and the trust you have, and I want to make sure that the House understands what the agreement is.

Mr. OBEY. If the gentleman would yield, I was not part of the agreement on the point of order. I am simply trusting the majority leader and the minority leader, and I would suspect that virtually every Member of this House has that same trust towards both of them.

Mr. MCHENRY. Reclaiming my time, actually the final question would be: Is it the intent and the commitment from the majority that future appropriations bills, save by tradition the legislative branch appropriations bill, would come to this floor under an open rule?

Mr. OBEY. I think that question has already been answered in the affirmative, so long as the conduct of the House justifies open rules.

Mr. MCHENRY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding.

I said ''yes.'' I have said it three or four times. I will say it again. But I want an understanding made clear, and I will reiterate it. We have an agreement. We have an agreement between people who are trying to move America's business forward. That agreement assumes conduct on both sides. There are going to be open rules. But if the conduct that is expected on both sides is not met, I expect both sides will feel the agreement has been breached.

Mr. MCHENRY. Reclaiming my time, Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Ms. FOXX. Madam Speaker, reserving the right to object, I have a very simple question.

I think I am a very logical person. I don't understand why we are going to be voting on the water bill and then coming back and voting on the earmarks attached to another bill. That does not seem logical to me.

Mr. OBEY. No. If the gentlewoman would yield, it is not going to be attached to another bill. The bill is already out of committee. It needs to proceed. It takes a great deal of time. There are a lot of things in that bill besides earmarks, thank God. We are trying to move the business ahead as fast as we can.

What this agreement states is that we will finish all of the nonproject-oriented issues in that bill. We will complete consideration of the bill except we will then rise, and when the report is finished that will be attached to the energy and water bill, it will be reported to the full House. When it is reported to the full House, we will then have before the House for consideration the projects that are included in that report and that will be during consideration of the energy and water bill itself. So it will not be a separate bill, it is the energy and water bill.

We are just allowing the projects to catch up to the bill. And then before the bill goes to the Senate, you will have a full opportunity to deal with the report and the energy and water bill simultaneously.

Ms. FOXX. Thank you.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. PRICE of Georgia. Madam Speaker, reserving the right to object.

I know that we have been discussing this for a long time, and I appreciate the tolerance of all involved and I am sorry that, using a word that was used before, that you have to endure this, but I have three very specific questions.

The chair of the Appropriations Committee in his initial comments said about the agreement that has been worked out, that it has not been signed or not been agreed to because there was an issue that had yet to be worked out. Did I understand the gentleman correctly?

Mr. OBEY. I honestly don't know what the gentleman is talking about. All I was saying is we were trying to get Members home before 2 in the morning by allowing this bill to proceed. We wanted to simply perfect the statement which I just read to make certain that everyone agreed, and we thought when we had more time to review that and check for any changes, we would come right back to the House. Instead, Members wanted to discuss it now. So forget everything I just said with respect to that other statement.

Mr. PRICE of Georgia. I appreciate that.

My second question is: The earmarks for these two bills, Homeland Security and Military Construction/Quality of Life, when might we expect to see those or deal with those before the House?

Mr. OBEY. There are no earmarks in this bill. I personally have no interest in adding them. If it happens in the process because of the will of the committee or the body, then they will be in the bill when it comes back to the House and then the gentleman's point of order will be in order.

Mr. PRICE of Georgia. I thank the gentleman.

The final question I have is in the past it has appeared that the agreement between the majority party and the minority party regarding the unanimous consent and time limits on appropriations bills has tended to be during the process of the debate, and if the debate was moving along expeditiously, there was no need for a unanimous consent agreement.

My question is: Is it the intent to operate traditionally as has been done, or is the intent to adopt a unanimous consent agreement prior to the bill being taken up?

Mr. OBEY. If you will take a look at the time that was taken for every bill last year, that time that we have been talking about included the entire time for consideration of the bill. So for example, when we say it took 17 hours and 12 minutes for the Commerce-Justice bill last year, that means it took 17 hours and 12 minutes to do the entire bill from start to finish. Only a part of that time was represented by the time allocated to amendments.

All we are saying is that it is our hope that we can keep each of these bills to roughly the same amount of total time. If you need some flexibility between the bills, the statement makes clear and the understanding is that we will try to show that flexibility so long as it is not abused.

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Mr. PRICE of Georgia. The majority leader may be able to assist.

Mr. HOYER. Would the gentleman yield?

Mr. PRICE of Georgia. I yield.

Mr. HOYER. As the gentleman knows, the question was asked, has the unanimous consent been modified. It has not. So that whatever agreement, at whatever time it's reached, will have to have the unanimous consent of the body, each and every Member. That part will be the protection against any arbitrary or capricious action. We are pursuing that. As the minority leader said, there's been no change in that.

Mr. PRICE of Georgia. And I thank the leader, and I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. PENCE. Madam Speaker, reserving the right to object, I want to commend the minority leader and the majority leader and the chairman of the committee for an arduous task of coming together across what is an increasingly very wide gulf between the two sides of this aisle and appreciate the difficulty of doing that?

If I may, Madam Speaker, ask the majority leader a question just for clarification purposes and colloquy.

Mr. Leader, on the point of order protection, I was directly involved with a handful of our own when we worked through our side changing the rules in the spring of 2005 for that point of order protection. It is, in effect, a stopgap at the point of consideration of the conference report. An essential element of that is that the point of order is debatable, and I wanted to get your assurance that as we move toward adopting that rule change that that point of order would be debatable. I believe it was for at least 10 minutes per side. Without the opportunity to debate, there was no capacity for Members or the public to know what projects are objectionable, and that might prevent going forward in consideration.

And I would welcome and yield time for your response.

Mr. HOYER. I thank the gentleman, first, for his comments. Secondly, I thank the gentleman for his question. I happen to believe, I want the gentleman to know, that the rule you were involved with that the minority leader and I have discussed is a good rule. It's a good rule because if something is dropped in conference that nobody knows about it, whatever it may be, I'm not going to mention any specific projects, but we've talked about some during the course of the last 2 days, we will in the rule provide for 10 minutes on each side. So, essentially, what we're doing is expanding under those circumstances by a third the time available for debate on a conference report.

So it is a pretty substantial extension of time. I think to the extent, again, the gentleman was involved, it's an appropriate extension of time so that we do ensure what all want to ensure and that projects that do not justify inclusion in bills and this House or the Senate rejects them or wants to reconsider them, that we have that opportunity. So the debate will be included in the rules recommendation.

Mr. PENCE. I thank the distinguished majority leader for that very direct and clear reply. The minority leader nodded his assent. There's very little value in point of order protection if Members do not have the ability to point to those aspects of the legislation that are objectionable.

But I will also, and I'm prepared to yield time to the distinguished chairman of the Appropriations Committee for a question, I would also say that point of order protection obviously calls for a vote on whether to proceed with consideration for the entire conference report. It would not, and Members should be alerted, it would not be a specific vote on a specific objectionable project; and, therefore, the likelihood that a point of order would be successful, given the fact that appropriations bills generally have many fathers and mothers in this institution, is fairly remote.

So I would say to the distinguished chairman of the Appropriations Committee that it certainly is not a substitute for the opportunity in the regular process here on the floor to challenge specific elements of bills, whether they be earmarks or other policy-related additions and programs. And so it's to that point and to this longer-term understanding that I wanted to ask the chairman of the Appropriations Committee for some further clarification. And, again, I want to reiterate my respect for the chairman, for the leader and my special respect and gratitude for the minority leader for their efforts in this regard.

But with regard to your expectation, I think you just used the phrase that the amount of time that would be subject to a negotiation for a unanimous consent on each bill going forward would be a good-faith negotiation, and it would be based on, in your words roughly, the same amount of time that had been attributable to those specific appropriations bills in the past.

I think the chairman made reference to 108 hours earlier in the last session of the last year of the Congress. I would note that we did not consider, to my recollection, a Labor-HHS bill during that period of time. I just wanted to give the chairman a respectful opportunity to express what your expectation of that may be because for many of us the opportunity to come to the floor and challenge individual provisions of bills and also make amendments for additions to bills is critical, and I would yield.

Mr. OBEY. Let me simply say that when we compiled these numbers, since there was no Labor-H bill considered last year, we simply looked at the amount of time that it took the previous year to consider the Labor-H bill, and that was 12 hours and 43 minutes. So I think that in 12 hours and 43 minutes, if Members have an objection to an earmark or any other provision, they are going to manage to find a way to bring it to the attention of the House. And if they can't figure out how, I would just ask that you talk to the gentlewoman from Texas (Ms. JACKSON-LEE) and she will show you how to do it. She's got a lot of experience.

Mr. PENCE. Reclaiming my time, I would yield to the minority leader for a response on this, if he would like.

Mr. BOEHNER. As soon as I catch my breath, I will be happy to give you one.

The agreement we have reached with our colleagues on the other side of the aisle is intended to preserve every Member's right to make additions, to make changes, to offer amendments to the bill. I think, how can I best describe this, that over the course of at least the last two or three years that I'm aware of, we've brought these bills to the floor under an open rule, and there have been bipartisan agreements, the unanimous-consent agreements, on how we're going to proceed. And the agreement that we have is basically to uphold what we've done in the past few Congresses.

And so as the gentleman pointed out, what we've agreed to is generally, the time limits, times that were used in the past, but it's general. We don't know what these bills look like, some of them yet. We're not sure what they may contain, and so I felt constrained in coming to an agreement on a specific time limit because we haven't seen the bills, but I think there are enough of us in this Chamber who've worked together, who trust each other to be able to come to a unanimous-consent agreement that gets unanimous consent because that's how it works.

Mr. PENCE. Reclaiming my time, and before I withdraw my objection, let me say I appreciate that clarification from the minority leader and from the chairman of the Appropriations Committee. I assume good faith by both the distinguished gentlemen, and I will say I certainly reserve the right to object to future unanimous-consent agreements, but I look forward to supporting the unanimous-consent agreement today.

And I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. HENSARLING. Madam Speaker, reserving the right to object, first I wanted to thank the distinguished majority leader, thank the chairman of the Appropriations Committee, thank the Republican leader for all of their efforts to bring us to the point where we are at the moment.

I think we've certainly heard much about the process and procedures that will take place under this anticipated agreement, but I think it's very important to note for the entirety of the body, and particularly for those of us who have spent a lot of time on the floor since this debate ensued, that with this agreement what we will see going forward after these first two bills is that we will see earmarks in the bills. We will see transparency. We will see the ability of Members to be able to strike at those earmarks. That is what I believe I have heard this evening. That is what much of this debate has been about, lo these many hours. I, for one, believe that to be a good thing.

I believe I heard that there is hopefully an expectation of open rules. I understand the majority leader's caveat. I understand there is an anticipation of UCs, as historic norms dictate. I understand there is an anticipation that substantive amendments will be accommodated. I understand that substantive amendments may be in the eye of the beholder and men and women of good faith must work together, and I understand there is an anticipation that if bills are of historic norms, that debate time may be of historic norms as well.

But I did want to signal that, if I have the proper understanding, that I wanted to thank the majority leader, the chairman of the Appropriations Committee, and the Republican leader for their efforts to bring the ability of Members to be able to see these earmarks and challenge these earmarks. I assume that, as I have spoken, if any of the gentlemen involved believe that my understanding is incorrect, I would be happy to yield time to them.

Seeing no one believing my understanding is incorrect, again, I want to thank them for bringing us to this point, and I withdraw my objection, Madam Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. FLAKE. Madam Speaker, reserving the right to object, I have a few concerns. Early this year when authorizations came to the floor, authorization bills and the CR and also last year with appropriation bills and in previous years, it is a common practice to have the report come to the floor very late in the day. In fact, for the Intelligence authorization bill, I believe the report came to the floor a few hours after the deadline for submission for earmarks.

What assurance do we have that reports, the committee reports that contain the earmarks, will actually come to the floor in a timely manner? Because it will be difficult to enter into any unanimous-consent agreement on a bill if we haven't had adequate time to actually review the earmarks. I know there has been talk, there's always talk, about some 48-hour rule or 72-hour rule, but it is routinely broken. And is there any assurance that we can have on this side that we'll do better in that regard? Because the record so far this year is not good with regard to authorization bills.

I know that is not your fault, but I'm concerned that we won't get the committee report in time to adequately review the earmarks in it in order to enter into a useful unanimous-consent agreement.

Mr. OBEY. Let me say, and then be very blunt about this, this agreement requires a lot of trust between people. I've had to rely on a lot of trust on the minority leader tonight, and I expect to have the right to expect the same consideration from others in this House.

We have not had much experience in the last 14 years at either producing or delaying reports. That has been the prerogative of the majority party. We're now the majority; and as you know, we had a lot of catch-up work to do from the last session, and we've been working long hours. It is not our responsibility to run the printing office. Sometimes we don't have control over when documents are printed. Sometimes the process breaks down there; sometimes it doesn't.

All I can assure the gentleman is that we are going to try to comply not only with the letter but the spirit of the rules of the House.

□ 2030

When I was in the minority, I was pushing very hard to see the 3-day practice maintained, even though the rule had been changed to 2 days. We intend to continue to do that.

Mr. FLAKE. In the same vein, we now have rules that require submission of a letter. You have them in the committee now. What assurance do we have that the letters will be released to the public? For every earmark that is in the legislation, will there be a letter with the Member's name next to it, the description of the earmark, the entity that is receiving it; will that be released to the public as soon as the committee report comes out?

Mr. OBEY. The answer to the gentleman's question is ''yes.''

Mr. FLAKE. With regard to authorization, I sent a staff member to the Armed Services Committee. The staff member could not remove the list, could not make copies, had to sit and actually just make notes of the some 680 earmarks, letter request forms that were there. Is that going to be the practice of the Appropriations Committee? Will copies be available? Can outside groups come in?

Mr. OBEY. Let me be very frank. I haven't had time to consider any of these questions because I have been so tied up simply trying to move bills. All I can tell you is we will comply with whatever the rules of the House are. Frankly, at this point, I am not exactly sure what they are. Whatever they are, I will comply with them.

Mr. FLAKE. I would submit that it's unacceptable. The reason we have this transparency, where we have letters actually requesting the earmark, indicating the entity that it goes to, the specific purpose for the earmark, is so that we make informed judgments here on floor.

If all we can do is have one staff member go in, they have to wait while meetings are held, they can't go in certain rooms, they are told that they can only read from the list and take notes, not make copies. The practice in the past has been, and I am not saying that this is more a problem with the majority than it was with the previous majority, we had trouble then. But if we're going to have an open, transparent process, it would be nice to have, to actually think that you want this information out rather than holding it back as long as you can.

Mr. OBEY. No one is trying to hold back information. What I need is time to know what that information is.

With respect to the certifications you are talking about, they will be available in the committee office to the public, to Members of Congress, and they will meet whatever requirements, whatever other requirements of the rules that there are. All I can tell you is that we haven't given any consideration to earmarks at this point because we haven't had time to.

I think the agreement that we have here tonight finally recognizes the fact that if we're going to proceed with these bills, that we simply haven't had time to produce the initial earmarks.

We are slowing down this process considerably. I want to assure you that we're going to do everything we possibly can to comply with the spirit and the letter of the law. The gentleman knows me. I hope the gentleman regards me as someone who is up to his commitments.

That's all I can honestly say.

Mr. FLAKE. I thank the gentleman. I do hold the gentleman in high regard. It just seems to me that when the committee report is released, there is no reason for the Appropriations Committee at that time to make it difficult for other Members to view request letters.

Mr. OBEY. No one is trying to make anything difficult for any Member to review anything.

I don't know what experience you had under the last regime. We have not had an opportunity to perform on that yet.

Mr. FLAKE. All right. I just wanted it on the record that there would be. We've had it with the authorizing committee already. I just want to make sure it doesn't happen with the Appropriations Committee.

Mr. OBEY. With all due respect, I take no responsibility for anything done by any authorizing committee.

Mr. FLAKE. Good point. Another point, you made the example of the education bill last year that took some 12 hours to get through. My expectation is that there will be a lot of earmarks in that bill and many others. Last year I offered a total of 39 on all appropriation bills.

I was constrained considerably. Many of the amendments that I drew up and brought to the Parliamentarian, I was told that it would be subject to a point of order because the earmark was so vague, that the language was so vague, and that it didn't refer to a specific facility. There were many amendments that I wanted to bring forward and couldn't.

I don't expect that to be the case this time because we have better rules in terms of the letters, the request forms, the entity that has to be there. So what I am saying is I expect there to be more amendments brought.

I think it may be unrealistic to expect us to be constrained by last year's time frame. It may be longer. As long as it is subject to a unanimous consent agreement, and Members like myself or others who want to bring additional, or maybe more than were brought last year, can still bring those forward, then I think that's the only basis that we can move under.

Madam Speaker, I yield to the minority leader.

Mr. BOEHNER. I appreciate my colleague for yielding. Unanimous consent means unanimous consent. It's the commitment on the part of myself and my colleagues on the other side of the aisle to work with our respective Members to make sure that every Member's needs are met in the unanimous consent agreements.

Now, we will be happy to work with the gentleman on his issues as we go through these bills. It's not intended to deny any Member's right to offer an amendment here on the floor.

Mr. OBEY. If the gentleman would yield, one of the reasons I have been trying to explain to the House why it takes so long to carefully screen these earmarks, is because many of the requests that come in are so vague that we don't understand where that money is intended to go to.

So then we have to go to the individual Member, and we have to say, hey, we really can't tell from your request where this is supposed to go. You need to change your request so we know what you are talking about. Then we have to sort them out so we know that you don't have three people asking for the same thing in different language. That takes a lot of time.

So if the gentleman thinks that sometimes you're confused, so are we. That's why we were asking for more time.

I want to stipulate one thing. I recommended to this House a proposal that I thought would give us the best possibility of avoiding future embarrassment. This agreement indicates the House wants to go in a somewhat different direction.

That means that with respect to almost all of these bills, we will have less time for our staff to review them than would have been the case under the proposal that I was suggesting.

In my judgment, that means that we will run a higher risk of mistakes than we would have otherwise had, because we will not have the entire month of July for the staff to review these requests.

So I am giving up on that expectation for a higher level of staff review so that we can continue to do the people's business and get through these bills in time for program managers to get funding out for these programs in an orderly manner.

So a lot of us have a lot of complaints about this. I didn't invent the earmark process. If I had my way, there wouldn't be any, as the gentleman knows.

But it's my job as chairman not to pursue what I believe. It's my job to try to find a balanced point in the House that I think will achieve consensus in the House, hopefully between two parties. That's what I would try to do, and I will appreciate the recognition of that fact from the gentleman and every other Member of this body.

Mr. FLAKE. Duly recognized. I think that it argues for far fewer earmarks. You made a comment last year that I agreed to.

Mr. OBEY. Even though the Senate is resisting, I am the person who ended the earmarks. I am the person who put a moratorium on earmarks for a year. You know that two-thirds of your caucus and two-thirds of my caucus were mad as hell at me when I did that.

Mr. FLAKE. I know that.

Mr. OBEY. I am now trying, and so is our leadership, to reduce earmarks by at least 50 percent.

As you know, there are a lot of people who are angry about the fact that we are cutting earmarks by that much.

Mr. FLAKE. I understand that. I know we need to move on. Let me just make one point. I think it is extremely important that the letters requesting the earmarks are made public at the quickest possible time. I will object to any unanimous consent request.

Mr. OBEY. With all due respect, the letters requesting earmarks are not going to be made public. Let me explain what will be made public. I will take responsibility for every earmark that I recommend. But I have no intention of taking responsibility for somebody's pipe dream that we reject.

Mr. FLAKE. Oh, no, I am talking about those that are approved, that are going into the bill.

Mr. OBEY. I have already told you those will be available. I don't know how many times I have to chew my tongue, but I have already told you.

Mr. FLAKE. But what I am saying is outside groups have come as well. They would like access. I share the gentleman's pain in trying to go through and review these. That's why it would be useful at the quickest possible time to let outside groups as well review these.

Mr. OBEY. With all due respect, we will comply with the House Rules. That's the best assurance I can give the gentleman.

Mr. FLAKE. That's what I am after.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I have had a discussion with, not directly with the minority leader, but on the representation of the minority leader, I have discussed with the ranking member, Mr. ROGERS of Kentucky, Mr. PRICE and the chairman of the committee.

It will be our intention to roll all votes until tomorrow morning, so that there is no expectation that there will be any more votes tonight for Members. The debate will be concluded.

Madam Speaker, I yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. What time may we expect to come in tomorrow?

Mr. HOYER. Nine o'clock.

Mr. BURTON of Indiana. At what time may we expect some floor votes tomorrow?

Mr. HOYER. Probably about 9:10 or so, just about 9 o'clock.

Mr. BURTON of Indiana. Thank you.

Mr. HOYER. Mr. SHAYS asked me informally when we are getting out. We are working on a unanimous consent agreement between the minority and the majority on the MILCON bill, and that will hopefully facilitate us getting out. I will tell you the minority and majority both believe it ought to be relatively brief, as the MILCON bill has been in the past.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. OBEY. Madam Speaker, I ask unanimous consent that, during further consideration of H.R. 2638 pursuant to House Resolution 473, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2638.

□ 2044

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 13, 2007, the bill had been read through page 3, line 10, and pending was amendment No. 9 by the gentlewoman from Virginia (Mrs. DRAKE).

Pursuant to the order of the House of today, that amendment shall be debatable for 10 further minutes, equally divided and controlled by the proponent and opponent. No further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from New York (Mr. SERRANO) each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Chairman, this amendment reduces the Office of the Secretary of Management $10.4 million, and increases ICE salaries and the expense account by $9.1 million, restoring the funding that was in the President's budget to fund the 287(g) program.

□ 2045

I chose this account because between 2007 and 2008 budgets, it has increased 60 percent, or a total increase of $89 million. The 287(g) program provides training, technology, and resources to local law enforcement officers to work with the Federal Government, with ICE, to identify illegal aliens who have broken our laws.

This is a voluntary program available to both our State and local governments. Currently, it is implemented in 13 locations. One of the most prominent of these is Sheriff Pendergraf in North Carolina, who has detained and deported 1,900 illegal criminal aliens in the last year.

America saw the very tragic accident that occurred in Virginia Beach that took the lives of two beautiful young women at the hands of an illegal alien drunk driver. And, Mr. Chairman, this individual had been arrested and detained on DUI offenses in the past and was released onto our streets.

I believe that immigration is a Federal responsibility, but we need the help of local and State law enforcement officials. We need to identify the gaps and figure out how to bridge those gaps.

The 287(g) program can also be used to better coordinate with our DMVs; none of us want fraudulent documents used and driver's licenses issued for our States, and can also be used with our Departments of Corrections, so that when an illegal alien has served time in our prisons and jails, they're deported immediately, and there's no additional expense to us.

Contrary to the report language in this bill, by the end of June there will only be $1 million remaining in the 287(g) coffers. Due to the success of this program such as in Mecklenberg, North Carolina, and high-profile cases like in Virginia Beach, there is an increased awareness and an increased demand for this program.

I ask my colleagues to support this amendment, make our communities safer, and allow better coordination between local, State, and Federal governments.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Mrs. DRAKE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to compliment the gentlelady again on an excellent amendment, the hard work that she's put into this issue. I have some problem with the offset, but that's overridden by the urgent need that the gentlelady has illuminated in her amendment.

Allowing our local law enforcement officials and first responders to have authority in illegal immigration problems is the only way, in my judgment, that we will ever be able to solve this problem. And so I commend the gentlelady for this wonderful amendment.

Mrs. DRAKE. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself as much time as I may consume.

It's clear, it should be clear to Members what this amendment does and what this program does. This, in fact, has local law enforcement enforcing immigration law.

This is the most unpopular and rejected program within law enforcement in this country when it comes to these types of programs. Department after department, police department after police department, sheriff's department after sheriff's department has said we don't want this responsibility, we don't want this job.

In fact, that is the reason why the number of communities that have participated in this program is not anywhere where the proponents would want it to be, because the mainstay, the strength of local law enforcement is the ability to fight crime, to protect the community, and, yes, even to flush out possible terrorist acts by getting information from the community.

Granted, there is an immigration issue. But the police departments, the local law enforcement do not want to play the role of immigration officers because they want the ability to be able to speak to members of the community and get information.

Now, that information may be who did you see near that car that is now missing from that corner. But that information can also be, where did you see and who did you see going into that building where we later found equipment to make bombs that could in fact be involved in a terrorist attack.

Local law enforcement have told us, in big cities and in small cities throughout this country and the rural communities, that they want the ability to work with their communities, and they don't want to be hampered by being asked to enforce immigration law.

And how it works is very simply this. There are people who are in this country without proper documentation. You call them illegal aliens; some of us call them undocumented. But they still live in the community. They still have information and law enforcement needs to work with them.

If they now know that the local police officer, if they now know that the local sheriff's deputy is going to be dealing with them in terms of an immigration situation, they will not open up to that person and give them any information. And in the long run, we will suffer as a Nation.

That's why I think that this is a bad program. I'm sorry it has even a penny assigned to it. But to add more money to it would be a total waste of time.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield briefly?

Mr. SERRANO. To you, always.

Mr. ROGERS of Kentucky. The 287(g) program is voluntary by local communities, is it not?

Mr. SERRANO. It may be voluntary, but what happens is that local elected officials who sound like some of us here begin to put pressure on the police department to get into the program when, indeed, just about every law enforcement agency, local law enforcement in the Nation has gone public to say we don't want it. And in this case, we don't even want people to ask us to join it.

Mr. ROGERS of Kentucky. Well, if the gentleman would yield very briefly, every community has the decision to make. If they don't want to participate, that's their business. But for those communities that do want to participate, it seems to me like we ought to allow the local option to take effect.

Mr. SERRANO. Reclaiming my time, it's just, with all due respect to my brother, Mr. ROGERS, it's just bad policy. It is not the way to get at an issue.

We are now dealing with the Senate, and we will be dealing in the House with an immigration reform bill. We will eventually deal with that issue. In the meantime, we have other business to take care of in this country, other protections to offer to our citizens.

To have the local police officer, on top of the fact that they're busy already, now you're going to give them another assignment. But to have them enforce immigration law, I can't tell you how much all the people I speak to say they don't want that. They want the freedom to get information at all levels of the community and not be seen as an immigration officer.

There used to be a bad joke about somebody would come into a restaurant and yell out ''immigration'' and a lot of people would leave and jump out the window. And that's funny, and it's sad at the same time.

But if you adjust that to a police department in a neighborhood looking for information and having people run away from them because they see them as immigration enforcement agents, then we lose the opportunity to really protect our communities.

Mr. ROGERS of Kentucky. If the gentleman would briefly yield, do you have a problem, though, if Mecklenberg County, North Carolina, wants to do the 287(g) program? You don't have to do it. But is it okay for them to do it?

Mr. SERRANO. I have a problem if we set in motion a wave of desire and push to force local people to do it. And what we hear from local law enforcement is that they're under incredible pressure, political pressure, from elected officials to join a program that they know is not a good program.

Mrs. DRAKE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. 1½ minutes.

Mrs. DRAKE. I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, this past March, Burke County authorities pulled over an SUV in Morganton, North Carolina, packed with 11 illegal immigrants. Local law enforcement officials were forced to release the illegals after being notified that there were not enough Immigration and Customs Enforcement agents available to check on the group's immigration status, even though they admitted that they were illegal.

Law enforcement officials, not the illegal aliens, were handcuffed that night on I–40. Our hands were tied by red tape and bureaucracy and underfunding.

The 287(g) program is working efficiently in my home county of Gaston, and our sheriff there, Sheriff Cloninger, is doing a fantastic job of cross-training deputies to also enforce our immigration laws of this land and gives them the authority, the legal authority, to investigate, detain and arrest illegal aliens on civil and criminal grounds. It paves the way for local law enforcement to be a part of our homeland security.

Mrs. DRAKE. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, this is a very good amendment. The State of Arizona reports it has saved $10.2 million by removing illegal aliens into Federal custody.

The City of Nashville, Tennessee, in it's first year of implementing this program, is reportedly on track to deport as many as 4,200 illegal immigrants.

This is a good program. It needs to be expanded. The lady should be commended. All of my colleagues should vote in support of this very valuable amendment.

The Acting CHAIRMAN. All time on the amendment having expired, the question is on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. DRAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of New York:

Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. KING) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, at the outset let me commend Chairman PRICE and Ranking Member ROGERS for the outstanding job, I believe, and the effort they put into putting this legislation together. And I commend them on an issue which is so vital to our Nation, homeland security.

My amendment would restore $40 million to the Domestic Nuclear Detection Office, DNDO, specifically relating to the Securing the Cities Initiative and the Radiation Portal Monitor program.

Mr. MCCAUL, as the cosponsor of the amendment, will address himself in a few moments to the Radiation Portal Monitor program. I'm going to stress the STC.

Mr. Chairman, intelligence and recent terrorist attacks overseas have led to the conclusion that the next attack against our cities may very well come from outside the city, from suburban areas. And certainly, in New York City, it's been concluded that the STC is the only program which is dedicated to protecting cities against this threat.

Specifically, the STC program involves a ring of radiological detectors on highways, bridges, tunnels and waterways leading into cities. Indeed, the police commissioner of New York, Commissioner Kelly, has said that this program is our best last defense to keep a nuclear or dirty bomb from being detonated within cities.

So this should be a bipartisan matter. While it directly affects New York at this moment, this is a pilot program which will affect the entire Nation.

There's already been two full exercises run. I was present at one of them last week, seeing how effective it was. It involves 90 counties, three States, numerous cities and many agencies. And it, to me, serves no purpose at all to be taking, in effect, $20 million out of a valuable program, a program which very well could end up saving thousands and thousands of lives. And I say that as someone who came from a district that lost well over 100 people on September 11 and certainly doesn't want to go through that again.

This is a very effective, meaningful program, and I would, again, implore the House to restore this money, $40 million, to the DNDO.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman from New York's amendment to add a total of $40 million to the funding recommended by the committee for the Domestic Nuclear Detection Office.

I have concerns, first of all, about two of the proposed offsets. First, the amendment proposes to reduce funding for the Office of the Under Secretary for Management by $35 million. The amendments adopted earlier this week already cut the Office of the Under Secretary for Management by 17 percent. This amendment, if adopted, would reduce the office by another 18 percent.

□ 2100

This means that DHS will be unable to consolidate its 60 locations in the D.C. metro area into a new headquarters facility at St. Elizabeth's.

Secondly, the amendment would reduce $5 million from the Coast Guard's research, development, testing, and evaluation program. This decrease would eliminate priority research to

resolve how the Coast Guard can best operate unmanned aerial vehicles at sea after recent failures in the deepwater program as well as find ways to better manage invasive species such as zebra muscles and ballast water.

At this time, I don't believe, Mr. Chairman, that funding for the Domestic Nuclear Detection Office needs to be increased by $40 million. The committee has already increased the total funding for the office above last year's level by $35 million, excluding the supplemental funding.

The bill before you did make some reductions within this office: a reduction of $20 million for the Securing the Cities program, and a reduction of $20 million for procuring radiation portal monitors. Let me briefly explain those items.

The Securing the Cities program is a proposed pilot program that assumes a radioactive device is heading to the heart of New York City and, in order to detect this device, an elaborate network of radiation detection devices will be installed in a ring around the city. Congress provided $10 million in 2007 to begin this effort. Yet, to the best of my knowledge, very little of this funding has been spent because the Department of Homeland Security has not reached agreement with New York and New Jersey officials on the architecture for this initiative or developed a mutually acceptable deployment plan. DHS testified that this would not occur until at least the summer of 2007.

The amendment being offered by the gentleman from New York would restore funding that we reduced from the President's budget request for this program for 2008. In total we appropriate $19.7 million instead of the $39.7 million requested because of the delays in beginning the pilot program. It is premature to quadruple this program in 1 year without a clear architecture and deployment plan that has been agreed to by all the parties in place.

The bill before you also reduced funding to procure radiation portal monitors for two reasons. First, the Domestic Nuclear Detection Office provided information after the submission of their budget request that reduced the number of radiation portal monitors it planned to procure from 149 to 127 systems in 2008. We fully fund this revised figure, not a higher level that DNDO no longer plans to procure.

Secondly, the recently enacted supplemental provided $100 million for the procurement of radiation portal monitors. This funding, coupled with the House level for 2008, means we are actually $80 million above the funding level requested in 2008. So more is not needed.

I urge Members to oppose this amendment.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. KING of New York. Mr. Chairman, the gentleman stated that no agreement has been reached and would not be reached until the summer of 2007. We are talking about several weeks from now. The summer of 2007 is coming upon us. And also as far as the agreement's being reached, I have a letter which I would like to introduce into the RECORD, signed by officials from New York State, New Jersey, and Connecticut, all of whom say all that is delaying the agreement is the finalizing of this appropriation. They are ready to go. They have an agreement in place ready to go, just subject to this appropriation.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, this agreement is not now in place; is that right?

Mr. KING of New York. But it will be. Again, this is a letter signed by all the ranking officials in New York State, New Jersey, and Connecticut. All that is holding it up is this appropriation. Once the amount is known, they will go ahead. But other than that, they cannot go ahead.

Mr. PRICE of North Carolina. Mr. Chairman, the gentleman is saying that the present appropriation, the money in the pipeline, is not sufficient, that their ability to pull their plan together depends on whether your amendment passes.

Mr. KING of New York. Yes, that is true.

Mr. PRICE of North Carolina. That is a strange way to plan.

Mr. KING of New York. It was done in concert with DNDO and with the three States.

Mr. PRICE of North Carolina. Mr. Chairman, at this time I would like to yield the balance of my time to my colleague Mr. ISRAEL.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 seconds.

Mr. ISRAEL. Mr. Chairman, I thank the gentleman for yielding.

I actually had a question. I support the spirit and intent of this amendment, and I was hoping to ask a question to the gentleman from New York.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 2 minutes to Mr. ISRAEL.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding.

I serve on the Appropriations Committee. As I said, I support the spirit and the intent of this amendment. I am concerned that New York City has not effectively advocated for these funds, didn't, in my view, do a sufficient job of alerting the members of the Appropriations Committee to this problem, hasn't lined up its ducks, but I am willing to put that behind us.

I would just ask the gentleman, will the gentleman work with me to pressure New York City to ensure that this agreement is signed? The concern I have is that if it is not signed, it is entirely possible that the bureaucracy at the Department of Homeland Security will take the money meant for New York and send it elsewhere.

So would my very good friend from Long Island, with whom I have a wonderful partnership on so many issues, commit to work with me to pressure the city of New York to get this agreement signed so that the money goes to where it is intended?

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield 30 seconds for a response.

Mr. KING of New York. Yes. I will absolutely assure him that I will work with the city of New York and the Department of Homeland Security to ensure that this money is allocated and used for this purpose and that the agreement be expedited as quickly as possible.

Mr. ISRAEL. Mr. Chairman, I want to thank the gentleman. I understand the concerns he has. I am deeply disappointed in how the city of New York approached the committee or did not approach the committee on this. But I will work closely with the gentleman from Long Island in pressuring the city to conclude this agreement.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, I must say to the gentleman, the sponsor of the amendment, that we on the committee have heard nothing from DNDO about this pending agreement.

I will say this, though: that if between now and the conference on this bill, if this agreement is forthcoming and if we feel that the basis exists to move ahead, then we will certainly be happy to work with the gentleman in considering the final appropriations level. But as I said earlier, I do not believe the basis for an increase of this magnitude currently exists. We just can't responsibly do it.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the coauthor of the amendment, the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I thank the gentleman for yielding.

In response to the issues raised, the DNDO has reached an agreement in principle with State and local stakeholders, and it is about 95 percent there. I submit we cannot wait another year for the appropriations cycle to take place.

This amendment is important. It restores $40 million to the Domestic Nuclear Detection Office. The lack of

these funds threatens to delay the completion of the radiation portal monitor program and significantly impair the implementation of securing the cities initiative. Both of these initiatives aim to strengthen the Nation's defenses against a terror attack by a nuclear device or a radioactive ''dirty bomb.''

There is no doubt that the risks are real. We know that nuclear terrorism is the number one threat facing our country and that the economic costs associated with a dirty bomb could reach about $1 trillion. We know that Osama bin Laden and his al Qaeda terrorist network have been attempting to acquire a nuclear bomb. We also know that hundreds of tons of the necessary ingredients of nuclear weapons are dangerously insecure all over the world. There have been numerous documented cases of theft of weapons-grade nuclear material.

But nuclear terrorism is, in fact, preventable, and we should be spending Homeland Security dollars on preventing what could be a catastrophic attack against the United States. Twenty million dollars of the cuts to the DNDO comes out of the radiation portal monitor program. It would delay the completion of these until the year 2013. Acquisition of systems for five ports of entry, including the Port of Houston in my home State of Texas, would be delayed, and this means that more unscreened cargo would get into this country.

Such a delay is unacceptable. And the best deterrence against terrorism is to disrupt the ability of terrorists to do what they want to do, and that is to kill Americans.

I urge my colleagues to support this amendment.

Mr. KING of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Staten Island, Brooklyn, (Mr. FOSSELLA), who lost more than 300 people on September 11.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding.

I very strongly urge the adoption of this amendment. The focus, as we all know, should be on preventing another 9/11, as the police commissioner from New York has underscored many, many different times, that to place this ring around New York City and major urban areas will be a strong deterrent to anybody even contemplating. So I strongly urge the adoption of this great amendment by my good friend from Long Island, New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Let me again at the outset commend the gentleman from North Carolina for his good faith and effort. We have an honest disagreement on this, but I certainly commend him for the time and concern he has shown on this issue, and I certainly appreciate his offer to work with me.

I would just ask to introduce into the RECORD this letter from virtually every law enforcement official from New York, New Jersey, and Connecticut, State police, local police, fire commissioners in New York City, Nassau County, Suffolk County, Westchester County, and all of the State officials of New Jersey and Connecticut.

I urge the adoption of the amendment.

NEW YORK REGIONAL JOINT WORKING GROUP ON SECURING THE CITIES,

June 12, 2007.

Subject: FY08 Appropriation for Securing the Cities Initiative.

Hon. PETER T. KING,
Ranking Member, House Homeland Security Committee, Washington, DC.

DEAR RANKING MEMBER KING: We are writing to urge you to fully fund the President's FY08 request for the Securing the Cities (STC) initiative: $30 million for procurement and $10 million for R&D.

We are profoundly concerned by the prospect of a terrorist attack against New York involving a radiological weapon or improvised nuclear weapon. We know al-Qaeda and its affiliates are interested in perpetrating such an attack and will do so if they can. The STC initiative is the only federal initiative dedicated to defending New York from this catastrophic possibility. A Congressional decision to provide less than the full amount requested by the President for this new and important program will significantly impair our region's ability to defend against, and prepare for, the most terrible threat imaginable.

The STC initiative is an extraordinary example of interagency and intergovernmental collaboration. Together, we represent three layers of government, three states, over ninety counties, numerous cities, and many different agencies. In partnership with the Domestic Nuclear Detection Office (DNDO) of the Department of Homeland Security, we are working together in a truly unprecedented fashion. In the short time since STC began, for instance, we have conducted two full-scale exercises (with a third planned for this week) in which a radiological substance was surreptitiously transported in a vehicle on a highway and then intercepted by our agencies; we have coordinated our procurement of radiological detection equipment and have designed a concept of operations for the larger regional system envisioned in the STC initiative. A regional deployment plan for FY08 is nearing completion and has been delayed mainly by uncertainty over the total amount of funding that will be available from the Federal Government.

We appreciate your full consideration of this request. We welcome the opportunity to brief Members of Congress or their staffs on the progress of this initiative either in the New York region or in Washington, DC. We believe the Securing the Cities initiative in the New York region should be a model for the nation which was indeed one of its intended purposes.

Sincerely,

Raymond W. Kelly, Commissioner, New York City Police Department.

Nicholas Scoppetta, Commissioner, New York City Fire Department.

Preston L. Felton, Acting Superintendent, New York State Police.

Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police.

Colonel Thomas Davoren, Connecticut State Police.

James H. Lawrence, Commissioner of Police, Nassau County Police Department.

Richard Dormer, Commissioner, Suffolk County Police Department.

William A. Morange, Deputy Executive Director, Metropolitan Transportation Authority Police Department.

Michael Balboni, Deputy Secretary for Public Safety, New York State.

F. David Sheppard, Director, New York State Office of Homeland Security.

James F. Kralik, Sheriff, Rockland Couty Sheriffs Office.

Thomas Belfiore, Commissioner, Westchester County Police Department.

Richard Cañas, Director, New Jersey Office of Homeland Security and Preparedness.

James M. Thomas, Commissioner, Connecticut Office of Emergency Management and Homeland Security.

Samuel J. Plumeri, Jr., Superintendent of Police, Port Authority of New York and New Jersey.

Emily Lloyd, Commissioner, New York City Department of Environmental Protection.

Thomas R. Frieden, Commissioner, New York City Department of Health and Mental Hygiene.

Joseph Bruno, Commissioner, New York City Office of Emergency Management.

Janette Sadik-Khan, Commissioner, New York City Department of Transportation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 2, line 16, after the dollar amount insert ''(reduced by $89,125,000)''.

Page 11, line 24, after the dollar amount insert ''(increased by $89,125,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN WAITE of Florida. Mr. Chairman, Americans are in a crisis of confidence. They hear Members of this Congress proclaiming the importance of border, port, and airport security. But then they hear about lapses. They hear about neglect.

For instance, several of my constituents contacted me about an immigration reform rally in the Tampa area. It

was widely understood that illegal aliens were going to be present. Well, a constituent called ICE to report this information, and they told her they did not have credible intelligence or staff capable of going to the rally to investigate. When my local sheriffs call ICE because they have apprehended an illegal alien, ICE says they can't come because they are far too busy.

But when this Congress said that they will build 700 miles of a border fence last year, DHS, it seems, said, No, thank you, we will stick to 370 miles, we will take a lot of time and money to do it.

And, frankly, I am fed up with some elected officials and nonelected people promoting amnesty while ignoring the illegal presence in our country. Congress said build a fence. That means now.

My amendment is very simple. It takes $89 million from the Under Secretary for Management's account, keeping the account at the fiscal year 2007 levels, and transfers that amount to the border security fencing, infrastructure, and technology account. CBO has scored this amendment as budget neutral.

Congress must not accept anything less than the 700 miles of fencing in the exact locations that we authorized. With this money we send both a stark wakeup call to the department and we will be keeping promises to our constituents. The people of America deserve better than what DHS is giving them. So far a measly 1.8 percent of the fence is completed.

Leaving funds at the fiscal year 2007 levels for the department shows that we are serious. Why should their management be rewarded with bigger budgets when they haven't completed their work for fiscal year 2007?

□ 2115

Let me see: fence. Build a fence or build a bureaucracy? I think our constituents would answer that very clearly, build a fence.

I want to be able to say that we kept our promise to America. Mr. Chairman, this amendment simply says build a fence, and a vote for this amendment is to complete the fence we promised. A vote against this amendment is a vote to leave our borders unsecured.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

This amendment would increase funding for the Border Security, Fencing, Infrastructure and Technology account by 9 percent above the administration request.

The bill funds the $1 billion request, bringing funding for the Border Security program, since its inception, to $2.54 billion, but the amendment would increase this further.

Now, the requested fiscal year 2008 funding that we have included will enable CBP to complete construction of 370 miles of primary fencing and 200 miles of vehicle barriers. While the specific mix of technology and infrastructure has yet to be determined, the Department has confirmed that those are the current limits of such infrastructure required to achieve operational control of the southwest border, with the remainder being addressed through technology or existing assets.

In part, because of the requirements for a detailed expenditure plan, the Department has broken out its proposed investments in a way that aligns its requirements with its resources. There is no rationale in its plans for additional funding at this time.

In short, additional funding for this program would be based on no rationale and no known program needs. On the other hand, the proposal to reduce funding for the office that oversees departmental management is arbitrary. I must say, it fits the pattern of the last couple of days of simply going after the departmental secretary of this Republican administration. But it is an arbitrary cut. It would have the effect of degrading the capacity of the Department to oversee itself and thus reduce the very accountability we want to establish.

I urge my colleagues to reject this amendment.

Mr. Chairman, I now yield to my colleague from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise also in opposition, and I'll tell you why. I've been to the border and I've traveled the area that you're talking about. It's in the Barry Goldwater range. It's a very rural area. It's actually an area where you have Indian tribes. I mean, this is so rural you can't believe it. I am really surprised that the gentlewoman rose on this because she doesn't have any border in her State, nor fence. I come from the State of California which not only has a border; it has the busiest border in the world.

I am also in opposition to this because I have talked to the Border Patrol. This is not a fence that they are asking for. What this fence is for is a fence in the military range. It should be coming out of the military budget because it is just in the middle of absolutely nowhere, where there is very little, if any, crossings. You would be much more effective in detection rather than fences. Border Patrol once said, you know, a 12-foot fence, you just need a 13-foot ladder.

I respect the fact that you think that this is going to get you somewhere, but I can tell you that it's not wisely spent money. There are much more cost-effective ways to do border detection than building a fence in the middle of nowhere.

Mr. PRICE of North Carolina. I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I would inquire as to the time remaining on my side.

The Acting CHAIRMAN. The gentlewoman from Florida has 2 minutes remaining.

Ms. GINNY BROWN-WAITE of Florida. I would like to yield 1 minute to my friend from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise today in support of my colleague from Florida and her amendment that will enhance the ability to secure our borders.

The enactment of the Secure Fence Act last year was a step in the right direction because this act recognized that most illegal immigrants do enter from the southern border. The Secure Fence Act directs the Department of Homeland Security to construct hundreds of miles of reinforced fencing, not just fencing, but additional physical barriers, roads, lighting, cameras and sensors along that southwest border.

Building the fence is a very expensive and urgent construction project. My constituents in West Virginia, who do not have a border, say, What is taking so long, and why are so many people still able to enter our country illegally? Unfortunately, part of it has been a lack of funding.

So with this amendment, I think the gentlewoman from Florida has put forth a good-faith effort to see that this fence not only is built, but is built quicker and that the border becomes more secure.

I support her amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I would like to yield 45 seconds to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, in response to a comment that was just made, I would remind my colleague that in this day and age and in this time in which we find ourselves, every State is a border State and every town is a border town because of the situation that we find on the southern border of this Nation.

Mr. Chairman, 283 Members of this body voted to build a fence, so it is incumbent upon us to appropriately and fully fund that fence.

I support the amendment of the gentlelady from Florida. I rise to support her efforts. I commend her for this. The bill before us underfunds the effort of building the fence.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlewoman from Tennessee.

Mr. Chairman, it is not just the border States that are affected by illegal immigrants who come into our country. They are not all coming here for jobs, folks, and I think we are very naive if we believe that. Some are coming here to form terrorist cells. And a fence may not be the perfect answer,

but it is the answer that this Congress voted on last year.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. PRICE of North Carolina. Mr. Chairman, let me just reiterate that anyone who will look at this bill for a minute or two will realize that the border infrastructure, including the fencing, is fully funded in this bill. It is not underfunded; it is fully funded at the administration's request.

We do provide for the very careful consideration of what is the appropriate mix of technology and infrastructure to create this barrier along the border. That is what the Department, of course, has requested and it's what, I think, rationally they should undertake.

So I reiterate that there is no reason for this additional funding, and I ask my colleagues to oppose it.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong opposition to the amendment being offered by my colleague, Ms. BROWN-WAITE.

I want to prevent criminals and terrorists from coming into this county. I believe we should enforce our immigration laws. As a lifelong resident of the border region, I also know how interdependent border communities are on movement back and forth. Families live on both sides of the border. People cross back and forth to shop, go to school, and attend church. Endangered and unique species of birds and wildlife need access to habitat found on both sides of the border to survive.

A physical fence along the portion of the U.S.-Mexico border that I represent would be devastating. It would cut off livestock from access to our scarce water resources and hinder the ability of our irrigation districts to get water to our farmers. It would require the condemnation of private property.

It would undo everything that has been done and the millions that have been spent over the last few decades to create Federal wildlife refuges and parks to protect unique habitat. It will destroy our new multi-million dollar ecotourism industry. I ask unanimous consent to include in the RECORD an article from the Houston Press on the environmental and economic impact of the fence in the Rio Grande Valley.

We just learned this week that the proposed fence would divide the University of Texas Brownsville in half leaving part of the campus on the wrong side.

Our residents are protected from flooding by a levee system that is in disrepair and would become even less effective by the addition of fencing. Fences would inhibit the ability of our first responders and emergency coordinators to evacuate people during natural disasters.

A physical fence tells the people of Mexico: We don't want you. Keep the billions of dollars you would have spent in our stores and restaurants. Don't come here and help create the jobs that have finally brought my district's unemployment rate down from 23 percent to 7 percent.

If all of these arguments don't sway you, then maybe fiscal reality will. A physical fence is three times more expensive than a virtual fence. We will spend billions upon billions of dollars building this physical fence. My constituents don't understand why this Congress can find such huge sums to build a fence that could destroy the border economy and take away their jobs, yet we can't find $100 million to fix their levees and save millions of lives or a few million dollars to build them the veteran's hospital for which they have been begging for years. Frankly, I don't have a good answer for them.

We have the technology to create a virtual fence. The money saved by not constructing a physical fence could be used to hire more Border Patrol agents and law enforcement personnel who are still going to be needed even if we build a physical fence.

At the very least, my communities, who are going to have to live with the consequences of this fence, should be able to have their concerns heard and taken seriously before a fence is constructed.

I urge my colleagues to oppose this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 2, line 16, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $15,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and the gentleman from North Carolina (Mr. PRICE) each will control 2½ minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, this is a very simple amendment. The Secure Flight offset amendment will reduce the Department of Homeland Security Office of Under Secretary for Management by $15 million and increase the Transportation Threat Assessment account by $15 million.

The Department of Homeland Security Under Secretary for Management oversees the Audit Liaison Office at the Department of Homeland Security. This liaison office helps to oversee the Department's efforts to coordinate with the Government Accountability Office, the Office of Inspector General, and DHS component agencies.

The liaison officers have not been meeting the goal for which they were first funded, that is, to keep the agencies updated and to avoid duplication, to avoid gaps and to avoid inefficiency. The liaison officers have not been successful in providing a centralized and coordinated process. Therefore, this amendment reduces funding for this office by $15 million and increases the funding for the Transportation Threat Assessment Act by $15 million.

The funding would be used by the Transportation Security Administration to further the development of the passenger pre-screening program called Secure Flight. When fully implemented, Secure Flight will be able to more effectively compare passenger information to information that is contained within the Federal terrorist watch list.

Secure Flight will decrease the chance for compromised watch list data by centralizing the use of comprehensive watch lists. It will further provide earlier identification of potential threats, allowing for expedited notification of law enforcement and threat management. And, finally, it will offer consistent application of an expedited and integrated redress process for passengers who have been misidentified as a threat.

Secure Flight is a critical part of the TSA's overall strategy to secure the Nation's commercial air transportation system and deserves more money to be fully implemented as soon as possible. It will give cleaner and more efficient data to our air carriers.

Constituents throughout our country, certainly constituents in my district, have contacted my office because they have been misidentified by the Transportation Security Administration, and they simply cannot be removed from the watch list. Increasing the Secure Flight initiative would help that process, and it is time we did increase the funding for that.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I am opposed to this amendment, and I will briefly explain my reasoning.

I do support the development of an effective screening program that would prevent known terrorists from boarding airlines headed to the United States; of course we all favor that. For that reason, I recommended $10 million more for Secure Flight than what Congress appropriated last year, and that is in this bill. Further funding is premature.

Many times tonight, I am sure we are going to be dealing with questions of priorities and objectives with which we all agree. But as many people on both

sides of the aisle are fond of saying, it doesn't solve anything just to throw money at something. You have to look at what can be intelligently and wisely spent, and we have done that throughout this bill.

This Secure Flight program is troubled in ways that make us reluctant to throw the kind of money at it that the gentleman is suggesting. While earlier this year TSA completed the year-long assessment of the program, the assessment didn't include total cost estimates for development of the program and did not assure the committee that privacy rights will be protected.

The Government Accountability Office has reported multiple times this year on concerns it has with the Secure Flight program. It has recommended a variety of management actions that TSA should undertake to get this program back on track. The agency must have to have incentives to undertake those improvements. We don't do them any favors simply by loading more money onto existing appropriations. TSA continues to provide our subcommittee with conflicting information on how the budget requests for Secure Flight will be spent in 2008. And, finally, recent documents show that the operational testing of this program has now slipped into 2009.

For all of these reasons, we very carefully calibrated what the traffic will bear and what the appropriation should be. It's an increase, but there is no rationale for the kind of increase the gentleman is suggesting.

Now, like many other people, the gentleman has targeted Secretary Chertoff's office for the offset, a cut of $15 million. Well, if everybody does that, and many plan to, then we are going to reduce these accounts to the point that DHS simply cannot consolidate its 60 locations into this new headquarters facility and they can't carry on their basic operations.

So, Mr. Chairman, until TSA can get a firm handle on what Secure Flight will do, the milestones to develop this program, its costs, and how it will protect the privacy of U.S. citizens, it is premature to provide additional funding for this troubled program.

I urge Members to oppose this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. BURGESS. Mr. Chairman, I would just simply say this is a good amendment. I would encourage my colleagues to vote in favor of this. As someone who travels frequently, I want this program to be upfunded and running well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BURGESS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word for purposes of engaging in a colloquy with the gentleman from Rhode Island.

The Acting CHAIRMAN. As the designee of the full committee chairman, the gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have worked to bring greater attention to the issue of cybersecurity, which remains a vulnerability in our national infrastructure.

I believe it is critical that adequate funding for cybersecurity research and development be made a priority at the Science and Technology Directorate.

□ 2130

Unfortunately, this issue has been largely overlooked within the Department of Homeland Security. In fact, out of the $22.7 million in fiscal year 2007 funding appropriated for the S&T Directorate for Cybersecurity R&D, only $13 million actually has been spent on cybersecurity. The rest has been reallocated to other programs at the directorate. For fiscal year 2008, the President slashed the budget again, requesting only $14.8 million, which is an $8 million cut from the previous year.

As the chairman knows, my subcommittee has raised attention to this issue, and the full committee authorized $50 million for cybersecurity research and development. As the committee's authorization and appropriations bills move forward, I would like to work with the chairman so that we can assure appropriate funding for cybersecurity research.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman from Rhode Island for raising this important issue, and I agree that our Nation must protect its critical infrastructure from cyberattacks. Research and development efforts at the S&T Directorate will be vital to our homeland security activities. I look forward to working with the gentleman to bring greater attention to the issue of cybersecurity and to provide adequate funding for these efforts, and I very much appreciate his vigilance, outstanding among all the Members of this body, in attending to this issue.

Mr. LANGEVIN. I thank the gentleman, and again I want to thank you for your attention to this matter of national significance, and I do look forward to working with you. And I also appreciate all your hard work on the Homeland Security appropriations bill in general. Again, I appreciate the gentleman's efforts.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FERGUSON

Mr. FERGUSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FERGUSON:

Page 2, line 16, after the dollar amount insert "(reduced by $50,000,000)".

Page 39, line 14, after the dollar amount insert "(increased by $50,000,000)".

Page 40, line 5, after the dollar amount insert "(increased by $50,000,000)".

Page 40, line 21, after the dollar amount insert "(increased by $50,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FERGUSON) and the gentleman from North Carolina (Mr. PRICE) each will control 2½ minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FERGUSON. Mr. Chairman, I want to first thank the chairman of the subcommittee and the ranking member for the good work they have done on this bill.

I rise to offer this amendment which holds great importance not only to my home State of New Jersey, but really to the entire Nation. My amendment is a simple one and it is one that is a step in acknowledging the dangers that we are still faced with following the attacks of September 11, 2001.

My amendment would transfer $50 million from the DHS Office of Under Secretary for Management to grants, contracts and cooperative agreements to State and local law enforcement agencies for terrorism prevention activities.

Specifically, this amendment would increase funding for DHS buffer zone protection grants. These funds can be used to enhance security and protection around sites of national importance. These areas of national importance include not only banking and financial sites, but also government buildings and mass transit systems, such as the PATH in New York and New Jersey, the T in Boston, the BART in San Francisco. However, most importantly, this applies to chemical plants, which pose one of the most dangerous threats to our domestic security today.

These funds could be used to provide increased law enforcement patrols around chemical plants and to protect these critical infrastructures, as well as enhance information sharing among

Federal, State and local officials and those in the intelligence community.

For example, in 2007, the State of California received $4.6 million of these grant funds. My home State of New Jersey received $1.5 million in these grant funds. Other States that have benefited from this grant program include Maryland and South Carolina, which have each received nearly $1 million. States like Illinois have benefited. Even States like Idaho, Delaware and Montana have benefited from this program. They have each received over $180,000 in these funds. In fact, in 2006, all 50 States in America received grants from this important program.

New Jersey ranks as one of the leading States for chemical production. Most unsettlingly, New Jersey chemical plans are specifically listed by Federal authorities as ripe targets for potential terrorist attack. Millions of people and essential transportation routes surround these chemical plants. An attack on one of these plants could not only cause tremendous loss of life, but also irreversible environmental damage by unleashing secondary explosions or toxic fumes and substances.

Make no any mistake, this amendment wouldn't only benefit New Jersey.

Countless states throughout the Nation that are home to high-risk targets also would benefit from this amendment, which would increase DHS funding for grants, contracts, and cooperative agreements to state and local law enforcement agencies for terrorism prevention activities.

In 2005, 225 members of the House voted in favor of nearly identical amendment, and dozens of lawmakers are on record as supporting increased DHS funding to bolster protections at our Nation's most high-risk targets. I encourage you to continue this record of support and show the American people that national security is a top priority for this Congress by supporting my amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would halve the budget for the Department's new headquarters campus. That may seem like an easy target, but as a matter of fact, this Department's functions are scattered all over Washington, DC.

We all agree in wanting an effective, strong Department of Homeland Security. We also know the obstacles that have stood in the way of integrating this Department and making it function smoothly, because it involves integrating 22 separate agencies into a functioning department. So for years now, we have known that this central facility needs to be constructed. The Bush administration has put a very high priority on it. Secretary Chertoff has talked about it repeatedly.

It is just baffling that members of the minority would get up and show so little regard for that kind of priority. They seem to think that this departmental budget is some kind of cash cow that can be dipped into at will.

Without this funding, the Coast Guard won't be able to move into its new headquarters. How about that? The Department wouldn't be able to consolidate its management functions at this modern facility. So it is not a costless amendment, Mr. Chairman, not by any means.

The amendment would increase the buffer zone protection program by $50 million. There might be a case to be made for this if we had underfunded the buffer zone protection program. But the bill already funds the President's budget for this program, equal to the amount provided in fiscal year 2007, which the President deemed sufficient.

The gentleman wants to double that funding, throw money at it, and at the same time remove money from this critically needed facility to pull all these 22 agencies together in a functioning department. It is unwise, it is unneeded, and it simply disregards the kind of careful consideration of this account, the kind of careful balancing of these needs that has gone into the production of this bill.

So, although I appreciate the gentleman's intentions and his support of this program, I have to ask my colleagues to oppose this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FERGUSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHENRY:

Page 2, line 16, after the dollar amount, insert ''(reduced by $34,000,000)''.

Page 48, line 9, after the dollar amount, insert ''(increased by $30,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. MCHENRY) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a major contributor to America's illegal immigration problem is the inability of the U.S. Customs and Immigration Service to process legal immigration applications in a timely manner. USCIS uses horribly antiquated systems for processing applications. So antiquated, in fact, they are still tracking immigration applications using paper and sending them around the country with the U.S. Postal Service.

Every customer of a major bank in this country can track his or her accounts, payments, and transactions on line in real time. But the Federal Government is still using stone age technology, or paper age, rather, when it comes to the basic functioning of granting citizenship.

Take, for instance, a constituent of mine, Mete Adan. Mete Adan actually was born in Turkey. He spent 16 years trying to become a United States citizen the right way, the legal way.

My office has worked with him for a number of years in fact, helping him through this bureaucratic process and cutting through this outdated redtape. But due to the inefficiency of the current system, which processes over 7 million immigration applications per year using paper printouts, Mete's case has been a 2½-year debacle marked by mistakes, errors and blunders.

The amendment I am offering today would prevent this sort of horror from continuing to happen in the future.

A few years ago, USCIS embarked on a major technological overhaul for how it handles the millions of immigration applications it receives every year. The problem, though, is that they are not really putting this into place fast enough. That is why I am proposing that we take $30 million and apply it to carrying out the strategic information transformation through USCIS.

Their plan includes on-line accounts that Federal agencies and applicants themselves can use to track their immigration status as it moves through the initial application process, to background checks, to adjudication and to final approval. It is a very commonsense way for us to track immigration applications.

Beyond that, what we have to understand is USCIS estimates that it handles 7 million immigration applications using paper today. We should use Information Age technology to make sure that we have a fair process for those seeking to come to our country, and thereby reducing illegal immigration in the process.

But the bulk of those 7 million applications, applications for citizenship and non-immigration residency, require up to 11 different forms apiece. That means the USCIS has to handle tens of millions of forms annually just to keep track of the people currently in the system. That is why there are just reported 15,000 pending cases from the 1986 amnesty plan passed by Congress and enacted into law. That is right, 21 years later there are still more than 15,000 unresolved cases.

If we want people to immigrate to the United States legally and come to our country without sneaking across our border or breaking our laws or coming under the cover of darkness, then we must remove the barriers of illegal immigration.

The $30 million I am proposing to devote to the USCIS strategic transformation will significantly aid that process.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would put funding not requested by the administration into the business transformation program.

□ 2145

Once again, it would take funds from the efforts to consolidate DHS operations on the St. Elizabeth's campus, which Secretary Chertoff has cited as one of his top priorities for improving the efficiency and the performance of the Department of Homeland Security.

This amendment puzzles me, though, Mr. Chairman, because CIS is updating its programs by utilizing user fees. My understanding is that this is a program funded by user fees and that it really is not in need of appropriated funding.

Knowing the gentleman's support for economies in government—we have heard a lot about that the last couple of days, for many, many hours, in fact—why would we not want to have this program pay for itself, so to speak? And why would we want to dip into appropriated funds to make this kind of increase? I just raise that as a question.

Maybe I should let the gentleman answer it before reaching my final conclusion.

Mr. MCHENRY. I certainly appreciate it. I thank my friend and colleague for yielding. I agree with you. USCIS should be fee-based and continue to be fee-based. However, in discussions with them, I realize we have a severe problem and they're not going to actually put in place this plan until 2013. And so the time frame I don't think is fast enough, and I think that is very deserving for us to appropriate funds so we can actually have a more efficient process.

No matter where you are on the immigration debate, whether you want amnesty or border security, this actually is a pretty sensible thing from both sides.

Mr. PRICE of North Carolina. Reclaiming my time, the gentleman is arguing that this $30 million would make a significant impact on what I think is about a $250 million program. If the Department is so encouraging of this, why do you suppose we didn't get a request from them when the budget was sent up?

Mr. MCHENRY. If the gentleman will yield.

Mr. PRICE of North Carolina. Yes, I will.

Mr. MCHENRY. I spoke last night about a lack of competence within some of our bureaucracies, even those led by Republicans, my fellow Republican brethren. I see a failure in the bureaucracy and an unwillingness for them to step forward and make this happen faster. And you are correct, it is a much larger price tag. However, limited by the offsets available to me within this legislation and the confines of the rules, $30 million would be a good start in this process and hopefully pull that date closer to being enacted.

Mr. PRICE of North Carolina. Reclaiming my time, I understand the pilots for this project are already under way. The answer about the bureaucracy, though, is somewhat troubling. If there are problems that the gentleman has identified, it doesn't seem like a very discriminating response to just simply throw appropriated funds at the agency, I must say.

Now, if the point is to make sure that this program comes online, to make sure that it does what it is supposed to do, that it's monitored carefully, that we exercise our oversight responsibilities and that we encourage the Department to ask for whatever kind of support it needs, then that's another matter. But simply reaching into appropriated funds and throwing them at this program in this way, I must say to the gentleman, it's not something that I can accept.

He might want to withdraw this amendment and let us work with him on trying to give this program appropriate emphasis, but that, of course, is his option.

I yield if he wishes to respond.

Mr. MCHENRY. I would actually like to have a vote on this so that we can begin that process. I do think that they have a good plan in place to go into the information age and finally get out of this sort of 1950s mentality of paperwork being shifted around. I would like to at least take a step forward in the process. But ongoing after that, I would certainly like to work with the chairman, because I know he very much cares about efficiency of the money appropriated.

Mr. PRICE of North Carolina. Reclaiming my time, we'll work on this in any case; but I must say if there are the kinds of problems that the gentleman has identified, simply throwing appropriated funds at them in what seems to me to be a fairly undiscriminating way doesn't seem to be a very promising remedy.

For that reason, Mr. Chairman, I do urge a ''no'' vote on this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. MCHENRY. How much time do I have remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from North Carolina has 1½ minutes remaining.

Mr. MCHENRY. I thank the chairman.

Reclaiming my time, to address the issues raised, I do think USCIS actually has a good plan in place for moving forward to an electronic or digital age level of technology. What concerns me is this bureaucracy that deals with 7 million applications each year, tens of millions of pages of paper each year, doesn't move to technology sooner than 2013, which is their current plan. And so I would like to start that process, give them the money to begin earlier on moving to the information age.

With that, I would be happy to yield to the ranking member of the subcommittee.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding. I'll be brief. I understand my chairman's concerns that he has expressed.

Notwithstanding that, though, this agency is so far behind with this backlog, and trying to catch up with equipment and procedures that are decades old. I think this demands that we do something different. And so I appreciate the gentleman bringing this forward. I think it's a good idea. I'm going to support it.

Mr. MCHENRY. I thank my colleague from Kentucky.

In closing, Mr. Chairman, when we have 15,000 pending cases from the 1986 amnesty plan still stuck in the system, I think we have a flaw in the system. We need to update that and use current technology so that we can fairly bring legal immigration to this country.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Chairman, point of order.

The Acting CHAIRMAN. The gentleman is recognized to state his point of order.

Mr. PRICE of Georgia. Do the rules not stipulate that the Chair is to be an impartial arbiter of the proceedings of the House?

The Acting CHAIRMAN. The Chair's count is not subject to appeal.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Georgia is recognized to state his parliamentary inquiry.

Mr. PRICE of Georgia. Do the rules not state that the Chair of the House is to be an impartial arbiter of the proceedings?

The Acting CHAIRMAN. The Chair calls each voice vote as he hears it, and that call is not subject to appeal.

Mr. PRICE of Georgia. I thank the Chair.

The Acting CHAIRMAN. Are there any other amendments to this pending paragraph?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $32,000,000.

AMENDMENT NO. 19 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. CORRINE BROWN of Florida:

Page 3, line 14, after the dollar amount insert ''(reduced by $1,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $1,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Thank you, Mr. Chairman.

I rise to offer an amendment that would add $1 million to the FEMA management and administration account so that children's disaster planning materials can be developed and implemented.

Children are often neglected when it comes to preparedness and response. Nothing shows this more than the chaotic evacuations during Hurricane Katrina when hundreds of children were separated from their parents or guardians because a simple system of writing down names of evacuated children was not implemented.

Children's unique needs are often overlooked because of the fallacy that children can be treated like ''little adults.'' Children are among the most vulnerable members of the population and their needs are vastly different.

For example, I had a meeting with the chief of the Division of Community Pediatrics from the University of Florida and he brought to my attention that emergency evacuation equipment is often bought for adults, but children can't be transported in adult equipment and often that type of equipment is missed.

My amendment would make sure children don't go unnoticed when we are thinking about preparedness materials. Children represent nearly 25 percent of the population, and they need their own set of disaster planning materials. Children should be learning the importance of making an emergency plan, what to ask their parents and about the need for an emergency contact and identification card.

In addition, children often take the preparedness message back home to their families. Involving and educating children is the best way to get many of the adults who don't always hear the planning message. Getting children ready for disasters can make the difference between success and failure. I urge my colleagues to support my amendment to increase funding for children's disaster preparedness materials.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to say I appreciate the gentlewoman's efforts in this important area. We expect FEMA to develop these materials to ensure that children are adequately prepared when disasters strike.

I will be happy to accept the amendment.

Ms. CORRINE BROWN of Florida. Thank you.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Does anyone seek recognition in opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. CORRINE BROWN of Florida:

In title I, in the item relating to ''Office of the Chief Financial Officer'', after the dollar amount, insert ''(reduced by $500,000)''.

In title I, in the item relating to ''Inspector General, operating expenses'', after the dollar amount, insert ''(increased by $500,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise to offer an amendment to grant additional funding to the Inspector General's office so that they may enforce section 8 and small disadvantaged business contracts at the Department of Homeland Security.

Procurement at the Department of Homeland Security increased 189 percent between 2003 and 2005, which was 11 times faster than the growth of the rest of the government. Yet according to the Federal Procurement Data System, the percentage of contracting for small disadvantaged businesses has decreased. In 2003, small disadvantaged businesses accounted for 16 percent of contracts. In 2004, the number decreased to 9.5 percent, and in 2005 the number decreased to 7.6 percent. If spending is increasing at the Department of Homeland Security, then why aren't minority and small business contracts increasing, too?

I've heard from several businesses about their frustration with being awarded Federal contracts as a member of the Congressional Black Caucus and Women's Caucus, as well as talking with members from the Congressional Hispanic Caucus. Going around my district and speaking with many small businesses in general, they also feel like the government has shut them out. Of course, with the abundance of noncompetitive contracts in the Bush administration, it seems like the first place the Department does not look are minority businesses or small business. No-bid contracts go to large companies that are not minority-owned. Waste, fraud and abuse have been rampant at the Department of Homeland Security.

It has long been the policy of the Federal Government to assist minority and other ''socially and economically disadvantaged'' small businesses to become fully competitive and viable business concerns. This policy must be taken seriously by all agencies, especially the Department of Homeland Security.

This amendment is important to members of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Women's Caucus. I urge my colleagues to support my amendment and the longstanding policy for assisting minority and small, disadvantaged businesses.

Mr. Chairman, I reserve the balance of my time.

□ 2200

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I simply want to say on this side we accept this amendment and commend the Congresswoman for her good work.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I am very grateful.

I yield back the balance of my time.

The Acting CHAIRMAN. Does any Member claim the time in opposition?

If not, the question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

The Acting CHAIRMAN. Are there any other amendments to the pending paragraph?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $258,621,000; of which $79,921,000 shall be available for salaries and expenses; and of which $178,700,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, to remain available until expended: *Provided,* That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further,* That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects with an estimated cost of $2,500,000 or more: *Provided further,* That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: *Provided further,* That notwithstanding any other provision of law, none of the funds made available in this or any other Act may be obligated to provide for the oversight or management of the Integrated Wireless Network program by any employee of the Office of the Chief Information Officer.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $291,619,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: *Provided,* That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $99,111,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,629,733,000, of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $207,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided,* That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further,* That of the amount made available under this heading, $202,816,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry, of which $100,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results of pilot programs used to develop and implement the plan required by section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), which includes the following information: (1) infrastructure and staffing required, with associated costs, by port of entry; (2) updated milestones for plan implementation; (3) a detailed explanation of how requirements of such section have been satisfied; (4) confirmation that a vicinity-read radio frequency identification card has been adequately tested to ensure operational success; and (5) a description of steps taken to ensure the integrity of privacy safeguards.

AMENDMENT NO. 128 OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 128 offered by Mr. PEARCE:

Page 6, line 5, after the first dollar amount, insert ''(increased by $125,000,000)''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 13, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 14, after the dollar amount, insert ''(reduced by $125,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I would like to amend this bill in order to make our borders more secure. I am one of the Members who lives on a border and on the southern border. In New Mexico we experience many of the problems of having a porous border. We find drugs, human trafficking, and other problems at the border because of our failure to secure the border, and many of our residents are affected daily.

With an overwhelming amount of funding and preexisting TSA full-time employees, I think it is proper for us to divert funding from TSA to border security. The TSA, and I have heard my constituents call it ''thousands standing around,'' seems to have plenty of people to do its work, and yet we do not have enough people to put on the border. We are simply requesting a move of less than 3 percent of the funds. Less than 3 percent of an agency, and every single American who travels on airlines understands the number of people they see standing around when they walk through the checkpoints.

We are asking that less than 3 percent of that money be sent over to where we can use it along the borders. Our calculation is that we can hire over 4,000 new people to help us secure the southern border of the United States.

CBO recognizes the value of this and scores this as a $43 million savings. We would like to draw that to the attention of the body.

Every year, between 500,000 and 1 million illegal immigrants come into the United States. We need more people to help on the southern border. Many problems are coming into this country and many problems are affecting each State, but especially the States that lie on the border.

Mr. Chairman, I respectfully ask Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and rise in opposition to the amendment.

The gentleman's amendment is well-intentioned and understandable, particularly given the part of the country that he represents. But I would like to explain to colleagues briefly why I believe this amendment is ill-advised.

It would cut $125 million from the Transportation Security Administration in order to fund activities by Customs and Border Protection. I do appreciate the gentleman's wish to further strengthen the frontline agency

for our borders and our ports of entry. The fact is, though, I believe we have addressed his concerns very adequately in this bill.

The bill fully funds the 3,000 additional Border Patrol agents requested by the administration. Any more, I believe, would exceed CBP capacity to recruit and to absorb.

The bill also provides for 250 additional CBP officers above the request to strengthen port and cargo inspection security. So it seems that putting more money into the agency at this time would be, at best, symbolic and, at worst, wasteful.

On the other hand, let's look at the offset.

A reduction of this magnitude from TSA's aviation security program could, for instance, slow to a crawl plans to move explosive detection machines out of crowded airport lobbies and in line with the airport's baggage conveyer systems. We are aware of at least 60 airports that need these necessary improvements. Without them, airport lobbies will remain congested for the foreseeable future and the use of technology underdeveloped.

After years of stalling, this cut could delay improvements that are finally underway at TSA with airport check points, such as installing next-generation systems to better detect explosives and weapons that passengers might carry on their bodies or in their checked baggage.

A reduction of this size in TSA could thwart efforts to double the amount of air cargo screened for explosives and other dangerous items before it is placed on passenger aircraft.

Explosive detection equipment is the key technology we use to screen for these dangerous objects.

Finally, this reduction could require TSA to lay off something like 3,000 screeners. For the past 2 years, we have seen record air travel, resulting in longer lines at many airports and screening check points. A reduction in aviation screeners could exacerbate this problem. So we reluctantly, Mr. Chairman, oppose this amendment for these reasons.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I join the chairman in opposing the amendment, reluctantly, because the gentleman from New Mexico makes a compelling argument for better border security. Coming from his State, I can fully understand that.

But as the chairman has said, we have increased in this bill moneys for an additional 3,000 Border Patrol agents, and the gentleman was arguing strongly for that and I appreciate that. But we have accommodated his request to that extent, as well as 500 additional Customs and Border Patrol officers, and we increase the salaries and expenses by over $50 million. So I think there is more help on the way that the gentleman has been asking for.

But the moneys that the gentleman would take from TSA is not for screeners. It wouldn't come from screeners, it would come from the equipment that we are trying to furnish airports with, explosive detection machines, X-ray machines to locate explosives, so that we can clear the lobbies of many airports that have the trace detection machines in the lobbies so that passengers in small- and medium-sized airports really can't get through to fly. And that has been a pet project of this Member for some time.

So that is where the money would come from, $125 million, and that really is my objection, because if we take that money from these explosive detection machines, which are already underfunded, and this bill increases the number quite a bit but is still underfunded, it would severely cripple the effort to bring more technology to the airports.

I join the chairman in opposing the amendment.

Mr. PEARCE. Mr. Chairman, would the gentleman from North Carolina yield?

Mr. PRICE of North Carolina. I would be glad to yield.

Mr. PEARCE. Mr. Chairman, we spent a lot of money on the puffer machines that are at the airports. We have spent hundreds of millions of dollars on those, and I would ask the gentleman about the quality of product that we are getting from those puffer machines.

Mr. PRICE of North Carolina. What is the quality?

Mr. PEARCE. Where you walk in and they puff.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PEARCE. I yield myself the balance of my time.

I appreciate the chairman and the ranking member bringing their observation. I would point out that $125 million is what we are requesting to be taken from TSA. TSA has a budget of over $4 billion, and $125 million represents less than 3 percent.

I would also point out that over 450 miles exist of border, and we have 13,000 Border Patrol agents, and yet we have 43,000 employees in TSA to do screening. I am telling the American people that we have underfunded consistently for the last decades, the last 30, 40, 50 years, the efforts that are needed on the southern border, and today is not the day to find 3 percent to be an onerous fee.

I sat on the Transportation Committee and watched some of the elements two terms ago. Last year I was on Homeland Security. I saw the waste, fraud and abuse, and I will tell the American people that tonight we must make the stand that our border must be secured.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word to address the gentleman's very legitimate question.

The gentleman asked about the puffer machines which, indeed, do have some utility but have some very obvious shortcomings, as he observed. That is not what we are talking about funding in this bill. We are talking about the explosive detection machines that we can move in line with the baggage conveyer systems in crowded airports; and that, unfortunately, is the account out of which the gentleman's cuts would come.

Mr. PEARCE. Would the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New Mexico.

Mr. PEARCE. My simple point was that the same agency that approved the puffer machines is going to approve the explosion devices; and my feeling is that the agency has been ill-managed since the beginning.

We have a desperate need on the southern border today, right now. The TSA, in finding equipment and funding equipment, both now and in the past, has been shown to be very, very ineffective. I would just say, we have an emergency crisis on the southern border and all along the northern borders. We have 13,000 Border Patrol agents to work that entire range of 5,400 miles and we have 43,000 TSA officers and inspectors.

Mr. PRICE of North Carolina. Reclaiming my time, the case has been stated, and I repeat my request for a ''no'' vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 104 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 104 offered by Mr. KING of Iowa:

Page 6, line 5, after the first dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the

gentleman from Iowa (Mr. KING) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this amendment that I bring and the simple function of it goes into the large $6 billion appropriations piece, takes out $1 million and puts back in $1 million, and it is for the purposes of directing customs and border protection and our border protection people to go in and take out the lookout posts that have been established, I will call them my military positions, from the Mexican border all the way up to Phoenix, through Tucson all the way up to Phoenix.

□ 2215

In the time that I've spent on the southern border, the Border Patrol people have pointed out to me, the shadow wolves have pointed out to me, ICE people have pointed out to me that the lookouts that have been established there will be on top of those small mountains that overlook the transportation routes. And so what they do with their sophisticated, the drug smugglers, the drug cartel, with their sophisticated surveillance equipment, good optical equipment, good radio equipment, with scramblers and descramblers ahead of us, they position one or two people on top of those lookout mountains, and then they can tell their own people exactly where the Border Patrol are. They can run a decoy through those routes, and as soon as the Border Patrol converges on that decoy, they will sacrifice 200 pounds of marijuana. I've been there to help interdict that. Meanwhile, they run the truckload through when all those focused resources are on that lookout. That's one of the tactics.

They deploy a number of tactics, but they are occupying and controlling what we would describe as military positions way inside the United States, all the way to Tucson and all the way to Phoenix. I've been there, I've looked at them, I've seen them, and Congressman FEENEY is actually on his way to add to this debate. He's gone to the top of these mountains. We have pictures.

I helped produce a map. This is a map of at least 75 locations. It may well go over 100 locations. I sat there and watched our border protection people put the Xs on the map. I stood there and looked at the mountains to them. I presented this to the Vice President. I presented this to the Secretary of Homeland Security, and what I get is a letter that is more or less designed to pacify me.

And I believe that, if you're going to play cat and mouse with drug smugglers, you ought to take those tools away from them. We should be taking these drug smugglers off of these tactical positions the instant they arrive there and not let them sit up there and control military positions inside the United States, controlling the transportation routes for their drug smuggling, all the way to Phoenix.

This is a fact. It's a well-established fact, and this Congress needs to send a message that the Department of Homeland Security needs to take them out the minute they're occupied.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I agree with the gentleman that traffickers are using lookouts to spy on law enforcement operations and to assess where our agents are, just as we're looking at them. But I don't see any rationale for dedicating funding for an initiative of the sort that he describes.

The bill provides funding for an additional 3,000 Border Patrol agents and $1 billion to continue and expand the border security program. The identification and the elimination of the kind of lookout posts that he's describing on U.S. territory is a matter for CBP to deal with if it involves crossing the border, and for other law enforcement agencies to deal with if it's strictly a domestic violation.

Now, the funding in this bill has been increased, increased a great deal, to provide the Border Patrol all these new agents, and to better meet the cargo and port security vulnerabilities addressed, for example, in the SAFE Port Act. So this is not a costless funding shift. It's a shift in funding that would reduce resources for these departmental priorities, priorities in which the committee fully concurs and, in fact, in some cases has increased.

So although the gentleman's intention is admirable, I do believe it's unnecessary to designate funds for these purposes. I think shifting the funds around in this way could do some damage as we attempt to develop the Department, and so I reluctantly ask Members to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, could I inquire as to how much time I have remaining.

The Acting CHAIRMAN. The gentleman from Iowa has 2½ minutes.

Mr. KING of Iowa. Mr. Chairman, I seek to close in this period of time, and I appreciate the chairman's remarks on this, but he's asking us to accept the argument that out of $6.6 billion Homeland Security is not going to spend $1 million to take out the lookout outpost on top of the mountains that the drug cartels are manning.

And they man these things full-time, often two at a time, often with assault weapons on top. They build a little fortress up there with setting up stones like sandbags, and it's a military position. They sit up there with optical equipment, infrared equipment at night. They can see further than we can see, and they can communicate as well as we can communicate, many times better.

So it wouldn't be rational to say we're playing a game of cat and mouse, but we're going to let this cat do whatever he wants to do and we're going to play the mouse.

So Mr. FEENEY and I authored a letter that went to Secretary of Homeland Security Chertoff on August 30 of last year and asked him to take out these lookout posts and take those drug smugglers off the top of those mountains. That's the short version of it.

We got the letter back, the answer back from the Deputy Assistant Secretary of Homeland Security, not the Secretary, and their explanation from the letter was, ''Recently, agents in the San Diego sector, using advanced technology, discovered that scouts for a drug trafficking organization were watching Border Patrol movements and were trying to coordinate the crossing of narcotics into the United States. Using this intelligence, Border Patrol agents seized 400 pounds of marijuana and the vehicle used to transport the narcotics.''

That's their huge accomplishment for $65 billion worth of drugs pouring across our southern border and drug smugglers with assault weapons taking up tactical military positions to control our transportation routes. And so they explain to us that they have interdicted 400 pounds of marijuana, which isn't even an indictable offense in that region of the world. It was 250 pounds, but they had too many criminals so they had to raise to it to 500 pounds. These guys get a pass, and that's all the Department of Homeland Security is doing.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY) who has just arrived, and I'm ready for his vigor and hope a chance to close.

Mr. FEENEY. Mr. Chairman, I really appreciate the gentleman's amendment.

I want to share with you I'm a skeptic even when my friends tell me things. When Congressman KING told me about the problem on the border, I thought he was exaggerating. I went down last summer, sat 75 miles inside the American border, saw a machine gun that's run by coyotes.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. I yield a minute to the gentleman.

Mr. FEENEY. I'm very grateful. This is very important.

As Congressman KING just told you, we have a problem on our border most

Congressmen and few Americans know about.

I'm a skeptical guy, even when a good patriot and friend of mine like STEVE KING tells me something. So I went down personally and inspected a machine gun nest 75 miles inside the Arizona border run by coyotes. It was the 13th in a list of machine gun nests where they were armed with surveillance techniques, where they were armed with radios, and they used these facilities inside our border to facilitate drug trafficking and illegal immigration.

I do not believe that our government is enforcing our own security. There's nothing more important we can do than to support symbolically the King amendment to send a message we want to take these machine gun nests out.

It was the Bureau of Land Management that took me up there. Why? Because they are cleaning up the mess that these coyotes leave behind them as they are smuggling poison drugs and illegals across our border.

I saw it with my own eyes, or I would not have believed it. Please support the King amendment, if nothing else than to send a message we want our borders secure and our laws enforced.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield to the gentleman from Iowa 30 seconds to close.

Mr. KING of Iowa. I thank the gentleman from Kentucky for his gracious step that's he taken here and appreciate making sure that the breathless Mr. FEENEY had an opportunity to say a few words because I know he ran up the stairs.

This is an important symbolic vote, and we've worked on this for years. I didn't realize how difficult it was to convince the Department of Homeland Security what was going on here, but this letter in response that they have written where they bragged about interdicting one person with 400 pounds of marijuana is just somehow that's addressing all of these tactical positions that look over all of our transportation routes inside the United States.

Congress needs to send a message we can't tolerate that inside this country. We wouldn't if we were at war. We're in a drug war.

I thank the ranking member.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word for the purposes of a colloquy with the gentlewoman from New York (Ms. CLARKE), and I'm happy to yield to her at this time.

Ms. CLARKE. Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. PRICE) for the time and for the opportunity to discuss an important issue to me.

With every passing day, I hear more talk about how to prevent illegal immigration. We're discussing it at this very moment. Many proposals to deal with undocumented immigrants involve punishing them through deportation or what has been termed as ''touchback,'' which requires immigrants to expel themselves and pay a heavy, extremely punitive fine.

However, we could best reduce the number of undocumented immigrants by improving and reforming our own government bureaucracy. While many Members of this body believe that every undocumented immigrant walked across the southern border, the fact is that 40 percent of them enter our country legally, and many of them have only broken the law after falling through the cracks of a vast bureaucracy.

Back home in Brooklyn, New York, an area that boasts immigrants from every corner of the world, I have personally talked to countless people who were frustrated because they had no intention of breaking the law, but simply became tied up in an overly complicated and backlogged system as their applications were delayed until their visas expired and suddenly they were here illegally.

I'm further concerned with the proposed fee increases at CIS to process applications. All of the people who emigrate here from other countries have come looking for a better life. Many of these people work hard at jobs that pay so little that most Americans do not want to take them.

We cannot expect these individuals to pay astronomical fees that they cannot afford, as this effectively creates another barrier to citizenship for many immigrants who only want to make an honest living, and leaves those who cannot pay in undocumented limbo. We in Congress must ensure that CIS has the funding it requires to be efficient and effective without resorting to taking money from those who cannot afford the extremely punitive costs.

As the debate on immigration reform progresses, it is vital that we address these issues and ensure that CIS will be able to help everyone who desires to play by, and be in compliance with, the rules. It is simply not right that many people have been deemed criminals simply because our government is ill-equipped to process these applications or because we have made it totally unaffordable.

I thank the gentleman from North Carolina (Mr. PRICE) for his efforts at improving the legal immigration process, and I look forward to working together to bring about improvements and reforms to an immigration system that is reflective of the 21st century United States.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentlewoman from New York for her perspective on this issue.

While the Appropriations Committee has no direct control over the fees that CIS charges or the revenues that it collects, the committee report encourages the Department to continue regular reviews of its cost estimates and to apply any savings generated by business transformation to reducing fees in the future.

The committee also requires CIS to report on the performance measures it will implement to ensure that the increased fees charged to its customers result in commensurate improvements in the service provided by the agency.

So I encourage the gentlewoman to work closely with the Judiciary Committee to address these concerns, since the authorities to collect immigration fees are ultimately within that body's jurisdiction.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

Page 7, line 16, after ''which'' insert the following: ''$100,000 is to promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, as authorized by Sec. 879 of Public Law 107–296 and:

Mr. SHAYS. Mr. Chairman, I just want to make sure the Clerk has the proper amendment. Maybe she should read it.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

□ 2230

Mr. SHAYS. Mr. Chairman, I first want to thank Mr. PRICE for the work he has done on this legislation, and Mr. ROGERS. I know we are going to be spending a lot more money, but this is Homeland Security, and I intend to support this legislation.

The amendment would appropriate $100,000 to allow the Department of Homeland Security, DHS, and the International Criminal Police Organization, Interpol, to share counterterrorism and stolen and lost travel document information. The DHS Secretary has already publicly stated he hopes to integrate the Interpol information at points of entry.

This amendment simply provides funding for that stated activity. The funding would provide the necessary startup costs for the minimum IT equipment to set up the data sharing, as well as additional funds to facilitate travel and professional exchanges.

Interpol currently maintains a database of 14.4 million lost and stolen internationally recognized travel documents from 123 countries. This includes 67 million passports, of which over a third are from countries that participate in the visa waiver program. Interpol currently has a list of over 48,000 blank passports that have been stolen around the world. Blank passports are better than blank checks for terrorists, as the 9/11 Commission rightly concluded. For terrorists, travel documents are as important as weapons.

I will just conclude by saying in a test of 1.9 million passport records collected over 15 days by U.S. border officials, DHS identified 273 lost or stolen documents used in Interpol data, 64 of which could not be resolved.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply say that the gentleman has raised an important and legitimate issue.

We gladly accept his amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 114 OFFERED BY MR. KUHL OF NEW YORK

Mr. KUHL of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 114 offered by Mr. KUHL of New York:

Page 8, line 5, insert before the period the following: '': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines the potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions.''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New York (Mr. KUHL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Mr. Chairman, constituents of mine have wisely questioned the U.S. Department of Homeland Security's plan to require United States citizens to present passports to travel between Canada and the United States.

In addition to standard application fees, the plan will require American citizens to pay for passport photos and travel to a passport application center just to take their families to the Toronto Blue Jays game or to Niagara Falls.

There is no question in my mind that we must protect our borders, I think all of our citizens agree with that, from illegal immigrants and potential terrorists. But we should not turn away legitimate business and visitors, as the U.S. and Canadian economies have become interdependent.

Therefore, my amendment requires that the Governmental Accounting Office conduct a study of the potentially adverse economic impact that this new requirement for land and sea travelers may have upon American business. I believe that we have a long, long way to go before our borders are finally and fully secured. But I believe that this amendment gets us moving in the right direction, without slamming the door on our neighbors to the north.

Mr. Chairman, I understand that there is potentially a legal problem with this amendment. Having actually put it before the Congress for its consideration, certainly the chairman, I believe it's appropriate to withdraw the amendment at this time, and I would do so.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 115 OFFERED BY MR. KUHL OF NEW YORK

Mr. KUHL of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 115 offered by Mr. KUHL of New York:

Page 8, line 5, insert before the period the following: '': *Provided further*, That the Comptroller General of the United States and the Secretary of Homeland Security conduct a study that examines security at the Northern Border, evaluates the ability of United States Customs and Border Protection to identify and stop all potential threats from crossing the Northern Border, lists all breaches of security and the reason for such breaches since 2005, and contains recommendations to concerning how and what must be done to improve United States Customs and Border Protection and security at the Northern border.''.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New York (Mr. KUHL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KUHL of New York. Mr. Chairman, earlier this month a security breach occurred along our northern border when an individual on the no-fly list carrying a dangerous strain of tuberculosis successfully crossed the United States border.

This breach highlights the security gaps at our northern border that must be immediately addressed. If the Department of Homeland Security cannot adequately meet our Nation's growing security needs, then we in Congress must step in to provide our citizens with the oversight and action that they deserve, so that both our northern and our southern borders will be safe from future threats.

I am offering this amendment to take us a step in the right direction of securing our northern border. Most of the action that you are hearing today in this Chamber is dealing with the southern border. This amendment requires the Government Accountability Office to conduct a study examining the security of the northern border.

Specifically, it requires that the GAO evaluate the Customs and Border Patrol's ability to identify and eliminate all potential threats to the northern border under current funding levels.

In closing, this is a commonsense amendment that will take us a step in the right direction towards securing our northern border, and I encourage my colleagues to support this amendment.

I also understand, Mr. Chairman, that my colleague, the ranking minority member, has a problem with the correctness of this amendment.

So not dealing in wanting to further challenge this, I would withdraw my amendment and my statement addressing the needs that I feel are appropriate at this time.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security that includes:

(1) a detailed accounting of the program's progress up to the date of the report in meeting prior commitments made to the Committees relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all unobligated funds for the program from prior appropriations and all fiscal year 2008 funds are to be spent to meet future program commitments, with sufficient detail to link

the planned expenditure of funds to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program, with the status of the Department's efforts to address the recommendations, including milestones for fully addressing them;

(4) a written certification by the Chief Financial Officer of the Department of Homeland Security that the program has been reviewed and approved in accordance with the Department's investment management process, and that this process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7, as well as copies of all investment decision memoranda and supporting analyses generated by and used in the Department's process;

(5) a written certification by the Chief Information Officer of the Department of Homeland Security that an independent validation and verification agent has and will continue to actively review the program, as well as summaries of reviews conducted by the agent during the preceding 12 months;

(6) a written certification by the Chief Information Officer of the Department of Homeland Security that: the system architecture is sufficiently aligned with the department's information systems enterprise architecture to minimize future rework, including: a description of all aspects of the architectures that were and were not assessed in making the alignment determination; the date of the alignment determination; any known areas of misalignment; any associated risks; and corrective actions to address any such areas;

(7) a written certification by the Chief Information Officer of the Department of Homeland Security that the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to United States Customs and Border Protection and Department of Homeland Security investment decision makers, as well as a listing of the program's high risks and the status of efforts to address them;

(8) a written certification by the Chief Procurement Officer of the Department of Homeland Security that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation; and

(9) a written certification by the Chief Human Capital Officer of the Department of Homeland Security that human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,000,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, $700,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 60 days after the date of enactment of this Act, for a program to establish a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that—

(1) defines activities, milestones, and costs for implementing the program, including identification of the maximum investment related to the Secure Border Initiative network (SBInet) or successor contract, estimation of lifecycle costs, and description of the methodology used to obtain these cost figures;

(2) demonstrates how activities will further the objectives of the Secure Border Initiative (SBI), as defined in the SBI multiyear strategic plan, and how the plan allocates funding to the highest priority border security needs;

(3) identifies funding and staffing (including full-time equivalents, contractors, and detailees) requirements by activity;

(4) describes how the plan addresses security needs at the Northern Border and the ports of entry, including infrastructure, technology, design and operations requirements;

(5) reports on costs incurred, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(6) includes an analysis by the Secretary, for each segment of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control; such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision-making process;

(7) includes a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the SBI Program Office has adequate staff and resources to effectively manage the SBI program, SBInet contract, and any related contracts, including the exercise of technical oversight, and a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the projects funded under this heading;

(8) complies with all applicable acquisition rules, requirements, guidelines, and best systems acquisition management practices of the Federal Government;

(9) complies with the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(10) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(11) is reviewed by the Government Accountability Office:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress to date, and specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations (1) at least 30 days prior to the award of any task order requiring the obligation in excess of $100,000,000; and (2) prior to the award of a task order that would cause cumulative obligations to exceed 50 percent of the total amount appropriated: *Provided further*, That of the funds provided under this heading, not more than $2,000,000 shall be used to reimburse the Defense Acquisition University for the costs of conducting a review of the SBInet contract and determining how and whether the Department is employing the best procurement practices: *Provided further*, That none of the funds under this heading may be obligated for fencing or tactical infrastructure on lands administered by the National Park Service, the United States Fish and Wildlife Service, the Forest Service, the Bureau of Indian Affairs, or the Bureau of Land Management unless the Secretary of Homeland Security coordinates such decision with that agency, and makes every effort to minimize impacts on wildlife and natural resources: *Provided further*, That none of the funds under this heading may be obligated for a fencing or tactical infrastructure project or activity unless the Secretary formally consults with affected State and local communities to solicit their advice and support of such project or activity: *Provided further*, That no funds under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARTER:

Page 11, line 25, strike ": *Provided*," and all that follows through page 16, line 2, and insert a period.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CARTER) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. I thank the chairman for recognizing me. I would also like to thank the gentleman from Georgia (Mr. GINGREY) my colleague, who has joined me as a cosponsor of this amendment. I am very pleased to thank the chairman of this subcommittee, who has done a wonderful job on this bill, and I am very honored to serve with him. I would also like to thank the ranking member, Mr. ROGERS, for all the hard work has done on this bill.

We all agree, our southern borders are in crisis. We don't want to create any problems to get our fencing that's authorized and appropriated for. We don't want to have any interference. This amendment removes bureaucratic and environmental obstacles that restrict funding for the construction of the fence on our southern border.

This amendment strikes a number of restrictions on the border funding of fencing and tactical infrastructure, including various reporting requirements

attached to funding restrictions, requirements that DHS must coordinate with Interior agencies to minimize the impact on wildlife and natural resources, requires DHS must formally consult with State and local communities and solicit their advice and support of the projects, ultimately giving them some sort of veto, and restricts the funding for the use of the Secretary's environmental waiver until the waiver has been published in the Federal Register for a period of 15 days.

Each one of these things has the potential to slow down or interfere with or stop the construction of the fence. Bureaucratic hurdles are not what we are looking for on the southern border. It's protection for our southern border.

To ask for advice and support gives local communities potential for a veto. Our border security shouldn't be held hostage to some group like that. We do consult with the landowners, over 400 have been consulted, one Governor has been consulted, 60 Governors' assistants have been consulted. A multitude of city and council officials have been consulted as border and fencing plans are developed.

We are doing the job. We don't want funding withheld. That's what this does.

Mr. Chairman, I yield to my colleague from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank Mr. CARTER for his leadership on this issue.

Mr. Chairman, the purpose of this amendment is to prevent further delay in the construction of border fencing as prescribed in the Secure Fence Act.

Last Congress, Republicans responded to public opinion and national need and authorized the creation of more than 700 miles of fence along the southern border. Instead of providing resources for the border fencing and surveillance, however, the majority has crafted a lengthy list of reporting requirements to delay the building of the fence.

One requirement would require the Secretary of Homeland Security to wait before taking any border security action that warrants the use of environmental waiver authority. This invites frivolous litigation and inhibits the Department's ability from addressing vulnerabilities.

Another requirement would require the Secretary of Homeland Security to solicit local advice and support before constructing infrastructure. This gives communities veto authority over Federal policy to control the border, including some sanctuary cities. The American people are watching Congress and what it is doing on immigration reform.

The American people are looking to trust the Federal Government again.

The American people are looking to trust the Federal Government again to live up to its promises and enforce the rule of law. The provisions of this act undermine the people's trust and signals that it is business as usual in Washington, that it's not serious about dealing with our immigration crisis. Many believe that the clear goal of this bill is not to fund border security. This amendment will go a long way toward moving us in the right direction.

Mr. CARTER. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would suggest, as the last speaker said, that if many people seem to be suggesting that this bill will be doing one thing or the other, they would actually find it useful to read the bill. In this case, the relevant language is on page 15 of the bill, and the requirement says, quite plainly, that in developing these infrastructure projects, the Secretary is required to "consult with affected State and local communities to solicit their advice and support of such project or activity." It's pretty clear that isn't a veto. It's pretty clear, though, that it is a requirement for serious consultation.

I must say to the sponsor of the amendment that the mayors of the border cities of Texas have led the parade in coming to members of the committee, from both sides of the aisle I am sure, to say that this kind of attentiveness to local communities and their needs and their views is essential as this effort moves forward. There is nobody who was more convincing on that than the mayors from El Paso to Brownsville to Laredo. We heard from them, and we heard from them very decisively.

The gentleman's amendment would eliminate all requirements for an expenditure plan for this $1 billion appropriation, as well as all requirements to consult with affected Federal agencies, and State and local communities. It would eliminate the requirement to provide a 15-day advance notice before waiving environmental or other laws that might otherwise interfere with construction or infrastructure development.

□ 2245

Now, I understand some of the gentleman's concerns. But I feel obligated to point out that the effect of this amendment would be to give this Department carte blanche to spend these funds as it will, with no requirements to explain or justify or consult or coordinate.

Now, for 3 days on this floor we've heard railing against the bureaucracy and the insensitivity of the bureaucracy, and harrowing descriptions of malfeasance and ineptitude in the bureaucracy. I hope the irony doesn't escape our colleagues that this amendment would place full discretion in the hands of those very same bureaucrats to proceed as they will.

So I object to this amendment because it would simply be an abdication of responsibility to exercise meaningful oversight. The goal that all in this Chamber should embrace is realistic but meaningful progress in getting effective control over our borders.

This amendment would guarantee nothing, I'm afraid, but negative Inspector General and GA reports for years to come. Besides, the Department hasn't asked for these requirements to be removed. In fact, they are quick to assure us that they intend to undertake a consultation, and this bill simply spells out in more detail what we expect that consultation to include.

I yield such time as he may consume to my colleague from California (Mr. FARR) who traveled with us to the southwest border and has some insight on this.

Mr. FARR. Mr. Chairman, I'm just sorry that my colleague and good friend wasn't on the border with us, because he would have heard from the mayors.

And I'm also kind of shocked at the statements here that this is what the American people want. Who do you think these people along the border are? They're on our side of the border. They're our communities, they're our city councils, they're our mayors. And if this were any other Federal entity coming into your hometown and saying that you don't have to tell anybody about what you're doing or consult with them or get any cooperation, you're going to have border failure.

This is the community that supports the homes of the Border Patrol, supports the children of the families that protect the border, and you're saying that they, with removing this language, the chairman was very astute in pointing out that the administration has not asked for this.

This language does not allow any veto. It allows for a consultation process. And that's absolutely essential, because if you don't have that, you're going to have those mayors coming back here and city council persons and saying, What the hell are you doing building this without talking to us? We're going to try to stop it. And they'll try to file lawsuits and things like that.

So if this border is going to work, it's a living border. My frustration is that we're all paying attention only to one side. And I can assure you that meanness and arrogance and just trying to plow your way through it is not the way to build a secure border. It's the way to build people that hate the Federal Government.

Mr. CARTER. To my colleagues whom I highly respect, let me say this: I'm concerned about the part about withholding funds as we consult.

I agree that we should consult. I do not agree that they have to support it. And the question I would raise is, what

happens if they don't? Do we then not build the fence that the Border Patrol in Laredo, Texas, told me they had to have to survive? So that's the secret word that I'm concerned about.

Consult, I'm all for. But if they vote 4–3 on the city council not to do it, then what happens to the funds? What happens to the fence?

On the issue of wildlife in Texas, we have wildlife-proof fences in south Texas on literally every ranch there because, quite frankly, the deer on those ranches are very expensive and they protect them. And already we are providing water gaps for those whose cattle graze in the Rio Grande.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if we can't control who crosses our Nation's border, all other possible immigration initiatives will fail.

Now, the gentleman's amendment prevents the undue delay of urgently needed border security. It still maintains the flexibility to use any and all tools to protect the border and secure the border, like fencing, vehicle barriers, and technology; but it takes away all of the strings and conditions upon which the money was appropriated to build the fence.

How many times does Congress have to say to the Department, build the fence?

The money's here. Take these strings and conditions away from this project. That's what it was designed and financed for and authorized by the Congress.

Now, DHS should absolutely be consulting with the mayors and the local officials; and they are, very vigorously. They spend hours and hours meeting and talking with the local communities. They're doing that with vigor.

This amendment also removes the possibilities of frivolous litigation. This bill invites frivolous litigation. This amendment would strike that frivolous language.

I'm supportive of the funding levels and planning requirements in this bill for border security and immigration enforcement. I've maintained that onerous restrictions for fencing and tactical infrastructure are contrary to our homeland security needs.

Now, this amendment does strike planning requirements for SBInet. But the program has demonstrated sound management over the last year. It's met and exceeded every legislative requirement from the 2007 bill. In fact, the majority conducted a substantial oversight of SBI through hearings and a Codel to the southwest border and saw fit to release all of the $950 million withheld from obligation until a fair expenditure plan was submitted.

I have read this expenditure plan and can report to you that this program is on track to meet some very noteworthy goals by the end of 2008, including the installation of 370 miles of fencing, another 200 miles of vehicle barriers, and over 640 miles of technology along the southwest border.

Bottom line, Mr. Chairman, it's time to stop talking and start digging and building that fence. The money is there. Take away these conditions that have been placed on building the fence that Congress ordered and make it happen.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Texas.

Mr. CARTER. Chairman PRICE, in Texas, it's my understanding that over 400 landowners have already been consulted. The Governor of the State has been consulted. Sixty of the Governors, Homeland Security advisers in our State and other States have been consulted. Thirty-five city mayors and county judges have been consulted. Twenty-eight local sheriffs have been consulted, and seven town hall-type meetings have been held to discuss the border.

We are a part of the country where private property borders Mexico from Brownsville all the way to El Paso. And so we are very, very aware of private property rights and the rights of our cities, and we are consulting with them.

My concern is the withholding, the stall or withholding of funds when the process is already in place. We've already been working with our landowners on wildlife. And the environmental concerns, should we hold back our homeland security because of a fear that trial lawyers are going to file frivolous lawsuits to try to stall this fence on environmental concerns?

I think we need to take a hard look at what our goal is. And, quite frankly, our goal is to secure the people of the United States along the border and protect our borders from incursions.

Mr. BILBRAY. Mr. Chairman, would the gentleman yield?

Mr. ROGERS of Kentucky. Mr. Chairman, I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. My dear colleague from California, we've worked on environmental issues. I was a border mayor. I saw groups that were trying to use environmental regulations to stop the construction of the border fence in San Diego when the fence ended up being the best benefit to the protection of the environment, and the use of environmental issues as an excuse to stop the fence.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hadn't intended to speak on this matter until I heard my friend from Kentucky refer to certain words in the language that would be stricken by this amendment as being ''frivolous.'' Let me tell you what he apparently considers frivolous to be.

The language reads as follows: ''Provided further that none of the funds under this heading may be obligated for fencing or tactical infrastructure project or activity unless the Secretary formally consults with affected State and local communities to solicit their advice and support of such project or activity.''

Isn't that a terrible thing to do? Can you imagine the Congress of the United States, in all of its imperial wisdom, having the temerity to allow someone else besides all-knowing Members of Congress to comment before the Secretary proceeds with the activity outlined on this page?

I thought that people in this Congress had the feeling that local people ought to have a say in what happens. I did not realize that the new motto of the minority party, of the Republican party was: ''Only the Feds know.''

Now, in another appropriation bill, with respect to energy, we had the issue of whether or not local governments should be consulted before the Federal Government imposed the route for a power line which would run through the property of private property owners, run through farms, run through homes of the elderly. And the question was whether or not those folks would have some say, and whether the State government would have some say, or whether all-knowing Uncle Sam would impose its judgment.

What an incredible confession of arrogance. What an incredible confession that ''I know better than anybody else''. You might. But the language you're striking simply says that we should formally consult other levels of government before a unilateral decision is required of the Secretary.

I think the language speaks for itself. This amendment is incredibly arrogant, and I would suggest a ''no'' vote on the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CARTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CONAWAY:

Page 11, line 24, after the dollar amount insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I appreciate being able to offer this amendment tonight. What I would like to do is establish the legislative history for a pilot project that would help eradicate a tactical cover along the Rio Grande.

My amendment simply adds $5 million to title II and subtracts $5 million from title II, but would take $5 million from the environmental regulatory assessments funding, which would lower that back to what the President requested.

□ 2300

The Border Patrol would use this money to create a pilot project to eliminate, eradicate, noxious, invasive species of weeds along the Rio Grande. The Rio Grande creates the border between the Republic of Texas, United States, and Mexico; and many long stretches are inundated with a noxious weed such as Russian olive and salt cedar. These weeds can grow from 10 to 15 feet in height. They provide excellent tactical cover for anyone trying to sneak across the border, or in what is on this side of the United States, stage in ways that our Border Patrol agents can't see them.

I have spoken with leadership of the Border Patrol, along with former sector chief Simon Garza for the Marfa sector in relation to this project, and it is an idea that they would support if they were able to get funding for that.

This is a win on two different levels. One, it would eliminate this tactical cover that the folks trying to sneak across could use, and it would make our cameras and UAVs much more effective because of the loss of that cover. But it would also have a conservation issue in that these weeds, such as the salt cedar, will use up to 200 gallons of water a day. If these weeds were eliminated along the Rio Grande, that would put additional water in the Rio Grande, which would of course make that much better of a barrier to folks trying to sneak into this country.

The safety of our Border Patrol would be improved as they walk up and approach the river. If this cover was eliminated, they would be able to see what was going on along our border to better do their job.

This amendment would also ask or require that the Border Patrol report on how they spent the money and whether or not this is a program that they would want to pursue going forward.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very thoughtful amendment. I think it is worthwhile, and I would like to add my name to it and support it.

Mr. CONAWAY. Thank you, sir.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman for a very useful amendment. The amendment would shift some funding around in ways that I think are well justified. It would apply $5 million to study the eradication of invasive cover species such as Cariso cane, Russian olive trees, salt cedar. It is a well-crafted amendment and I am happy to support it.

Mr. CONAWAY. I accept that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $477,287,000, to remain available until expended: *Provided,* That no aircraft or other related equipment, except aircraft that are one-of-a-kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further,* That none of the funds under this heading may be obligated for procurement of additional unmanned aerial systems until the Commissioner of United States Customs and Border Protection certifies to the Committees on Appropriations of the Senate and House of Representatives that they are of higher priority and more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan.

AMENDMENT NO. 106 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 106 offered by Mr. SOUDER:

Page 16, line 20, strike "*Provided*, That no aircraft" and insert "*Provided further*, That no aircraft".

Page 16, line 20, insert after the colon the following: "*Provided*, That of the amount made available under this heading, $100,000,000 may not be obligated until Congress receives a report detailing the number of requests United States Customs and Border Protection receives for use of air and marine assets by United States Immigration and Customs Enforcement and other Federal, State, and local agencies and the number of such requests that are denied:".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 3½ minutes.

Ever since we created the Department of Homeland Security, we have had a problem of what to do with our air assets.

This amendment would hold $100 million from the Customs and Border Protection, CBP, Air and Marine interdiction, operations, maintenance, and procurement account until a report is received detailing the number of requests CBP receives from the use of assets and the number of those requests that are denied.

One of the problems we had when we, in effect, set up ICE and CBP was to to do with the division called Air and Marine. Air and Marine Division did not stay parked right along the border. The Air and Marine Division has assets down in Colombia. They have assets in the Caribbean, assets in the Eastern Pacific, assets at various points, because the whole point of the Air and Marine Division was both with boats and air to be able to follow in particular drug traffickers, other traffickers of contraband in high value or mass targets in the sense of illegal immigration or of terrorism.

But when we put the air assets underneath CBP and they put them under Border Patrol, the nature of what we were doing with our Air and Marine assets have fundamentally changed.

As the now ranking member of the Border Subcommittee and a member of the Homeland Security Committee since its creation, I have spent a lot of time on this issue, as well as being head of Speaker HASTERT's drug task force. I have spent my entire career working on narcotics issues. This has been a huge issue. In particular, one of our problems right now is that many, if not all, of the critical assets are now

more or less chained to the border; that one of the P–3s, which are critical for long-range surveillance, right now, because of their usage, and it hasn't been made a priority because the maintenance is going to the helicopters along the border, all 16, and let me repeat, all 16 air assets that are supposed to be used in counternarcotics are now down for serious maintenance, leaving the counterdrug mission severely impacted. And if we can't work out to some degree over in the Florida and the Gulf of Mexico range, they fixed this short term by having legacy Air and Marine or Customs pilots be the regional Border Patrol people and managing their assets. But along the border, we don't have that luxury.

We have been trying in the authorizing committee for some time to get a report from the agency, and I have spent hours with the relevant people in my office, as well as questioning at hearings, trying to get the data of how exactly they are using these assets. What are they denying? ICE can't get the assets to do the big-risk things. This has been one of the historic conflicts between these agencies.

I support a picket fence. We need to have a border fence. But you also have to have the ability to go behind and forward and track and take down systems. And Air and Marine is a critical part of this, and we need this report. And I hope that if we can't work this out tonight, that it can be worked out in conference committee, because this must be resolved.

May I inquire of the chairman of the subcommittee for a brief, informal colloquy here, would you be willing to continue to work with me on this subject and with the Department of Homeland Security, because it is very critical to how we are going to do counternarcotics and high-risk terrorism and how CBP is going to work with ICE in resolving the Air and Marine issue?

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for raising this issue. And I am, of course, willing to work with him on this.

I do not believe the withholding of the $100 million is necessary or desirable in this case. But I believe we need to get the confirmation that you are talking about from CBP, and I am not eager to delay the release of needed funds, but I certainly am willing to work with the gentleman to make certain that we get the information we need and the confirmation that we need that the agency is on track.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, I thank the chairman, and with that assurance, I am not really anxious to hold up any money in this bill either. But I would like them to be accountable to Congress because they have not resolved how they are going to move and deal with Air and Marine assets related to ICE and investigations. They sometimes have even sent helicopters where we needed a P–3. This just isn't functioning, and narcotics terrorism is ripping up this country. We have 20,000 to 30,000 deaths a year. And if we have loads of cocaine coming in, loads of heroin coming into our society, because we have got all our planes lined up on the border and our P–3s down, it will not function. And with your assurance that you will continue to work with this, watch this, and we continue to talk about it between the authorizing and the appropriators, I will be happy to withdraw my amendment tonight.

Mr. PRICE of North Carolina. Will the gentleman yield?

Mr. SOUDER. I will yield.

Mr. PRICE of North Carolina. It is my expectation that CBP Air and Marine with enormous aviation and maritime operations, they should have as one of their priority missions supporting the investigative or other DHS agencies, in particular ICE. That was done by the legacy Air and Marine arm of the old Customs Service, and it should not decline.

So I appreciate the gentleman's raising the matter. I am happy to work with him to further the issue he has raised.

Mr. SOUDER. Thank you.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT NO. 98 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 98 offered by Mr. MCCAUL of Texas:

Page 17, strike the proviso beginning on line 2.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL of Texas. Mr. Chairman, H.R. 2638, as currently written, prohibits the use of funds for additional unmanned aerial vehicles, or UAVs, until the Customs and Border Patrol informs the House and Senate Appropriations Committees that their use is cost-effective. I submit today that they are worth every penny. My amendment would strike that provision which would otherwise be protected by the rule.

These eyes of the sky bring exceptional operational capabilities to the table. They can stay airborne for 30 to 40 hours and can carry state-of-the-art technology through day and night cameras, radar tracking systems, and other surveillance tools.

UAVs working the borders have flown over 2,000 hours and aided in the arrests of nearly 3,900 illegal immigrants and the seizure of over 13,000 pounds of marijuana.

UAVs are not in sufficient quantities to provide economies of scale and, as such, will always be more expensive to operate than a pilot in a small aircraft. But, Mr. Chairman, cost is not the only consideration.

On March 20, 2007, a UAV detected and tracked six illegal aliens trying to cross the southern border. When border officials arrived on the scene, they seized 395 pounds of marijuana and arrested all six. Among the six was a fugitive wanted in Kings County, Washington, on charges of third-degree rape of a child.

We should be providing our border authorities with more technology and tools. We talked a lot about the fence but this is the technology piece. More technology and tools, not less. Had a UAV not detected the entry of those illegal immigrants, how many more children may have been victimized by sexual predators?

I think this is an important piece to our overall security of the border, and I urge my colleagues to vote in favor of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, this is an issue that came up when our committee traveled to the border and had discussions with the Border Patrol. And what you are talking about here is striking language that gives some ability for comparing the expenditure of costs on one piece of intelligence equipment versus the other. And what the gentleman didn't tell you is that of all the assets on the border, this is the most expensive, $10 million, $8 to $10 million per unmanned vehicle. The other assets that are on the border, which everybody agreed was much more effective, is the new radar system, which costs about $700,000, that are portable.

We have others. We have balloons. We have helicopters. We have as many assets looking at the border as there are in Iraq. And what the language in the bill says is that before you go out and just buy more Predators at 8 million bucks, there is already $50 million in the account and we want to know before you spend that whether it is cost-effective compared to other issues that you have to do.

You have on the border not only the Customs and Border Patrol, and I

would submit that the arrests were not made by that unmanned vehicle, and I don't think that was the only system they used to discover that. It was just one. It happened to be a very, very expensive one. The radar systems are the most effective. The most effective. And you have responding to that Customs and Border Patrol that are in aircraft, in different kinds of helicopters, including Black Hawk helicopters, you have all-terrain vehicles, you have Border Patrol on horseback, you have Border Patrol with SUVs, with four-wheel-drive vehicles. You have all kinds of response mechanisms and all kinds of detection mechanisms.

But to suggest that we shouldn't even ask the question of whether an $8 million expense is more cost-effective than another kind of assets, I think, is just ridiculous.

And, frankly, that is one thing the committee found out, that there isn't all the money you always want to spend on everything here. There have got to be some priorities. And if you have made the priority that of the Customs and Border Patrol, this is not what they would spend it on.

□ 2315

So I think the amendment and the language in the bill is particularly appropriate. It doesn't prohibit the expenditures. It just says before you come back and spend up to another $8 billion, compare this to what other assets you can buy, and you make the suggestion to us as to what is the best expenditure of limited public funds.

Mr. MCCAUL of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 2½ minutes remaining.

Mr. MCCAUL of Texas. Mr. Chairman, let me simply just say we obviously do not have enough manpower down at the border. These ''eyes in the skies,'' as we call them, provide the surveillance technology that is just absolutely critical to surveilling the border to stop this flood of illegal immigration and potential terrorism.

Mr. Chairman, with that, I would yield the remainder of my time to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I find it hard to believe my dear colleague from California can really believe that an unmanned observation platform like the Predator is not more cost effective than having a rotor wing with twin crews that have to switch off at least every 6 hours. Where you are able to do an unmanned observation, you can switch off crews while they're on site. You don't have to take the vehicles off station to be able to do the transformation from one crew to the other.

And I don't know what data, where you're getting the saying that the unmanned vehicle is somehow not as cost effective as having rotor-winged manned vehicles on site in very remote areas. It just doesn't pencil out. This is the same kind of argument we heard 5 years ago in the military saying unmanned vehicles would never work in some place like Afghanistan, where you and I know the great hero of the Afghan war was the Predator. So I've just got to say sincerely, you've been in government long enough to understand that putting a rotor wing, a major helicopter up with two individuals to do aerial observations compared to an unmanned vehicle that has proven its technology over time and time again, that is able to stay on station, and this is one key along the border that most people won't talk about, they are able to stay on station so that the smugglers don't know when they're coming off station to switch crews to go down. A crew actually switches in the trailer on site. One guy says, you've got it now, Joe, I have it now, and the smugglers never know when you're going through. And to do the same kind of test to your manned vehicles and other aerial observations that you are proposing for this technology, this technology is the greatest success in the world.

Mr. FARR. Will the gentleman yield?

Mr. BILBRAY. I will yield.

Mr. FARR. First of all, the Predator has to be monitored. There is manpower on the Predator. And as I recall, there are three people that it takes to fly it.

But that's not the issue of this, because you would have money to buy Predators. All it says is that the same people that operate them, Customs and Border Patrol, that this isn't a high priority for them. That is all it says.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I am happy to yield such time as he needs to Mr. FARR to complete his argument.

Mr. FARR. Mr. Chairman, the language is that the very people that are operating these vehicles, the Customs and Border Patrol, certify that these are the higher priority and the more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan. It puts the burden on them. If this is what they think is the most cost effective, fine. It doesn't block it; it just says do that analysis.

I am really just surprised, because I sat here all these days and just heard riling after riling, people getting up on the other side talking about money, and we need to be very conscientious about how we spend money. There is language in there that says, Customs and Border Patrol, you certify that this is a high priority for you and it's cost effective. What's wrong with that? Why do you want to strike that language? It doesn't make any sense at all.

Mr. BILBRAY. Would the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield.

Mr. BILBRAY. You and I have both operated in local and State government and we've worked on this. If you really think that you should place that kind of condition on one technology that is a proven technology that even the military originally did not think was going to be cost effective and which now admits that they were wrong to underestimate the cost effectiveness of, the fact is, why apply it to this technology and not apply that condition to every other application along here?

The fact is, this technology has been the breakthrough that has shocked the world. And it is absolutely astonishing that we would pick out the hero and the technology that opened the eyes to the fact that remote technology was a great break through for effectiveness and cost effectiveness. Why would you back off from the fact of doing that and not apply to every other technology going except for this one?

Mr. PRICE of North Carolina. I'm happy to yield to Mr. FARR.

Mr. FARR. Because as the gentleman knows, this is an almost $10 million per cost item. And you know what? The one we had crashed, and the other one we have is about to be delivered. And there is $50 million in the account. If they want to come back and use that $50 million to buy more of them, that's what we are asking. You tell us what is the most cost-effective use. Frankly, and I wish you were there, the new equipment that is coming out, this technology on radar, for 100 miles can detect when even rabbits are crossing the border. It's very cost effective. The Border Patrol is very excited about it. They would like to have more, but they can't because they're spending money like this.

So, with all due respect, these are professionals that are on the job every single day, you want to let them tell you what they think is the most effective tool to do their job. That is all this language does. I don't know why you would oppose that.

Mr. BILBRAY. Would the gentleman yield?

Mr. PRICE of North Carolina. I am happy to yield.

Mr. BILBRAY. I appreciate your concern. But again, I come back to the fact that you do not place the same condition on the other technologies. And if you want to do this, then let's talk about it through the entire technologies, that we are not going to apply that. And the fact is, history has

proven, and even though you may not like to admit it, the things like the fence in San Diego that some people thought wouldn't work and the so-called experts said wouldn't work have worked extraordinarily well because we gave it a chance to work before we started cutting it off. And that is exactly what we are seeing here. This is a technology that has proven itself around the world, but you don't want to give it a chance to prove itself along our national frontier.

Mr. FARR. Don't read in this language what isn't there. That's not what it is about.

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, let me say to the gentleman from California that this language, I think, could be widely applied. If he has items he wishes to apply to it, he should propose that. We are asking simply for a determination that these items are of higher priority and more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan.

We focused on this system because there are particular challenges here. But as Mr. FARR says, it is just a basic principle of good responsible government.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCCAUL of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $249,663,000, to remain available until expended.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $4,146,300,000, of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or a designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That at least once per month the Secretary of Homeland Security or a designee of the Secretary shall obtain information from every prison, jail, and correctional facility in the United States to identify incarcerated aliens who may be deportable and make every reasonable effort to remove such aliens judged deportable upon their release from custody.

AMENDMENT NO. 105 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 105 offered by Mr. KING of Iowa:

Page 17, line 23, after the dollar amount, insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment strikes $5 million and puts it back in. It is directed to encourage the promotion of the Basic Pilot Program.

We have had a number of hearings on this in the subject matter that has come before the Immigration Subcommittee of which I am the ranking member. And the statistics on that look very encouraging to the effectiveness of the Basic Pilot Program, the Employment Verification Program, if you will, or I will call it the ''Instant Check Program.''

What that program does is it allows an employer to take the information off the I–9 document from an employee applicant and introduces that into an Internet page, where that Internet goes off and checks the database of the Social Security Administration and the Department of Homeland Security and comes back and verifies if you have the documents before you and the information from the documents that ensure that that is a legal applicant, at least the documents from a legal applicant.

What we have seen is that 98.6 percent of the legal applicants are approved in the first try. And when they have to go back and clean up their records a little bit, you get to well over 99 percent accuracy within the Basic Pilot Program, and yet we don't have enough employers that are using it.

This has been the substance of many of the proposals for Comprehensive Immigration Reform on how we are going to hold employers accountable and how they are going to verify that the applicants before them are applying with real documents and if those documents identify real people that are lawful to work in the United States.

And so as much success as we have had with this, I want to ensure that we have the Department of Homeland Security promoting the Basic Pilot Program. They have the dollars in their budget to do that. This just commits those dollars and dedicates $5 million to promotion of the Basic Pilot Program.

I will say that I have this program. I have run it myself. I have tried to fool it, everything I could do. The longest delay I could create was 6 seconds on an applicant, and the error rate, of course, is minimal.

I would add that if we have flaws in our database, it isn't necessarily a problem with the Basic Pilot Program. It may well be that the Social Security Administration records are wrong, or the Department of Homeland Security criminal records in the NCIC perhaps need to be corrected. So the only way that I can see that you can complete that narrow area, that less than 1 percent that are flawed, is to use the program. If you use the program, you clean up the mistakes.

That is what this amendment does, Mr. Chairman, is it directs $5 million and encourages the Department of Homeland Security to promote the Basic Pilot Program. And this has been something that has been consistent with those that promote the Comprehensive Immigration Reform plan, as well as those of us who believe we should do enforcement first.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I mainly am confused about exactly what the gentleman is proposing and would like to try to clarify it if I might.

The effort here is to attempt to carve out $5 million for the ICE Mutual Agreement Between Government Employers Program, which he is, I believe, confusing with the Basic Pilot Program. ICE does not administer the Basic Pilot Program. The bill already includes $30 million for CIS to carry out Basic Pilot.

And it is indeed a well-regarded program to do exactly the same thing as the gentleman is describing here. But I don't understand the rationale for carving $5 million out of the ICE budget for a program that, as I understand

it, would be totally duplicative. So maybe you can clarify.

Mr. KING of Iowa. I appreciate the gentleman yielding.

This is actually an amendment that I offered a previous year or two. And I don't recall if it was successful or not, I actually think it was, but I can't speak to that factually here tonight. But I can say that since ICE has the authority to go in and enforce on the work site, and they do do that, that also puts them in a position, in their cooperative effort with employers, to be able to use these resources to promote the Employment Verification Program, or the Basic Pilot Program, within the auspices of their regular enforcement, where they are interrelating with the employers on the work site.

Mr. PRICE of North Carolina. I'm sorry. I believe the gentleman is mistaken about the bureaucratic location of the Basic Pilot Program.

The concern he expresses is certainly a legitimate one. Given the fact that we may be talking about duplicative efforts here, though, could I suggest that the amendment be withdrawn and we work with him as we go to conference to see how we might accommodate his concerns.

Mr. KING of Iowa. Will the gentleman yield?

Mr. PRICE of North Carolina. I will yield.

Mr. KING of Iowa. I appreciate the privilege to make another point, and that is that I believe that since we have ICE working all across this country, working with many of the employers, that the knowledge base and the promotion of Basic Pilot would be something that would be mobile and portable and flexible.

□ 2330

Since it is an Internet-based program, all of these employers, at least the larger employers, have computers and Internet access. So the flexibility of this and the mobility of it I think is clear. The message that comes from this I don't think constrains ICE, but encourages them to do something I think they should be doing as part of their overall process.

I would encourage the chairman to consider my remarks in his response.

Mr. PRICE of North Carolina. Mr. Chairman, is the gentleman saying he is willing to withdraw the amendment?

Mr. KING of Iowa. The gentleman believes that this is a well thought out and constructive amendment, and although I appreciate the sentiment of the chairman, I would be reluctant to withdraw the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, I can understand the need for flexibility and for these programs not to be in totally separate spheres, but I just have to say that CIS administers the Basic Pilot Program. It can't be in two agencies. The bill has $30 million for this purpose. I simply do not, cannot, grasp the rationale for carving $5 million out of the ICE budget for the same purpose. There does seem to be confusion here. That is why I am offering to take the concern forward and suggesting the amendment be withdrawn.

Mr. KING of Iowa. If the gentleman will yield further, I hope I have made my point that ICE is in a position to enforce. They are hands-on with the employers in the work site, and that is where the utilization of Basic Pilot takes place. I believe it is incumbent upon this Congress to encourage that ICE incorporates the promotion and education of this as part of the work that they do as they interrelate with the employers. Not just go in and raid and lock people up and haul them off, but to help work so employers can have confidence.

If we leave this strictly within USCIS, they are not out into the employer workforce. They don't have that access to employers in the fashion that ICE does.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, Basic Pilot is a program which lets employers check the employment status of people they are hiring. It is not an enforcement program, and it can't be located in two agencies. So I have no choice but to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I thank the gentleman from Iowa, and I do rise to support his amendment.

As a point of clarification, I think the gentleman from Iowa, who has worked in the business world and has dealt with ICE on employment issues, has such a good understanding of how this works. To the esteemed chairman from North Carolina, who has spent much of his life in academia, I think that what we have got is apples and oranges and what we need to do is pull it together.

Having trained people with ICE who are in the field, who actually would help encourage employers to use this program, it is an important part of internal enforcement for our employers, knowing how to use it, having that tool to be certain that they know how to use the Basic Pilot Program, to be certain that individuals who are going to work for them are indeed who they say they are and that they are in the country legally. That is important for employers. It is an important tool for having immigration enforcement in this country.

Mr. KING of Iowa. Mr. Chairman, moving forward in my last minute in conclusion, I just want to emphasize that ICE is out there in the field and they are dealing with employers on a daily basis face-to-face. USCIS is a stationary operation and they operate out of their offices wherever they might be located with the databases they have and the access that they have to the information. But USCIS wouldn't be in a position to come out and promote Basic Pilot on a face-to-face basis with employers.

I would say the only entity out there that has better capability of interacting with employers, other than ICE, would be the IRS. It may be a good idea for us at some point to take up the idea of eliminating the tax deductibility of wages and benefits paid to illegals and let the IRS help with this enforcement.

But what this amendment does is it encourages and directs that ICE go out and interact with the employers and promote with $5 million the utilization of the Basic Pilot Program.

Mr. Chairman, I urge the adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Acting CHAIRMAN. If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That none of the funds provided in this or any other Act, and none of the revenues or collections of security fees credited to this account, may be obligated for any activity that reduces the number of in-service Federal Protective Service police officers below the number of such officers as of October 1, 2006, unless—

(1) the Director of the Federal Protective Service provides to the head of the relevant lead State and local law enforcement agencies for the jurisdiction concerned a report on the number and type of cases handled by the Federal Protective Service police in that jurisdiction for the previous two fiscal years;

(2) the Director of the Federal Protective Service negotiates a Memorandum of Agreement with the head of each relevant State and local law enforcement agency for the jurisdiction concerned that explains how the work identified in the report described in section (1) will be addressed in the future; and

(3) the Director of the Federal Protective Service submits copies of each report under paragraph (1) and each memorandum under paragraph (2) to the Committees on Appropriations of the Senate and the House of

Representatives by not later than 15 days before the number of in-service Federal Protective Service police officers is reduced for the concerned jurisdiction.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $30,700,000, to remain available until expended: *Provided,* That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $6,000,000, to remain available until expended: *Provided,* That none of the funds made available in this or any other Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain illegal aliens until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,198,535,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided,* That of the total amount made available under this heading, not to exceed $4,218,194,000 shall be for screening operations, of which $560,000,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $980,116,000 shall be for aviation security direction and enforcement: *Provided further,* That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further,* That the sum appropriated under this heading from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,488,310,000: *Provided further,* That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $41,413,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $49,490,000, to remain available until September 30, 2009: *Provided,* That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, then the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $526,615,000, to remain available until September 30, 2009: *Provided,* That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives no later than 60 days after the date of enactment of this Act a detailed expenditure plan for checkpoint support and explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2008: *Provided, further,* That notwithstanding any other provision of law, the acquisition management system shall be subject to the provisions of the Small Business Act (15 U.S.C. 631 et seq.).

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $722,000,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,885,242,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided,* That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

AMENDMENT NO. 107 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 107 offered by Mr. SOUDER:

Page 25, line 3, after the first dollar amount, insert ''(reduced by $21,500,000)''.

Page 31, line 13, after the dollar amount, insert ''(reduced by $8,000,000)''.

Page 26, line 10, after the first dollar amount, insert ''(increased by $29,500,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $29,500,000)''.

Page 26, line 25, after the dollar amount, insert ''(increased by $29,500,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment in effect transfers money from the alteration of bridges account, $8 million, and $21.5 million allocated from the operating expenses allocated to airborne use of force account, and moves it over to buy a Coast Guard maritime patrol aircraft.

The challenge here in Deepwater, which has had admitted problems, but which is one of the most important long-term programs of the Coast Guard for reaching out into beyond just harbor patrol to be able to protect our country, whether it be illegal contraband, such as narcotics or anthrax or whatever, or high risk terrorists, is that we don't have enough assets that are operating and functional, and part of this is aircraft.

The MH–68, the HITRON, leases have expired, and we have moved to the M–65s, which are replacing them in the field. The Coast Guard then requested four more, to bring it up to 12, of assets that go out with the Deepwater Program. This bill already cuts Deepwater $197 million. This is the only Coast Guard plus-up that we would have related to Deepwater. They deeply need these air assets.

Now, one of the challenges here is, what is this $8 million alteration of bridges account? The Coast Guard in the report language here, it suggests that the Coast Guard has asked and said we don't have people who maintain bridges and we don't want to do this. The committee is ordering the Coast Guard to do the bridges, rather than the Department of Transportation.

We also have a question of what is this $21.5 million, and it looks like it is for an MH–68 that the Coast Guard didn't want in a lease that expired.

A former Homeland Security Department official now works for a lobbying firm who has been lobbying the Hill to continue this lease, in spite of the fact that the Coast Guard doesn't want the lease. We have been unable to identify which Members have actually been advocating renewing the lease that the Coast Guard doesn't want for a helicopter we don't need, and they cut the committee request from four to two for a helicopter the Coast Guard desperately needs and wants. This would put that back in.

While it is not absolutely clear whether this is a closet earmark, it hasn't exactly been coming forward on the helicopter part or the designation in this bill, which actually doesn't designate the $21.5 million. It asks the Coast Guard to submit a plan. But the lobbyist has been all over the Hill today and recently saying this is for the MH–68 helicopter we don't want.

My amendment merely says, let's help Deepwater. Let's give them the helicopter they need and want, rather than giving them money they don't want for something they don't do that the Department of Transportation does in bridges and for a helicopter they don't want with an expired lease.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume in opposition to the amendment.

Mr. Chairman, this amendment would cut the Coast Guard operating expenses account, the budget that pays for military officers and personnel, by $21.5 million. Given our country's need for port security, marine environmental protection and search and rescue operations, it doesn't seem like a very good time to be cutting back on Coast Guard personnel.

The amendment would also cut the alteration of bridges program by $8 million. That is half of the budget for that program included in the bill. The amendment would instead move this money to the Coast Guard aircraft acquisitions budget in the Deepwater Program.

The question is not whether these aircraft are needed. We know that they are. But there is a serious question about whether the Coast Guard is or would be prepared to utilize the funding that the gentleman is suggesting. The Coast Guard's aircraft acquisitions are behind schedule. The newest planes that the service is buying have not even been shown to meet the Coast Guard's needs through flight testing.

So, again, as with many items in this budget, the question is not whether this is a worthy expenditure or a worthy object of expenditure. The question is what the traffic will bear in terms of next year's budget and the money that can be wisely and usefully spent. Our judgment, after carefully looking at this, is that the bill provides adequate funding for aircraft acquisition.

Moreover, these items that would be cut to make room for this funding would have a negative impact on the day-to-day operations of the Coast Guard. In particular, they would delay the replacement of bridges in a major way, bridges that are a hazard to maritime safety.

For all these reasons, though we certainly want to work with the gentleman in trying to push this aircraft acquisition forward. We want to do that in a prudent way, and we think this amendment is basically not helpful.

So we reluctantly urge a no vote.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that what the chairman was referring to was a general account of the things that I referred to which were inside the general account. I am not trying to cut funding for personnel. There is $8 million in the bill for alteration of bridges. The report language says the committee denies the request to transfer personnel devoted to maintaining safe passage of marine traffic. That means that the Coast Guard had requested to the committee that they didn't want these funds. The reason they don't want the funds is they don't have personnel that does bridges. They said this should be, according to your report language, within the Department of Transportation's Maritime Division to do bridges.

I don't know what kind of fight is occurring between Transportation and Coast Guard here, but basically the Coast Guard wants the money to do their mission, not to do bridges, and this amendment tries to address this.

Then also in the airborne use of force, there is a discussion about the $21.5 million, which just happens to be the amount that the lobbying firm is seeking to continue the MH–68 HITRON helicopter, which is a great helicopter, I have been in it, but it is not armed. It is outdated and they are moving to the M–65s. They have the M–65s on line or in production, the ones that you said that are off-the-shelf helicopters that they are now adapting, of which they had eight and they wanted four more and you gave them two more.

□ 2345

The money for the account that they don't want and don't have people to do and the 21.5 for a contract they don't want would buy the additional helicopter that they do want that's off the shelf and merely would need to be added to.

I would ask the chairman respectfully, can you identify who is requesting this, because we haven't been able to figure out who's pushing this MH–68 contract of which the amount of money is the exact amount of money. And the lobbyist is all over the Hill saying that that's what this is for.

Mr. PRICE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. The item that the gentleman is discussing, let me just clarify. We're talking about $21.5 million. It requires that the Coast Guard shall submit a plan for the use of this money to the committee by November 1.

Mr. SOUDER. Reclaiming my time, can I ask the chairman a follow-up question?

Mr. PRICE of North Carolina. Well, it calls for a submission of a plan. It does not say how the money shall be spent otherwise.

Mr. SOUDER. I agree with that. My question then would be, given what we've been hearing and we have been suggested and it is all over that this amount just happens to be the amount that was proposed for the lease and that it's intended for a lease.

Will the chairman assure me that in fact the Coast Guard is submitting an independent request to you for 21.5 and it's not intended to buy an MH–68?

Mr. PRICE of North Carolina. Yes, I can assure you of that.

Mr. SOUDER. Thank you very much.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $15,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $941,767,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related

equipment; of which $113,600,000 shall be available until September 30, 2010, for other equipment; of which $37,897,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $82,720,000 shall be available for personnel compensation and benefits and related costs; and of which $698,350,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $257,400,000 is for aircraft and $219,500,000 is for surface ships: *Provided further*, That $400,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the Head of Contracting Activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements and that any apparent conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program;

(11) identifies use of the Defense Contract Auditing Agency; and

(12) is reviewed by the Government Accountability Office:

Provided further, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: *Provided further*, That of amounts made available under this heading in Public Law 109–90 for the Offshore Patrol Cutter, $68,841,000 is rescinded: *Provided further*, That of amounts made available under this heading in Public Law 109–90 and Public Law 109–295 for unmanned aerial vehicles, $38,608,000 is rescinded: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILBRAY:

Page 26, line 10, after the first dollar amount, insert ''(reduced by $150,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 39, line 14, after the dollar amount, insert ''(increased by $150,000,000)''.

Page 41, line 7, after the dollar amount, insert ''(increased by $150,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BILBRAY) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BILBRAY. Mr. Chairman, after the tragedy of 9/11, the 9/11 Commission came forth with some very distinct recommendations. And one of their most distinct recommendations was that we need to have a secure minimum standard for identification within the United States. The REAL ID bill was our answer to that and it was a bipartisan effort to make sure that we correct a deficiency that was identified by the 9/11 Commission. My amendment is very clear. It strikes $150 million out of the integrated Deepwater system program which has been identified with major problems, moves it over to a program that we all admit is underfunded and needs to be addressed and aids in the implementation of this most essential program.

All it says is that we now are going to commit $150 million to the program which will raise it up to $200 million to help our States fulfill their responsibility to provide viable, verifiable identification for every American and every legal resident within the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in reluctant opposition to this amendment.

Mr. Chairman, the gentleman seeks to add $150 million to fund REAL ID grants while cutting the Coast Guard's Deepwater program. I'm certainly sympathetic to the gentleman's basic idea of providing some funding for REAL ID. In fact, we added in this bill $50 million that was not requested by the administration in order to put some seed funds out there, to get the department in gear to adequately assess what the Federal Government must do to assist States in complying with this Federal mandate, which many of us have heard concerns about from our home States.

I am certainly sympathetic with the idea of getting some seed funding out there for REAL ID. But I have to take issue with the offset, with the source of these funds. The gentleman is proposing to take $150 million from the Coast Guard's Deepwater program.

Now, he rightly notes that the Deepwater program has had financial management problems. The committee is well aware of that. We have explored them thoroughly both under the former chairman, Mr. ROGERS, and this year. Deepwater is one of the items in this bill that, while we place great importance on it, great emphasis on it, we are trying to make a very careful decision about the amount provided and the conditions under which it is provided.

The bottom line is that this bill is already $197 million below the President's request for the Coast Guard's Deepwater acquisition program. There are reductions to projects with high carryover funding. There are reductions in projects where the lead asset,

the first of a series to be purchased, has not yet been tested. In fact, we've been discussing some of those situations tonight. So we're reducing the program. We're also restoring accountability. $400 million of Deepwater funding is withheld pending the submission of a detailed management and expenditure plan.

So we are well aware of the Deepwater challenges. But I think in light of the way we have dealt with them and the level of funding we have provided, another $150 million cut would be most unwise. So my opposition is more out of a concern for that than it is out of any inclination to downplay the REAL ID challenge. It's more in terms of this offset that I have to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Like the chairman, I am sympathetic with the gentleman's concern about funding for REAL ID. It is a mandate that we put on the States that we need to match money for. And we've done that. As the chairman indicated, there's $50 million in this bill which was unrequested by the administration. In addition to that, there's $40 million that was put in this program in '06 and most of that is unobligated. So there will be around $90 million that REAL ID has. So there's plenty of money, I think, in the REAL ID program. The gentleman, I think, should be pleased with that.

But at the same time, I must say that we can't afford to take more money out of the Deepwater program. This subcommittee has maintained aggressive oversight of that program. But this bill also makes, as the chairman said, substantial cuts already of almost $200 million to Deepwater that will, in effect, slow down the program's acquisition schedule and delay the much-needed modernization of the Coast Guard's ships and aircraft.

Specifically, the bill cuts $60 million from the National Security Cutter, $70 million from the Maritime Patrol Aircraft, and over $50 million from the Fast Response Cutter. Now, those reductions are made in the name of good oversight, but I fear that the security of shores will be further delayed by these sizable reductions, and may unnecessarily prolong the operation of antiquated systems, some dating back to World War II.

We're confident the Coast Guard is putting in place the right managerial tools and controls and organizational improvements to get Deepwater heading in the right direction. But let me be clear. Mr. Chairman, no one has been harder on Deepwater than this Member. Too much of our national security is at stake for the Coast Guard to continue to struggle with inadequate managerial and budgetary controls. I think the commandant of the Coast Guard now has seized control of this program, and I am convinced that he is on the right track and will have the capability to make it work.

And so while we're cutting Deepwater in this bill and putting controls on how they spend their money, they still need this money, and this amendment would cut too much from the Deepwater program for a REAL ID program that is flush with money already.

So I oppose the amendment reluctantly and congratulate the gentleman for his thoughtful but misplaced amendment.

I yield back the balance of my time.

Mr. BILBRAY. Mr. Chairman, there have already been three States that have opted out of REAL ID because they say they don't have the money to implement it. The terrorists of 9/11 did not slip through the Coast Guard along our coastline. I represent a coastal district. The fact is we need to make some priority decisions here. What is the real threat to the American people? The threat is the use of false identification to get on airplanes, to get access into government buildings, to do other types of wrongful deeds against the American people is because we do not have a secure ID today. The 9/11 report did not say a critical national defense purpose to defend our Nation from terrorism is that we need Deepwater. But they did say we absolutely need to have secure documentation within this country.

So we have to make a priority decision. And as somebody of a naval family, somebody of a coastal community, I understand the Coast Guard is important, but this is a priority decision. REAL ID not only should and needs to be implemented now, it should have been implemented years ago. But the lack of funding should not be an excuse for us to do the right thing that is essential. If you're not going to follow the 9/11 report, then why the heck even have the committee report? If you're going to follow the bureaucracy that says let's keep defending America the way we did for the last hundred years and not upgrade to the realities of today?

The 9/11 report has said, one of the first priorities must be securing our documentation. With this amendment, we will be saying we will not only be economically viable, we will be intellectually smart in the way we defend our country.

This amendment is quite simple. It says, you have problems with the Deepwater project right now, let's talk about it and work those problems out, but we know right now we do not have the time to delay at implementing a secure identification system for this country. Let's work with our States, let's give them the grants so they don't have an excuse not to do the right thing, to make sure that when our citizens get on an airplane, we know that everyone who got on that airplane got on with a secure document and that they can be reassured that it's safe to fly in America and that America is safe because the Congress did the right thing and gave the resources for secure identification so we can have a secure Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I yield to Mr. FARR from California.

Mr. FARR. Thank you very much, Mr. Chairman. Thank you for yielding.

I wasn't even going to speak on this issue, but I have to concur with my Chair and ranking member, and I'll tell you why, Mr. BILBRAY. The Deepwater project, the first Deepwater vessel is being delivered to Alameda, California. As you know, the Alameda office is in charge of the entire ocean from California to the Indian Ocean, half the world. The other half is monitored by this side. If you think that that operation isn't about national security with the vessels that are in the entire Pacific and with the drugs that are being run up through the ocean from South America, I don't think we can afford to take the newest vessel which is going through all its trials and sea trials and is going to be stationed in our own State and cut funding that's going to affect that. I hear you. I think we need to do something about identification, but I frankly think that if you're thinking that REAL ID is going to solve that identification problem, all IDs tell you is that you are who you are. There is no national ID. There is no citizenship ID. There's nobody in this room that has a card in their wallet that shows that they're an American citizen. You may have a driver's license. You don't have to be an American citizen to have a driver's license. You may have a Social Security card. You don't have to be an American citizen to have a Social Security card. There is no card. You may have a passport. Very few Americans have them, but those who have them, that shows that you are an American citizen.

The issue is whether these fake IDs which the States are working with can be made more secure, and I think that's important to do, but I don't think that's going to answer your national ID issue. It's not.

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Frankly, this is a debate worth having. We are not having it here, we are not having it on your amendment, we are not having it tonight because I think the real debate is: Is this the

time in the development of our country where we really ought to form an ID? I have been opposed to it. If you look at the politics, the left and the right have been very much opposed to having a national ID program. But if you are going to do it, it is going to need to make much more sense than 58, our States plus our territories, all having different measurements and not having any one way to tell if it is a citizenship issue which you want to talk about, which is what this Border Patrol and Customs is all about. This is not the way to do it, and certainly not cutting money from a budget that has already been whacked and oversighted and conditioned more than any other budget item than in this bill.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from California.

Mr. BILBRAY. The Governor of California supports this legislation. The fact is, the Fraternal Order of Police, because they say we have a standard now, it is REAL ID, but allow us to implement it. It is a time-sensitive issue. I understand Deepwater needs to be addressed. But you have to admit, there are major problems with Deepwater. But right now, there is a major crisis in getting the resources to the local States to implement the REAL ID bill.

You may not agree with the REAL ID bill, but our own Governor and the Fraternal Order of Police understand. This is one of those little things that don't seem important, but law enforcement and the Governor say please, this is one of the things that local government can do to fulfill.

Mr. FARR. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from California.

Mr. FARR. It is very interesting. I am from California, and I sit on the committee and I have never heard from the Governor about your amendment, nor anyone else in California. I support the chairman and the ranking member's opposition.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

If there are no further amendments to this paragraph, the Clerk will read.

The Clerk read as follows:

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Act of July 16, 1952 (chapter 409; 33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $22,583,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,392,171,000, of which not to exceed $25,000 shall be for official reception and representation expenses: *Provided,* That up to $18,000,000 provided for protective travel shall remain available until September 30, 2009: *Provided further,* That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Executive agencies, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further,* That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further,* That notwithstanding section 503(b) of this Act, none of the funds provided to the United States Secret Service by this or any previous appropriations Act shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $2,500,000 or 5 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 5 percent funding for any existing program, project, or activity, or reduces by 5 percent numbers of personnel as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

AMENDMENT NO. 102 OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 102 offered by Mr. DENT:

Page 33, line 15, after ''of which'' insert the following: ''$853,690,000 is for protective missions and''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer this amendment to help the United States Secret Service meet its protection obligations.

This Homeland Security appropriations bill funds the Secret Service to the tune of $1.39 billion. The plain language of the bill does not specify how these moneys should be allocated as between the Secret Service's protection and investigative operations. However, the committee report provides that $849.6 million should go to protective missions, while approximately $314.5 million is allocated to investigations.

While I sincerely commend the Appropriations Committee for providing these funds to the Secret Service, I would respectfully submit that the committee has underestimated the demands placed upon the Service's protection mission during this Presidential election cycle. Accordingly, my amendment would add approximately $4 million to that protection function from those moneys that would otherwise go to investigations.

This funding upgrade is required because of the increased responsibilities

thrust upon the Secret Service's protection component within the last few years. Before 9/11, the Secret Service had 20 protectees. Since 9/11, that number has increased to 54. Just last month, the number of protectees reached 55 when a Presidential hopeful was given Secret Service protection, at an estimated cost of about $44,000 per day. This additional expenditure was never considered in the President's budget request.

Now is not the time to strip $4 million from the Service's protective missions, particularly when the cost to protect Senator OBAMA for just the first 4 months of fiscal year 2008 are estimated at $5.456 million. This amendment ensures that the Secret Service is not bound by the report language which would transfer $4 million from the Joint Operations Center relocation to the field investigations account.

I believe that the actions by the committee have made sure that the Secret Service will still be able to perform its investigatory functions with its usual skill and alacrity. In that regard, the committee had the foresight to provide the field investigation units of the Secret Service a plus-up of $10.4 million over and above the amount the President requested for investigations.

On May 29, 2007, just a few weeks ago, the Washington Post reported that the Secret Service was transferring agents from investigations to security details and borrowing law enforcement officers from other Federal agencies in order to meet its protection obligations. Faced with wartime security needs, the threat of terrorism, and a field of 20 Presidential contenders, the Washington Post continued that the Service was ''showing signs of strain'' even before the Department of Homeland Security ordered protection for Senator OBAMA. It is my hope that this amendment will help to ease that strain and allow this dedicated group of professionals to keep performing at the high level to which we have all become accustomed.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member wish to oppose the amendment?

Mr. DENT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The amendment was agreed to.

The Acting CHAIRMAN. Are there any other amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III—PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support for operations, information technology, and Risk Management and Analysis, $40,346,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $532,881,000, of which $471,787,000 shall remain available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $462,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $232,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget;

(6) is reviewed by the Government Accountability Office;

(7) includes a comprehensive strategic plan for the United States Visitor and Immigrant Status Indicator Technology project;

(8) includes a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within five years; and

(9) includes a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services:

Provided further, That quarterly status reports on the US–VISIT program submitted to the Committees on Appropriations of the Senate and House of Representatives shall include reporting on coordination with Western Hemisphere Travel Initiative planning and implementation, the Secure Border Initiative, and other Departmental efforts that relate to US–VISIT goals and activities.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $117,933,000; of which $25,750,000 is for salaries and expenses; and of which $92,183,000 is for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, to remain available until September 30, 2009: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $685,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, $35,000,000 shall be for Urban Search and Rescue, of which not to exceed $1,600,000 may be made available for administrative costs: *Provided further*, That no less than $6,000,000 shall be for the Office of the National Capital Region Coordination.

AMENDMENT NO. 97 OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 97 offered by Mr. JINDAL:

Page 38, line 17, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 44, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, as witnessed in 2005, the response to Hurricanes Katrina and Rita was hampered by failure of identifying needs, and delays in delivering support. In preparation for this year's hurricane season, FEMA has engaged each of the 18 hurricane impact States, including the Commonwealth of Puerto Rico and the Territories, in a focused effort to identify strengths and weaknesses in their preparedness capabilities.

FEMA used a gap analysis tool that was developed in coordination with the State of New York Emergency Management Office and the New York City Office of Emergency Management. This tool was successful in identifying

vulnerabilities in New York, and it is now being implemented to provide FEMA, States, and local governments in the hurricane-prone regions of the country with a snapshot of asset gaps.

Although FEMA has not yet released its full analysis, the agency has found significant gaps and shortfalls in hurricane preparedness among the targeted areas.

Indeed, according to recent testimony before both the House and Senate Homeland Security Committees, FEMA Administrator David Paulison recognized Louisiana, in particular, as having a fragile state of recovery. He indicated that the State still needs assistance in finding shelter space in adjacent States, ensuring sufficient transportation resources to conduct timely and effective evacuation, positioning commodities, and caring for those with critical medical needs.

We are already now several days into the current hurricane season, and there is an urgent need to assist States and local governments in addressing their hurricane preparedness weaknesses.

It makes no sense to identify but not address these gaps. My amendment adds $5 million to the Disaster Relief Fund, specifically the Disaster Support Account, to enable FEMA to begin assisting these States and local governments by strengthening their preparedness capabilities.

The initiative would build upon a joint effort between State Emergency Management representatives and FEMA regional representatives to understand and bridge potential disaster response asset gaps in the critical area of debris removal, evacuation, sheltering, interim housing, health care facilities, commodity distribution, communications, fuel, or other vulnerabilities intrinsic to those areas.

The $5 million would be offset by a reduction in FEMA management and administration. The underlying bill allocates $685 million for this purpose, which is $17 million above the requested amount from the administration.

In my State, levees and floodwalls are still under repair and thousands of disaster victims are still housed in temporary travel trailers. Louisiana and other impacted States cannot afford to exacerbate vulnerabilities with shortfalls in emergency planning, communication and supplies. It is imperative that we provide the resources necessary to protect the lives of our citizens. Hurricanes Katrina and Rita demonstrated the awful consequences of not being prepared before the next natural disaster.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the gentleman's amendment, but I rise mainly to raise questions with him and see if we can't work something out on this because I very much identify with what he is trying to achieve here. After all, North Carolina is very hurricane-prone.

We certainly support your goals, support the gentleman's goals in building up preparedness. But I believe moving money around within FEMA, as the gentleman has proposed, is unlikely to achieve the goal. Let me explain why I think that is so.

The gentleman is proposing to move funds from the management and administration account at FEMA to the disaster relief account. However, FEMA tells us and I believe this is accurate, the very account that FEMA uses to support the activity that the gentleman is interested in is the management and administration account. Now we are providing a good bit of money here. We are providing adequate funding, I believe, for identifying hurricane-related preparedness gaps within the FEMA management and administration accounts. We are funding it at $685 million. That is $150 million above the current fiscal year. But we don't want to take money from that account, particularly when it is being applied to the very purpose the gentleman identifies.

So here is what I would like to suggest, Mr. Chairman. If the gentleman would be willing to withdraw the amendment, I would certainly be happy to work with him to ensure that FEMA is fulfilling its responsibilities on identifying preparedness gaps related to hurricanes.

The season is approaching, and we need to assure ourselves about that. I fully appreciate that goal. And as the conference approaches, if there are further ways that we can address this, we should. But I do suggest that the amendment be withdrawn because I think there needs to be some further investigation of exactly which accounts we are talking about to perform the functions that the gentleman is concerned about.

Mr. JINDAL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Louisiana.

Mr. JINDAL. I certainly appreciate the chairman's support. Based on his commitment, I would like to work with him.

My concern is in talking to FEMA, they didn't think that funds had been allocated to actually act on the gaps that have been identified. I know that in previous instances, we have used this account, the disaster support account, with the disaster relief fund, we have used that for support activities previously to support disasters; for example, the National Processing Service Center.

My intent was to make sure that there was actually funding to act on these gaps. Again in our conversations with FEMA staff, it had been expressed to us they hadn't identified funding to address these gaps. It is not important to me which fund it comes out of. I want to make sure that there is funding and that FEMA understands it is congressional intent for them to actually act on these gaps now that they have been identified.

Mr. PRICE of North Carolina. I can assure the gentleman, Mr. Chairman, that I will work with him in communicating that priority.

We have also had our staff in consultations, and we are told that management and administration is the correct account for what the gentleman is talking about.

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We'll need to do a little more work on that. We'll confer with you. So we will appreciate the chance to collaborate going forward.

Mr. JINDAL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I want to thank the chairman, I want to thank the ranking member for their work with me, not only on this amendment, but on the stated goal of helping our States become prepared.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I just wanted to compliment the gentleman. He's been very hard working on these whole issues, and I appreciate him bringing this to our attention and appreciate the chairman being willing to listen further to your request.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

Mr. JINDAL. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,101,000,000, which shall be allocated as follows:

(1) $550,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That not less

than 80 percent of any grant under this paragraph to a State or to Puerto Rico shall be made available by the State or Puerto Rico to local governments within 60 days after the receipt of the funds.

(2) $1,858,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $800,000,000 shall be for use in high-threat, high-density urban areas;

(B) $400,000,000 shall be for port security grants pursuant to section 70107 of title 46, United States Code;

(C) $10,000,000 shall be for trucking industry security grants;

(D) $11,000,000 shall be for intercity bus security grants;

(E) $400,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants;

(F) $50,000,000 shall be for buffer zone protection grants;

(G) $20,000,000 shall be for Commercial Equipment Direct Assistance grants;

(H) $50,000,000 shall be for Metropolitan Medical Response System grants;

(I) $17,000,000 shall be for Citizen Corps grants;

(J) $50,000,000 shall be for interoperable communications grants; and

(K) $50,000,000 shall be for Real ID grants pursuant to Public Law 109–13:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further,* That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: *Provided further,* That for grants under subparagraphs (B) through (K), the applications for such grants shall be made available for competitive award to eligible applicants not later than 75 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and that the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received.

(3) $293,000,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for emergency operations centers: *Provided further,* That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (D), (F), (G), (H), (I), (J), and (K) of paragraph (2) of this heading: *Provided further,* That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further,* That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, including personnel overtime and overtime associated with certified training, as needed.

AMENDMENT OFFERED BY MR. DAVIS OF KENTUCKY

Mr. DAVIS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Kentucky:

Page 39, line 14, after the dollar amount insert ''(increased by $5,000,000)''

Page 39, line 16, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 39, line 17, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 40, line 5, after the dollar amount insert ''(increased by $15,000,000)''.

Page 40, line 8, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 40, line 10, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 40, line 17, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 40, line 23, after the dollar amount insert ''(increased by $30,000,000)''.

Page 42, line 25, after each dollar amount insert ''(reduced by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise today to offer an amendment to restore funding that directly impacts the emergency response capabilities of rural and small community first responders.

The Commercial Equipment Direct Assistance Program, or CEDAP, is a critical resource for equipping first responders in rural and small communities around the country, especially in America's heartland. For each of the last 3 fiscal years, Congress has wisely provided $50 million for CEDAP. CEDAP is designed to help first responders in small and rural communities to purchase much-needed equipment.

This year's bill would cut that funding by 60 percent, but increases other grant programs by over $2.6 billion. It would cut from $50 million in last year's CEDAP funding to only $20 million this year. It's also worth noting that the House-passed bill for fiscal year 2007 would have provided $75 million, a 50 percent increase to assist our small cities and rural communities.

My amendment will restore funding for this vital program to $50 million. To offset this funding increase, my amendment would take $5 million from each of six other very large grant programs, totaling a $2.6 billion increase in grant security spending overall, each of which will still receive a massive increase over last year, even if my amendment is adopted.

By only approving $20 million in this year's bill, we risk severely impacting the capabilities for emergency response in our small and rural communities. In addition, CEDAP is a program with a proven track record of accountability and success.

While the committee responsibly proposed increasing State and local grant programs by hundreds of millions of dollars and anticipates this will benefit some of these same communities, that result is no means a guarantee. CEDAP is designed to guarantee that our small communities receive needed first responder equipment. And I believe it's our mandate from Congress to assure that small communities are protected.

The committee report says it expects overall increased funding to benefit the CEDAP communities, but that is not guaranteed in statute. We must not cut this critical funding.

If my amendment is adopted, the House will affirm its commitment to safety and prosperity of our rural communities, without severely burdening any other program. Each of the programs selected as a part of this offset would still receive a massive increase over last year's enacted amount if my amendment is adopted.

The House should maintain level funding for CEDAP to ensure that communities continue to benefit from this direct assistance program. The proposed cut I believe is a terrible message for the new Congress to send to rural and small communities who benefit directly from this program despite the soundness of the underlying overall bill.

With funding at the $50 million level, the Department issued approximately 1,800 CEDAP grants in fiscal year 2006 to small town and rural community police departments, fire departments, EMS units, sheriff departments, cities, towns, counties, universities and others. If this $20 million number stands for fiscal year 2008, this Congress will likely be cutting these rural and small town grants from roughly 1,800 to 720. This is the wrong direction for this Congress and for this important homeland security program, just as the fiscal year 2007 application process is under way.

The committee increased funding for urban grants by $50 million for a total of $800 million. Certainly we can maintain CEDAP for rural communities at a level of $50 million, instead of cutting it 60 percent. In this year's bill, funding for a majority of programs is hugely increased, including important urban programs. I mentioned before $2.6 billion of critical grant increases while cutting this one by 60 percent.

My amendment would only reduce these programs by $5 million. While the increases are important, the committee has unreasonably targeted the CEDAP account for a 60 percent cut, while finding hundreds of millions of dollars in new spending.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I rise to thank the gentleman for his amendment and indicate that I'm hopeful we can work with him on this

CEDAP program. I certainly support it. Many on our side of the aisle support it. We understand the value that it provides for rural communities in need of emergency response equipment.

We were frankly surprised that the President zeroed out this program. We think that was unwise. As the gentleman has stated, we restored the CEDAP program to $20 million, but we were faced with the challenge of needing to work on a number of the grant programs to bring them up to the levels needed.

The gentleman presumably not knowing quite where else to turn has proposed reducing some of those programs to make up the difference here with CEDAP. Some of those offsets we're not particularly happy with, the State grants, the fire grants, the port security grants and so forth.

So it's a difficult problem. The gentleman knows quite well that this program has strong support in this House. I'm well aware of that. It has strong support in the other body. We will be going to conference and trying to come to an understanding of what level we can afford here and what level is wise.

So while I can't support the amendment in its present form, I certainly don't want to downplay the challenge here, and I want to assure the gentleman that going forward we're aware of this need. We're aware of his concern in particular, and we will work very hard to address it.

Mr. DAVIS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Chairman, I respect greatly the work of the chairman and the ranking member to craft I think a very strong bill overall.

We face problems in protecting our rural communities. I believe the three of us all have many rural communities that face challenges. Working in another committee, we've faced challenges in protecting rural housing grants for affordable housing programs to make sure they're not subsumed by the large urban areas in the States.

And I'd ask the gentleman if he would consider in this conference process finding a way to segment or protect, if not in the form directly of the CEDAP dollars, but to make sure that a mechanism is considered to protect our rural communities and small towns to have access to this needed equipment.

Mr. PRICE of North Carolina. Reclaiming my time, I most certainly do make that pledge to you both in terms of looking at the CEDAP dollars and also in terms of finding other ways that we can address this need.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

I want to first thank the chairman for including $20 million in this program when it was zeroed out in the budget request and also to congratulate my colleague from Kentucky (Mr. DAVIS) for this amendment which I strongly support.

It increases the funds for this CEDAP program by $30 million to get it back up to the historic funding level of $50 million. That's what we've always had in this program. In fact, Mr. Chairman, this program was created by this subcommittee in fiscal year 2005, and the reason was we found that a lot of small towns and small communities were not being able to get grants out of their State allocations or these other grant programs because the moneys were being consumed by the larger cities. And this was the only way we could find to get money directly to those smaller communities.

These are not grants that go to the State. These grants go directly from here to the local community, designed to target those areas that may not directly benefit from the large amounts of grant funding because of competing priorities within the States or larger urban areas. It gets basic first responder equipment into all first responder hands.

And it's been one of the most successful programs DHS has run. It made close to 4,000 awards in fiscal 2005 and 2006, another 2,000 awards for fiscal 2007.

There is some report language in the bill that changes how the program is run from a direct assistance program to a grant program. I don't necessarily agree with that, but I think it is very important to get the level of funding back to the 2007 level of $50 million.

Listen to what some of the local communities say about this program: ''Your program is one of the absolutely best run and organized programs I have ever seen in the rescue service. The equipment you offer to emergency responders for homeland security is right on target for our needs in the field.''

Another one says: ''The CEDAP program has allowed us to obtain, train with, and deploy an essential fire fighting tool that we would have otherwise not have had available to us.''

Another one says: ''This award represents a purchase that would have not been possible for my agency. Thank you for giving us this ability.''

So, Mr. Chairman, this is a popular program. It is effective. It helps communities that otherwise are not getting help and there's no other place for them to turn. So I urge our colleagues to support the gentleman's amendment and restore funding for this worthwhile program to the previous year's level and the level it was set at in 2005 and every year since.

And I want to congratulate Mr. DAVIS for bringing this amendment forward. It's thoughtful, it is needed, and it fits the bill; and I congratulate the gentleman and support his amendment.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Kentucky, I thank the chairman for their work on this and the commitment to work on this problem.

The real issue is not the superficial presenting question itself in the form that it takes, but ensuring that our small towns, our rural communities have access to these funds in some kind of a manner that can be protected. For example, in my district along the Ohio Valley, in fact many districts, small towns sit aside critical infrastructure, locks, dams, chemical plants, other areas that could be vulnerable to threats, and they are the only means of response. And by having this access, it will protect them.

With that commitment, I thank both the ranking member and the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIREFIGHTER ASSISTANCE GRANTS

For grants authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $800,000,000, of which $570,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $230,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2009: *Provided,* That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: *Provided,* That grants provided under this heading shall be distributed based on the formula used by the Department of Homeland Security in fiscal year 2007: *Provided further,* That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amount the Secretary of Homeland Security anticipates is necessary for the radiological emergency preparedness program of the Department of Homeland Security for the next fiscal year: *Provided,* That the methodology for the assessment and collection of fees shall be fair and equitable and shall reflect the cost of providing such services, including the administrative cost of collecting such fees: *Provided further,* That

fees received under this heading shall be deposited in this account as offsetting collections and shall become available for authorized purposes on October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $43,300,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,700,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program under that section and $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans under that section shall not exceed $25,000,000: *Provided further*, That the cost of a modification of such a loan shall be as defined in section 502(5)(D) of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $230,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under subsection (f) of such section, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act (42 U.S.C. 4104c), which shall be available for transfer to the National Flood Mitigation Fund under section 1367 of that Act (42 U.S.C. 4104) until September 30, 2009: *Provided*, That any additional fees collected pursuant to section 1307 of that Act shall be credited as an offsetting collection to this account, to be available for flood hazard mitigation expenses: *Provided further*, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $70,000,000 for operating expenses; (2) $773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $34,000,000, to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $34,000,000 shall be derived from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017).

NATIONAL PRE-DISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $120,000,000, to remain available until expended: *Provided*, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $30,000,000: *Provided*, That collections made pursuant to 8 U.S.C. 1356(u) may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives, and the Committee on the Judiciary of the House of Representatives, receive a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center under section 884 of the Homeland Security Act of 2002 (6 U.S.C. 464), including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code, $219,786,000, of which up to $43,910,000 shall remain available until September 30, 2008 for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,270,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $130,787,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $646,325,000, to remain available until expended: *Provided*, That none of the funds made available under this heading shall be obligated for the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement program until the Secretary of Homeland Security completes a Privacy Impact Assessment.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by the second title XVIII of the Homeland Security Act of 2002 and for management and administration of programs and activities, $31,176,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $316,900,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $168,000,000, to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by that procurement.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided,* That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) enters into a contract for the performance of any function or activity for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent or more the total amount of funding for any existing program, project, or activity, or numbers of personnel by 10 percent or more as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided,* That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c), no funds shall be reprogrammed within or transferred between appropriations after June 30, 2008, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: *Provided,* That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: *Provided,* That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make grant allocations, discretionary grant awards, discretionary contract awards, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such awards, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: *Provided,* That no notification shall involve funds that are not available for obligation: *Provided further,* That the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants, law enforcement terrorism prevention grants, or high-threat, high-density urban areas grants: *Provided further,* That such notification shall include a description of the project or projects to be funded including the city, county, and state.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all 10 conditions under paragraphs (1) through (10) of section 522(a) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or any other Act to any part of the Department of Homeland Security may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or any other Act may be used for data or a database that is obtained from or remains

under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. None of the funds appropriated to the United States Secret Service by this or any other Act may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such a service on a fully reimbursable basis.

SEC. 516. (a) Section 513 of the Department of Homeland Security Appropriations Act, 2005, is amended by striking ''triple'' and inserting ''double''.

(b) The amendment made by subsection (a) shall apply to the percentage of cargo inspected as required by Security Directives in effect as of the date of enactment of this Act.

SEC. 517. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be used to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) Not later than 45 days after the end of the quarter, the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier, including any reason for non-compliance with section 516.

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided in this or any other Act shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosive detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 521. Section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295), is amended—

(1) in subsection (a)(2)(A) by inserting ''identifies and describes the specific risk to the national transportation system and therefore'' after ''information'';

(2) in subsection (d) by striking ''like that'' and inserting ''identical to those''; and

(3) by adding at the end the following:

''(e) For the purposes of this section, the term 'party's counsel' includes any employee who assists counsel in legal proceedings and who is so designated by counsel and approved by the judge overseeing the legal proceedings.''.

SEC. 522. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 523. (a) The report required by Public Law 109–62 and Public Law 109–90 detailing the allocation and obligation of funds for ''Disaster Relief'' shall hereafter be submitted monthly and include: (1) status of the Disaster Relief Fund including obligations, allocations, and amounts undistributed/unallocated; (2) allocations, obligations, and expenditures for Hurricanes Katrina, Rita, and Wilma; (3) information on national flood insurance claims; (4) information on manufactured housing data; (5) information on hotel and motel data; (6) obligations, allocations, and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance, and individual assistance; (7) mission assignment obligations by agency, including: (A) the amounts reimbursed to other agencies that are in suspense because the Federal Emergency Management Agency has not yet reviewed and approved the documentation supporting the expenditure; and (B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; (8) the amount of credit card purchases by agency and mission assignment; (9) specific reasons for all waivers granted and a description of each waiver; and (10) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award.

(b) The Secretary of Homeland Security shall, at least quarterly, obtain and report from each agency performing mission assignments each such agency's actual obligation and expenditure data and include such data in the report referred to in subsection (a).

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

SEC. 524. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations and on-board versus funded full-time equivalent staffing levels.

SEC. 525. Section 532(a) of Public Law 109–295 is amended by striking ''2007'' and inserting ''2008''.

SEC. 526. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 527. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 528. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SEC. 529. None of the funds made available by this Act may be used to take an action that would violate Executive Order No. 13149 (65 Fed. Reg. 24607; relating to greening the Government through Federal fleet and transportation efficiency).

SEC. 530. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant of the Coast Guard, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) REPORTS.—Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives: (1) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (2) a report on how the Coast Guard will utilize full and open competition for any contract entered into after the date of enactment of the Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program.

SEC. 531. None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any system related to the MAX–HR project, or any subsequent but related human resources management project, until any pending litigation concerning such activities is resolved, and any legal claim or appeal by either party has been fully resolved.

SEC. 532. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended—

(1) in subsection (c), by striking ''consistent with similar'' and inserting ''identical to the protections given'';

(2) in subsection (c), by striking '', site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material'' and inserting ''and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)''; and

(3) by adding at the end of the section the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.''.

(b) REGULATORY CLARIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to reference all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by subsection (a).

SEC. 533. The Commissioner of United States Customs and Border Protection shall, not later than July 1, 2008, establish for the United States Customs and Border Protection Officer (CBPO) position, a new classification (''CBPO/LEO''), which shall be identical to the current position description for a CBPO, and include, but not be limited to, eligibility for treatment accorded to law enforcement officers under subchapter III of chapter 83, and chapter 84 of title 5, United States Code. In developing the new classification, the Commissioner shall consult with the Office of Personnel Management, as well as employee groups that represent CBPOs. The option to elect to serve as a CBPO/LEO shall be available to all CBPOs who enter into service on or after July 1, 2008, as well as to incumbent CBPOs currently serving on July 1, 2008, who meet the maximum age requirements to serve in a law enforcement officer position.

SEC. 534. In fiscal year 2008, none of funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: *Provided*, That the Assistant Secretary (Transportation Security Administration) shall notify the Committee on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition: *Provided further*, That if the Assistant Secretary has previously submitted a report pursuant to Section 530 of Public Law 108–458, no further report shall be required.

SEC. 535. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 536. None of the funds appropriated in this Act may be used for a grant or contract for any project that does not comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided*, That the President may suspend the provisions of such subchapter during a national emergency.

SEC. 537. (a) None of the funds appropriated in this Act may be obligated for a grant or contract awarded by a means other than full and open competition, other than a grant distributed by a formula or other mechanism that is required by statute. The Secretary of Homeland Security may waive the application of this subsection during a national emergency.

(b) The Secretary of Homeland Security shall establish an objective of awarding at least 3 percent of the total value of all contracts to be carried out with amounts appropriated in this Act to small business concerns.

SEC. 538. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 539. Section 44940(a)(2) of title 49, United States Code, is amended by striking the last sentence of subparagraph (A), and clause (iv) of subparagraph (B).

(RESCISSION OF FUNDS)

SEC. 540. From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, excluding mandatory appropriations, $55,273,000 is rescinded, of which $12,084,003 shall be rescinded from Departmental Operations.

SEC. 541. None of the funds provided by this or previous appropriation Acts shall be used to fund any position designated as a Principal Federal Official during any declared disasters or emergencies.

SEC. 542. Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

''(6) FAILURE TO COLLECT AIRPORT SECURITY BADGES.—Notwithstanding paragraph (1), any employer (other than a governmental entity or airport operator) who employs an employee to whom an airport security badge or other identifier used to obtain access to a secure area of an airport is issued before, on, or after the date of enactment of this paragraph and who does not collect or make reasonable efforts to collect such badge from the employee on the date that the employment of the employee is terminated and does not notify the operator of the airport of such termination within 24 hours of the date of such termination shall be liable to the Government for a civil penalty not to exceed $10,000.''.

Mr. PRICE of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74, line 10, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT NO. 99 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 99 offered by Mr. MCCAUL of Texas:

Strike section 531 (page 69, beginning at line 4).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. MCCAUL) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL of Texas. Mr. Chairman, section 531 prohibits the implementation of MAX-HR. MAX-HR is the human resources program that allows DHS wide latitude in personnel matters such as transferring workers to areas where they may be needed during a national emergency. Congress gave the Department this ability so that it could move quickly to protect the country from terrorist threats.

While some authority is currently under judicial review, the bill as currently written would enjoin the entire program until courts decide.

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If this section were to pass as written, it would result in an action that is not consistent with the purposes of Homeland Security.

My amendment would strike section 531 of this bill and allow current regulations to continue until the courts make their final judgment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would remove a restriction that the committee included in order to prevent the Department of Homeland Security from wasting more money developing a human capital system that would, we believe, be judged illegal. DHS has not been willing to negotiate with its employees unions to develop a human capital system that lines up with the negotiated labor contracts.

That becomes our committee's problem, when money that gets appropriated is wasted on projects that are judged illegal and in violation of contractual agreements. DHS shouldn't be spending millions of dollars on systems that will need to be thrown away simply to frustrate unions and to intimidate their employees. It's a waste of taxpayers' money and from what I have heard, Mr. Chairman, has led to many morale problems at the Department.

I will remind Members that unfortunately the Department of Homeland Security ranked dead last in employee morale across government agencies in a survey taken recently. We need to reject this amendment, and I ask my colleagues to do so.

Mr. MCCAUL of Texas. Mr. Chairman, I respect the distinguished gentleman from North Carolina, but I would say I believe it's important that we let the courts decide this matter. It's under judicial review, just a small part of the human resources program at the Department of Homeland Security.

I think it would be a tremendous mistake for us in the Congress, as a separate branch of government, to essentially enjoin, essentially enjoin the executive branch in the human resource program that has combined 22 agencies, developed the human resources program that has been efficient in many respects, only because the courts have enjoined a very small portion. Again, let's let the courts decide this issue, and let's let the rest of the program go forward.

I know that our colleagues on the other side of the aisle would like to move the Department into a more unionized system that is not merit based. My view is that that would cripple our ability to respond in emergency situations. That was the view of the Congress at the time that we developed the Department of Homeland Security, and that is the view of this Congressman at this time.

The Acting CHAIRMAN (Mr. MCDERMOTT). The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCCAUL of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. THOMPSON:

In section 537 of the bill, strike subsection (b).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, the amendment I offer tonight will ensure that businesses can continue their current level of participation in contracting opportunities with the Department of Homeland Security.

The current governmentwide goal for small minority and disadvantaged business's participation established by the SBA is 23 percent. The current language of this bill places that contracting goal within the Department of Homeland Security at 3 percent.

Small businesses are often best able to provide the kind of innovative technologies we need to protect this Nation. This language would strike the 3 percent language, returning small business participation at DHS to the governmentwide goals.

Mr. Chairman, I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I commend my friend, the chairman of the Homeland Security authorizing committee, for a fine amendment, and I am pleased to suggest that it be adopted.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. CORRINE BROWN of Florida:

Page 61, after line 11, insert the following:

(d) Orlando International Airport and Miami International Airport shall be two of the seven airports selected to implement a pilot program to screen airport workers who enter or re-enter secure airport space.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today to ask support for my amendment to allow Orlando International Airport and Miami International Airport to be named as two of the seven airports selected to implement a pilot program to screen airport workers who enter or reenter security airport space.

My interest in this stems from a very serious security breach which occurred at the Orlando International Airport, OIA, earlier this year.

On March 5, a Comair customer service employee boarded a Delta flight from Orlando International to San Juan, carrying 13 handguns, 1 assault weapon and 8 pounds of marijuana. Although passengers and flight crews are required to pass through screening to obtain access to gates, mechanics and other airline employees move through the airport without being screened.

In fact, the men that were arrested had employee identification that allowed them to bypass screening altogether when they brought a duffel bag full of handguns into the airport. This serves as a perfect example of a striking gap in airline security, not only at OIA, but at airports nationwide.

Moreover, given an employee was willing to take the risk of smuggling illegal weapons and drugs into a flight for a few thousand dollars, one would certainly imagine that it would be possible that the airline employee could be bribed by well-financed terrorists to obtain access to the airport infrastructure.

In response to this incident, report language in the bill required a pilot program for seven airports nationwide to mandate the screening of all employees as prescribed in H.R. 1314.

Of the seven airport pilot projects mentioned in the report language, my amendment would require that the Orlando International Airport and the Miami International Airport be named two of the designated programs. Miami International, in fact, already had a program in place, while Orlando International has undertaken a plan to screen 100 percent of all of its employees. Given the heavy international

traffic at both of these airports, I strongly believe that they serve as perfect places to begin a program which eventually needs to be implemented at all airports nationwide.

The reason I include Miami is because Miami can be used as a model, since the airport has had a program in place for nearly a decade and spends about $5 million per year for this type of security. The Miami program has reduced smuggling by all employees. Under this program, all airport and airline employees are screened, though not at the same area as the passengers or flight crews.

The Miami program also includes a provision that allows screening to instantly send a suspect's image to a New York center that operates around-the-clock with a staff of former NYPD technicians.

As you know, the State of Florida, in particular, thrives on tourism, which forms the backbone of the State economy. Obviously, those traveling in the State need to feel safe during their commute, and increasing and enforcing the security process for airline employees would serve as an important step toward achieving this goal.

I realize it is necessary to withdraw this amendment, and I am willing to do so, but this is a very, very serious situation not just for Florida, but for the entire country. I want all of us to work together to ensure that our system does not allow these huge security gaps to continue.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI, which states, in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any other Member wish to be heard?

Ms. CORRINE BROWN of Florida. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The Acting CHAIRMAN. If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

SEC. 543. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit to any individual unless all criminal history and other background checks required for the benefit have been completed, the results of such checks have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the grant of the benefit.

AMENDMENT NO. 2 OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to recruit or hire a total of more than 45,000 full-time equivalent airport screeners.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this is a simple amendment.

It would restore to the bill the traditional historic 45,000-person cap on the number of screeners that the TSA can employ.

The reason for this is simple. This screener cap has been in place since before there was a Department of Homeland Security.

When we first created the Transportation Security Administration in 2001, I think it was, or 2002, TSA was in the Department of Transportation. At the time, I chaired the subcommittee that funded that Department.

When we first began to place federally employed screeners in the airports, TSA came to us and said we need 35,000 screeners. We said, okay, here is the money, hire them.

They came back a few days later, a few months later, and said no, we're going to need 40,000. Then they came back a few months later and said no, we have to have 45,000. Then it was 50,000 and 60,000, and then finally they said we need to have 70,000. We said, wait a minute, time out. We can't afford this many. Where are you going to stop?

What they did at the outset, TSA was poorly managed, poorly run, and was not operating properly. They made up for their difference, their shortcomings, by hiring more people. I remember going to an airport in the South, a moderate-sized airport. The lobby was full of the trace detection machines where they swab your briefcase and then run it through the machine, very time-consuming, very labor-intensive, and not very accurate.

□ 0045

And the lobby was full, passengers having trouble getting through the doorway to get to the boarding gates. And I called over the Federal director, security director for that airport and I said, when are you going to apply for an x-ray machine to more efficiently and more securely search people as they go to board the airplane? They said, oh, we don't need, we don't want an x-ray machine to replace these trace detection machines in the lobby. I said, why not? The person said, our people are perfectly happy. I said, you mean the passengers? No, the screeners. Of course they were perfectly happy. One machine, Mr. Chairman, would have taken the place of all of those trace detection machines in that lobby.

And so we came up with a screener cap mainly to force TSA to bring technology to bear on the detection of explosive devices in briefcases and baggage of passengers. The 45,000 screener limit works. TSA now is placing the machines in airports.

This committee, this subcommittee, has now appropriated many hundreds of millions of dollars in this bill, along with others, to buy more machinery.

But the cap on screeners needs to be kept in place. It's been there since we first began TSA 5 years ago. You take that screener cap off, as this bill does, and TSA will go back to their old ways. I guarantee it. They'll go back to their old ways of hiring screeners to run trace detection machines, very unreliable, insecure, and disruptive, actually, of people trying to get on the airplane.

So I urge our colleagues to keep in place, put back in place the 45,000 screener limit that's been in the bill ever since we've had a Department of Transportation, TSA in the Department of Transportation and now Homeland Security.

I know the bill contains funds only for some 44,000 screeners, and the argument can be made that we can control the number of screeners by the amount of money we appropriate. And this bill starts us along that line.

But we all know that these agencies can come back to the Appropriations Committee and request a reprogramming of funds from one account to the next, and the pressure would be great if they came to us to assign that reappropriation of monies. But the limit works. Keep the limit.

Mr. PRICE of North Carolina. Mr. Chairman, the amendment, as the gentleman has stated, would impose a statutory cap of 45,000 on the number of aviation screeners. I'm reluctantly opposed to this, because under the Committee mark, we fund considerably fewer than that amount, that number. We fund only 43,688 screeners. So we're nowhere close to the statutory cap that the gentleman would impose.

The budget is what really controls how many screeners TSA can fund, as 53 percent of TSA's aviation security budget goes to screener salaries and benefits.

Now, I agree with the gentleman that our goal should be to provide more efficient explosive detection systems, ones that rely less on humans and more on machines that identify possible threats.

Instead of the cap, I think a better way to provide the funding for additional explosive detection systems for passengers and carry on baggage and checked baggage and air cargo is to fund those systems adequately. And the bill before us does that. It has $251 million more than the President's request for these systems.

To make sure that DHS spends funding for better detection systems, we've withheld funding from a key asset, namely, their new headquarters building, until the Department submits an expenditure plan for checkpoint and explosive detection systems. We do believe that this will provide a rather powerful incentive for TSA to become less people dependent and more technology driven in the near term. But I just want to stress that I agree with the gentleman on that point, that priority.

I should also say, Mr. Chairman, that our authorizers oppose this cap. They've specifically asked us not to include this bill language in fiscal 2008.

I'm more than willing to work with the gentleman to ensure that the committee is kept well informed of screener staffing levels at airports. And if it appears that TSA is out of control regarding staffing, we will be the first to get on the case. But I cannot support this amendment.

Speaking of authorizers, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from North Carolina, and I thank the ranking member. I agree with the ranking member's assessment that we can improve the training and the, if you will, work performance in many instances of the TSA screeners. But we also note that there are many hardworking screeners.

I chair the subcommittee that oversees the work of TSA as it relates to airport screeners. And the reason the authorizers wanted to not have a cap is because, first of all, the Transportation Security Administration and the screeners staffing are engaging in what we call a spot program. They're dealing with the traveler document checking system. New programs need new personnel, new trained personnel.

The cap was lifted in the 9/11 bill for a very important reason. It sends the wrong message for us to cap screeners of airports. Our airports are expanding. Air travel is growing. In fact, we have been looking at the utilization of screening employees in the airport to make the entire airport, front and back, safe. So we all can work toward more professional development for the screeners, the airport screeners; but our work is too important now, and our work is too important going forward, after 9/11, to send this message of capping these employees.

I would respectfully oppose the amendment because of the work that we still have to do in securing the Nation's airports.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. ELLSWORTH:

At the end of the bill (before the short title), add the following new section:

SEC. 544. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209–5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Mr. ELLSWORTH. Mr. Chairman, this amendment seeks to ensure that none of the funds appropriated in this bill may be used to enter into a contract greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt.

The Federal Acquisition Regulation already requires prospective contractors to certify within a 3-year period preceding the offer that they have not been convicted or had a civil judgment rendered against them for the various legal infractions such as tax evasion, forgery and bribery. This amendment simply adds the following three tax debt-related offenses: the prospective contractor must certify that they, one, have or have not been convicted of a civil judgment rendered against the contractor for violating tax law or failing to pay any tax; two, have or have not been notified of any delinquent taxes for which the liability remains unsatisfied; and, three, have or have not received a tax notice or tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

Mr. Chairman, my constituents, like many of yours, sent me to Washington to ensure their tax dollars are spent wisely. And I guard their tax dollars wisely. They believe, as I do, that it's wrong for government contractors who owe millions and accumulated billions of dollars in unpaid taxes to continue to be awarded Federal contracts when their taxes are not paid. Not only do these bad actors cheat our government of tax revenue; they gain an unfair advantage over the businesses that play by the rules.

Not all contractors are into gaming the system. Most are doing terrific work and putting our tax dollars to good use. But we have a responsibility to protect those businesses and the taxpayers' dollars by weeding out the corrupt contractors. The only way you do this is through increased oversight.

At a time when our fiscal house is, some say, in complete disarray and deficits continue to grow, we cannot continue to allow companies to receive Federal tax dollars while shirking their own tax responsibilities.

Mr. Chairman, I respectfully ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from Indiana for this very well-conceived amendment, Mr. ELLSWORTH's proposing that the Department of Homeland Security be prohibited from awarding contracts to those that owe the Federal Government money. It seems pretty straightforward and sensible, and a rule that we need to adopt.

This would apply to contractors that violate tax laws, that fail to pay Federal taxes, that have an unsatisfied Federal liability.

The Federal Acquisition Regulation, fortunately, does have a rule-making under way that we believe will eventually provide similar coverage to all Federal agencies, including DHS. But the gentleman has anticipated that

ruling. He's got language here that would offer protection earlier and would confirm what we hope will be more general policy.

So it's a very well-conceived amendment, and I commend him for it and hope that we can adopt it. I urge its adoption.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard?

Mr. ELLSWORTH. Mr. Chairman, I'd like to thank Chairman PRICE for his support of this important amendment that would have taken an important step to address waste, fraud and abuse in the contracting process at the Department of Homeland Security. It's my hope that we can work together to have this commonsense approach to contractor certification included in the eventual conference report.

Again, I'd like to thank the chairman for his support, but I do ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 96 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. ROSS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 96 offered by Mr. DEAL of Georgia:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I realize it's late, and I'll be brief.

We've talked about a lot of things today. I'd like to talk about horses and mules for a few minutes. Under the current law, when a horse or a mule is deemed no longer fit for service in agencies such as the Border Patrol or Customs, the law requires that they either be turned out to pasture on Federal lands, where they usually are subject to predators, or that they be destroyed. This amendment would simply say that they would be allowed to be adopted by their handlers.

This is an animal equity amendment, Mr. Chairman. We do the same thing for dogs who have been in the service and are allowed to be adopted by their handlers. This would simply allow the handlers of horses and mules to do exactly the same thing. And I would urge the adoption.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Ohio.

Mr. KUCINICH. I want to thank the gentleman. I want to thank him for sponsoring this. I think it is a very humane and proper thing to do, and I appreciate that you offered it.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

□ 0100

Mr. ROGERS of Kentucky. Mr. Chairman, I want to commend the gentleman for the amendment. This is a horse of a different color that you have brought up here. And I think it is a humane thing to do, and I congratulate the gentleman. And being from horse country, I doubly appreciate it.

Mr. DEAL of Georgia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. POE:

At the end of title V, add the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Secretary of Homeland Security to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. POE) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, the amendment I offer today will help reduce the lengthy delays consumers are facing when applying for passports, while at the same time strengthening security at our borders.

The Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the U.S. Secretaries of Homeland Security and State develop and implement a plan to require all U.S. citizens and foreign nationals to present a passport or some other document when entering the United States, as of January 1, 2008.

For many years United States citizens and citizens from other countries in the Western Hemisphere have not been required to present a passport to enter the United States. They were admitted by stating verbally that they were from a country that didn't require passports or by presenting a wide variety of less secure documentation, including up to 5,000 documents that our border agents must be versed in.

The 9/11 Commission in their findings highlighted ''for terrorists travel documents are as important as weapons. . . . In their travels terrorists use evasive methods, such as altered and counterfeit documents, and they study and exploit America's vulnerabilities.'' The 9/11 Commission rightfully recommended we end the practice of traveling without passports. I am glad Congress took action on that recommendation. However, here we are 2½ years later, and it seems we are still going further and further away from putting this policy in place due to the bureaucracy in the Department of Homeland Security and the State Department through the Western Hemisphere Travel Initiative.

It seems bureaucrats implementing the Western Hemisphere Travel Initiative continue to spend large amounts of time and money to come up with other ''alternative documents to passports'' to comply with this law. The answer is why? We have a secure document, the passport, that has been implemented and is being used. But the Department of Homeland Security and the Department of State, even though they continue to say the passport is the ''gold standard'' for identity and citizenship documents because of its security, have come up with all different types of forms and documents that they are studying. All of these documents are unproven. They are called the Pass card, the BCC card, the SENTRI card, the Nexus card, the Fast card. And we are spending taxpayer money experimenting on these, while not implementing the proven document like the passport.

So this bill would require the Department of Homeland Security to use and implement only passports and quit spending money on documents that are unproven. And that is the purpose of this amendment: to spend money on passports only.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment prohibits funds in the act from implementing a plan to permit entry into the U.S. using any identification document other than a passport. I understand the security concerns that underlie this amendment, but I believe it overreaches considerably, and I will take

just a minute to explain why I think so.

This amendment would effectively prohibit DHS efforts to develop infrastructure or systems to process State Department passport cards for U.S. citizens living near and commuting across the land borders of the U.S., thus requiring all U.S. citizens who leave the U.S. to possess a passport, which currently costs $97 for adults, $82 for children. A passport card would cost less than half of that.

In addition, the language would effectively prohibit anyone who did not have a valid passport, such as permanent residents who lack other citizenship documents, from reentering the U.S. If I read it correctly, that is exactly what it would do. And it would effectively invalidate millions of Mexican border crossing cards issued by the State Department.

So it is an overreach, I would say, Mr. Chairman. It represents a draconian approach to border security. It would adversely affect the ability of U.S. citizens and workers and residents to move easily across the border.

So I urge the House to reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. POE. Mr. Chairman, with all due respect to the chairman, I understand his concerns, but the problem is exactly as he stated. There are too many documents to allow people to travel back and forth across U.S. borders. The United States discriminates against citizens from other nations because we require all those people that enter the United States to have a passport. Because of the different special interest groups that have thwarted the implementation of passports by having other types of documents, those documents are unproven. In fact, Homeland Security is still studying those, which means they are spending money on trying to come up with various systems.

So rather than have three or four or five systems, I think it is important that we have one system, as the 9/11 Commission recommended. And that passport system is the one that is the most foolproof. It will take time to implement, but these other systems haven't been implemented at all.

So the purpose of this is to make sure that we are on the same page: Require a simple document, a passport document, one that I have here; one that is faster than trying to examine numerous documents; one that you can, as we say, slide and glide by coming across the border. It won't take any more time. In fact, it will take less time than some of these other unsecured documents.

So with that, I ask the approval of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield to our colleague from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding.

I think you said it well. The problem here is that we have in place documentation that is acceptable for these kinds of crossings. Yes, as we go forward, we have to make sure that we secure our borders. But to undo that which has been working for a while and that which is accepted by our State Department is just to take a step backwards. And rather than doing that, we should accept what we have now and build on it. And what you are proposing is really to take a step that would only hurt us.

Throughout the years, the State Department has worked, in the case of the Mexican Government, to bring about a proper crossing of the border for work purposes and family visits and so on. That has been in place for years. That has worked. That is not the issue that we deal with when we talk about undocumented immigration into the country. That is not the issue we deal with when we talk about terrorist acts. This is the crossing of the border in a proper and safe and legal manner, and that is what we have in place, and we shouldn't be reinventing the wheel at this stage.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. POE. Mr. Chairman, just in summary, we are requiring people who fly into the United States to have passports. Even people from Mexico who fly into the United States will have to have passports. And when we fly to Mexico or Canada, we have to have passports. The same is true of people coming in by sea. And now it is appropriate that we have that same recommendation for those people who travel into the United States by land.

That is why I recommend and ask for the adoption of this amendment, that the universal document for entry into another nation be adopted.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

At the end of title V, add the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) before June 1, 2009.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. First of all, Mr. Chairman, I want to compliment you on the way you have conducted this debate. In happier times I had the privilege of being where you are, and I have to tell you, you have done a tremendous job and I appreciate it very much.

I am pleased to offer this amendment with my friend, a colleague from Cleveland, Ohio, Congressman KUCINICH.

This amendment basically recognizes what I think that every Member of this House should recognize: that the implementation of the passport travel requirements in the Western Hemisphere has been a disaster. The State Department and Department of Homeland Security made an estimate, and they have been swamped. My constituents call me on a regular basis saying that they have applied for passports 12, 14, 20 weeks. They don't have their passports. Their trips are canceled. And this is a bad thing.

You would think in the face of that track record that perhaps we wouldn't go to phase 2. Phase 2 says that we need to have documents as we cross the border by land into Canada. Where Congressman KUCINICH and I are from, we go through Detroit or Buffalo and the southern border as well. But that hasn't been the case.

On Friday the two agencies announced, reluctantly, that, you know what? We have got it wrong, and as a result we are not going to require passports for air travel to the Caribbean or to Canada anymore, and that a photo ID will be sufficient. However, even with this chaos, the administration has vowed that it will move forward with phase 2 on January 1.

Now, I want to commend the chairman of the Rules Committee, Congresswoman SLAUGHTER, for the work that she has done to put in this bill triggers that say maybe we don't have it right. Let's do some pilot programs and things of that nature. But those provisions were put in this bill before this disaster happened. And I don't assume that I am the only Member of this body that has received angry phone calls from their constituents and say, you know what? Maybe, maybe, we just need to slow it down.

So this is a complete prohibition. It says to the Department of Homeland Security in this bill, and we will do it again in the State Department bill, saying we gave you until June of 2009 to get this right, to come up with the

Pass card, to come up with whatever you are going to come up. But please, please, don't do this to our constituents on January 1, 2008.

Mr. Chairman, at this time it is my pleasure to yield 2 minutes to my good friend and colleague from Cleveland, Ohio, Congressman KUCINICH.

Mr. KUCINICH. Mr. Chairman, as my colleague Mr. LATOURETTE points out, our offices are getting deluged with requests and complaints from constituents who are suffering under this backlog that has been created, and some of the action that has been taken by our Federal Government is only going to compound it. So the amendment is aimed at being constituent-sensitive and also sensible with respect to the border crossings, particularly at Canada.

I think that Members realize, and all of us are here as legislators, but another important part of our responsibility is constituent service. And every one of us knows that we have been swamped.

So this amendment that I am proud to work with Mr. LATOURETTE on is aimed at not just deferring a problem, but at really taking a sound and sensible approach to what has become a nightmare in terms of our constituents not being able to get the kind of responsiveness they have the right to expect on these issues that relate to visas and passports.

So thank you very much, Mr. LATOURETTE, for your work on this, and I am very grateful that I have a chance to work with you on it.

Mr. LATOURETTE. I thank my colleague.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend our colleagues for this amendment. I certainly will not be objecting to it and will be happy if it is adopted. It is not exactly the same approach that was taken in our bill. I must say that. But I do think it is consistent with the bill.

The amendment would prohibit funds in the act from being used to implement a plan before June 1, 2009, to comply with the Intelligence Reform Act of 2004 requirement to require all who enter the U.S. to have passports or equally valid identification. The Western Hemisphere Travel Initiative is intended to reduce the likelihood of entry by people who mean us ill.

We believe this could be done effectively in a way that doesn't sacrifice good relations with our neighbors, that doesn't cause undue hardship for U.S. citizens or doesn't affect legitimate travel and commerce.

□ 0115

But we are certainly not there yet.

Our bill fences $100 million of the $225 million in funding until the Department reports on the results of pilot projects in Washington State, until it provides an update on project milestones, until it demonstrates that statutory requirements are met and the system has been operationally tested, and until it reports on privacy safeguards. So we do have those kinds of protections in this bill. We have not included a date certain, but as I said, I believe the inclusion of a date is compatible with what we've suggested, and so we will not object to this amendment. We commend the gentleman for offering it.

Mr. Chairman, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from Ohio has 1½ minutes remaining.

Mr. LATOURETTE. I would like to thank Chairman PRICE for not only accepting this amendment, but also for the work that he has done on this bill.

This has been a very difficult process. And just like you, Mr. Chairman, he has also had a tough go of it. It's tough to lead, it's tough to be in the majority, it's tough to govern, and I think Chairman PRICE has done great work.

I commend the committee for the work they have done on this bill. And I mentioned Chairwoman SLAUGHTER for the work that she put in, and that was her language, that $100 million.

I don't want to be an obstructionist, but because the Republicans and Democrats are being killed on this passport issue, even though the chairman has indicated he will accept the amendment, I will ask for a recorded vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to carry out the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, my amendment simply suspends the Visa Waiver Program for fiscal year 2008.

The Visa Waiver Program was established in 1986 as a temporary, and I underline temporary, program to allow tourists or short-term business visitors to enter the United States for 90 days or less without obtaining a visa. The program was later made permanent by Congress and currently allows nationals of 27 countries into the United States with a simple stamp.

The Visa Waiver Program ill advisedly trusts the security of our Nation to the background check capabilities and passport procedures of foreign governments. There are numerous instances of terrorists and would-be terrorists who have exploited this program, or easily could have.

September 11 conspirator Zacharias Moussaoui is a great example of this. He exploited the Visa Waiver Program to travel to the United States. The 9/11 Commission stated that ''a maximum U.S. effort to investigate Moussaoui conceivably could have unearthed his connections. Those connections might have brought investigators to the core of the 9/11 plot.''

It's an interesting case because, of course, he was actually under investigation at the time by the French Government, by their secret service. Had we required a visa program that allowed for us to conduct that kind of background check, we may very well have identified those connections and not allowed him the visa. It seems clear that a maximum effort would include a thorough vetting of those seeking access to the United States.

Would-be ''shoe bomber'' terrorist Richard Reid exploited the Visa Waiver Program to board the flight he tried to bomb. The London subway bombing was executed in large part by British citizens with known ties to terrorism. Under the Visa Waiver Program, any British citizen can travel to the United States without having to apply for a visa and without giving our government the ability to do even a cursory investigation as to whether he or she may have ties to a terrorist group. British citizen Hemant Lakhani is just such an example. He was busted in a sting in New Jersey in 2003 when he tried to sell shoulder-fire surface-to-air missiles to a Federal operative who he believed to be a Somali terrorist plotting against American jetliners.

Mr. Chairman, we cannot give those who wish to harm us open access to America under the cloak of the Visa Waiver Program. We need to suspend the program until we are equipped to check the criminal and terrorist background of every visitor who arrives at

any port of entry to confirm the identity of each visitor using the biometric identifiers.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield to our colleague, subcommittee member, Mr. FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding.

I rise as one of the cochairs of the Travel and Tourism Caucus, and I rise because I think you are trying to fix something here that isn't broken.

We have not had problems with the Visa Waiver Program. In fact, it has worked very well. And the reason you get qualified as a country for the Visa Waiver Program is because the visitors from that country, all who have passports, those passports all are screened and have to pass the screening before they get on an airplane. And so if there is such a traveler that is on the ''no fly'' list, they would be selected out at that point.

The reason these countries have qualified is because they haven't had people visiting our country who have skipped, who have stayed on, who have violated. The visa is time certain. These are frequent travelers; they are from the countries that are our allies, most of whom are members of NATO or other security forces. I think it is a very bad way to go. One is it's going to alienate the travel and tourism industry in the United States that relies a lot on foreign travelers; they spend a lot of money in this country. And, frankly, right now visiting America is a bargain. It is one of the best vacation packages you can buy compared to costs in Europe and so on. And what you do by cutting these funds, you would prohibit funds from this act from carrying out the Visa Waiver Program.

Now, within that program is also the ability of DHS sharing information with the State Department, maintaining records of these visa-waiver applications. Remember, you have to apply for that. You would prohibit the administering of programs which air carriers use relating to verifying travelers as qualified, visa-waiver residents.

So what you are going to do is you are not going to stop the program. You are just going to stop the sharing of inside information. And I think it's a fear that hasn't been demonstrated as a problem. Therefore, nothing is broken that needs fixing. There isn't support for this program among the travel and tourism industry, and particularly the air carriers. And I think the fact that all these visitors have to have a passport and those passports have to meet our standards, that these Visa Waiver Program visitors are very well protected.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, if passports alone provided the kind of security that the gentleman suggests they provide, then of course we would not need visas at all. Why would we impose this particular kind of background check if passports alone gave us the kind of security that we need to make sure that the people entering this country are, number one, who they say they are, and more importantly, that their backgrounds do not show anything that might suggest that they should not be allowed into the country.

But don't just take my word for it. Listen to what former DHS Inspector General Clark Kent Ervin recently said: ''We ought to be ending the Visa Waiver Program, not expanding it. There is a reason why terrorists are keen to obtain passports from visa-waiver countries. They don't have to undergo extensive security checks.''

So when you say there is no opposition to the program, I would suggest that that is not correct. There certainly are people involved with the program who feel as I do, that we need to abandon this particular visa-waiver idea.

And the IG isn't alone. Last September, the Government Accountability Office found that stolen passports from visa-waiver countries are prized travel documents among terrorists, criminals and immigration law violators. Based on a State Department report from January 2002 until June 2004, 28 foreign governments reported 56,943 stolen blank foreign passports. The Director of the U.S. National Central Bureau of Interpol has said that for 55 of the 181 Interpol countries, there were probably over 10 million lost and stolen passports that might be in circulation. In August of 2004, according to CBP, their database contains 1.2 million records of stolen passports. Notably, between January and June of 2005, DHS confiscated 298 passports issued by visa-waiver countries that travelers were attempting to use at ports of entry to fraudulently enter the United States.

I encourage the adoption of the amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I yield the balance of our time to Mr. FARR.

Mr. FARR. Mr. Chairman, none of the facts stated by the gentleman have anything to do with the amendment. The amendment cuts the ability for us to manage a program which is working very well. Every one of these travelers has to get a passport; those passports have to meet our standards. They have to go through the screening at airports. If they are on a ''no fly'' list, they won't be allowed on an airplane. This is not the way to try to prevent good visitors to this country who are allies of the United States.

And, frankly, adopting this amendment is not only going to create an incredible bureaucracy for us; it is going to create an alienation among countries that we get along with very well and have allowed a visa waiver. Without it, every one of these would have to flood a foreign council. And you would have frequent travelers unable to get to the United States and be a good tourist and good visitors of our country and good friends.

I don't think in nation building that this is the way that you want to attack the problem. So I ask for a ''no'' vote on this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the appropriate place, insert the following:

SEC. ____. Critical Infrastructure Vulnerability

None of the funds in this Act may be used to limit the implementation of Homeland Security Presidential Directive 7 (HSPD–7).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, might I add my appreciation for the manner in which the chairman has conducted this process with the appropriations of the Homeland Security Appropriations Committee.

Let me thank the ranking member of the committee and the chairman of the subcommittee for working with the authorizers. And let me thank my chairman, Chairman THOMPSON of the full committee, the Homeland Security Committee, for creating the committee which I Chair, the Transportation, Security and Critical Infrastructure.

This amendment speaks directly to the immediacy of our concerns about pipeline security, refineries and other critical infrastructure.

A CRS report indicates that there are now nearly half a million miles of oil and gas transmission pipelines across America. We got a wake-up call just a few weeks ago with the discovery of a possible plot to blow up the fuel lines at John F. Kennedy Airport. Now we understand that we have a dilemma, and that dilemma requires the Department of Homeland Security to consider assessing the vulnerability of pipelines, refineries and other critical infrastructure around America.

Natural gas, gasoline, petroleum and other pipelines can produce catastrophic fires and explosions when they fall, and it is imperative that we begin to assess the vulnerabilities of such.

A weekly bulletin from the U.S. Department of Homeland Security and FBI told law enforcement officials and businesses this week that the Independence Day holiday might make an attack more appealing.

□ 0130

This was an article in 2005. The bulletin said important economic infrastructure like refineries are possible targets for terrorists.

We need to assess the vulnerabilities of our refineries and pipelines.

Another article said, apparently some international terrorists have targeted our oil refining assets in the United States as potential targets. FBI Director Mueller said between 1999 and 2001, the FBI prevented 10 possible domestic terrorist incidents, including two potentially large scale, high casualty attacks by right wing groups, and the planned bombing of a trans-Alaska pipeline in 1999. Our pipelines are on the front lines of terrorists.

A New York Post article said for years, city residents have questioned the safety of the 40 year old artery that pumps jet fuel, heating and diesel oil and gasoline into the city, and some have even cited the pipeline as a potential terrorist attack.

We saw what happened when this allegation of terrorism that is still being investigated was uncovered regarding the John F. Kennedy pipeline. We have to get in front of this. We have to be preventive. Our committee will go forward having oversight hearings on these important questions. But it is important for the Department of Homeland Security to adhere to its directive and to recognize that the responsibility of security of pipelines and critical infrastructure remains in the Department of Homeland Security.

It is interesting as to whether or not beyond the question of impacting our security and our lives, that this damage to critical infrastructure can generate increased oil prices, something that many Americans are now saying, enough is enough.

I would ask my colleagues to recognize that our responsibility, the Homeland Security Appropriations Committee that has put together a very inclusive appropriations bill, to answer the questions of the needs of America's homeland security. But we also have to recognize that we have to be diligent, we have to be vigilant, and we have to make sure that we are in front of the ideas, the threats, of those perpetrators who would want to do us harm.

The half a million miles of pipelines, the many, many refineries, speaks loudly and volumes to the necessity of creating a vulnerability assessment of those pipelines and refineries and other critical infrastructure around the United States.

I would ask that my colleagues support this amendment, and I would ask additionally that the Department of Homeland Security have as one of its chief responsibilities the vulnerability assessment of these critical infrastructure sites.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend our colleague for her effective focus on this issue of pipeline safety and her good work on the authorizing committee and her coming here at this very late hour to offer this very fine amendment. I am pleased on behalf of the majority to accept the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am absolutely delighted. It means America will be safer.

I thank the Chair for this opportunity to explain my amendment to H.R. 2638, the "Homeland Security Appropriations Act for Fiscal Year of 2008." As a member of the Homeland Security Committee and the chair of the Transportation Security and Infrastructure Protection Subcommittee, I am pleased to offer this amendment, which enhances the bill by requiring the Department of Homeland Security to conduct a security vulnerability study of the Nation's pipelines and refineries.

Less than two weeks ago, four would-be terrorists were arrested for hatching a plot to blow up John F. Kennedy Airport and swaths of Queens by attacking fuel tanks and an underground pipeline in the hope of igniting a catastrophic explosion that would surpass the horrific devastation visited upon the Nation on September 11.

Because of their length, ubiquity, and remoteness, pipelines can be nearly impossible to defend. Natural gas, gasoline, petroleum, and other pipelines can produce catastrophic fires and explosions when they fail. "Environmental" damage aside, these events can kill and injure people, and the casualties can be worse when pipelines are located near populated areas.

We need to ensure that everything that can be done to secure the Nation's pipelines and refineries is being done. There may be, of course, other actions that pipeline and refinery operators can and must do to reduce the threats terrorists could present.

My aim of my amendment is to increase the knowledge base pertaining to potential vulnerabilities of a critically important segment of the Nation's economic infrastructure so that effective countermeasures can be taken to protect the public health, safety, and welfare.

For these reasons, I urge the adoption of this amendment.

Mr. Chairman, I am very happy to yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that I offered many times in the past. It was actually passed by the House, I believe, in the last session. The fact is that we need to, unfortunately, run at it again.

My amendment would prevent State and local governments who refuse to share information with Federal immigration authorities from obtaining Federal funds under this act. These are so-called sanctuary policies, and they are not only misguided and dangerous, but they also are illegal.

That is an interesting aspect of this that we have brought to the attention of the Congress many times in the past. There is in fact a law. It has been on the books now for over 10 years. Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 already makes it illegal for a State or local government to block communications between State and local police and Federal immigration enforcement authorities.

Unfortunately, there are no provisions for enforcement. Therefore, many local governments adopt policies that explicitly prevent their police officers from cooperating with immigration and Customs enforcement agents.

A recent example of this increasingly brazen defiance of Federal law is the City of San Francisco. Just a couple of months ago, Mayor Gavin Newsome assured a concerned audience that he

would ''not allow any of his department heads or anyone else associated with the city to cooperate in any way, shape or form with these immigration raids.'' Unfortunately, San Francisco is not is not the only jurisdiction in this category.

When local governments refuse to share information with Federal immigration authorities, police departments often stop and/or arrest criminal aliens time and time again, only to release them without ever checking their immigration status. As a result, instead of being deported, these aliens move on to commit other crimes.

The City of Denver also has a sanctuary city policy that violates Federal law. Their police manual explicitly prohibits officers from initiating actions whose objective is to ''discover the immigration status of a person.''

Mr. Chairman, I can tell you from my own experience that there have been numerous occasions where this sanctuary city policy in Denver alone has resulted in the deaths of individuals, and certainly other kinds of crimes being perpetrated, because people that were involved with these murders and/or manslaughter charges that were brought against them were illegal aliens. They had come in contact at some time in the past with the authorities, but because of these sanctuary city policies, none of the authorities were able to communicate with ICE and therefore, of course, these people went undetected and otherwise almost certainly would have been taken into custody and deported and those crimes would not have been committed.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits governments from withholding immigration-related data when it is requested by other government entities with a legitimate need for the information. This amendment, which our friend from Colorado has offered many times before, would prevent DHS from awarding funds to any government entity that fails to comply with the law.

Now, as far as I know, Mr. Chairman, the Department of Homeland Security has never reported a failure to comply with the law, with this underlying law. The Justice Department has never filed suit against any entity for violating this statute. So I don't know how our friend would explain that. I would say it renders unclear why this amendment is necessary or what effect it is likely to have.

I would yield to the gentleman, and I would appreciate his responding to a few questions that would help us understand the thrust of this amendment.

Does the gentlemen know of any DHS funding today that is used in contravention of section 642(a) of the 1996 Immigration Act?

Mr. TANCREDO. Mr. Chairman, the issue is not whether DHS funding is used in contravention. It is whether or not there is any penalty to be assessed to enforce the law that is on the books. Naturally there has been no suit brought or whatever because there is no penalty in the law itself. What we are doing here is providing a penalty for the violation of the law.

Mr. PRICE of North Carolina. The question is, do you know of any violations that have occurred?

Mr. TANCREDO. Yes, I most certainly do, and I have brought them to the attention of the body. There are many, many more like this.

Mr. PRICE of North Carolina. You are aware of DHS funding that has been used in contravention?

Mr. TANCREDO. No. The question was am I aware of any violations of the law, and the answer is yes, many violations of the law.

Mr. PRICE of North Carolina. I am asking about DHS funding, Homeland Security funding, which, after all, is the department we are appropriating for.

Mr. TANCREDO. That is correct. I am trying to assess a penalty for a violation of the law, and this is the penalty that I believe is appropriate.

Mr. PRICE of North Carolina. Let me maybe phrase this another way. Is disaster relief funding being used in contravention of this section?

Mr. TANCREDO. At the present time, it is not. But if we pass this amendment, it would be, yes. There has to be some sort of penalty assessed to the law that is already on the books or, of course, it is of no value. That is why so many cities have adopted these sanctuary city programs, and that is why we have to do something about it.

Mr. PRICE of North Carolina. Let me ask about DHS grant dollars generally. Have they been used in contravention of this section?

Mr. TANCREDO. Mr. Chairman, any first responder money, any of the money we are talking about here in San Francisco, is currently appropriated in violation of the law, actually, and what this would do is establish that fact.

Mr. PRICE of North Carolina. I am asking though what evidence exists that this is actually a problem.

Mr. TANCREDO. Mr. Chairman, if the gentleman would yield further, there are innumerable cases we could cite, and certainly I did, of where cities were in contravention of the law. They described themselves as sanctuary cities. They have said they will not in fact obey the law, the 1996 law that I have already described, that we have laid out, section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act.

Mr. PRICE of North Carolina. Reclaiming my time, New York City has a law on the books, for example, that prohibits the provision of Immigration information to the Federal Government, I understand. Would this amendment prohibit any DHS funding to New York City?

Mr. TANCREDO. Yes. The fact is if they chose to maintain this particular program, it would prohibit the funding.

Mr. PRICE of North Carolina. The answer is yes. Reclaiming my time, it is a simple straightforward question. Border Patrol agents are funded in this bill. If DHS were to find that a border city or county were in contravention of section 642(a), would this provision require them to remove all Border Patrol agents from that city or county?

Mr. TANCREDO. They are not protecting the city. They are protecting the border.

The Acting CHAIRMAN. The gentleman's time has expired. The gentleman from Colorado has 2 minutes remaining.

Mr. TANCREDO. Mr. Chairman, I would like to yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank Mr. TANCREDO for yielding.

Mr. Chairman, I would take it to this, that one thing that has happened with these sanctuary policies is the cities have gotten together, I think I looked at the same attorney opinion, and tried to find a loophole, and in many of these sanctuary policies it says if you are an employee of the city, you shall not gather information. If you are prohibited from gathering, then you don't have any information to share with the law enforcement people who do enforce our Immigration laws. That is one of the loopholes that is there.

But the philosophy here is really the difference. There are two trains of thought. One of them says if you enforce immigration law in my community, people won't come forward and report other laws, like domestic abuse or whatever. And the other side is, how in the world can you enforce some laws and not others?

This is a statute that is clear on the books. Mr. TANCREDO is seeking to enforce that statute. And the decision needs to be made by the cities, do you like your Homeland Security funding? Is the funding that comes from the Federal Government that provides that security in those cities worth more to you than your sanctuary policy? That is the bottom line. Federal law has got to prevail.

Mr. SERRANO. Mr. Chairman, I am opposed to the bill, and I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, this may be one of those classic moments where we are dealing with something that really isn't broken. The fact of life

is that everybody at every local government and in every locality throughout this country knows what the law is and knows how to react to that law. People are not withholding information from the Federal Government.

What happens, however, on many occasions, is that local communities will make a statement, and basically it is a statement in many cases, in most cases, saying that that area is a sanctuary, meaning that they look at the immigration issue differently than you may in other parts of the country. But it doesn't mean that they flaunt the law, that they laugh at the law, that they will not participate.

I assure you that in the case of New York City, where the scene of the crime took place on September 11, no one in that city government, no one in that State government, is interested in doing anything else but complying with every law that will help us secure our borders and protect our city.

□ 0145

But we in that city look at immigration different than other people in other parts of the country, perhaps. We don't see immigrants as a problem to society that we have to somehow create a problem for them.

So sanctuary movements, which incidentally are growing throughout churches of all denominations throughout the country in very conservative and in very liberal areas, those movements are simply statements by communities saying we see the immigration issue from a humane point of view. We see it differently than other people. We don't think these people are problems for the country. Let's work to resolve the problem in a proper way.

This, again, is a classic case of coming to the House floor and saying, one, we are going to tell local governments what to do, something that side does not usually like to do, and in this case freedom of speech. Simply a statement by many communities that they see immigration in a different way and we should not be badgering them and creating issues where issues do not exist.

Mr. Chairman, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, talking about not telling local communities what they should do, we have a law. It is on the book. I am not imposing new legislation telling communities what to do, I am simply assessing a penalty for the law that already exists.

It is interesting that the gentleman would bring up New York City. As a matter of fact, in New York City there was a case where there was a woman brutally raped by five people, four of whom were illegal immigrants and had already come in contact with the police many times. It was that case that made New York City rethink, albeit temporarily, their whole sanctuary city policy, and they did take it away for a while because of that. They have sort of reimposed it.

Also, the 9/11 hijackers, had we known that they had been stopped before, which they actually had, if they had come in contact with the police, which they did, we may have been able to stop them had we not had sanctuary city policies in place, not just in New York but throughout the country.

These are cities violating the law at the present time. Honestly, I am not trying to make new law, just enforce existing law.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads pursuant to section 102 of Public Law 104–208.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. FARR) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

I want to start off by thanking Mrs. BLACKBURN, Messrs. KING, HUNTER, FRANKS, BILBRAY, Ms. GINNY BROWN-WAITE, Mrs. CAPITO, and Mrs. DRAKE for all coming together and working towards this amendment.

This amendment will give badly needed funding to the border security fence as provided by the law in the Secure Fence Act. Congress authorized it last year, provided funding to get it started in the 2007 DHS spending bill.

The point I would like to make, although Congress mandated the construction of 847 miles of fencing, to date only 13.01 miles have been completed. And as you know, it is supposed to be a double-border fence, and only one-half of the 13.01 miles is completed in the sense it is only one side of the fence.

So the amendment being offered today takes funding made available in the bill for border protection and directs it to the fencing.

This amendment will give the administration, I think, what it needs to construct the remaining portions of the border fence. It is vital to national security. I had a number of hearings down on the border when I was chairman of the Terrorism and Nonproliferation Subcommittee. But Border Patrol told me about the effectiveness of the fence. There are over 400 attacks on Border Patrol agents a year. They need this fence. They find it is a great force multiplier. It extends their capacity. It allows them the discretion to redeploy agents to areas where they are not vulnerable or at risk.

Frankly, I think we have a difference of opinion on how important it is to follow the law under the Secure Fence Act with the administration.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from California for yielding.

I want to clarify what this amendment does. It does really two things. One is it directs the $1 billion already in the bill to go to the 854 miles of the most critical areas of the border that were identified in the Secure Fence Act. The first thing is put the resources where they are the most critical, where Congress has, by more than a 2-to-1 margin in the House, said let's do this. And the Senate has said by a more than 4-to-1 margin, 80–19, let's build this 854 miles.

The second thing that the bill does is that it confines the billion dollars to fence and access roads. You have to have roads to build it, and you have to have roads to maintain it. What the administration has demonstrated is out of the $1.187 billion that we appropriated last year, they spent perhaps $30 million on real fence, the 13.01 miles that Mr. ROYCE addressed. The balance of that is on virtual technology.

Now we need some virtual technology; but overall, this will provide in the end $2.2 billion. And of that, $1 billion is set aside for physical structures, fence and roads. The balance of that, the decision can be made by DHS as to whether that is virtual and real or whatever combination.

So we are asking for $1 billion of the overall $2.2 billion to go to physical fence and access roads. That is consistent with what Congress has passed by a large margin.

What is so important about this that isn't brought into this debate is the fact that there are $65 billion worth of illegal drugs coming across that southern border. Ninety percent of the illegal drugs that come into America come there. The force of that $65 billion is overpowering, and no amount of virtual fence is going to stop a real drug

cartel that is pushing on all 2,000 miles of that border and will find the weak spots.

Mr. FARR. Mr. Chairman, I rise in opposition to the amendment, and must say it has been very interesting tonight. There has been a lot of discussion about fences and very little discussion about Homeland Security which is what this budget is all about.

It is interesting, in traveling the border and talking to the Border Patrol, there was never, never a request for this. What you are doing, very interesting in this amendment, you say ''none of the funds made available in this act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads.''

No technology, no infrastructure, just got to build two fences. Wait a minute. This committee went to a lot of effort to find out how to prioritize spending. What we heard from the experts is follow risk management principles.

And the question was asked in committee: Where is the risk on our border? Where have we seen terrorism? And guess what the head of the Border Patrol said, the Customs and Border Patrol Commissioner said, when asked about how many terrorists we have apprehended or found on the Mexico-U.S. border? The answer was zero. How much material have you apprehended on that border? The answer was zero.

When asked about the northern border the answer was yes, we have apprehended terrorists coming across that border, and we have apprehended material coming across that border.

So based on risk management, if this is about terrorism, the fence is not an issue. I think this fence discussion here has created fence bulimia. That is all we can talk about, and it is only one fence, and now you want to build it double when the customs people don't even ask for that.

We are sitting here as fence managers here in Washington and have nothing to do with trying to patrol that border. This is cutting off funds for technology and infrastructure. If there is anything that is needed along that border, it is infrastructure. This is like building a huge levee on one side of the river and not taking care of anything on the other side.

I will tell you, if you are going to have security, you are going to have to have a much more comprehensive approach. Mexico is our important ally. It is our neighbor. It is our leading trade partner with the State of California which the gentleman is from. It has the busiest border between California and Mexico. More people cross that border every day and more legitimate commerce cross that border than any other place in the world.

And we are doing that with existing resources. Guess what, they are working because the committee has put in some very good detection systems using smart cards and other things.

I think this amendment does absolutely the opposite of what you want to do. This doesn't secure the border, this takes money away from technology and infrastructure development. Without a problem, you don't need to fix it.

If you want to build a fence where the terrorists are coming, then build that fence across the Canadian border.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, yielding myself the time, I chaired the committee meetings down on the border. Mahmoud Qurani crossed that border in the trunk of a car, an agent for Hezbollah, whose brother, by the way, was in charge of the southern front in the attack on Israel recently. He came across in the trunk of a car.

I have talked to Border Patrol agents who have made apprehensions on that border, and I can tell you the San Diego fence has not only cut the crime rate by half in San Diego, but also on the Mexican side, and nobody has designed a way to get around the San Diego fence. This double-border fence works. It is what the Border Patrol has asked me for and testified up here for.

And 69 percent in the polling last night by Rasmussen, actually the polling was on the 12th, 69 percent of the public say they want, they favor an approach focusing on securing the border with this kind of approach. Only 20 percent of people want Congress to try to pass the immigration reform bill that failed in the Senate last week.

Mr. FARR. Mr. Chairman, this gold-plated fence costs $3 million a mile. To do that takes money away from technology and infrastructure. It takes money from effective border control. Effective control is where they detect and apprehend. That is what they want the money spent on, being able to detect and apprehend. This takes money away from doing effective border security. I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I am intrigued by the suggestion that Border Patrol officials have come requesting this kind of approach for protecting the border. I have never heard any Border Patrol official make such a request.

On the contrary, during our travels on the southwest borders and in talking to officials here in Washington, Mr. FARR is absolutely correct. The first thing they say is this isn't an enforcement problem alone, it requires a comprehensive immigration reform effort.

The second thing they say is that one size does not fit all in terms of border protection. The gentleman cites the San Diego example. Yes, that may well be a situation where a fence is called for. But the people who know the most about this and who are charged with protecting us every day invariably say that different technologies, different kinds of barriers, vehicle barriers, pedestrian barriers, barriers that might be suited to one kind of terrain rather than another, electronic surveillance, there are a range of technologies that are required here. This is an incredible amendment. This amendment forgoes any kind of analytical effort and examination of differences and simply says two-layer fences will be erected everywhere.

And by the way, this is far more expensive than other kinds of barriers. So whatever it is, we would build less of it. The number of miles we are talking about here, to build that with the kind of fencing that the gentleman wants to see would cost $2 billion. That is twice what we have in this bill; so, of course, it would protect far less of the border.

The Department needs some discretion here, some discretion for the best minds in law enforcement and technology to decide what sort of protection makes sense in what portions of the border.

□ 0200

Our bill does that. Our bill has generous funding, but it also has some requirements about documenting the cost-effectiveness, the effectiveness in protecting the border, as well as the kind of effects we've talked about earlier this evening on the communities in the path of this.

So it's a sensible approach. It's one that draws on the best expertise we've been able to engage, and I strongly urge that it be retained in the bill, and therefore, this amendment be rejected.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORBES:

At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to extend the designation of any foreign state under section

244(b)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)(C)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Mr. Chairman, as you know, Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens, usually illegal immigrants, from particular countries under temporary protected status. Congress intended this provision to live up to its name and be temporary. Unfortunately, a pattern of abuse has emerged in the temporary protected status, or TPS, program. DHS can grant TPS status to the nationals of a country for as long as 18 months and can later extend the TPS period indefinitely by adding extensions up to 18 months each.

The administration has begun to utilize TPS as a de facto amnesty for illegal immigrants from certain Central American countries. TPS status was granted to Honduran and Nicaraguan nationals at the end of 1998 following Hurricane Mitch. The administration has extended TPS for these individuals multiple times, the latest extension lasting until January 2009, more than 10 years after the hurricane. TPS status for Salvadoran nationals was granted early in 2001 as a result of earthquakes hitting the region. The latest TPS extension for Salvadoran nationals lasts until September 2007, again, long after temporary dislocations caused by the earthquakes.

There are currently some 248,000 Salvadorans, 81,000 Hondurans and 4,000 Nicaraguans, mostly aliens who came illegally to the United States, benefiting from TPS status. Our Nation currently has a growing gang problem, and we have had testimony in the Judiciary Committee that 60 to 85 percent of some of the most violent gang members in the United States are here illegally. Of 5,000 gang members in a database that ICE compiled for Operation Community Shield, 291 El Salvadoran nationals, 43 Hondurans, and 1 Nicaraguan had been granted temporary protected status, 6.7 percent of the total.

At least one of the suspected MS–13 members accused in the 2002 rape of two deaf girls in Massachusetts had been in our country protected by TPS. In fact, currently, a criminal gang member could literally stand on a street corner and announce that they were a member of a violent criminal gang and that they came here illegally, and if protected under TPS, no law enforcement officer could touch them until they had actually committed a crime.

TPS is being used to grant long-time residence, a perpetual amnesty, to illegal immigrants of certain favored nationalities. This amendment will return TPS to its original intent of providing temporary refuge during temporary periods of crisis. It would bar any funds made available in this Act from being used to extend TPS for nationals of a country beyond the original period of not more than 18 months.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose this amendment and in the strongest possible terms. The amendment would prohibit funds made available in the Act from being used to extend temporary protected status for countries covered under that program.

Temporary protected status is a special immigration benefit for citizens of countries with severe hardships: civil wars, massive natural disasters, humanitarian crises, some of those troubled places in the world where people are fleeing absolutely horrendous conditions. This program offers the citizens of those countries temporary sanctuary in our country until their countries' troubles are resolved.

In total, 4,198 people currently in the U.S. could be deported if their temporary protected status were not extended. These individuals would be sent back to countries with extreme conditions, places like Burundi, Somalia, the Sudan. Of course, we hope that these troubles will end and that these people could eventually return to their home countries. This is temporary status, but the notion that we would defund this program or refuse to extend it where it's called for.

This amendment would also be detrimental to the effective administration and enforcement of immigration laws. It would create confusion about the degree to which the U.S. government can be trusted to maintain its commitment to those for whom it offers immigration benefits.

So I urge a ''no'' vote on this amendment.

Mr. SERRANO. Mr. Chairman, I'm opposed to the amendment, and I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, this may go down as the meanest and most misguided amendment of the evening. TPS has been known and worked as a proper legal statement by the U.S. government to give protection to people who are in situations where they cannot go back home. These people did not come into the country illegally. In fact, in many cases, our actions being involved in those countries invited them to come here, and this is why we offer that protection.

The countries that would be affected are countries where we either have had a standing tradition of being involved in trying to resolve some difficulties in those countries and participated militarily and otherwise in those countries and, as a result, gave them this protection. And secondly, there are also a set of countries which are going through very difficult situations.

I'm thinking, as I hear the gentleman speak, if Mr. FRANK WOLF was here now he would be up on our side talking to you about the Sudan and talking to you about other places where we should continue to give the temporary protection status.

But here's the main point which I've already mentioned and needs to be mentioned again. This is a situation where these folks should not be looked at as people who are here illegally. They're here legally. They're here because this Congress, this administration and other administrations, have seen fit to give them this protection. They're here because they can't go back home.

And again, we may disagree on this, and frankly, there might be people on this side that disagree with me, but in some of those countries our policies have played a role in creating a situation where they can't go back home. So to lump them in with the undocumented immigrant situation of the country is totally unfair because it's two different issues. This one is sanctioned.

Interestingly enough, I notice that there's always a little bit of politics involved in this because the gentleman doesn't suggest that all Cubans go back to Cuba and that they should not get special treatment as they do under the Cuban Adjustment Act. We never touch that one. We touch this one.

Well, that's sad. It shouldn't be, and we should continue to protect these folks and try to make situations back home bearable for them. In the meantime, we should not be throwing them out of the country.

And lastly, we're not talking about 12 million people. We're not talking about 15 or 20 million people. We're talking about a much smaller number of people who need our protection.

There's a lady in the harbor to the city where I live and where I've grown up. That lady, known as the Statue of Liberty, tells us to bring to these shores the people that are hurting.

This is a fine example of America at its best. Don't lump it in with any other problem. That's not fair and that's not right.

Mr. Chairman, I yield back my time.

Mr. FORBES. Mr. Chairman, could you tell me how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Virginia has 2 minutes remaining.

Mr. FORBES. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the gentleman stated that this would perhaps be the meanest and most misguided amendment of the night, but I would suggest that the gentleman look in the eyes of the father who had his deaf daughter raped and assaulted by individuals who were here illegally, protected only because we shielded them with temporary protected status, where they could have literally been standing on the street and have said, I'm a member of a violent criminal gang, I was here illegally, and there would have been nothing law enforcement could have done to have gotten rid of those individuals until they'd actually raped that little girl. One of those individuals was here protected by temporary protected status. The other one had applied for it and was in the process of getting it.

The second thing, Mr. Chairman, we heard it mentioned that these individuals are here and we're protecting them on a temporary basis. It's mighty hard to look into the eyes of the American people, and say that when we have extended something for 10 years, that that is a temporary situation.

And Mr. Chairman, I would just suggest to you when we talk about they're here legally, it is true they're here legally because we've put this shield of protection around them. If we're going to truly deal with the law and be honest with the American people and what this law says, we need to either take the word ''temporary'' out and just tell them it's protected status, or we need to let the law do what it's intended to do, which is to truly be temporary by being an 18-month period of time, not a 10-year period of time.

Mr. Chairman, once again, I hope that it will be the pleasure of my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. FORBES).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FORBES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

Sec. 544. None of the funds made available in this Act may be used to implement section 536 of this Act.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this amendment is simple. It strikes the Davis-Bacon section in the bill. That section has consequences that I'm not sure the majority has thoroughly thought through.

Requiring all DHS contract and grant funds to comply with Davis-Bacon could unfairly disadvantage communities that are unfortunate enough to be struck by a disaster. It could reduce funds available for their recovery. It could slow the pace of assistance and significantly increase non-Federal cost-share requirements. This section would likely cost already cash-strapped States and localities additional funds.

The Congressional Budget Office says that Davis-Bacon will cost taxpayers more than $9.5 billion from 2002 to 2011. This expansion would only greater the burden on taxpayers.

This expansion further disadvantages small, emerging and minority businesses new to the complex, inefficient wage and work restrictions which make it nearly impossible for them to compete with better capitalized corporations, disadvantaging the very companies we often seek to help following a disaster.

And so I urge my colleagues to support this amendment and strike this onerous restriction on the Nation's communities.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The amendment would eliminate the requirement that the funding provided in this bill comply with the prevailing wage requirements of the Davis-Bacon Act. Nobody remembers who Davis and Bacon were, but the Act was enacted back in 1931 by a Republican Congress and a Republican administration, that of one Herbert Hoover.

It sets minimum labor standards for workers employed in Federal contract construction. It simply says that they've got to pay their employees, if they're using Federal funds, not less than the locally prevailing wage.

□ 0215

The Department of Homeland Security interpreted the application of Davis-Bacon far too narrowly. They said it applies only to Stafford Act grant programs, virtually no other DHS programs, despite the fact that a lot of these programs do involve construction projects like State and urban area Homeland Security grants, buffer zone protection grants, port security grants, airport security grants, transit security grants, and so forth.

Our belief simply is that there is no good reason for denying prevailing wage protection to jobs involved in these activities. There is a waiver that the President can employ in situations where Davis-Bacon requirements would truly have a detrimental impact, but for most jobs most of the time, carrying out the intent of this bill, fair, locally prevailing wages should prevail.

If you are talking about the quality of construction, I think that adds an argument as well. Davis-Bacon encourages a higher quality of workmanship. It encourages enhanced productivity. It reduces the need for remedial work, probably saving dollars in many instances. So there are many, many arguments for this which I won't belabor at this late hour. I believe the inclusion of the Davis-Bacon requirements is prudent and fair, and I urge the rejection of this amendment.

Mr. HARE. Mr. Chairman, I rise in strong opposition to the amendment offered by the Gentleman from Kentucky that would strip critical Davis-Bacon protections from H.R. 2638, the fiscal year 2008 Department of Homeland Security Appropriations Act.

The goal of the Davis-Bacon Act is to protect local construction wage standards by preventing contractors from bidding for federally funded contracts on the basis of wages lower than those prevailing in the area.

Davis-Bacon applies to procurement of construction services by Federal agencies; however, it does not automatically apply to construction projects financed in whole or in part by federal grants and other forms of federal financial assistance to states and localities.

Section 536 has therefore been included in H.R. 2638 in order to assure the consistent application of Davis-Bacon prevailing wage standards to construction projects funded with federal assistance.

Contrary to arguments we have heard this morning, numerous recent academic studies demonstrate that the application of Davis-Bacon prevailing wage standards to construction projects does not substantially increase the cost of public works projects.

Additionally, claims that the application of Davis-Bacon prevailing wage standards to recipients of DHS grants violates states' rights raise a legal argument that was resolved 70 years ago when the Supreme Court held that federal statutes which offer financial assistance subject to acceptance of federal standards do not invade state sovereignty. The statute simply extends the right for states and localities to accept or reject the opportunity to obtain DHS grants and other federal financial assistance to help meet security and recovery needs.

By guaranteeing payment of the prevailing local wage rate, Davis-Bacon provides a better standard of living and economic security for workers, particularly in rural communities and small towns like those in my Congressional

district. It is crucial that these protections remain in H.R. 2638. Accordingly, I urge my colleagues to reject the Rogers Amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from North Carolina (Mr. PRICE) each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, this is the final amendment, and it is the fiscal responsibility amendment. This amendment would implement an across-the-board cut in the bill of 5.7 percent, thereby limiting the increase of this bill to 7.2 percent over the current year, the amount the President requested, instead of the current 13.6 percent in the current bill.

Let me emphasize that point again. This amendment does not cut anything. It provides a more than generous and responsible 7.2 percent increase in Homeland Security funding over the current year. It's a small downpayment on fiscal discipline, an issue we heard a lot about last November.

The national debt is burgeoning, the public is demanding that we gain control of Federal spending. Despite the President's overall budget request of $933 billion for fiscal year 2008, and an already generous $63 billion over the current year's level, the majority plans to add another $20 billion on top of that at the minimum. Where will it stop?

This year's $20 billion could become $40 billion next year and on and on and on. The only thing this does is ensure our children and their children will be paying for this generations to come.

The Homeland Security bill before us today represents 10 percent of that $20 billion increase in spending, more than $2 billion above the President's request. Nobody on this side is proposing that we cut Homeland Security, not our President, not this Member, certainly not this amendment.

I agree with the funding level requested by the administration. It's a responsible 7.2 percent increase from the base 2007 level, a rate that is already over double the rate of inflation.

As I said before, the public is demanding accountability and fiscal responsibility. I don't think we can exclude any Federal agency, even Homeland Security, from fiscal discipline. Otherwise, there will be no discipline at all.

I urge my colleagues to vote for this amendment, a fiscally disciplined amendment still providing a 7.2 percent increase in Homeland Security security.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The gentleman's amendment would reduce the funding in this bill by just over $2 billion, or 5.7 percent. As this debate began, we did discuss the comparison of the bill that we have reported to last year's level of funding, and I am going to just repeat those figures here, because I think it is important to put the increase in perspective.

The fiscal 2007 bill, with the emergency funding included that was adopted at the time that bill was passed, when that is considered as the baseline for 2007, our bill represents a 7.5 percent increase over last year's funding. If the supplemental funding is included in the 2007 base, then, actually, our bill represents a 7.5 percent decrease in funding.

But the point is not just to throw abstract numbers around. The point of the considerable deliberation our subcommittee has undertaken is to match up the available resources with this country's needs.

I believe we have done that in a conscientious way. I think it's extremely hard to find anything in this bill that is funded to excess, funded lavishly.

That's the reason that the gentleman has chosen not to focus on specific items, but, rather, to propose an across the board cut, indiscriminately applied, across the country, of 5.7 percent. It would have consequences, even spread across all the accounts. It would mean a reduced level of funding for a number of things that we have put in this bill for very good reason. The SAFE Port Act, the authorization, has required that we apply more funding to port security. This cut would reduce that substantially. It would, in all likelihood, mean that we could provide very limited additional programs for fire grants or transit emergency security grants, or emergency grants, State and urban grants, other important programs to our hometowns.

It would mean that border and immigration enforcement improvements would be hard to come by. It would make it very, very difficult to increase the amount of cargo that is carried on passenger aircraft that is screened and so forth. These cuts would be consequential.

Although our friends on the other side of the aisle have been rather selective in their treatment of the President's budget request, the chairman has repaired that request in this measure. But I do need to point out that we have not, under his leadership in past years, or in our deliberations this year, taken the President's requests as serious requests, but we have not hesitated to alter them when we felt that was required. It's not unusual for the Homeland Security bill in the House of Representatives to increase President Bush's request. In fact, we have done it every time we have brought a bill to this floor.

In 2004, the House bill contained $1 billion more than the Bush request; in 2005, $900 million more than the Bush request; in 2006, $1.3 billion more than the Bush request; in 2007, $1.1 billion more than the Bush request.

So we are in that mode once again. There is no reason to be surprised that in some respects we found the Bush requests inadequate, and we have increased them. In other respects, we have reduced them. We have done both. But there is a net increase, and I think a net increase that is amply justified.

The hour is late, I believe that the funding levels in this bill are quite carefully considered. This amendment would do some real damage to some things that we need to improve.

So I ask my colleagues to vote against this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I urge an ''aye'' vote on the amendment.

Before yielding back, I want to thank the Chair for being a very responsible and fair-minded chair tonight. We thank you for that service. I want to congratulate the chairman of the subcommittee, who has been easy to work with and understanding of issues on this side of the aisle, and he has been very forthcoming and cooperative, but, at the same time, disciplined in his own approach, and to the staff on both sides of the aisle. This has been a long week for them, as well as a long several months now. I want to thank the staff for the great work that they have done.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I simply want to echo his kind words. It's a pleasure to work

with him, it has been for these last 4 years, as he has chaired this committee, and it has been a pleasure to work with him this year, a real professional who takes oversight seriously and who takes writing this budget seriously.

Mr. ROGERS and his staff, the staff here on this side, I won't ask how many hours of sleep they have had in the last several days.

But it has been a real pleasure. I hope we will have a chance in the presence of the whole body tomorrow morning to pay tribute a bit more formally. But we are grateful.

We are also grateful to see this evening come to a close. We will, of course, with our colleagues tomorrow, be having, I think, probably a record number of roll call votes in rapid sequence.

With that, we are ready to conclude, and I yield back my time.

Mr. ROGERS of Kentucky. I thank the chairman, and I am glad that he is continuing the tradition of this subcommittee in being a bipartisan, strong oversight subcommittee to see this new Department to a success one of these days, we hope.

Mr. Chairman, I urge an ''aye'' vote, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

Mr. PRICE of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness in the family.

ADJOURNMENT

Mr. PRICE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes a.m.), the House adjourned until today, Friday, June 15, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2209. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Corrections to Regional Office Information — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2210. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2211. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Roma, Texas) [MB Docket No. 05-142 RM-11220] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2212. A letter from the Chief of Staff to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wofford Heights, California) [MB Docket No. 03-91 RM-10693] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2213. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Glen Arbor, Michigan) [MB Docket No. 03-142 RM-10539] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2214. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jackson, Wyoming) [MB Docket No. 05-101 RM-11159] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2215. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers [CG Docket No. 02-386] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2216. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30545 Amdt. No. 3214] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2217. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation; Miscellaneous Revisions to Registration and Fee Assessment Program [Docket No. PHMSA-2006-25589 (HM-208F)] (RIN: 2137-AE11) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2007-26812; Directorate Identifier 2006-NM-199-AD; Amendment 39-15006; AD 2007-07-09] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-15005; AD 2007-04-19R1] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2006-26685; Directorate Identifier 2006-NM-200-AD; Amendment 39-15015; AD 2007-07-14] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped With General Electric CF6-50 Engines [Docket No. FAA-2006-25965; Directorate Identifier 2006-NM-127-AD; Amendment 39-15013; AD 2007-07-08] (RIN: 2120-AA64) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Valdez, AK [Docket No. FAA-2006-26719; Airspace Docket No. 06-AAL-41] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30546; Amdt. No. 3215] (RIN: 2120-AA65) received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHERMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. PETERSON

of Minnesota, Mr. YOUNG of Alaska, Mr. THOMPSON of California, Mr. COHEN, Mr. ENGEL, Mr. GRIJALVA, Ms. HIRONO, Mr. KIRK, Mr. LANGEVIN, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, and Mr. BERMAN):

H.R. 2711. A bill to amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mrs. JO ANN DAVIS of Virginia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. FORTUÑO, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. PENCE, Mr. POE, Mr. ROHRABACHER, and Mr. ROYCE):

H.R. 2712. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PICKERING (for himself, Mr. POMEROY, and Mr. CANTOR):

H.R. 2713. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries, and to provide for a study by the Commissioner regarding possible improvements in disability claims processing; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina (for himself, Mr. REGULA, Mr. SPRATT, and Mr. NEAL of Massachusetts):

H.R. 2714. A bill to require the President to delay or reverse the implementation of a decision of a World Trade Organization dispute settlement panel or the Appellate Body that is adverse to the United States involving the calculation of dumping margins and weighted average dumping margins, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. MARKEY, Mr. EMANUEL, and Ms. SCHWARTZ):

H.R. 2715. A bill to amend the Internal Revenue Code of 1986 to include heavier vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 2716. A bill to direct the Secretary of Health and Human Services to require the incorporation of counterfeit-resistant technologies into the packaging of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2717. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2718. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2719. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. FLAKE, Mr. CROWLEY, Mr. REICHERT, Ms. BERKLEY, Mr. BLUMENAUER, Mr. KIRK, Mr. MCDERMOTT, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. SHAYS, and Mr. SMITH of Washington):

H.R. 2720. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform commodity programs and to increase nutrition, conservation, and energy programs of the Department of Agriculture, to reduce the national budget deficit, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and Labor, Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 2721. A bill to amend title 10, United States Code, to require the Secretary of Veterans Affairs to develop, and the Secretary of Defense to distribute to members of the Armed Forces upon their discharge or release from active duty, information in a compact disk read-only memory format that lists and explains the health, education, and other benefits for which veterans are eligible under the laws administered by the Secretary of Veterans Affairs; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself and Mr. OBERSTAR):

H.R. 2722. A bill to restructure the Coast Guard Integrated Deepwater Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE (for herself and Mrs. BONO):

H.R. 2723. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Energy and Commerce.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 2724. A bill to amend the Internal Revenue Code of 1986 to modify the saver's credit; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. STEARNS):

H.R. 2725. A bill to require the Federal Communications Commission to adopt regulations to protect subscribers to Internet protocol telephone services concerning the use of such services with alarm, security, and personal emergency response systems; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. GOHMERT, Mr. SMITH of Texas, and Mr. CHABOT):

H.R. 2726. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. FEENEY, Mr. BACHUS, Mr. BAKER, Mr. SESSIONS, Mr. PAUL, Mr. NEUGEBAUER, Mr. ROYCE, Mr. HENSARLING, Mr. MANZULLO, Mr. HERGER, Mr. MCHENRY, Mr. AKIN, Mr. DAVIS of Kentucky, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BARTLETT of Maryland, Mr. HELLER, Mr. KINGSTON, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. WALBERG, Mr. LUCAS, Mr. FORTUÑO, Mr. LAMBORN, Mr. MARCHANT, Mr. GINGREY, Mr. PITTS, Mr. BILBRAY, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. ROSKAM, Mrs. MUSGRAVE, Mr. PENCE, Mr. KIRK, Mrs. BOYDA of Kansas, Mr. PUTNAM, Mr. PEARCE, Mr. SOUDER, Mr. FOSSELLA, Mr. CAMPBELL of California, Mrs. BACHMANN, and Mrs. BIGGERT):

H.R. 2727. A bill to extend the current moratorium for small businesses complying with section 404 of the Sarbanes-Oxley Act of 2002 by 1 year; to the Committee on Financial Services.

By Mr. ISSA (for himself, Mrs. BONO, Mr. CALVERT, Mr. BILBRAY, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mrs. MYRICK, Mr. WELCH of Vermont, Mr. GINGREY, Mr. GARY G. MILLER of California, and Mr. JONES of North Carolina):

H.R. 2728. A bill to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself, Mr. HOLDEN, Mr. SMITH of New Jersey, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. PASCRELL, Mr. BURTON of Indiana, Mr. SESTAK, Mr. COHEN, Mr. SHERMAN, Mr. HOLT, and Mr. MARSHALL):

H.R. 2729. A bill to amend the Public Health Service Act to extend preventive-health and research programs with respect to prostate cancer; to the Committee on Energy and Commerce.

By Mr. LUCAS:

H.R. 2730. A bill to amend title 31, United States Code, to provide a clear line of demarcation with regard to private ownership of any coin, medal, or numismatic item made or issued by the United States Government before January 1, 1933, and of any piece produced by the United States Mint before such date, that is not in the possession of the United States Government, to establish requirements with respect to the inventory of certain United States coins, medals, numismatic items, and other pieces produced by the United States Mint that are owned by the Department of the Treasury, and for other purposes; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mr. GENE GREEN of Texas):

H.R. 2731. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 2732. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. GEORGE MILLER of California):

H.R. 2733. A bill to establish the Trinity River Restoration Fund, and for other purposes; to the Committee on Natural Resources.

By Mr. WALBERG (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FORTUÑO, Mr. FRANKS of Arizona, Ms. FOXX, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODLATTE, Mr. HELLER, Mr. HENSARLING, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. LAMBORN, Mr. LEWIS of California, Mr. LINDER, Mr. MACK, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. SALI, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SOUDER, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 2734. A bill to make the Economic Growth and Tax Relief Reconciliation Act of 2001 and certain other tax benefits permanent law; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. THOMPSON of California):

H.R. 2735. A bill to provide additional funding for operation of national wildlife refuges; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself and Ms. WATERS):

H. Con. Res. 169. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself, Mrs. MCCARTHY of New York, Mr. GINGREY, Mr. LAMPSON, Mr. KUHL of New York, and Mr. AKIN):

H. Res. 485. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as ''Mr. Wizard''; to the Committee on Education and Labor.

By Mr. HILL (for himself and Mr. TOM DAVIS of Virginia):

H. Res. 486. A resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mrs. DRAKE, Mr. FEENEY, Mrs. JO ANN DAVIS of Virginia, Mr. KELLER, Mr. CONAWAY, Mr. TOM DAVIS of Virginia, Mrs. WILSON of New Mexico, and Mr. ORTIZ):

H. Res. 487. A resolution recognizing the contribution of modeling and simulation technology to the security and prosperity of the United States, and recognizing modeling and simulation as a National Critical Technology; to the Committee on Science and Technology.

By Mr. ROGERS of Michigan (for himself, Mr. DINGELL, Mr. CONYERS, Mr. LEVIN, Mr. CRENSHAW, Mr. CAMP of Michigan, Mr. BOUSTANY, Mrs. BLACKBURN, Mr. KNOLLENBERG, Mr. MCCOTTER, Mr. FEENEY, Mr. SHAYS, Mr. WALBERG, Mr. HOEKSTRA, Mr. BUCHANAN, Mr. KIRK, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. TERRY, Mr. REYNOLDS, Mr. SESSIONS, Mrs. BONO, Mr. UPTON, Mr. MACK, Mr. SULLIVAN, Ms. ESHOO, Mr. KELLER, Mr. SHIMKUS, Mr. KILDEE, Ms. KILPATRICK, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. CONAWAY, Mr. HAYES, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. FERGUSON, Mr. BOOZMAN, and Mr. HALL of Texas):

H. Res. 488. A resolution congratulating the Detroit Tigers for winning the 2006 American League Pennant and for bringing the City of Detroit and the State of Michigan their first trip to the World Series in 22 years; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 174: Ms. CASTOR.
H.R. 196: Mr. BOSWELL.
H.R. 197: Mr. MEEHAN and Mr. SESTAK.
H.R. 274: Mr. CANTOR.
H.R. 303: Mr. INSLEE.
H.R. 380: Mr. MEEHAN.
H.R. 503: Ms. VELÁZQUEZ, Mr. BILBRAY, Mr. TAYLOR, Mr. MURTHA, Mr. HILL, and Mr. DAVIS of Illinois.
H.R. 506: Mr. FILNER, Mr. MOORE of Kansas, and Mr. ALEXANDER.
H.R. 530: Mr. SESTAK, Mr. BISHOP of Georgia, and Mr. SIRES.
H.R. 566: Mr. SESTAK.
H.R. 579: Mr. MCNULTY.
H.R. 583: Mr. BISHOP of Georgia.
H.R. 601: Ms. ROYBAL-ALLARD.
H.R. 621: Mr. BUTTERFIELD, Mr. BARROW, and Mr. MEEHAN.
H.R. 648: Mr. ROSS.
H.R. 654: Mr. LYNCH and Ms. KAPTUR.
H.R. 660: Ms. JACKSON-LEE of Texas.
H.R. 661: Mr. MEEHAN.
H.R. 690: Ms. CORRINE BROWN of Florida.
H.R. 697: Mr. MICA.
H.R. 718: Mr. WALBERG and Mr. COHEN.
H.R. 750: Ms. NORTON.
H.R. 784: Ms. CORRINE BROWN of Florida and Mr. BACHUS.
H.R. 819: Mr. KLEIN of Florida and Mr. BECERRA.
H.R. 821: Mr. HASTINGS of Florida.
H.R. 869: Mr. BISHOP of Georgia.
H.R. 891: Mr. MEEHAN.
H.R. 900: Mr. SALI.
H.R. 920: Mr. PAYNE and Ms. CORRINE BROWN of Florida.
H.R. 926: Mr. MCCOTTER.
H.R. 943: Mr. MEEHAN.
H.R. 954: Mr. KUHL of New York.
H.R. 998: Mr. HOLT.
H.R. 1078: Mr. MCDERMOTT.
H.R. 1084: Mr. HASTINGS of Florida.
H.R. 1108: Ms. BERKLEY and Ms. CLARKE.
H.R. 1110: Mrs. LOWEY, Mr. PRICE of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. TIBERI, Mr. ALEXANDER, Mr. SULLIVAN, Ms. GIFFORDS, Mr. CALVERT, and Mr. RODRIGUEZ.
H.R. 1157: Mr. HELLER, Ms. PRYCE of Ohio, Mr. HILL, and Mr. COURTNEY.
H.R. 1199: Mrs. MCMORRIS RODGERS.
H.R. 1225: Mr. MEEHAN.
H.R. 1228: Ms. HIRONO.
H.R. 1229: Mr. THOMPSON of Mississippi.
H.R. 1232: Mr. GORDON, Mr. MILLER of North Carolina, Mr. HINCHEY, and Mr. WYNN.
H.R. 1245: Ms. BERKLEY.
H.R. 1250: Mr. MARCHANT.
H.R. 1304: Mr. SOUDER.
H.R. 1314: Mr. SHAYS.
H.R. 1338: Mr. MEEHAN, Ms. CASTOR, and Mr. TOWNS.
H.R. 1346: Ms. LEE.
H.R. 1394: Mr. HINOJOSA and Mr. CONYERS.
H.R. 1406: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1415: Ms. HIRONO and Mr. NEAL of Massachusetts.
H.R. 1416: Ms. HIRONO and Mr. CAPUANO.
H.R. 1418: Mr. THOMPSON of California.
H.R. 1420: Mr. LARSEN of Washington.
H.R. 1422: Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. PUTNAM.
H.R. 1428: Mr. MCHUGH.
H.R. 1439: Mr. PUTNAM.
H.R. 1448: Ms. WOOLSEY and Mr. BRADY of Pennsylvania.
H.R. 1459: Ms. GINNY BROWN-WAITE of Florida, Mr. RUSH, Mr. KENNEDY, Mr. CROWLEY, Mr. HILL, Mr. KELLER, and Mr. SESTAK.
H.R. 1491: Ms. HOOLEY.
H.R. 1498: Mr. MATHESON.
H.R. 1506: Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. SNYDER, Mr. UDALL of New Mexico, Mr. DICKS, Ms. HARMAN, and Mr. PASCRELL.
H.R. 1518: Mr. PICKERING, Mr. ALLEN, and Mr. ORTIZ.
H.R. 1552: Mr. SHERMAN, Mr. MACK, Mr. TURNER, Mr. BARROW, Mr. MILLER of North Carolina, Mr. PETERSON of Minnesota, and Mr. MEEHAN.
H.R. 1576: Mr. HINCHEY.
H.R. 1582: Mrs. MCMORRIS RODGERS.
H.R. 1589: Mr. BACHUS.
H.R. 1621: Mr. BISHOP of Utah, Mr. BONNER, Mr. GUTIERREZ, Mr. UDALL of Colorado, Mr. DOGGETT, and Ms. DELAURO.
H.R. 1644: Mr. DINGELL, Mr. RYAN of Ohio, and Mr. DAVIS of Illinois.
H.R. 1645: Ms. NORTON and Mrs. CHRISTENSEN.
H.R. 1647: Mr. DEAL of Georgia, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. WAXMAN, Mr. BARROW, Ms. BERKLEY, Mr. BERRY, and Mr. HASTINGS of Florida.
H.R. 1673: Mr. CALVERT.
H.R. 1674: Ms. JACKSON-LEE of Texas and Mr. INGLIS of South Carolina.
H.R. 1687: Mr. GENE GREEN of Texas and Ms. DELAURO.
H.R. 1693: Mr. MCDERMOTT and Mr. KUCINICH.
H.R. 1713: Ms. BERKLEY, Mr. SESTAK, Mr. BOSWELL, and Mr. MEEHAN.
H.R. 1727: Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Ms. KAPTUR, Ms. HERSETH SANDLIN, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIBERI, and Mr. WOLF.
H.R. 1767: Mr. UPTON, Mr. NEUGEBAUER, Mr. GOHMERT, Mrs. BOYDA of Kansas, and Mr. MARCHANT.

H.R. 1772: Mr. SNYDER.
H.R. 1780: Mr. GARRETT of New Jersey.
H.R. 1783: Mr. REYNOLDS.
H.R. 1797: Mr. KUHL of New York.
H.R. 1813: Mr. VAN HOLLEN, Mr. KANJORSKI, and Mr. MCNULTY.
H.R. 1825: Mr. LUCAS.
H.R. 1834: Ms. SHEA-PORTER.
H.R. 1843: Mr. BISHOP of Utah.
H.R. 1845: Mrs. BONO, Mr. MCCAUL of Texas, Mr. BUTTERFIELD, Mr. GINGREY, Mr. TIBERI, Mr. MILLER of North Carolina, and Mrs. MILLER of Michigan.
H.R. 1878: Mr. DAVIS of Illinois and Ms. NORTON.
H.R. 1881: Mr. ROTHMAN, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. BERMAN, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1893: Mr. PRICE of North Carolina and Mr. MCHUGH.
H.R. 1927: Mr. BACHUS and Mr. JINDAL.
H.R. 1937: Mrs. CAPITO, Mr. MCINTYRE, Mr. ALLEN, Mr. DANIEL E. LUNGREN of California, Mr. WU, Mr. ROYCE, Ms. BERKLEY, Mr. REHBERG, Mr. EVERETT, Mr. MELANCON, and Mr. THOMPSON of California.
H.R. 1938: Mr. PRICE of North Carolina.
H.R. 1964: Mr. MEEHAN.
H.R. 1971: Mr. PATRICK MURPHY of Pennsylvania, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. SUTTON, Mr. NEAL of Massachusetts, and Ms. CASTOR.
H.R. 1983: Mr. HASTINGS of Florida and Mr. MCGOVERN.
H.R. 1990: Mr. PETERSON of Minnesota and Mr. TANCREDO.
H.R. 2027: Mr. JINDAL.
H.R. 2060: Mr. ROSS and Ms. DEGETTE.
H.R. 2066: Ms. NORTON.
H.R. 2091: Mr. PLATTS.
H.R. 2111: Ms. CLARKE.
H.R. 2129: Mrs. NAPOLITANO, Mr. BERMAN, Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. TAUSCHER, Mr. DEFAZIO, Ms. ESHOO, and Mr. SCHIFF.
H.R. 2137: Mr. JORDAN and Mr. WAMP.
H.R. 2138: Ms. DELAURO, Mrs. BOYDA of Kansas, Mr. COLE of Oklahoma, Mr. TIAHRT, and Mr. GOHMERT.
H.R. 2139: Mr. KIRK, Mr. LINCOLN DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. CHANDLER, Mr. ELLSWORTH, and Mr. WILSON of Ohio.
H.R. 2147: Mr. MOORE of Kansas.
H.R. 2183: Mrs. JO ANN DAVIS of Virginia and Mr. BARTLETT of Maryland.
H.R. 2185: Ms. BORDALLO.
H.R. 2204: Mr. CONYERS and Mr. MEEHAN.
H.R. 2205: Mr. DAVIS of Illinois.
H.R. 2210: Mr. FORTUÑO, Mr. GONZALEZ, and Mr. ABERCROMBIE.
H.R. 2214: Mr. LARSEN of Washington.
H.R. 2234: Mr. PAYNE, Ms. CASTOR, Ms. JACKSON-LEE of Texas, Ms. SUTTON, and Mr. BRADY of Pennsylvania.
H.R. 2236: Mr. PRICE of North Carolina.
H.R. 2247: Mr. STUPAK and Mrs. JO ANN DAVIS of Virginia.
H.R. 2266: Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. LARSEN of Washington, and Mrs. DAVIS of California.
H.R. 2287: Mr. HOLT and Mr. MCNERNEY.
H.R. 2303: Mr. BAKER.
H.R. 2305: Mr. WALBERG.
H.R. 2313: Mr. WU and Mr. MILLER of North Carolina.
H.R. 2320: Ms. ZOE LOFGREN of California.
H.R. 2327: Ms. MCCOLLUM of Minnesota, Mr. KIRK, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. BLUMENAUER, Mr. BURGESS, and Mr. LEWIS of Georgia.
H.R. 2343: Mr. KUCINICH, Mr. MCHUGH, Mr. CARNAHAN, Ms. WOOLSEY, and Mr. GRIJALVA.
H.R. 2353: Mr. NADLER.
H.R. 2397: Mr. BRALEY of Iowa and Mr. WYNN.
H.R. 2400: Ms. SHEA-PORTER.
H.R. 2405: Mr. GENE GREEN of Texas and Mr. DAVIS of Illinois.
H.R. 2425: Mr. REICHERT.
H.R. 2435: Ms. CASTOR.
H.R. 2457: Ms. SUTTON.
H.R. 2508: Mr. KINGSTON and Mr. GINGREY.
H.R. 2539: Mr. ARCURI.
H.R. 2542: Ms. GIFFORDS.
H.R. 2549: Mr. BRALEY of Iowa, Mr. NEAL of Massachusetts, and Mr. PORTER.
H.R. 2550: Mr. PUTNAM, Mr. SESSIONS, Mr. DUNCAN, Mr. BUCHANAN, and Mr. SPACE.
H.R. 2564: Mr. DONNELLY.
H.R. 2578: Mr. BAKER and Mr. REYNOLDS.
H.R. 2580: Ms. NORTON.
H.R. 2592: Mr. ENGEL.
H.R. 2617: Ms. CASTOR.
H.R. 2630: Mr. JINDAL and Mr. LOBIONDO.
H.R. 2670: Mr. WILSON of South Carolina, Mr. RADANOVICH, Mr. WESTMORELAND, and Mr. CAMPBELL of California.
H.R. 2677: Mr. FRANK of Massachusetts and Mr. DUNCAN.
H.R. 2694: Mr. MORAN of Virginia, Ms. ESHOO, Mr. BUTTERFIELD, Mr. GEORGE MILLER of California, and Mr. LATOURETTE.
H.R. 2707: Mrs. SCHMIDT and Mrs. JONES of Ohio.
H. Con. Res. 3: Mr. TIAHRT, Ms. SOLIS, Ms. MCCOLLUM of Minnesota, and Mr. RANGEL.
H. Con. Res. 28: Mr. OBERSTAR.
H. Con. Res. 50: Mr. PENCE and Ms. ROS-LEHTINEN.
H. Con. Res. 70: Mr. ALLEN, Mr. ROTHMAN, Mr. BISHOP of New York, and Mrs. BIGGERT.
H. Con. Res. 87: Mr. MEEHAN.
H. Con. Res. 91: Mr. MEEHAN.
H. Con. Res. 97: Mr. BISHOP of New York.
H. Con. Res. 104: Mr. OLVER.
H. Con. Res. 108: Ms. BORDALLO and Ms. WATSON.
H. Con. Res. 122: Mr. MEEHAN and Ms. DEGETTE.
H. Con. Res. 131: Mr. FOSSELLA.
H. Con. Res. 135: Mr. SESTAK.
H. Con. Res. 136: Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 137: Mr. WU, Ms. ROS-LEHTINEN, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 160: Ms. WATSON and Mr. MCCOTTER.
H. Con. Res. 163: Mr. THOMPSON of California.
H. Res. 111: Ms. HARMAN and Mr. RYAN of Ohio.
H. Res. 121: Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. WALSH of New York, Mr. DICKS, and Mr. WAMP.
H. Res. 231: Mr. INGLIS of South Carolina.
H. Res. 257: Mr. TIBERI.
H. Res. 282: Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. CAPUANO, and Mr. SHULER.
H. Res. 287: Ms. LEE, Mr. WEXLER, and Mr. CROWLEY.
H. Res. 335: Mr. MCDERMOTT and Mr. GOODE.
H. Res. 356: Ms. DELAURO, Mr. Lincoln Diaz-Balart of Florida, and Ms. LEE.
H. Res. 378: Mrs. MCCARTHY of New York, Mr. UPTON, Ms. HARMAN, Mr. COBLE, Mr. Courtney, Mr. Lincoln Diaz-Balart of Florida, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.
H. Res. 384: Mr. HUNTER, Mr. HALL of Texas, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. TOWNS, Mr. INSLEE, Mr. BAIRD, Mr. CRENSHAW, Mr. RENZI, Ms. ESHOO, and Mr. BISHOP of Utah.
H. Res. 389: Mr. RANGEL.
H. Res. 415: Mr. AL GREEN of Texas.
H. Res. 424: Mr. SESTAK.
H. Res. 425: Ms. SCHAKOWSKY.
H. Res. 433: Mr. DAVIS of Illinois.
H. Res. 447: Mr. BURTON of Indiana and Mr. GUTIERREZ.
H. Res. 456: Mr. LATOURETTE.
H. Res. 457: Mr. HASTINGS of Florida.
H. Res. 477: Mr. JEFFERSON, Mrs. MCMORRIS RODGERS, Mr. MARSHALL, Mr. WILSON of South Carolina, and Mr. BISHOP of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

60. The SPEAKER presented a petition of the Selectboard of Roxbury, Vermont, relative to a Resolution supporting the men the Town of and women serving in all branches of the United States Armed Forces in Iraq; to the Committee on Armed Services.

61. Also, a petition of the Legislature of Monroe County, New York, relative to Resolution No. 07–0125 memorializing the Congress of the United States to pass legislation to decrease the disparity in military benefits between military reservists and enlisted servicemen and women; to the Committee on Armed Services.

62. Also, a petition of the San Luis Coastal Unified School District, California, relative to Resolution No. 11–06–07 urging the Congress of the United States to review and address the necessary amendments to the No Child Left Behind Act so that schools can successfully implement the Act; to the Committee on Education and Labor.

63. Also, a petition of Mr. Gavin Newsom, Mayor of the City of San Francisco, California, relative to supporting House Resolution No. 106, as recognizing the Armenian Genocide of 1915; to the Committee on Foreign Affairs.

64. Also, a petition of the Board of Supervisors of Santa Clara County, California, relative to a Resolution urging the World Health Organization to approve the extending of an invitation to Taiwan to participate in the World Health Organization's annual World Health Assembly meeting as an observer; to the Committee on Foreign Affairs.

65. Also, a petition of the Common Council of the City of Plattsburgh, New York, relative to a Resolution urging the federal government of the United States of America to seek positive diplomatic relations with Iran; to the Committee on Foreign Affairs.

66. Also, a petition of the Board of Supervisors of Los Angeles County, California, relative to a Resolution opposing H.R. 811, the Voter Confidence and Increased Accessibility Act and S. 559, the Vote Integrity and Verification Act; to the Committee on House Administration.

67. Also, a petition of the City of Key Colony Beach, Florida, relative to a Resolution requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

68. Also, a petition of the Board of County Commissioners of Glades County, Florida, relative to Resolution No. 2007–7 requesting that the Congress of the United States appropriate the funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

69. Also, a petition of the InterCounty Association of Western New York, relative to Resolution No. 18–07 urging the United States House of Representatives and the United States Senate to support mandatory funding for veterans' healthcare services; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2638

OFFERED BY: MR. KING OF NEW YORK

AMENDMENT NO. 132: Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 133: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads pursuant to section 102 of Public Laws 104–208.

H.R. 2638

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 134: At the end before the short title, insert the following new section:

SEC. ____. (a) Clause 6(b) of rule XIII of the Rules of the House of Representatives is amended by striking the period and inserting ''; or'' at the end of subparagraph (2) and by adding at the end the following new subparagraph:

''(3) a rule or order that would limit any amendment that would otherwise be in order to a rescission bill.''.

(b) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by inserting '(1)' after '(b)', by redesignating subparagraphs (1) through (6) as subdivisions (A) through (F), respectively, and by adding at the end the following:

''(2)(A) Whenever a rescission bill passes the House, the Committee on the Budget shall immediately reduce the applicable allocations under section 302(a) of the Congressional Budget Act of 1974 by the total amount of reductions in budget authority and in outlays resulting from such rescission bill.

''(B) As used in this subparagraph, the term 'rescission bill' means a bill or joint resolution which only rescinds, in whole or in part, budget authority and which includes only titles corresponding to the most recently enacted appropriation bills that continue to include unobligated balances.''.

(c) Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. (a) By February 1, May 1, July 30, and November 11 of each session, the majority leader shall introduce a rescission bill. If such bill is not introduced by that date, then whenever a rescission bill is introduced during a session on or after that date, a motion to discharge the committee from its consideration shall be privileged after the 10-legislative day period beginning on that date for the first 5 such bills.

''(b) It shall not be in order to offer any amendment to a rescission bill except an amendment that increases the amount of budget authority that such bill rescinds.

''(c) As used in this clause and in clause 6, the term 'rescission bill' has the meaning given such term in clause 4(b)(2)(B) of rule X.''.

(d) Rule XXI of the Rules of the House of Representatives (as amended by subsection (d)) is further amended by adding at the end the following new clause:

''8. (a) It shall not be in order to consider any rescission bill, or conference report thereon or amendment thereto, unless—

''(1) in the case of such bill or conference report thereon, it is made available to Members and the general public on the Internet for at least 48 hours before its consideration; or

''(2)(A) in the case of an amendment to such rescission bill made in order by a rule, it is made available to Members and the general public on the Internet within one hour after the rule is filed; or

''(B) in the case of an amendment under an open rule, it is made available to Members and the general public on the Internet immediately after being offered; in a format that is searchable and sortable. No amendment to an amendment to a rescission bill shall be in order unless germane to the amendment to which it is offered.

''(b) No amendment to an amendment to a rescission bill shall be in order unless germane to the amendment to which it is offered.''.

H.R. 2638

OFFERED BY: MR. BURGESS

AMENDMENT NO. 135: Page 2, line 16, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $15,000,000)''.

H.R. 2638

OFFERED BY: MR. KING OF NEW YORK

AMENDMENT NO. 136: Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

H.R. 2642

OFFERED BY: MR. WALZ OF MINNESOTA

AMENDMENT NO. 9: Page 30, line 14, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 32, line 22, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 32, line 23, insert after 2009 the following: '', of which $1,000,000 is for the Secretary of Veterans Affairs and the Secretary of Defense to develop performance measures for determining progress toward the sharing of Department of Veterans Affairs and Department of Defense health care resources pursuant to section 8111 of title 38, United States Code, and to submit to Congress a report on such performance measures''.

H.R. 2642

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 10: Page 31, line 6, after ''Philippines'', insert '': *Provided further*, That of the amount appropriated under this heading, $10,000,000 may not be obligated or expended until the Secretary of Veterans Affairs submits a report to the Committee on Appropriations and the Committee on Veterans Affairs of the House of Representatives outlining the progress and plan for implementation of the Office of Rural Health within the Office of the Under Secretary for Veterans Health, which shall be fully implemented by January 1, 2008''.

H.R. 2642

OFFERED BY: MRS. CAPITO

AMENDMENT NO. 11: Page 32, line 8, after ''appropriation'', insert '': *Provided further*, That $10,000,000 of such funds may not be obligated or expended until the Secretary of Veterans Affairs submits to the House of Representatives an executable plan, to be implemented not later than January 1, 2010, for maintaining medical records that are interoperable between the Department of Veterans Affairs and the Department of Defense''.

H.R. 2642

OFFERED BY: MR. DONNELLY

AMENDMENT NO. 12: Page 44, after line 22, insert the following new section:

SEC. ____. Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report explaining what is being done to implement the eight open recommendations made to the Secretary by the Government Accountability Office for improving the timeliness, accuracy and consistency of disability claims processing by the Department of Veterans Affairs, as recorded in a letter dated May 25, 2007, sent by the Government Accountability Office to the President's Commission on Care for America's Returning Wounded Warriors (GAO–07–906R).

H.R. 2642

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 13: In section 405 (page 48, beginning on line 11), strike ''encouraged'' and insert ''directed''.

H.R. 2642

OFFERED BY: MR. PENCE

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following new section:

SEC. 409. None of the funds appropriated or otherwise made available by this Act may be used for construction of a structure or purchase of equipment for the purpose of performing abortions.

H.R. 2642

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 15: At the appropriate place, add the following new section:

SEC. ____. ESTABLISHMENT OF DEPARTMENT OF DEFENSE MEDICAL CENTERS SPECIALIZING IN POST TRAUMATIC STRESS DISORDER IN UNDER SERVED AREAS.

(a) INCREASE.—The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) SPECIFIC CRITERIA.—At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment

and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 2642

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: At the appropriate place, add the following new section:

SEC. ___. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS SPECIALIZING IN POST TRAUMATIC STRESS DISORDER IN UNDER SERVED AREAS.

(a) INCREASE.—The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) SPECIFIC CRITERIA.—At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 2642

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 17: Page 10, line 17, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 27, line 6, after the dollar amount insert ''(increased by $22,000,000)''.

EXTENSIONS OF REMARKS

TRIBUTE TO U.S. ARMY PRIVATE FIRST CLASS CAMERON PAYNE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Army Private First Class Cameron Payne. Today on Flag Day, as we honor the history of ''Old Glory,'' I ask that the House of Representatives also honor and remember this incredible young man who died in service to his country.

Cameron grew up in Corona, California where his wife, children, mother and brother still reside. Private First Class Payne enlisted in the Army in 2005 and was a man with goals for his life and his family. Private First Class Payne completed basic training at Fort Benning, Georgia and was stationed at Fort Riley. He was deployed to Iraq in February and on Monday, June 11, 2007 Private First Class Payne was killed by an improvised explosive device in Baghdad, Iraq. He was 22 years old.

In reading about Cameron's life, I was impressed by his devotion to family. The Press Enterprise describes a man that cared very deeply for his mother and brother. Private First Class Payne was also a proud and loving husband and parent. He dreamed of moving his new family to the Seattle area. He leaves behind his wife Julie and two daughters, Annaleese and Kylee. He also leaves behind his mother Jackson and brother Cody.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Cameron, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. When the Payne family learned of Cameron's passing, it was probably the hardest moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Private First Class Payne's wife, children and family have all given a part of themselves in the loss of their loved one and I hope they know that their husband, father, son and brother, the goodness he brought to this world and the sacrifice he has made, will be remembered.

LORRAINE MILLER'S HISTORIC APPOINTMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. RANGEL. Madam Speaker, I stand today to acknowledge the significance of Lorraine C. Miller's appointment as Clerk of the U.S. House of Representatives for the 110th Congress. Her accomplishment as the first African American and the first woman of color to serve as Clerk of the House is unprecedented. As a member who has admired her work, respected her professionalism and considers her a friend, I am honored to acknowledge her historic appointment.

Although Ms. Miller has served the U.S. House of Representatives for nearly 20 years, her passion for public service began long before she came to the Hill. After graduating from Texas State University in 1975 with a Bachelor's degree in political science, Ms. Miller returned to her home town in Fort Worth, Texas to work in the public school system as a high school teacher. While Ms. Miller appreciated the value in her position as an educator, she possessed a strong desire to work in government. For 10 years she consistently sent written requests to work in Congressman Jim Wright's office. Her persistence availed and she worked with Congressman Wright for over a decade, gradually working her way to being his executive assistant when he became Speaker of the House. Ms. Miller has also worked as a facilitator with House Speaker Tom Foley; as senior advisor to Congresswoman NANCY PELOSI for the past 6 years; and with various federal agencies and initiatives. She is also an active member in her church and has been President of the Washington Branch of the NAACP since 2004.

Ms. Miller has demonstrated an outstanding commitment to public service and leadership in legislative responsibilities. While her recent appointment as Clerk of House is an addition to her many accomplishments, it is truly a monumental and historic occasion. Since the inception of the Office of the Clerk in 1789, no African American or woman of color has ever possessed its title and responsibilities. Under Congresswoman's PELOSI's recommendation, Ms. Miller has broken through barriers and has set new standards for women and people of color. It is a privilege for me to recognize her achievement.

IN RECOGNITION OF SAINT ANDREW UKRAINIAN CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. KUCINICH. Madam Speaker, I rise today in celebration of Saint Andrew Ukrainian Catholic Church of Northeast Ohio, and to acknowledge the vibrant spirit of its parishioners.

Since its 1967 dedication to the late Reverend Mitred Dmytro Gresko, Saint Andrew Ukrainian Catholic Church has been an active community institution in Northeastern Ohio. At a time when communities struggle to maintain their connections, Saint Andrew has sponsored social gatherings that have brought neighborhoods and families together. Saint Andrew's commitment to community involvement has created many valuable relationships between the church and local organizations.

Saint Andrew's has been the backbone of the people and has cultivated kinship amongst strangers. It has shared the joys of our family and friends, and has lifted our sorrows. Saint Andrew Ukrainian Catholic Church has provided a sanctuary for the vulnerable and displaced among us. It has been a political and spiritual leader during an unpredictable time in our nation's history. The clergy of Saint Andrew Ukrainian Catholic Church are admirable religious leaders who strive to grow with the community and continuously offer guidance that fulfills the needs of their parishioners.

Madam Speaker and colleagues, please join me in honoring Saint Andrew Ukrainian Catholic Church, for the many years it has brought us together and the countless services it has offered to the community.

TRIBUTE TO THE GREATER SEATTLE SERVICE LEAGUE

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. INSLEE. Madam Speaker, I rise today to recognize the Greater Seattle Service League, GSSL, for their commitment to raising funds and awareness for Childhaven, a Seattle-based organization dedicated to breaking the cycle of child abuse. The organization uses scientifically-supported programs to protect and treat children through 5 years of age while simultaneously providing counseling and education to victims' families. Childhaven currently operates four Seattle-area branches to reach people around the City. Anyone who visits the Childhaven facilities will see firsthand the miracles that can be established by the caring and proven efforts at Childhaven.

The GSSL began in 1979 as a group of recent college graduates committed to making a difference in the community; they have subsequently grown into a philanthropic force in the Seattle area. GSSL and Childhaven have been in partnership for 27 years. For the past 18 years, their yearly Hoopaholics fundraiser has allowed basketball enthusiasts to play a few games, raise money for Childhaven at the same time, and hear about the power of mentoring by committed people like Mike Pierson. Since its inception, the $300,000 that has been raised through Hoopaholics has gone toward continuing day-to-day program operations, furnishing the new Broadway Center and purchasing vans, books, furniture, and playground equipment for other branches, among other purposes. GSSL is truly a valued partner of the Childhaven Treatment Centers, and the efforts of its mentors are greatly appreciated.

TRIBUTE TO U.S. ARMY STAFF SERGEANT THOMAS MICHAEL McFALL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Army SSG Thomas Michael McFall. Today on Flag Day as we honor the history of ''Old Glory,'' I ask that the House of Representatives also honor and remember this incredible young man who died in service to his country.

Thomas grew up in Riverside, where his father still resides. He was a member of the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, home-based in Fort Lewis, Washington. Staff Sergeant McFall was a career soldier who understood the dangers of his job. He joined the Army in 1994 and has been stationed all over the world, including South Korea, Panama, Japan and Afghanistan before deploying to Iraq in April. On May 28, 2007, Sergeant McFall was killed by an improvised explosive device in Baghdad, Iraq.

In reading about Thomas' life, I was impressed by his charismatic and caring nature. The Press Enterprise describes a man that would take in other soldiers who had nowhere to go during Christmas time. Sergeant McFall was also a proud and loving husband and parent. He leaves behind his wife Emily and three children Austin, Elizabeth and Matthew. He also leaves behind his father Thomas, stepmother Sherry, mother April and stepfather Charles as well as several brothers and sisters. Staff Sergeant McFall was laid to rest Friday, June 8, 2007 at Riverside National Cemetery.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Thomas, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the McFall family had to say farewell to Thomas was probably the hardest day the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Staff Sergeant McFall's wife, children and family have all given a part of themselves in the loss of their loved one and I hope they know that their husband, father and son, the goodness he brought to this world and the sacrifice he has made, will be remembered.

SUPPORT FOR HOUSE RESOLUTION 422

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. RANGEL. Madam Speaker, I stand today to show support of and solidarity with Congresswoman BARBARA LEE's House Resolution 422 introduced on May 21, 2007 calling on the Government of the People's Republic of China to ''use its unique influence and economic leverage to stop genocide and violence in Darfur.'' The atrocities of Darfur have carried on way too long and it is necessary for us to broaden our efforts.

The issuance of Executive Order 13067 by President Clinton in 1997; its renewal and expanded scope through President Bush; as well as the Darfur Peace and Accountability Act of 2006 all indicate the commitment of this Nation to ending the ongoing and escalating human rights violations in Sudan. While the unilateral economic sanctions imposed by the United States are important, it is not enough: U.S. sanctions alone have been unable to discourage or discontinue the rape, killing or displacement of millions of civilians. It has become increasingly clear that multilateral targeted sanctions enforced by the international community have the potential to pressure the Sudanese government into action to end the conflict in Darfur.

As a permanent member of the United Nations Security Council, investor in Sudan's infrastructure and oil industries, and supplier of Sudan's weapons, the People's Republic of China possesses an enormous amount of power to pressure Sudan to end the genocide and comply with the initiatives of the United Nations. Their support is integral in an international effort to end the Darfur conflict.

House Resolution 422 brings overdue attention to the People's Republic of China's longstanding economic and military ties to Sudan and urges China to effectively use these ties to compel Sudan to take steps to stop the attacks on civilians and comply with United Nations Security Council Resolutions. As hosts of the Olympic Summer Games of 2008, with a slogan of ''One World One Dream,'' it is only fitting for the People's Republic of China to join the international community in our effort to bring stability to the nation. I applaud Congresswoman LEE's efforts to engage international support to end this conflict.

IN REMEMBRANCE OF MOLLY IVINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Mary Tyler ''Molly'' Ivins, for her outstanding career in and contribution to American journalism as a columnist, political commentator and bestselling author.

Molly earned her master's degree from Columbia University Graduate School of Journalism and an honorary doctorate from Haverford College. She worked for several newspapers, including the Houston Chronicle, the Texas Observer, the New York Times, and the Dallas-Times Herald, and received a number of awards, especially for her efforts in defense of the First Amendment.

Molly's independence and courage marked everything she did. She had the guts to speak her mind, no matter the opposition. She repeatedly defended the powerless and the downtrodden, and she did so with wit and humor, grabbing us by our hearts and minds.

Even as she battled cancer, her concern for others did not wane. She continued to invite people with needs into her home, educating them and teaching them the habits and values that have characterized her own life.

Molly is survived by her brother, Andy, and her sister, Sara Ivins Maley. She will be missed by family, friends, colleges, and thousands of readers.

Madam Speaker and colleagues, please join me in honoring Mary Tyler ''Molly'' Ivins, for her love of America. May her indomitable spirit live on in the voices of all who speak out for justice.

HONORING PATRICIA A. COPPO FOR 20 YEARS OF DEDICATED SERVICE TO THE NATIONAL MARROW DONOR PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. YOUNG of Florida. Madam Speaker, after 20 years of dedicated service, Patricia A. Coppo is retiring from her life-saving work with the National Marrow Donor Program (NMDP). As you know, the NMDP allows medical miracles to occur every day as the program recruits adult donors and umbilical cord blood units to provide stem cell transplantations for patients with life-threatening blood disorders.

Pat, who retires as the Chief Operating Officer of the NMDP, has been with the program since its inception. With a small earmarked appropriation from the United States Navy, the NMDP began in 1987 with four staff members in a cramped room in a Red Cross office in St. Paul, Minnesota. They had a vision and a mission and with the support and guidance of Congress and the Navy began their work to save lives one at a time.

Pat started as a bone marrow search coordinator and worked with transplant centers to

try to find donors for their patients from several donor registries that had developed through the work of patients and their families, blood centers and transplant hospitals. It was almost a needle in a haystack approach to saving lives. With the guidance and support of my colleagues and I on the Appropriations Committee and in this House, these individual registries came together to form the beginnings of the NMDP. No one then could have conceived of the program that has developed since. As of April of 2007, over 6.5 million donors have joined the Registry and over 28,000 patients have received a second chance at life through bone marrow, stem cell or cord blood transplantation.

Madam Speaker, over these past 20 years, Pat has helped the NMDP save lives through cellular transplantation therapy by providing guidance for the organization, leadership for the staff and stewardship of the NMDP's resources. She has made a profound impact on the organization and staff with her passion for our mission, dedication to the staff, incredible work ethic, sense of humor and ability to adapt, change and grow with the NMDP. She will leave a legacy of important and lasting relationships with a network of over 450 organizations that partner to provide cellular transplant therapies.

The NMDP will miss her but she leaves the program in a great position to continue its lifesaving work. As a result of legislation adopted by Congress in December 2005, the NMDP has been entrusted to operate the C.W. Bill Young Cell Transplantation Program. The size of the registry will increase, the science of transplantation will advance, and we will continue to develop more services to support patients and families as they cope with a life-threatening disease.

Madam Speaker, I would urge my colleagues to join me in thanking Pat for her dedication to the program and the patients we serve. She has made a difference in the lives of thousands of patients and families and for that, they and we will be forever grateful. In closing let me wish Pat all the best as she closes one very long and important chapter in her life and embarks upon a new and yet unchartered journey.

THE MOODY TROJANS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. ORTIZ. Madam Speaker, I rise today to boast about the tremendous accomplishment of the Moody High School Trojans, winner of the 2007 Texas High School Class 4A Baseball Championship, just this past weekend.

Since 2000, the Trojans have reached the State Championship 3 times and are now walking away with the second of 2 State trophies in just 4 years.

Heading into the playoffs ranked No. 1 in the State, the Moody players lived up to their reputation of maximizing their offense, with the help of exceptional pitching from MVP Championship Pitcher Miguel Gonzalez. The Trojans controlled the championship game with 3 homeruns and crushed their opponents 9–1.

Having learned humility from past defeats, the young men of Moody continue to illustrate the South Texas baseball family tradition—they remain a brotherhood of young athletes. With inspiration, hard work, and faith, these players exemplify the ''Moody magic'' that has brought the Trojans to State victory once again, ending the season with a record of 39–3–1.

Having earned national recognition, this 4A baseball team from Corpus Christi has been ranked seventh in the Nation by Collegiate Baseball's high school poll. Producing both extraordinary athletes and spectacular leaders, seven of the Moody players have been chosen to fill the 10 available spots on the all-State tournament team.

Recognized for their great accomplishments by the community after they tasted victory, the Trojan players were received by crowds of roaring fans as they arrived home, led by their head coach, Corky Gallegos, who paraded their championship trophy to their high school for display.

What is more remarkable than their success in the State championship again is the invaluable lessons that high school sports teach these young men. They learned that winning is one thing, but winners on the field are made from teamwork and faith; winners in life are those who master the fundamentals, never lose their faith, and put their whole effort into all they do.

I ask the House of Representatives to join me today in commending the following players: Joey Mendoza, Christian Gallegos, Rudy Flores, Rudy Grande, Andrew Perez, Leeroy Hinojosa, Marc A. Gomez, Miguel Gonzalez, Thomas Tovar, Jeff Rousseau, Raul Galvan, Andrew Cantu, James T. Ramirez, Gabriel Morales, Adrian J. Longoria, Justin Meza, Ryan Villarreal, Elias Rodriguez, Josiah Rodriguez, Orlando Perales, Ronnie Flores, Dan Flores, Jacob Perales, Marcus Montez, Arnold J. Franco, Justin Gabrillo, Michael Montez, Randy Rodriguez, Abraham Figueroa, and Kalvin Roberts. These special young athletes were led by Head Coach Corky Gallegos, Assistant Coach Richard Diaz, and Assistant Coach Mike Leal.

This outstanding group of young champions representing the ''Moody magic'' have learned—and lived—the most important lessons of competition, faith and dignity. Madam Speaker, these young people have inspired us and made us exceptionally proud.

IN RECOGNITION OF CAROLYN LOTT

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure that I rise today to honor a shepherd of California's Central Valley, Carolyn Lott. I can think of no one person who has worked harder for their community and on a wider range of issues than Carolyn. As she prepares to retire from years of dedicated service, I'd like to share a little about my good friend.

Carolyn Lott has been a guiding light on the valley's path of social and economic growth. A champion of the Highway 99 Corridor, Carolyn has ensured much needed State capital be directed to this main transportation artery through the Central Valley. Her latest position as Senior Program Manager for the Great Valley Center in Modesto, California has allowed her to continue promoting this agenda, as well as incorporate it into a blueprint plan for the region. In addition to her responsibilities with this position, she also manages the project work within New Valley Connexions, a program that focuses on helping to strengthen and diversify the regional economy of the Central Valley by advancing the use of new technologies and positioning the region to be more competitive in the 21st century.

Prior to Carolyn's current position, she was affiliated with the Great Valley Center as a consultant coordinating a nine-county regional effort to organize sectors of the San Joaquin Valley around development of voluntary measures to help improve air quality. She successfully guided the development of 14 sectors, corresponding working groups, a draft air quality improvement plan, and an inaugural summit with more than 400 attendees. Additionally, through both local efforts and a trip to Washington, DC, congressional assistance for the effort was obtained both through endorsement of the project and actual funding commitments.

Through the Great Valley Center, Carolyn continued her affiliation with the Center for Collaborative Policy in Sacramento, California. CCP is a joint program of California State University, Sacramento and McGeorge School of Law and offers facilitation for public policy development. Carolyn has completed the sixth year of contract services providing facilitation to the Department of Water Resources for San Joaquin County. During her tenure, the county and a joint powers authority have moved from a stalemate position to recipients of State funding for water supply projects and are currently developing an integrated regional water management plan to assure water reliability and to help restore the significantly depleted underground aquifer. Also with CCP, Carolyn was both project manager and facilitator for the Smart Growth Local Elected Officials Roundtables, a joint project of the Governor's Office of Planning and Research, the California State Association of Counties, the Local Government Commission, and the League of California Cities.

Prior to her work as a facilitator and program manager, Carolyn (Ratto) Lott was a councilmember in Turlock, California. During this time she was actively involved in numerous policy development activities through both the League of California Cities and the National League of Cities. She played a leadership role as president of the LCC, board of directors member for both organizations, and chair of numerous committees and special projects, including chairing the National League of Cities Leadership Training Council. She has also chaired the California Cities, Counties, and Schools State Partnership and still serves on their board of directors, and served as a Governor's appointee on the Commission for Local Governance in the 21st Century. She has completed a decade of service on the Turlock Chamber of Commerce

Leadership Steering Committee and has spent more than half a decade as an advisory board member for California State University, Stanislaus. She also completed three terms as a board member for Emanuel Medical Center in Turlock. Currently she serves as an advisory committee member of the Collaborative Governance Initiative, part of the League of California Cities' Institute for Local Government, as a board member for the California Budget Project, and on the Advisory Committee for the College of Business Administration, California State University, Stanislaus.

Carolyn's efforts on behalf of the Central Valley have left an indelible mark. There is no doubt that future generations will benefit greatly because of Carolyn's foresight and commonsense plans of action. As she prepares to make more time for herself and her husband, Lonald, I trust she will continue to be a great example to all aspiring stewards of our community.

INTRODUCTION OF THE ALARM CUSTOMER VoIP NOTIFICATION ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support for the Alarm Customer VoIP Notification Act, which I am introducing today. I would also like to take this opportunity to thank my friend and colleague on the Telecommunications and the Internet Subcommittee, Congressman CLIFF STEARNS, who joins me as an original cosponsor of this bill.

Currently, burglar and fire alarm signals are transmitted from the home or business to a central monitoring station over the traditional phone line system. In many cases, Voice over Internet Protocol (VoIP) phone systems will become a substitute for the current land line systems. When a VoIP (broadband) phone system is improperly installed, by either a consumer or a cable provider, there is a significant risk that existing alarm panels will be bypassed, and will no longer be able to send an alert to the alarm monitoring station.

Unless the consumer is notified and the system is properly tested, they will be unaware they no longer have alarm services they are relying on to protect their life, health, safety, and property. Approximately half of the 26 million alarm consumers will learn that their systems are no longer operable when a monthly automatic test is run on their system. However, even those with self-testing systems will be without alarm monitoring services for up to a month. The other half of Americans who have older legacy systems, which cannot be automatically tested by a central monitoring station, will only learn they no longer have alarm services during an emergency. To make matters worse, seniors with home health alert systems, Personal Emergency Response Systems—PERS, will be unaware that they have lost their health lifeline.

Consumers who utilize alarm systems have invested significantly to ensure that they have the security that burglar, health, safety, and fire alarm monitored systems provide. They should be given the information needed to ensure continued alarm monitoring services.

That is why I have introduced the Alarm Customer VoIP Notification Act. This bill requires that before a VoIP system is activated, the customer be notified that their alarm system needs to be tested and that they need to notify the alarm monitoring company. Again, I urge my colleagues' support and cosponsorship of this important consumer protection bill.

THE INTRODUCTION OF THE NATIONAL WILDLIFE REFUGE SYSTEM OPERATIONS ENHANCEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. YOUNG of Alaska. Madam Speaker, ten years ago, the Congress enacted a landmark law known as the National Wildlife Refuge System Improvement Act. This measure created for the first time an organic statute and a mission for the National Wildlife Refuge System. I was proud to have sponsored that legislation and pleased that President Bill Clinton signed into law October 9, 1997.

National wildlife refuges are undeniably unique. They are the only Federal land system established explicitly to conserve wildlife and their habitat. They also provide protection for 260 endangered and threatened species.

A great deal has happened to the refuge system during the past decade. For instance, the size of this unique system of Federal lands has increased from 93 million to 96 million acres and the number of individual refuge units has grown from 511 to 547. In fact, there is now a National Wildlife Refuge within all 50 States and the U.S. territories and they are within an hour's drive of most major cities.

Four years ago, the National Wildlife Refuge System celebrated the 100th anniversary of the establishment of the first refuge at Pelican Island, FL, by President Theodore R. Roosevelt. The fundamental purpose of that designation was to protect native wildlife and that goal has not changed for the past 104 years. The unambiguous mission of the system: "Is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

In preparation for the bicentennial, Congress appropriated an historic figure of nearly $300 million dollars in FY03 and FY04 for refuge operations. This was $50 million more than had ever been allocated for this essential function.

Sadly, this level was not sustained and refuge operations funding was restored to pre-bicentennial figures soon after the birthday candles were extinguished and the commemorative banners were placed in storage. This appropriation level has remained stagnate for the past 4 years.

While this year's budget contains added revenues for the National Park Service, the U.S. Fish and Wildlife Service's request was grossly inadequate. By way of comparison, my colleagues should know that the National Park Service has 20,000 full-time employees, it manages 390 park units and the system is comprised of 85 million acres of which 52.9 million are located in my State of Alaska. By contrast, the Fish and Wildlife Service has 3,687 full-time refuge employees, it manages 547 refuges and the system is comprised of 96 million acres. In FY08, the Fish and Wildlife Service requested $394.8 million for the Refuge System, while the Park Service requested nearly five times as much, or $1.9 billion.

While funding for the National Wildlife Refuge System has remained flat, uncontrollable expenses including employee costs and benefits, GSA-rental office space, fuel and energy continue to rapidly grow. In fact, the Fish and Wildlife Service estimates that these costs are about $40 million each year. It, therefore, does not take a certified public accountant to understand that no entity can continue to operate year-after-year without at least offsetting cost-of-living expenses.

The U.S. Fish and Wildlife Service is no exception to this rule. As a result of these declining resources, the director of the U.S. Fish and Wildlife Service instructed each of the service's regional directors to implement cost savings or "workforce plans." These plans have now been prepared, submitted, and approved. The net result is that unless an additional $15 million in new funding is provided each year, the service will lose 439 full-time refuge positions by September 30, 2008. While these reductions represent 20 percent of their total refuge workforce, these vacancies are not uniform throughout the system. For example, the service will lose 28 percent of its refuge staff in Washington State, 29 percent in Idaho and Kansas, 38 percent in Indiana and a staggering 56 percent in Wyoming.

Without these human resources, the 40 million people who visit at least one refuge each year will find many refuges overgrown, rapidly spreading invasive species, unstaffed refuge headquarters, an absence of law enforcement personnel, abolished environmental education programs, and significantly less opportunities to enjoy wildlife dependent recreation which includes hunting, fishing, wildlife observation and photography.

Those who visit a wildlife refuge enjoy the experience because they are a haven from our fast paced lives. These wildlands inspire us and keep us connected to the natural world. The American people deserve the finest refuge system in the world and not one that is being stretched beyond its capacity. In addition to not filling vacancies, the public will find that 88 refuges are closed and an increasing number of 188 refuges throughout the country are unstaffed. In short, visitors will travel hundreds of miles to see a refuge and will find much to their frustration that the front gate is locked and no one is there to describe to them the wonders of each of unique place.

Refuges are also important economic engines. According to the U.S. Fish and Wildlife Service in 2004, refuge visitors generated nearly $1.4 billion for regional economies, they support 24,000 private sector jobs and $454 million in employment income was generated.

According to the Cooperative Alliance for Refuge Enhancement, CARE, "the National

Wildlife Refuge System faces a crippling conservation deficit.'' The best illustration of this shortfall was described by the northeast regional director who noted that: ''In three years, 74 percent of the national wildlife refuges would be operating either 'in the red' or at crisis levels: In five years, 89 percent; and in seven years, 93 percent.''

Within that region, you have the Mason Neck National Wildlife Refuge in northern Virginia. according to a recent article, ''A dwindling budget, staff cuts, invasive weeds and crime are bearing down on the refuge, leaving some advocates wondering how visitor services or the health of the land the species depend on will survive''. There is no question that the refuge system is in crisis and unless additional revenues are forthcoming this problem will be exacerbated in the near future.

In an effort to provide those additional revenues, I joined with some of my colleagues in urging the House Appropriations Committee to allocate $451.5 million for refuge operations and maintenance. While this is a step in the right direction, it will not solve the service's long-term funding shortfalls.

We must enact legislation that addressed these funding needs and that is the fundamental goal of the measure I am proposing today. The National Wildlife Refuge System Operations Enhancement Act of 2007 has three major components. The first revenue enhancing measure is to gradually increase the price of a Federal duck stamp from its current rate of $15 to $25.

On March 16, 1934, the Migratory Bird Hunting Stamp Act was enacted. Under this law, every hunter over the age of 16 is required to purchase a duck stamp each year if they intend to hunt migratory waterfowl. The price of this stamp has been increased by Congress on seven specific occasions over the past 73 years from an initial cost of $1 in 1934 to its current level of $15 in 1991. In fact, this is now the longest period in the history of the program without an increase.

Since the inception of the Duck Stamp Program, the Department of the Interior has collected nearly $750 million from the sale of duck stamps. These monies are deposited in the Migratory Bird Conservation Fund and they have been used to purchase or lease over 5 million acres of land that has been incorporated within the National Wildlife Refuge System. While the number of duck stamp receipts have varied over the years, the actual number sold has declined from 2.5 million in 1971–1972 to 1.6 million in the 2003–2004 hunting season. For the past 3 years, about $24 million annually has been deposited into the Migratory Bird Conservation Fund.

According to the Congressional Budget Office, an increase in the price of a duck stamp from $15 to $20 would raise about $8 million in new revenues each year and up to $14 million in new receipts with a price tag of $25. In short, this provision could provide the Fish and Wildlife Service with a long term revenue source. Under my legislation, however, the money obtained from these increases would not be designated for land acquisition but would be specifically targeted toward refuge operations. The ongoing monies raised from the $15 would continue to be allocated and spent by the Migratory Bird Commission.

It is my firm belief that instead of acquiring millions of additional acres of Federal lands that we don't have the money to maintain, we would be better served by properly managing those we already own. During the previous congress, there was an effort to raise the price of a Federal duck stamp and this increase was overwhelmingly supported by the hunting and conservation community.

The second provision of this bill would direct the U.S. Postal Service to issue a series of first-class postage stamps depicting various units of the National Wildlife Refuge System. These stamps, known as semipostals, would be available to the general public for up to 3 years, the postal service would be permitted to recover any reasonable costs attributable to the printing, sale and distribution of the stamps and there is a sense of Congress that the U.S. Fish and Wildlife Service not suffer any offsetting reductions in its operations account.

This provision is modeled after Congressional efforts to raise money for extremely worthwhile causes like the Stamp Out Breast Cancer, the Heroes of 2001 and Stop Family Violence. These semipostal stamps have raised in excess of $65 million. While it is difficult to project what a National Wildlife Refuge System semipostal stamp would generate, I would hope that these stamps would be readily available to all Americans including the 40 million people who visit a refuge.

The final provision would establish a national wildlife refuge system checkoff act. This would allow all Americans to checkoff a box on their Federal tax form indicating their desire to contribute $1 or more of their refund or $1 or more in additional payment to the U.S. Fish and Wildlife Service. This new checkoff program would not create any new Federal programs and would be implemented without cost to our taxpayers. The U.S. Fish and Wildlife Service would pay all reasonable administrative costs involved in changing the tax form, establishing the trust fund, and transferring the voluntary private contributions to the service.

There are currently 36 States that allow their taxpayers to check off private donations for various State or local wildlife conservation programs. The National Wildlife Refuge System is a unique network of lands that is the only Federal entity designed specifically for wildlife conservation. It is appropriate that U.S. taxpayers have an opportunity to voluntarily contribute to its effective operation in the future.

I am pleased to introduce this legislation 10 years after the anniversary of the signing of the historic Refuge Organic Act and I want to thank my distinguished colleague MIKE THOMPSON of California for joining with me in this effort. It is my hope that this measure will stimulate debate on the funding crisis facing the refuge system and that members of the 21 national conservation, hunting, and scientific organizations that comprise the Care Group including the Congressional Sportsmen's Foundation, Ducks Unlimited, Association of Fish and Wildlife Agencies, the National Audubon Society, the National Rifle Association, and the U.S. Sportsmen's Alliance will endorse this approach.

The options are simple: we can find new long-term funding sources or we can allow the operation of the refuge system to continue to deteriorate to the detriment of both wildlife and the 40 million people who utilize these lands. It is my hope that this Congress will move forward to correct this serious and growing problem.

I urge the adoption of the National Wildlife Refuge System Operations Enhancement Act of 2007.

HONORING OUTSTANDING COMMUNITY SERVICE OF THE CITIZENS OF ORADELL, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to commend two organizations that contribute so much to make the small community of Oradell, New Jersey, such a fine place to live, work, and raise a family. Through their commitment to their neighbors, the volunteers and staff at both Bergen SWAN and the Oradell Public Library raise the quality of life in Oradell to a level bar none.

Bergen SWAN, led by its Co-Directors Lori Charkey and Mark Becker, were instrumental in preserving open space and beautifying this quiet little suburb on the outskirts of New York City. Working to coordinate grant money from a variety of sources, Bergen SWAN closed a $1.2 million land transaction preserving Hague Park. Land that likely would have been subdivided and developed is now enjoyed by all as beautiful parkland.

The Oradell Public Library is a centerpiece of community life in Oradell. Working together, a variety of citizen groups and individual residents raised funds and developed plans to renovate the library. The Steering Committee, led by James and Louise Lessersohn, raised $500,000 in contributions and gifts, mostly in the form of $100–500 donations. The library is now updated for the 21st century. And, I commend the Lessersohns; Diane DiGiovanni, president of the board of trustees; Kate McGivern, president of the Library Foundation; and Sally Isaacs, president of Friends of the Library for their commitment to their community.

RECOGNIZING THE LATE CAPTAIN ANN BERNATITUS AS A MEMORIAL IS DEDICATED IN HER HONOR IN EXETER, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the late CAPT Ann Bernatitus of Exeter Borough, Luzerne County, Pennsylvania, on the occasion of the placement of a monument in her memory in front of her hometown municipal building.

Captain Bernatitus is being honored by the people of Exeter because of her extraordinary service as a United States Navy nurse during the battles of Bataan and Corregidor in the Pacific theater of combat during World War II and also because she was the first person to receive the prestigious Legion of Merit award that was authorized by Congress in 1942. Others who were awarded the Legion of Merit include Dwight D. Eisenhower, George Patton, and Colin Powell.

Captain Bernatitus served as a nurse in the Philippines at the outbreak of the war, always on the front lines of combat. In the citation that accompanied the Legion of Merit award, it was noted that ''Nurse Bernatitus courageously withstood the dangers and rigors of tropical combat, rendering efficient and devoted service during the tense days of the prolonged siege and evacuation.''

Then a Navy lieutenant, she gained nationwide attention because of her dramatic rescue aboard a U.S. Navy submarine from Corregidor shortly after Japanese forces occupied the island.

Her epic journey aboard the USS *Spearfish* began on May 3, 1942, when Bataan had fallen and Corregidor's fall was imminent. She and 12 other nurses were evacuated and as soon as they were on board the vessel, it was forced to dive to escape the searching lights of the invading Japanese.

During their 17-day saga, the submarine continually ran on the surface from dusk to dawn and submerged during the day to avoid the threat of Japanese surface warships.

Following her arrival in Australia, she was sent home aboard a troop ship, arriving in the United States in July 1942. She was then assigned to Bethesda Naval Hospital in Maryland, eventually working with the Navy's public relations department assisting in bond drives.

After 22½ years in the Navy, she retired April 1, 1959, with the rank of captain after which she returned to her home in Exeter. She died in March 2003 at the age of 91.

Captain Bernatitus exemplified a life of fearless and selfless devotion to country and compassion for her fellow Americans. Her personal determination, coupled with her highly skilled nursing ability, was responsible for saving the lives of many American warfighters committed to answering the call to duty following the horrific events at Pearl Harbor.

Madam Speaker, please join me in remembering the many sacrifices made by Captain Bernatitus on behalf of a grateful Nation and in celebrating her life of service.

WILBUR ARMSTRONG, BLOOD DONOR HERO

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mrs. McCARTHY. Madam Speaker, throughout history, many legendary heroes were known to provide people with a second chance at life. Today, ordinary heroes are giving millions of people a second chance at life. World Blood Donor Day is a united, global celebration for the voluntary, unpaid individuals who are motivated only by the knowledge that they are helping to improve and save lives of people they may never meet. Awareness of these heroes may hopefully inspire a new generation of blood donors. Today's dedication is jointly coordinated by the World Health Organization, the International Federation of Red Cross and Red Crescent Societies, the International Society of Blood Transfusion, and the International Federation of Blood Donor Organizations. This year's date has special meaning to the healthcare world as it is also the birthday of Karl Landsteiner, the Nobel Prize winner who discovered the ABO blood group system.

This year's focus of World Blood Donor Day is the role of safe blood transfusions in preventing maternal deaths. A new initiative, ''Safe Blood for Safe Motherhood'' will be launched today by the World Health Organization to improve blood use in obstetric care. More than half a million women die every year due to severe bleeding and complications following childbirth; a severe shortage of safe blood is one of the main reasons.

One of my constituents has taken a strong stand for safe blood donations. At the age of 75 and legally blind, Wilbur Armstrong has been donating to the New York Blood Center since 1974. He travels every other week by three public buses from his home, in Hempstead, roughly an hour and a half each way, to the Lake Success donor site. To date, Mr. Armstrong's donations have benefited more than 600 patients in the community, including chemotherapy patients, hemophiliacs and accident victims. Moreover, Mr. Armstrong was recently recognized by CNN as one of its 44 ''CNN's Heroes.'' The CNN television special was featured worldwide in hopes that Mr. Armstrong's selfless act would help motivate others to do the same. Mr. Armstrong embodies what it means to be a quiet hero with the words, ''I don't know who these people are that I'm helping, but if I'm helping somebody. And if helping to keep them alive, it makes me feel good.''

While some people are busy living their own lives, others like Wilbur Armstrong are busy giving the gift of life. It is these heroes for whom the world gathers to celebrate World Blood Donor Day today. I urge all Americans to take note and become quiet heroes themselves.

RECOGNIZING DAVID NEELEMAN ON HIS ACCOMPLISHMENTS AS FOUNDER AND CEO OF JETBLUE AIRWAYS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Ms. SLAUGHTER. Madam Speaker, I am pleased to take the opportunity to honor a dear friend, David Neeleman, on his distinguished accomplishments as Founder and CEO of JetBlue Airways.

I got to know David shortly after he formed JetBlue in 1999. At the time, airline service to and from Rochester was among the most expensive in the country. My constituents often went out of their way to fly from cheaper airports like Toronto or Montreal. Business travelers advised that economic growth in Rochester was limited by a lack of affordable flights to New York City.

David immediately recognized the potential of the Rochester market for an affordable airline. He and I worked closely to bring JetBlue to Rochester in the summer of 2000, and we have since worked together to expand JetBlue service in upstate New York. In its first year operating out of Rochester, JetBlue saved flyers $12.5 million. JetBlue's success, in turn, brought additional low-cost carries to Rochester and strengthened the regional economy. JetBlue has become New York State's biggest intrastate air carrier in and the largest domestic airline at New York's JFK International Airport.

David formed JetBlue with the goal of offering passengers low fares, friendly service and a high quality product. His success speaks for itself. Consumer Reports recently named JetBlue the number one airline for customer service. The company has been ranked number one in quality and overall performance of U.S. airlines for 3 consecutive years by the University of Nebraska at Omaha Aviation Institute and W. Frank Barton School of Business at Wichita State University. JetBlue was also rated ''Best Domestic Airline'' at Conde Nast Traveler's 2006 Readers' Choice Awards, the fifth consecutive year receiving the award.

I was saddened to learn that David decided in May to step down from running the airline every day as CEO to focus on more long-term strategic initiatives for JetBlue as chairman of the board. I credit David for fostering new economic growth in upstate New York, and having the savvy-entrepreneurial skills to build an airline that makes flying fun again. David has assured me that he will remain a very active chairman of the board and that JetBlue's finest days are ahead.

David has been a loyal friend to me and the people of upstate New York. I would like to honor him for his tremendous success as founder and CEO of JetBlue, and I wish him the very best in his tireless pursuit to bring humanity back to airline travel.

HONORING UNITED STATES COAST GUARD COMMANER WILLIAM J. QUIGLEY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding career of William J. Quigley, on the occasion of his retirement from the United States Coast Guard.

CDR William J. Quigley is the Prospective Commanding Officer of the Coast Guard Cryptologic Group. He assumed his current duties as the Coast Guard Liaison Officer to the Commander, Naval Security Group, Fort George G. Meade, Maryland in 2004. Immediately prior to this assignment, he served as Chief, Intelligence Resource Management Office, Intelligence Directorate, U.S. Coast Guard Headquarters, Washington, DC.

Commander Quigley was born in Lowell, MA, and grew up in Hudson, NH. A 1984 graduate of the Coast Guard Academy, Commander Quigley began his career as a deck watch officer aboard the Coast Guard Cutter Alert (WMEC–630) in Cape May, NJ. Commander Quigley's service included numerous afloat assignments and is a qualified Coast Guard Cutterman.

Commander Quigley's shoreside assignments include duty as a Watch Officer at the Coast Guard Intelligence Coordination Center in Washington, DC; the supervisor of the Coast Guard Detachment at the Navy Operational Intelligence Center in Suitland, MD; the Coast Guard Liaison Officer to the Department of State in Washington, DC, and Chief, Operational Analysis and Planning Division, Office of Operations Strategic and Business Planning, U.S. Coast Guard Headquarters.

Commander Quigley holds a bachelor of science degree in electrical engineering from the U.S. Coast Guard Academy, New London, CT, and a master of science degree in strategic intelligence, earned at the Joint Military Intelligence College, Washington, DC. Individual military awards include the Meritorious Service Medal with Gold Star, Coast Guard Commendation Medal with gold star and operational distinguishing device, the Coast Guard Achievement Medal with gold star and operational distinguishing device, the Commandant's Letter of Commendation, the National Defense Service Medal with bronze star, the Global War on Terrorism Service Medal and the Humanitarian Service Medal. Commander Quigley is married to the former Paula May Harris of Hampden, MA. They currently reside in Millersville, MD, with their two sons, Kyle and Connor.

Madam Speaker, I ask that you join with me today in honoring CDR William J. Quigley, a man whose deep commitment to the United States and the United States Coast Guard has gone above and beyond the call of duty in service to our great country.

TRIBUTE TO MR. CHARLES KREPLIN

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. ARCURI. Madam Speaker, I rise today in recognition of Charles Kreplin's extraordinary record of service to the Weedsport Volunteer Fire Department in my congressional district in upstate New York.

Mr. Kreplin was born in Cleveland, OH, on June 21, 1930. He and his wife Sandra, who were married in 1985, have 5 children. A Korean war Veteran, he has also served his community as a milk deliveryman, a school bus driver and a cemetery caretaker.

Charles will celebrate the 50th anniversary of his service to the Weedsport Volunteer Fire Department on July 2, 2007. Still one of the most active members of the department, Charles has twice been a recipient of the Fireman of the Year Award. He was also named an American Hero by the Red Cross in 2003. Mr. Kreplin is part of several county and State fire organizations, including the Cayuga County Association of Emergency Services and the New York State Association of Fire Chiefs. His 50 years as a firefighter are particularly notable given that the Weedsport Volunteer Fire Department, like many rural fire departments, has struggled to attract and retain volunteers.

Mr. Kreplin's exceptional dedication is to be commended. I am honored to have him protecting constituents in my district, and I would once again like to congratulate him on his 50 years of service. Thank you, Mr. Kreplin, for all you have contributed over your five decades of service to our community.

SALUTING SERVICE ACADEMY STUDENTS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, it is a tremendous honor to salute our soldiers, marines, sailors, and airmen of tomorrow—the service academy-bound students of the Third District of the Texas. This Congressional District is home to some of the best and the brightest young people. They are eager and ready to join the premier military force of the world. It is a privilege to send such fine young people on to our Nation's prestigious service academies.

We lift them and their families up in prayer for their future service and sacrifices. I am so very proud of them. God bless them and God bless America. I salute them. The name of each appointee and hometown follows:

United States Air Force Academy: Madison Schottleuther—McKinney; Taylor Soster—Allen; Grace St. Clair—Allen; Stephanie Stanford—Plano; Drew Warwick—Plano; Michael Willcox—McKinney; Evan Wise—Plano.

United States Merchant Marine Academy: Bryce Doganer—Plano; F. Wade (Fred) Wheeler—Plano.

United States Military Academy: Audrey Hansen—Plano; Kane Kimrey—Rowlett; Anne Nagy—McKinney; Ryan Schubert—Plano; Tianyi Xin—Plano.

United States Naval Academy: Erik DeSousa—Plano; Gregory Harrell—Plano; Philip Niche—McKinney; Melanie Pribich—Plano; Ryan Szymaniak—McKinney.

MR. TOM SKERRITT—PARTICIPANT CITIZEN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. McDERMOTT. Madam Speaker, one of the great strengths of this country is the willingness of its people to give back. We each find our own way to be "participant citizens." On the occasion of the honoring of his lifetime achievement by one of Seattle's great historic organizations, the Rainier Club, the people of the State of Washington would like to hold up as a national inspiration the special record of one of our State's most notable participant citizens, the distinguished and award-winning actor/director/writer and, just as proudly, teacher, Tom Skerritt.

Thanks to Tom Skerritt and great artists like him, Seattle has become a great cutting edge in the forward movement of the performing arts. Its stage innovation has been recognized with Tony Award celebration, including for work in which he participated. And now, in little over 3 years, Mr. Skerritt has created in Seattle a new approach to the teaching and doing of movie-making through his acclaimed the Film School.

To find the artist, to find the teacher, first you find the man.

Tom Skerritt's skills are matched by his unique and innate embodiment of the finest American traits of decency, humanity, strength, humor and integrity, as witness his starring performances in the deeply loved series "Picket Fences," for which he won the Emmy among other honors, "M.A.S.H.," "Alien," "Top Gun," "A River Runs Through It," "The Turning Point," "Steel Magnolias," "Contact," and the remake of "High Noon." Who other than Tom Skerritt could have complemented the portrayal of stand-up American heroism first conveyed by Gary Cooper.

Seattle and the State of Washington hold Tom Skerritt up to the Nation with pride because he is the kind of stand-up hero/humanist he so often and so powerfully portrays. This can best be illustrated by the last and least known of his hyphenated talents alluded to above: Tom Skerritt, teacher. His special brand of give-back to the country and people he loves is his unique ability to perpetuate and to inspire the study of that extraordinarily modem art form so influenced by its practice in America, motion pictures.

One of the significant developments in movie-making in recent decades is that the heart of movie-making, so long associated with and conducted in Hollywood, has now spread out to other parts of the country. The American art form is now an all America art form. And few cities have taken a more active and creative part in this transition, this creative development and envelopment, than the area of Seattle.

A key leader in this evolution has been that master of all movie trades, Tom Skerritt. He is most widely regarded as an actor par excellence, an Emmy winner and an artist of acclaim in film, on television, and on the stage. He has been active in passing his emotive skills to young performers. But it is his passion to teach motion picture creation innovatively that has won for his 3-year-old school, appropriately titled the Film School, a pre-eminence and a very special niche. Together with Oscar-winning writer Stuart Stem and such top-of-their-craft creative artists as John Jacobsen, Warren Etheredge, and Rick Stevenson, Skerritt has made the Film School an institution of learning that has broken the mold and has set exciting new high bars for the teaching of film-making as the art of communicated ideas.

The people of Seattle and the State of Washington celebrate Tom Skerritt as an example of how an artist or any person can devise his or her own special way to be a participant citizen. Tom Skerritt inspires each of us

to find a personal way to pass along the fervor, dedication and skill that allows us to contribute to a better and more integrated society and to experience the joy of giving back to our country, our resident city and to the wisest application of our profession.

Seattle proudly lays claim to an artist who is at the top of the role model list. Not just his genuine human depth and caring, but the brilliance and natural belief he brings to every one of his acclaimed performances. Thanks to Tom Skerritt and his associates in the Film School, Seattle is becoming a major center for instilling the skills of film art and the joy of that great American spawned art form.

HONORING THE COMMUNITY SERVICE OF JOSEPHINE SANTA ANNA, RECIPIENT OF THE OLDER AMERICANS RECOGNITION AWARD FOR 2007

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mrs. NAPOLITANO. Madam Speaker, I rise today to recognize and commend Josephine Santa Anna, an outstanding Californian, who has recently been honored by the Los Angeles County Board of Supervisors and the Los Angeles County Commission on Aging with the Older Americans Recognition Award for 2007. This commendation is given for outstanding community service and recognizes Mrs. Santa Anna's service to the City of Santa Fe Springs, California, which has spanned over five decades.

Mrs. Santa Anna is probably one of the most active older adults residing in the city of Santa Fe Springs. Her daily life is primarily driven by the priorities of each of her volunteer commitments, which have included (in part) serving as a Traffic Commissioner, Senior Citizens Advisory Committee Member and an active participant in the city's 50th Anniversary Community Planning Committee. Mrs. Santa Anna was one of a handful of people who volunteered every day for over 3 weeks to decorate the float that showcased the city's 50th anniversary in the 2007 Tournament of Roses Parade in Pasadena, California. It was only after becoming physically ill from the fumes of the glue that she finally agreed to stay home, returning a few days later to help organize the city's New Year's Eve party.

Mrs. Santa Anna has been recognized as the most reliable volunteer by two of the most active Senior Citizens' Clubs in the region, the Abraham Lincoln Club and John F. Kennedy Club. In 2006 she was elected by over four hundred seniors to serve in two of the most coveted positions on the Board of Directors for each Club. She has been recognized as the ''voice of the seniors'' by personally leading and shepherding voter registration drives and absentee ballot campaigns for the elderly.

Mrs. Santa Anna, as a Cuban-American, has a strong passion for social justice issues, which empowers her to advocate on behalf of the elderly and the disenfranchised within her community. She was recently appointed to represent the City's Senior Citizens Advisory Committee as a member of the Seniors Grievance Committee, which addresses difficult and contentious issues for five senior citizens clubs in Santa Fe Springs. According to Santa Fe Springs City Councilmember, Luis M. Gonzalez, ''Her amazing mental agility and high physical energy combined with her passionate spirit provide for a truly engaged community gatekeeper who keeps our elected officials on the edge of their seats.''

Most importantly, Mrs. Santa Anna (lovingly known as ''Fina'') embodies the characteristics of a highly respected community leader. She is humble, lovable, and spirited. She is a passionate engine that mobilizes seniors, families, and elected officials for the betterment of Santa Fe Springs.

Madam Speaker, I proudly ask you to join me, her family, friends, and community in honoring Josephine Santa Anna for her service in and contributions to the City of Santa Fe Springs.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. GUTIERREZ. Madam Speaker, I was on official leave of absence June 12 and 13, 2007, due to a health matter in my family. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 451, 452, 453, 456 and 457 and ''no'' on rollcall votes 454, 455, 458, 459, 460, 461, 462, 463, 464, and 465.

PAYING TRIBUTE TO THE HENDERSON NEVADA CHAMBER OF COMMERCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Henderson, Nevada, Chamber of Commerce. The Henderson Nevada Chamber of Commerce has been serving the Henderson community as a private, non-profit voluntary organization since 1945. They are committed to the civic, commercial and industrial growth and development of Henderson. Much of the area's economic success is a direct result of the hard work and dedication of the Chamber.

The members of the Henderson Chamber of Commerce divided themselves into issue committees in order to prepare according to their predominant interests. The following are the committees and those who are leading those committees: Kristine Shattuck—Transportation; D.J. Allen and Francine Mayfield—Education; Scot Muelrath and Bob Unger—Water; David Chavez—Taxes; Ben Brown; and John Holman—Bureau of Land Management; Charles Perry—Homeland Security; Arnold Lopez and Rick Smith—Yucca Mountain; David Dahan—Health Care; and Laird Sanders—Small Business Administration. In addition, Karen Marshall, Alice Martz, Diane Holman, Gayle Rogers, and Richard are contributing to the weeklong event.

Madam Speaker, I am proud to honor The Henderson Chamber of Commerce. I would like to personally thank all of those participating for taking time out of their busy schedules to meet with Members of Congress as well as members of the Administration for the Inaugural Henderson on the Hill.

HONORING THE LIFE OF TECHNICAL SERGEANT RYAN BALMER OF MISHAWAKA, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Technical Sergeant Ryan Balmer, native son of Mishawaka, Indiana, who died on June 5, 2007 while proudly serving his nation in Kirkuk, Iraq. Ryan risked everything in service to America, and for that we are eternally grateful.

Ryan was stationed at Hill Air Force base in Utah where he lived with his wife, Danielle and their two children Anthony and Gabby. His family, including his mother, Patricia Balmer, was anticipating his scheduled arrival home five days later when they were informed of his death. Danielle had made posters, buttons and banners to welcome Ryan home and had planned to line the road to their home with American flags. She also made a shirt for Gabby that read, ''My daddy's finally home.''

However, when Danielle saw the uniformed Air Force officers, including Ryan's saddened commanding officer, arrive at her work, she learned he was not coming home. Danielle said,''He died doing what he loved.''

Shortly after graduation from Mishawaka High School, Ryan joined the Air Force where he became part of the Office of Special Investigations. His mission was to help identify, investigate and neutralize criminal, terrorist and espionage threats, one of the most dangerous assignments in today's Air Force. At the time of his death, he was serving as a liaison between Iraqi police and U.S. military officials in Kirkuk.

Ryan was killed when the vehicle in which he was riding, the first of a three vehicle convoy, was hit by an improvised explosive device. His commander, General Dana Simmons, called him a ''warrior'' who made the ultimate sacrifice in his brave performance of duty.

It is my somber duty to honor and remember Ryan and a life cut tragically short. I am saddened by the loss to his family, our community and our country. We were all blessed by his presence and diminished by his passing.

IN RECOGNITION OF DR. BARBARA CHRISTEN, DISTINGUISHED EDUCATOR AND FOUNDER OF ''FUTURES AND OPTIONS''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Dr. Barbara L. Christen, an extraordinary leader and teacher. Her passionate commitment to excellence in education has inspired countless students and colleagues to realize their dreams. Dr. Christen's remarkable career is being celebrated this month at a reception hosted by Futures and Options, Inc., an outstanding program that provides New York City high schoolers worthwhile opportunities for paid, supervised internships in the business world.

Dr. Christen embarked upon her distinguished career by teaching English in New York City's public high schools. In 1970, she was named Assistant Principal for English at the High School of Art and Design on Manhattan's East Side. Five years later she became the founding Principal of the Murry Bergtraum High School for Business Careers in Lower Manhattan and launched its internationally acclaimed ''magnet'' program to prepare students for both college admission and entry into the workforce.

As the principal at Bergtraum over the course of a decade and a half, Dr. Christen oversaw the education of a student body of 3,000, one of the largest high schools in our Nation's biggest city. As the educational leader of the first American high school with a dual program preparing students both for college admission and for entry into the business world, Dr. Christen presided over Bergtraum's rapidly expanding application pool while managing a complex educational enterprise during New York City's dire fiscal crisis.

Working with the Downtown-Lower Manhattan Association, Dr. Christen became a pioneer in establishing public-private partnerships, thereby immeasurably benefitting the school she led as well as its students and teachers. She established a highly successful educational model, introduced an innovative business curriculum, initiated the first high school computer science business program, and secured internships for all Bergtraum students. Dr. Christen thus forged a unique learning experience for her students, one that melded a rigorous and stimulating academic curriculum with exciting opportunities to gain invaluable experience in the business world by working in Lower Manhattan's world-famous business and financial districts.

Following her retirement from New York City's public school system, Dr. Christen continued to put her flair for innovation and enterprise to work helping others achieve their full potential. As the Vice President for Workforce Development at the Alliance for Downtown New York, she created the Futures and Options, Inc. (FAO) paid internship program that was subsequently cited by the U.S. Department of Labor as a model project. Since then, more than 2,000 students have benefitted from FAO, and its bright future is one of the proudest legacies of her storied career.

A native of the great Empire State, Dr. Christen is a proud graduate of the College of Mount Saint Vincent and performed her graduate studies at the City University of New York, where she earned a masters degree, and at the Teachers College of Columbia University, where she received her Doctorate in Education.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the remarkable successes enjoyed by Dr. Barbara L. Christen in educating and inspiring countless individuals and colleagues.

TRIBUTE TO THE ESSEXVILLE-HAMPTON SCHOOL DISTRICT 50TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. KILDEE. Madam Speaker, today I am happy to rise before you and ask my colleagues in the 110th Congress to celebrate 50 years of education in the Essexville-Hampton School District. This momentous event will be marked by a ''Celebrating Success'' event on Saturday, July 7, 2007.

It all began with visionary W.R. Bush, educational leader Quinton E. Cramer, and community leader Mark M. Jaffe. Special thanks go to those who served on the school board in 1955: Melvin Steggall, Austin Nickel, George Ryers, Clifford Mader, and Lowell Cuthbert. On July 1, 1957 their joint efforts created a school district, which joined together the City of Essexville and the Charter Township of Hampton.

The Essexville-Hampton School District began with a small number of students, and has grown to produce over 6,000 graduates. Garber High School, Cramer Junior High School, Hughes Elementary School, Verellen Elementary School, and Bush Elementary School continue to offer a wide variety of curriculum and extracurricular activities. The schools encourage educational exploration and support all facets of the learning process. Today, all five schools in the district are committed to a Pattern of Excellence and are dedicated to providing the richest educational experience possible.

Madam Speaker, once again I ask my colleagues to join me in celebrating the 50th anniversary of the Essexville-Hampton School District.

HONORING THE MEMORY OF STEPHANIE N. STEELE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the life of Stephanie N. Steele, of Port St. Lucie, Florida. Ms. Steele was a very talented artist who died recently at just 21 years of age, after fighting a long and valiant battle against cystic fibrosis. I first became aware of her great courage and remarkable skill in 2002, when she was the subject of a feature story in The Palm Beach Post.

Despite her disability, Ms. Steele remained optimistic throughout her short life. She painted beautiful murals that attracted widespread attention and brought cheer to everyone who knew her. Ms. Steele was known for her sparkling personality and her sweet demeanor. In addition to her art, she was an accomplished writer, compiling 27 journals about her life. She underwent two lung transplants, both of which her body rejected.

I join her family and friends in grieving this great loss. It is because of such tragedies that I serve on the Cystic Fibrosis Caucus in the House of Representatives. I will continue to fight for more funding for research into a cure for cystic fibrosis and related diseases.

We all owe a debt of gratitude to Stephanie Steele for what she taught us about living with dignity and never admitting defeat. The best way we can honor her memory is to rededicate ourselves to finding a cure for cystic fibrosis so that no one else is taken from us before they can fulfill their life's potential.

TRIBUTE TO PLAUNT TRANSPORTATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to a family business in my district. For 75 years, Plaunt Transportation has ferried people and goods to Bois Blanc Island in Lake Huron, just a few miles north of Cheboygan, Michigan. For those 75 years, through four generations of Plaunts, the company has remained in one family.

Bois Blanc Island sits about 2½ miles east of Mackinac Island in Lake Huron. While the island is home to only about 25 to 30 year-round residents, during the summer, the population swells to 1,500.

Plaunt Transportation traces its roots to 1932, when Charles Plaunt began transporting supplies and eight passengers to this remote island on his ferry, the *Margaret.* It was that same year, 1932, that Charles Plaunt took over the contract to deliver mail from mainland Cheboygan to Bois Blanc Island. In 1934, the *Adventure* was put into service, carrying up to 20 passengers. In 1937, the *Adventure* was replaced by the *Ada M*, which was named for Charles' wife.

From its earliest days, Plaunt Transportation has been a family business in every sense of the word. Charles' son, Ray, began helping his father on the boat in 1937. At that time, there were only 2 bags of mail to deliver. Charles would deliver 1 bag of mail to the post office and Ray would drive the Model T to the Coast Guard Station on Bois Blanc and deliver the second bag.

During World War II, Charles' 4 sons were away defending our Nation in the war. During this 4-year period, Charles' teenage daughter, Ethelyn, helped out on the boat, first as a deckhand and, eventually, steering the boat.

Together, Ethelyn and her father braved storms and the freezing lake to ferry passengers and U.S. mail from the mainland to the island.

Ray Plaunt took over the business from his father in 1948, a year before Charles passed away. In 1954, Ray had the *Char-Leann II* built in Holland, Michigan. The boat, named for his daughters, could carry 28 passengers or 1 vehicle and 6 passengers. To accommodate the changing needs of the island, a barge was used to carry additional vehicles and equipment.

Plaunt Transportation incorporated in 1979, and put into service the *Chee-Maun-Nes*, which carried 2 vehicles and 49 passengers.

Ray's son, Curt, bought the business from his father in 1987. Curt had a boat designed and built in Warren, Rhode Island in 1987. He named it the *Kristen D* after his daughter. The *Kristen D* could carry 8 vehicles and 49 passengers.

In 1998, the *Kristen D* was lengthened by 30 feet in Escanaba, Michigan, making it easier to carry heavy equipment, as well as semi, cement and garbage trucks. The vessel can accommodate 17 vehicles and 149 passengers. Ray's son, Curt, bought the business from his father in 1987. Ray's grandsons, Ryan McLaren and Jason Plaunt, are both fourth generation licensed boat captains. Another captain, Brente Sharpe, is not a Plaunt, but has worked with the Plaunt family for so long he is considered a member of the family.

While they cannot put an exact figure on it, Curt and Ray estimate that together they have made over 50,000 trips across Lake Huron Bois Blanc Island. Today, customers continue each day to board the *Kristen D* and take the 40 minute ride from the tip of Michigan's Lower Peninsula to Bois Blanc Island. It appears the Plaunt family legacy will continue: Charles Plaunt's great-great grandson has already decided at the age of 4 that when he grows up he, too, would like to be a boat captain.

Madam Speaker, family businesses are, in many ways, the core of the American system of enterprise. Since our country's inception, in the biggest American cities and the smallest towns, businesses run by families have built and maintained the infrastructure of our economy. No better example can be found of a family driven entrepreneurial spirit than the Plaunts. Their four generations of dedicated service to Cheboygan and to Bois Blanc Island are to be admired. In frozen lakes, through blinding rain, in good weather and in bad, for three-quarters of a century, the Plaunts have kept Bois Blanc Island in touch with the mainland. As Plaunt Transportation celebrates their 75th year of service, I would ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in saluting them.

IN RECOGNITION OF UNSUNG HEROES HELPING HEROES, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Unsung Heroes Helping Heroes, Inc., an outstanding organization that provides assistance to sick and injured 9/11 responders and works to help secure proper health care and compensation for the thousands of men and women who are struggling with serious health problems caused by 9/11. In particular, I would like to recognize the achievements of the Co-Founders of Unsung Heroes, John Sferazo and Marvin Bethea, as well as the organization's treasurer, Mike Arcari, and secretary, Julie Hernandez.

John Sferazo arrived at Ground Zero on the morning of September 12th. A structural iron worker, John immediately began removing crushed vehicles from the site. For the next 30 days, John cut through and removed iron and steel to try to rescue or recover those trapped under the pile. John suffered significant damage to his lungs as a result of his work and has not been able to perform his regular job since August 1, 2004. Since that time, he has poured his considerable energies into helping others, primarily through his work as the President of Unsung Heroes Helping Heroes.

An independent paramedic with a private hospital, Marvin Bethea was dispatched to Ground Zero on September 11th by the New York City Fire Department. Marvin was a block away from Ground Zero when the first tower fell. He was buried in the lobby of a nearby bank building, but was able to get out and attend to the medical needs of people nearby. When the second Trade Center tower collapsed, Marvin was again covered in debris. Marvin returned to Ground Zero on September 14th to continue giving medical assistance to victims and to rescue workers. Five weeks later, he suffered a stroke attributed to 9/11. Like his friend and colleague John Sferazo, he has since worked tirelessly, despite major, persistent health problems, to help others.

In a few short years, Unsung Heroes Helping Heroes has established an impressive track record of advocacy on the city, state and federal levels. In 2006, the organization worked with the State of New York to extend the deadline for 9/11 responders to apply for workers' compensation benefits. I was proud to work with Unsung Heroes in our successful campaign to provide the very first federal funding for 9/11 health care needs. In support of their very worthy cause, John and Marvin have organized countless press conferences, rallies and fundraisers, and have lobbied officials on all levels of government.

Madam Speaker, as John and Marvin and their colleagues would no doubt tell you, we are in the middle of a gathering health crisis. The deaths of at least eight 9/11 responders have been widely documented in the media, although I believe that there are many more untimely deaths out there that have yet to come to light. I strongly believe that we must act now to make sure that tragedies like these never happen again. If we fail to meet our obligation to care for those sickened or injured by 9/11, I fear that no one will be either willing or able to help in the event of a future disaster.

I believe that all Americans should be proud of leaders like John Sferazo and Marvin Bethea and their colleagues at Unsung Heroes Helping Heroes, who have dedicated themselves to making sure that in America, we will take care of those who take care of us. Madam Speaker, I ask that my distinguished colleagues join me in saluting Unsung Heroes Helping Heroes, Inc.

HONORING FORMER BAY CITY MAYOR ROBERT KATT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. KILDEE. Madam Speaker, today I am happy to rise before you and ask my colleagues in the 110th Congress to honor former Bay City Mayor Robert Katt.

Robert Katt was born in Pontiac, Michigan on July 30, 1942. His family then moved to Bay City where he attended Washington Elementary School. In 1960 Mr. Katt graduated from Bay City Central High School. He went on to attend Delta College before joining the U.S. Army. Bob served his country in the U.S. Medical Corps from 1962 to 1965. During that time, he married his wife Barbara. He is also survived by two children and two grandchildren.

In 1981 Robert Katt decided to further serve his community and was elected Bay County Commissioner. He served as 6th Ward Bay City Commissioner from 1987 to 1993 and from 1995 to 2003. Bob served as Commission President from 1991 to 1993 and from 2000 to 2003. In 2003 Mr. Katt decided to begin his campaign for Bay City Mayor, and was elected to the position in November of that year, where he remained until his death in 2006.

Aside from his elected positions, Mayor Katt was active throughout his community. He was affiliated with the Bay City Central Booster Club and served as chairman of the South End Citizens District Council. Bob was a member of UAW Local 362, having worked at General Motors Corporation for 38 years.

Madam Speaker, once again I ask my colleagues to join me in honoring Robert Katt and his legacy to Bay City, Michigan.

IN RECOGNITION OF MRS. RUTH ZISES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. ACKERMAN. Madam Speaker, it is with a heavy heart that I rise today to honor the memory of Ruth Zises, a dear friend and role model, who sadly succumbed to illness earlier this year.

Ruth was a unique woman whose presence brightened the faces and warmed the hearts of everyone she encountered. Ruth was a deeply principled woman who wore her passions with profound pride. She was enormously dedicated to her family and friends and intensely devoted to her beliefs. Ruth

translated her convictions into action by founding, together with her family, the Genesis Center in Jerusalem, an academy devoted to enhancing the lives of young adults by incorporating Jewish scholarship with civic engagement and political action. Ruth's service and support of countless other institutions, organizations and charities made her a model of generosity.

While Ruth's attention to the needs of her community was commendable, her family was always the focal point of her life. Ruth's devotion to her husband Bernie, sons Selig, Seymour and Jay, her nine grandchildren and six great-grandchildren inspired all who knew her.

Madam Speaker, words can not capture the generosity of spirit and warmth that Ruth Zises exuded. All that can be said is that she will be terribly missed by the scores of people fortunate enough to have had known her.

Madam Speaker, I ask all of my colleagues to join me in recognizing and remembering the exemplary life of Ruth Zises.

IN RECOGNITION OF COLONEL TODD R. SMITH

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to commend Colonel Todd R. Smith for his extraordinary service as Commander of Crane Army Ammunition Activity (CAAA) in Crane, Indiana. Colonel Smith has been selected to serve as the Chief of Staff for the Joint Munitions Command in Rock Island Arsenal, Illinois. Rock Island's gain is Crane Army's loss. I know I speak for everyone at Crane when I say that Colonel Smith leaves a strong legacy of achievement and CAAA is a more efficient operation because of his leadership and service.

Colonel Smith, a native of Bluefield, West Virginia, arrived at Crane Army in July 2004 as a highly regarded and decorated leader in the Army having served in leadership positions in Germany, Korea and the U.S. He also commanded the Lone Star Army Ammunition Plant in Texarkana, Texas from July 1999 to July 2001. Prior to arriving at CAAA, Colonel Smith served as Chief, C/J4 Munitions Division, Combined Forces Command and United States Forces Korea.

Colonel Smith's vision and leadership at Crane Army, particularly through his focused implementation of the Lean Six Sigma and Continuous Improvement, has resulted in the creation of an organizational culture that resulted in increased efficiency and quality of service throughout all operational areas at CAAA. In fact, Colonel Smith was able to decrease annual project costs by $2.6 million while maintaining the expected high level of production.

The Crane Continuous Improvement program highlights the determined leadership Colonel Smith has provided at CAAA. Under his leadership, CAAA has produced 6 Lean Six Sigma Black Belts, 40 Lean Six Sigma Green Belts, 22 Lean Six Sigma Executive Leaders, and 24 Lean Six Sigma Project Sponsors. CAAA's establishment of the Ammunition, Transportation, Tracking, and Control Center (ATTACC) remains the hallmark of the Continuous Improvement program. ATTACC, located on base at CAAA, allows depot operators to utilize proactive logistics through a shared computer application. The result is more accurate schedules and efficient planning for the processing of ammunitions receipts and issues. ATTACC is a sterling example of Crane Army's mission statement, ''Only Our Best for the World's Best!''

It is a testament to Colonel Smith's leadership that CAAA has been nationally recognized for excellence. CAAA was honored with a 2006 White House Closing the Circle Award for environmental contributions by the Office of the Federal Environmental Executive. CAAA was also honored in 2006 with the Indiana Governor's Award for Environmental Excellence. On a personal level, Colonel Smith has been awarded with many honors throughout his distinguished career in the Army. Among these awards are the Defense Superior Service Medal, Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, Parachute Badge, and the Army Staff Identification Badge.

Madam Speaker, I commend Colonel Smith for his outstanding service to his country and to Crane Army. I wish him the best as he takes his new leadership position with the Joint Munitions Command.

TRIBUTE TO FLAG DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. RAHALL. Madam Speaker, on June 14, we will once again celebrate our National Flag, Old Glory itself. In West Virginia, we love our flag. We fly it with pride, and treat it with the reverence that such a flag, which thousands of brave West Virginians have fought and died to protect, deserves.

We understand that the flag is not just a patchwork of fabric and embroidery. It is the very embodiment of our country's values, our freedom, our hopes, our dreams, and our pride. The Stars and Stripes are a sign of our nation's rich heritage. The thirteen stripes and the 50 stars are the embodiment of America itself. The twinkle in each West Virginian's eye, and the blood and sweat from our hard-working men and women are represented in the red, white, and blue that hangs over our porches, flies proudly in our ballparks, and drapes the coffins of our fallen heroes.

Harrowing events often serve to remind us of the importance of our flag. We can all recall the image of six brave soldiers raising the flag of the United States atop Mount Suribach during the Battle of Iwo Jima. And none of us will forget the tattered Stars and Stripes raised by three weary firemen over the remains of the World Trade Center to honor the thousands who perished on September 11th.

The Stars and Stripes are more than just a sign of our heritage—they represent our hopes and dreams, and the pride of our nation. The flag was the inspiration for our Star Spangled Banner, and will always be the focal point when we recite our Pledge of Allegiance.

For these reasons, and so many more, I have always fought for a Constitutional amendment to protect our flag from desecration. I believe one absolute truth of being a citizen of the United States of America is that our flag, the symbol of the sacrifices, which so many gave to preserve our freedom, must be protected from such abuse.

Perhaps the nineteenth-century writer Henry Ward Beecher described it best: ''A thoughtful mind when it sees a nation's flag, sees not the flag but the Nation itself. He reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth. The American flag has been the symbol of Liberty and men rejoiced in it.''

May we all take heed to the wise words of Mr. Beecher as we fly the Stars and Stripes high and proud, not just today, but every day.

IN HONOR OF JOAN LUNDY—JUNE 16, 1938–JUNE 7, 2007

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. BECERRA. Madam Speaker, I rise today to pay tribute to Joan Lundy, a passionate community activist and loving family woman, who passed away on June 7, 2007. Family and friends will gather on Saturday, June 16, in Los Angeles to honor Joan's full life which was marked by dedicated community leadership, a devoted family and tireless advocacy.

Mother Teresa is known to have said: ''Do not wait for leaders; do it alone, person to person.'' Joan never waited for leaders to enact what she knew was right, instead she became a leader and influenced people one-by-one throughout her life. When she passed away at the age of 68 she had bestowed her strength and wisdom unto many through the years.

In the early 1980s, after raising her five children, Joan put herself through California State University of Los Angeles' geology program, and went on to practice engineering geology for many years—a career in which she thrived.

Joan possessed a passion for fairness and social justice throughout her life—she served as the president of her community parent teacher association and worked to desegregate schools in Altadena. Her community activism continued to flourish when she moved to Northeast Los Angeles in 1987. She led the Glassell Park Improvement Association for more than a decade and was president from 1996 to 1999. Joan spearheaded the effort to adorn neighborhood streets with beautiful, flowering jacaranda trees. The rows of jacarandas that were planted along San Fernando Road and Eagle Rock Boulevard have become a well-recognized symbol of Glassell Park. In the spirit of community pride and improvement, Joan negotiated the upgrading of Glassell Park's community center and the completion of many public works projects.

Joan was the best kind of constituent any elected representative could ask for: she not only committed herself to creating solutions for

the community and presenting them to her representatives, she also knew how to mobilize her friends and neighbors toward civic engagement.

I extend my deepest sympathies to her beloved husband, Bill; her children: Beth Oberholtzer, John Oberholtzer, Laurie Oberholtzer, Margie Oberholtzer, and the late Tim Oberholtzer; and her 10 grandchildren.

Madam Speaker, it is with heartfelt sorrow, yet deep pride and admiration, that I ask my colleagues to join me today in recognizing Joan Lundy. Her influence lives on, especially in those hearts and minds she touched so deeply in Glassell Park and Northeast Los Angeles.

CLOSE ''HUMMER TAX LOOPHOLE''

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing legislation to close the ''Hummer Tax Loophole,'' which fixes a serious mistake in the Tax Code that provides an additional incentive for business purchases of luxury SUVs weighing over 6,000 pounds, such as the Hummer. This legislation is co-sponsored by my colleagues ED MARKEY, RAHM EMANUEL, and ALLISON SCHWARTZ.

The tax code allows small businesses to get a tax break for vehicles they use in business. In 1984, a limitation was put in place to make sure businesses didn't just buy luxury vehicles and write them off. These vehicles were described as under 6,000 lbs because, at that time, luxury vehicles over 6,000 lbs were not as pervasive. Today, there are many luxury SUVs that are more than 6,000 lbs, such as the BMW X5, the Hummer H1 and H2, and the Cadillac Escalade. Buying these vehicles entitles small businesses to an extra tax break, which constitutes the loophole.

This legislation closes the Hummer Tax Loophole by applying the limitation that currently applies to vehicles under 6,000 pounds to those over 6,000 lbs. In other words, businesses will no longer have an incentive to buy the biggest, most gas guzzling SUV on the market. Legislative language and regulations would guarantee that the limitation not apply to trucks or vans used for legitimate business purposes, such as farm vehicles, fork lifts, cranes and derricks, school buses, flatbed trucks, cement mixers, and other vehicles as designated by the IRS.

This bill will make sure that U.S. tax policy no longer encourages the purchase of the heaviest, most polluting, and least fuel-efficient vehicles for business use.

IN PRAISE OF THE MUSEUM OF THE HISTORY OF POLISH JEWS IN WARSAW, POLAND

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my support for the Museum of the History of Polish Jews in Warsaw, Poland.

Last month, I had the opportunity to travel to Poland, and I was deeply inspired by my meeting with Jerzy Halbersztadt, the Executive Director of the Museum, and Ewa Wierzynska, the Deputy Director. I commend them for their extraordinary hard work and vision in bringing this museum to life. A groundbreaking ceremony for the museum, located in the heart of the pre-World War II Jewish district, will be held on June 26th. I also commend the municipality of Warsaw and the Government of Poland for supporting the establishment of this important institution.

Jews arrived in the medieval Kingdom of Poland almost one thousand years ago, as they escaped persecution in neighboring countries. Indeed, the Hebrew word for Poland is ''Polin,'' which some translate as ''here you shall rest.'' But while everyone in Poland learns about the Holocaust, many people know little about the lives of the Jews before they met their death in the concentration camps of Nazi occupiers. This rich history spanning a thousand years must be reclaimed. Indeed, understanding the travesty of the Holocaust requires a full understanding of what was destroyed.

Accordingly, the Museum of the History of Polish Jews will commemorate the 3 million Polish Jews who died in World War II. It will also celebrate the nearly one thousand years of proud Jewish culture in Poland.

In addition, the Museum of the History of Polish Jews will enhance understanding of Jewish history and cultural roots at a time when anti-Semitism is growing throughout Europe. As a former President of the OSCE Parliamentary Assembly and now as Chairman of the Helsinki Commission, I am heartened by the educational role this museum can play in fulfilling the goals that the OSCE participating States have undertaken in the field of combating anti-Semitism.

This museum has been some years in coming. In 1996, Yeshayahu Weinberg, a founding director of Tel Aviv's Diaspora Museum and the United States Holocaust Memorial Museum, created an international team of experts with the goal of establishing a museum to display and preserve artifacts which showcase the extensive culture of the Jewish people in Poland. In 1997, the Warsaw City Council donated 13,000 square meters of land for the Museum of the History of Polish Jews inside the old Jewish Quarter and opposite the Warsaw Ghetto Uprising Memorial. In 2005, an international architectural competition selected a Finnish firm to design the building housing the Museum of the History of Polish Jews. The astounding architecture remarkably represents the parting of the Red Sea through ingenious use of mortar, steel and space.

Approximately 500,000 visitors are anticipated to visit the museum each year. Visitors will take a virtual journey through a world where Jews experienced not only persecution and poverty but perseverance and success. If all goes as planned, the museum will open in 2009 with initial costs funded primarily by the governments of Poland and Germany, and through private donations from Jewish communities around the world.

Madam Speaker, it is estimated that eighty percent of all Jews and over 9 million Americans trace some of their ancestry to the Polish Jewish community. This museum has the potential to touch the lives of our own citizens in deeply personal ways. I look forward to visiting it myself.

CONGRATULATIONS TO LARRY HIMMELSBACH

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2007

Mr. EHLERS. Madam Speaker, I rise today to congratulate Larry Himmelsbach on the occasion of his retirement as Deputy Director of the Office of Emergency Planning, Preparedness, and Operations. Larry is a tireless ''public servant who has dedicated his professional life to preserving the security of our nation's government and the American public.

After graduating from Holy Cross in 1974 with a degree in Political Science, Larry began his career at the FBI, located in what is now the Ford House Office Building. He served there for 1 year in the fingerprint division before joining the newly created Atomic Energy Commission in 1975, where he served as a security specialist and held a myriad of positions in the Division of Security. The dedication he exhibited early in his professional life to maintaining our national security would be a common thread throughout his career.

In 1985, Larry joined the U.S. Department of Energy, where he held several senior positions in emergency operations and threat assessment. In 2002, he accepted the position of Deputy Director of the Office of Emergency Planning, Preparedness, and Operations within the House. In his role with OEPPO, which was created as a result of the attack on 9/11 and the anthrax incident in October 2001, Larry has been an integral part of carrying out the agency's mission of creating a comprehensive emergency management plan for the House.

Madam Speaker, whether protecting the public from the threat of nuclear terrorism, or ensuring the continuity of our constitutional form of government, Mr. Himmelsbach has always answered the call to serve.

On behalf of myself, my colleagues in this chamber, and the American public, I would like to extend my heartfelt thanks to Larry Himmelsbach for his 33 years of public service, and for ensuring the safety and security of our great Nation.

SENATE—*Friday, June 15, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, may Your Name be magnified. Today, give our lawmakers the wisdom to put their trust in You. Help them to accept Your guidance and seek Your insights. Keep them from being intimidated by the many challenges they face, infusing them with confidence in Your power. Make them so sure of Your presence that no task may be too wearisome for them and no setback too daunting. Let their faith lead them away from strife and division as they find unity for the good of the Nation and world. May they depend unswervingly upon Your unlimited goodness.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will shortly resume consideration of the energy legislation. There are no rollcall votes scheduled today. We have heard from a number of Senators on both sides of the aisle of their desire to come and offer amendments. The managers of the bill have indicated they are willing to set amendments aside to move on that. I think that is appropriate.

There will also be no rollcall votes on Monday. This has been a long schedule, but it is, again, my hope that Members will take that opportunity to come offer and debate amendments on this energy legislation.

Sometime next week—and I will meet and discuss this with the distinguished Republican leader—if this debate doesn't speed up and more amendments are not offered, then we will have to see if we can move to end the debate and finish this legislation.

There are issues that are important. There has to be some decision, a finality made with regard to the pieces of the bill that are so important, such as the renewable portfolio standard, the CAFE standards, and there is also interest in coal-to-liquid and the different ways that can be done.

As I understand it, those are the three big issues, so I would hope Members who have those issues, whether amendments or whatever else they want to focus their attention on, would do so. The American people want us to do something dealing with energy. This is a good bipartisan bill, and I would hope Members would understand this is their time to come and offer amendments.

I would also note, as indicated in the morning press, that Senator MCCONNELL and I met last evening with a bipartisan group of Senators regarding immigration, and we now have a pathway forward on that. When we finish the energy legislation, we will move to that legislation. I think we have now an agreed-upon number of amendments that will be offered by Republicans and Democrats and we should get to that sometime next week.

We are going to finish that legislation and the energy legislation prior to our having our Fourth of July recess. I would also indicate to all Senators and staffs, it is Friday, and I know that a lot of times—I would not say a lot of times but on a number of occasions—I have indicated we might have to work weekends. I know this causes a lot of stress to folks. But everyone should know that to complete this bill and to complete the immigration bill will require next weekend, without any question, next weekend, Saturday and Sunday.

Now, of course, it is always possible that through unanimous consent certain work that could be done in 1 day could be put over to another day, and I understand that. But Senators should understand this is the real thing. If we are going to finish these two bills, which both the Republican leader and I think is absolutely mandatory and essential, Senators should be advised that next Saturday and Sunday, which means the preceding Friday, which is a week from today, and a week from Monday, we will be in session.

We only have 2 weeks left in this work period, and I hope we don't have to run into the Fourth of July recess period, which is only 1 week long. We have a number of things we are going to try to do this morning. We are going to get to a couple of judges. We hope to pass those. We have a number of other things we need to do. We have so many things we need to complete, but a lot of them are very complicated and difficult, such as the Energy bill and immigration. At least we have a pathway forward on these, and I think we can work them out.

It goes without saying that if we are able to complete these prior to the Fourth of July recess, that would be fine. But if we can't, the Fourth of July recess will take second fiddle to these important pieces of legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Kohl amendment No. 1519 (to amendment No. 1502), to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Kohl (for DeMint) amendment No. 1546 (to amendment 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1608 TO AMENDMENT NO. 1502

Mr. CORKER. I ask unanimous consent the pending amendment be temporarily laid aside so I may offer amendment No. 1608.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Mr. President, I understand this is all right with the other side, so we have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1608 to amendment No. 1502.

Mr. CORKER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow clean fuels to meet the renewable fuel standard)

In section 102(1)(B)(v), strike ''and'' at the end.

In section 102(1)(B)(vi), strike the period at the end and insert ''; and''.

At the end of section 102(1)(B), add the following:

(vii) after December 31, 2015, any fuel that—

(I) is not derived from crude oil; and

(II) achieves—

(aa) as compared to conventional gasoline, lifecycle emission reductions of 2 or more air pollutants, including—

(AA) sulfur dioxide;

(BB) nitrogen oxides;

(CC) carbon monoxide;

(DD) particulate matter with a diameter smaller than 10 microns; and

(EE) volatile organic compounds; and

(bb) a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline.

In section 102, redesignate paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and insert between paragraphs (2) and (4) (as so redesignated) the following:

(3) CLEAN FUEL.—The term ''clean fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that—

(A) is not derived from crude oil;

(B)(i) as compared to conventional gasoline, has lower lifecycle emissions of 2 or more air pollutants, including—

(I) sulfur dioxide;

(II) nitrogen oxides;

(III) carbon monoxide;

(IV) particulate matter with a diameter smaller than 10 microns; and

(V) volatile organic compounds; or

(ii) achieves a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline; and

(C) has lower lifecycle greenhouse gas emissions than conventional gasoline.

In section 102, strike paragraph (6) (as so redesignated) and insert the following:

(6) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) clean fuel.

In section 111(a)(1)(B)(i)(II), insert ''(other than clean fuels)'' after ''renewable fuels''.

Mr. CORKER. Mr. President, if we are serious about energy security and reducing our dependence on foreign oil and our consumption of gasoline, we have to, through our energy legislation, encourage a variety of fuels and technologies. Current law requires 5.4 billion gallons of renewable fuel in 2008, and 7.5 billion gallons in 2012. The underlying bill on the floor today increases the amount to 8.5 billion gallons in 2008 and 36 billion gallons by the year 2022.

The underlying bill focuses on renewable fuels, including ethanol from corn and cellulosic ethanol, and I think that is outstanding. I am so proud the State of Tennessee is going to be playing a very large role in our country meeting those objectives.

The amendment I am offering expands the renewable fuel standard by adding a clean fuel definition so any fuel meeting criteria may be a part of the 36 billion gallon mandate. It does not in any way strike or replace the underlying fuels that qualify.

To qualify as a clean fuel under this amendment, a fuel must meet the following requirements: not be derived from crude oil, and achieve life cycle greenhouse gas emission reductions that are better than the life cycle greenhouse gas emissions of conventional gasoline.

In addition, on top of what I just said, it must meet one of the following requirements: achieve a life cycle emission reduction compared with conventional gasoline of two or more criteria pollutants. Those pollutants include sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, and particulate matter with a diameter smaller than 10 microns; and achieve a life cycle greenhouse gas emission reduction of 20 percent compared to conventional gasoline.

Under no circumstances per this amendment can a fuel qualify if its greenhouse gas emissions are not less than conventional gasoline and if it is derived from crude oil. In other words, crude oil products do not qualify and the life cycle greenhouse gas emissions have to be less than conventional gasoline.

In addition, a clean fuel may participate in the advanced biofuels carve-out beginning in 2016 if it meets the follow requirements: not derived from crude oil, achieves a life cycle emission reduction compared to conventional gasoline of two or more criteria pollutants including sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, and particulate matter with a diameter smaller than 10 microns and, the other hurdle, achieves life cycle greenhouse gas emission reductions of 20 percent compared to conventional gasoline.

We have a number of technologies that are being pursued today that could meet the solutions our country needs to pursue. While I am a tremendous fan of much of what is happening right now with ethanol—again the State of Tennessee playing a big role—we need to allow the entrepreneurs in our country to help us solve this problem of dependence on oil from foreign sources, especially those that are not friendly to our country. For that reason, ethanol should not be our only solution. What we should try to do as a body is not to pick winners and losers. What we should do is set standards and allow the market to meet those standards.

We have, again, tremendous initiatives going throughout our country. What we need to do in the Senate is not to define too narrowly what we want to help us be less dependent on foreign oil. If we do that, we will continue to consume more and more gasoline. My amendment is focused on making sure we continue to pursue energy security, that we allow our gross domestic product to grow, and we harness that great entrepreneurialism that exists throughout our country; that we do everything we can to lower greenhouse gas emissions and other criteria pollutants that also create tremendous damage to people throughout our country. I think this amendment does that.

I ask my fellow Senators to endorse this particular amendment.

I notice at this point, after offering this amendment, there is an absence of a quorum, and I wish to set aside my amendment.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent I be allowed to proceed for a few moments in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEATH OF RUTH BELL GRAHAM

Mr. MCCONNELL. Mr. President, I would like to say a word about the passing yesterday of a great woman.

As a child, Ruth Bell dreamed of surrendering her life to missionary work abroad. Then she gave up that dream so someone else could live it in her place. In this and in so many other quiet sacrifices, Ruth Bell Graham truly lived the life her husband preached.

She inspired generations of men and women with her honest, wise, and faith-filled writings. And she inspired us again at the end by accepting with serenity the physical suffering of a long and painful illness.

Her autobiography told the story of an ordinary woman struggling to raise a family while her famous husband wandered the world preaching to a thousand roaring crowds. But, as she said, ''I'd rather have a little bit of Bill than a lot of any other man.''

Looking back last night on more than 60 years of marriage, Billy Graham remembered his wife with a thankful heart. ''I am so grateful to the Lord that he gave me Ruth,'' he said. As America says goodbye to the First Lady of Evangelical Christianity, we make those words our own.

Like the Biblical heroine whose name she shared, Ruth Bell Graham followed her pilgrim's journey wherever it took her. As a mother, a counselor, and the indispensable confidant of the world's most famous preacher, she was always content to stay in the background. Her missionary field was her home. And in this, she was a powerful witness of the Gospel she loved.

We are grateful for her faithfulness. And we mourn with the Graham family—Billy, Franklin, Nelson, Virginia, Anne, and Ruth—at the loss of this good and faithful servant.

Mr. CARDIN. Mr. President, I ask unanimous consent to lay the pending amendment aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1520 TO AMENDMENT NO. 1502

Mr. CARDIN. I call up amendment No. 1520 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 1520 to amendment No. 1502.

Mr. CARDIN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote the energy independence of the United States)

At the end of subtitle D of title II, add the following:

SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources by calendar year 2017.

SEC. 256. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Mr. CARDIN. Mr. President, so many of my colleagues on both sides of the aisle have come to this floor to talk about the need for this Nation to become energy independent. In fact, I think each Member of this body believes this country should be energy independent and can become energy independent. We need to be independent for many reasons.

First and foremost is the issue of national security. We should not be dependent for oil upon some country halfway around the world that disagrees with our foreign policy, which affects what we can do internationally. We should be independent for national security reasons.

We should also be energy independent for economic reasons. Yesterday in the Small Business Committee we held a hearing on the impact that increased gasoline prices are having on small businesses in our communities. It is having an impact on our entire economy. Again, the OPEC countries decide what the price of oil will be and it affects gasoline prices, energy prices, and our economy. We need to become energy independent for the economic security of America.

Yes, we need to become energy independent for environment issues. Global climate change is a real danger to this country and we need to have an energy policy that will also make us friendlier toward our environment.

For all these reasons we need to become energy independent. We are not today. We import from other countries over one-third of our energy needs in this country and, of course, a significant amount of that is oil. I believe we can become energy independent in 10 years. I think, if we have the national will and the energy policies, it can be accomplished.

The amendment I sent before this body today sets as our goal producing 90 percent of our energy needs by the year 2017. Each of us has ideas as to how to achieve energy independence. There have been many good suggestions that have been brought forward by my colleagues. I have introduced legislation that would require the Federal Government to construct its buildings to LEED Silver standards. Buildings represent one-third of the energy use in this country. Mr. President, 38 percent of the carbon dioxide emissions come from buildings. That, of course, is the major greenhouse gas. Federal buildings consume 40 percent of the Federal Government's energy bill, $3.73 billion in 2002. The GSA is already using LEED standards in encouraging Federal construction, but all new Federal facilities should meet these new LEED Silver standards.

I ask my colleagues to go down the road here a couple of miles to the new NOAA facility located in Suitland, MD, and see the type of construction we should be building that gives our Federal Government the necessary facility to conduct its business but also is one that will save us a considerable amount of energy.

LEED-certified buildings use 32 percent less energy, 26 percent less natural gas, and 36 percent total less energy used. I mention that because that is just one way this Nation can move toward energy independence.

We know we will be having a debate on the Senate floor next week on the CAFE standards, on the efficiencies of our automobile and light truck engines. Yes, efficiency can save us a lot of energy and can help make us energy independent.

Let me mention another example, the automobile tires we use. If we used the right tires, we could save millions of barrels of gasoline every year. Public transit, I can tell you in my own State, the Purple Line is not only needed to get people from one place to the other in this region, it will save us considerable energy. Investment in public transit will help with efficiency in this country. We need to develop alternative and renewable energy sources. There are so many potentials.

Solar power. We invented the ability to use solar power for energy. The technologies have come from America. BP Solar, which is located in Fredrick, MD, is a leading example of what we can do. But we do not use solar energy anywhere near as much as we should in this country.

Wind is available, but we do not use that technology as much as we should. Cellulosic ethanol or gasoline is another major potential source for becoming energy independent.

Biodiesel. We have a person from the eastern shore, Berlin, MD, who has a biodiesel plant. And that county, Worcester County, uses their fleet of diesel trucks and the biodiesel saving us energy. So alternatives and renewable sources can help us.

We also need to fund new technology for developing clean-burning coal and the next generation of nuclear power and the use of hydrogen power. I mention that because these are the discussions we are having on the floor of this body, ways in which we can become energy independent by being more efficient in the use of energy, by developing alternative and renewable energy sources and putting our resources into research for the next generation of technology to meet our energy needs.

So what does my amendment do? My amendment establishes a commission to monitor our program and to keep us on track to accomplish our goal, to be energy independent by 2017. It allows for midcourse adjustments by the commission, making recommendations on a 2-year cycle, so we can make those cycles of adjustments. We keep control, the Congress keeps control of the energy policies of the country. But we have a bipartisan way in which we can make sure we live up to our commitment to be energy independent in 10 years.

If our constituents know we are going to accomplish this goal, they are going to be willing to do what is necessary so we achieve this energy independence. It maintains the responsibility of this body and the other body across the hall. It is our Apollo commitment. I have heard more Senators use that term, ''Apollo commitment.'' It is our Apollo commitment.

It took us 10 years. We made that commitment to put a person on the Moon, and we succeeded. If we make the commitment today to be energy independent in 10 years, we can achieve that goal. That is what this amendment does. I hope it will not be a controversial amendment. I hope we can get it done so we put into this legislation our commitment to truly become energy independent.

Mr. President, I have a second amendment I want to call up. I want to make sure there is—I know there is a protocol of alternating amendments. If there is no objection, I was going to ask unanimous consent—I see that the Senator from New Mexico is here.

Let me make sure. I have a second amendment I wanted to call up. I know we are alternating.

Mr. DOMENICI. We will be ready with ours in just 1 minute. We will offer one. We would object.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. First, let me say to my friend from Maryland, if you will wait a minute, you do not even have to leave the floor. It will not take very long.

Mr. President, I ask the pending amendment be set aside so I might call up the Thune amendment, which we have agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1609 TO AMENDMENT NO. 1502

Mr. DOMENICI. Mr. President, I send to the desk amendment No. 1609 on behalf of Senator THUNE and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. THUNE, proposes an amendment numbered 1609 to amendment No. 1502.

Mr. DOMENICI. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide requirements for the designation of national interest electric transmission corridors)

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested persons and affected States on the application.'';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(l) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

Mr. DOMENICI. Mr. President, having presented the amendment, I now ask that the Thune amendment be set aside so the next amendment may be offered by the Senator from Maryland.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, Mr. WHITEHOUSE, and Ms. SNOWE, proposes an amendment numbered 1610 to amendment No. 1502.

Mr. CARDIN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the siting, construction, expansion, and operation of liquefied natural gas terminals)

At the appropriate place, insert the following:

SEC. _____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section designation and all that follows through ''creation'' and inserting the following:

''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—

''(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means, with respect to a liquefied natural gas terminal that is the subject of an application for an authorization under this section, a State that—

''(A) would be directly connected by a pipeline to the liquefied natural gas terminal;

''(B) would be located within 15 miles of the liquefied natural gas terminal; or

''(C) is designated as an affected State by the Secretary due to a risk of damage to the coastal environment of the affected State that is equal to or greater than the risk of damage to the coastal environment of the State in which the liquified natural gas terminal is proposed to be located.

''(2) LIMITATION.—The Secretary shall not approve or disapprove an application for an authorization under this section for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of the Governor of each affected State.''.

Mr. CARDIN. Mr. President, this amendment I am introducing with Senators MIKULSKI, DODD, REED, KENNEDY, WHITEHOUSE, and SNOWE would restore the authority of State and local governments to protect the environment and ensure public safety with respect to the siting of liquefied natural gas, LNG, terminals within their States.

This measure simply gives our States a say in whether these kinds of facilities should be built within their boundaries and, if so, the exact location.

The amendment adds a provision to the Rivers and Harbors Act of 1899. Under that law, the Army Corps of Engineers, acting for the Secretary of the Army, is responsible for issuing permits to anyone who wants to build a structure in and above the waters of the United States. These are often called section 10 permits because that is where the provision is found in the Rivers and Harbors Act.

Currently, the Army Corps issues all such permits. In the narrow conditions outlined in our amendment, the Corps would have to get the concurrence of the affected State before issuing a permit to build an LNG terminal. That is all, just work with the States. It is just federalism. That is what federalism is all about, the Federal Government working with the States. The States certainly have a direct interest on the siting of LNG plants.

This amendment does not limit the Federal Regulatory Energy Commission, FERC. FERC will still be able to make its decisions regarding siting, construction, and operation of LNG facilities. FERC has that blanket authority. So be it. But the Army Corps of Engineers also has a say in whether such a facility can be built in the waters of the United States. Today we turn to the Corps for relief.

In recent years, the LNG industry has proposed building dozens of new LNG terminals throughout the United States, as LNG's share of the natural gas market continues to grow rapidly. Many of these terminals are being planned near populated areas or environmentally sensitive coastal areas. We are simply seeking an opportunity for States to have a meaningful opportunity to take those safety and environmental issues into account.

Maryland is already home of one of the six operating LNG terminals in the United States. This bill would have no effect whatsoever on that facility. In fact, that facility is generally welcomed by its host community and is supported by county and local elected officials. That is how it should be. Companies that want to build an LNG terminal should work with the local community and address all of the safety and security concerns. It can be done. We have the proof of it in the State of Maryland.

This amendment is not designed to stop LNG terminals. It is solely to make sure that such projects are sited properly. Unfortunately, that is not always the case. AES Sparrows Point LNG and Mid-Atlantic Express have proposed building a new terminal near a densely populated area of Baltimore. Our area congressional delegation, Senator MIKULSKI and I, Governor O'Malley, Baltimore County Executive Jim Smith, and local officials and community leaders believe this project poses unacceptable public safety, economic and environmental risks, and does not serve the public interest.

Yet under current law, FERC now has exclusive authority to approve onshore LNG terminal siting applications. But these facilities still must obtain environmental permits, including a section 10 permit under the provisions of the Rivers and Harbors Act.

It is vital, in my opinion, that State and local authorities and the public have a meaningful opportunity to participate in the decisionmaking process about where these plants are located.

An accident or a terrorist act at an LNG terminal could have a devastating impact on the communities nearby, so they should have a voice in the siting.

The amendment I am introducing today seeks to restore that authority and gives Governors some real clout. The proponents of building LNG terminals should have to negotiate in good faith with States and local communities if they want those communities to bear the risk associated with such operations.

My amendment does not prohibit the construction of LNG terminals. It merely levels the playing field with regard to determining where they will be located. It is what federalism should be all about. We should respect that. This amendment moves us in that direction.

I urge my colleagues to join me in supporting this amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we are on the Energy bill. It is expected that we are going to have a big fight out here, a political fight, regarding the question of miles per gallon—requirements for the manufactured automobiles, light trucks, and then what are medium-size and heavier trucks—what the miles per gallon requirements are going to be.

A couple weeks ago, I was on an Intelligence Committee trip all through Africa. Needless to say, there is increasing al-Qaida presence in Africa. Indeed, an organization called AQIM—al-Qaida in the Islamic Maghreb—is a group that broke through the barriers of the Presidential palace in Algiers, Algeria, and a suicide bomber detonated a bomb right next to the Presidential palace, injuring and killing some people, doing damage to the Presidential palace, but the President was not harmed.

What we have is an increasing threat not only to the peoples of Africa but to the interests of the United States. What is one of those interests? One of those interests is all the places from which we get oil. One of those places is the Niger River Delta in the country of Nigeria.

I met with the new President of Nigeria. He had just been inaugurated some 5 days earlier, and I believe he understands the significant threat to Nigeria's oil production. Already a good portion of Nigeria's oil production is siphoned off by bandits and others who are using kidnappings, asking for ransom, tapping into the oil wells, siphoning off the oil and the gas to the point that they produce about 3 million barrels a day of oil, and yet what they are shipping is only about 2.4 million barrels a day. So they are losing right there, off the bat, just to bandits, 600,000 barrels of oil a day, just in that one country.

But that oil that is shipped is shipped to the United States. That oil represents 12 to 14 percent of America's daily consumption. What happens if the terrorists strike and a major part of that oil production is eliminated? Well, you can imagine what America would do if it suddenly had 12 to 14 percent less oil per day.

Oh, by the way, that is not the only place where we are threatened. We are also threatened, indeed, by a fellow named Hugo Chavez, President of Venezuela. Venezuela sends us 12 to 14 percent of our daily consumption of oil. Of course, he has been making those threats as well. But that is little more of an idle threat, in this Senator's opinion, because of the vast infrastructure the Venezuelan oil company PDVSA has through their distribution outlets of Citgo gas stations here in America.

All right, what does this have to do with the Energy bill? It has a lot to do with the Energy bill because one of the primary things we ought to be doing as a matter of Government policy is weaning ourselves from oil and particularly from foreign oil. What is one of the best ways to do that? It is to go to the place where most oil is consumed in America, and that is in the transportation sector. And where in the transportation sector is most of the oil consumed? It is in our personal vehicles.

So if we really want to do something that would affect this ripple effect if al-Qaida struck in a number of very sensitive oil-producing places in Africa, then right here in this Senate, at this moment, considering the Energy bill, we better be serious about what we are doing for miles-per-gallon requirements.

Now, it is almost inexcusable that back when we had the oil embargo in the early 1970s and we said we were going to do something about it, that then we went back to sleep. Then again we had another disruption of the oil flow in the late 1970s, and we went through the drill again, and we said we were going to do something about it, and we went back to sleep. All of those mileage standards we put into law kept being delayed and excused and sidelined, and here we are where we are, with American automobile companies being some of the worst in dragging their feet, so that higher mileage per gallon has not been achieved, and we find ourselves so dependent on oil and, indeed, so dependent on foreign oil to the tune of 60 percent of our daily consumption of oil is being imported from foreign shores.

So what are we going to do about it? All right, the moment of truth is coming in a few days because we are going to have a chance to enact this bill and what it has in the bill, which is 35 miles per gallon by the year 2020—that is 13 years in the future—35 miles per gallon on cars and light trucks, and then there are some exceptions for medium-size and heavier trucks.

In 13 years, can America go from a standard of somewhere around 26 miles per gallon to 35 miles per gallon? If we have the technology to do some of the extraordinary things we have already done in technology—in energy, in defense, in so many things—do we have the capability, technologically, in 13 years to increase the fleet average to 35 miles per gallon? You bet we do. The question is, Do we have the political will? That is going to be the moment of truth.

Now, there are going to be those who are going to come with a seductive alternative—Senator LEVIN, Senator STABENOW. Their seductive alternative is: Well, we will do the same number of miles per gallon, but we will stretch it out a little bit further. We will make it 2025 instead of 2020.

Do we have the political will to make the decision that the time is now to change our oil-consuming habits so we can lessen our dependence on oil, and specifically foreign oil?

This Senator is going to offer an even tougher standard: 40 miles per gallon. We have the technology. Do we have the political will? I think it is going to be very hard to pass 40 miles per gallon. Senator FEINSTEIN, Senator BINGAMAN, and others came up with what is in the bill now: 35 miles per gallon over the course of the next 13 years. I think it ought to be higher. I think we ought to be serious. I will tell my colleagues, if al-Qaida ever does strike and cut off that oil, this Senate will be in session and we will be exacting much higher standards, because the political will would be demanded at that point. Are we going to look over the horizon and see all of the pitfalls and avoid them by going ahead and enacting into law a stronger standard?

I have had the privilege of representing my State of Florida for the past 7 years in the Senate, and I have tried, along with other Senators, particularly Senator KERRY, to enact higher mileage per gallon standards on SUVs. We could never get the votes because there wasn't the political will. The clock is ticking and time is running out. It is going to happen because a lot of those oilfields scattered around the world—and I have given one example of Nigeria—are vulnerable to attack. The only way we are going to prevent those attacks is our intelligence apparatus, working with the intelligence services of other nations, to find out in advance so we can prevent it, because they can't defend it there.

The military forces of those countries throughout the world are not sufficient to defend it. We are only going to prevent it by finding out about it through the gathering of intelligence. But our intelligence gathering can't be 100 percent foolproof. So the likelihood is it is going to happen.

Let's get prepared, I beg the Senate. We have dragged our feet. We have not produced more than about 39 votes in the past to increase miles per gallon standards on SUVs. Will we wake up, America? Will we have the will? It is coming, and it is going to come about next Tuesday or Wednesday when we vote on these amendments.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, let me congratulate my friend from Florida for his passionate statement on this imperative. As Abraham Lincoln might say, we are trying to give our Nation a new birth of freedom from the oil addiction that is very much compromising the national security of our Nation. Certainly how we deal with transportation fuels and move forward with higher standards and more efficient vehicles is something I hope this body has the political will to do through the underlying bill, which will move us to 35 miles per gallon within a reasonable time period. I very much appreciate his leadership on this effort and I look forward to joining him on this battle next week as we try to move forward.

AMENDMENT NO. 1524 TO AMENDMENT NO. 1502

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1524.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. GRASSLEY, Mr. OBAMA, Mr. HARKIN, Mr. HAGEL, Mr. LUGAR, Mr. LIEBERMAN, Mr. FEINGOLD, Mrs. CLINTON, Mr. CASEY, Mr. BEN NELSON, Mr. BROWNBACK, Mr. KOHL, Mr. KERRY, Mr. JOHNSON, Mr. TESTER, Ms. CANTWELL, Mr. THUNE, and Mr. COCHRAN, proposes an amendment numbered 1524 to amendment No. 1502.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1524

(Purpose: To express the sense of Congress relating to the use of renewable resources to generate energy)

On page 27, after line 23, add the following:

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

Mr. SALAZAR. Mr. President, I rise today to offer the 25x'25 resolution as an amendment to H.R. 6, the Energy bill. I am proud to be joined in this endeavor by a broad bipartisan group of Senators. They include Senators GRASSLEY, HARKIN, LUGAR, OBAMA, HAGEL, CLINTON, FEINGOLD, CASEY, NELSON of Nebraska, BROWNBACK, KOHL, KERRY, JOHNSON, TESTER, CANTWELL, THUNE, and COCHRAN, all of whom are sponsors of S. Con. Res. 3, which we introduced earlier this year.

Mr. President, 25x'25 is a critical vision for our energy future that will help reduce our dependence on foreign oil by building a new energy economy here at home. Our amendment establishes a national goal of producing 25 percent of America's energy from renewable sources, such as solar, wind, and biofuels, by 2025.

The 25x'25 vision is widely endorsed, it is bold, and it is fully attainable. If implemented, it will dramatically improve our energy security, our economy, and our ability to protect the environment and combat global warming. 25x'25 complements the steps we are taking on the bill before us today which reflects the good work of the Energy and Natural Resources Committee and the other committees that have contributed so greatly to this bill.

I am pleased that 17 of my colleagues in the Senate from both sides of the aisle are cosponsoring this resolution. In addition, the 25x'25 vision has been endorsed by 22 current and former Governors and many State legislatures around the country.

The Big Three auto manufacturers—Ford, Chrysler, and General Motors—are all behind 25x'25. So are many agricultural organizations, environmental groups, scientists, and businesses, ranging from the Farmers' Union and the Farm Bureau to the Natural Resources Defense Council, and companies such as John Deere.

The breadth of support for the 25x'25 vision speaks to the extraordinary economic, environmental, and national security benefits that its achievement will yield. In all, nearly 400 organizations have embraced this vision and are working together on a plan to implement it.

The amendment I am introducing makes the 25x'25 vision a policy goal for our Nation. It sets a challenging but realistic target for our legislative and budgetary work on energy. Our amendment says the ingenuity and entrepreneurship of the American people should be the engine for a new, clean energy economy for the 21st century.

I urge every American to join with me and roughly 400 partner organizations that are part of 25x'25 to make this goal a reality. Results from a recent study conducted by the University of Tennessee show that reaching the 25x'25 goal is, indeed, achievable. The study also shows that 25x'25 would do the following: First, it would increase net farm income in America by $180 billion and, including multiplier effects, could result in $700 billion in economic activity annually for America. Secondly, it would create 5 million new jobs here at home by 2025; and third, it would save as much as $15 billion in Government payments across America.

America's working people can and should be at the center of our energy revolution. Farmers and ranchers in my native San Luis Valley, in Sterling, CO, and elsewhere, are already leading the way. They are building biodiesel plants and ethanol refineries that help power cars, tractors, and trucks. They are building wind turbines in Prowers County and biomass generators in Jackson County, and they are searching for new technologies that will allow them to make even greater contributions to our energy supply. These Americans understand we cannot continue to import 60 percent of our oil from foreign countries, many of which are hostile to the United States. If we aim to be strong and secure in this

world, we must have this kind of bold vision. They know we will have to build a clean energy economy for America if we are to reduce our dependence on foreign oil.

A clean energy economy will take root in our farms and in our fields. It will help revitalize a rural America that has been forgotten for far too long. It will spur our engineers to new developments and designs, and it will help establish the United States as a world leader in clean energy technologies. It is time for Congress to take a more active role in our clean energy future. Establishing a national goal of 25x'25 is an important first step.

Americans understand we cannot continue to import 60 percent of our oil from foreign countries, many of which are hostile to the United States, if we aim to be strong and secure in the world. We must rid ourselves of this dependency and this addiction. They know we will have to build a clean energy economy if we are to reduce our dependence on foreign oil.

Today, with this amendment, we are articulating a common vision for our energy policy. It is a target that Governors, Senators, Representatives, State legislators, farmers, ranchers, business people, scientists, and automakers all wish to achieve. It is a target we can hit, particularly with the policies that are built into this bill.

I ask my Democratic and Republican colleagues to support this amendment and to join the millions of Americans who are already working toward the 25x'25 goal.

I want to make a comment about the imperative of the energy issue that is before the Senate today. When I look at the 21st century, I ask myself: What is it the people of my State, and what is it the people of America want me to do as their Senator, not only for our generation but for the next generation and generations to come? It seems to me the challenges of the 21st century are daunting challenges, major challenges, that face us. We can essentially put them into three, and they are all under an umbrella of security for this Nation and ultimately security for civilization.

The first of those challenges is foreign policy: How can we in America move forward and try to put Humpty Dumpty together again when we see so much violence in the Middle East and other places around the world? How can we make sure the dream and vision of the generation of World War II is something we preserve? How can we say to our children and to our grandchildren that the world we are leaving to them is a safer and more secure world? Certainly that generation of World War II believed they had accomplished that, that they were leaving a world which was a much safer and a much more secure world for the generations that would come after them. Indeed, we have been the beneficiaries of their sacrifices. Over half a million Americans gave their lives to preserve freedom around the world in World War II, including members of my family who gave their lives on the soils of Europe. They had a vision of a more secure world.

We have some major challenges in Iraq, as we witness the violence there, and when we see what is happening today in Lebanon where we are on the precipice of another civil war there, and when we see what is happening in Gaza and Israel where Hamas has now apparently taken over the Gaza Strip and the emergency that we see President Abbas has declared in the Gaza Strip.

We have to somehow figure out this very challenging task of how we put the world back together again. How do we secure the vision the people of America want us to have, which is that we create a safer and more secure world for ourselves and for those generations who will come behind us?

The second issue which, in my view, confronts America today and which is interrelated with some of the violence we see in the Middle East is energy. For far too long we have neglected this issue. I am proud of the fact that in 2005, this body came together in a bipartisan way and we opened a new chapter for energy in America. I am very proud of this bill today because it builds on that chapter that gets us to energy independence. We have to look at the failings of America under both Democratic and Republican administrations in the past. Jimmy Carter, Richard Nixon—Richard Nixon first—coined the term ''energy independence'' when OPEC was formed. President Jimmy Carter spoke to the Nation late one night back in the 1970s and said: We need to deal with energy with the same kind of moral imperative of war.

Yet what happened in the 1980s and the 1990s? The low cost of fuel essentially allowed America to go to sleep at the switch. The consequence has been that instead of importing 30 percent of our oil as we were in 1970, today we import 60 percent of our oil. The consequence is we have compromised the national security of the United States.

I have been on the border of Israel and Lebanon and looked down at the camps of Hamas and the daunting signs of Hezbollah where Hezbollah had captured at that time Israeli soldiers, and they were at that time daring Prime Minister Sharon to go into southern Lebanon.

What is it that creates that kind of condition? What is it that allows Hezbollah to have over 37,000 rockets in their armory? What is it that allows the funding and the creation of a militia of more than 10,000 militant soldiers within the Hezbollah organization? It is the oil. It is the oil revenue that is going into some countries in the Middle East, including Iran, that is directly funding those interests who are fighting the interests of America across the world.

In fact, we have gotten to the position where those interests have become so powerful economically that now with the potential of Iran arming itself with nuclear capabilities, we should all be very concerned about the security not only of Israel but also of the Middle East and of our entire world.

What does Iran with nuclear armaments mean to the national security of our world? It is a fact that it is our energy dependence, the glutton nature of our energy dependence on oil from those countries that has compromised our national security.

So when we work on the energy issue of our country, we need to know we are working on an imperative of the 21st century. It is an imperative of the 21st century that we get ourselves rid of this addiction to foreign oil. That is why we see progressives and conservatives coming together, Democrats and Republicans coming together, to try to tackle this issue.

Much of what we have in this legislation before the Senate comes from the efforts of the energy futures coalition that coined the term ''set America free.'' ''Set America free.'' Our passage of this legislation, hopefully this next week, will be part of that achievement where we as Senators will stand and we will say we have taken another bold step in this agenda of setting America free.

A second issue that obviously confronts the people of America is health care. That is an issue for another day. That is an issue we will be dealing with as we look at health insurance for children and a whole host of other issues. But today and next week, we have an opportunity to deliver on one of the imperatives of the 21st century for the United States of America, and that imperative is that we move forward with courage and with boldness on the vision of energy independence.

Our amendment today on 20x'25 is a critical part of that agenda because it sets forth a vision that is an achievable one that will get us to make sure we are producing 25 percent of our energy from renewable resources by the year 2025.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I understand the amendment I spoke about

is acceptable to both sides. Therefore, I ask for a voice vote on the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to amendment No. 1524.

The amendment (No. 1524) was agreed to.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. DORGAN. Mr. President, I wish to comment on a couple of issues dealing with the Energy bill this morning. We will be back on the Energy bill starting on Monday. Before I do, I wish to mention as well the Washington Post column by Robert Novak yesterday entitled ''Dorgan's Poison Pill.'' Mr. Novak once again stops just about a page or two short of good research. He has the opportunity on the op-ed page of a major paper to make his case, and we are so seldom offered that same opportunity by the Washington Post that I thought I would at least use the floor of the Senate to describe accurately what Mr. Novak was trying to write about.

He talks about an amendment I offered to the immigration bill. He calls it a ''poison pill'' in the title, and then he says: Dorgan pushed his ''killer amendment'' by voicing the Great Plains populism of his own State. That is sort of sniffing down your nose at the Great Plains populism that exists in some parts of this country.

Let me describe what this amendment was. The immigration bill is a bill that is complicated, it is controversial, it is a very large bill, and it has a lot of moving parts to it. One part of the bill deals with the issue of bringing in guest workers—people who aren't now here, who are living elsewhere in other parts of the world—bringing them in to take American jobs.

Now, I have great difficulty with the immigration bill as it is written. My feeling about immigration is we have a problem with illegal immigration. That is true, we certainly do, and we ought to try to address that problem. I think the first way and the thoughtful way to address that problem is to decide we are going to provide border security and border enforcement—just do first things first. First of all, provide border enforcement, and then we can do the other things.

That is not what this bill does. This bill brings in about six or eight moving parts, and in order to sign up support for it—for example, in order to get the U.S. Chamber of Commerce to support it, they also include a temporary or guest worker program that says we have people who are not now in this country whom we want to bring into this country to take American jobs because we don't have enough American workers, they claim.

In fact, they put together this Byzantine approach that says guest workers will come in, they will be able to bring their family with them and stay for 2 years. They have to go home for 1 year, take their family home, and then they can come back for 2 more years, then go home for 1 year and come back for 2 more years. So they can be here a total of 6 years, with 2 years gone, and their family with them their first or second tour. And by the way, no one knows whether they are going to go home once they get here. Who is going to keep track of people coming in three times in 6 years for 2-year periods each of the three occasions?

I offered an amendment on that particular issue of guest and temporary workers who would come in to take these jobs. My amendment was very simple. It said: Let's sunset that provision after 5 years and try to understand what has happened as a result of it, what has happened to American workers as a result of bringing in all these temporary workers. Is there downward pressure on American wages? Has this hurt American workers? My guess is it will. What if 80 percent of the people who come in under the temporary worker program never leave? Then they are here as illegal immigrants. Maybe that ought to matter. Maybe we should sunset this in 5 years and take a look at it.

That was my amendment. It passed by one vote on the floor of the Senate and is described by Mr. Novak as the ''poison pill,'' the ''killer amendment.'' That is unbelievable. I know where he got the language. He got the language from my colleagues here who were part of the ''grand bargain''—a group of 14, I think it was, who went into a room, reached a grand bargain putting together this Byzantine immigration bill, brought it to the floor, and behaved as if they were the only people out of 100 Senators who had any ideas. There are 14 of us who have this idea, they believed, and anybody who offers amendments would not have an idea that would be worthy of improving it; therefore, we must resist and oppose all amendments.

That is the way this immigration bill went on the floor of the Senate. But it was not a poison pill or a killer amendment or anything of the sort. It was a kind of commonsense approach to try to say: Why don't we do this the right way?

Mr. Novak points to my colleague, Senator KYL from Arizona, in his column. It is interesting. Mr. KYL was part of the grand compromise and, of course, described my amendment, I think, as a ''poison pill.'' Mr. KYL voted for the identical amendment 1 year ago. I offered the identical amendment 1 year ago, and Senator KYL voted for it then.

But those are just facts that Mr. Novak missed because, as I said, when you stop one page short of good research, you are not going to have the entire story.

ENERGY

Mr. President, let me now talk just a bit about the Energy bill. This is important.

We live on this little old planet, we circle the Sun, and we have about 6.4 billion neighbors. We live in this little portion of the planet called the United States, and we have built an economy that is extraordinary. We have expanded the middle class, created an economic engine that is almost unparalleled on this Earth.

In this planet we stick little straws and suck out oil. We suck out about 84 to 85 million barrels of oil every single day. One-fourth of that oil must come to the United States and be used here because we need it. We use one-fourth of all the oil every day that is pulled out of this earth, and 60 percent of the oil we use in this country comes from outside of our country. So we use one-fourth of the oil on the Earth every day, and over 60 percent of it comes from elsewhere. It comes from the Saudis—Saudi Arabia—Kuwait, Iraq, and Venezuela. Some troubled parts of the world—very troubled parts of the world—produce a substantial portion of the oil we need for our economy to work. If, God forbid, one morning we woke up and terrorists had interrupted the pipeline of oil to our country from troubled parts of the world, our economy would be flat on its back, and that is reason we have an energy bill on the floor of the Senate.

I think this is the first time we have debated the Energy bill in which we have come to an intersection in understanding that energy and climate change are intertwined, energy and climate change meet at the same intersection.

So we discuss all of these things. We discuss renewable electricity standards. Should we require that 15 percent of all electricity produced in this country be produced with renewable energy—wind energy, biomass, geothermal, solar energy? I believe the answer is yes. I feel very strongly about that. We will have a vote on that next week, and I think it will be very close.

Standards that would increase the efficiency of automobiles, we will have a vote on that, and it will be very close. We haven't had a change in the CAFE standards for automobiles for 25 years—25 years. Everything else about an automobile has changed. There is more computing power in a new automobile than there was on the lunar

landing that put Neil Armstrong on the surface of the Moon. There is more computing power in one new car than was in the lunar landing. Everything has changed—cup holders, music systems, keyless entry—everything has changed about these vehicles except efficiency.

My wife purchased an automobile some years ago. She purchased an automobile that had a certain mileage standard on the window sticker. After 10 years, she was going to buy another car, and she looked at the new version, the new car version of exactly what she purchased 10 years earlier. The mileage standard on the new car, 10 years later, was identical to the mileage standard of the car she had purchased, identical. Everything about the car had changed—the color, the look, I am sure the springs, the suspension—almost everything was changed, and it has cup holders and a better music system and keyless entry.

By the way, all those car companies opposed seatbelts and airbags and have always opposed CAFE standards.

But the point is, regarding efficiency, nothing is changing. So the question is this: If we are consuming all of this oil—much of it from troubled parts of the world—because we have such an oil-intensive economy and we want to be less dependent on the Saudis, Kuwaitis, and others, and 70 percent of our oil is used in vehicles, then don't we have to insist that this change and that vehicles become more efficient?

The automobile industry is doing full-page newspaper ads in my State—and I assume other States as well—telling people things about the proposal on the floor of the Senate that just aren't true—just not so. I think it was Will Rogers who said:

> It is not what he knows that bothers me so much, it's what he says he knows for sure that just ain't so.

Well, some of the advertising that is going on around the country is just wrong. They have these screaming ads saying somebody is going to take your pickup truck away. It is not true. The new CAFE standards—or any efficiency standards—aren't like the old ones where if you produce too many pickup trucks, you have to cut back on pickup trucks and produce far more subcompacts. That is not the case.

These new approaches say that for every class of vehicle—and there are eight, including the big, heavy trucks—every class of vehicle must have efficiency. You must have increased efficiency for each class, not measured against another class. You must have increased efficiency in that class, and, yes, that includes pickup trucks. But those who are buying pickup trucks—and a lot of people are—ought to expect more efficiency. It is not a case where someone is going to say that you are not going to be able to find a pickup because we have to produce more subcompacts.

In my part of the country, it does occasionally—only on rare occasions—get cold. In North Dakota, when a rancher is going out in late March, and there is a blizzard and the wind is blowing 40 miles an hour and the temperature is 30 below, and he or she is out checking on the calves because it is calving season and they are trying to figure out what is going on—they don't want to go out in 40-mile-an-hour winds, with temperatures 30 below; that rarely happens, but occasionally—they do not want to go out driving in a Chevette or some subcompact car trying to figure out where they are going to move in the pasture to find those cattle. They want a substantial vehicle. So they want four-wheel drives and pickup trucks, and I understand that. That is why this CAFE or this automobile efficiency standard has been changed and changed in the right way, requiring all classes of vehicles to be more efficient. We don't measure them against other classes. Every class is required to meet greater efficiency standards.

So that will be debated next week. I know there are people who will come and oppose it because the automobile industry is taking a position of: Yesterday forever; let's just keep doing what we have been doing, and that will be just fine. It is not just fine as a matter of public policy for this country. This country needs a changed agenda with respect to energy, and part of that changed agenda is increased efficiency for automobiles and for vehicles.

With respect to the renewable energy standard, the renewable electricity standard, I regret and I have said from time to time that my political party—we are not as good at developing titles and labels as the other party. No matter what they come up with, they are good. They come up with something that is probably going to even cause more pollution, and they call it Clear Skies. They come up with something that will cut down trees, and they call it Healthy Forests. They are good at labeling.

We come up with something called renewable portfolio standard. We talk like twits. So we need to improve that. I call it homegrown energy or renewable electricity standards.

Let me describe what that means. It means we produce a lot of electricity, and we use it. We get up in the morning and the first thing we do is turn on a switch and that switch makes all things possible for us. It allows you to get hot water from a hot water heater, it allows you to plug in an electric razor, allows you to have the lights in your bathroom as you get ready for work. All of these things happen, but it is not automatic. Somebody is out there producing electricity in a coal-fired generating plant perhaps, or a generating plant that is fueled by natural gas.

What we are saying is, we want to set a standard of 15 percent of our electric energy to be produced with renewable energy. We now have unbelievable turbines that can take energy from the wind and turn it into electricity. Yes, you can advance your electricity issue with that or, an experiment I have in North Dakota that I am very excited about, you can take the energy from the wind, produce electricity, and with that electricity in the process of electrolysis, separate hydrogen from water and store hydrogen as a vehicle fuel; the wind to hydrogen, all renewable.

You can do the same with respect to the renewable electricity standard by requiring that 15 percent of the electricity we produce comes from biomass, solar energy, wind energy, geothermal, and more. We should do that. I know it is a close vote. I know some oppose that. We should do that because it will advance this country's interests.

I want to make one additional point. There are some who say: You are out here talking about increased efficiency standards, you talk about renewable electricity and so on—what about more production? In fact, I just had a person call me a few minutes ago who said the same thing. What about more production? I believe we ought to have more production of energy. I have supported, along with my colleague, Senator CRAIG from Idaho—bipartisan—the two of us have supported something called the SAFE Act, which proposes and calls for more production from that area offshore that has the greatest potential. No, it is not Alaska, not California; it is the gulf, the Gulf of Mexico that has the greatest potential.

I was one who helped open lease 181, which was just opened. But I believe much more can be done to increase the potential on the Outer Continental Shelf on the Gulf of Mexico. I support that. I filed an amendment—we have not called it up because I don't believe we have the votes for that—but Senator CRAIG and I are discussing that issue. I support increased production because I believe it is a necessary part of a balanced energy strategy.

I think all of these issues are important. I know there are some who probably do not think the Energy bill is as important as it really is, but it is at the root of this country's future economic opportunity. This engine of ours, this economic engine of ours cannot and does not work without energy, and our energy policy has not been a particularly thoughtful policy. We waste a prodigious amount of energy in every way, every day. We can make buildings more efficient, we can make automobiles more efficient, we can make appliances more efficient. We should produce more. We should conserve more. There is so much we should do in energy policy.

Senator BINGAMAN and Senator DOMENICI, who are the chair and ranking member of the Energy Committee—I am a senior member of that

committee—but with their leadership they have put together a bill that is now on the Senate floor, and I think it will advance our interests. But we need to do a couple of things.

No. 1, we need to support the CAFE standards. By the way, that comes from the Commerce Committee on which I serve. Senator INOUYE and Senator STEVENS are to be complimented for what we were able to do in the Commerce Committee with respect to CAFE standards. Senator BOXER and the leadership of the EPW committee has also contributed to this bill. But we need to have a 15-percent standard of renewable fuels coming with respect to the production of electricity, and we need to support the CAFE standards that have come from the Commerce Committee.

I do not believe there are others who wish to speak. Let me do a couple of unanimous consents.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REVIEW EXTENSION

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator LEVIN to me dated June 15, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 15, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: On June 4, 2007, S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, was referred to the Senate Armed Services Committee pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress. In accordance with that resolution, I now request an additional extension of five days to enable the Committee to complete its review of the bill.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

REMEMBERING SENATOR CRAIG THOMAS

Mr. CRAPO. Mr. President, I was deeply saddened to hear of the sudden passing of my colleague from Wyoming, Senator Craig Thomas. The loss we all feel at his passing Craig is tempered by the happy memories I have of working with him on so many issues of mutual interest. His efforts and his leadership on the panels on which we served together—the Senate Finance Committee, Senate Agriculture Committee, and Senate Environment and Public Works Committee—will remain foremost in my memory. I particularly admired his staunch advocacy for the needs of rural communities and farmers. Craig brought a special passion and expertise to issues affecting ranching families. His focus on their unique needs spanned the trade, economic, environmental, and public lands management issues of rural communities.

Craig brought to Congress his vision for the needs of Wyoming and rural States, and he became a strong advocate of effective resource and energy policies. I am pleased to have partnered with him in applying technologies to improving our Nation's energy generation. Although he lived his life modestly, he became a leader in national park stewardship, and the American people owe him a debt of gratitude for his promotion of the underserved national parks system. I also appreciated his long and thoughtful counsel on ways to update the Endangered Species Act.

In recent months, Craig took a prime role on the Finance Committee in working to simplify the Federal Tax Code and improve entitlement and health care assistance to the least fortunate. As one who took to heart the importance of protecting the taxpayers' dollars, Craig was a strong proponent of restoring the sustainability of our Nation's welfare system. And Craig understood that economic development in rural States like Wyoming was inextricably linked to trade promotion that ensured open and fair markets abroad. I will miss his stalwart and consistent advocacy for farming communities as the Senate considered trade legislation.

As a man who represented a small State in population, Craig towered large over the landscape of thoughtful conservative Members of Congress. I think a fitting tribute and legacy to our late friend would be to adopt his resolution making July 28, National Day of the Cowboy. My thoughts and prayers are with Craig's family and friends. I will miss my good friend and colleague.

RESPONSIBLE FATHERHOOD AND HEALTHY FAMILIES ACT

Mr. OBAMA. Mr. President, yesterday, just days before Father's Day, I was pleased to join my colleague and good friend Senator BAYH in reintroducing the Responsible Fatherhood and Healthy Families Act. Within the next few days companion legislation will be introduced in the House of Representatives by Congresswoman CARSON of Indiana and my friend from Chicago, Congressman DANNY DAVIS.

It is time to address the crisis of absentee fathers. We must ask ourselves why more than a quarter of all American families have only one parent present, and more than a third live without their father. We must get a handle on why 40 percent of the children in America who live without their father have not seen him in over a year.

There is no question that most single mothers are doing a heroic job raising their kids. They are working two and three jobs, dropping their kids off at school or daycare or with friends or relatives, responding to their illnesses, and, quite frankly, doing the work that is often a challenge these days for even two parents. My appreciation for single mothers is unwavering. My own father was not around when I was growing up, and my mother and grandparents had to step up to the plate to fill my father's role.

But most people would agree that children are almost always better off with both parents contributing their fair share, and the data shows this. Children are more likely to be poor and to do worse in school without both parents in their life. And a healthy relationship between children and their father is important to healthy growth and development.

The Responsible Fatherhood and Healthy Families Act addresses these problems by removing government barriers to healthy relationships and responsible fatherhood. It improves the economic stability of parents who accept their parenting responsibility. Our bill sets a high standard for parents and helps them to reach it with incentives, support, and tougher enforcement of child support obligations.

It takes courage to raise a child. We can't simply legislate that courage and expect all parents to get and stay married. We can't legislate good parenting skills or good behavior role models. We can't legislate economic success for all families. But we can help those who are trying to do the right thing and eliminate some of the roadblocks they face. And we can provide some tools to help these courageous parents succeed.

This act removes government roadblocks by eliminating a perverse disincentive to marriage in the Temporary Assistance to Needy Families program. Congress is sending the wrong message by telling States that they may be penalized for serving married couples. There should be equality for two-parent families receiving TANF, and States should not be required to meet a separate work participation rate for the two-parent families in their caseload.

This act also makes vital improvements to the child support system, which affects noncustodial fathers as much or more than any other government program. It will restore funding for child support enforcement and require States to pass the full amount of child support collected along to the

family. Research has confirmed that a father is more likely to pay child support if he knows that the money is going to his kids.

We also require States to review the amount of child support arrears that are owed to the state, and we clarify existing state authority to forgive such arrearages. A father who earns only $10,000 per year, and who has $20,000 of child support debt because the State billed him for the Medicaid birthing costs of his child, is probably going to work underground and avoid paying child support altogether. It is in the best interest of all members of his family that a father has an incentive to get a legitimate job and to begin taking care of his family.

States are also provided funding to assess any other barriers to healthy family formation or sustainable employment created by their child support and criminal justice systems. They are encouraged to establish commissions to propose state law changes that would be in the best interest of children.

Another important aspect of this act is fostering economic stability for fathers and their families. This act establishes three employment demonstration programs. One program is supervised by courts or state child support agencies that serve parents who are determined to be in need of employment services in order to pay child support obligations. The court can arrange temporary employment services for the father rather than throwing him in jail for nonpayment of support. The second is a transitional jobs program that combines temporary subsidized employment with activities that help fathers develop skills and remove barriers to employment. The third program establishes public-private partnerships to provide fathers with ''career pathways'' that help them advance from jobs at low skill levels through jobs that require greater skills and provide family-sustaining wages and benefits.

These programs are modeled on successful initiatives in Indiana and Illinois and will be subject to rigorous evaluations to ensure the goals are being achieved.

In both the Illinois State Senate and the Senate, I have led efforts to expand the earned-income tax credit, EITC, which is one of the most successful antipoverty programs in the country to date. It rewards work and supplements wages that may be too low to support a family. The Responsible Fatherhood and Healthy Families Act would double the number of working single adults eligible for EITC benefits, increase the benefit, reward and support parents who are current on their child support payments, and reduce the EITC marriage penalty which hurts low-income families. Under this plan, full-time workers making minimum wage would get an EITC benefit up to $555, more than three times greater than the $175 benefit they get today. If the workers are responsibly supporting their children on child support, this bill would give those workers a benefit of $1,110.

Additionally, this bill improves the Responsible Fatherhood and Marriage Promotion programs that were funded by the Deficit Reduction Act. Funding is increased, and all Fatherhood and Marriage programs are required to coordinate with domestic violence prevention services to reduce instances of domestic violence and promote healthy, nonviolent relationships.

I would like take a final few moments to talk about the breakdown of families in the African-American community, because the epidemic of absentee fathers runs deep. Today, around 70 percent of Black children are born outside of marriage. Of the 30 percent born to married parents, more than half experience a divorce. That means that about 85 percent of Black children spend some or all of their childhood in a home without their father. As our children grow up, statistics continue to paint a bleak picture. Fewer than 6 of every 10 young Black men are employed, and in some of our urban and rural areas the rate of unemployment is over 50 percent. Roughly one-third of young Black men are involved in some way with the criminal justice system. And young Black men have the lowest educational attainment among Black and White men and women.

These factors contribute to low marriage rates among African-American men. But by age 34, nearly half of black men are fathers. And roughly two-thirds of all Black men leaving prison are fathers. As hard as some of these men try, it is likely that their children will also be denied the advantages of healthy parental relationships and married families. Their children will be more likely to live in poverty and to become young, unmarried parents themselves. Their children's life chances will be limited. The cycle of poverty and despair will continue.

It is important to remember that there is no segment of our population no income level, no religion, and no race—that is immune to these challenges. Some segments of the population are worse off than others. However, I believe there is reason for hope. At the time of the birth of the child, most fathers are close to both the mother and their child. The challenge is to maintain healthy relationships between parents and to strengthen the early bonds between fathers and their children. The challenge is to improve economic opportunity for all parents so they can support themselves and their families. The challenge is to break the cycle by strengthening America's most vulnerable and fragile families.

That is what this bill does, and it is fully paid for by revenue raised by closing tax loopholes. This is a solid first step forward in removing government barriers to healthy family formation, and addressing the crisis of fatherhood among our Nation's low-income populations. I urge my colleagues to support the Responsible Fatherhood and Healthy Families Act of 2007.

ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, at a time when we are witnessing the devastating consequences of ethnic and sectarian division in places such as Iraq and Darfur, I believe it is vital to recognize the efforts of those who work to promote peace and reconciliation. In that spirit, I wish to commend the 53 Nobel laureates who signed an appeal by the Elie Wiesel Foundation for Humanity in support of ''tolerance, contact and cooperation between Turks and Armenians.''

In their appeal, the laureates call on both Turks and Armenians to take the steps necessary to open the Turkish-Armenian border, generate confidence through civil society cooperation, improve official contacts, and allow basic freedoms. As part of this commitment, the laureates call on Turkey to end all forms of discrimination against ethnic and religious minorities and abolish Article 301 of the Turkish Penal Code. This provision has been used to take legal action against those who speak out about the Armenian genocide, including Nobel laureate Orhan Pamuk and recently murdered Turkish-Armenian journalist Hrant Dink. There is no question that article 301 contributed to the toxic political environment that led up to Mr. Dink's assassination in January.

The laureates also note that ''Turks and Armenians have a huge gap in perceptions over the Armenian Genocide.'' To address this chasm of understanding, they call for further study and dissemination of a report prepared by the International Center for Transitional Justice. That impartial analysis of the massacres perpetrated against Armenians in the early 20th century concluded that the killings ''can be said to include all the elements of the crime of genocide . . .'' This finding was corroborated by the International Association of Genocide Scholars, which issued its own statement in 1997 to reaffirm ''that the mass murder of Armenians in Turkey in 1915 is a case of genocide which conforms to the statutes of the United Nations Convention on the Prevention and Punishment of Genocide.'' The existence of these independent evaluations of the Armenian genocide and relevant international law should provide an opportunity for both countries to accept the verdict of history and move forward.

Mr. President, the Senate Foreign Relations Committee has unanimously passed S. Res. 65, a resolution echoing

many of the sentiments expressed by the laureates and honoring the life of Hrant Dink, a leading proponent of Turkish-Armenian reconciliation up until the time of his brutal murder. It is my hope that the full Senate will adopt this important measure without further delay.

I congratulate the Wiesel Foundation for its work to produce this important statement and request consent that it be printed in the RECORD. I hope that the words of these Nobel laureates will encourage the people of both nations to recognize and ultimately transcend the legacy of the Armenian genocide. Once this occurs, I have every confidence that the people of Armenia and Turkey will be able to rebuild the ties between their countries and forge a new, enduring peace.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ELIE WIESEL
FOUNDATION FOR HUMANITY,
New York, NY, April 9, 2007.

DEAR FRIENDS: We, the undersigned Nobel laureates, issue this appeal directly to the peoples of Turkey and Armenia. Mindful of the sacrifice paid by Hrant Dink, the ethnic Armenian editor of Agos in Turkey, who was assassinated on January 19, 2007, and whose death was mourned by both Turks and Armenians, we believe that the best way to pay tribute to Mr. Dink is through service to his life's work safeguarding freedom of expression and fostering reconciliation between Turks and Armenians.

To these ends, Armenians and Turks should encourage their governments to:

Open the Turkish-Armenian border. An open border would greatly improve the economic conditions for communities on both sides of the border and enable human interaction, which is essential for mutual understanding. Treaties between the two countries recognize existing borders and call for unhampered travel and trade.

Generate confidence through civil society cooperation. Turks and Armenians have been working since 2001 on practical projects that offer great promise in creatively and constructively dealing with shared problems. The governments should support such efforts by, for example, sponsoring academic links between Turkish and Armenian faculty, as well as student exchanges.

Improve official contacts. Civil society initiatives would be enhanced by the governments' decision to accelerate their bilateral contacts, devise new frameworks for consultation, and consolidate relations through additional treaty arrangements and full diplomatic relations.

Allow basic freedoms. Turkey should end discrimination against ethnic and religious minorities and abolish Article 301 of the Penal Code, which makes it a criminal offense to denigrate Turkishness. Armenia also should reverse its own authoritarian course, allow free and fair elections, and respect human rights.

Turks and Armenians have a huge gap in perceptions over the Armenian Genocide. To address this gap, we refer to the 2003 ''Legal Analysis on the Applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide to Events which Occurred During the Early Twentieth Century,'' which corroborated findings of the International Association of Genocide Scholars.

It concluded that, ''At least some of the [Ottoman] perpetrators knew that the consequences of their actions would be the destruction, in whole or in part, of the Armenians of eastern Anatolia, as such, or acted purposefully towards this goal and, therefore, possessed the requisite genocidal intent. The Events can thus be said to include all the elements of the crime of genocide as defined in the Convention.'' It also concluded that, ''The Genocide Convention contains no provision mandating its retroactive application.''

The analysis offers a way forward, which addresses the core concerns of both Armenians and Turks. Of course, coming to terms will be painful and difficult. Progress will not occur right away. Rather than leaving governments to their own devices, affected peoples and the leaders of civil society need to engage in activities that promote understanding and reconciliation while, at the same time, urging their governments to chart a course towards a brighter future.

Sincerely,

Peter Agre, Nobel Prize, Chemistry (2003).
Sidney Altman, Nobel Prize, Chemistry (1989).
Philip W. Anderson, Nobel Prize, Physics (1977).
Kenneth J. Arrow, Nobel Prize, Economics (1972).
Richard Axel, Nobel Prize, Medicine (2004).
Baruj Benacerraf, Nobel Prize, Medicine (1980).
Gunter Blobel, Nobel Prize, Medicine (1999).
Georges Charpak, Nobel Prize, Physics (1992).
Steven Chu, Nobel Prize, Physics (1997).
J.M. Coetzee, Nobel Prize, Literature (2003).
Claude Cohen-Tannoudji, Nobel Prize, Physics (1997).
Mairead Corrigan Maguire, Nobel Prize, Peace (1976).
Robert F. Curl Jr., Nobel Prize, Chemistry (1996).
Paul J. Crutzen, Nobel Prize, Chemistry (1995).
Frederik W. de Klerk, Nobel Prize, Peace (1993).
Johann Deisenhofer, Nobel Prize, Chemistry (1998).
John B. Fenn, Nobel Prize, Chemistry (2002).
Val Fitch, Nobel Prize, Physics (1980).
Jerome I. Friedman, Nobel Prize, Physics (1990).
Donald A. Glaser, Nobel Prize, Physics (1960).
Sheldon Glashow, Nobel Prize, Physics (1979).
Roy J. Glauber, Nobel Prize, Physics (2005).
Clive W.J. Granger, Nobel Prize, Economics (2003).
Paul Greengard, Nobel Prize, Medicine (2000).
David J. Gross, Nobel Prize, Physics (2004).
Roger Guillemin, Nobel Prize, Medicine (1977).
Dudley R. Herschbach, Nobel Prize, Chemistry (1986).
Avram Hershko, Nobel Prize, Chemistry (2004).
Roald Hoffman, Nobel Prize, Chemistry (1981).
Daniel Kahneman, Nobel Prize, Economics (2002).
Eric R. Kandel, Nobel Prize, Medicine (2000).
Aaron Klug, Nobel Prize, Chemistry (1982).
Edwin G. Krebs, Nobel Prize, Medicine (1992).
Sir Harold W. Kroto, Nobel Prize, Chemistry (1996).
Finn E. Kydland, Nobel Prize, Economics (2004).
Leon M. Lederman, Nobel Prize, Physics (1988).
Anthony J. Leggett, Nobel Prize, Physics (2003).
Rudolph A. Marcus, Nobel Prize, Chemistry (1992).
Daniel L. McFadden, Nobel Prize, Economics (2000).
Craig C. Mello, Nobel Prize, Medicine (2006).
Robert C. Merton, Nobel Prize, Economics (1997).
Marshall W. Nirenberg, Nobel Prize, Medicine (1968).
Sir Paul Nurse, Nobel Prize, Medicine (2001).
Douglas D. Osheroff, Nobel Prize, Physics (1996).
Martin L. Perl, Nobel Prize, Physics (1995).
John C. Polanyi, Nobel Prize, Chemistry (1986).
Stanley Prusiner, Nobel Prize, Medicine (1997).
José Ramos-Horta, Nobel Prize, Peace (1996).
Richard J. Roberts, Nobel Prize, Medicine (1993).
Wole Soyinka, Nobel Prize, Literature (1986).
Elie Wiesel, Nobel Prize, Peace (1986).
Betty Williams, Nobel Prize, Peace (1976).
Kurt Wüthrich, Nobel Prize, Chemistry (2002).

ADDITIONAL STATEMENTS

RECOGNIZING DRS. NAEEM AND FAHIM RAHIM

• Mr. CRAPO. Mr. President, today I recognize the remarkable efforts undertaken over the past few years by two nephrologists who, only recently, have come to call Idaho ''home.'' Dr. Naeem Rahim and his brother Dr. Fahim Rahim, originally from Pakistan, came to Pocatello, Idaho from New York City in 2005. In less than a year, the Rahim brothers established a world-class kidney treatment center, the Idaho Kidney Institute. Their work has meant improved health and saved lives for those suffering from chronic kidney disease, uncontrolled high blood pressure, postkidney transplant care, internal medicine, diabetes-related kidney problems, anemia and dialysis care. Started in Pocatello, the institute has offices in Blackfoot and Idaho Falls. The Rahim brothers have helped people of all ages seeking relief and care for renal diseases, both critical and long-term care.

The Rahim brothers have closed a gap in treatment facilities and services for kidney patients in southeast Idaho and, in particular, understand the need for preventive care. Additionally, they have a reputation for delivering their medical expertise with an astute sense of care and concern for their patients. Their outstanding work was brought to

my attention by a family who had sought care for an ill relative, literally, across the Nation, with limited success. Upon learning of the Idaho Kidney Institute, they sought treatment there, and met with overwhelming success. It is good to know that Idahoans have access to such exceptional medical expertise, right at home.

Idaho has many gems; Doctors Fahim and Naeem Rahim are two such gems.●

HONORING WEBSTER P. PHILLIPS

● Mr. BAUCUS. Mr. President, today, Senator GRASSLEY and I recognize Webster Phillips, a distinguished executive at the Social Security Administration. Web is Associate Commissioner for Legislative Development. He is a dedicated public servant who has served his country for more than 30 years.

A native of Illinois, Web served in the U.S. Army in Vietnam. He began his career at Social Security in the local office in Alton, IL, as a claims representative. In 1980, he became an operations supervisor in the Rock Island, IL, Social Security office. In 1983, Web was selected as a management intern and completed a series of developmental assignments in the Chicago regional office and in SSA headquarters in Baltimore. In 1987, Web joined the staff of the Office of Legislation and Congressional Affairs, and has worked in a variety of assignments since that time.

Senator GRASSLEY and I met Web in 1991, when he was assigned to the Senate Committee on Finance while participating in the LEGIS-Fellows program. In 1993, Web returned to the Finance Committee where he participated in the development of the legislation enacted by the Congress in 1994 that established SSA as an independent agency. Since 1995, Web has been assigned to SSA's Legislative Affairs Office in Washington. He was selected to serve in his current position as Associate Commissioner of Legislative Development in February 1999.

The staff of the Finance Committee has had the pleasure of working with Web on many issues relating to Social Security during his tenure at SSA. He has always been resourceful, insightful, and forthcoming.

Web will retire from the Social Security Administration on July 3, 2007. He will be sorely missed by his colleagues and his many friends on the Hill. He will leave behind the numerous individuals he has mentored and encouraged over the years and who will now carry on this work.

Both Senator GRASSLEY and I feel that it is important that we in Congress recognize the many women and men who devote their working lives to improving the lives of others. Career civil servants often do their work in quiet anonymity behind the scenes providing vital service to the American people. They are rarely recognized for their many contributions. Webster Phillips is one of those people. His record of leadership at the Social Security Administration and his commitment to providing the American people with effective and compassionate service is a record of which he can be justly proud.

Senator GRASSLEY and I wish Web all the best in his retirement from Federal service and thank him for his many years of dedicated service.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1633. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. CANTWELL, and Mr. INOUYE):

S. 1634. A bill to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mr. DOMENICI):

S. 1635. A bill to provide for the reimbursement of wildland firefighters for the cost of professional liability insurance; to the Committee on Energy and Natural Resources.

By Mrs. DOLE (for herself and Mrs. LINCOLN):

S. 1636. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days; to the Committee on Finance.

By Mr. INHOFE:

S. 1637. A bill to establish a geothermal heat pump technology acceleration program relating to General Services Administration facilities; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. REID, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 1638. A bill to adjust the salaries of Federal justices and judges, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1285

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1285, a bill to reform the financing of Senate elections, and for other purposes.

S. 1432

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1432, a bill to amend the Food Stamp Act of 1977 and the Richard B. Russell National School Lunch Act to improve access to healthy foods, and for other purposes.

S. 1618

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1618, a bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of a cellulosic biofuel.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1572

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. SMITH), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1572 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1574

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1574 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. HATCH, Mr. REID, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 1638. A bill to adjust the salaries of Federal justices and judges, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Federal Judicial Salary Restoration Act of 2007. Since 1969, the salaries of Federal judges have significantly declined when adjusted for inflation. This bill would demonstrate our respect and appreciation for our hardworking Federal judges by authorizing an immediate and substantial increase in judicial salaries. Our bill recognizes the important constitutional role judges play in administering justice, interpreting our laws, and providing the ultimate check and balance in our system of government. It is time Congress treated the Federal judiciary with the respect that a co-equal branch of government deserves.

Eight years ago, in 1999, the President's salary was doubled to $400,000 a year. We are not proposing to increase judges' salaries by 100 percent, but by half that, by 50 percent. The increase is an important step in ensuring the independence of the judiciary. Judicial independence is critical for preserving our system of government and protecting the rights of all Americans. Surely we can do half as much for the judicial branch of Government as we did for the executive branch 8 years ago.

For too long, judicial salaries have failed even to keep up with inflation while public and private sector salaries have surged ahead. According to information provided by the Administrative Office of the United States Courts, judicial salaries have declined by nearly 25 percent in real terms since 1969. During the same time, private sector salaries have increased by more than 15 percent. In 1969, a Federal district court judge earned 20 percent more than a law school dean and about 30 percent more than a senior law professor at a top law school. By contrast, today top law school deans make twice as much as district court judges, and senior law professors at those schools make nearly 50 percent more. Many recent law school graduates will make more in their starting salary at a private law firm than we pay to an experienced district court judge. Those in the executive branch have enjoyed periodic raises that have taken their salaries well above those of judges. For example, SEC trial attorneys now make up to $180,330, which is significantly higher than the annual salary of our Federal trial judges.

In addition, the workload for Federal judges has increased dramatically. Since 1960, the caseload for district court judges has climbed by almost 60 percent and the caseload of circuit court judges has jumped more than 200 percent. Judges who are working to preserve the rule of law in America and to make equal justice a reality should be respected, and their labor should be compensated.

Paul Volcker, the chair of the National Commission on the Public Service, recently noted in The Wall Street Journal that congressional inaction on judicial pay could erode the high professional standards and independence of the Judiciary. Chief Justice Rehnquist repeatedly called for an increase in judicial pay, warning that ''[i)nadequate compensation seriously compromises the judicial independence fostered by life tenure'' and that ''. . . low salaries might force judges to return to the private sector rather than stay on the bench.'' Chief Justice Roberts pointed to an increasing trend in early retirement in his last ''Year-End Report on the Federal Judiciary,'' noting that many of those retired judges have gone to work in the private sector. Justice Anthony Kennedy testified before the Senate Judiciary Committee in February about similar threats to judicial independence.

This bill addresses these concerns by granting a raise for all Federal judges. This bipartisan legislation has broad support. President Bush supports a significant pay raise for judges, as does the American Bar Association, as do the deans of 130 of the Nation's top law schools, civil rights groups, and others.

One of the first bills we passed in the Senate this year, S. 197, authorized cost-of-living adjustments for the salaries of United States judges. Senators SPECTER, FEINSTEIN and CORNYN joined me in cosponsoring this bill. Unfortunately, that bill has failed to move through the House of Representatives. Too often during the last several years our Federal judges have not been given a standard cost-of-living raise. That, too, has contributed to the diminution in their real compensation.

Our democracy and the rights we enjoy depend on a strong and independent) judiciary. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. The independence of the judiciary is compromised, however, if judges leave the bench for financial reasons. The quality of the judiciary is threatened if judges' salaries are inadequate to attract and retain our best

legal minds. Given the essential role that the judiciary plays in our system of government, we should pass this raise to judicial salaries.

I thank my Judiciary Committee colleagues, Senator HATCH, Senator FEINSTEIN and Senator CORNYN for agreeing to join me in introducing this bill. I also thank Majority Leader REID, as well as Minority Leader MCCONNELL, for their support of this legislation and their commitment to the Federal judiciary.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1610. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, Mr. WHITEHOUSE, and Ms. SNOWE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

SA 1611. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1612. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1613. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1614. Mr. TESTER (for himself, Mr. BYRD, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1615. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1616. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1617. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1619. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1620. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1621. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

SA 1622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table .

TEXT OF AMENDMENTS

SA 1610. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, Mr. WHITEHOUSE, and Ms. SNOWE) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section designation and all that follows through ''creation'' and inserting the following:

''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—

''(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means, with respect to a liquefied natural gas terminal that is the subject of an application for an authorization under this section, a State that—

''(A) would be directly connected by a pipeline to the liquefied natural gas terminal;

''(B) would be located within 15 miles of the liquefied natural gas terminal; or

''(C) is designated as an affected State by the Secretary due to a risk of damage to the coastal environment of the affected State that is equal to or greater than the risk of damage to the coastal environment of the State in which the liquified natural gas terminal is proposed to be located.

''(2) LIMITATION.—The Secretary shall not approve or disapprove an application for an authorization under this section for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of the Governor of each affected State.''.

SA 1611. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 11 through 17 and insert the following:

''(4) PROJECT DESIGN.—

''(A) IN GENERAL.—A project for which a guarantee is made under this subsection shall have a project design that—

''(i) has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels; or

''(ii) provides for upgrades to an existing ethanol production facility that would increase ethanol production at the facility through the addition of cellulosic production capabilities, if the Secretary certifies that—

''(I) the upgrades would increase total ethanol production at the facility; and

''(II) the facility has the cellulosic transportation and logistical resources and cellulosic process technologies necessary to provide the increase in ethanol production required under subclause (I).

''(B) PRIORITY.—In providing guarantees under this subsection, the Secretary shall give priority to projects to be carried out in communities with a population of 25,000 or less residents.

SA 1612. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. RENEWABLE FUEL COMPREHENSIVE STRATEGIC COORDINATION.

(a) IN GENERAL.—The Secretary shall develop a comprehensive strategic program to coordinate, to the maximum extent practicable—

(1) the renewable fuel standards required by this Act; and

(2) the distribution infrastructure development and vehicle production levels necessary to minimize economic disruption as a result of those standards.

(b) REPORT.—The Secretary shall submit to Congress a report that contains—

(1) a determination of the Secretary with respect to the effectiveness and practicability of using, on a national scale, an ethanol blend fuel (such as E–15 or E–20 blended fuel) to achieve the most efficient expansion of ethanol use; and

(2) if the Secretary determines that use of an ethanol blend fuel as described in paragraph (1) would be effective and practicable, recommendations of the Secretary relating to—

(A) the appropriate type and level of use of ethanol blend fuels; and

(B) an interagency plan to achieve that type and level.

SA 1613. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strike the table between lines 15 and 16 and insert the following:

Calendar year:	"Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	14.2
2013	15.8
2014	18.4
2015	23.0
2016	26.0
2017	29.0
2018	32.0
2019	35.0
2020	38.0
2021	41.0
2022	44.0.''.

On page 13, line 3, strike ''2016'' and insert ''2012''.

On page 13, strike the table between lines 5 and 6 and insert the following:

Calendar year:	"Applicable volume of advanced biofuels (in billions of gallons):
2012	1.0
2013	2.0
2014	4.0
2015	8.0
2016	11.0
2017	14.0
2018	17.0
2019	20.0
2020	23.0
2021	27.0
2022	30.0.''.

SA 1614. Mr. TESTER (for himself, Mr. BYRD, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. COAL INNOVATION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. COAL INNOVATION DIRECT LOAN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide that would otherwise be released to the atmosphere at a facility in the production of end products of a project prior to transportation of the carbon dioxide to a long-term storage site.

''(2) COAL-TO-LIQUID PRODUCT.—The term 'coal-to-liquid product' means a liquid fuel resulting from the conversion of a feedstock, as described in this section.

''(3) COMBUSTIBLE END PRODUCT.—The term 'combustible end product' means any product of a facility intended to be used as a combustible fuel.

''(4) CONVENTIONAL BASELINE EMISSIONS.—The term 'conventional baseline emissions' means—

''(A) the lifecycle greenhouse gas emissions of a facility that produces combustible end products, using petroleum as a feedstock, that are equivalent to combustible end products produced by a facility of comparable size through an eligible project;

''(B) in the case of noncombustible products produced through an eligible project, the average lifecycle greenhouse gas emissions emitted by projects that—

''(i) are of comparable size; and

''(ii) produce equivalent products using conventional feedstocks; and

''(C) in the case of synthesized gas intended for use as a combustible fuel in lieu of natural gas produced by an eligible project, the lifecycle greenhouse gas emissions that would result from equivalent use of natural gas.

''(5) ELIGIBLE PROJECT.—The term 'eligible project' means a project—

''(A) that employs gasification technology or another conversion process for feedstocks described in this section; and

''(B) for which—

''(i) the annual lifecycle greenhouse gas emissions of the project are at least 20 percent lower than conventional baseline emissions;

''(ii) at least 75 percent of the carbon dioxide that would otherwise be released to the atmosphere at the facility in the production of end products of the project is captured for long-term storage;

''(iii) the individual or entity carrying out the eligible project has entered into an enforceable agreement with the Secretary to implement carbon capture at the percentage that, by the end of the 5-year period after commencement of commercial operation of the eligible project—

''(I) represents the best available technology; and

''(II) achieves a reduction in carbon emissions that is not less than 75 percent; and

''(iv) in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of captured carbon dioxide beginning as of the date of commencement of commercial operation of the project.

''(6) FACILITY.—The term 'facility' means a facility at which the conversion of feedstocks to end products takes place.

''(7) GASIFICATION TECHNOLOGY.—The term 'gasification technology' means any process that converts coal, petroleum residue, renewable biomass, or other material that is recovered for energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

''(8) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(9) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases attributable to the production and transportation of end products at a facility, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, and the subsequent distribution and use of any combustible end products, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

''(A) any greenhouse gases captured at the facility and sequestered;

''(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass; and

''(C) the carbon content, expressed in units of carbon dioxide equivalent, of any end products that do not result in the release of carbon dioxide to the atmosphere.

''(10) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is consistent with the objective of reducing atmospheric concentrations of carbon dioxide, subject to a permit issued pursuant to law in effect as of the date of the sequestration.

''(11) RENEWABLE BIOMASS.—The term 'renewable biomass' has the definition given the term in section 102 of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(12) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, including—

''(A) an operating oil and gas field;

''(B) coal bed methane recovery;

''(C) a depleted oil and gas field;

''(D) an unmineable coal seam;

''(E) a deep saline formation; and

''(F) a deep geological systems containing basalt formations.

''(b) FEED ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (3), and in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), not later than 1 year after the date of the enactment of this section, the Secretary shall carry out a program to provide grants for use in obtaining or carrying out any services necessary for the planning, permitting, and construction of an eligible project.

''(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive grants under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographical regions;

''(ii) use a variety of feedstocks and types of coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(3) MAXIMUM AMOUNT OF GRANTS.—In carrying out this subsection, the Secretary shall provide not more than—

''(A) $20,000,000 in grant funds for any eligible project; and

''(B) $200,000,000 in grant funds, in the aggregate, for all eligible projects.

''(c) DIRECT LOAN PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to funds being made available in advance through appropriations Acts, the Secretary shall carry out a program to provide a total of not more than $10,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

''(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for Renewable Energy Construction grants are required to comply with that section.

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographic regions;

''(ii) use a variety of types of feedstocks and coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(4) USE OF LOAN FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with reducing lifecycle greenhouse gas emissions at the facility (including carbon dioxide capture, compression, and long-term storage, cogeneration, and gasification of biomass) carried out as part of an eligible project.

''(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

''(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

''(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

''(B) shall have a term equal to the lesser of—

''(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

''(ii) 25 years;

''(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

''(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

''(6) METHODOLOGY.—Not later than 18 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall, by regulation, establish a methodology for use in determining the lifecycle greenhouse gas emissions of products produced using gasification technology.

''(d) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN STRATEGIC PETROLEUM RESERVE.—Not later than 1 year after the date of enactment of this section, the Secretary and the Secretary of Defense shall—

''(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Strategic Petroleum Reserve; and

''(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

''(e) REPORT ON EMISSIONS OF COAL-TO-LIQUID PRODUCTS USED AS TRANSPORTATION FUELS.—

''(1) IN GENERAL.—In cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency shall—

''(A) carry out a research and demonstration program to evaluate the emissions of the use of coal-to-liquid fuel for transportation, including diesel and jet fuel;

''(B) evaluate the effect of using coal-to-liquid transportation fuel on emissions of vehicles, including motor vehicles and nonroad vehicles, and aircraft (as those terms are defined in sections 216 and 234, respectively, of the Clean Air Act (42 U.S.C. 7550, 7574)); and

''(C) in accordance with paragraph (4), submit to Congress a report on the effect on air and water quality, water scarcity, land use, and public health of using coal-to-liquid fuel in the transportation sector.

''(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall issue any guidance or technical support documents necessary to facilitate the effective use of coal-to-liquid fuel and blends under this subsection.

''(3) REQUIREMENTS.—The program described in paragraph (1)(A) shall take into consideration—

''(A) the use of neat (100 percent) coal-to-liquid fuel and blends of coal-to-liquid fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector;

''(B) the production costs associated with domestic production of those fuels and prices for consumers; and

''(C) the overall greenhouse gas effects of substituting coal-derived fuels for crude oil-derived fuels.

''(4) REPORTS.—The Administrator of the Environmental Protection Agency shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

''(A) not later than 180 days after the date of enactment of this section, an interim report on actions taken to carry out this subsection; and

''(B) not later than 1 year after the date of enactment of this section, a final report on actions taken to carry out this subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

''Sec. 3105. Coal innovation direct loan program.''.

SA 1615. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 305. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and 0nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, $10,000,000 to carry out the research program required under this section.

SA 1616. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 131. REPORT ON USE OF FUNDS TO REDUCE OIL AND FUEL CONSUMPTION.

(a) REPORT; INCORPORATION OF INFORMATION INTO PLANS.—

(1) REPORT.—Not later than December 1, 2008, each State and metropolitan planning organization that serves a population of 200,000 or more shall make available to the public, using the Internet and other means commonly used to inform the public, a report that describes—

(A) the ways in which the planned use of Federal funds made available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), and title 23, United States Code, to the State or metropolitan planning organization for the preceding fiscal year, including any documentation or materials assembled in the project development process on anticipated fuel and cost savings benefits, will—

(i) reduce the demand for gasoline and diesel fuels; and

(ii) lower household transportation expenditures; and

(B)(i) the number of residences, jobs, and shopping venues within the State or metropolitan area, as applicable, that are located within ½ of a mile of any transit or intercity rail transportation station or stop; and

(ii) with respect to transit and intercity rail stations and stops described in clause (i)—

(I) the frequency of transit or intercity rail transportation service; and

(II) a description of whether the transit and intercity rail stations and stops are safely accessible by pedestrians.

(2) INCORPORATION OF INFORMATION INTO PLANS.—For fiscal year 2009 and each fiscal year thereafter, each State and metropolitan planning organization described in paragraph (1) shall consider and include in any update or revision of the transportation improvement program of the State or metropolitan planning organization the information required to be included in the report submitted under paragraph (1).

(b) INFORMATION, DATA, AND TECHNICAL ASSISTANCE.—The Secretary, with assistance from the Bureau of Transportation Statistics, Bureau of Labor Statistics, and other Federal agencies, shall provide to States and metropolitan planning organizations any information, data, and technical assistance that would assist the States and metropolitan planning organizations in preparing the report under subsection (a)(1).

(c) REPORT ON FUEL SAVINGS.—Not later than July 1, 2009, the Secretary shall submit to Congress a report that describes any cumulative savings in fuel, the most effective fuel savings measures, and any other benefits identified by the States and metropolitan planning organizations, from the use of Federal funds made available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) during each of fiscal years 2008 and 2009.

SA 1617. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 305. PROPOSED REGULATORY PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Chairman of the Council on Environmental Quality, shall develop a proposed regulatory plan for the long-term geologic storage of carbon dioxide.

(b) CONSULTATION.—In developing the proposed regulatory plan, the Chairman of the Council on Environmental Quality shall consult with—

(1) the Secretary of the Interior;

(2) the Secretary of Agriculture;

(3) the Secretary of Energy;

(4) the Secretary of Transportation;

(5) the Administrator of the Environmental Protection Agency;

(6) the Chairman of the Federal Energy Regulatory Commission;

(7) the Attorney General; and

(8) such other officials as the Chairman of the Council on Environmental Quality determines to be appropriate.

(c) CONTENTS.—The proposed regulatory plan shall include—

(1) a recommended performance standard for long-term geologic storage of carbon dioxide, including—

(A) a minimum period of time that carbon dioxide stored in a geologic formation will remain in the formation without substantial leakage to the atmosphere; and

(B) a maximum percentage of acceptable leakage from a formation over the minimum storage period;

(2) recommended standards for certifying geologic storage sites, which standards shall—

(A) include criteria for site selection and management of long-term storage in each of the types of geologic settings described in section 963(c)(3)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)(A)); and

(B) ensure that carbon dioxide stored in a geologic storage site shall not—

(i) present a substantial threat to the health or safety of the public or the environment; or

(ii) present a substantial risk of leakage in a quantity in excess of the maximum acceptable leakage rate recommended under paragraph (1)(B);

(3) recommended standards and best practices for the injection of carbon dioxide into, and the management of, geologic storage sites to ensure the suitability of long-term storage;

(4) a proposed regulatory framework for the leasing of Federal land or an interest in land for the long-term geologic storage of carbon dioxide that ensures that—

(A) the views of adjacent residents, landowners, and the general public are heard and considered;

(B) the quality of scientific, scenic, historical, ecological, environmental, air, atmospheric, water resource, and archeological values of the Federal land or an interest in land overlaying a geologic storage site are protected; and

(C) the United States receives fair market value for the use of Federal land or an interest in land for the long-term storage of carbon dioxide;

(5) a report on the potential for any legal liability that may arise out of, or result from, a release of carbon dioxide from a long-term geologic storage site (on Federal or non-Federal land) that may result in bodily injury, sickness, disease, or death, the loss of or damage to property, or the loss of use of property, including—

(A) the likelihood of a release resulting in legal liability;

(B) the maximum amount of legal liability;

(C) the commercial availability of financial protection from legal liability; and

(D) recommendations for additional legislation that may be needed to—

(i) provide financial protection to persons storing carbon dioxide at Federal sites; or

(ii) compensate the public from any harm to 1 or more persons or property resulting from the release of carbon dioxide at a long-term geologic storage site; and

(6) a prioritized list of—

(A) Federal sites that are geologically suitable for storage of carbon dioxide; and

(B) the locations at which carbon dioxide may be stored without adversely affecting the use for which the site was reserved or acquired.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the President shall submit the proposed regulatory plan to appropriate committees of Congress, including—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Environment and Public Works of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Natural Resources of the House of Representatives.

(e) EFFECT ON OTHER LAWS.—Nothing in this section modifies or otherwise affects the authority of a Federal land management agency to manage land under the jurisdiction of the agency in accordance with applicable law.

SA 1618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. ELECTION TO EXPENSE THREE DIMENSIONAL SEISMIC DATA EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

"SEC. 179F. ELECTION TO EXPENSE THREE DIMENSIONAL SEISMIC DATA EXPENDITURES.

''(a) TREATMENT AS EXPENSES.—Notwithstanding section 167(h), a taxpayer may elect to treat 100 percent of the cost of any qualified three dimensional seismic data expenditure as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified three dimensional seismic data expenditure is made.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall specify any three dimensional seismic data expenditure to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED THREE DIMENSIONAL SEISMIC DATA EXPENDITURE.—For purposes of this section, the term 'qualified three dimensional seismic data expenditure' means any geological and geophysical expenses described in section 167(h)(1) paid or incurred in connection with the collection, processing, or interpretation of three dimensional seismic data.

''(d) COORDINATION WITH SECTION 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.''.

(b) CROSS REFERENCE.—Section 167(h) of such Code (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF THREE DIMENSIONAL SEISMIC DATA EXPENDITURES.—For the treatment of geological and geophysical expenses relating to three dimensional seismic data expenditures, see section 179F.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Election to expense three dimensional seismic data expenditures.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

SA 1619. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to oil and natural gas produced from marginal properties) is amended to read as follows:

''(H) NONAPPLICATION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 1620. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. INCREASE OF BARRELS PER DAY AND CUBIC FEET LIMITATIONS.

(a) IN GENERAL.—Section 613A(c) of the Internal Revenue Code of 1986 (relating to exemption for independent producers and royalty owners) is amended—

(1) by striking ''1,000'' in paragraph (3)(B) and inserting ''1,500'', and

(2) by striking ''6,000'' in paragraph (4) and inserting ''9,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1621. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. INCREASED PHASEOUT THRESHOLD CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Section 45I(b)(2)(A) of the Internal Revenue Code of 1986 (relating to reduction as oil and gas prices increase) is amended—

(1) in clause (i)—

(A) by striking ''$15'' and inserting ''$22'', and

(B) by striking ''$1.67'' and inserting ''$2.50'', and

(2) by striking ''$0.33'' in clause (ii) and inserting ''$0.30''.

(b) AMENDMENT OF INFLATION ADJUSTMENT.—Subparagraph (B) of section 45I(b)(2) of such Code (relating to inflation adjustment) is amended—

(1) by striking ''2005'' and inserting ''2008'', and

(2) by striking ''2004'' and inserting ''2007''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SA 1622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. INCREASE OF BARRELS PER DAY LIMITATION FOR THE SMALL REFINER EXCEPTION.

(a) IN GENERAL.—Section 613A(d)(4) of the Internal Revenue Code of 1986 (relating to exclusion of certain refiners) is amended by striking ''75,000'' and inserting ''100,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

ORDER FOR RECORD TO REMAIN OPEN

Mr. DORGAN. Mr. President, I ask unanimous consent the record remain open today until 1 p.m, notwithstanding an adjournment of the Senate, for the submission of statements, cosponsorships, and introduction of legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 18, 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. on Monday, June 18; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business until 3:30 p.m, with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; that following morning business the Senate then resume consideration of H.R. 6, the comprehensive energy legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. DORGAN. Mr. President, I ask unanimous consent that notwithstanding the order for adjournment and morning business, it be in order for Senator COLLINS to call up an amendment with respect to H.R. 6, and that the consideration of that amendment and her statement thereon be printed in the RECORD as if the measure was pending, and that at the conclusion of her remarks the Senate stand adjourned under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 6—AMENDMENT NO. 1615

Ms. COLLINS. Mr. President, I call up amendment No. 1615, which is pending at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Ms. CANTWELL, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 1615 to amendment No. 1502.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the development and coordination of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change)

At the end of title III, insert the following:

SEC. 305. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, $10,000,000 to carry out the research program required under this section.

Ms. COLLINS. Mr. President, I rise today to propose an amendment that would authorize funding for abrupt climate change research. I am very pleased to be joined on this amendment by Senator CANTWELL, Senator SNOWE, and Senator MURRAY. Our amendment would authorize $10 million per year for the next 6 years for the National Oceanic and Atmospheric Administration, NOAA, in partnership with universities across the Nation to conduct research into abrupt climate change.

I recognize the Senate has reached no consensus with regard to how best to respond to climate change. Nevertheless, I believe there is one issue on which we can agree, and that is the need for a great deal more scientific research in order to better understand the potential risk of abrupt climate change.

Understanding and predicting climate changes are enormous scientific challenges. The challenges are made even more difficult with the recognition that the climate system is capable of dramatic and abrupt changes. Scientists have determined that past global temperatures have swung as much as 20 degrees Fahrenheit within a decade, accompanied by drought in some places and catastrophic floods in others.

An abrupt climate change triggered by the ongoing buildup of greenhouse gases in the atmosphere would also likely result in the redistribution of atmospheric moisture and rainfall, with substantial impact for the world's food supply.

Unfortunately, we have no satisfactory understanding of what triggers abrupt climate change. Both the National Academy of Sciences and the administration's Strategic Climate Change Science Plan identify abrupt climate change as the key priority for additional research. The National Academy has stated that:

Large, abrupt climate changes have repeatedly affected much or all of the earth.

The academy went on to state that:

Abrupt climate changes are not only possible but likely in the future, potentially with large impacts on ecosystems and societies.

The academy noted we are not doing nearly enough to identify even the threat of abrupt climate change. The amendment the four of us are proposing would lay the framework and provide the funds for the United States to better understand and address abrupt climate change. One reason this funding is so urgent is we are rapidly losing one of the greatest sources of information, and that is ice cores from glaciers.

The University of Maine's Climate Change Institute has one of the best known and best regarded abrupt climate change research programs in the entire world, I am proud to say. The Climate Change Institute uses ice cores from glaciers and ice sheets around the world to make discoveries that change the way we think about climate change.

Unfortunately, numerous glaciers around the world are melting. When they go, the very record that has given us so much of this critical climate history will also be lost. I have had several terrific opportunities to see for myself how scientists are able to use glaciers and ice sheets to better understand climate change. Last year, I joined Senators MCCAIN and SUNUNU in traveling to Antarctica to see groundbreaking research taking place on ice more than 2 miles deep at the South Pole. Along the way, we toured some of the University of Maine's research sites in New Zealand with distinguished university professor George Denton. He was the first scientist from the University of Maine to be elected to the National Academy of Scientists.

According to Professor Denton, 50 percent of the glaciers in New Zealand have melted since 1860, and this melting is unprecedented in the last 5,000 years. We stood with the professor on sites that had been buried by massive glaciers at the beginning of the 20th century, but now they are ice free. It was remarkable to see this firsthand.

Two years ago, I traveled with a group of Senators to the northernmost community in the world, Ny-Alesund, in Norway. The scientists we met told us that global climate change is occurring more rapidly now than at any time since the beginning of civilization. They further stated that the region of the globe changing most rapidly is the Arctic. In fact, the Arctic, in many ways, is the proverbial canary in the coal mine when it comes to climate change. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea ice cover over an area 10 times as large as the entire State of Maine. In the summer, the change has been even more dramatic with twice as much ice loss. The ice that remains is as much as 40 percent thinner than it was only a few decades ago.

Senator MCCAIN and others and I witnessed massive blocks of ice falling off

glaciers that have already retreated well back from the shores against which they once rested. The melting of glaciers and sea ice, the thawing of the permafrost, the increase in sea levels resulting from warming, are already beginning to cause environmental, social, and economic changes.

In Barrow, AK, for example, we met with native people who told us they are seeing insects they have never seen that far north before. They told us the salmon run has changed. We saw telephone poles that were tilted over because, for the first time, the permafrost is thawing. The changes were very evident and they are very troubling in many cases. If these changes were to be compounded by an abrupt climate change on the scale seen in our history, the result could be devastating.

The amendment I am proposing has passed the Senate twice before, as part of the 2001 and the 2003 Energy bills, and was initially included in the managers' package this year. I hope this is the year we finally pass this important provision into law.

We need to act now. We need to authorize this funding so we can gain a better understanding of the possibility of abrupt climate change causing enormous and relatively rapid changes in our climate.

I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, JUNE 18, 2007, at 2 p.m.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 18, 2007.

Thereupon, the Senate, at 11:57 a.m., adjourned until Monday, June 18, 2007, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Friday, June 15, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2007.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

United in prayer and in the belief that this country deserves the very best of their efforts, Lord, this Congress is called to order. Selected by the citizens to uphold the Constitution in all circumstances, the Members of Congress are truly called by You, O Lord, to bring Your truth and Your compassion to a pulsating reality in this Nation.

May the fidelity of the Members to public service and their ability to represent the best of their districts here create today even a small signal of Your tremendous fidelity to Your people, so revered and so loved, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

HONORING VIETNAM WAR VETERAN JAMES WILLIS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor and pay homage to a Vietnam War veteran by the name of James Willis. Mr. Willis, who is stricken with cancer and only has weeks to live, has been living on the streets of West Palm Beach for nearly 20 years.

Because of the good will of a local police officer who has been keeping track of Mr. Willis for the past year, Mr. Willis received a $121 bus ticket to Greensboro, North Carolina, so he could spend his dying days with the only family left, his half brother.

Friends, it is an absolute shame that many of our Nation's veterans are living on the streets. These brave men and women in uniform served our country with bravery, honor and sacrifice. Yet unfortunately many of them are barely scraping by, and, in the case of Mr. Willis, are homeless.

In the words of Palm Beach County Corporal Karl Martin, who arranged through the Marine Corps League to purchase him a bus ticket, ''There's no reason for any veteran in this country to be living in the woods somewhere.''

Corporal Martin, you're a hero for arranging for Mr. Willis to spend his last days with his family. And to Mr. Willis from our entire Nation, we are grateful for your service to our country. Thank you for the sacrifices you have made to protect our freedom.

PRESIDENT BUSH'S VISIT TO BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, earlier this week, President and Mrs. Bush visited Bulgaria as part of a six-nation European tour during the G8 Summit. Following Bulgarian admission this year into the European Union, the President's visit signifies Bulgaria's increased importance with its strategic location.

I am especially grateful President Bush and the First Lady participated in a round table discussion on free market democracy with students at the American University in Bulgaria. I am honored to serve on the university's board of trustees and I appreciate the leadership provided by president Michael Easton and chairman of the board David Flanagan. The round table was held at the university's Elieff Center for Education and Culture. The Elieff Center was made possible by the gracious financial donation of Eliot Elieff, a Bulgarian American living in San Marino, California. This world class facility proves his commitment to promote a bright future for Bulgaria.

I also appreciated a visit this week by Sofia mayor Boyko Borissov on Capitol Hill. Bulgaria is a strong ally of America and a full partner in NATO.

In conclusion, God bless our troops, and we will never forget September 11.

REPUBLICAN DELAY TACTICS ON APPROPRIATIONS BILLS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I was hopeful at the beginning of this week that we were finally going to address America's homeland security needs and also increase funding for our veterans' health care by a significant amount, more than has been done, I think, in over 50 or 70 years.

But instead what we saw was a concerted effort by the Republican minority to delay every one of these appropriations bills: the Homeland Security bill that deals with our local responders, in response to 9/11, and in the case of the Military Construction and Veterans bill, they constantly delayed our efforts to move a bill that was going to increase funding and benefits for our veterans.

It really is awful to see what they've been doing all week in trying to delay and delay. If you go back to when the Republicans were in the majority, they weren't even able to pass the appropriations bills. They weren't even able to get their work done because they constantly delayed until they actually lost the election and never finished the bills.

At the same time, they keep talking about spending. Well, every year when they were in the majority the amount of Federal spending continued to go up. The Democrats finally have gotten spending under control and at the same time trying to address the fact that we have this huge Federal debt, a legacy of the Republican majority over the last 12 years.

And what do the Republicans do? They constantly try to delay. I just hope that it's over today and we don't see more efforts to delay these important bills on the part of the Republican minority.

THEODORE OTTO HERMAN HILL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Theodore Otto Herman Hill—with a nickname of ''Thunderhead'' because of his fiery red hair—was my mom's father. He was born in Texas in 1899 and his grandparents were early Texas settlers from Germany.

Theodore was a cotton farmer, raised bees, and raised cattle. He married young and had 3 daughters that he called ''the boys'' who were expected to help him pick cotton.

Papa, as we called him, was a hunter, a taxidermist and a Teddy Roosevelt conservationist. He found on his land hundreds of Apache and Comanche arrowheads that he organized, and his collection will soon be turned over to the Texas Ranger Museum.

He could tell the type of tree by looking at the bark or observing the leaves. He predicted the weather by watching the animals.

One afternoon in the 1950s while he was laying asphalt as a foreman of a work crew for the Texas Highway Department, a drunk driver broke through the barricade and killed my grandfather. I was 5 years old. My grandmother lived another 50 years after his death.

What I know of my grandfather makes me proud of my heritage.

This Father's Day we remember our fathers and grandfathers and know that a lot of good men have made us who we are today.

And that's just the way it is.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2638.

□ 0910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, June 14, 2007, a request for a recorded vote on amendment No. 1 by the gentleman from Kentucky (Mr. ROGERS) had been postponed and the bill had been read through page 74, line 18.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. MCHENRY of North Carolina to amendment No. 33 by Ms. FOXX of North Carolina.

Amendment No. 33 by Ms. FOXX of North Carolina, if ordered.

Amendment No. 31 by Ms. FALLIN of Oklahoma.

Amendment No. 9 by Mrs. DRAKE of Virginia.

Amendment by Mr. KING of New York.

Amendment No. 13 by Ms. GINNY BROWN-WAITE of Florida.

Amendment by Mr. BURGESS of Texas.

Amendment by Mr. FERGUSON of New Jersey.

Amendment by Mr. MCHENRY of North Carolina.

Amendment No. 128 by Mr. PEARCE of New Mexico.

Amendment by Mr. CARTER of Texas.

Amendment No. 98 by Mr. MCCAUL of Texas.

Amendment No. 105 by Mr. KING of Iowa.

Amendment by Mr. BILBRAY of California.

Amendment No. 99 by Mr. MCCAUL of Texas.

Amendment No. 2 by Mr. ROGERS of Kentucky.

Amendment No. 28 by Mr. POE of Texas.

Amendment by Mr. LATOURETTE of Ohio.

Amendment by Mr. TANCREDO of Colorado.

Amendment No. 7 by Mr. TANCREDO of Colorado.

Amendment by Mr. ROYCE of California.

Amendment by Mr. FORBES of Virginia.

Amendment by Mr. ROGERS of Kentucky.

Amendment No. 1 by Mr. ROGERS of Kentucky.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MCHENRY TO AMENDMENT NO. 33 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) to the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHENRY to amendment No. 33 offered by Ms. FOXX:

Strike ''$1,241,000''

Replace with ''$8,961,000''

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 300, not voting 29, as follows:

[Roll No. 466]

AYES—108

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Buchanan
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Duncan
Ehlers
English (PA)
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Knollenberg
Lamborn
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Reynolds
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Tancredo
Terry
Upton
Walberg
Weller
Wilson (SC)

NOES—300

Abercrombie
Aderholt
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind

King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Andrews
Bonner
Boyda (KS)
Brady (TX)
Brown, Corrine
Carson
Clay
Conyers
Culberson
Davis, Jo Ann
Doolittle
Faleomavaega
Gutierrez
Jones (OH)
Kaptur
Larsen (WA)
LaTourette
Miller, George
Paul
Pickering
Rogers (AL)
Sessions
Stupak
Sullivan
Waters
Westmoreland
Wynn
Young (AK)

Messrs. DICKS, TIAHRT and DANIEL E. LUNGREN of California, Ms. FALLIN, Mr. DELAHUNT, Mr. SKELTON, Ms. BERKLEY and Ms. GIFFORDS changed their vote from ''aye'' to ''no.''

Messrs. FRANKS of Arizona, NEUGEBAUER, KINGSTON, COLE of Oklahoma and BUCHANAN changed their vote from ''no'' to ''aye.''

□ 0940

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The next 23 votes will be 2-minute votes with a 30-second warning. There will be no exceptions.

AMENDMENT NO. 33 OFFERED BY MS. FOXX

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The text of the amendment is as follows:

Amendment No. 33 offered by Ms. FOXX:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $1,241,000)''.

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 198, not voting 23, as follows:

[Roll No. 467]

AYES—216

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—198

Abercrombie
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gillmor
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—23

Ackerman
Andrews
Bonner
Brady (TX)
Carson
Cleaver
Cooper
Davis, Jo Ann
Doolittle
Eshoo
Faleomavaega
Gutierrez
Jones (OH)
Larsen (WA)
Miller, George
Paul
Pickering
Sessions
Stupak
Waters
Westmoreland
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining in this vote.

Mr. GORDON of Tennessee changed his vote from ''no'' to ''aye.''

□ 0946

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 31 OFFERED BY MS. FALLIN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oklahoma (Ms. FALLIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. FALLIN:

In title I, under the heading ''Office of the Secretary and Executive Management'', after the first dollar amount insert ''(reduced by $138,000)''.

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MANZULLO. Is it proper to ask that the Members be ordered to stay in the Chamber and that the doors be sealed?

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 168, not voting 21, as follows:

[Roll No. 468]

AYES—248

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Velázquez
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (FL)

NOES—168

Abercrombie
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Udall (NM)
Van Hollen
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Woolsey
Wu

NOT VOTING—21

Ackerman
Andrews
Bonner
Brady (TX)
Carson
Davis, Jo Ann
Doolittle
Doyle
Faleomavaega
Gutierrez
Jones (OH)
King (IA)
Miller, George
Paul
Pickering
Sessions
Stupak
Waters
Westmoreland
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining in this vote.

□ 0950

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MRS. DRAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. DRAKE:

Page 2, line 16, after the dollar amount, insert ''(reduced by $10,400,000)''.

Page 17, line 23, after the dollar amount, insert ''(increased by $9,100,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 286, noes 127, not voting 24, as follows:

[Roll No. 469]

AYES—286

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry

Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hoekstra
Holden
Hooley
Hulshof
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Oberstar
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (FL)

NOES—127

Abercrombie
Baca
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Butterfield
Capps
Christensen
Clarke
Clay
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fortuño
Frank (MA)
Gonzalez
Grijalva
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
Meeks (NY)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Norton
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (GA)
Serrano
Sestak
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Welch (VT)
Wexler
Woolsey

NOT VOTING—24

Ackerman
Andrews
Bonner
Brady (TX)
Cantor
Carson
Davis, Jo Ann
Edwards
Faleomavaega
Gutierrez
Hunter
Jackson-Lee (TX)
Jones (OH)
Miller, George
Obey
Paul
Pickering
Roybal-Allard
Sessions
Stupak
Waters
Westmoreland
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining in this vote.

□ 0953

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. CANTOR. Mr. Chairman, on rollcall No. 469, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. KING OF NEW YORK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of New York:

Page 2, line 16, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 31, line 18, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 51, line 17, after the dollar amount, insert ''(increased by $40,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 137, not voting 18, as follows:

[Roll No. 470]

AYES—282

Aderholt
Akin
Altmire
Arcuri
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Castle
Chabot
Chandler
Clarke
Cleaver
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Neugebauer
Nunes
Obey
Pascrell
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sestak
Shadegg
Shays
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu

NOES—137

Abercrombie
Alexander
Allen
Baca
Bachus
Barton (TX)
Becerra
Berry
Bishop (GA)
Blumenauer
Boozman
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Carter
Castor
Christensen
Clay
Clyburn
Coble

Conyers
Courtney
Crenshaw
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
Dicks
Dingell
Doolittle
Doyle
Ehlers
Ellison
Emanuel
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Granger
Grijalva
Hare
Hastert
Hastings (FL)
Hayes
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lucas
McCrery
McGovern
McMorris Rodgers
Michaud
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pastor
Payne
Price (NC)
Reichert
Reyes
Rogers (KY)
Ross
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Serrano
Shea-Porter
Shimkus
Shuster
Sires
Smith (NE)
Smith (WA)
Snyder
Solis
Stark
Sullivan
Sutton
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Wasserman Schultz
Watson
Watt
Welch (VT)
Whitfield
Wicker
Yarmuth
Young (FL)

NOT VOTING—18

Ackerman
Andrews
Bonner
Brady (TX)
Carson
Davis, Jo Ann
Faleomavaega
Gutierrez
Markey
Miller, George
Paul
Pickering
Sessions
Stupak
Waters
Westmoreland
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining in this vote.

Mr. KUCINICH and Mr. BISHOP of Georgia changed their vote from ''aye'' to ''no.''

□ 0957

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 2, line 16, after the dollar amount insert ''(reduced by $89,125,000)''.

Page 11, line 24, after the dollar amount insert ''(increased by $89,125,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 179, not voting 17, as follows:

[Roll No. 471]

AYES—241

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wu
Yarmuth
Young (FL)

NOES—179

Abercrombie
Baca
Bachus
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortuño
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Hare
Hastings (FL)
Hayes
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Price (NC)
Rangel
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wolf
Woolsey

NOT VOTING—17

Ackerman
Andrews
Bonner
Brady (TX)
Carson
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Waters
Westmoreland
Wynn
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining in this vote.

Ms. BERKLEY changed her vote from ''aye'' to ''no.''

Mr. LAMPSON changed his vote from ''no'' to ''aye.''

□ 1001

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, on Friday, June 15, 2007, I was unable to vote on Roll #466 through #471. Had I been present, I would have voted ''no'' on all of these amendments.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair announces the next 18 votes will be 2-minute votes with a 30-second warning. Members are encouraged to remain on the floor.

AMENDMENT OFFERED BY MR. BURGESS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURGESS:

Page 2, line 16, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 23, line 16 after the dollar amount, insert ''(increased by $15,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 171, not voting 15, as follows:

[Roll No. 472]

AYES—251

Aderholt
Akin
Alexander
Allen
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carson
Carter
Chabot
Christensen
Coble
Cohen
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—171

Abercrombie
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Yarmuth

NOT VOTING—15

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Waters
Westmoreland
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 30 seconds remain in this vote.

□ 1006

Mr. DICKS and Ms. BERKLEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FERGUSON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. FERGUSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FERGUSON:

Page 2, line 16, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 39, line 14, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 5, after the dollar amount insert ''(increased by $50,000,000)''.

Page 40, line 21, after the dollar amount insert ''(increased by $50,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 183, not voting 15, as follows:

[Roll No. 473]

AYES—239

Aderholt
Akin
Altmire
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capuano
Cardoza
Carnahan
Carney
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (NY)
Hall (TX)
Harman
Hastings (WA)
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hunter
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)

Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McMorris Rodgers
Meehan
Melancon
Mica
Miller (FL)
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Nadler
Neal (MA)
Neugebauer
Nunes
Pallone
Pascrell
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Weiner
Weller
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—183

Abercrombie
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Becerra
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Carson
Carter
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Hare
Hastert
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren, Zoe
Lowey
Lucas
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Napolitano
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Renzi
Reyes
Rogers (KY)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Woolsey

NOT VOTING—15

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Norton
Paul
Pickering
Sessions
Stupak
Westmoreland
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 30 seconds remain in this vote.

□ 1011

Messrs. CARNAHAN, LOEBSACK and ROTHMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHENRY:

Page 2, line 16, after the dollar amount, insert ''(reduced by $34,000,000)''.

Page 48, line 9, after the dollar amount, insert ''(increased by $30,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 214, not voting 16, as follows:

[Roll No. 474]

AYES—207

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—214

Abercrombie
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)

Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gingrey
Gutierrez
Miller, George
Paul
Pickering
Schiff
Sessions
Smith (TX)
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 30 seconds remain in this vote.

□ 1015

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair announces the next 15 votes will be 2-minute votes with a 30-second warning. There will be no exceptions. Members are encouraged to remain on the floor.

AMENDMENT NO. 128 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 128 offered by Mr. PEARCE:

Page 6, line 5, after the first dollar amount, insert ''(increased by $125,000,000)''.

Page 22, line 9, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 13, after the dollar amount, insert ''(reduced by $125,000,000)''.

Page 22, line 14, after the dollar amount, insert ''(reduced by $125,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 327, not voting 14, as follows:

[Roll No. 475]

AYES—96

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boustany
Buchanan
Burgess
Camp (MI)
Cannon
Carter
Chabot
Coble
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Donnelly
Duncan
Ellsworth
English (PA)
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Heller
Hensarling
Hoekstra
Hunter
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
King (IA)
Kingston
LaHood
Lamborn
Lewis (KY)
Linder
Marchant
McCaul (TX)
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Royce
Schmidt
Shadegg
Shays
Shimkus
Smith (TX)
Souder
Space
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wilson (SC)
Young (AK)

NOES—327

Abercrombie
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Larson (CT)
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining on this vote.

□ 1019

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Madam Speaker, I regret that I did not vote on rollcall vote No. 475, on June 15, 2007. Had I been present, I would have voted: ''no'' on rollcall No. 475 on the amendment to H.R. 2638, to cut $125 million from TSA's explosive detection account; and increase the Customs and Border Protection Salaries and Expenses account by $125 million.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

ANNOUNCEMENT REGARDING FIRST VOTE IN A SERIES IN THE HOUSE

Mr. HOYER. Mr. Chairman, I would like to make Members aware now, so you have significant notice, in a full Chamber and very long in advance,

that when the Committee rises, I intend to ask unanimous consent in the House that even the first vote in a series be a 5-minute vote, the first vote in a series.

I've not had an opportunity to discuss this. I wanted to give notice, and I will be discussing it with the leadership. Hopefully, they will agree. We have a lot of votes. I know Members want to get out of here today. We have the MILCON bill yet to come.

For example, on a possible motion to recommit, we're going to ask unanimous consent that that be a 5-minute vote, and there seems to be some enthusiasm for that. So, talk to all of our colleagues about not objecting to that unanimous consent.

AMENDMENT OFFERED BY MR. CARTER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CARTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARTER:

Page 11, line 25, strike ": *Provided*," and all that follows through page 16, line 2, and insert a period.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 233, not voting 14, as follows:

[Roll No. 476]

AYES—190

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—233

Abercrombie
Allen
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Tiahrt
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining on this vote.

□ 1024

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIAHRT. Mr. Chairman, on rollcall No. 476, I was inadvertently detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 98 OFFERED BY MR. MCCAUL OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 98 offered by Mr. MCCAUL of Texas:

Page 17, strike the proviso beginning on line 2.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 232, not voting 13, as follows:

[Roll No. 477]

AYES—192

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boswell
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David

Davis, Lincoln
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
LaTourette
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—232

Abercrombie
Allen
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fortuño
Frank (MA)
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining on this vote.

□ 1028

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair reminds Members that the next 12 votes will be 2-minute votes with a 30-second warning. All Members are encouraged to remain on the floor. There will be no exceptions, 2-minute votes.

AMENDMENT NO. 105 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 105 offered by Mr. KING of Iowa:

Page 17, line 23, after the dollar amount, insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 195, not voting 14, as follows:

[Roll No. 478]

AYES—228

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Allen
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen

Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortuño
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Mollohan
Moore (WI)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Radanovich
Rahall
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Rush
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining on this vote.

□ 1032

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BILBRAY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILBRAY:

Page 26, line 10, after the first dollar amount, insert ''(reduced by $150,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 39, line 14, after the dollar amount, insert ''(increased by $150,000,000)''.

Page 41, line 7, after the dollar amount, insert ''(increased by $150,000,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 14, as follows:

[Roll No. 479]

AYES—155

Aderholt
Altmire
Bachmann
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boren
Boswell
Boyda (KS)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Castle
Chabot
Cole (OK)
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Fallin
Flake
Fortenberry
Foxx
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (NY)
Hall (TX)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Obey
Pence
Peterson (MN)
Petri
Pitts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Shays
Shuler
Shuster
Smith (NE)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Tanner
Thornberry
Tiahrt
Tiberi
Udall (CO)
Upton
Walden (OR)
Walsh (NY)
Weller
Wolf

NOES—268

Abercrombie
Akin
Alexander
Allen
Arcuri
Baca
Bachus
Baker
Baldwin
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Bordallo
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Capps
Capuano
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Ellison
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McMorris Rodgers
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (PA)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Emanuel
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining in this vote.

□ 1035

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 99 OFFERED BY MR. MCCAUL OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr.

MCCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCAUL of Texas:

Strike section 531 (page 69, beginning at line 4).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 15, as follows:

[Roll No. 480]

AYES—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—238

Abercrombie
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Hastert
Miller, George
Paul
Pickering
Sessions
Stupak
Udall (CO)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining on this vote.

□ 1038

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. ROGERS OF KENTUCKY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used to recruit or hire a total of more than 45,000 full-time equivalent airport screeners.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 255, not voting 14, as follows:

[Roll No. 481]

AYES—168

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster

Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—255

Abercrombie
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Graves
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining in this vote.

The Chair reminds Members the next eight votes will be 2-minute votes with a 30-second warning. Members are encouraged to remain on the floor.

□ 1042

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 28 OFFERED BY MR. POE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. POE:

At the end of title V, add the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Secretary of Homeland Security to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 331, not voting 17, as follows:

[Roll No. 482]

AYES—89

Alexander
Baker
Barrow
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bordallo
Boustany
Boyda (KS)
Buchanan
Cannon
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Duncan
Ellsworth
Flake
Fortenberry
Fortuño
Foxx
Gingrey
Gohmert
Goode
Gordon
Graves
Green, Gene
Heller
Hensarling
Hinchey
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Lamborn
Lewis (KY)
Linder
Lynch
Mack
Mahoney (FL)
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Pearce
Poe
Price (GA)
Rehberg
Rohrabacher
Ros-Lehtinen
Ross
Royce
Sali
Sánchez, Linda T.
Schmidt
Shimkus
Shuler
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Walden (OR)
Wilson (NM)
Wilson (SC)

NOES—331

Abercrombie
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barton (TX)
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Granger
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Andrews
Becerra
Bonner
Brady (TX)
Cardoza
Davis, Jo Ann
Faleomavaega
Gutierrez
Meehan
Miller, George
Moore (WI)
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 30 seconds remaining in this vote.

□ 1046

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. LINDA T. SÁNCHEZ. Madam Speaker, on rollcall 482 today I voted "aye." I intended to vote "no."

Mr. BECERRA. Mr. Chairman, today, I was unable to cast my floor vote on rollcall No. 482. Had I been present for the vote, I would have voted "no" on rollcall vote No. 482.

AMENDMENT NO. 113 OFFERED BY MR. LATOURETTE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

At the end of title V, add the following new section:

SEC. ____. None of the funds made available in this Act may be used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) before June 1, 2009.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 379, noes 45, not voting 13, as follows:

[Roll No. 483]

AYES—379

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—45

Barrow
Bartlett (MD)
Barton (TX)
Blackburn
Brown-Waite, Ginny
Campbell (CA)
Cantor
Capps
Capuano
Davis, David
Deal (GA)
Duncan
Feeney
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Harman
Heller
Johnson (GA)
Jones (NC)
Jordan
Kanjorski
Keller
King (NY)
LaHood
Lamborn
Lewis (KY)
Lungren, Daniel E.
Markey
Marshall
Miller, Gary
Murtha
Poe
Price (GA)
Rohrabacher
Royce
Shadegg
Shays
Shimkus
Smith (TX)
Souder
Tancredo
Thornberry

NOT VOTING—13

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 30 seconds remaining on this vote.

□ 1054

Messrs. POE, GOODLATTE, PRICE of Georgia, DEAL of Georgia, GINGREY and JORDAN of Ohio changed their vote from ''aye'' to ''no.''

Ms. BORDALLO, Mr. JACKSON of Illinois, Ms. NORTON, Ms. LORETTA SANCHEZ of California, Messrs. CUMMINGS, SESTAK, LEWIS of Georgia, and CLYBURN, Ms. MOORE of Wisconsin, Mrs. LOWEY and Mrs. CHRISTENSEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair reminds Members that we have now completed 18 of the 24 amendments in this series. Six amendments remain. Each vote will be a 2-minute vote with

a 30-second warning. Members are encouraged to remain on the floor.

AMENDMENT OFFERED BY MR. TANCREDO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act with respect to Honduras, or Nicaragua.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 347, not voting 14, as follows:

[Roll No. 484]

AYES—76

Aderholt
Altmire
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bilbray
Blackburn
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Chabot
Costello
Culberson
Davis (KY)
Deal (GA)
DeFazio
Donnelly
Duncan
Ellsworth
Foxx
Gallegly
Gingrey
Gohmert
Goode
Gordon
Graves
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Hooley
Hunter
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Marchant
Marshall
McCaul (TX)
McHenry
McIntyre
Melancon
Miller, Gary
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Platts
Poe
Price (GA)
Reichert
Reynolds
Rogers (AL)
Royce
Schmidt
Shuler
Shuster
Smith (NE)
Smith (TX)
Spratt
Stearns
Sullivan
Tancredo
Wamp
Watt
Weldon (FL)
Young (FL)

NOES—347

Abercrombie
Akin
Alexander
Allen
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Stark
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Herger
Miller, George
Paul
Pickering
Sessions
Stupak
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 30 seconds remaining on this vote.

□ 1059

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair announces five votes in this series are remaining and implores Members to remain on the floor. These will be 2-minute votes.

AMENDMENT NO. 7 OFFERED BY MR. TANCREDO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 189, not voting 14, as follows:

[Roll No. 485]

AYES—234

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand

Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Obey
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—189

Abercrombie
Allen
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortuño
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reichert
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining in this vote.

□ 1104

Mr. COSTELLO changed his vote from ''aye'' to ''no.''

Ms. NORTON changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 485, I inadvertently voted "no," when I meant to vote "aye."

AMENDMENT NO. 18 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. ROYCE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for customs and border protection fencing, infrastructure, and technology may be used for anything but at least two layers of reinforced fencing and roads, pursuant to section 102 of Public Law 104–208.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 272, not voting 16, as follows:

[Roll No. 486]

AYES—149

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boren
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Chabot
Coble
Cole (OK)
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Duncan
Ellsworth
English (PA)
Everett
Fallin
Feeney
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hayes
Heller
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lynch
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McHenry
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Nunes
Pence
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (OH)
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—272

Abercrombie
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Fortenberry
Fortuño
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich

Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Hensarling
Jones (OH)
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds left in this vote.

□ 1107

So the amendment was rejected.

The result of the vote was announced as above record.

AMENDMENT OFFERED BY MR. FORBES

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. FORBES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORBES:

At the end of the bill (before the short title), insert the following:

SEC. 544. None of the funds made available in this Act may be used to extend the designation of any foreign state under section 244(b)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)(C)).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 298, not voting 16, as follows:

[Roll No. 487]

AYES—123

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis (KY)
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Duncan
Ellsworth
Emerson
Everett
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Lamborn
Lewis (KY)
Linder
LoBiondo
Manzullo
Marshall
McCaul (TX)
McCotter
McHenry
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Rehberg
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Wilson (SC)
Young (AK)
Young (FL)

NOES—298

Abercrombie
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Johnson (GA)
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Watt
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining in this vote.

□ 1111

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROGERS OF KENTUCKY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

Sec. 544. None of the funds made available in this act may be used to implement section 536 of this Act.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 277, not voting 15, as follows:

[Roll No. 488]

AYES—145

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—277

Abercrombie
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Miller, George
Myrick
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 30 seconds are remaining in this vote.

□ 1114

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. MYRICK. Mr. Chairman, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 488, on agreeing to the Rogers (KY) amendment—H.R. 2638, Department of Homeland Security Appropriations Act, 2008—I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. ROGERS OF KENTUCKY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROGERS of Kentucky:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 243, not voting 16, as follows:

[Roll No. 489]

AYES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri

Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—243

Abercrombie
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Faleomavaega
Gutierrez
Kanjorski
Kirk
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Thirty seconds are remaining on this vote.

□ 1119

Mr. TURNER changed his vote from ''aye to ''no.''

Mr. ISSA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Chairman, on rollcall No. 489, I was inadvertently detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of North Carolina:

Page 74, after line 18, insert the following new section:

SEC.____. The amount otherwise provided by this Act for ''Firefighter Assistance Grants'' is hereby increased by $5,058,000, which shall be available to carry out section 34 of the Federal Fire Prevention and Control Act of 1974.

The Acting CHAIRMAN. Pursuant to the order of the House of Thursday, June 14, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I have a simple and straightforward amendment that I am offering as a result of the long debate we've had, the many amendments we've adopted, and where we stand at the end of this.

The amendment would allocate $5 million, a modest adjustment, to FEMA's Firefighter Assistance Grants, specifically, the Staffing for Adequate Fire and Emergency Response program, the SAFER program.

As I'm sure most Members know, the SAFER program helps local fire departments to increase the number of frontline firefighters. The goal is for fire departments to increase their staffing and deployment capabilities, and ultimately to obtain 24-hour staffing.

We, in this bill, have done our very best to more adequately fund the fire grants and the SAFER program. But the need is great, and we believe this is a prudent and useful and productive place to invest these additional funds.

Mr. Chairman, this amendment has been cleared on both sides of the aisle. I ask our colleagues to approve this critical funding for our firefighters.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. PRICE of North Carolina. I am happy to yield.

Mr. ROGERS of Kentucky. We join you in the amendment.

Mr. PRICE of North Carolina. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill, before the short title, add the following new section:

SEC. 544. None of the funds in this or any other Act may be used to pay more than one dollar for a legislative earmark as defined in clause 9 of Rule XXI.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law. It constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

I ask for a ruling of the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the chair will rule.

As stated on page 135 of House Practice, a limitation must apply solely to the money of the appropriation under consideration and may not be applied to money appropriated in other acts. The amendment offered by the gentleman from Wisconsin explicitly addresses funds in other acts. The amendment therefore constitutes legislation, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2008''.

Mrs. CHRISTENSEN. Mr. Chairman, I would like to commend Chairman OBEY and Ranking Member LEWIS for their leadership in bringing the Department of Homeland Security Appropriations bill to the House floor. I would also like to commend Chairman THOMPSON and Ranking Member KING for their unyielding efforts to ensure that the Department of Homeland Security receives adequate funding to carryout its mission—to help prevent, protect against and respond to acts of terrorism on U.S. soil.

I am pleased that for fiscal year 2007–2008, the Committee recommends $2,065,387,000 above the amount requested for discretionary resources. On February 5th, President Bush delivered the fiscal year 2008 budget request for the Department of Homeland Security and it failed to address our Nation's most pressing security needs. It left gaps in our Nation's border, port, mass transit, rail, aviation, cyber and critical infrastructure security. Essentially, the administration's proposed budget failed to aggressively promote the necessity of protection, prevention, and preparation.

With the recently foiled JFK terrorist plot and the issues of coordination surrounding the TB case, it is clearly evident that we need to put more resources into the DHS. While we passed supplemental funding for the war in Iraq, protecting our Nation's security must remain a priority. Homeland terrorism is still a prevalent threat.

H.R. 2683 makes key investments in areas such as first responder and port security by appropriating $1.97 billion above the President's request. These grants were funded at $4.92 billion in 2004 and have been cut every year since. I am also pleased that the bill appropriation includes $50 million above the administration's request and $797 million above 2007. This will allow DHS to strengthen our Nation's borders beyond our Mexican border and include areas in the Caribbean such as my district—the U.S. Virgin Islands.

H.R. 2683 also addresses lessons learned from Hurricanes Rita and Katrina. This includes increase funding for improvements to FEMA's management operation called for after Katrina. The bill also provides $200 million above 2007 for assistance to State and local governments.

Overall, this appropriation bill reflects numerous hours of oversight hearings on every aspect of security and terrorism issues affecting our Nation's borders and infrastructure. H.R. 2683 demonstrates to our Nation this Congress is serious about protecting our citizens and I urge its passage.

Once again, I would like to thank the Committee on Appropriations Subcommittee on Homeland Security and the Homeland Security for their hard work to increase funding for the Department of Homeland Security.

Mr. SIRES. Mr. Chairman, it was clear on September 11 that one of New Jersey's critical security weaknesses was the protection of chemical security plants and facilities. New Jersey did not wait around years for the Department of Homeland Security to enact strong chemical security regulations. Our State took the initiative to protect its citizens by enacting strong chemical security laws. This House is taking action to make sure that my State will be able to keep our strong standards. The fiscal year 2008 Homeland Security appropriations bill will prohibit the Department of Homeland Security from overturning New Jersey's chemical security regulations.

I represent part of the area known as the "most dangerous 2 miles," right near Port Elizabeth in New Jersey. Securing the infrastructure along this corridor is not only important for the safety of my constituents and the residents of New Jersey, but also for the entire Nation. That is why it is so important that the Homeland Security appropriations bill contains $400 million to protect critical port facilities and infrastructure.

Mr. Chairman, the Homeland Security appropriations bill has my support because it is vital to the security of my constituents, the State of New Jersey, and the entire Nation. Thank you.

Mr. MACK. Mr. Chairman, I rise today to share a few thoughts on the Homeland Security bill and, more specifically, the Davis-Bacon expansion that is contained within this legislation. This is an important bill for our Nation—one that we all should be able to support; unfortunately, instead of solely funding our national security needs, the Majority wants to use this bill as an opportunity to fund union security.

I view the issue like this: You are either for the taxpayer, or you are against the taxpayer; you are either for small business, or you are against it; you are either for free markets, or you are against them; you are either for open competition and freedom, or you are against it. With this bill, it is pretty certain where the Majority comes down on those very basic questions. In the end, the American taxpayer will be the loser if these provisions are allowed to be signed into law.

With the poison pill of the Davis-Bacon provisions, this becomes unacceptable legislation. Our friends across the aisle—in their rush to pass giveaways to unions—are saddling the American people with needlessly higher costs. Put simply, this policy is a throwback to failed Depression-era economic policy.

Since this Congress convened, Mr. Chairman, Democrats have been trying to claim the mantle of fiscal responsibility. But how can they realistically claim that title with this sort of policy? In reality, they are quickly showing themselves, once again, to be the party of anti-competition and bad policy. Instead of inserting bad law into a critical bill, Democrats should be leading the way by removing Davis-Bacon from all Federal law.

Countless studies have shown that action would truly save the taxpayers' money. In fact, if we were to repeal Davis-Bacon, the Congressional Budget Office has said we would save at least $10.5 billion over 10 years for taxpayers. A separate study showed that number to be as high as $2 billion per year. The vast majority of our Nation's workforce is nonunionized and our policies should reflect that. We need to be working to ensure there is fair and open competition for government grants—not rewards for Big Labor.

All this leads to the question: Why wouldn't we remove this law from the books? With the amendment to strike Davis-Bacon from this bill, which I am proud to cosponsor with several of my colleagues, we are seeking to take a first step in making sure this law doesn't expand any further.

So, Mr. Chairman, I stand up in support of this amendment, in support of good fiscal policy, and in support of the taxpayers. Expanding this law will only once again throw more costs on the backs of hard-working Americans. You cannot say you are for fiscal responsibility and free markets while at the same time promoting policies that lead to the exact opposite. Try as they might, the Majority cannot have it both ways. The American people deserve better.

Mr. ADERHOLT. Mr. Chairman, I would like to reference two positive programs within this Homeland Security Appropriations bill that are making a difference in the 4th District of Alabama.

For several years, Congress has included funding in this bill for local Assistance to Firefighters Grants. The purpose of this grant program is to award grants directly to fire departments and nonaffiliated emergency medical service organizations. These awards aim to enhance our first responder's ability to protect the health and safety of the public, as well as that of first-responder personnel, with respect to fire-related hazards. Using a competitive process overseen by fire service subject matter experts, DHS awards grants to applicants whose requests best address the priorities of the program.

This is especially important in the district that I represent in North Alabama.

As a rural area, North Alabama is home to many volunteer fire departments and rescue squads. These people work hard to protect their communities and provide first rate care of their neighbors. Unfortunately in too many instances they are forced to do so with older equipment that doesn't provide the proper safety or performance that they need to do their jobs. This problem isn't for lack of care; it's in large measure due to a lack of funding. The Fire Grant program has proven to be a tremendous asset that has helped meet the needs of the fire departments and EMS organizations that I represent.

I am pleased that this important program has received increased funding this year. That means that more organizations will be able to participate and upgrade equipment and training that they might otherwise have been unable to do. As a result they will be better prepared to save lives, protect homes and businesses and continue to serve their communities in a meaningful way.

I would also like to take this opportunity to thank the Chairman and Ranking Member for their support of another important program within Homeland Security, textile transshipment enforcement. As a district with a heavy textile manufacturing presence, I am very aware of the problems faced by this important industry.

Today foreign manufacturers are utilizing unnatural and unfair business practices that are hurting U.S. textile manufacturers. One such scheme involves the transshipment of goods to evade duty or quotas on textiles being brought into the country. Over the last several years, U.S. Customs and Border Patrol, CBP, and Immigration and Customs Enforcement have been very successful in stopping many of these illegal textile transshipments.

In 2006, Customs announced that they seized more than $100 million in wearing apparel and textile goods that were misrepresented, smuggled or illegally transshipped in an effort to circumvent U.S. textile trade laws and regulations. Of that amount, $3 million worth of socks were confiscated. This program is making a difference and giving U.S. textile manufacturers an opportunity to compete. I fully support this funding and am pleased that this Congress continues to recognize its importance.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of H.R. 2638, the FY 2008 Homeland Security Appropriations Act. I want to commend Chairman PRICE and Ranking Member ROGERS for their leadership in getting the bill to the Floor today.

H.R. 2638 provides critical funding to protect the homeland in case of disasters, both manmade and natural. As a representative for New York City, terrorist target number one, I am especially pleased to see the increased funding in several important areas. The bill increases funding by $30 million over last year's amount to $800 million for the Urban Area Security Initiative grants. While I am pleased to see this increase in funding, I strongly believe that these grants should receive even more funding so that urban areas that are high-risk targets for terrorist attacks are better prepared. The bill also includes increased funding for port security grants and rail and transit grants, both of which are vitally important to New York City.

This bill addresses the critical needs in aviation security by including funding to double the amount of cargo inspected on passenger airplanes. After going through security checks to get on a plane, passengers should feel secure that the cargo stowed underneath their feet has been checked as well. This funding is an important step in making that happen.

I also want to note the language in the bill that aims to reduce the number of sole-source contracts given out by the Department of Homeland Security. The bill requires, except in emergencies and when certain distribution mechanisms already exist, a full and open competitive process for the obligation of all grant and contract funds. As a longtime proponent of fair and open contracting, this language is critical to ensuring greater accountability and transparency in spending taxpayers' dollars.

H.R. 2638 is a good, comprehensive bill that will improve our security and our preparedness should another disaster strike.

I urge my colleagues to support this bill.

Mr. HIGGINS. Mr. Chairman, I rise to congratulate this House on passing a homeland security appropriations bill that will protect the economies of Northern Border communities as well as protect us from terrorism.

The homeland security bill contained two rebukes of the way the Department of State and Department of Homeland Security are proceeding toward requiring passports for travel at land-border crossings between the United States and Canada. My friend Congresswoman SLAUGHTER, Chair of the Rules Committee, authored a provision that will delay implementation of the passport requirement until a pilot program has been completed to determine if an enhanced driver's license may offer the same security as a passport with a far lesser impact to border communities.

And my Northern Border colleagues Congressman LATOURETTE and Congressman KUCINICH won overwhelming approval for their amendment to delay implementation of the passport requirement until June 2009.

These legislative provisions reflect the concern that my Northern Border colleagues and I have been expressing for some time: that requiring a passport for travel at Northern Border land crossings is unworkable, unnecessary, and destructive to our communities.

I represent the City of Buffalo and surrounding communities in Western New York. We are an area that is plagued with a vulnerable economy, and cutting off commerce with our Canadian neighbors would be a knockout blow to our community. Southern Ontario is the third-fastest growing economy in North America, and its population is expected to increase by 3 million over the next two decades. Western New York needs direct and efficient access to that market, as we depend on our Canadian neighbors to support our cultural, retail, and educational institutions.

Last year my office received twenty requests for assistance to expedite passport applications. In the first 6 months of 2007 my office has received over 500. It is clear that as we move toward the Administration's stated goal of January 2008 for implementation of the passport requirement, the system is overwhelmed. If the Administration proceeds on its current course, our residents will not have access to the documents they need and cross-border travel will come to a standstill. This is unacceptable.

It is my hope and expectation that the clear rejection of the passport requirement this House adopted today will send a message to the White House, Department of State and Department of Homeland Security that we expect them to reconsider and revise this ill-conceived and dangerous proposal.

Mr. ORTIZ. Mr. Chairman, I rise in support of the FY08 Homeland Security Appropriations bill—the House's first all-encompassing look at the security of our Nation. But I strongly oppose the proposition that a border wall will protect this Nation, and I ask my colleagues to consider what a wall along the Southwest border will do.

During this debate my friends in the minority have said they are focused on the funding levels of this bill . . . saying they are too high and wasteful. Here's what is wasteful: according to Customs and Border Protection, every mile of a wall will cost at least $3 million dollars to construct. That doesn't include any funding needed to buy private lands or maintain the fence.

In this 21st Century, we have the technology to adequately protect our borders through a virtual fence without dividing communities, adversely impacting our economy, giving up water rights, denying private property rights for landowners on the border, or changing international boundaries without benefit of international treaties.

I am grateful that the Committee incorporated the language in the bill to include the U.S. Fish and Wildlife Service as one of the federal agencies with which DHS must coordinate before spending money to build a wall. And I have received a commitment to include the International Boundary and Water Commission to the list of federal agencies DHS must coordinate with, as the bill moves through conference. I thank the Committee for accepting the language in the bill requiring the DHS Secretary to consult with local communities, and to seek their advice before spending money on the wall. That's hardly enough, but that puts a little lipstick on the pig.

Rather than spend over $3 million dollars a mile, we should be directing the Department of Homeland Security to utilize technology like ground sensors, unmanned aircraft, vehicle barriers, cameras and human surveillance through Border Patrol.

The technology of a virtual wall saves the taxpayers $2 million dollars a mile . . . will be more reliable . . . and actually give the Border Patrol the time and resources they need to detain illegal immigrants or potential terrorists. Virtual technology is proven; this week the Port Authority of New York and New Jersey announced it would deploy a virtual fence to protect JFK, Newark Liberty International and LaGuardia airports. Much of the technology they are deploying is either currently being used or developed by CBP.

We need to be smarter about our border security . . . rather than expect a physical wall to singlehandedly protect our country. Unless you live along the border, you do not understand the uniqueness of border communities. Constructing a fence along the southwest border is going to have a devastating economic impact in our border towns.

Much of the area along the border is growing rapidly with more and more Fortune 500 companies moving business to South Texas. What message does constructing a wall send to these companies? Twenty years ago this week, on June 12, 1987—President Ronald Reagan said of the Berlin Wall that scarred Europe: "Mr. Gorbachev, tear down this wall."

We are better than Soviet Europe . . . and an antiquated structure along our borders will not protect our Nation. Protecting the border is of the utmost importance to me, and all Americans.

Nearly every single Border Patrol agent, who has confided in me, is certain a wall is not the solution. They would rather receive funding for additional manpower, technology and tactical infrastructure, such as vehicle barriers, to protect our border.

I urge my colleagues to save taxpayers money, oppose the handful of amendments before us that throw good money after bad in building a wall that will not protect this great Nation.

Mr. PRICE of North Carolina. Mr. Chairman, I submit the following for the RECORD.

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental Operations					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary	2,540	2,650	2,540	---	-110
Immediate Office of the Deputy Secretary	1,185	1,222	1,185	---	-37
Chief of Staff	2,560	2,639	2,639	+79	---
Office of Counternarcotics Enforcement	2,360	3,155	3,000	+640	-155
Executive Secretary	4,450	5,127	4,588	+138	-539
Office of Policy	29,305	35,300	32,500	+3,195	-2,800
Secure Border Initiative Office	4,500	4,500	4,500	---	---
Office of Public Affairs	6,000	7,686	6,300	+300	-1,386
Office of Legislative and Intergovernmental Affairs	5,449	5,618	4,618	-831	-1,000
Office of General Counsel	12,759	15,155	14,000	+1,241	-1,155
Office of Civil Rights and Liberties	13,000	13,722	15,000	+2,000	+1,278
Citizenship and Immigration Services Ombudsman	5,927	6,054	6,060	+133	+6
Privacy Officer	4,435	5,111	6,000	+1,565	+889
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-1,201	---	---	+1,201	---
Transfer to Aviation Security (P.L. 110-5, sec. 21101)	(-300)	---	---	(+300)	---
Total, Office of the Secretary and Executive Management (including transfers)	92,969	107,939	102,930	+9,961	-5,009
Appropriations	(94,470)	(107,939)	(102,930)	(+8,460)	(-5,009)
Rescissions	(-1,201)	---	---	(+1,201)	---
(transfer out)	(-300)	---	---	(+300)	---
Office of the Under Secretary for Management:					
Under Secretary for Management	1,870	2,012	2,012	+142	---
Office of Security	52,640	53,990	52,990	+350	-1,000
Office of the Chief Procurement Officer	16,895	28,495	27,055	+10,160	-1,440
Office of the Chief Human Capital Officer:					
Salaries and expenses	8,811	10,278	10,278	+1,467	---
MAX - HR System	25,000	15,000	3,000	-22,000	-12,000
Subtotal, Office of the Chief Human Capital Officer	33,811	25,278	13,278	-20,533	-12,000
Office of the Chief Administrative Officer:					
Salaries and expenses	40,218	42,575	41,430	+1,212	-1,145
Nebraska Avenue Complex (NAC)	8,206	6,000	---	-8,206	-6,000
St. Elizabeths Project	---	120,000	---	---	-120,000
DHS headquarters projects	---	---	101,000	+101,000	+101,000
Subtotal, Office of the Chief Administrative Officer	48,424	168,575	142,430	+94,006	-26,145
Supplemental Appropriations - P.L. 110-28:					
Appropriation (sec. 6404)	900	---	---	-900	---
Rescission (sec. 6404)	-513	---	---	+513	---
Transfer to Aviation Security (P.L. 110-5, sec. 21101)	(-5,000)	---	---	(+5,000)	---
Total, Office of the Under Secretary for Management (including transfers)	149,027	278,350	237,765	+88,738	-40,585
Appropriations	(154,540)	(278,350)	(237,765)	(+83,225)	(-40,585)
Rescissions	(-513)	---	---	(+513)	---
(transfer out)	(-5,000)	---	---	(+5,000)	---
Office of the Chief Financial Officer	26,000	32,800	32,000	+6,000	-800
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-45	---	---	+45	---
Subtotal, Office of the Chief Financial Officer	25,955	32,800	32,000	+6,045	-800

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Chief Information Officer:					
Salaries and expenses	79,521	82,400	79,921	+400	-2,479
Information technology activities	61,013	56,200	56,200	-4,813	---
Security activities	89,387	89,400	89,400	+13	---
Wireless program	86,438	---	---	-86,438	---
Homeland Secure Data Network (HSDN)	32,654	33,100	33,100	+446	---
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-462	---	---	+462	---
Subtotal, Office of the Chief Information Officer	348,551	261,100	258,621	-89,930	-2,479
Appropriations	(349,013)	(261,100)	(258,621)	(-90,392)	(-2,479)
Rescissions	(-462)	---	---	(+462)	---
Analysis and Operations	299,663	314,681	291,619	-8,044	-23,062
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	8,000	---	---	-8,000	---
Subtotal, Analysis and Operations	307,663	314,681	291,619	-16,044	-23,062
Total, Departmental Operations	924,165	994,870	922,935	-1,230	-71,935
Office of the Federal Coordinator for Gulf Coast Rebuilding	3,000	3,000	3,000	---	---
Office of Inspector General					
Operating expenses	85,185	99,111	99,111	+13,926	---
(transfer from Disaster Relief)	(13,500)	---	---	(-13,500)	---
Supplemental Appropriations - P.L. 110-28					
Transfer from Disaster Relief (emergency)	(4,000)	---	---	(-4,000)	---
Operating expenses (including transfers)	102,685	99,111	99,111	-3,574	---
Appropriations	(85,185)	(99,111)	(99,111)	(+13,926)	---
by transfer (including emergencies)	(17,500)	---	---	(-17,500)	---
Total, title I, Departmental Management and Operations (including transfers)	1,029,850	1,096,981	1,025,046	-4,804	-71,935
Appropriations	(1,011,871)	(1,096,981)	(1,025,046)	(+13,175)	(-71,935)
Emergency appropriations	(8,000)	---	---	(-8,000)	---
Rescissions	(-2,221)	---	---	(+2,221)	---
by transfer	(13,500)	---	---	(-13,500)	---
transfer out	(-5,300)	---	---	(+5,300)	---
by transfer emergency	(4,000)	---	---	(-4,000)	---
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
Customs and Border Protection					
Salaries and expenses:					
Headquarters, Management, and Administration:					
Management and administration, border security inspections and trade facilitation	658,943	673,981	673,981	+15,038	---
Management and administration, border security and control between ports of entry	589,446	603,426	603,426	+13,980	---
Subtotal, Headquarters, Mgt, & Admin	1,248,389	1,277,407	1,277,407	+29,018	---
Border security inspections and trade facilitation:					
Inspections, trade, and travel facilitation at ports of entry	1,326,665	1,610,202	1,654,685	+328,020	+44,483
Harbor maintenance fee collection (trust fund)	3,026	3,026	3,093	+67	+67
Container security initiative	139,312	156,130	156,130	+16,818	---
Other international programs	8,701	8,871	8,871	+170	---

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Customs-Trade Partnership Against Terrorism (C-TPAT)	54,730	55,560	61,010	+6,280	+5,450
Free and Secure Trade (FAST) NEXUS/SENTRI	11,243	11,243	11,243	---	---
Inspection and detection technology investments	141,317	135,979	135,979	-5,338	---
Emergency appropriations	100,000	---	---	-100,000	---
Subtotal	241,317	135,979	135,979	-105,338	---
Automated targeting systems	27,298	27,580	27,580	+282	---
National Targeting Center	23,635	23,950	23,950	+315	---
Other technology investments, including I/T training	24,564	24,813	24,813	+249	---
Subtotal, Border security inspections and trade facilitation	1,860,491	2,057,354	2,107,354	+246,863	+50,000
Border security and control between ports of entry:					
Border security and control	2,239,586	2,984,443	2,984,443	+744,857	---
SBINET training	37,924	52,789	52,789	+14,865	---
Subtotal, Border security and control between ports of entry	2,277,510	3,037,232	3,037,232	+759,722	---
Air and Marine Personnel Compensation and Benefits	175,796	207,740	207,740	+31,944	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	75,000	---	---	-75,000	---
Transfer to FLETC (emergency)	(-3,000)	---	---	(+3,000)	---
Subtotal, Salaries and expenses (including transfers)	5,634,186	6,579,733	6,629,733	+995,547	+50,000
Appropriations	(5,459,160)	(6,576,707)	(6,626,640)	(+1,167,480)	(+49,933)
Emergency appropriations	(175,000)	---	---	(-175,000)	---
Transfer out emergency	(-3,000)	---	---	(+3,000)	---
Trust fund	(3,026)	(3,026)	(3,093)	(+67)	(+67)
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS)	316,800	316,969	316,969	+169	---
Automated commercial system and current operations and processing support	134,640	159,640	159,640	+25,000	---
Subtotal, Automation modernization	451,440	476,609	476,609	+25,169	---
Border security fencing, infrastructure, and technology (BSFIT)	28,365	---	---	-28,365	---
Emergency appropriations	1,159,200	---	---	-1,159,200	---
Development and deployment	---	936,000	936,000	+936,000	---
Program management	---	64,000	64,000	+64,000	---
Subtotal, BSFIT	1,187,565	1,000,000	1,000,000	-187,565	---
Appropriations	(28,365)	(1,000,000)	(1,000,000)	(+971,635)	---
Emergency appropriations	(1,159,200)	---	---	(-1,159,200)	---
Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance	236,454	353,954	353,954	+117,500	---
Procurement	133,733	123,333	123,333	-10,400	---
Emergency appropriations	232,000	---	---	-232,000	---
Subtotal	365,733	123,333	123,333	-242,400	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	75,000	---	---	-75,000	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	677,187	477,287	477,287	-199,900	---

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriations	(370,187)	(477,287)	(477,287)	(+107,100)	---
Emergency appropriations	(307,000)	---	---	(-307,000)	---
Construction:					
Construction	122,978	249,663	249,663	+126,685	---
Construction (Border Patrol) (emergency)	110,000	---	---	-110,000	---
Subtotal, Construction	232,978	249,663	249,663	+16,685	---
Total, Direct appropriations for Customs and and Border Protection	8,186,356	8,783,292	8,833,292	+646,936	+50,000
Fee accounts:					
Immigration inspection user fee	(529,300)	(535,291)	(535,291)	(+5,991)	---
Immigration enforcement fines	(1,724)	(3,440)	(3,440)	(+1,716)	---
Land border inspection fee	(28,071)	(30,121)	(30,121)	(+2,050)	---
COBRA passenger inspection fee	(387,804)	(392,180)	(392,180)	(+4,376)	---
APHIS inspection fee	(214,287)	(299,622)	(299,622)	(+85,335)	---
Puerto Rico collections	(97,815)	(117,214)	(117,214)	(+19,399)	---
Small airport user fees	(6,230)	(7,057)	(7,057)	(+827)	---
Subtotal, fee accounts	(1,265,231)	(1,384,925)	(1,384,925)	(+119,694)	---
Total, Customs and Border Protection	(9,448,587)	(10,168,217)	(10,218,217)	(+769,630)	(+50,000)
Appropriations	(6,435,156)	(8,783,292)	(8,833,292)	(+2,398,136)	(+50,000)
Emergency apropriations	(1,751,200)	---	---	(-1,751,200)	---
Transfer out (emergency)	(-3,000)	---	---	(+3,000)	---
(Fee accounts)	(1,265,231)	(1,384,925)	(1,384,925)	(+119,694)	---
Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-Detention and Removal Operations):					
Personnel compensation and benefits, service and other costs	140,000	162,137	162,137	+22,137	---
Headquarters managed IT investment	134,013	152,306	136,606	+2,593	-15,700
Subtotal, Headquarters management and administration	274,013	314,443	298,743	+24,730	-15,700
Legal proceedings	187,353	207,850	208,350	+20,997	+500
Investigations:					
Domestic	1,285,229	1,372,328	1,360,828	+75,599	-11,500
International	104,681	108,074	108,074	+3,393	---
Subtotal, Investigations	1,389,910	1,480,402	1,468,902	+78,992	-11,500
Intelligence	51,379	52,146	52,146	+767	---
Detention and removal operations:					
Custody Operations	1,381,767	1,459,712	1,450,977	+69,210	-8,735
Fugitive operations	183,200	186,145	183,200	---	-2,945
Criminal Alien program	137,494	168,329	180,009	+42,515	+11,680
Alternatives to detention	43,600	43,889	54,889	+11,289	+11,000
Transportation and removal program	238,284	249,084	249,084	+10,800	---
Subtotal, Detention and removal operations	1,984,345	2,107,159	2,118,159	+133,814	+11,000
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	6,000	---	---	-6,000	---
Subtotal, Salaries and expenses	3,893,000	4,162,000	4,146,300	+253,300	-15,700
Appropriations	(3,887,000)	(4,162,000)	(4,146,300)	(+259,300)	(-15,700)
Emergency appropriations	(6,000)	---	---	(-6,000)	---

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal protective service:					
Basic security	123,310	186,673	186,673	+63,363	---
Building specific security (including capital equipment replacement/acquisition)	392,701	426,327	426,327	+33,626	---
Subtotal, Federal Protective Service	516,011	613,000	613,000	+96,989	---
Offsetting fee collections	-516,011	-613,000	-613,000	-96,989	---
Automation modernization:					
ATLAS	15,000	---	30,700	+15,700	+30,700
Construction	26,281	6,000	6,000	-20,281	---
Emergency appropriations	30,000	---	---	-30,000	---
Subtotal, Construction	56,281	6,000	6,000	-50,281	---
Total direct appropriations for Immigration and Customs Enforcement	3,964,281	4,168,000	4,183,000	+218,719	+15,000
Fee accounts:					
Immigration inspection user fee	(108,000)	(113,500)	(113,500)	(+5,500)	---
Breached bond/detention fund	(90,000)	(63,800)	(63,800)	(-26,200)	---
Student exchange and visitor fee	(54,349)	(56,200)	(56,200)	(+1,851)	---
Subtotal, fee accounts	(252,349)	(233,500)	(233,500)	(-18,849)	---
Subtotal, Immigration and Customs Enforcement (gross)	(4,732,641)	(5,014,500)	(5,029,500)	(+296,859)	(+15,000)
Offsetting fee collections	(-516,011)	(-613,000)	(-613,000)	(-96,989)	---
Total, Immigration and Customs Enforcement	(4,216,630)	(4,401,500)	(4,416,500)	(+199,870)	(+15,000)
Appropriations	(3,928,281)	(4,168,000)	(4,183,000)	(+254,719)	(+15,000)
Emergency appropriations	(36,000)	---	---	(-36,000)	---
Fee accounts	(252,349)	(233,500)	(233,500)	(-18,849)	---
Transportation Security Administration					
Aviation security:					
Screening operations:					
Screener workforce:					
Privatized screening	148,600	143,385	147,190	-1,410	+3,805
Passenger & Baggage screener - personnel, compensation, and benefits	2,470,200	2,601,404	2,589,304	+119,104	-12,100
Subtotal, Sceener workforce	2,618,800	2,744,789	2,736,494	+117,694	-8,295
Screening training and other	244,466	200,466	200,466	-44,000	---
Human resource services	207,234	182,234	182,234	-25,000	---
Checkpoint support	173,366	136,000	250,000	+76,634	+114,000
EDS/ETD Systems:					
EDS procurement and installation	279,400	440,000	560,000	+280,600	+120,000
EDS/ETD maintenance and other equipment	222,000	264,000	264,000	+42,000	---
Operation integration	23,000	25,000	25,000	+2,000	---
Subtotal, EDS/ETD Systems	524,400	729,000	849,000	+324,600	+120,000
Subtotal, Screening operations	3,768,266	3,992,489	4,218,194	+449,928	+225,705
Aviation security direction and enforcement:					
Aviation regulation and other enforcement	217,516	223,653	223,653	+6,137	---
Airport management, IT, and support	666,032	655,933	651,933	-14,099	-4,000
FFDO and flight crew training	25,000	25,091	27,530	+2,530	+2,439
Air cargo	55,000	55,768	73,000	+18,000	+17,232
Airport perimeter security	---	---	4,000	+4,000	+4,000

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Aviation security direction and enforcement	963,548	960,445	980,116	+16,568	+19,671
Discretionary fees:					
General aviation at DCA	---	200	200	+200	---
Indirect air cargo	---	25	25	+25	---
Total, Discretionary fees	---	225	225	+225	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	390,000	---	---	-390,000	---
(by transfer) (P.L. 110-5, sec. 21101)	(7,300)	---	---	(-7,300)	---
Aviation security capital fund	(250,000)	---	---	(-250,000)	---
Total, Aviation security (gross) (including transfers)	5,129,114	4,953,159	5,198,535	+69,421	+245,376
Offsetting fee collections (non-mandatory)	-2,420,000	-2,710,000	-2,710,000	-290,000	---
Discretionary fees - offsetting collections (non-mandatory)	---	-225	-225	-225	---
Total, Aviation security (net)	2,709,114	2,242,934	2,488,310	-220,804	+245,376
Appropriation	(2,311,814)	(2,242,934)	(2,488,310)	(+176,496)	(+245,376)
Emergency appropriation	(390,000)	---	---	(-390,000)	---
by transfer	(7,300)	---	---	(-7,300)	---
Aviation security capital fund	(250,000)	---	---	(-250,000)	---
Surface transportation security:					
Staffing and operations	24,000	24,485	24,485	+485	---
Rail security inspectors and canines	13,200	16,928	16,928	+3,728	---
Subtotal, Surface transportation security	37,200	41,413	41,413	+4,213	---
Transportation Threat Assessment and Credentialing:					
Secure Flight	15,000	53,000	25,000	+10,000	-28,000
Transfer to Aviation Security (P.L. 110-5, sec. 21101)	(-2,000)	---	---	(+2,000)	---
Crew vetting	14,700	14,990	14,990	+290	---
Screening administration and operations	10,000	9,500	9,500	-500	---
Registered Traveler Program fees	(35,101)	(35,101)	(35,101)	---	---
TWIC fees	(20,000)	(26,500)	(26,500)	(+6,500)	---
Hazardous materials fees	(19,000)	(19,000)	(19,000)	---	---
Alien Flight School (by transfer from DOJ) - fees	(2,000)	(2,000)	(2,000)	---	---
Subtotal, Transportation Threat Assessment and Credentialing (Gross) (including transfers)	(113,801)	(160,091)	(132,091)	(+18,290)	(-28,000)
Fee funded programs	(76,101)	(82,601)	(82,601)	(+6,500)	---
Subtotal, Transportation Threat Assessment and Credentialing (net) (including transfers)	37,700	77,490	49,490	+11,790	-28,000
Appropriations	(39,700)	(77,490)	(49,490)	(+9,790)	(-28,000)
(transfer out)	(-2,000)	---	---	(+2,000)	---
Transportation security support:					
Administration:					
Headquarters administration	294,191	294,191	296,291	+2,100	+2,100
Information technology	210,092	209,324	209,324	-768	---
Subtotal, Administration	504,283	503,515	505,615	+1,332	+2,100
Intelligence	21,000	21,000	21,000	---	---
Subtotal, Transportation security support	525,283	524,515	526,615	+1,332	+2,100
Federal Air Marshals:					
Management and administration	628,494	644,173	644,173	+15,679	---
Travel and training	85,800	77,827	77,827	-7,973	---

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	5,000	---	---	-5,000	---
Subtotal, Federal Air Marshals	719,294	722,000	722,000	+2,706	---
Appropriations	(714,294)	(722,000)	(722,000)	(+7,706)	---
Emergency appropriations	(5,000)	---	---	(-5,000)	---
Rescission of unobligated balances	-66,712	---	---	+66,712	---
Total, Transportation Security Administration (gross) (including transfers)	6,707,980	6,401,178	6,620,654	-87,326	+219,476
Offsetting fee collections	-2,420,000	-2,710,225	-2,710,225	-290,225	---
Aviation security capital fund	(250,000)	---	---	(-250,000)	---
Fee accounts	(76,101)	(82,601)	(82,601)	(+6,500)	---
Total, Transportation Security Administration (net) (including transfers)	3,961,879	3,608,352	3,827,828	-134,051	+219,476
Appropriations	(3,628,291)	(3,608,352)	(3,827,828)	(+199,537)	(+219,476)
Emergency appropriations	(395,000)	---	---	(-395,000)	---
Rescissions	(-66,712)	---	---	(+66,712)	---
by transfer	(7,300)	---	---	(-7,300)	---
transfer out	(-2,000)	---	---	(+2,000)	---
United States Coast Guard					
Operating expenses:					
Military pay and allowances	2,788,276	2,958,622	2,932,636	+144,360	-25,986
Civilian pay and benefits	569,434	630,669	592,769	+23,335	-37,900
Training and recruiting	180,876	186,548	186,146	+5,270	-402
Operating funds and unit level maintenance	1,011,374	1,138,199	1,148,447	+137,073	+10,248
Centrally managed accounts	201,968	226,215	226,494	+24,526	+279
Intermediate and depot level maintenance	710,729	754,042	753,750	+43,021	-292
Port Security	15,000	---	45,000	+30,000	+45,000
Less adjustment for defense function	-340,000	-340,000	-340,000	---	---
Defense function	340,000	340,000	340,000	---	---
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-25,596	---	---	+25,596	---
Transfer from Defense, O&M Navy (emergency)	(120,293)	---	---	(-120,293)	---
Subtotal, Operating expenses	5,572,354	5,894,295	5,885,242	+312,888	-9,053
Appropriations	(5,137,657)	(5,554,295)	(5,545,242)	(+407,585)	(-9,053)
Rescissions	(-25,596)	---	---	(+25,596)	---
By transfer emergency	(120,293)	---	---	(-120,293)	---
Defense function	(340,000)	(340,000)	(340,000)	---	---
Environmental compliance and restoration	10,880	12,079	15,000	+4,120	+2,921
Reserve training	122,448	126,883	126,883	+4,435	---
Acquisition, construction, and improvements:					
Vessels:					
Response boat medium (41ft UTB and NSB replacement)	24,750	9,200	9,200	-15,550	---
Special purpose craft - Law enforcement (emergency)	1,800	---	---	-1,800	---
Subtotal, Vessels	26,550	9,200	9,200	-17,350	---
Aircraft:					
HH-60 replacement	15,000	---	---	-15,000	---
Other equipment:					
Automatic identification system	11,238	12,000	12,000	+762	---
Defense messaging system	---	5,000	5,000	+5,000	---
National distress and response system modernization (Rescue 21)	39,600	80,800	80,800	+41,200	---
HF Recap	2,475	2,500	2,500	+25	---
National Capital Region Air Defense	48,510	11,500	11,500	-37,010	---

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(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations	18,000	---	---	-18,000	---
Subtotal	66,510	11,500	11,500	-55,010	---
Maritime security response team - shoothouse	---	1,800	1,800	+1,800	---
Rescission	-4,100	---	---	+4,100	---
Subtotal, Other equipment	115,723	113,600	113,600	-2,123	---
Personnel compensation and benefits:					
Core acquisition costs	500	505	505	+5	---
Direct personnel cost	80,500	---	82,215	+1,715	+82,215
Subtotal, Personnel compensation and benefits	81,000	505	82,720	+1,720	+82,215
Integrated deepwater systems:					
Aircraft:					
Maritime Patrol Aircraft (MPA)	47,616	170,016	100,000	+52,384	-70,016
Emergency appropriations	100,500	---	---	-100,500	---
VTOL unmanned aerial vehicles (UAVs)	4,950	---	---	-4,950	---
HH-60 conversions	49,302	57,300	57,300	+7,998	---
HC-130H conversion/sustainment	48,955	18,900	18,900	-30,055	---
HH-65 conversion project	32,373	50,800	50,800	+18,427	---
Armed helicopter equipment	55,740	24,600	24,600	-31,140	---
C-130J fleet introduction	4,950	5,800	5,800	+850	---
Rescission	---	---	-38,608	-38,608	-38,608
Subtotal, Aircraft	344,386	327,416	218,792	-125,594	-108,624
Surface ships:					
National Security Cutter (NSC)	362,280	165,700	105,800	-256,480	-59,900
Emergency appropriations	55,500	---	---	-55,500	---
Fast Response Cutter (FRC-A)	41,580	---	---	-41,580	---
Replacement Patrol Boat (FRC-B)	48,000	53,600	---	-48,000	-53,600
IDS small boats	1,188	2,700	2,700	+1,512	---
Patrol Boat sustainment	---	40,500	61,000	+61,000	+20,500
Medium endurance cutter sustainment	45,318	34,500	50,000	+4,682	+15,500
Reappropriation, patrol boats	78,693	---	---	-78,693	---
Rescission, fast response boat	-78,693	---	---	+78,693	---
Rescission	-20,000	-48,787	-68,841	-48,841	-20,054
Subtotal, Surface ships	533,866	248,213	150,659	-383,207	-97,554
Technology obsolescense	---	700	700	+700	---
C4ISR	50,000	89,630	89,630	+39,630	---
Logistics	36,000	36,500	36,500	+500	---
Systems engineering and integration	35,145	35,145	35,145	---	---
Government program management	46,475	50,475	59,475	+13,000	+9,000
Subtotal, Integrated deepwater systems	1,045,872	788,079	590,901	-454,971	-197,178
Shore facilities and aids to navigation	22,000	37,897	37,897	+15,897	---
Supplemental Appropriations - P.L. 110-28					
Sec. 6404	30,000	---	---	-30,000	---
Subtotal, Acquisition, construction, and improvements	1,336,145	949,281	834,318	-501,827	-114,963
Appropriations	(1,263,138)	(998,068)	(941,767)	(-321,371)	(-56,301)
Emergency appropriations	(175,800)	---	---	(-175,800)	---
Rescissions	(-102,793)	(-48,787)	(-107,449)	(-4,656)	(-58,662)
Alteration of bridges	16,000	---	16,000	---	+16,000
Research, development, test, and evaluation	17,000	17,583	22,583	+5,583	+5,000
Health care fund contribution	278,704	272,111	272,111	-6,593	---
Subtotal, U.S. Coast Guard discretionary	7,233,238	7,272,232	7,172,137	-61,101	-100,095
Retired pay (mandatory)	1,063,323	1,184,720	1,184,720	+121,397	---

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Supplemental Appropriations - P.L. 110-28					
Retired Pay (mandatory) (Sec. 6401)	30,000	---	---	-30,000	---
Subtotal, Retired pay (mandatory)	1,093,323	1,184,720	1,184,720	+91,397	---
Total, United States Coast Guard (incl transfer)	8,446,854	8,456,952	8,356,857	-89,997	-100,095
Appropriations	(8,279,150)	(8,505,739)	(8,464,306)	(+185,156)	(-41,433)
Emergency appropriations	(175,800)	---	---	(-175,800)	---
Rescissions	(-128,389)	(-48,787)	(-107,449)	(+20,940)	(-58,662)
By transfer (including emergencies)	(120,293)	---	---	(-120,293)	---
United States Secret Service					
Salaries and expenses:					
Administration:					
Headquarters, management and administration	169,370	175,934	175,934	+6,564	---
Protection:					
Protection of persons and facilities	651,247	696,635	689,535	+38,288	-7,100
Protective intelligence activities	55,509	57,704	57,704	+2,195	---
National special security events	1,000	1,000	1,000	---	---
NSSE reappropriation (H.R. 5441,sec.560)	2,500	---	---	-2,500	---
NSSE rescission of unobligated balances	-2,500	---	---	+2,500	---
Presidential candidate nominee protection	18,400	85,250	85,250	+66,850	---
White House mail screening	16,201	26,601	16,201	---	-10,400
Subtotal, Protection	742,357	867,190	849,690	+107,333	-17,500
Investigations:					
Domestic field operations	---	---	230,142	+230,142	+230,142
International field office administration, operations	---	---	27,520	+27,520	+27,520
Electronic crimes special agent program and electronic crimes task forces	---	---	48,565	+48,565	+48,565
Support for missing and exploited children	---	---	8,366	+8,366	+8,366
Subtotal, Investigations	---	---	314,593	+314,593	+314,593
Training:					
Rowley training center	50,052	51,954	51,954	+1,902	---
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-450	---	---	+450	---
Subtotal, Salaries and expenses	961,329	1,095,078	1,392,171	+430,842	+297,093
Appropriations	(964,279)	(1,095,078)	(1,392,171)	(+427,892)	(+297,093)
Rescissions	(-2,950)	---	---	(+2,950)	---
Investigations and Field Operations:					
Domestic field operations	236,093	219,742	---	-236,093	-219,742
International field administration and operations	22,616	27,520	---	-22,616	-27,520
Electronic crimes special agent program and electronic crimes task forces	44,079	44,565	---	-44,079	-44,565
Forensic support and grants to NCMEC	8,366	8,366	---	-8,366	-8,366
Subtotal, Investigations and Field operations	311,154	300,193	---	-311,154	-300,193
Acquisition, construction, improvements, and related expenses (Rowley training center)	3,725	3,725	3,725	---	---
Total, United States Secret Service	1,276,208	1,398,996	1,395,896	+119,688	-3,100
Appropriations	(1,279,158)	(1,398,996)	(1,395,896)	(+116,738)	(-3,100)
Rescissions	(-2,950)	---	---	(+2,950)	---
Total, title II, Security, Enforcement, and Investigations (including transfers)	25,832,578	26,415,592	26,596,873	+764,295	+181,281
Appropriations	(23,550,036)	(26,464,379)	(26,704,322)	(+3,154,286)	(+239,943)
Emergency appropriations	(2,358,000)	---	---	(-2,358,000)	---

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescissions	(-198,051)	(-48,787)	(-107,449)	(+90,602)	(-58,662)
By transfer	(7,300)	---	---	(-7,300)	---
Transfer out	(-2,000)	---	---	(+2,000)	---
By transfer emergency	(120,293)	---	---	(-120,293)	---
Transfer out (emergency)	(-3,000)	---	---	(+3,000)	---
(Fee Accounts)	(1,593,681)	(1,701,026)	(1,701,026)	(+107,345)	---
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY					
National Protection and Programs					
Management and administration:					
Administrative activities	37,812	46,290	31,290	-6,522	-15,000
Risk management and analysis	---	---	9,056	+9,056	+9,056
Total, Management and administration	37,812	46,290	40,346	+2,534	-5,944
Infrastructure Protection and Information Security					
Management and administration	54,580	---	---	-54,580	---
Infrastructure protection:					
Indentification and analysis	69,064	68,970	78,970	+9,906	+10,000
Coordination and information sharing	80,772	57,821	83,821	+3,049	+26,000
Mitigation programs	74,991	108,793	108,793	+33,802	---
Risk analysis	2,316	4,532	---	-2,316	-4,532
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	24,000	---	---	-24,000	---
Rescission (sec. 6404)	-968	---	---	+968	---
Total, Infrastructure protection	250,175	240,116	271,584	+21,409	+31,468
Appropriations	(227,143)	(240,116)	(271,584)	(+44,441)	(+31,468)
Emergency appropriations	(24,000)	---	---	(-24,000)	---
Rescissions	(-968)	---	---	(+968)	---
Cyber security	92,000	97,688	87,073	-4,927	-10,615
Office of Emergency Communications	17,000	35,700	45,700	+28,700	+10,000
National Security/Emergency Preparedness Telecommunications:					
Priority telecommunications	105,568	82,821	82,821	-22,747	---
Next generation networks	14,080	52,064	18,065	+3,985	-33,999
Programs to study and enhance telecommunications	14,125	16,733	16,733	+2,608	---
Critical infrastructure protection	8,341	10,905	10,905	+2,564	---
Risk analysis	1,158	2,250	---	-1,158	-2,250
Total, National Security/Emergency Preparedness Telecommunications	143,272	164,773	128,524	-14,748	-36,249
Subtotal, Infrastructure Protection and Information Security (Defense function)	557,027	538,277	532,881	-24,146	-5,396
Appropriations	(533,995)	(538,277)	(532,881)	(-1,114)	(-5,396)
Emergency appropriations	(24,000)	---	---	(-24,000)	---
Rescissions	(-968)	---	---	(+968)	---
U.S. Visitor and Immigrant Status Indicator Technology	362,494	462,000	462,000	+99,506	---
Total, National Protection and Programs	957,333	1,046,567	1,035,227	+77,894	-11,340
Appropriations	(934,301)	(1,046,567)	(1,035,227)	(+100,926)	(-11,340)
Emergency appropriations	(24,000)	---	---	(-24,000)	---
Rescissions	-968	---	---	+968	---
Office of Health Affairs					
Chief Medical Officer	4,980	---	---	-4,980	---
Biowatch	78,120	79,108	77,108	-1,012	-2,000

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
National biosurveillence integration system	8,000	8,000	8,000	---	---
Rapidly deployable chemical detection system	2,600	2,600	2,600	---	---
Planning and coordination	---	4,475	4,475	+4,475	---
Salaries and expenses	5,598	23,750	25,750	+20,152	+2,000
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	8,000	---	---	-8,000	---
Total, Office of Health Affairs	107,298	117,933	117,933	+10,635	---
Appropriations	(99,298)	(117,933)	(117,933)	(+18,635)	---
Emergency appropriations	(8,000)	---	---	(-8,000)	---
Federal Emergency Management Agency					
Management and administration:					
Operations activities	451,760	547,670	555,070	+103,310	+7,400
Urban search and rescue teams	25,000	25,000	35,000	+10,000	+10,000
Office of National Capitol Region Coordination	2,741	6,000	6,000	+3,259	---
National Preparedness Integration Program	6,459	---	---	-6,459	---
Defense function	49,240	88,930	88,930	+39,690	---
(transfer from Disaster relief)	---	(48,000)	---	---	(-48,000)
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	14,000	---	---	-14,000	---
Rescission (sec. 6406)	-450	---	---	+450	---
Subtotal, Management and administration (including transfers)	548,750	715,600	685,000	+136,250	-30,600
Appropriations	(535,200)	(667,600)	(685,000)	(+149,800)	(+17,400)
Emergency appropriations	(14,000)	---	---	(-14,000)	---
Rescissions	(-450)	---	---	(+450)	---
by transfer	---	(48,000)	---	---	(-48,000)
(Non-defense appropriations)	(485,960)	(578,670)	(596,070)	(+110,110)	(+17,400)
(Defense appropriations)	(49,240)	(88,930)	(88,930)	(+39,690)	---
State and Local Programs:					
State formula grants:					
State Homeland Security Grant Program	525,000	250,000	550,000	+25,000	+300,000
Law enforcement terrorism prevention grants	375,000	---	400,000	+25,000	+400,000
Subtotal, State formula grants	900,000	250,000	950,000	+50,000	+700,000
Discretionary grants:					
UASI: High-threat, high-density urban area	770,000	800,000	800,000	+30,000	---
Buffer Zone Protection Program	50,000	50,000	50,000	---	---
Port security grants	210,000	210,000	400,000	+190,000	+190,000
Rail and transit security grants	175,000	175,000	400,000	+225,000	+225,000
Trucking security grants	12,000	9,000	10,000	-2,000	+1,000
Intercity bus security grants	12,000	12,000	11,000	-1,000	-1,000
Metropolitan Medical Response System grants	33,000	---	50,000	+17,000	+50,000
Citizen Corps grants	15,000	15,000	17,000	+2,000	+2,000
REAL ID grants	---	---	50,000	+50,000	+50,000
Interoperable communications grants	---	---	50,000	+50,000	+50,000
Commercial equipment direct assistance program	50,000	---	20,000	-30,000	+20,000
Subtotal, Discretionary grants	1,327,000	1,271,000	1,858,000	+531,000	+587,000
National Programs:					
National Domestic Preparedness Consortium	88,000	38,000	88,000	---	+50,000
Center for Domestic Preparedness	57,000	48,500	51,500	-5,500	+3,000
Noble Training Center	5,500	5,500	5,500	---	---
National exercise program	49,000	50,000	50,000	+1,000	---
Technical assistance	6,000	6,000	18,000	+12,000	+12,000
Training grants	61,000	3,000	61,000	---	+58,000
Evaluations and assessments	19,000	19,000	19,000	---	---
Rural Domestic Preparedness Consortium	12,000	---	---	-12,000	---
Subtotal, National Programs	297,500	170,000	293,000	-4,500	+123,000
Management and administration	---	5,000	---	---	-5,000

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Supplemental Appropriations - P.L. 110-28					
Port security grants	110,000	---	---	-110,000	---
Rail and transit security grants	100,000	---	---	-100,000	---
Regional grants/regional technical assistance	35,000	---	---	-35,000	---
Technical assistance for detection and response equipment training	2,000	---	---	-2,000	---
Subtotal, State and Local Programs	2,771,500	1,696,000	3,101,000	+329,500	+1,405,000
Appropriations	(2,524,500)	(1,696,000)	(3,101,000)	(+576,500)	(+1,405,000)
Emergency appropriations	(247,000)	---	---	(-247,000)	---
Firefighter assistance grants:					
Fire grants	547,000	300,000	570,000	+23,000	+270,000
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants	115,000	---	230,000	+115,000	+230,000
Subtotal, Firefighter Assistance grants	662,000	300,000	800,000	+138,000	+500,000
Emergency management performance grants	200,000	200,000	300,000	+100,000	+100,000
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	50,000	---	---	-50,000	---
Subtotal, Emergency management performance grants	250,000	200,000	300,000	+50,000	+100,000
Subtotal, Grants and training	3,683,500	2,196,000	4,201,000	+517,500	+2,005,000
Appropriations	(3,386,500)	(2,196,000)	(4,201,000)	(+814,500)	(+2,005,000)
Emergency appropriations	(297,000)	---	---	(-297,000)	---
Radiological Emergency Preparedness Program	-477	-505	-505	-28	---
United States Fire Administration	41,349	43,300	43,300	+1,951	---
Public health programs	33,885	---	---	-33,885	---
Disaster relief	1,500,000	1,700,000	1,700,000	+200,000	---
(transfer to Management and administration)	---	(-48,000)	---	---	(+48,000)
(transfer to Inspector General)	(-13,500)	---	---	(+13,500)	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	4,110,000	---	---	-4,110,000	---
Transfer to OIG (emergency)	(-4,000)	---	---	(+4,000)	---
Transfer from SBA Disaster loans program account (emergency)	(150,000)	---	---	(-150,000)	---
Subtotal, Disaster Relief	5,742,500	1,652,000	1,700,000	-4,042,500	+48,000
Disaster assistance direct loan program account:					
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
Direct loan subsidy	---	295	295	+295	---
Supplemental Appropriations - P.L. 110-28					
Sec. 4502 Loan forgiveness (emergency)	320,000	---	---	-320,000	---
Administrative expenses	569	580	580	+11	---
Flood map modernization fund	198,980	194,881	230,000	+31,020	+35,119
National flood insurance fund:					
Salaries and expenses	38,230	45,642	45,642	+7,412	---
Flood hazard mitigation	90,358	99,358	99,358	+9,000	---
Offsetting fee collections	-128,588	-145,000	-145,000	-16,412	---
Transfer to National flood mitigation fund	(-31,000)	(-34,000)	(-34,000)	(-3,000)	---
National flood mitigation fund (by transfer)	(31,000)	(34,000)	(34,000)	(+3,000)	---
National pre-disaster mitigation fund	100,000	100,053	120,000	+20,000	+19,947
Emergency food and shelter	151,470	140,000	153,000	+1,530	+13,000
Total, Federal Emergency Management Agency (including transfers)	10,820,526	5,042,204	7,132,670	-3,687,856	+2,090,466
Appropriations	(5,947,476)	(5,042,204)	(7,132,670)	(+1,185,194)	(+2,090,466)
Emergency appropriations	(4,741,000)	---	---	(-4,741,000)	---
Rescissions	(-450)	---	---	(+450)	---
by transfer	(31,000)	(82,000)	(34,000)	(+3,000)	(-48,000)
by transfer (emergency)	(150,000)	---	---	(-150,000)	---
transfer out	(-44,500)	(-82,000)	(-34,000)	(+10,500)	(+48,000)

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
transfer out (emergency)	(-4,000)	---	---	(+4,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
Rescission, Counter Terrorism Fund	-16,000	---	---	+16,000	---
Total, title III, Protection, Preparedness, Response and Recovery (including transfers)	11,869,157	6,206,704	8,285,830	-3,583,327	+2,079,126
Appropriations	(6,981,075)	(6,206,704)	(8,285,830)	(+1,304,755)	(+2,079,126)
Emergency appropriations	(4,773,000)	---	---	(-4,773,000)	---
Rescissions	(-17,418)	---	---	(+17,418)	---
By transfer	(31,000)	(82,000)	(34,000)	(+3,000)	(-48,000)
Transfer out	(-44,500)	(-82,000)	(-34,000)	(+10,500)	(+48,000)
By transfer (emergency)	(150,000)	---	---	(-150,000)	---
Transfer out emergency	(-4,000)	---	---	(+4,000)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
U.S. Citizenship and Immigration Services					
Business transformation	47,000	---	---	-47,000	---
Systematic Alien Verification for Entitlements (SAVE)	21,100	---	---	-21,100	---
Employment Eligibility Verification (EEV) program	113,890	30,000	30,000	-83,890	---
Supplemental Appopriations - P.L. 110-28					
Emergency appropriations	8,000	---	---	-8,000	---
Subtotal, Citizenship and Immigration Services	189,990	30,000	30,000	-159,990	---
Appropriations	(181,990)	(30,000)	(30,000)	(-151,990)	---
Emergency appropriations	(8,000)	---	---	(-8,000)	---
Adjudication services (fee account):					
Pay and benefits	(624,600)	(763,962)	(763,962)	(+139,362)	---
District operations	(385,400)	(551,701)	(551,701)	(+166,301)	---
Service center operations	(267,000)	(354,527)	(354,527)	(+87,527)	---
Asylum, refugee and international operations	(75,000)	(91,120)	(91,120)	(+16,120)	---
Records operations	(67,000)	(80,589)	(80,589)	(+13,589)	---
Business transformation	---	(139,000)	(139,000)	(+139,000)	---
Subtotal, Adjudication services	(1,419,000)	(1,980,899)	(1,980,899)	(+561,899)	---
Information and customer services (fee account):					
Pay and benefits	(81,000)	(93,132)	(93,132)	(+12,132)	---
Operating expenses:					
National Customer Service Center	(48,000)	(49,357)	(49,357)	(+1,357)	---
Information services	(15,000)	(19,375)	(19,375)	(+4,375)	---
Subtotal, Information and customer services	(144,000)	(161,864)	(161,864)	(+17,864)	---
Administration (fee account):					
Pay and benefits	(45,000)	(79,268)	(79,268)	(+34,268)	---
Operating expenses	(196,000)	(295,289)	(295,289)	(+99,289)	---
Subtotal, Administration	(241,000)	(374,557)	(374,557)	(+133,557)	---
Systematic Alien Verification for Entitlements (SAVE) (fee accounts)	---	(21,552)	(21,552)	(+21,552)	---
Total, U.S. Citizenship and Immigration Services	(1,993,990)	(2,568,872)	(2,568,872)	(+574,882)	---
Appropriations	(181,990)	(30,000)	(30,000)	(-151,990)	---
Emergency appropriations	(8,000)	---	---	(-8,000)	---
Total Fees	(1,804,000)	(2,538,872)	(2,538,872)	(+734,872)	---
(Immigration Examination Fee Account)	(1,760,000)	(2,494,872)	(2,494,872)	(+734,872)	---
(Fraud prevention and detection fee account)	(31,000)	(31,000)	(31,000)	---	---
(H1B Non-Immigrant Petitioner fee account)	(13,000)	(13,000)	(13,000)	---	---

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	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Law Enforcement Training Center					
Salaries and expenses:					
Law enforcement training	209,743	219,786	219,786	+10,043	---
Accreditation	1,290	---	---	-1,290	---
Supplemental Appropriations - P.L. 110-28					
Transfer from CBP (emergency)	(3,000)	---	---	(-3,000)	---
Subtotal, Salaries and expenses (incl. transfer)	214,033	219,786	219,786	+5,753	---
Appropriations	(211,033)	(219,786)	(219,786)	(+8,753)	---
By transfer (emergency)	(3,000)	---	---	(-3,000)	---
Acquisition, Construction, Improvements, and Related expenses:					
Direct appropriation	42,246	43,270	43,270	+1,024	---
Construction (emergency)	22,000	---	---	-22,000	---
Subtotal	64,246	43,270	43,270	-20,976	---
Total, Federal Law Enforcement Training Center (including transfers)	278,279	263,056	263,056	-15,223	---
Appropriations	(253,279)	(263,056)	(263,056)	(+9,777)	---
Emergency appropriations	(22,000)	---	---	(-22,000)	---
By transfer (emergency)	(3,000)	---	---	(-3,000)	---
Science and Technology					
Management and administration	134,000	142,632	130,787	-3,213	-11,845
Supplemental Appropriations - P.L. 110-28					
Rescission (sec. 6404)	-1,215	---	---	+1,215	---
Subtotal, Management and administration	132,785	142,632	130,787	-1,998	-11,845
Appropriations	(134,000)	(142,632)	(130,787)	(-3,213)	(-11,845)
Rescissions	(-1,215)	---	---	(+1,215)	---
Research, development, acquisition, and operations:					
Borders and maritime	33,436	25,936	25,936	-7,500	---
Chemical and biological	229,453	228,949	215,131	-14,322	-13,818
Command, control and interoperability	57,612	63,600	61,100	+3,488	-2,500
Explosives	105,231	63,749	63,749	-41,482	---
Human factors	6,800	12,600	12,600	+5,800	---
Infrastructure and geophysical	74,781	24,000	24,000	-50,781	---
Innovation	38,000	59,900	51,900	+13,900	-8,000
Laboratory facilities	105,649	88,814	88,814	-16,835	---
Test and evaluation/standards	25,432	25,520	28,520	+3,088	+3,000
Transition	24,040	24,700	26,000	+1,960	+1,300
University programs	48,575	38,700	48,575	---	+9,875
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	5,000	---	---	-5,000	---
Subtotal, Research, development, acquisition, and operations	754,009	656,468	646,325	-107,684	-10,143
Appropriations	(749,009)	(656,468)	(646,325)	(-102,684)	(-10,143)
Emergency appropriations	(5,000)	---	---	(-5,000)	---
(Non-defense related appropriations)	(453,009)	(481,468)	(471,325)	(+18,316)	(-10,143)
(Defense related appropriations)	(296,000)	(175,000)	(175,000)	(-121,000)	---
Rescission of unobligated balances	-125,000	---	---	+125,000	---
Total, Science and Technology	761,794	799,100	777,112	+15,318	-21,988
Appropriations	(883,009)	(799,100)	(777,112)	(-105,897)	(-21,988)
Emergency appropriations	(5,000)	---	---	(-5,000)	---
Rescissions	(-126,215)	---	---	(+126,215)	---

Homeland Security Appropriations Act - FY 2008 (H.R. 2638)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Domestic Nuclear Detection Office					
Management and administration	30,468	34,000	31,176	+708	-2,824
Research, development, and operations:					
Systems engineering and architecture	26,500	25,100	25,100	-1,400	---
Systems development	99,500	108,100	108,100	+8,600	---
Transformational research and development	72,600	100,000	100,000	+27,400	---
Assessments	25,600	32,000	32,000	+6,400	---
Operational support	35,000	37,800	34,800	-200	-3,000
National Technical Nuclear Forensics Center	13,300	16,900	16,900	+3,600	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	35,000	---	---	-35,000	---
Research, development, and operations	307,500	319,900	316,900	+9,400	-3,000
Appropriations	(272,500)	(319,900)	(316,900)	(+44,400)	(-3,000)
Emergency appropriations	(35,000)	---	---	(-35,000)	---
Systems acquisition:					
Radiation Portal Monitors/Advanced Spectroscopic Portal Program	165,500	171,500	151,500	-14,000	-20,000
Securing the Cities	---	30,000	10,000	+10,000	-20,000
Human Portal Radiation Detection System Program	12,500	6,500	6,500	-6,000	---
Supplemental Appropriations - P.L. 110-28					
Emergency appropriations	100,000	---	---	-100,000	---
Subtotal, Systems acquisition	278,000	208,000	168,000	-110,000	-40,000
Appropriations	(178,000)	(208,000)	(168,000)	(-10,000)	(-40,000)
Emergency appropriations	(100,000)	---	---	(-100,000)	---
Total, Domestic Nuclear Detection Office	615,968	561,900	516,076	-99,892	-45,824
Appropriations	(480,968)	(561,900)	(516,076)	(+35,108)	(-45,824)
Emergency appropriations	(135,000)	---	---	(-135,000)	---
Total, title IV, Research and Development, Training, and Services (including transfers)	1,846,031	1,654,056	1,586,244	-259,787	-67,812
Appropriations	(1,799,246)	(1,654,056)	(1,586,244)	(-213,002)	(-67,812)
Emergency appropriations	(170,000)	---	---	(-170,000)	---
Rescissions	(-126,215)	---	---	(+126,215)	---
By transfer emergency	(3,000)	---	---	(-3,000)	---
(Fee Accounts)	(1,804,000)	(2,538,872)	(2,538,872)	(+734,872)	---
TITLE V - GENERAL PROVISIONS					
Rescission of unobligated balances	---	---	-55,273	-55,273	-55,273
Grand total	40,307,323	35,373,333	37,438,720	-2,868,603	+2,065,387
Appropriations	(33,342,228)	(35,422,120)	(37,601,442)	(+4,259,214)	(+2,179,322)
(Discretionary)	(32,248,905)	(34,237,400)	(36,416,722)	(+4,167,817)	(+2,179,322)
(Mandatory)	(1,093,323)	(1,184,720)	(1,184,720)	(+91,397)	---
Emergency appropriations	(7,309,000)	---	---	(-7,309,000)	---
Rescissions	(-343,905)	(-48,787)	(-162,722)	(+181,183)	(-113,935)
Fee funded programs	(3,397,681)	(4,239,898)	(4,239,898)	(+842,217)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out)	(-51,800)	(-82,000)	(-34,000)	(+17,800)	(+48,000)
(Transfer out) (emergency)	(-7,000)	---	---	(+7,000)	---
(By transfer)	(51,800)	(82,000)	(34,000)	(-17,800)	(-48,000)
(By transfer) (emergency)	(277,293)	---	---	(-277,293)	---

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the Homeland Security Appropriations bill, and to congratulate Chairman PRICE on crafting an excellent bill. As the new Chairman of this subcommittee, Congressman PRICE worked hard to adequately fund programs that would enhance the security of all Americans while still maintaining a fiscally responsible budget. He has been a true champion and advocate for real and effective security for our Nation. This bill is a testament to the Chairman's leadership.

I also want to acknowledge and thank the subcommittee staff for their hard work and dedication both throughout the extended hearing process and in preparing the bill and committee report.

Chairman PRICE and our subcommittee based this bill on careful consideration of expert testimony given before our committee on the many serious security concerns facing our Nation. Over and over again we heard that another terrorist attack against our country was not a question of if, but of when.

This bill helps to address these concerns by giving long overdue and sorely needed additional financial support to agencies and programs with major responsibility to protect our country.

I would like to highlight several of these programs and their importance to our national security.

This Homeland Security bill strengthens port facilities and infrastructures that remain vulnerable to a terrorist attack by increasing badly needed funding for port security grants.

This is important, for example, because an attack on our Nation's largest container port complex at the Ports of Los Angeles and Long Beach would negatively affect our entire national economy to the tune of $1 billion a day.

Passage of this bill will also make available to our first responders increased Firefighter Assistance Grants and Safer Grants to purchase critical equipment and hire and train additional firefighters.

This will help address the outstanding issues that impair our first responders' ability to safely respond to a major disaster, as was identified by the events of September 11 and Hurricane Katrina.

The Homeland Security bill also makes border security a top priority by providing funds for 3,000 additional Border Patrol agents.

Finally, following the 9/11 Commission's recommendation to improve the explosive screening of checked baggage, this Homeland Security bill increases funding for the procurement, installation and maintenance of the latest explosive detection systems at our airports.

Experts agree that the cargo hold of the passenger airplanes is the "soft underbelly" of our aviation system.

Providing this equipment for our airports will help harden that potential target, which is critical to the safety of thousands of passengers who travel not only through the Los Angeles World Airports, but airports throughout our country.

Mr. Chairman, these are a just a few of the key improvements this legislation makes to better protect our Nation. I strongly support the bill and urge my colleagues to do the same.

Mr. PRICE of North Carolina. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 2638 AND DURING CONSIDERATION OF H.R. 2642, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent

(1) That during all proceedings today on H.R. 2642, the Military Construction bill, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII; and

(2) That during proceedings in the House today on both H.R. 2638 and H.R. 2642, the Chair be authorized to reduce to 5 minutes the minimum time for electronic voting on even the first vote in a series.

Mr. Speaker, by this order I am proposing that the first vote in any series in the Committee of the Whole will be, as usual, a 15-minute vote; that the first vote in a series back in the House after concluding business in the Committee of the Whole may be, and we expect will be, a 5-minute vote; and that subsequent votes in any series and in either setting may be 2-minute votes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS of California moves to recommit the bill, H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, to the Committee on Appropriations with instructions to report the same back promptly with an amendment to provide the funds necessary for the construction of at least 2 layers of reinforced fencing, the installation of additional physical barrier, roads, lighting, cameras, and sensors pursuant to section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1986 and make adjustments in such other accounts in the bill as may be necessary to comply with the Subcommittee's 302(b) allocation.

□ 1130

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, this motion involves bold direction to provide the funds necessary to fund all aspects of the security barrier needed to protect our borders. When I say "all aspects," I mean fencing, tactical infrastructure and technology, any and all tools needed by the Department of Homeland Security to secure our porous borders. Under this motion, the funds in the bill would have to be allocated as necessary to meet the goals of the Secure Fence Act, which was passed by this body in the last Congress by a vote of 283–138.

Before we can consider so-called immigration reform, we must get our priorities straight and secure our borders. DHS's Secure Border Initiative, or SBI, is working. In FY 2006, we ended the flawed practice of catch and release. In FY 2007, we reduced the apprehension of illegal immigrants along the border by almost 50 percent.

Let's take the next step in FY 2008 with the funding provided in this bill and ensure that border security is more than just a term politicians throw around, that it becomes a reality.

Mr. Speaker, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, this motion to recommit, to put it as bluntly as I can possibly put it, would kill this bill. It would simply kill the bill. The wording, the tell-tale wording, "to report the same back

promptly,'' those are code words for killing this bill.

Now, one has to acknowledge that there are some hot buttons that this motion to recommit touches, words like ''fencing'' and ''border protection.'' But Members should understand that if they are really interested in border protection, if they are interested in immigration enforcement, if they are interested in funding for a concerted effort, which this bill initiates, to identify and deport persons who have committed serious crimes, if they are interested in enhanced port security and transit security and support for local communities, if our Members are interested in those critical priorities, which is what this bill is focused on, then they will defeat this cleverly-worded fraud. It will kill the bill.

We should defeat the motion to recommit. That is all I believe that needs to be said. I ask for my colleagues to vote no.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, this is a 5-minute vote.

Pursuant to clause 9 of rule XX and the order of the House of today, the Chair will reduce to 2 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 200, nays 217, not voting 15, as follows:

[Roll No. 490]

YEAS—200

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—217

Abercrombie
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Ackerman
Andrews
Bonner
Brady (TX)
Davis, Jo Ann
Frank (MA)
Gutierrez
LaHood
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1138

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mrs. SCHMIDT was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE DONALD DANIEL CLANCY

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the memory of a great man, a former Member of this body who is being laid to rest as we speak.

Donald Daniel Clancy was born in Cincinnati, Ohio, on July 24, 1921. He graduated from Elder High School and then attended Xavier University. In 1948, he graduated from Cincinnati Law School and gained admission to the bar the same year. He began practicing law in Cincinnati.

Congressman Clancy began his service to the public as a member of the City Council of Cincinnati in 1952, serving on the Council until becoming Mayor from 1958 to 1960.

Donald Clancy earned the Republican nomination for the Second District in 1960, a seat which I now hold. Donald Clancy won the election and began his service in the 87th Congress. He served for 16 years.

He is being laid to rest as we speak. He is survived by his wife, his children and three wonderful grandchildren. His daughter, Patty, serves in the Ohio legislature as a Senator.

Mr. Speaker, I would like to yield to my colleague, STEVE CHABOT.

Mr. CHABOT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I want to join with my fellow Buckeye, Congresswoman SCHMIDT. I think we should take this moment to commemorate the passing of Donald Clancy.

Mr. Speaker, Donald Clancy very honorably represented what was then the Second District, which is now essentially the First District that I represent. He actually lived in JEAN SCHMIDT's district as well.

This was truly a great man. I will not repeat all the details that the gentlewoman said, but he grew up basically on the West Side of Cincinnati and went to a rival high school. He went to Elder, I went to LaSalle. We went to rival law schools, both in Cincinnati, and both served on City Council.

He was elected in 1960, but was defeated in 1976 by Tom Luken. Tom was obviously a Democrat. These were Tom's comments about Donald Clancy: ''He was a formidable opponent and well-regarded. People often asked what your relations really are with your opponents. I've never had a cross word with Don Clancy, because he was a good guy and a good friend. Clance served the district and the city very well. He was respected. I'd say he was loved by his constituents on the West side and throughout the city.''

This was truly someone I believe who will be remembered. He served both on the Ways and Means Committee and he served on the Armed Services Committee.

His wife, Betty, his daughters, Patty and Kathy, and son, Dan, and three grand children I know are going to miss him, and we should keep them in our hearts and in our prayers.

His political legacy will be carried on I believe by his daughter Patty, who is in the State senate now. I would ask our colleagues, there are still some here that served with him, if you wouldn't mind dropping a note to the family, I am sure they would greatly appreciate it.

Mr. Speaker, I thank the gentlewoman for bringing this up.

Mrs. SCHMIDT. Mr. Speaker, if we could have a moment of silence.

The SPEAKER pro tempore. The Chair would ask all Members of the House to rise for a moment of silence in memory of Congressman Clancy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 2-minute voting will resume.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 268, nays 150, not voting 14, as follows:

[Roll No. 491]

YEAS—268

Abercrombie
Aderholt
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—150

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Andrews
Bonner
Brady (TX)
Conyers
Davis, Jo Ann
Gutierrez
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

□ 1147

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I was unavoidably detained from voting this morning, Friday, June 15, 2007, as I was attending the graduation of my daughter. Had I been present I would have voted "yea" on the following rollcall votes: No. 470, No. 473, No. 483, No. 491.

Had I been present I would have voted "nay" on the following rollcall votes: No. 466, No. 467, No. 468, No. 469, No. 471, No. 472, No. 474, No. 475, No. 476, No. 477, No. 478, No. 479, No. 480, No. 481, No. 482, No. 484, No. 485, No. 486, No. 487, No. 488, No. 489, No. 490.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

Mr. PRICE of North Carolina. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2638, to include corrections of spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. EDWARDS. Mr. Speaker, earlier today I missed rollcall No. 469. Had I voted, I would have voted ''aye.''

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed forces from that State, territory, or possession who dies while serving on active duty.

H. Con. Res. 164. Concurrent Resolution authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

The message also announced That pursuant to Public Law 101–509, the Chair, on behalf of the Secretary of the Senate, announces the appointment of Cheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 2642, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that

(1) it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

Notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. HAYES regarding funding for BRAC 2005;

An amendment by Mr. BLUMENAUER or Ms. GINNY BROWN-WAITE of Florida regarding funding for BRAC 1990;

An amendment by Mr. PRICE of Georgia regarding funding for VA medical services;

An amendment by Mr. FRANKS of Arizona regarding the conduct of studies of missile defense;

An amendment by Mrs. CAPITO regarding the submission of a report on the implementation of the Office of Rural Health;

An amendment by Mr. GARRETT of New Jersey regarding funding for extended care facilities;

An amendment by Mrs. DRAKE regarding a report on pending disability benefit claims;

An amendment by Mr. BROWN of South Carolina regarding a report on ALS;

An amendment by Mr. HALL of New York regarding awards for certain VA employees;

An amendment by Mrs. MUSGRAVE or Mr. SALAZAR regarding the Pinon Canyon maneuver site;

An amendment by Ms. JACKSON-LEE of Texas regarding medical centers in underserved urban areas;

An amendment by Mrs. BLACKBURN regarding e-commerce;

An amendment by Mr. DONNELLY regarding implementation of GAO recommendations related to claims processing;

An amendment by Ms. HARMAN or Mr. UPTON regarding purchase of light bulbs;

An amendment by Mr. PEARCE regarding reimbursement of travel expenses for VA employees;

An amendment by Mr. CONAWAY or Mrs. DRAKE regarding deficit spending;

An amendment by Mrs. CAPITO regarding interoperable medical records;

An amendment by Mr. MORAN of Kansas regarding funding for VA medical services;

An amendment by Ms. CORRINE BROWN of Florida regarding funding for the Gainesville Veterans Affairs Medical Center;

An amendment by Mrs. WILSON of New Mexico regarding funding for service dogs for disabled veterans;

An amendment by Mrs. WILSON of New Mexico regarding funding to create a commission concerning women veterans;

An amendment by Mr. MORAN of Kansas regarding funding for certain VA offices;

An amendment by Mr. SMITH of Nebraska or Mr. SALAZAR regarding funding for the VA Office of Rural Health; and

An amendment or amendments by Mr. EDWARDS regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and the ranking minority member of the Committee on Appropriations and the Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

When the Committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

During consideration in the House of H.R. 2642 pursuant to this order, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker; and

(2) House Resolution 480 is laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

Mr. DREIER. Mr. Speaker, reserving the right to object, I rise to congratulate my very good friend from Vermont for moving through this so expeditiously. I want to say we are very supportive of moving ahead with this very, very important piece of legislation which is designed to focus on our Nation's veterans. We look forward to moving as expeditiously as possible to completion of this.

Mr. Speaker, with that, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

GENERAL LEAVE

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2462, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2642.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. LYNCH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered read the first time.

The gentleman from Texas (Mr. EDWARDS) and the gentleman from Mississippi (Mr. WICKER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we now have before us the fiscal year 2008 Military Construction and Veterans Affairs Appropriations bill which will ensure the largest increase in VA health care spending in the 77-year history of the Veterans Affairs. There is $6 billion over the 2007 level of funding, and $3.8 billion over the President's request for 2008.

Mr. Chairman, this bill sends a clear message to America's servicemen and -women, their families and our veterans that a grateful Nation deeply respects their service and sacrifice.

The national commander of the Disabled American Veterans, Bradley Barton, went to the heart of what this bill is all about when he described it as ''keeping faith with America's veterans.''

The bill means our servicemen and -women will have more effective training facilities which will save lives and help them carry out their military missions. It means our military families, who sacrifice so much for our Nation, will have better housing, health care and day-care facilities.

This bill means we will honor our veterans in a meaningful way by providing them the health care and benefits we promised them when they put on our Nation's uniform.

It means we will have more qualified doctors and nurses to improve medical services to our veterans and to reduce waiting times for doctors' appointments. For veterans with traumatic brain injury, PTSD, mental health care issues and lost limbs, it means renewed hope to rebuild their lives.

For homeless veterans, it means the dignity of not having to live on the streets, and it means hope for the future. For veterans in rural areas and those who serve in the Guard and Reserves, this bill means needed care will be closer to home. For the 400,000 veterans, including combat wounded vets, who are having to wait far too long to have their benefits cases reviewed, it means over 11,000 new VA case workers to reduce the unacceptable delays in receiving earned benefits.

Mr. Chairman, before I mention some of the details of this bill, I want to express some much-deserved thanks. I want to begin with Chairman DAVE OBEY, the gentleman from Wisconsin, for his unwavering commitment and strong leadership in seeing that America's veterans will receive a much-deserved historic increase in VA health care funding.

□ 1200

Our subcommittee's work simply would not have been possible had it not been for Chairman OBEY's personal and strong leadership.

Second, Speaker PELOSI made it clear from day one this year that keeping our promises to veterans would be the highest of priorities in this Congress. By working with Chairman OBEY, along with Budget Committee chairman JOHN SPRATT and VA chairman, Mr. FILNER, the Speaker made good on her word and millions of veterans will be the beneficiaries.

I want to extend a very personal, special salute and expression of thanks and gratitude to our subcommittee's ranking member, Mr. WICKER of Mississippi. He, a veteran, has had valuable input into this bill and has been a vital part of making this historic day for our veterans a reality. His leadership has been instrumental in crafting this legislation.

His ideas and strong support for our veterans our troops and their families have made this a much better bill, and at every step he and I have worked hard to continue a long, bipartisan tradition of working in behalf of our troops and our veterans, a tradition for which we have great respect.

Last, but certainly not least, is the professional, dedicated staff I want to thank, a staff that has worked together on a bipartisan basis to do what is right for our veterans and troops. I believe they deserve our thanks by name: Carol Murphy, Tim Peterson, Walter Hearne, Donna Shabaz, Mary Arnold, Liz Dawson, Dena Baron, Jamie Swafford, as well as John Conger from my staff and Susan Sweat from Mr. WICKER's office. They're a first-class team, and it's a privilege to work with them.

Let me mention a few specifics about the bill. Overall, the bill totals $64.7 billion in discretionary spending. As I said, but it bears reemphasizing, it provides the largest increase in VA health care funding in the 77-year history of the Veterans Administration, $6 billion more than fiscal year 2007.

For the first time in the 21-year history of the veterans independent budget, which is developed by AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America and the Veterans of Foreign Wars, and supported by 52 other veterans and military organizations, this bill meets and actually even exceeds that independent budget request.

The Veterans Health Administration, which includes medical services, medical administration, medical facilities and medical research is funded at $37.1 billion, $2.5 billion more than the President's request and $294 million above the veterans independent budget.

Compared to the administration's request, this bill provides a number of increases: $604 million more for new initiatives in the area of mental health, including PTSD and for traumatic brain injury; $71 million more for veterans substance abuse programs; $23 million more to provide shelter for an additional 2,300 homeless veterans; $12.5 million more to expand outpatient rehabilitation services for the blind; $508 million more for medical facilities maintenance. That might not sound important to some. Its goal is to see that we never have a Walter Reed Annex 18 tragedy, like occurred in the Department of Defense health care system, happen in the VA health care system.

We also provide a minimum of $15 million for joint programs with DOD to improve access to care, to ensure a more seamless transition for veterans going from the Department of Defense into the Veterans Administration system.

Mr. Chairman, the subcommittee heard from many sources about the need for more VA medical research, particularly in the areas of greatest impact for our Afghan and Iraq War veterans, research such as traumatic brain injury and mental health. That is why we significantly increased the VA research budget for the first time in the last 10 years.

The subcommittee also heard from many who talked about the need to increase funding for extended care facilities for elderly and severely disabled veterans. So we took action on a bipartisan basis, more than doubled the programs to allow four new facilities to be built, as well as to address all currently identified life/safety needs at those facilities.

Let me be clear, Mr. Chairman, along with this historic level of increased funding, we intend to increase the subcommittee's bipartisan oversight of these taxpayer funded programs. Oversight is absolutely essential to ensure that the VA spends the money wisely and for the highest priority needs of our vets.

That's why this bill includes funding for the Office of Inspector General to hire 50 additional people. And it includes $5 million to establish a toll-free telephone number and Web-page-based link that makes it easier for veterans to provide feedback on the quality of their health care. We want veterans receiving health care to be part of the system of checks and balances to improve the already first-class medical care veterans across America are receiving.

On the military construction side of this bill, the bill also strongly supports our active duty, Guard and Reserve servicemen and women and their families. The bill provides $21.4 billion in military construction, family housing, and the Base Realignment and Closing program funding. This is $207 million above the President's request and $5.1 billion above fiscal year 2007.

This total funding level is unprecedented, largely due to three factors: BRAC, the proposal to increase the size of the Army and the Marine Corps, and the rebasing of troops from Germany and South Korea back to the United States.

We fully fund the President's request for BRAC at $8.2 billion. We've also increased the subcommittee's oversight of the MILCON funding with new reprogramming and notification requirements, especially in the area of BRAC funding. We want to work together on a bipartisan basis to see that our military construction dollars go to the highest priority needs.

The bottom line in this bill is it honors the promises made to our troops, our veterans and their families with the health care and benefits they earned when they put on our Nation's uniform.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 2642)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army	2,017,321	4,039,197	4,070,959	+2,053,638	+31,762
Rescissions	-43,348	---	---	+43,348	---
Emergency appropriations (P.L. 110-28)	1,255,890	---	---	-1,255,890	---
Emergency appropriations (P.L. 110-28), (By (transfer, Army Sec. 3309)	(6,250)	---	---	(-6,250)	---
Total	3,229,863	4,039,197	4,070,959	+841,096	+31,762
Military construction, Navy and Marine Corps	1,130,821	2,104,276	2,125,138	+994,317	+20,862
Rescissions	-27,500	---	-5,862	+21,638	-5,862
Emergency appropriations (P.L. 110-28)	370,990	---	---	-370,990	---
Total	1,474,311	2,104,276	2,119,276	+644,965	+15,000
Military construction, Air Force	1,083,000	912,109	927,428	-155,572	+15,319
Rescissions	-2,694	---	-5,319	-2,625	-5,319
Emergency appropriations (P.L. 110-28)	43,300	---	---	-43,300	---
Total	1,123,606	912,109	922,109	-201,497	+10,000
Military construction, Defense-Wide	1,127,000	1,799,336	1,806,928	+679,928	+7,592
Rescissions	-110,229	---	-7,592	+102,637	-7,592
Total	1,016,771	1,799,336	1,799,336	+782,565	---
Total, Active components	6,844,551	8,854,918	8,911,680	+2,067,129	+56,762
Military construction, Army National Guard	473,000	404,291	439,291	-33,709	+35,000
Rescissions	-2,129	---	---	+2,129	---
Total	470,871	404,291	439,291	-31,580	+35,000
Military construction, Air National Guard	126,000	85,517	95,517	-30,483	+10,000
Military construction, Army Reserve	166,000	119,684	154,684	-11,316	+35,000
Military construction, Navy Reserve	43,000	59,150	69,150	+26,150	+10,000
Military construction, Air Force Reserve	45,000	26,559	39,628	-5,372	+13,069
Rescissions	---	---	-3,069	-3,069	-3,069
Total	45,000	26,559	36,559	-8,441	+10,000
Total, Reserve components	850,871	695,201	795,201	-55,670	+100,000
Total, Military construction	7,695,422	9,550,119	9,706,881	+2,011,459	+156,762
Appropriations	(6,211,142)	(9,550,119)	(9,728,723)	(+3,517,581)	(+178,604)
Rescissions	(-185,900)	---	(-21,842)	(+164,058)	(-21,842)
Emergency appropriations	(1,670,180)	---	---	(-1,670,180)	---
North Atlantic Treaty Organization Security Investment Program	204,789	201,400	201,400	-3,389	---
Family housing construction, Army	579,000	419,400	419,400	-159,600	---
Family housing operation and maintenance, Army	671,311	742,920	742,920	+71,609	---
Family housing construction, Navy and Marine Corps	305,000	298,329	298,329	-6,671	---
Family housing operation and maintenance, Navy and Marine Corps	505,472	371,404	371,404	-134,068	---
Family housing construction, Air Force	1,168,000	362,747	362,747	-805,253	---
Rescissions	-18,000	---	---	+18,000	---
Total	1,150,000	362,747	362,747	-787,253	---
Family housing operation and maintenance, Air Force	750,000	688,335	688,335	-61,665	---
Family housing construction, Defense-Wide	9,000	---	---	-9,000	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 2642)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing operation and maintenance, Defense-Wide	49,000	48,848	48,848	-152	---
Department of Defense Family Housing Improvement Fund	2,475	500	500	-1,975	---
Total, Family housing	4,021,258	2,932,483	2,932,483	-1,088,775	---
Appropriations	(4,039,258)	(2,932,483)	(2,932,483)	(-1,106,775)	---
Rescissions	(-18,000)	---	---	(+18,000)	---
Chemical demilitarization construction, Defense-Wide	131,000	86,176	86,176	-44,824	---
Base realignment and closure:					
Base realignment and closure account, 1990	252,279	220,689	270,689	+18,410	+50,000
Base realignment and closure account, 2005	2,489,421	8,174,315	8,174,315	+5,684,894	---
Emergency appropriations (P.L. 110-28)	3,136,802	---	---	-3,136,802	---
Total, Base realignment and closure	5,878,502	8,395,004	8,445,004	+2,566,502	+50,000
Appropriations	(2,741,700)	(8,395,004)	(8,445,004)	(+5,703,304)	(+50,000)
Emergency appropriations	(3,136,802)	---	---	(-3,136,802)	---
Total, title I	17,930,971	21,165,182	21,371,944	+3,440,973	+206,762
Appropriations	(13,327,889)	(21,165,182)	(21,393,786)	(+8,065,897)	(+228,604)
Rescissions	(-203,900)	---	(-21,842)	(+182,058)	(-21,842)
Emergency appropriations	(4,806,982)	---	---	(-4,806,982)	---
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	38,007,095	41,236,322	41,236,322	+3,229,227	---
Readjustment benefits	3,262,006	3,300,289	3,300,289	+38,283	---
Veterans insurance and indemnities	49,850	41,250	41,250	-8,600	---
Veterans housing benefit program fund program account (indefinite)	66,234	17,389	17,389	-48,845	---
(Limitation on direct loans)	(500)	(500)	(500)	---	---
Credit subsidy	-100,000	-108,000	-108,000	-8,000	---
Administrative expenses	154,284	154,562	154,562	+278	---
Vocational rehabilitation loans program account	53	71	71	+18	---
(Limitation on direct loans)	(4,242)	(3,287)	(3,287)	(-955)	---
Administrative expenses	305	311	311	+6	---
Native American veteran housing loan program account	584	628	628	+44	---
(Limitation on direct loans)	(30,000)	---	---	(-30,000)	---
Total, Veterans Benefits Administration	41,440,411	44,642,822	44,642,822	+3,202,411	---
Veterans Health Administration					
Medical services	25,518,254	27,167,671	28,906,400	+3,388,146	+1,738,729
Emergency appropriations (P.L. 110-28)	466,778	---	---	-466,778	---
Medical administration	3,177,968	3,442,000	3,635,600	+457,632	+193,600
Emergency appropriations (P.L. 110-28)	250,000	---	---	-250,000	---
Medical facilities	3,569,533	3,592,000	4,100,000	+530,467	+508,000
Emergency appropriations (P.L. 110-28)	595,000	---	---	-595,000	---
Medical and prosthetic research	413,980	411,000	480,000	+66,020	+69,000
Emergency appropriations (P.L. 110-28)	32,500	---	---	-32,500	---
Medical care cost recovery collections:					
Offsetting collections	-2,329,000	-2,414,000	-2,414,000	-85,000	---
Appropriations (indefinite)	2,329,000	2,414,000	2,414,000	+85,000	---
Total, Veterans Health Administration	34,024,013	34,612,671	37,122,000	+3,097,987	+2,509,329
Appropriations	(32,679,735)	(34,612,671)	(37,122,000)	(+4,442,265)	(+2,509,329)
Emergency appropriations	(1,344,278)	---	---	(-1,344,278)	---
Departmental Administration					
General operating expenses	1,481,473	1,471,837	1,598,500	+117,027	+126,663
Emergency appropriations (P.L. 110-28)	83,200	---	---	-83,200	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 2642)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Information technology systems	1,214,000	1,859,217	1,859,217	+645,217	---
Emergency appropriations (P.L. 110-28)	35,100	---	---	-35,100	---
National Cemetery Administration	160,747	166,809	170,000	+9,253	+3,191
Office of Inspector General	70,641	72,599	76,500	+5,859	+3,901
Construction, major projects	399,000	727,400	1,410,800	+1,011,800	+683,400
Construction, minor projects	198,937	233,396	615,000	+416,063	+381,604
Emergency appropriations (P.L. 110-28)	340,485	---	---	-340,485	---
Emergency appropriations (P.L. 110-28) (Rescission)	-14,485	---	---	+14,485	---
Grants for construction of State extended care facilities	85,000	85,000	165,000	+80,000	+80,000
Grants for the construction of State veterans cemeteries	32,000	32,000	37,000	+5,000	+5,000
Total, Departmental Administration	4,086,098	4,648,258	5,932,017	+1,845,919	+1,283,759
Appropriations	(3,641,798)	(4,648,258)	(5,932,017)	(+2,290,219)	(+1,283,759)
Emergency appropriations	(458,785)	---	---	(-458,785)	---
Rescissions (emergency appropriations)	(-14,485)	---	---	(+14,485)	---
Total, title II	79,550,522	83,903,751	87,696,839	+8,146,317	+3,793,088
Appropriations	(77,761,944)	(83,903,751)	(87,696,839)	(+9,934,895)	(+3,793,088)
Emergency appropriations	(1,803,063)	---	---	(-1,803,063)	---
Rescissions (emergency appropriations)	(-14,485)	---	---	(+14,485)	---
(Limitation on direct loans)	(34,742)	(3,787)	(3,787)	(-30,955)	---
Discretionary	38,265,337	39,416,501	43,209,589	+4,944,252	+3,793,088
Mandatory	41,285,185	44,487,250	44,487,250	+3,202,065	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	37,000	42,100	43,470	+6,470	+1,370
Foreign currency fluctuations account	5,000	11,000	11,000	+6,000	---
Total, American Battle Monuments Commission	42,000	53,100	54,470	+12,470	+1,370
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	20,189	21,217	21,397	+1,208	+180
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	30,000	26,892	30,592	+592	+3,700
Armed Forces Retirement Home					
Operation and maintenance	55,991	55,724	55,724	-267	---
Capital program	1,236	---	---	-1,236	---
General fund appropriation	---	5,900	800	+800	-5,100
Total, Armed Forces Retirement Home	57,227	61,624	56,524	-703	-5,100
Total, title III	149,416	162,833	162,983	+13,567	+150
Appropriations	(149,416)	(162,833)	(162,983)	(+13,567)	(+150)
Grand total	97,630,909	105,231,766	109,231,766	+11,600,857	+4,000,000
Appropriations	(91,239,249)	(105,231,766)	(109,253,608)	(+18,014,359)	(+4,021,842)
Rescissions	(-203,900)	---	(-21,842)	(+182,058)	(-21,842)
Emergency appropriations	(6,610,045)	---	---	(-6,610,045)	---
Rescissions (emergency appropriations)	(-14,485)	---	---	(+14,485)	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 2642)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Emergency appropriations defense	-4,806,982	---	---	+4,806,982	---
Emergency appropriations non-defense	-1,788,578	---	---	+1,788,578	---
ATB pay raise (Sec. 111 of P.L. 110-5) adjustment	-925	---	---	+925	---
Total, adjustments	-6,596,485	---	---	+6,596,485	---
Total (including adjustments)	91,034,424	105,231,766	109,231,766	+18,197,342	+4,000,000
Scorekeeping adjustments	(-6,596,485)	---	---	(+6,596,485)	---
Prior year outlays	---	---	---	---	---
Total mandatory and discretionary	91,034,424	105,231,766	109,231,766	+18,197,342	+4,000,000
Mandatory	(41,285,185)	(44,487,250)	(44,487,250)	(+3,202,065)	---
Mandatory (prior year)	---	---	---	---	---
Mandatory (total)	(41,285,185)	(44,487,250)	(44,487,250)	(+3,202,065)	---
Discretionary	(49,749,239)	(60,744,516)	(64,744,516)	(+14,995,277)	(+4,000,000)
Discretionary (prior year)	---	---	---	---	---
Discretionary (total)	(49,749,239)	(60,744,516)	(64,744,516)	(+14,995,277)	(+4,000,000)

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 2642)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAP BY FUNCTION					
Mandatory	41,285,185	44,487,250	44,487,250	+3,202,065	---
Prior year outlays	---	---	---	---	---
Total, Mandatory	41,285,185	44,487,250	44,487,250	+3,202,065	---
General purpose discretionary:					
Defense	13,123,989	21,165,182	21,371,944	+8,247,955	+206,762
Prior year outlays	---	---	---	---	---
Total, Defense	13,123,989	21,165,182	21,371,944	+8,247,955	+206,762
Nondefense	36,625,250	39,579,334	43,372,572	+6,747,322	+3,793,238
Prior year outlays	---	---	---	---	---
Total, Nondefense	36,625,250	39,579,334	43,372,572	+6,747,322	+3,793,238
Subtotal, General purpose discretionary	49,749,239	60,744,516	64,744,516	+14,995,277	+4,000,000
Prior year outlays	---	---	---	---	---
Total General purpose discretionary	49,749,239	60,744,516	64,744,516	+14,995,277	+4,000,000
Grand total, Mandatory and Discretionary	91,034,424	105,231,766	109,231,766	+18,197,342	+4,000,000
DISCRETIONARY 302B ALLOCATION					
GENERAL PURPOSE	49,749,239	60,744,516	64,744,516	+14,995,277	+4,000,000
302B ALLOCATION	---	---	---	---	---
OVER/UNDER	49,749,239	60,744,516	64,744,516	+14,995,277	+4,000,000

Mr. Chairman, I reserve the balance of my time.

Mr. WICKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin the debate by thanking Chairman EDWARDS for all the hard work he's put into preparing this legislation. I congratulate him on his first bill as chairman of Military Construction-VA, and I appreciate his kind words made just a few moments ago. Mr. EDWARDS has continued the excellent bipartisan relationship that this subcommittee has enjoyed for years. The chairman held many, many hearings this spring, perhaps more hearings on the VA accounts than any previous subcommittee with jurisdiction over this issue.

Mr. EDWARDS has previously thanked our staff for their diligent work to prepare this bill and has mentioned them by name. I will thank them once again by name. They include Liz Dawson, Dena Baron, Jamie Swafford and Susan Sweat on the minority staff, and Carol Murphy, Walter Hearne, Tim Peterson, Donna Shabaz, Mary Arnold and John Conger on the majority staff. They have worked very hard on this measure, but their work is just beginning.

As most of us know by now, there's much left to do in conference on this bill. For the first time in the history of the subcommittee, for the first time since 1958, the military construction portion contains no specific recommendation for projects. While I remain disappointed that no projects were included in this appropriation, I am pleased that last night we reached an agreement that will restore the transparency and openness begun by the Republican majority in the last Congress with regard to earmarks in the remaining appropriations bills.

I want to make sure my colleagues understand that there is very little to the military construction portion of this bill. Unlike some appropriations bills, such as the Homeland bill we passed earlier today which include funding for specific agencies, offices and programs in addition to projects, the MILCON appropriation consists almost entirely of projects.

Pursuant to yesterday's agreement, specific detailed funding amounts for the following programs will have to wait until conference: Base Realignment and Closure needs; initiatives to restation 70,000 troops and their families from Europe and Korea to the United States; projects necessary for increasing the active duty Army by 65,000 and the Marine Corps by 27,000; relocating Marines from Okinawa to Japan; consolidating U.S. forces south of Seoul, South Korea; establishing enduring bases in Afghanistan and Djibouti; new runways, control towers, National Guard readiness centers, and projects in the Middle East or Afghanistan where we have soldiers in harm's way. All of these specific details will have to wait until conference, Mr. Chairman.

In addition, we know that quality-of-life issues are a priority for our military; yet, no specific initiatives such as modernization of unaccompanied housing, construction of new medical facilities or much-needed child development centers, which we continuously heard in our hearings was the primary quality-of-life issue for our soldiers and their families, none of these are included in this bill.

Specific projects and earmarks will no doubt be included in the Senate version of this bill, and I hope Chairman EDWARDS and Chairman OBEY will work with Mr. LEWIS and me to make sure that House Members' initiatives will receive equal consideration at the conference level and are not disadvantaged by our airdropping of these projects into the conference. I would point out that the bill is different from other appropriations bills in that military construction projects have an added layer of examination, having already undergone scrutiny by the Department of Defense.

It is my hope that our colleagues will not offer amendments today that may decrease the military construction accounts. Though this bill today does not detail how these accounts will be used, the accounts will provide for many important military projects that our troops need.

Now, with regard to the VA portions of the bill, the VA is receiving the largest increase in the Department's history, an increase of $6.7 billion over the last fiscal year level. All of us in this body are deeply grateful for the sacrifices and service our veterans have provided this Nation, and this generous increase is appreciated by Members on both sides of the aisle. We do have concerns about the VA's ability to absorb so large a funding increase in one fiscal year. We are determined to work with VA officials in this effort as part of our oversight responsibilities.

The bulk of the increase is going to boost medical services, medical facilities and construction for the VA. The bill increases the VA's discretionary funding by more than 18 percent over the fiscal year 2007 level. It is important to remember that the increase in this bill is in addition to the $1.8 billion this Congress just provided to the VA in the supplemental. When considered together, the supplemental funding and the funding in this bill amount to a 23 percent increase for the Department of Veterans Affairs' discretionary accounts.

Chairman EDWARDS has indicated that we will be conducting oversight hearings later in the year, and I'm glad to know that. Hearings will be needed to ensure that the funding we have provided actually gets to the veterans and does not languish in an administrative account. Mr. Chairman, we all want to make sure our veterans receive the care they deserve, but we will have to be diligent in our oversight in order to get this funding where it is intended, to our veterans.

The President has indicated he will sign this bill even though it exceeds his budget request by some $4 billion. However, he has stated that offsets for these increases should be found in other appropriations bills. I agree with him, and I call upon my colleagues across the aisle to work with us and find these savings elsewhere.

I think it is important to point out that, though we have some concerns on our side of the aisle about the feasibility for this large 1-year increase, it has been in large part Republicans that have a track record of meeting veterans' needs. During the period of Republican majority from 1995 to 2007, VA funding increased by 96 percent from $38.2 billion to $74.5 billion. I would point out that in the final decade of the last Democratic majority, veterans funding increased by less than half as much, about 42 percent, Mr. Chairman.

Similarly, Republicans led the way to increase spending per veteran by over $1,800 when we held the majority, while the Democrats managed to increase per-veteran spending by $411 during a similar period of their majority. It was also a Republican Congress that passed the Veterans Health Care Eligibility Reform Act of 1996, which expanded eligibility for millions more veterans to access VA health care.

I point out these things to make sure my colleagues understand the historical record on veterans' issues. And in truth, Mr. Chairman, funding for our veterans has always been a bipartisan issue.

I support the bill on the floor today. It continues in the bipartisan tradition. It's not a perfect bill in my opinion, but our subcommittee has a good work product, and I'm proud of the combined efforts of Republicans and Democrats to continue the longstanding tradition of support and commitment for the men and women who have served our great country.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee, absolutely the vital leader to see that we have this historic increase for veterans health care in this budget today.

□ 1215

Mr. OBEY. I thank the gentleman.

Mr. Chairman, as we all know, we have been mired in a god-awful war in Iraq for almost 5 years. What bothers me most about it, except for the deaths that occur on a daily basis, what bothers me most about it is that there is virtually no sense of shared sacrifice in this country in dealing with that war.

The only people who are being asked to sacrifice are military families, and they are being asked to sacrifice again and again and again. They are being sent back to Iraq and to Afghanistan again, again, and again. Not much sacrifice is being asked of anybody else.

We hear politicians prattle about the need to stand behind the troops. You betcha, we certainly should.

But we need to stand behind the troops not just when the bands are playing. We need to stand by those troops when they come home, and they are injured, and they are sick, or they may have lost their job, or they may have lost their spouse; and that's what this bill tries to do.

I think we need to put in context how we got here. It has been a struggle to see to it that we have adequate funding in veterans medical care programs.

Two years ago, on this side of the aisle, we were given information from people within the Veterans Administration that their veterans health care budget was going to fall $2 billion short. We tried to put that money in the budget. We were then in the minority. We were blocked by the majority then, except for one fellow. The Republican chairman of the Veterans' Committee sided with us, he agreed with us that we needed that $2 billion in additional money.

What happened to him? Not only did the then-majority party leadership fire him as chairman, they took him completely off the committee because he told the truth. We finally got that money, but we had to get a double hernia to finally pry that money out of the administration.

Then we had, as you know, the budget process collapse last year, and no domestic appropriation bills were passed by the then-majority party. In fact, this very bill, the Military Construction bill, was held up in the Senate by two Members of the Republican Party who put a hold on it because they didn't like certain earmarks that were on the bill.

So the bill never passed. When we took the majority, the very first thing we did was to make veterans health care a number one priority, and we added over $4 billion to that account, made it the number one priority. Then we added additional funding of over $3 billion in the Iraqi supplemental, and now we have added this money today to make this the largest increase for veterans health care in the history of the country.

When we did that, the White House announced it was going to veto the bill. Now, finally, they have had a St. Paul conversion on the road to Damascus. I welcome the White House on board the bandwagon.

But as Golda Meir said to Anwar Sadat when he finally came to Jerusalem a long time ago: ''What took you so long?'' I am glad the President has finally changed his view.

But the President continues to say, ''Well, now, I may not veto the bill, but you have got to have offsets. You have to find compensating savings.''

Why do we single veterans out for that requirement? There were no offsets that the President required when he decided that this year we were going to spend $57 billion to provide tax cuts to people who make over $1 million a year and pay for it all with borrowed money. No offsets around then. Do you see them? I don't see any offsets in sight for that.

So what do we get? Finally, we get grudging acceptance from the White House that after they stuck us in this miserable war, and after they sit there with no clue about how to get out, at least they are now grudgingly going to recognize that we need the funds in this bill to deal with veterans medical care.

This bill ought to pass unanimously. It is far past the time that we put our votes where our mouths are in terms of long-term funding for veterans health care. I am proud of the fact that I provided the allocation to the subcommittee so that they could do that.

We are taking funding from $49.7 billion last year to $64 billion this year. Now, green eyeshade people may say, ''Oh, that's too much.'' You know what? In my view, nothing is too much for people who have risked everything on behalf of this country. Finally, over the last 2 years, we have been able to get funding up to begin to meet our obligations in this area.

I want to congratulate the gentleman from Texas for helping to lead the way, and I want to express my appreciation to people on both sides of the aisle who stood up for veterans when it was tough, including Mr. SMITH of New Jersey, the former Republican chairman of the Veterans' Affairs Committee, who paid a high price for his dedication to the needs of veterans, who paid a high price for putting truth ahead of the partisan wishes of the Bush administration.

Mr. WICKER. Mr. Chairman, I yield to my friend from Indiana, the former chairman of the Veterans' Affairs Committee, Mr. BUYER, for as much time as he may consume.

Mr. BUYER. Mr. Chairman, I was sitting here, and I enjoyed the comments of the Chair of the subcommittee, Mr. EDWARDS, and the comments of Mr. WICKER, and then I was disturbed by the comments of Mr. OBEY.

Mr. Chairman, what I would say is he didn't go back far enough. I came here in 1992, and I heard the horror stories of what was occurring in the Appropriations Committee of how individuals would cut veterans programs to fund WIC and other programs. I was deeply disturbed by that.

Then I would watch as the Clinton years would flatten VA spending. I guess the gentleman forgot about that too.

I want to associate myself with Mr. EDWARDS' comments and Mr. WICKER's comments because this is a bipartisan issue, and I am deeply disturbed about Mr. OBEY's comments to try to rewrite history here. Some of the language, inflammatory language, that he used is deeply disturbing to me.

Now, if the gentleman wants to talk about his issues and how he feels about the war, that's one thing; but don't allow those emotions to bleed into how we care for America's veterans. That bothers me.

We talk about how we got here. I recall the movie ''Born on the 4th of July.'' What did they depict in the movie ''Born on the 4th of July''? They depicted a VA system which bothered many people here in Congress. It was then Ken Keyser who worked for the Clinton administration who then thought that the best way we could improve our VA system is to move more people into the system. They set forth the priorities, but then they opened the system to the nondisabled systems.

When we opened that, we didn't really prepare the system for the number of veterans that came into the system. When I looked back here over the last 6 years, my gosh, we have almost doubled the veterans budget.

We also, as we are coping with dealing with the influx of veterans based on eligibility reform, I almost feel like, on the Veterans' Affairs Committee on a bipartisan basis, we are mechanics looking at different subsets of systems within the VA that need a tremendous amount of work.

It's easy for us to always talk about the health side, but there is such a strong disability backlog too. If it were just money, if we could just throw money on it, and that's what would solve it, Mr. EDWARDS, if that's what you could put in the budget, it would be solved. The reality is that's not what's going to solve it. What's going to solve it will be management practices and accountability. If we don't have that, it's not going to be solved.

The chairman of the committee is now on the floor. When he held a roundtable discussion, he learned that they were giving exams to those who are the case workers out there. When you get only 23 and 27 percent pass rate by the individuals who are actually working on these disability claims, I would say we've got a problem and we have to work cooperatively on those problems.

I want to thank the new majority. I want thank the new majority because you are different from the old majority.

The old majority, when I came here a freshman, and I was in the minority, because that old majority did things a little differently, and those weren't good budgets on behalf of veterans. But when you came now in the new majority, Mr. EDWARDS, I congratulate you,

because you have done what you said you were going to do. I want to personally thank you for that.

But I just want you to know this, Mr. EDWARDS, there is much work for all of us, because it's not going to be just money alone.

When Mr. OBEY brought up the issue about the funding shortfall, what I did is I went in and I began to examine the finance modeling and found the errors in the inputs in the stale data in the model, and that's how we made the corrections. So even though we put in the $1.5 billion, we only spent a third of that, and the other went for carryover.

So there's going to be a lot of management issues, and there's going to be a lot of oversight that we going to have to continue to do. But as a baseline, let me congratulate you, Mr. EDWARDS and Mr. WICKER, on a very good bill.

Mr. EDWARDS. Mr. Chairman, I yield myself 1½ minutes.

Let me just take 30 seconds of that and say I thank Mr. BUYER, former chairman of the VA Committee, for emphasizing our work for veterans isn't done when this bill passes. There is a lot of oversight that needs to be done, and we will be working on that on a bipartisan basis.

But let me say I am proud of the new congressional leadership in providing $6 billion increase over 2007 for VA health care, because you can't repair VA hospitals without funding. You can't hire 1,100 new case workers to reduce the intolerable delay of combat-wounded veterans to get their benefits without money.

Money is a necessary, perhaps not sufficient, solution but absolutely necessary to provide the veterans health care and benefits that they have earned by sacrificing for our country.

Mr. Chairman, I yield the balance of my time to Mr. OBEY.

Mr. OBEY. Mr. Chairman, the gentleman who just spoke has expressed a certain degree of unhappiness with the remarks that I made previously on the floor. I treasure his unhappiness.

The fact is that when Harry Truman was President, he was out giving a speech one day, and someone in the crowd hollered, ''Give 'em hell, Harry!'' And Truman responded, ''I don't give them hell. I just tell the truth and they think it's hell.''

The fact is, I am very comfortable with the fact that the previous speaker did not like my comments, because I think maybe that means they hit home. The fact is the previous speaker was the person who was selected by the then Republican Party leadership to replace Mr. Smith after Mr. Smith was, in essence, fired from his job by the majority because he told the truth about the VA health care needs.

So I will be happy to endure the unhappiness of the gentleman with my comments anytime if we can use that unhappiness to get more money for people who sacrificed everything for this country.

Mr. WICKER. Mr. Chairman, I yield 3 minutes to my friend from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me, and I want to say that I am very, very proud to be working with Chairman EDWARDS and Ranking Member WICKER as a member of this very important subcommittee.

The Department of Veterans Affairs is going to have much more responsibility as the months go by, probably more than they realize. One of the reasons is that military medicine has gotten so much better. Medicines are better, medical techniques are better, the ability to evacuate a wounded soldier from the battlefield is much better, and we have intensive care units on our aircraft today so better medical care can be provided to the wounded soldier, marine, and the wounded heroes.

□ 1230

Because of that many of our heroes are living today who would have died in previous wars and previous battles. But also because of that some of them are hurt worse than normal, and the Veterans' Administration is going to eventually have the responsibility once these heroes leave their military medical facilities at Walter Reed or at Bethesda or some of the other military hospitals.

One of the things that this bill does, and it does a lot of good stuff, and I'm strongly in support of this bill, it increases funding for the Inspector General for the Department of Veterans Affairs. And I know that oftentimes we think that the Inspector General just looks at dollars and figures and decides if the money is being spent or accounted for.

The Inspector General from the Department of Veterans Affairs does a really great job, not only in doing that, checking the dollars, but also in checking for fraud. And it is amazing how much fraud the IG has uncovered in the last couple of years, costing upwards of hundred of millions of dollars to the taxpayer, and taking it away from the veteran who needs it and the hospitals and the medical professionals who need this money to care for the veterans.

But also, another part of their responsibility is the care that the veteran receives in the VA hospitals. They look at this very closely, and if and when the medical care in the hospital is not appropriate and not proper, they report this to the proper authorities.

The investment that Chairman EDWARDS has made in the Inspector General's Office in this bill will pay us back many, many times over in what they recover than we have invested. So this is a good bill.

If you wanted me to pick out something that I didn't like about it, I'm sure that I could. But the part that relates to the Department of Veterans Affairs, this is a good bill, and it deserves our support.

Mr. EDWARDS. Mr. Chairman, let me just first say that there's no Member of Congress who's spent more time visiting our wounded troops in the hospitals or at our veterans hospitals than Mr. YOUNG and his wife, Beverly; and he and his wife are an inspiration to all Members of Congress as we try to work together in support of our troops and our veterans. And I thank you, sir, for your heartfelt and deep commitment to our troops and our veterans and their health.

Mr. Chairman, I'd like to yield 3 minutes to the gentleman from California (Mr. FILNER). Mr. FILNER is not only the Chairman of the Veterans' Affairs Committee in the House, he has been a tremendous champion this year in fighting to see that we received $11.9 billion increase in funding for veterans since January.

Mr. FILNER. Mr. Chairman, I thank the committee for doing so much for veterans in this bill. And I want to add my thanks to Congressman YOUNG from Florida. He and his wife, Beverly, have been an incredible inspiration. So we want to say on the record from our side of the aisle how much we appreciate you and your wife's efforts on behalf of our veterans. Thank you.

Mr. Chairman, what this bill does and what our previous bills that we have passed here, the continuing resolution that we've had for this year, the supplemental for the war, added more than 30 percent to the health care budget from last year for the health care of our veterans. That's an unprecedented increase, and it comes at a time when we have unprecedented needs. So your work, Mr. Chairman, has been incredible for all of the veterans and their families in this Nation.

No matter where we stand on the war, and there's a lot of divisiveness in this House about the war, we are united in saying, through this bill, that when every young man and woman comes back from Iraq or Afghanistan, they are going to get all the love, the care, the attention, the dignity, the honor that a Nation can bestow; and we are committed to that.

And we are committed, not only to those veterans who are just coming back, but to those who are with us from World War II, from Korea, from Vietnam, from the first Persian Gulf war. We're going to take care of them all.

We do not think that the problem with the Veterans' Administration is that there are too many veterans. We think we have to get the resources into the VA, and then have the accountability that it's spent wisely.

We have an administration that says, support the troops, support the troops, support the troops; but when they

come home, as we have seen in Walter Reed and other places, too many times they're on their own. They slip through the cracks.

Virtually everyone who comes back from this war has evidence of either brain injury or PTSD, Post-Traumatic Stress Disorder, and we simply don't have the resources to treat them. There are waiting lists. There are people told to call back, go home.

We had a young Marine in Minnesota who went to his hospital because he thought he had PTSD because he was thinking of suicide. What happened? He was told he was 28th on the waiting list, to go home. And he went home and committed suicide. That is a crime and we are not going to commit those crimes on our returning heroes. We are going to look at not only the brain injuries, not only the PTSD, but to make sure the backlog of pension disability claims is taken down to zero, where it's now at 600,000.

We've got a lot of work to do. We've got a lot of work to handle all these heroes from World War II to the present, and with your budget, Mr. Chairman, we're going to be able to do this. We thank you. And we're going to work to get the accountability and the work done that lets these heroes know that their Nation is worthy of their sacrifice.

Mr. WICKER. Before I yield to my friend from Indiana, I too want to join my colleagues in commending my friend from Florida, BILL YOUNG, and his wife, Beverly, for constantly, consistently visiting our veterans, our wounded veterans at Walter Reed and Bethesda and at veterans facilities, and for day in and day out and week in and week out and year in and year out, being as supportive of our Nation's veterans as any couple probably in the entire United States.

Mr. Chairman, I yield to my friend from Indiana (Mr. BUYER) an additional minute.

Mr. BUYER. Picking up off the comment that Mr. EDWARDS had made in his opening statement about management, I think you're right on point. Good management of the resources and accountability is what's essential.

So when the chairman just spoke in the well and said, well, we don't have the money, that's not entirely correct because the GAO came back in 2005 and 2006 and said, we gave them sufficient resources allocated toward mental health, but they didn't even spend around $60 million that you had already given them in those cycles.

Mr. EDWARDS, you worked on those budgets. So it's not just giving them the money; that was my point made earlier.

So when Mr. FILNER made the comment, they don't have the money; we had given them the money, then they didn't utilize it. And so I agree with Mr. FILNER when he gets his angst about how it is that you don't spend money we gave you, yet you've got waiting lines.

It goes back then to the management question about the resources in which we get them, and that's where I'd like to work with you and work with the chairman of the committee.

Mr. EDWARDS. Mr. Chairman, let me just take 1 minute, if I could, to respond.

Again, I would reemphasize, we must work closely together in Congress to see that the VA spends the money we appropriate for them and for our veterans, that they spend it wisely, effectively and efficiently. And we will work very hard on that.

But I don't want it to go unsaid that the VA needs and our veterans deserve the additional funding, the $6 billion more for VA health care spending, $6.7 billion more than last year for all veterans programs. The VA and our veterans need and deserve that money. The increased funding in this budget, that I'm proud to say the new Congress has made its top priority, is something that is needed, not only to provide better benefits, reduce waiting times for benefit consideration, reduce waiting time for doctors appointments, improve mental health care services and PTSD services for our veterans, this money is needed to improve the, frankly, unsafe conditions at some VA hospitals. And construction projects are needed there, so the money is needed. We'll work together on the management and oversight.

Mr. Chairman, I yield 2 minutes to the gentlelady from Kansas (Mrs. BOYDA). Mrs. BOYDA has been a leading and tireless voice in this Congress, supporting full BRAC funding in this bill, as well as the veterans funding in this bill.

Mrs. BOYDA of Kansas. Mr. Chairman, I'd just like to share a couple of freshman stories here. I am one of the new kids. And when I campaigned, I actually campaigned for 3 years. And you can image what I heard about veterans issues. It was about access mainly.

Our veterans hospitals in Kansas are good, but they only had a certain amount of money, and getting access, waiting times, waiting lines was just a tremendous problem.

So when I got here, I went to Chairman FILNER's office with a little bit of a chip on my shoulder, and I said, listen, I need to know what we're going to do for veterans, what's going to happen. And listen, I want to know the truth. Don't tell me something. Don't let me go home to Kansas and then come back and not be truthful.

He said, Mrs. BOYDA, we are going to take care of our veterans.

And then when we did our first continuing resolution and put $3.5 billion immediately into that pipeline, I heard something that I just absolutely couldn't believe, and that was someone who said, that's just a down payment. So I actually began to have faith that people in Congress do what they promise to do.

Let me tell you another quick story, too, and that was when I spoke with Chairman EDWARDS and he was telling me about what was going on, because I have been a tireless advocate for this. He said, Nancy, we're going to get this done, and we are going to do an historic funding for this, and we're going to get that done by June.

And then the next thing we're going to do is spend the next 6 months on oversight because we have to make sure that those funds are used in a way that makes a difference to our veterans, and we have to make sure that every cent of that that we have appropriated we can do the best we can to make sure that those funds are used appropriately.

So I am thrilled to be here with the new Democratic majority that is keeping its word to veterans, and saying that we're not only funding, but I believe that we will go and do the oversight that's needed to make sure those funds are used for the best benefit of our veterans.

Thank you so much, Mr. Chairman, for your leadership.

Mr. EDWARDS. Mr. Chairman, I yield myself 2 minutes. And I will yield to Speaker PELOSI for the remainder of the time that I don't use of this 2 minutes.

For the record, Mr. Chairman, I'd like to read into that record what a number of America's most respected veterans and military organizations have said about this bill.

The American Legion called it ''an impressive commitment to this Nation's servicemembers, veterans and their families.''

The Independent Budget, made up of numerous veterans organizations across the country, said, ''This is a much-needed investment in health care and the benefits delivery system for our Nation's sick and disabled veterans.''

The Military Officers Association of America referred to the funding in this bill as ''an extraordinary level of funding.''

AMVETS, ''The level of funding will ensure that returning veterans from Iraq and Afghanistan will continue to receive priority health care and other VA services.''

The Disabled American Veterans called it ''keeping faith with America's veterans.''

Mr. Chairman, several years ago, then Minority Leader PELOSI made a commitment to America's veterans, she said, if she became Speaker, that supporting those who have sacrificed for our country in uniform would be the highest priority of hers and of this Congress. Speaker PELOSI has kept that commitment. And the beneficiaries of that promise kept will be

millions of veterans who will receive better health care, who will receive better job training, better homeless care for those 200,000 veterans that tonight, in America, will go to bed without a roof over their heads.

We would not be here today, about to pass the largest increase in VA health care spending in the 77-year history of the Veterans Administration, had it not been for Speaker PELOSI's personal commitment at the Budget Committee level, at the 302(b) allocation level for our subcommittee and specifically pushing this legislation. I salute her, along with the veterans organizations of America, for her leadership on behalf of our veterans, our servicemen and -women, and their families.

Mr. Chairman, I yield the balance of my time to Speaker PELOSI.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for his kind words and for his more than extraordinary leadership on behalf of America's veterans while they are in the service, in terms of the quality of their life which is addressed in this legislation, and when they become veterans, and how he has had the well-being of America's veterans as a priority for so long in his political year.

Mr. Chairman, today is probably one of the top three happiest days of my official life, because today is a day where, under the leadership of Mr. EDWARDS, Mr. SPRATT, Mr. OBEY, Mr. SKELTON, Mr. MURTHA, this Congress of the United States is able to keep its promises to America's veterans. It's a day of respect for them.

In the military, soldiers say, we will not leave any soldier on the battlefield. We say, when they come home, we will not leave any veteran behind. That is why, under the leadership of Mr. EDWARDS in his capacity as a leader on this issue, and I will add Mr. FILNER's name to those I'm commending, but a person of the focus and values of Mr. EDWARDS kept this issue front and center.

For the past 4½, 5 years, we have met on a regular basis with the veterans organizations and representatives of veterans from across the country. We asked them what their priorities were, because their needs were so great; and frankly, their concerns were so neglected for the last few years that we said, we cannot try to do everything. What are your priorities? This was when we were in the minority.

Their first priority, the first couple of years there was the concurrent receipt issue, this veterans disability tax, which we made some progress on. And the next term, which was the last term, we were still in the minority. We still took a piece of what their agenda was, and that was survivors' benefits. All of these were important to the veterans, but there were many more concerns that we had.

So it wasn't until the Democrats assumed the majority that we could keep the promise of America to America's veterans. That's why it was so thrilling to be with the representatives of the veterans groups, some of them I will name, the American Legion, the Veterans of Foreign Wars, the Disabled Veterans of America, the Paralyzed Veterans of America, AMVETS, that's the American Veterans, then the Iraq and Afghan Veterans of America, to be with them and other representatives of veterans a couple of days ago when we stood in front of the Capitol and announced that today, with this vote, under Chairman CHET EDWARDS' leadership, we would be giving the largest increase in the history of our country and in the 77-year history of the Veterans Administration.

Why is that necessary? Because there is a backlog of several hundred thousand cases at the VA. That's an injustice. That's an immorality. And there were needed more case workers to address a 2-year backlog, if you had an issue, you went there and you had to wait 2 years if you were a veteran.

Well, the veterans were there when they were needed. They heeded the call. They came to our defense, and now we're saying, wait 2 years for us to consider your case. Just not right. Just not right.

So in preparation for a possible Democratic majority where we could work in a bipartisan way, the veterans put together a budget, again emphasizing their priorities.

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And when they did, we took that budget. Congress worked its will on it through the appropriations process to bring us to the floor today. Every one of us in the committee, it was a bipartisan unanimous vote, 56–0, in the Appropriations Committee.

I hope we will have a similar vote today because, as Mr. EDWARDS said, starting with the budget process under Mr. SPRATT to the larger Appropriations Committee under Chairman OBEY and now to this moment on the floor under Chairman EDWARDS' leadership, we were able to give the biggest possible bipartisan vote to this increase. And it is paid for.

When Democrats took control of the House, we instituted pay-as-you-go, no new deficit spending, no increase to the deficit. So that is why this is especially, especially, important because this says that even within the constraints, those budgetary constraints, veterans aren't the priority. In our budget the two leading priorities were America's children and America's veterans. In the appropriations process, we are able to honor that blueprint set forth in the budget again without adding to the deficit, without increasing the deficit. That makes it harder, but that signaled in a very important way that when we talk about our priorities and we say that veterans are in the forefront of them, they are in the lead in terms of the values that we have, a reflection of America's values that, even though there are difficult budgetary constraints, veterans come first.

This is an issue in urban America. It is a big issue in rural America. In rural America, 75 percent of the people know somebody closely who is serving or has served in Iraq and Afghanistan, and everybody in our country knows many people who have served in the military. Four of my brothers served in the military.

We all have a dedication to our veterans. It is more than, though, just talking about it. We had to act upon those words, act upon those values. And I thank Chairman CHET EDWARDS for giving us that opportunity today to reward our heroes with something that we are giving to them. It is something that they deserve, have been deprived of, but that has come to an end.

So I hope we have a unanimous vote on this to show the bipartisan support for veterans that I know exists in our Congress. I am just very, very proud that we were able to deliver on the promise once we took the majority of the House.

Mr. WICKER. Mr. Chairman, may I inquire as to how much times remains.

The CHAIRMAN. The gentleman from Mississippi has 11½ minutes remaining, and the time of the gentleman from Texas has expired.

Mr. WICKER. Clearly we are nearing the end of this general debate, and I would at this point yield 1 minute to my friend from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, the only thing I would note, as I listened to the Speaker speak in the well, is that when the Republicans presented their budget proposal as an alternative, we spent $8 billion more than the majority in the 10-year scope, actually in the 5-year budget plan, $8 billion more. And we did it without increasing taxes.

So what everybody needs to understand here is, yes, we are increasing money here to veterans, but these are also the very same veterans which are about to be taxed.

Mr. WICKER. Mr. Chairman, I yield myself such time as I may consume.

Just in closing, the Speaker of the House just said what a happy day this is for her. It is a happy day for me and for Members on this side of the aisle also, Mr. Chairman.

Why on a bipartisan issue do we have to sound so partisan sometimes in supporting the bill?

The Speaker mentioned that veterans funding had been so neglected for the past few years. I will again point out to Members of the House, Mr. Chairman, that during the period of Republican majority, in working with our friends across the aisle and funding VA, we increased funding by 96 percent during that period, from $38.2 billion annually to $74.5 billion. And during

the final decades of the Democratic majority, the increase was only half that much.

The Speaker mentioned the concurrent receipt issue. Of course it was during the speakership of Speaker HASTERT that the House of Representatives enacted concurrent receipt legislation. And as a matter of fact, the previous speaker, Mr. BUYER, was the author and prime mover behind that legislation, and he deserves credit.

The point is this is a bipartisan issue. There is bipartisan support. I expect after discussion of a few amendments, Mr. Chairman, that we will have a near unanimous vote in favor of this bill. I will certainly be voting for it, as will the leadership of the Appropriations Committee.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 2642, the Fiscal Year 2008 Military Construction and Veterans Affairs Appropriations Act. This bill includes many provisions critical to improving the quality of life for our fighting men and women as well as providing long-awaited and substantial increases in funding for veterans services. We continue our important commitment to veterans and servicemembers in this bill.

I would like to take this opportunity to thank Chairman EDWARDS and Ranking Member WICKER for the work that they and their staff members have done to include within this bill provisions important to the people of Guam; to servicemembers who serve on Guam, and veterans living on Guam. The work of committee leadership ensures that this Congress will make a meaningful positive impact on our Armed Forces.

The appropriations bill continues Congress's strong support of the military build-up on Guam. The strategic importance of Guam cannot be understated. Guam allows the United States Armed Forces to maintain a strong presence in the Pacific region. The bill goes a long way to improving critical infrastructure on Guam that is necessary for the build-up to be successful.

To that end, the bill fully funds $345 million in military construction projects. The bill provides for full funding of several key infrastructure projects for the Navy from improving electrical system security to repairing and upgrading a wastewater treatment plant. The bill also fully funds the critical Kilo Wharf upgrade project. The $101 million project is strategically critical to United States Naval forces as it is the only dedicated ammunition wharf in the Western Pacific Region.

Important quality of life issues for servicemembers on Guam are also included. The bill fully funds $45 million for upgrades to the Naval Base Fitness Center. Funds for this project meet Chief of Naval Forces Admiral Mike Mullen's commitment to improving the quality of life for all Naval forces. It also fully funds $57 million in upgrades to degraded housing on Naval Base Guam. The need for adequate housing facilities is more prescient, as more and more Naval vessels use the base as maintenance and supply center.

I also applaud the Committee's efforts in including report language that directs the Department of Veterans Affairs to report on its plans for activation of 29 previously funded Community-Based Outpatient Clinics. Guam is one of the 29 clinics that is awaiting activation. I am deeply concerned that the Department of Veterans Affairs is not providing the veterans on Guam with the quality care that they deserve for their sacrifices to our great nation. The report language answers the concerns that I have expressed to the Department on multiple occasions. I look forward to hearing the Department's plan for activation of the clinic on Guam.

Mrs. CHRISTENSEN. Mr. Chairman, I am so proud of what we are doing on behalf of our veterans today and so I rise in strong support of the Military Construction & Veterans Affairs Appropriations bill.

In addition to the increase in funding—the largest increase in the entire 77-year history of the Veterans Administration—there are many provisions here that will help the over 6,000 veterans of the U.S. Virgin Islands.

Just last week as I was traveling back to Washington, one veteran complained that he was getting no response on his disability claim. I have many other open cases in my office. This bill will reduce the backlog and make good on the promise to take care of any injury related to their military service.

There is a major increase in health care funding, and I will work to ensure that some of it is sued to make health care more accessible to Virgin Islands veterans. I also hope we can address the increased reimbursement for travel to and from care. Our veterans have to travel over water and by airplane to get VA provided care. The costs to them and the family member who may have to accompany them is a great burden they should not have to bear.

This bill has many other important provisions, but I only want to highlight one other which is of great concern to me as a physician, and that is the funding for programs to address Post Traumatic Stress Disorder and the other mental health needs of returning men and women of our Armed forces. This is a vital need.

We in the Virgin Islands were able to help our first responders after 9/11 and we want to do more to help our soldiers transition safely and fully from the din and stress of war back to peacetime. This bill will help us do that.

I want to commend our Speaker for her determination to lead this House and to keep our promise to the men and women who have kept theirs to us—our veterans. I also applaud Chairman CHET EDWARDS on shepherding this landmark bill to final passage, and Chairmen DAVID OBEY and JOHN SPRATT for setting the stage to make this victory for all Americans possible.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act for fiscal year 2008, the annual spending bill for military construction and veterans' programs.

Today, the House is considering a bill that would appropriate $109.2 billion, with $64.7 billion in discretionary spending for military construction and veterans' programs, which is $4 billion more than the President's fiscal year 2008 budget request. The bill would provide $43.2 billion for the Department of Veterans Affairs (VA), which is $6.7 billion above 2007 and $3.8 billion over the President's request for veterans' medical care, claims processing personnel, and facility improvements. This includes $28.9 billion in funding to improve access to medical services for all veterans, which is $1.7 billion above the President's request. This legislation also defeats the President's ill-advised proposals to nearly double co-pays for prescription drugs for veterans and to increase TRICARE premiums by over $1,000 a year for military retirees.

The military health care system is understaffed and drowning in a backlog of cases and unable to provide our veterans with the benefits and resources they sacrificed a great deal to earn. In an effort to reduce the 400,000 claim backlog, the bill also includes $1.6 billion in funding to enable the VA to hire over 1100 more claims processors. This legislation is the largest single increase in the 77-year history of the VA and for the first time in 21 years that the House has exceeded the request of the veterans' Independent Budget.

There are over 251,000 veterans living in Connecticut and I am pleased the 110th Congress has made funding our Nation's military health care system a top priority. Since the previous Congress adjourned without passing a budget, the new Congress passed a Continuing Appropriations Resolution (P.L. 110–5) that provided $3.4 billion over the fiscal year 2006 funding level to fund the VA in fiscal year 2007. In addition, the Supplemental Appropriations Act (P.L. 110–28) added $1.8 billion directly targeted at the needs of veterans returning from Iraq and Afghanistan. Part of the cost of war is to care for our servicemen and women when they return home and Congress has an obligation to ensure they receive appropriate care.

I applaud the leadership of Mr. EDWARDS, chairman of the House Appropriations Subcommittee on Military Construction and Veterans Affairs, and Mr. OBEY, chairman of the House Appropriations Committee, and the members of the committee for their efforts and continued commitment to our Nation's veterans. Today's legislation takes us one step further in providing our veterans with the best health care and resources our country can provide and I encourage my colleagues to join me in voting for it and the President in signing it into law.

Mr. ORTIZ. Mr. Chairman, I rise in support of this bill—engineered by my colleague from Texas Mr. EDWARDS—which funds vital military accounts and provides the largest increase in veterans funding in the history of the VA.

While the central concern for South Texas is a veterans hospital—I understand we must authorize that funding before we can appropriate it. I have talked about this issue with appropriators and authorizers alike . . . and those conversations will continue until we find a resolution to help these veterans get the in patient care they deserve.

The Congress is committed to working in a bipartisan way to ensure that our budget honors the service of our veterans and builds a future worthy of their sacrifice. With passage of this bill, the 110th Congress will have voted for historic increases in veterans' health care and benefits programs, totaling nearly $12 billion—including the joint resolution and the supplemental—to meet the needs of returning

veterans from Iraq and Afghanistanm . . . and make up for the Bush Administration's past shortcomings in its treatment of veterans.

This bill will provide veterans with the health care and benefits we promised them, resulting in the hiring of more qualified doctors and nurses to improve medical services to our veterans and to reduce waiting times for doctor appointments, and provide more to help veterans suffering from traumatic brain injury (TBI), post traumatic stress disorder (PTSD), mental health care issues, and lost limbs so that they can rebuild their lives.

For the first time, the budget for VA medical care exceeds the budget of the veterans' service organizations by $294 million. This will ensure quality health care for 5.8 million patients, including about 263,000 Iraq and Afghanistan veterans, which the VA will treat in FY 2008. This significantly reduces the 400,000 claims backlog for veterans waiting for disability and other benefits by adding more than 1,100 new claims processors.

The bill also provides much needed maintenance of VA health care facilities (funding level is $500 million above the President's request) to prevent another Walter Reed-type scandal from occurring. A recent VA report outlined 1,000 specific problems at VA health facilities around the country, with a backlog of $5 billion in maintenance.

The enormous number of troops returning home with mental health disorders, including PTSD and traumatic brain injury, resulted in the bill including five polytrauma centers and three Centers of Excellence for Mental Health and Post Traumatic Stress Disorder (PTSD). These centers will be fully operational this year to care for those returning from Iraq and Afghanistan, including those with TBI. A February GAG report noted about one-third of veterans returning from Iraq and Afghanistan are facing mental health challenges, and up to 300,000 troops are expected to return from Iraq suffering from TBI.

The bill also protects taxpayers and veterans by including solid steps to ensure accountability and stop wasteful spending by increasing funding for the Inspector General for VA to improve services for veterans and their families and to prevent and deter potential waste, fraud and inefficiencies.

To strengthen our military, this bill provides better barracks, housing and training facilities when troops return from combat with an unprecedented $21.4 billion investment in military construction, family housing, and BRAC—with $207 million more than the President's request.

To address end strength, the bill provides funding recommended by my subcommittee to begin the process of adding 65,000 Army, 27,000 Marine, and 9,000 National Guard and Reserve troops.

For BRAC, the bill fully funds the 2005 base realignment and closure process at $8.2 billion, and supports the relocation of 70,000 troops from bases in Korea and Europe.

All this represents the start we need to pay for a healthy and vital military force to protect our nation today, tomorrow and for the coming decades.

Mr. HARE. Mr. Chairman, I rise in strong support of H.R. 2642, the Fiscal Year 2008 Military Construction and Veterans Affairs Appropriations Act.

I am honored to stand here today as a freshman member of this Democratic Congress as we approve ''the largest'' funding increase in the 77-year history of the Department of Veterans Affairs.

It is my hope that providing $6.7 billion above last year's funding will only be the beginning of our commitment to the promises made to our service men and women.

All of us were outraged by the reports of what happened at Walter Reed. Part of the problem is for years the VA has been shortchanged on funding, due to understating its budgeting needs instead of proactively planning for the needs of our veterans.

This underfunding has resulted in budget shortfalls, understaffing of vets centers, a huge claims backlog, and inexcusable delays at VA facilities.

This bill represents a change in priorities.

It funds an additional 1,100 claims' processors to address the 600,000 backlog.

It provides $4.4 billion above 2007 levels for the Veterans Health Administration. This will help the VA treat the more than 5.8 million patients they expect in 2008.

Additionally, the bill increases funding for the VA's repair and maintenance accounts to prevent a VA medical facility from falling into unacceptable levels of disrepair.

I commend my colleagues on the VA Military Construction Appropriations Subcommittee for bringing to the floor a bill that exceeds the recommendations of the veterans' service organizations of the Independent Budget.

We've seen a change in priorities and I am going to continue to support this momentum until all veterans who want access to healthcare in the VA system, have it. I urge all my colleagues to pass this bill that funds critical benefits for our veterans.

Ms. CASTOR. Mr. Chairman, I am proud today to stand with this Congress as it affirms its commitment to the brave men and women who are part of our active and retired military services. Their collective sacrifice and service has been phenomenal, and we must do all we can to ensure that they receive the medical care that they have earned as a result of the sacrifices they have made in service to America. The bill before us provides an historic, substantial boost to the Veterans' Administration, allocating $43.2 billion—$3.8 billion more than the President's request and $6.7 more than the FY 07 allocation—to properly fulfill America's obligation to our servicemen and women and their families.

As a representative of the State with the second highest population of military retirees and veterans—nearly 2 million people—I know many Florida families stand to benefit greatly. The extra funding for the VA to double its benefits personnel in order to reduce the backlog of more than 400,000 benefit claims will do much to improve health care and efficiency for benefits that are due to many Florida families. The top two busiest VA Health Care centers, Bay Pines in St. Petersburg and Haley VA in Tampa, serve residents in my district. I have walked the halls of both facilities, and encountered active and retired military personnel looking for the best care possible for them and their families. This bill provides resources adequate to the enormously important task of supporting our veterans and their families as they transition back into civilian life. It also expands access to vital services in the areas of greatest concern for veterans of Iraq and Afghanistan: traumatic brain injury, post-traumatic stress disorder, treatment for burns, and amputation. Haley VA has the distinction of being one of a handful of poly-trauma centers, with special designation to handle traumatic brain injuries, and with its partner, the University Of South Florida College Of Public Health, has been on the forefront of discovering the best roads to effective treatment for those suffering with TBI.

Also, this bill represents the recognition that we must confront, not shy away from, the serious issues in veterans care brought to light by the Walter Reed scandal. $4.1 billion dollars, $508 million above and beyond the President's request, is set aside for the ongoing maintenance and renovation of existing facilities to make certain they remain capable of delivering our veterans the treatment they deserve and need. It also heavily invests in information technology to better track health records, so that no American is allowed to fall through the cracks.

I urge this Congress to back up the talk about supporting our troops with concrete actions. We have an unwavering obligation as a country to do right by our servicemen and women, whether it be in the solemn purpose with which we must always send them off to war, or in providing the necessary care for them and their families upon their return. Their sacrifice must be respected not just with our words, but with our actions.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise today to offer an amendment on the Military Construction and Veterans Affairs Appropriations Bill for FY 08. My amendment would devote $2 million dollars from the Department Administration General Operations Expenses Account, of the nearly $1.6 billion appropriated in this bill, to the Advisory Committee on Women Veterans. The intent of my amendment is that the Advisory Committee on Women Veterans would establish a commission to evaluate and make recommendations for improvements to the VA system so that it can better meet health care needs of women veterans.

In 1978, I purchased a one-way ticket to Colorado Springs, Colorado to enroll at the Air Force Academy. I was in the third class that accepted women into our service academies. I am the only woman veteran serving in the Congress. Women face different obstacles than men when trying to receive care from the VA. To start with, many women who have served in the military don't call themselves ''veterans'' and many women don't think of the VA as ''their'' system.

A larger number of women are serving in military and in the future we will see a higher number of women veterans. One in seven Americans deployed to Iraq and Afghanistan is a woman.

My goal in proposing this amendment is to bring together a group of people who can truly devote the time and effort to study the needs and examine the challenges our women veterans face. They then can report to Congress their finding and recommendations so that we, as a body, can evaluate these findings and

implement improvements and initiatives to ensure women receive the care they have earned.

I introduced legislation similar to my amendment, H.R. 2394, the Bipartisan Commission on Wounded Women Veterans. This amendment would fund the commission envisioned in H.R. 2394.

I am grateful to all who serve their nation and we as a Congress have a responsibility to ensure they receive the best possible care. In this war on terrorism, the greatest burdens have fallen on the shoulders of a relatively small number of Americans who have volunteered to take great risks on our behalf. Events over the last few years have made a new generation of Americans realize just how precious our freedoms really are. We owe our freedom fighters—past, present, and future—a debt of gratitude for their selflessness and sacrifice. I will continue to fight to ensure that our veterans get the benefits they were promised, the health care they deserve, and the recognition that our Nation owes them.

Thank you for the time and I ask for a yes vote on my amendment.

Mr. REYES. Mr. Chairman, I rise to express my support for this important measure which reflects—in dollars and cents—just a small measure of our appreciation for all that men and women in uniform do in defense of our Nation.

We have an obligation to provide the housing and other facilities in which our military members and their families live and work. This measure includes the funds required to fully fund the President's budget request for military construction projects. The bill provides $8.2 billion dollars to implement the 2005 BRAC recommendations and $2.9 billion to replace, rehabilitate, and build housing for troops and their families.

As the representative of Fort Bliss, Texas I have seen the fruits of military construction spending, and I can assure my colleagues that these funds are being wisely used by the Army and the other military services to greatly improve the quality of life for our military members and their families. From a motorpool that allows a young technician to repair vehicles out of the heat and rain to a childcare center where the children of deployed service members can learn and grow, these facilities are more than bricks and mortar. They are an integral part of every soldier's daily life.

This bill provides an unprecedented level of funding for veterans health care which will allow us to begin to address the needs of current veterans who have for years been woefully under-served by the Veterans Administration, VA system. H.R. 2642 will also provide needed funding for men and women returning from combat in Iraq and Afghanistan.

This measure continues our efforts to improve benefits for our Nation's veterans and provides $43.2 billion for veterans programs—$6.7 billion more than was allocated last year and $3.8 billion more than the White House requested for VA programs. This additional funding will meet shortfalls in the Veterans Health Administration budget and provide needed funds to better address Post-Traumatic Stress Disorder, mental health and substance abuse, homeless veterans, and prosthetic research.

These programs and other initiatives funded in the Military Construction and Veterans Affairs Appropriations Act are critical to our troops and their families and to our veterans who sacrificed so much in defense of our Nation and our American values. I urge my colleagues to support this legislation.

Mrs. DRAKE. Mr. Chairman, as has been widely reported, the Department of Veterans Affairs continues to face challenges in improving service delivery to veterans and reducing the existing backlog of benefit claims.

While the VA made progress in fiscal years 2002 and 2003 reducing the size and age of its pending claims inventory, it has regrettably fallen behind in recent years. The VA's inventory of pending claims and their average time pending has increased significantly in the last 3 years and the Department is currently facing over 630,000 open benefit claims.

The VA reduced the average age of its pending claims from 182 days at the end of fiscal year 2001 to 111 days at the end of fiscal year 2003. However, by the end of fiscal year 2006, average days pending had increased to 127 days and is currently reported to be 177 days.

It should be noted that continued increases in the number and complexity of claims being filed have played a contributing role in the current backlog. In its fiscal year 2008 budget justification, the VA identified an increase in claims processing staff as essential to reducing the pending claims inventory and improving timeliness. However, the VA states that the budget request only provides resources to reduce the processing time to 145 days. Furthermore, even as increased funding is appropriated and staffing levels increase, the VA acknowledges that it still must take other actions to improve productivity.

Representatives from the VA have stated that there is a newly implemented strategy to manage the pending inventory and improve response time by getting more out of current resources, increasing staffing, and improving information technology. Given the current claims crisis, I believe that we need to know more about this strategy.

My amendment will require the VA to provide a report to Congress on the status of the number of pending disability benefit claims and the actions taken to reduce processing time for veterans' disability claims. As the House considers FY 2008 funding for the VA, I believe the Congress, the American people, and more importantly, our Nation's veterans are entitled to know how current and future resources will be implemented to address these concerns. This is the least we can do.

I understand that this amendment will be subject to a point of order and I will therefore not offer it. However, the current claims backlog is an issue of importance for our Nation's veterans. It is my hope that this Congress will address this issue in the near future.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in strong support of funding for our soldiers, veterans, and military families. Military service is part of the proud history of the Second Congressional District of Kentucky. The provisions included in this bill will significantly benefit many of those I am honored to represent.

The Military Construction and Veterans Affairs Appropriations Act of 2008 contains the largest ever increase in Veterans Health funding: including $29 billion for new and modified medical services.

If passed, these funds will initiate the opening of two new Community Based Outpatient Clinics in my District, as designated by Secretary Nicholson. These facilities, and dozens of others across the country, will help to ensure that veterans have the highest quality local care possible.

The Second Congressional District is also home to Fort Knox. As a result of the 2005 BRAC proceedings, Fort Knox is transforming over the next few years from an institutional training installation to a multi-functional installation that will include an active force infantry brigade and the site for the Human Resources Command for the Army.

This bill includes $8.2 billion to support necessary infrastructure preparations at Fort Knox and other BRAC-affected installations working to accommodate new military operations.

Mr. Chairman, I urge my colleagues to support timely funding for our nation's veterans and military installations by voting to approve this bill.

Mr. BUCHANAN. Mr. Chairman, I rise today to urge my colleagues to support the fiscal year 2008 military construction and veterans affairs appropriations bill which includes $27.8 million dollars to construct a veterans' cemetery in my District.

The funding was part of the President's budget and will allow us to honor our commitment to provide nearly 400,000 veterans living within 75 miles of Sarasota, Florida with a final resting place that honors their military service.

The VA has purchased 245 acres of land in Sarasota County and construction is planned for May 2008. The first burials are anticipated in October of 2008.

With more than 1,800 veterans dying every day in this country, the timely completion of this project is a primary concern for area veterans and is one of my highest priorities.

This funding will help ensure that our goals are met and the veterans who proudly served this Nation and eligible family members can be placed to rest close to home and with the honor and dignity they deserve.

Mr. LANGEVIN. Mr. Chairman, I rise today in support of H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2008. This measure shows what a high priority our Nation places on providing for our servicemembers, their families and our veterans.

The new Democratic leadership in Congress has faced many challenges in recent months regarding the treatment of servicemembers and veterans. Earlier this year, we learned about horrific conditions at the Walter Reed Army Medical Center, including overused outpatient housing in disrepair, patients confused about where to go after serious operations, and the tangled bureaucracy confronting servicemembers and their families. It was clear that administrative policies needed to be revised, not only at Walter Reed, but across the system at locations both here and abroad.

It was also clear that increasing the funding level for military health care was a priority. As a result, Congress passed a supplemental spending bill that contained an additional $1.8 billion for veterans' health care, and today we

will pass a bill that is $6.7 billion above fiscal year 2007 funds and $3.8 billion over President Bush's request. The total amount in this bill is even more than what is requested in the Independent Budget, a needs estimate published by four veterans' service groups. If passed, H.R. 2642 will mark the largest annual increase to VA health care funding in over 75 years.

Mr. Chairman, we must ensure that servicemembers wounded in Iraq and Afghanistan have the services they require and as well anticipate the increasing number of returning veterans who have earned their promised benefits. To that end, H.R. 2642 provides $43.2 billion for veterans medical care to alleviate the backlogged claims processing system and fund improvements for VA facilities. I am also pleased that this measure allots $600 million for new initiatives for improving mental health and Post Traumatic Stress Disorder (PTSD) centers, $1.9 billion to improve the electronic health records system, and $130 million to assist homeless veterans.

After a recent visit to the Providence VA Medical Center, I was impressed with the treatment of veterans, as well as the ongoing innovative research at the facility. I am also optimistic that upcoming construction projects will improve the facility, especially knowing that the VA will play a larger role in the coming years as more servicemembers return from ongoing conflicts. Today's bill provides $4.1 billion for ongoing maintenance and renovations of existing facilities, which will help Providence attain its goals. I am also pleased that $15 million is allocated for the Health Care Sharing Incentive Fund, which allows the Department of Defense and VA to increase research, improve access to care, and ensure a seamless transition for our veterans.

H.R. 2642 also includes $21.4 billion for military construction. This amount is $5.1 billion above the amount for fiscal year 2007, and will fully fund Base Realignment and Closure. This funding will also help improve training and quality of life facilities for active duty troops and members of the National Guard and Reserves, all of whom are playing critical roles in ongoing conflicts and need our support now more than ever. Finally, this measure includes $2.8 billion to help increase the size of the Army, Marine Corps, the National Guard and Reserves over the next five years.

Mr. Chairman, we must maintain strong support for our men and women in uniform and all those who have bravely served our nation, and H.R. 2642 will do just that. May we all keep those currently serving abroad in our thoughts and wish them a safe return home.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I would like to commend the chairman of the Military Construction and Veterans' Affairs Appropriations Subcommittee—Congressman EDWARDS, Chairman OBEY, and my colleagues for passing the Military Construction and Veterans Appropriations for FY 2008.

This bill is the largest increase in veterans funding in the 77-year history of the Veterans Administration.

As a result, this measure supports high priority programs such as Homeless Veterans Care, Mental Health Care, and Long-Term Care.

As a former psychiatric nurse at the Dallas Veterans Administration Hospital, I know firsthand the disparities contributed by lack of funding.

I am particularly pleased to see the bill provides increased funding for homeless veterans programs, 3 centers for Centers of Excellence for Mental Health and Post Traumatic Stress Disorder to become fully operational this year. It also matches the VA's request to fund programs for minority contractor procurement and streamlines the VA billing system.

The Dallas VA has been a leader in outreach to homeless veterans, who comprise almost a fourth of the homeless adults in the Nation.

The North Texas VA Health Care System in Dallas was the first to establish a comprehensive homeless program, which helps homeless veterans with mental and physical illnesses. Dallas is 1 of 8 cities in the country with a veteran's homelessness program targeted towards women.

I am also pleased with the Military Construction and Veterans Affairs FY 08 funding because it includes funds for mental health centers. I have continually advocated for increased access to mental health care by returning veterans through the science committee.

This bill also grants the Veterans Administration request for administrative functions, including operation of Veterans Administration Medical Centers, quality of care oversight, informational technology—hardware and software, legal services, billing, coding activities, and procurement.

Funding for administrative functions is especially important to decreasing claims backlog for veterans waiting for disability and other benefits by adding more than 1,100 new claims processors. The funding also makes five polytrauma centers and three Centers of Excellence for Mental Health and Post Traumatic Stress Disorder (PTSD) fully operational this year. These centers will afford care for those returning from Iraq and Afghanistan.

Subsequently, sufficient funding for procurement and billing activities is in particular important to Dallas, since the Dallas Veterans Administration actively encourages large businesses to partner with small businesses through subcontracting plans.

This bill makes available resources to support military construction projects and ensures America's servicemen and women have more effective training facilities, and better housing, health care and day care facilities. I would like to take this opportunity to once again commend my colleagues, Congressman EDWARDS and Chairman OBEY for providing a comprehensive Military Construction and Veterans Appropriations for FY 2008 possible.

Mr. CASTLE. Mr. Chairman, I rise in opposition to H.R. 2638, the Fiscal Year 2008 Homeland Security Appropriations Act.

The tragic terrorist attacks of 2001, and the destruction resulting from Hurricane Katrina in 2005, made clear that we must improve our nation's ability to prepare for and respond to disasters. In the days and weeks following these events, the United States Congress acted quickly to provide our Nation's first-responders with the resources and equipment they need to ensure our security.

The bill before us today provides critical resources for vital national security requirements, including increased border patrol agents, port security improvements, and grants for America's firefighters. Still, although continued funding for such important programs is essential, it is obvious that increased spending alone cannot solve every problem.

Since its creation in 2002, the Department of Homeland Security has at times suffered from wasteful spending decisions and business management shortcomings. Unfortunately, this legislation fails to correct many of these deficiencies—and instead would boost funding levels well above what experts at the Department have requested.

In 2004, the 9/11 Commission also characterized the federal focus on aviation security following the 2001 terrorist attacks as ''fighting the last war,'' and noted that ''opportunities to do harm are as great, or greater, in maritime or surface transportation.'' In the wake of attacks on subway trains in London and on passenger rail lines in Madrid and Mumbai, it is clear that terrorist organizations are intent on disrupting surface transportation systems and mass transit around the world. Despite the 9/11 Commission's warning, the legislation before us today continues to provide billions for aviation security, while failing to prioritize rail and transit spending.

Mr. Chairman, it is our duty to make certain that we have an effective national security system, capable of ensuring the safety of all Americans. I am concerned that H.R. 2638 fails to adequately achieve this goal and I look forward to working with my colleagues to improve this bill as we move forward with the legislative process.

Ms. WOOLSEY. Mr. Chairman, we have a solemn responsibility to honor the promises we've made to our veterans. Boldly heeding the call to duty, brave men and women from across America have served with distinction in defense of our Nation. They have dedicated their lives to safeguarding the promise and potential of our country, and we have an obligation to repay their commitment.

The veterans of California's 6th District understand that our obligation to our service men and women does not end when they return home. The importance of providing our veterans with the benefits they need and deserve does not abate just because our troops are no longer serving in the field. Our support for troops is a lifelong commitment.

The substandard care, bureaucratic inefficiencies, and deplorable conditions exposed at Walter Reed Military Hospital underscore broken promises to our Nation's veterans. We cannot allow the Bush administration's failure to become the hallmark of our country's commitment to our veterans. Our veterans deserve much better.

The Military Construction and Veterans' Affairs Appropriations bill for Fiscal Year 2008 is a resolute step toward fulfilling the promises to our veterans that the Republican-controlled Congress neglected during the past 12 years. This bill increases the VA's budget by $6.7 billion above fiscal year 2007 funding levels, providing the greatest single increase in funding for veterans health care in the 77-year history of the VA and, for the first time, exceeding the

budget requests of independent veterans service groups. Additionally, this legislation confronts the 400,000 claims backlog from veterans awaiting decisions on the status of their disability benefits by adding more than 1,100 new claims processors. By allocating critical funding to help repair veteran's health care facilities, establish eight new centers to care for veterans suffering from Traumatic Brain Injuries, and facilitate the transition from the Defense Department to the VA, this appropriations bill will go a long way toward fixing the problems that the Bush administration has allowed to fester.

The veterans' community needs our reinvestment in their health care and benefits system. Our service members have proved courage and patriotism, and it's our turn to prove that we can keep our promise to them. This Military Construction and Veterans' Affairs Appropriations bill shows that we can provide our veterans with medical care, benefits and social support in a timely manner. By passing this bill, we can start to repay them for the bravery they have shown.

Mr. WICKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,070,959,000, to remain available until September 30, 2012: *Provided*, That of this amount, not to exceed $481,468,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,125,138,000, to remain available until September 30, 2012: *Provided*, That of this amount, not to exceed $110,167,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Navy and Marine Corps'' under Public Law 108–132, $5,862,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $927,428,000, to remain available until September 30, 2012: *Provided*, That of this amount, not to exceed $51,587,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 108–324, $5,319,000 are hereby rescinded.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I will not use all 5 minutes.

And I think, as my colleagues have noticed, my comments have been very bipartisan today. I am proud that the bill that we put together was supported on a unanimous bipartisan basis in the committee. I am also proud as a Democrat that the new Democratic leadership, led by Speaker PELOSI, has made funding for veterans health care and benefits a top priority in this Congress.

I would just point out, in response to some of the comments made, that the first comments made referencing Republicans or Democrats were made by the minority in today's debate when the comment was made that Republicans have primarily supported veterans. And in comparisons of past increases between Republican and Democratic Congresses, I am not going to get into all that.

I would like to point out for the record that under the previous leadership of the Congress, the concurrent receipt problem wasn't even brought to the floor of the House until, led by Democrats, we almost had 218 signatures on a discharge position to override the previous Speaker of the House, who had not let the concurrent receipt bill get to the floor of the House.

But having said that fact, I am here to say we are proud to work with Mr. WICKER and work with our colleagues to see that we do have a historic increase in veterans health care spending in this bill, unprecedented in the history of the VA and in the history of our Nation. I am glad to see that the administration has reversed its threat to veto this bill because they were concerned it might spend too much on veterans and our military families. I am glad they recognize the error of their ways, and I commend them for pulling off of that veto threat.

So I just would reiterate what I again today have been saying, and that is I am proud to have worked on a bipartisan basis with my colleague Mr. WICKER and members of our subcommittee and others in this House to see that we got this historic bill on the floor.

□ 1300

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,806,928,000, to remain available until September 30, 2012: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $154,728,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 110–5, $7,592,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $439,291,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $95,517,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $154,684,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $69,150,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $39,628,000, to remain available until September 30, 2012: *Provided*, That of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,069,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $201,400,000, to remain available until expended.

AMENDMENT OFFERED BY MR. HAYES

Mr. HAYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAYES:

Page 7, line 12, insert after the dollar amount the following: ''(reduced by $30,000,000)''.

Page 10, line 24, insert after the dollar amount the following: ''(increased by $30,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. HAYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HAYES. I want to thank Chairman EDWARDS and the ranking member, my friend, Mr. WICKER, for allowing me the time.

Mr. Chairman, I bring an amendment to the floor today because I feel the Base Realignment and Closure, BRAC, implementation process needs more funding than is being provided.

Mr. Chairman, the fiscal year 2007 continuing resolution did not adequately meet the needs of BRAC implementation. Though we came back and put a $3.1 billion allocation for BRAC in the supplemental and we funded the President's fiscal year 2008 request in the bill, I do not believe we are doing all we should do in terms of funding this priority.

I realize the President's budget and supplemental request were based on the best estimates at the time, but there is no doubt that these figures were low. The Department of Defense currently estimates it will take $30.8 billion from 2006 to 2011 to complete the 2005 Base Realignment and Closure round.

As the chairman and the ranking member pointed out in this bill, the current BRAC estimate is $8 billion higher than that given by DOD only a year ago. I share the concern of the committee that even with this large increase, the projected funding estimate does not fully take into account construction and inflation costs and is lower than what will be actually required.

My home district, Fort Bragg, the epicenter of the universe, is facing these miscalculations today. As part of the BRAC 2005 plan for Fort Bragg, it was named the Joint Mobilization Center; however, no funding to house servicemembers going through the process of mobilization was involved.

The garrison is currently housing these mainly National Guard and Reserve members in the 82nd Airborne barracks, while the 82nd is deployed to Iraq and Afghanistan. When the 82nd returns, Fort Bragg will be forced to house those going through the Joint Mobilization Center in World War II-era barracks which are completely inadequate.

As part of the BRAC 2005 recommendations, Pope Air Force Base will be realigned to become part of Fort Bragg. This means that Bragg will take over the airfield at Pope, but there is no money currently programmed for the new control tower or the fire and rescue station that will be necessary to support carrying out this realignment. Fort Bragg and Pope are but one example of this trend. No doubt these kinds of BRAC-related, unplanned expenses for military construction needs are prevalent at installations across the country.

The BRAC process was designed to increase the efficiency and increase the effectiveness of combat capability of our forces. Underfunding, even slightly, will affect our Nation's combat capability first. In the midst of this global war on terror, we need to be very careful not to underfund our combat capability, either indirectly or inadvertently.

Although I greatly respect and appreciate the chairman and ranking member's funding of the Base Realignment and Closure program, I strongly believe that this crucial national security area needs more focus. We need to search for ways to implement it.

To this end, my amendment reprograms $30 million from NATO Security Investment to the Department of Defense. As you know, the NSIP is designed to be our contribution to construction of support facilities at NATO bases. While this is important, NATO is forward deployed, and it does not always provide us with a swift return on our investments in terms of combat capability.

In the past, NATO fought primarily from fixed bases in forward areas, but now it will operate from deployed locations. Infrastructure provided in NSIP, while important in previous NATO strategy, is somewhat less now. Conversely, BRAC and global rebasing moves direct American forces from Europe to home stations here in the U.S. Security requirements in Europe are decreasing while security requirements in the U.S., as well as readiness requirements at home stations, are going up as new units are reformed here at home.

The money could be better spent in the BRAC program with a focus on improving our quick reaction and Special Operations Forces. It will increase our Nation's combat power, fighting the continued war against terrorists, and it will improve the combat power of NATO.

I urge you to vote in favor of my amendment and join me in support of Base Realignment and Closure implementation.

I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Let me just say that I have great respect for Mr. HAYES's support of the military. He and I have worked together over the years in support of our veterans and our troops; his record is clear on that. I sympathize with his interest and support his interest in seeing that we fully fund BRAC. I have been one of those, along with Mrs. BOYDA and others on your side of the aisle, that have worked hard to try to fully fund BRAC.

The opposition I have to this amendment, Mr. Chairman, is not in the good-faith effort to increase funding for BRAC, even though we fully fund it by $8.2 billion. My opposition to this amendment comes from the fact that the gentleman would cut by 15 percent President Bush's request for the NATO Security Investment program. Now, maybe a lot of Americans aren't familiar with that program, but that program has provided infrastructure investment in Iraq to support U.S. forces in our fight in Iraq. The NATO Investment program has provided funding for

our troops in Afghanistan. We are working with NATO forces to defend our national security interests in Afghanistan.

The cut of $30 million proposed by the gentleman, I think, would unintentionally do great harm to the interests of our troops in Iraq and Afghanistan and throughout the world where we are working with NATO forces.

Let me give you some specifics of how this money is used. In the past, we have used $9 million for the restoration of water distribution system at the Royal Air Forces base in Lakenheath in the United Kingdom. We have three Air Force F–15 squadrons there. We have used this fund to provide $25 million for a medical treatment facility at Aviano Air Base in Italy. At Aviano, we have two U.S. Air Force F–16 squadron stations. And again, as I mentioned, we've used this money to support needed NATO infrastructure that helps U.S. forces in Iraq and Afghanistan.

So I would like to offer to the gentleman a good-faith effort, as we move to conference committee, to work with Mr. WICKER and work on a bipartisan basis to see if we can find additional funding for BRAC. I want additional funding for BRAC, but let's not undermine President Bush's commitments to NATO, our Nation's commitments to NATO, and unintentionally undermine important infrastructure programs that do support our troops that are risking their lives in Afghanistan and Iraq, even as we speak today.

Mr. WICKER. Will the gentleman yield?

Mr. EDWARDS. I would be glad to yield.

Mr. WICKER. I thank my friend, the chairman of the subcommittee, for yielding.

I would simply join my chairman in his offer to continue working with Mr. HAYES with regard to this effort. Certainly, no one has been a stronger advocate for the men and women at Fort Bragg, and also Pope Air Force Base and the families in that surrounding area, than has Robin Hayes of North Carolina.

I appreciate the sense of the amendment. I suspect that it will not pass today, Mr. Chairman, but I do want to work with Chairman EDWARDS to see if we can accommodate the gentleman from North Carolina's needs as we move forward in the process.

Mr. EDWARDS. I would absolutely look forward to working and looking through every nook and cranny in the budget to see if we can squeeze out additional funding for BRAC. I agree with the gentleman from North Carolina that the Department of Defense has underestimated the full cost of BRAC, and we need to watch that very carefully as well.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYES. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. Each side has 1 minute remaining.

Mr. HAYES. I thank very much the chairman. People who know Chet Edwards and Robin Hayes clearly understand our love for the military. And I appreciate Ranking Member WICKER's comments. When all is said and done, they have tough decisions to make, but there is no place like home. Home is Fort Bragg, and I hope that the Members will support my amendment.

Again, I thank Chairman EDWARDS and Ranking Member WICKER, and I look forward to working with them however this comes out, because this process is not going to end this morning or tomorrow. And again, I thank you for the time and look forward to working with you. I hope the membership will support my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, I do look forward to working with Mr. HAYES to see if we can find additional funding for BRAC.

I will just finish by saying that right now home for many American forces is Iraq, it's Afghanistan, it's with NATO forces throughout the world defending our families and our homes. That is why I simply must oppose this, reluctantly, but strongly oppose this amendment because of the source of the funding. If we can find a better source of the funding, I would be glad to support the gentleman.

But I must oppose the amendment because it would undermine our commitment to NATO and vital infrastructure programs and investments that are so very important to our servicemen and -women serving in Iraq, Afghanistan and throughout the world today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HAYES).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $419,400,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $742,920,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $298,329,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $371,404,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $362,747,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $688,335,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,848,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $86,176,000, to remain available until September 30, 2012: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $270,689,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUMENAUER:

Page 10, line 17, insert after the dollar amount the following: ''(increased by $50,000,000)''.

Page 10, line 24, insert after the dollar amount the following: ''(reduced by $201,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first, let me begin by expressing my deep appreciation to the subcommittee for their work in providing an increase over the President's request for funding base cleanup. And particularly what we're talking about here are the legacy locations, places that have been closed in previous BRAC cycles, 1995, 1993, 1991, 1988. However, as we consider this appropriations act, I am concerned that we continue to dramatically underfund our commitment to communities impacted by these past BRAC rounds.

□ 1315

These communities are ones that have been penalized twice. They are penalized when the base is closed, and second, they are penalized because they are unable to make use of the land left behind because of hazardous contamination caused by unexploded ordnance.

According to the most recent Defense Environmental Programs' annual report, there is an estimated $3.5 billion backlog for environmental cleanup of these bases. This represents over 140,000 acres of land that remain unusable by local communities for economic development across this country.

At the current levels, Mr. Chairman, we are facing people who went through the trauma of base closure in 1988, for instance, in Sacramento; they are going to wait over 60 years to be cleaned up.

I appreciate the words of the subcommittee Chair and ranking member in terms of what they are trying to do with the difficult issues regarding BRAC, and I appreciate there is a very generous number that have been established, maybe not completely adequate, to try and deal with the people who were just whacked in the last round of closure. But, for heaven's sake, we need to keep our commitments to the communities that have worked in good faith, that had their bases closed 5 years, 10 years, 15 years ago, and still are awaiting our meeting, our commitment to them.

I strongly urge support of the amendment that I have introduced with Ms. GINNY BROWN-WAITE.

Mr. EDWARDS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, while I cannot support this amendment, I want to thank Mr. BLUMENAUER and Mr. FARR for having led the fight in Congress to bring to every Member's attention the terribly important need to better fund the cleanup of past military sites that have been closed as a result of base realignment and closing process.

There is a $3.5 billion backlog for the BRAC 1990 round 17 years ago. For those communities that have been a partner in defending our Nation, we owe it to them morally to see that we provide the adequate funds to allow those sites to be cleaned up so they can be utilized in a productive manner on behalf of their communities.

The reason I can't support the amendment and will oppose it is because of the outlay technicalities, the gentleman actually has to cut $200 million from the BRAC 2005 account in order to fund additional $50 million for the BRAC 1990 account. So that outlay problem could create great problems by cutting funding for BRAC 2005 in order to help the cleanup of BRAC 1990. We could inadvertently make it more difficult to have barracks ready for troops coming back from Iraq and Afghanistan to their homes here in the United States. It might be more difficult to have military training facilities, necessary at new Army bases, built. So, I oppose this.

But even as I oppose this amendment, I want to thank the gentleman. He has done every community in this country a service, along with Mr. FARR. Every community that has continued waiting 17 years after the 1990 BRAC round has suffered from the fact that the Congress and the administrations have not adequately funded this. It is time we work with the administration and ask them to increase that funding.

Because of the Members' strong support, Mr. BLUMENAUER and Mr. FARR, we have provided $271 million for the 1990 BRAC round, and that is an increase of $50 million, or a 23 percent increase over the administration's budget request, recognizing that budget request, in my personal opinion, was inadequate.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding. I want to first of all compliment the chairman for adding an additional $50 million.

What every Member of Congress ought to worry about is that we have so many bases that have been closed in the United States that have not been able to finish their cleanup. That means that they can't do economic development. They just sit there with fences around them because they have unexploded ordnances. It is what they call ''warm basing'' a property. Mayor and city councils and local government folks are furious about this.

There is a $3.5 billion cleanup necessary. What Mr. BLUMENAUER is saying is, let's just put $50 million more towards that. That will go a long way toward getting those high-priority communities cleaned up.

Frankly, there is no movement that can be taken until this is done, because the only government that can clean up unexploded ordnances is the Federal Government. You can't delegate it out. It can't be a State or local issue.

If you want to do economic development in your States and home communities which have been affected by these numerous base closings over the years, for those of you that have base closures, just the recent base closure, there is a separate account. But the reason we have to put more money into this is, there are only two ways of getting money into there, either from sales of property or from direct appropriations. The sales of property haven't filled up this account. So the only way, if we are going to address the unexploded ordnance cleanup, to amend the bill is to add an additional $50 million. It is urgent for economic development at the local level. It is good government.

Mr. Chairman, I ask for an ''aye'' vote.

Mr. BLUMENAUER. May I inquire as to how much time remains.

The CHAIRMAN. The gentleman from Oregon has an additional 1½ minutes.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from Florida (Mr. CRENSHAW), a leader on our Appropriations Subcommittee on Military Construction and Veterans Affairs.

Mr. CRENSHAW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to rise very briefly in opposition. I share the same concern that we all share about these unexploded ordnance sites. The safety of our citizens is important, and I think our subcommittee has recognized that by stating very clearly in very

strong language that the Department of Defense should make this a priority, that we should get rid of this unacceptable backlog.

But I don't think we can take money out of the 2005 round of BRAC to solve the problem. That would be like robbing Peter to pay Paul. The 2005 round of BRAC has been put together. There is already some concern that it may not be fully funded, so if we take one penny out of that pot of money and spend it somewhere else, we could upset a very delicate balance.

We have to remember we have made a commitment to our men and women in uniform. For instance, I know in my community, they are building a $129 million hangar to house all the P–3s that will come down from Maine. If there is not enough money to do that, what happens to those planes? They are stranded. What happens to the sailors that are coming? They are stranded.

So while I share everyone's concern in dealing with this backlog, I think it is inappropriate and I think it is wrong to take money which would upset that kind of balance. We have to remember not only do we care about our communities, but we care about our commitment to our men and women in uniform.

Therefore, I would rise in opposition and urge my colleagues to vote ''no'' on this amendment.

Mr. EDWARDS. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate what my friend from Florida said, and I have no interest in robbing Peter to pay Paul. But let's take it down to a very specific example that you are familiar with in Jacksonville. You had a base closed, Cecil Naval Air Station, in a prior round. Under the current schedule, this facility is not scheduled to be cleaned up until 2026, another 19 years.

Now, you are right, we have put a significant amount of money into the 2005 round of BRAC closures. We put $5 billion in the supplemental. And you have put in this bill which I appreciate, almost $8.2 billion. But where I take modest exception with the gentleman is that you can't spend it. The payout rate is about 10 percent. I am seeking to transfer 2 percent away from areas that you can't spend this year or next year or the year after that.

But I will distribute a list of people who have been waiting in some cases since 1988. They have plans ready to go. They are ready to clean up. If you talk to the companies that are the ordnance contractors, they are ready to go. They will clean this up. But we have got to stop the fits and the starts, where we don't follow through on our commitments.

With all due respect, if I had a facility in the 2005 BRAC cycle, I would like this Congress to start meeting its commitments from 1988 and 1990 and 1992 and 1995, because if we don't, subsequent Congresses are going to play the same game. Because you can't spend this $13 billion, it will be dragged on and dragged out, and it will ultimately be diverted. Then we will be here, or some of you will be here, 10 years from now, and people will be wondering why the 2005 round of BRAC is waiting, like Mather Air Force Base, for 60 years, or why people in El Toro are waiting for 30 years.

With all due respect, I would hope that the subcommittee would build on its good work, but look at the payout rate for the $13 billion you have for 2005, which we estimate maybe will be spent, 10 percent.

Join with me in shifting a modest 2 percent of that money, so that we can keep our commitments to people who have been waiting since 1988, since 1990, 1993 and 1995.

I deeply appreciate the work that the subcommittee has done, and I appreciate Mr. EDWARDS, you have been encouraging and helping the work that I have done in the past on this with Mr. FARR. And it is important that you put $50 million in above the administrations request but I hope we can work to keep the commitment to the people.

The CHAIRMAN. The gentleman's time has expired.

At this point, the gentleman from Texas has 2½ minutes. The gentleman from Oregon has 1½ minutes.

Mr. EDWARDS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I want to just reiterate on what Mr. BLUMENAUER indicated. This isn't a ''rob Peter to pay Paul'' case. But if you are from the Jefferson Proving Ground, you have been waiting a long time. If you are from Fort Ord, California, where I am from and why I am really interested in this, we closed in the 1992 round, and we are doing massive economic development, and it is foreclosed if you can't get into cleaning up the unexploded ordnance. Fort Meade, Fort McClellan, Savannah Army Depot, the list goes on and on. These are the kinds of projects that are out there, ready to go. Just take the projects off the shelf, fund them and get it done.

I am on this committee and I am very sympathetic. I am very appreciative of what the chairman has done, increasing the account by $50 million. We are going to have an amendment in a minute to cut it, which would be the worst thing we could ever do for all these reasons. Mr. BLUMENAUER is trying to increase it by $50 million so we could actually have enough money to get some of these projects started. I think it is good government. It is promises made, promises kept, and that is what we ought to do.

Mr. EDWARDS. Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. I think I have 1½ minutes left?

The CHAIRMAN. The gentleman is recognized for 1½ minutes.

Mr. BLUMENAUER. Mr. Chairman, my Republican cosponsor is stuck in traffic, and I wanted GINNY to have a chance to speak on this. Evidently, she is not going to make it.

Mr. Chairman, I do think this is very important in terms of our keeping our commitments. I appreciate the work that the subcommittee is doing in this broad range of areas, but I would hope that you would work with us, because you cannot spend the $13.5 billion. The adoption of this amendment will have no effect on BRAC cleanup for the 2005 round for years to come, if at all.

But failure, failure for Congress to keep our commitments to these legacy BRAC programs, not only does it penalize these people who have been waiting in line for, in some cases, 19 years, but it makes it more likely, frankly, that people who are in the 2005 cycle are going to end up having Congress do to them what pass Congresses have done to the legacy BRAC.

□ 1330

I appreciate the work of the subcommittee, and I look forward to working with you, and echo my friend from California that it would be the worst of all possible worlds if somehow the next amendment, taking money away from these critical bases, was somehow diverted for another use. But I hope that we spare ourselves that problem by adopting the amendment before us.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, as a Co-Chair of the Unexploded Ordnances Caucus, I strongly support this amendment. Anyone who lives on or near a site containing disposed munitions can attest how unsettling this can be.

In Florida, thousands of my constituents have moved to an area on or adjacent to an old military gunnery. Unfortunately, inspections have found rockets, mortars, and grenades, putting people at substantial risk. In fact, one piece of live ordnance was found less than six inches beneath a child's backyard trampoline.

This is not a problem confined to a few areas—this is a nationwide issue. Across the country, from Representative EARL BLUMENAUER's district in Oregon, to Brooksville, Florida, many sites face a similar dilemma. Some people are literally sitting on ticking time bombs.

Congress has an opportunity to prevent the worst from happening. Jurisdiction over cleanup at these older sites falls under two major accounts—the Formerly Used Defense Sites account within the Defense Appropriations bill, and the BRAC 1990 account within this legislation. Our amendment would redirect funds from the BRAC 2005 account, which is set to see a large increase over its previous year funding, to cleanup efforts at these older sites, where people are increasingly taking up residence.

Listen up America! The Federal Government has an obligation to clean up its mess. I urge

my colleagues on both sides of the aisle to support this commonsense amendment and put public safety first.

Mr. BLUMENAUER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 10, line 17, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 27, line 6, after the dollar amount insert ''(increased by $22,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and the gentleman from Texas (Mr. EDWARDS) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I thank the Chair, and I thank the leadership for the opportunity to present this amendment.

This amendment is very simple. It transfers $50 million from the 1990 BRAC account and puts $22 million into the Veterans Health Administration and Medical Services account. The proposal for the 1990 BRAC account is $50 million above the Department of Defense request. As has been talked about with the previous amendment, it is nigh impossible to be spending more than the request.

The money that is in the request is used for environmental cleanup associated with previous BRAC-based closings, and my amendment would make the 1990 BRAC account reflect the Defense Department request and place $22 million of these funds in health care for our veterans. The amendment as scored by CBO is outlay neutral which is the reason for the difference in the figures.

While cleaning up after base closings is indeed important, the unrequested money, as has been mentioned, would be very difficult to spend and would be better spent, I believe, by providing better health care for our returning service men and women.

The conflict we are in has left many soldiers with lifelong injuries, and veterans are acquiring lasting health care. As a physician, I am well aware of the fact that traumatic brain injury and post-traumatic stress disorder are the signature conditions from our current conflict. As we are learning more about traumatic brain injury and PTSD, we find that more and more of our soldiers are suffering from these injuries.

I believe it is imperative that we ensure that as much funding as possible is available to go for important veterans health care. I believe this amendment to be a fiscally responsible amendment that ensures that our veterans are taken care of in the finest possible manner. I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud of the fact that under the new leadership in the Congress, in a period of 6 months, we will have increased veterans health care spending by over $10 billion compared to the funding level that existed in December of 2006.

Virtually every major veterans organization in America has applauded this bill for its $6 billion increase in veterans health care spending.

I salute any Member of this House who has worked or is working or will work to improve funding for veterans health care, but I must say to the gentleman, and perhaps in fairness to him he spoke to other Members of the House, but when I was working as chairman on the Subcommittee on Veterans Funding for a $3.4 billion increase in VA health care spending for the 2007 continuing resolution, I didn't hear from the gentleman.

When as chairman I worked to add $1.8 billion in the Iraq war supplemental for VA health care programs, I didn't hear from the gentleman.

When Mr. WICKER and I worked together on a bipartisan basis to put together the largest increase in VA health care spending in the 77-year history of the VA, I didn't hear from the gentleman any requests for an additional $22 million for VA medical services.

Here at the relatively last moment we get this amendment. While it is well intentioned and I salute and respect the gentleman for trying to increase funding for VA health care, we have been working for 6 months to provide more health care funding for the VA than any previous Congress in the history of the country. And with Mr. WICKER's bipartisan leadership, we have accomplished that so far.

The problem I have with this amendment is that it takes $50 million out of the BRAC 1990 account. Now, in this bill we provide $3.8 billion above the President's request for VA health care and benefits programs and only $207 million above the President's request for BRAC and military construction together.

I think it is very modest to ask for, given there is a $3.5 billion backlog to clean up former military sites all across America, in States such as California, Texas. And in a number of other States, Alabama, Alaska, Colorado, Connecticut, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, this BRAC 1990 money is needed to help these communities get back on their feet and take this former military land and use it for the benefit of their communities and for economic growth in their communities.

So given we have had a $3.8 billion increase in veterans health care spending above the President's request in this bill, I think it is more than fair that we add an additional $50 million to a BRAC 1990 program that needs $3.5 billion.

So I am going to oppose the gentleman's amendment and encourage him to work with our committee on a bipartisan basis in the months ahead, just as the Members of the committee worked on a bipartisan basis to provide historic increases in veterans health care funding.

Mr. Chairman, I yield the balance of my time to Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I am really bitterly disappointed that we would have somebody come before us to break the commitment that we have to the previous BRAC-round cleanups, communities across the country who are going to wait up to 60 years to have their bases cleaned up, to take that funding and further reduce it. I think this is a very cruel cut.

If you wanted to do something, you've got $13 billion in the 2005 BRAC account that is only going to be spent a maximum of 10 percent. Why in heaven's name would we reach back and penalize people who have been waiting in some cases since 1988 to have the Federal Government keep its commitment to base closure and cleanup. I think this is cruel. I think it is unjustified. I think that it is unfair to make these communities that have dealt with unexploded ordnances and military toxins and have land that is not available for reuse and penalize them for a small amount of veterans health.

I respectfully request that we reject this amendment.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the chairman's comments, and I applaud the work he has done to increase funding for veterans health care, sincerely. I don't recall, specifically, requests to the committee; but I am certainly on record in multiple areas across this Congress in urging increased funding for health care. As a physician, I appreciate the need for increased funding for health care across all areas of our budget.

My understanding regarding this provision in the bill is that the $50 million increase over the DOD request is, as I understood it, money that would not be able to be spent in fiscal year 2008. Consequently, that was the reason we requested or proposed in this amendment that the money come from that. So removing $50 million from there, based on outlays by CBO, would stipulate that $22 million was available; and it is my respected request to my colleagues that we place that money for veterans health care for the obvious benefits to all.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I would just like to respond to the gentleman from Georgia about his amendment.

First of all, I think it is an ill-conceived amendment, and here's why.

In order to build veterans facilities on former military property, you have to have that property cleaned and cleared and transferred. I happen to represent a base where we have that problem. We have to clear the area. So if you want to provide health care for your communities, you have to do this clearance.

Your statement that this money couldn't be spent is totally false. These are projects ready to go. It is the newest BRAC round that can't be spent until 2008 because they have to have all their plans in place.

You are cutting $50 million out of something that is very critical for a lot of communities and can do a lot of good, and you are adding it to a program where we just put in $3.4 billion. $3.4 billion. So $50 million more in that account is not going to help.

Frankly, we have already raised that account in committee with strong bipartisan support by $1.7 billion over what the President asked for. So you are going to steal from essentially accounts that are critical and put it into an account that has been plussed-up and is fat. The consequences are going to be that people who are wanting to provide health care services for veterans in their community won't be able to build that facility or get that facility refurbished because the environmental cleanup hasn't been done because we didn't have enough money in the old account. And the only way we can get that money in the account, as I said previously, is to appropriate it.

I think this is a very reckless amendment. I would prefer that we even add more, but that was opposed. But this one, I would hope that you might withdraw your amendment because you are going to do more harm than good.

Mr. PRICE of Georgia. Would the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate the chairman yielding.

I would hope that we wouldn't impugn an individual's motives for bringing amendments forward. My motive is sincere. I believe it is appropriate to increase funding for veterans health care as much as possible, and it was my understanding, and we can disagree about whether or not the funds would be available to be spent in fiscal year 2008, and we may have a legitimate disagreement about that, but I would hope that we wouldn't impugn an individual's motives.

Mr. EDWARDS. Reclaiming my time, I certainly don't question the gentleman's motives. Could I ask the gentleman where did the $22 million figure come from.

We increased VA health care spending in this bill by $3.8 billion above what President Bush asked for. That is a $6 billion increase in VA health care spending over last year. That level of funding has been saluted by every national veterans organization, including the American Legion, Military Officers Association of America, AMVETS, National Association for Uniformed Service, Disabled American Veterans, and dozens of others. Where did the gentleman at the last minute come up with the $22 million figure?

We haven't had this conversation at any time during the first 6 months of this year when we were working on adding $10 billion, and it was done on a bipartisan basis, to VA health care funding.

Where did the $22 million figure come from, if I can ask the gentleman?

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate the gentleman yielding, and I commend you for the increase in health care spending.

The $22 million comes from removing the $50 million that the Defense Department didn't request in the account, and then it works out to be $22 million based on outlays.

Mr. EDWARDS. Right. You take $50 million in order to add $22 million, but did the gentleman meet with Veterans Administration leaders, perhaps the Secretary of Health for the VA, and did they request this additional $22 million?

Was there a specific project that wasn't being funded or a particular need that wasn't being met by the $6 billion increase in VA health care spending this year that caused the gentleman to ask specifically for a $22 million increase?

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I think I mentioned in my comments that the increase in traumatic brain injury and post-traumatic stress syndrome that we are seeing with the conflict that we are currently in obviously warrants as much funding as we can make available to our veterans who are serving us so proudly.

Mr. EDWARDS. And I agree with the gentleman. That is why we provided over $600 million more than the administration request to improve mental health care, traumatic brain injury and PTSD services.

Reclaiming my time, Mr. Chairman, I respect the gentleman's intentions in this effort. I would simply say that we have provided a historic increase in VA health care spending in this bill. That level of funding has been supported by virtually every major veterans organization in America, and we ought not to have to gut another important program for the gentleman's last-minute amendment.

□ 1345

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $8,174,315,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Chairman, thank you very much for yielding.

Mr. Chairman, the prevalence of HIV/AIDS among veterans who access the VA health care system is markedly higher than that of the general population. Furthermore, barriers within this system contribute to already late diagnoses of HIV among veterans. Early diagnosis is crucial because the sooner an HIV-infected person begins treatment, the more manageable and the more cost effective their treatment will be.

I speak today as a member of the subcommittee with concern about the impact of HIV/AIDS on veterans, not only in Georgia, but throughout the Southeast and every major city around the Nation.

The need for action on this issue, Mr. Chairman, is exemplified by the Centers for Disease Control and Prevention's recent Heightened Response to HIV/AIDS in African American Communities initiative. These actions follow the September 2006 release of the CDC's revised HIV testing guidelines, which advise HIV testing become a routine part of medical care.

The VA is the largest integrated health care system in the United States and, therefore, the largest provider of HIV care in the country. However, VA's current HIV testing policy is based on an outdated testing model which is inconsistent with the CDC guidelines.

Compared to the general population, the prevalence of HIV infections is higher among those accessing the VA health care system. A recent study that was conducted by a VA researcher found that at the time of diagnosis 55 percent of HIV-positive veterans had already developed Acquired Immune Deficiency Syndrome, or AIDS, which takes roughly 10 years to develop after it's initially contracted.

Even more disturbing is the fact that most of these veterans had accessed the VA health care system on an average of six times before they were ever diagnosed with this disease. This outdated VA HIV testing policy denies veterans sensible and what is now recommended as standard access to HIV screening in other health care systems.

I applaud the chairman for his leadership in making health care for veterans a priority in the VA appropriations bill. Mr. Chairman, I'm hoping that we can work together to further explore this important issue and address it in an appropriate way as we move forward on the VA Appropriations measure for fiscal 2008.

At this point, I'd like to ask the chairman of the subcommittee if he would be so kind as to yield to Mr. JACKSON from Illinois to speak to the issue of HIV prevalence among veterans.

Mr. EDWARDS. Let me say that I thank both the gentleman from Illinois and the gentleman from Georgia for their leadership on this important issue. I look forward to working with them and the Veterans' Affairs Committee and our subcommittee to address the needs and pursue the solutions that you have proposed.

Mr. Chairman, I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Thank you, Mr. Chairman.

Mr. Chairman, let me first thank my friend from Georgia (Mr. BISHOP) for his remarks and for his leadership in bringing this topic to the attention of our colleagues. I would also like to recognize the timeliness of his comments, as National HIV Testing Day is on June 27.

The gravity of this issue cannot be understated, and I hope to work with Mr. BISHOP and lend my support to address the veterans who suffer from this interminable disease.

Chicago is the epicenter of HIV/AIDS in Illinois. Roughly 70 percent of reported AIDS cases in the State are in Chicago. Minorities account for approximately 69 percent of the city's total population, but represent 81 percent recently diagnosed AIDS cases. Minorities constitute 20 percent of veterans in Illinois; yet the trend of HIV/AIDS among the State population and the higher prevalence of HIV/AIDS among veterans in general demonstrates minority veterans are disproportionately affected by this disease.

HIV/AIDS has had a significant impact on veterans across the country. Combating the spread of this disease through testing and education is not only important to our communities, but vital for the health of all Americans.

I want to thank the chairman for yielding me the time and thank Mr. BISHOP for his leadership.

Mr. EDWARDS. I want to thank Mr. JACKSON and Mr. BISHOP for your leadership on this. By exercising early intervention, we can save the lives of thousands of America's veterans and prevent them from having HIV or AIDS. It will be a tremendous service to those who have served our country in uniform, and I look forward to working with both gentlemen as we go to conference committee and as we work with the Veterans' Affairs Committee to address this serious national problem.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior

years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title under the heading ''North Atlantic Treaty Organization Security Investment Program'', and no funds appropriated for any fiscal year before fiscal year 2008 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

AMENDMENT NO. 8 OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FRANKS of Arizona:

Page 19, beginning on line 15, strike section 125.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, in an age of sophisticated missile development and rampant nuclear proliferation, the United States must continue to invest its attention and resources in developing and fielding defenses to stay ahead of the ominous threat of ballistic missiles.

It is critical that the United States continue to work with our friends and allies who wish to cooperate in our mission to develop a robust ballistic missile defense against our common enemies.

The United States is currently working with NATO and negotiating with European countries about the possibility of placing a ballistic missile interceptor site in Europe. This is an example of a missile defense opportunity that could offer protection for the U.S. homeland and our European friends from a perilous threat that we share, ballistic missiles potentially carrying nuclear warheads, being launched from rogue nations such as Iran.

Mr. Chairman, incidentally, Iran is projected to have missiles capable of reaching the United States homeland within 7 years.

As it currently stands, this bill prohibits funds made available under the NATO Security Investment Program from being obligated or expended to conduct studies on missile defense. My amendment would strike this section. Mr. Chairman, in the midst of the current debate regarding the need for greater international support of missile defense, we must not arbitrarily prevent our allies from joining with us to pursue these vital and common goals.

For the sake of defending our cities and our freedom, I encourage our colleagues to support our Nation's policy to build a robust, layered ballistic missile defense; to support our allies against common threats; and to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to make a few points about this amendment, and I will be glad to accept the amendment when I'm completed. Let me just make a few points that are clear, though.

Section 125 prohibits the use of funds appropriated to the NATO Security Investment Program for studies of missile defense. The history of this is that in the fiscal year 2004 Military Construction bill, it was a Republican majority that put this language into the bill which has been repeated year after year without any controversy or serious discussion. It grew out of concerns that large sums of these NATO funds were being spent on expensive studies.

I do want to emphasize and clarify that this provision relates to the studies for a NATO missile defense system that is not related to the proposal by the administration to pursue and place a missile defense site in Poland and in the Czech Republic. That is a U.S. initiative, not a NATO initiative, and I want Members to understand that distinction.

I also want to make it clear that I believe NATO Security Investment Program funds should focus primarily on building current NATO infrastructure, including critical facilities in the NATO mission in Afghanistan. Because these funds are limited, I think they should be wisely and directed to where they have the greatest impact in support of our military troops around the world.

With that being said, I will accept the gentleman's amendment.

Mr. FRANKS of Arizona. Mr. Chairman, I thank the gentleman.

I would only add that it is vitally important from our perspective that NATO countries be encouraged to cooperate with the things that we're doing there and some of the countries that we're working with for the European missile site. We understand that everything you said is correct. We also believe that it doesn't make sense to single out missile defense as the only study that would be prohibited under this section.

And there may come a day when we will have to apologize to the American public for putting so much emphasis on building expensive missile defense capabilities, and if that happens, I will be willing to stand here and do that, but it would be far harder for me to apologize to the American people for failing to do everything that we could on every front to protect the homeland and our European allies and our soldiers and warfighters abroad from the most dangerous offensive weapons that have ever come upon humanity.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The amendment was agreed to.

□ 1400

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman of South Carolina (Mr. BROWN) for the purpose of a colloquy.

Mr. BROWN of South Carolina. Mr. Chairman, I would like to discuss a very serious battle our veterans are waging here at home, a battle against ALS, better known as Lou Gehrig's disease.

Several independent and government studies have found that military veterans are at a greater risk of dying from Lou Gehrig's disease than those who have never served in the military. In fact, veterans are at a 60 percent greater risk to develop ALS. Lou Gehrig's disease is a horrific disease that robs a person of the ability to control their muscles.

Unfortunately, I have met firsthand and have knowledge of the true nature of ALS and its impact on veterans. I have watched the disease attack a good friend of mine, Tom Mikolajcik, a retired Air Force brigadier general. He was diagnosed with ALS in 2003. Since then I have seen the disease take a once-powerful man and rob him of nearly all of his physical abilities.

Mr. Chairman, only certain veterans with ALS who served in theatre during the 1991 Persian Gulf War are currently presumed to be eligible for service-connected benefits, and there are significant research needs related to the causes and treatment of ALS. As such, we must begin to take the steps necessary to not only discover why our veterans are at greater risk of ALS and to find treatments for the disease but also to help ensure that they have timely access to needed VA benefits.

I hope that you and the committee will work in conference and ensure the resources of the VA are directed towards meeting the research and benefit needs of all veterans who are diagnosed with ALS.

Mr. EDWARDS. Mr. Chairman, reclaiming my time, let me thank the gentleman for bringing this important problem and issue before the House. It is something we have a responsibility to deal with. I am proud to say that Mr. WICKER and I worked with the Members of our subcommittee to ensure that we had $69 million increase in this bill to increase VA health care research funding above the President's request.

I think we have had the VA research budget at a stable number for a number of years. I think, given our war in Iraq and Afghanistan and the challenges we face trying to support our veterans from past combat, as you have pointed out, this additional research money is much needed and very well deserved.

While it hasn't been the tradition of the Congress to try to earmark funds, we have made this a peer review process to let the VA in its peer review process determine what are the highest priority needs for research. I, for one, would certainly hope that it would take a serious look at the challenge of Lou Gehrig's disease and its impact on veterans who have been exposed to various chemical agents in their service.

I would point out, as the gentleman well knows, that right now the Bronx VA Medical Center has worked on research to improve the identification of this disease. With the gentleman's leadership, we will do even more.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, at this time I would like to yield to the gentleman from Georgia (Mr. BISHOP), a senior member of the Military Construction and Veterans' Affairs Appropriations Subcommittee, someone who has fought long and hard in this House on behalf of our servicemen and -women and their families and our veterans. I offer him an opportunity to talk about provisions of the bill.

Mr. BISHOP of Georgia. I thank the gentleman, our subcommittee chairman, for his tremendous work and bringing our bill to the floor.

Mr. Chairman, I am very pleased to rise in full support of our FY 2008 Military Construction and Veterans Affairs and Related Agencies appropriations bill.

As a member of the subcommittee, I am extremely proud of the work that the subcommittee and members on both sides of the aisle have done in crafting a bill which truly supports America's servicemen and -women and their families by boosting military construction funding so that they can have more effective training facilities, better housing, health care and daycare facilities, providing an unprecedented $21.4 billion investment in military construction, family housing and BRAC, or nearly $207 million more than the President's request.

Just as important, I am extremely proud to join my subcommittee colleagues in recommending a historic expansion in support and resources for our Nation's veterans. This bill includes the largest single increase in the 77-year history of the Veterans Administration, increasing the VA budget by $6.7 billion above the 2007 level and $3.8 billion above the President's request.

For the first time in history, funding for VA medical care exceeds the budget of the veterans service organization's independent budget that has been going on now for decades. This will ensure quality health care for 5.8 million patients, including about 263,000 Iraq and Afghanistan veterans, who the VA will treat, expectantly, in FY 2008.

This bill will provide veterans with health care and benefits that we have promised them, resulting in the hiring of more qualified doctors and nurses to improve medical services to our veterans and to reduce the waiting times for doctor appointments and to provide more help to veterans suffering from traumatic brain injury, PTSD, mental health care issues and lost limbs to rebuild their lives. This is truly an accomplishment that all of us, as Members of this august body, should be very proud of.

Of note, our bill also provides funding that gives much-needed nonrecurring maintenance of the VA health care facilities, $500 million above the President's request to prevent a Walter Reed-type situation from occurring in the VA medical system. It will significantly reduce the 400,000 claims backlog of veterans that are waiting for disability and other benefit determinations.

It will provide for better barracks, housing, training facilities for our troops when they return from combat through an unprecedented $24.4 billion investment in military construction, family housing and BRAC, $207 million more than the President's request.

It provides funds to grow our military forces to begin the process of supporting an additional 65,000 Army, 27,000 Marine and 9,000 National Guard troops that will increase our ultimate end strength.

I have the privilege and the honor of representing Fort Benning and Marine Corps Logistics Base, Albany, and the men and women who work, live and train at this great military facility, who are defending and serving our great Nation with dignity, honor and distinction.

As such, I was very pleased that our subcommittee saw fit to include full funding for the 2005 Base Realignment and Closure Account, which is also known as BRAC, at the level of $8.2 billion. This level of funding will be critically important to military facilities, such as Fort Benning, which are expected to see and experience significant new personnel as a result of BRAC and the global repositioning of our forces around the world.

While we in the Columbus area continue to have some concerns with respect to what impact the BRAC process may have on our local school systems in terms of potential dramatic increases in school enrollment, we continue to be encouraged by the interest and support shown by our colleagues on the subcommittee, particularly Mr. EDWARDS, our chairman.

Finally, I would like to recognize and thank the staff of the subcommittee, Carol Murphy, Mary Arnold, Walter Hearne, Tim Bishop and Donna Shabaz, majority staff; Liz Dawson, Deana Baron and Jamie Swafford, minority staff; and, of course, Michael Reed on my staff for their hard work.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the remainder of title I and all of title II be considered as read, printed in the RECORD, and open to amendment at any point.

I believe this has been cleared with the minority leadership.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided,* That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 129. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 130. None of the funds in this title shall be used for any activity related to the construction of an Outlying Landing Field in Washington County, North Carolina.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $41,236,322,000, to remain available until expended: *Provided,* That not to exceed $25,033,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical administration'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $3,300,289,000, to remain available until expended: *Provided,* That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $41,250,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2008, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,562,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $71,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,287,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $628,000, which may be transferred to and merged with the appropriation for ''General operating expenses'': *Provided*, That no new loans in excess of $30,000,000 may be made in fiscal year 2008.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical administration'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $28,906,400,000, plus reimbursements, of which not less than $2,900,000,000 shall be expended for specialty mental health care; not less than $130,000,000 shall be expended for the homeless grants and per diem program; not less than $428,873,754 shall be expended for the substance abuse program; and not less than $100,275,000 shall be expended for blind rehabilitation services: *Provided*, That of the funds made available under this heading, not to exceed $1,100,000,000 shall be available until September 30, 2009: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $3,635,600,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2009.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,100,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2009: *Provided*, That $300,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $480,000,000, plus reimbursements, to remain available until September 30, 2009.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services and the Department of Defense for the cost of overseas employee mail, $1,598,500,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,324,957,000: *Provided further*, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2009: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems and pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,859,217,000, to remain available until September 30, 2009: *Provided*, That none of these funds may be obligated until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $170,000,000, of which not to exceed $7,800,000 shall be available until September 30, 2009.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $76,500,000, of which $3,630,000 shall remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,410,800,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided,* That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 2008, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2008; and (2) by the awarding of a construction contract by September 30, 2009: *Provided further,* That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further,* That none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $615,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided,* That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes: *Provided further,* That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $165,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $37,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided,* That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 203. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 205. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2007.

SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 207. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: *Provided,* That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further,* That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further,* That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 208. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 209. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $32,067,000 for the Office of Resolution Management and $3,148,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided,* That payments may be made in advance for services to be furnished based on estimated costs: *Provided further,* That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 210. No appropriations in this title shall be available to enter into any new lease

of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 213. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 215. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 217. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 218. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

SEC. 220. Amounts made available for the ''Information technology systems'' account may be reprogrammed between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost before the Secretary submits to the Committees on Appropriations of both Houses of Congress a reprogramming request and the Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' acount.

SEC. 222. Amounts made available for the ''Construction, minor projects'' account may be reprogrammed between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost before the Secretary submits to the Committees on Appropriations of both Houses of Congress a reprogramming request and the Committees issue an approval, or absent a response, a period of 30 days has elapsed.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Kansas:

Page 27, line 6, after the dollar amount, insert ''(increased by $125,000,000)''.

Page 28, line 22, after the dollar amount, insert ''(reduced by $125,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

Mr. EDWARDS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentleman from Kansas.

Mr. MORAN of Kansas. Mr. Chairman, I commend the committee's work in regard to the funding levels that are here before us in this Veterans Administration and Military Quality of Life appropriation bill.

I am pleased to be here in support of this legislation, but I do have an amendment. My amendment would transfer $125 million from veterans health administration accounts to the medical services account, and the purpose of doing so is to increase the amount of mileage reimbursement that disabled veterans receive for travel for medical services.

Currently, and, in fact, since 1978, our veterans have received 11 cents per mile. One would think that to be a misstatement on our part. I think it's very hard to believe that since 1978 we have not increased that reimbursement rate.

Because of funding constraints and priorities, I'm not asking that it be increased to what most of us would think is appropriate. Amendments have been offered in support on this House floor that have been demonstrated for the 48½ cents allowed by IRS regulations.

On the floor today is the gentleman from Georgia who offered an amendment that passed unanimously by voice vote earlier this session that would increase the rate, authorize the increased rate to 48½ cents. My amendment today appropriates the money, provides the money necessary to double the mileage reimbursement rate for disabled veterans from 11 cents per mile to 22 cents per mile.

A reasonable reimbursement rate is awfully important. This bill, in my opinion, goes a long way toward increasing the likelihood that veterans will have access to medical care and services that they so desperately need and so sincerely desire and deserve.

Those of us, however, who come from places in which it's a long distance to receive that service, to receive those benefits, are very concerned that there are people who are slipping through the cracks, as we have heard in other instances, within the VA system, because they cannot afford to make the trip to see the physician, to be seen at the hospital, to receive the services that they are entitled to.

I represent a district approximately the size of the State of Illinois. There is no VA hospital within the district. So my veterans must travel significant distances in order to receive care and treatment, and we know what has occurred in regard to the cost of travel with gas prices where they are today, as compared to where they were in 1978 when 11 cents per mile was established.

This concept is supported by our veterans service organization. I am a member of the House Veterans' Affairs Committee. I have chaired the health care subcommittee. This has been an issue we have dealt with for a long

time, and I have seen amendments offered in previously years often stuck on a point of order or for me to withdraw them.

Today, I think it's important that we move forward, particularly at a time when we were increasing the amount of money available within the VA funding stream. If we don't do it now, when will we do it? I offered this amendment, a similar amendment, in 2003, and most years since. It's always going to be next year.

With the levels of funding that are provided for in the underlying appropriation bill, it seems important for us, to me, for us not to sidestep this issue for another year.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I withdraw my reservation, and I rise in opposition to the amendment.

The CHAIRMAN. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, in all due respect, I had not seen this amendment until 2 minutes ago.

I wish we had an opportunity to sit down, as our subcommittee has been doing for the last 6 months on a bipartisan basis, to see if the legitimate needs that the gentleman from Kansas has raised could have been dealt with through our subcommittee process.

The problem with what the gentleman has proposed in this amendment, while it might sound like we are cutting medical administration overhead at the central office in Washington, DC, the gentleman may or may not know that the VA Medical Administration account funds employees with their feet on the ground, in the hospitals all across America, including in the gentleman's home State.

So, perhaps, unintentionally, I assume unintentionally, this amendment would cut funding needed to fund security at our VA hospitals, it would cut funds needed to provide patient medical information, transcription of patient records, financial management services at our VA hospitals and third-party collection activities.

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So, unintentionally, by cutting this funding, it could make it more difficult to even bring third-party funding into the VA system and into the Treasury. So for those reasons, I must rise in opposition to this amendment.

I would be happy to sit down and work on a bipartisan basis to try to find a way to increase the miles reimbursement rate for veterans. I completely agree with the gentleman that the miles reimbursement rates are inadequate.

And I would like to think, given that we increased the medical services account for 2008 by $3.4 billion over the 2007 level, and given that we increased it by $1.7 billion over the President's request for medical services, my hope would be that the VA could seriously look at using those significant increases in funding to address the shortfall that the gentleman has mentioned.

I'm not sure what the authorizing process is. Since this amendment was one I'd never seen prior to, now 4 or 5 minutes ago, I'm not sure if there's a need to authorize funding for this if that authorization has passed both the House and the Senate. I think it might have been in the Wounded Warrior legislation. But there might be an authorization question. Perhaps not.

But I would like to request the gentleman draw down the amendment. He doesn't have to, but I'd be happy to work in good faith, as we've been working all year long, to address legitimate needs. And the gentleman has pointed out a legitimate need.

But I want to be clear. I strongly oppose this amendment because it could hurt medical services provided to veterans by cutting out funding needed to staff our VA hospitals. The source of this money wouldn't be cutting out the Washington, DC, office staff; it would be cutting out employees that are serving vital roles in our veterans hospitals in the gentleman's home State as well as mine.

Mr. MORAN of Kansas. Mr. Chairman, I appreciate the comments offered by the gentleman from Texas (Mr. EDWARDS). I will have to admit to him that my amendment is not unintentional, and so his assumption that the offset that I'm providing is an unintentional offering on my part is not true. I'm aware of where the money comes from and still believe that this is a high priority. And, in fact, this bill, the medical administration account, receives a 14½ percent, $458 million, increase over last year's funding levels, and $193 million more than the President requested in fiscal year 2008. And, in fact, our authorizing committee, both the minority and majority views, accepted those, the President's recommendation, as our suggested funding levels.

So again, in searching year after year for a place from which this money can come, it is not without concern that we have chosen these accounts. But this is the year in which there is a 14.5 percent increase in those funds. And even if my amendment would be adopted, it would still allow for a 10.6 percent increase in those administrative accounts.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, if I could use my remaining time, I'd like to just say to the gentleman, I appreciate his bringing this serious problem before the House. I wish, in hindsight, he'd brought it to us earlier than 5 or 10 minutes ago. I hope we could work together to try to find a way to address the needs he's mentioned.

But, my colleagues, let me reemphasize two points. He may know the source of the funding, but I'm not sure he intended to actually cut out funding, which this amendment would do, that is needed to hire VA employees to man our VA hospitals to see our veterans get the service that they desperately need and deserve.

In addition, we've had lengthy discussion, including from the Republican leadership, about the importance of oversight of this additional funding, this historic level of funding we're putting into the VA this year. If we cut out the accounts that the gentleman's trying to cut out in this amendment, that undermines the entire effort that was discussed so eloquently by my Republican colleagues, that we've got to have enough money to have oversight to see that these new dollars are spent wisely and for the highest priority.

So, if the gentleman persists in offering the amendment and having a vote on it, I would ask my colleagues, on a bipartisan basis, in all due respect, to reject it and allow us to then work together in the months ahead to find an appropriate way to more adequately fund reimbursement rates for America's veterans.

I believe, personally and strongly, that this amendment would do harm to medical care to veterans, not intentionally, because the gentleman is a strong supporter of veterans. But nevertheless, it would do harm to service to veterans and undermine our ability to have strong oversight on the historic increases in VA funding that we provide in this bill.

Mr. MORAN of Kansas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MORAN of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. BARROW) for the purpose of a colloquy.

Mr. BARROW. Mr. Chairman, this is an important bill that addresses the needs of our veterans who've been neglected for too long now. Taking care of our veterans is important at any time, but it's particularly important in a time of war. So I want to thank you, Mr. Chairman, and your staff for your hard work on this bill.

I recently conducted a tour of veterans service organizations all across

my district, and one of the things I heard over and over again was the growth in demand for veterans services in the future, and that's what I'd like to discuss with you, Mr. Chairman.

Mr. Chairman, community-based outpatient clinics play a vital role in meeting the health care needs of our veterans, especially in the rural parts of our country. My district, a 17-county area centered on Statesboro, Georgia, contains some 34,000 veterans. And I ask for your commitment, Mr. Chairman, to work in conference with the other body to look at this area and evaluate the need and determine the feasibility of a community-based outpatient clinic in Statesboro, Georgia.

Mr. EDWARDS. Reclaiming my time, Mr. Chairman, let me thank the gentleman for his focus on the importance of VA outpatient clinics.

In my 16 years in Congress, I think one of the most important improvements made in VA care to veterans, particularly in rural areas, is the creation and development and expansion of VA outpatient clinics, particularly for those veterans that live a long way from VA hospitals.

I'll be happy to work with the gentleman as we go to conference, and to work with the Veterans Administration as well, to put the facts together to see if we can provide funding for a Statesboro clinic. And I know the gentleman will be a strong advocate on its behalf.

For the record, I will say we have not, as a procedure in the past, earmarked specific funding for specific outpatient clinics. But the gentleman has spoken very strongly and eloquently about the need for his clinic, and we will work with him and the VA to see if we can provide the funding.

And I will say that the bill that the gentleman has strongly supported provides, as we previously said, an enormous increase in VA medical services funding, far above, $1.7 billion above the President's request, $6 billion in total VA medical care funding over fiscal year 2007. So I hope the VA will make a high priority out of expanding these clinics where they are needed.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. CAPITO:

Page 28, line 22, after the dollar amount, insert ''(increased by $5,000,000)(decreased by $5,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Mr. Chairman, I rise today to offer a bipartisan amendment highlighting the importance and need for an Office of Rural Health within the Department of Veterans Affairs.

I'd like to commend the chairman and the ranking member for their good, solid, hard work on this bill and the tribute it pays to America's veterans. I would also like to thank Mr. SALAZAR of Colorado and Mr. SMITH of Nebraska for their work on this bipartisan amendment.

I was pleased that language was included in the legislation that was signed into law by the President last year calling on the Department of Veterans Affairs to create an Office of Rural Health within the Office of the Under Secretary for Health. However, the Department has yet to make any progress towards establishing this very important office.

This is a simple amendment that should encourage the Department to make the Office of Rural Health fully operational as expeditiously as possible, and provide them with the resources needed to do so by rerouting $5 million in the Medical Services Account to help fund the Office of Rural Health, thus making it revenue neutral.

Rural Americans face different and unique challenges than our fellow citizens who reside in urban and suburban areas, and this is no different for our veterans and their ability to seek the services and the treatments that they need. For some rural veterans, a simple trip to the doctor can often involve hours of travel to reach the appropriate facility within the veterans health facilities health system.

It is my hope that the Office of Rural Health will shed light on many of these challenges, and will be a resource with many new and creative ideas for methods to help our rural veterans receive their much-deserved benefits in a manner that is efficient, and allowing them to stay as close to home as possible.

One of the great challenges we are beginning to face is the number of servicemen and -women returning from Iraq and Afghanistan who have sustained a traumatic brain injury. The Department of Veterans Affairs has four large polytrauma centers, in Richmond, Tampa, Minneapolis and Palo Alto, California. These facilities provide first-class treatment for veterans suffering polytrauma, and also provide inpatient rehabilitation services.

Despite the services provided at these facilities, many veterans will eventually return to their homes in the rural areas of America, but they will still need care and treatment. The Office of Rural Health will be the basis for new ways to provide rural veterans with polytrauma with the care that they need.

Another development within the Department of Veterans Affairs that has been going on for a while are the Community-Based Outpatient Clinics, or CBOCs. Often serving rural areas, CBOCs are a tremendous asset to the delivery of care for veterans, allowing them to seek treatment closer to their home. Unfortunately, underserved areas still remain in the rural areas. Again, the Office of Rural Health will be an excellent resource for new ways to provide primary outpatient care.

Mr. Chairman, I urge passage of this commonsense amendment so that the rural veterans concerns can be appropriately addressed.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I want to thank the gentlelady for bringing to the attention of the House, once again, the importance of providing quality veterans care to the men and women who served our Nation and happen to live in small, rural communities, areas perhaps in many cases far away from veterans hospitals. I think the community clinics have been one great, great addition to the VA health care system over the last 2 decades.

And let me point out, for the RECORD, before I will express that I will support this amendment, that Mr. UDALL of New Mexico and Mr. LATHAM, in our full Appropriations Committee, added language on this issue which I know the gentlelady and I will both support; and it says this: ''The committee notes that the Public Law 109–461 directed the establishment of an Office of Rural Health within the Office of Under Secretary for Health. To date, after more than 6 months, there has been no action taken to implement the provision regarding the Office of Rural Health. The Committee urges the Department to move forward in an expeditious manner.''

□ 1430

With that, I would like to express my support for the amendment.

Mrs. CAPITO. Mr. Chairman, I would like to yield 1½ minutes to my colleague from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I thank the gentlewoman for yielding. And I would also like to thank the chairman of the committee for expressing his support for this amendment.

At the end of the 109th Congress, the Veterans Benefits, Health Care, and Information Technology Act of 2006 was signed into law. This legislation created the Office of Rural Health within the VA and tasked the office with conducting research into issues affecting rural veterans, as well as developing and refining policies and programs to improve care and services for rural veterans.

Unfortunately, as the chairman has clearly stated, since this legislation has been signed into law establishing the Office of Rural Health, no action

has been taken. Just yesterday in the Veterans' Affairs Health Subcommittee, I asked the VA Under Secretary to give me an update, and he confirmed that as of this date a director has not even been hired yet.

This amendment would simply allocate $5 million from the same account within Medical Services to establish this office.

The care our Nation provides rural veterans in return for protecting our country should not suffer because some have chosen to live in rural America. We owe them no less for their sacrifice.

For the 25 percent of all veterans who live in rural areas, and the nearly 45 percent of all recruits coming from rural America, I urge you to strongly support this amendment, and I commend the chairman for supporting this amendment.

Mrs. CAPITO. Mr. Chairman, I, too, would like to thank the Chair for his support of this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Nebraska (Mr. SMITH), one of the cosponsors of this amendment.

Mr. SMITH of Nebraska. Mr. Chairman, I thank Congresswoman CAPITO.

I appreciate your support for this amendment, the Capito-Smith-Salazar amendment. And I don't want to be repetitive because many good points were offered by the chairman of the committee as well as others. So I just want to add my support and certainly state that it is unfortunate that nearly 6 months since the legislation was signed into law for the Office of Rural Health, little action has been taken. So I believe this is a good step forward for those in rural America because they should not have to suffer simply because they live in rural America.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. CORRINE BROWN of Florida:

Page 30, line 14, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 14, after the dollar amount, insert ''(increased by $40,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, first of all, I want to thank Speaker PELOSI, Chairman OBEY, and Chairman EDWARDS for bringing this bill to the floor. The motto of the former Veterans Secretary, my friend Jessie Brown, was ''putting veterans first.''

Well, the leadership they have shown, bringing the largest increase in the history of veterans funding to the floor, over $7 billion, I have got to thank you, sir. I have served on this committee for 15 years, and for 15 years we have struggled to put the veterans first. And I am so pleased that the House of Representatives under your leadership has finally put the veterans first.

Mr. Chairman, I rise on my amendment to bring attention to a travesty occurring in my district. A travesty not just affecting my district, but this regional hospital affects Florida and Georgia.

The Gainesville VA Medical Center is 40 years old and looks every day of it. There are five beds to a room, no shower, and no place for families.

This facility received one of the highest rates of returning Afghanistan and Iraq veterans and is being shortchanged by a lack of proper facilities. The bed tower project includes 228 single-patient bedrooms for surgical, medical, and psychiatric patients. This includes extra space for support of the psychiatric care inpatient program. Finally, the building itself was required to be structurally strengthened to protect it from potential terrorist attack since we are part of the national emergency response system. The current design will be completed in June 2007 and will be ready to be released for bid in September 2007.

Since the approval by the National CARES Commission and initial funding allocation, much has changed in the construction world. The dual impacts of Hurricane Katrina and the construction boom in China have caused the costs of all construction in the U.S. to rise.

The total estimated construction cost is over $103 million. The original projection was $64 million for construction. That leaves a shortfall of about $40 million.

Every month of delay costs about $1.1 million. An additional $40 million is needed in order to complete the project.

The men and women returning to Florida and southern Georgia will be greatly impacted, and I would like to work with the committee to resolve this matter.

Mr. Chairman, do I have the word of the chairman to look into this matter?

Mr. EDWARDS. Mr. Chairman, will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to Chairman EDWARDS.

Mr. EDWARDS. Mr. Chairman, let me first thank the gentlewoman for her kind words about our work on this bill and, more importantly, for her 15 years of leadership on the Veterans' Affairs Committee on behalf of our veterans not only in Florida but on behalf of veterans all across the country.

Because of the concerns raised by the gentlewoman, we increased the major construction project account in this bill by $683 million above the President's request because the reality is it is not just the VA system. It is the DOD health care system. It is construction all across America that is facing huge increases in costs, and obviously the Gainesville Florida hospital is a terribly important health care facility in our national VA health care system. And I look forward to working with the gentlewoman to see that we have enough funding to see that that additional funding is possible. And we will work with the VA as we go to conference and beyond on that issue.

Ms. CORRINE BROWN of Florida. Thank you, Mr. Chairman. And once again thank you for your leadership.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GARRETT of New Jersey:

Page 30, line 14, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 36, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and the gentleman from Texas (Mr. EDWARDS) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, first of all, I wish to rise to say that I appreciate the work of both the Chair and ranking member with regard to their work on behalf of veterans of this country.

The amendment that is before us is an amendment to seek increase in funds for the State veterans homes. It does so in the amount of $10 million. There are 126 facilities, veterans homes, across the 50 States and Puerto Rico. These are State veterans homes and they care for nearly 30,000 of our Nation's heroes. The number of veterans that are going to be requiring care is large and is going to continue to grow through the year 2020. And the conflict today is leading to more veterans that will need special care throughout the rest of their lives.

As many of our veterans move into these extended care facilities, we must continue here in this House to ensure

that the facilities are both safe and comfortable for the residents. As you may know, there is an extensive list of backlogged projects just waiting for the funds, many of them in the area of critical health and safety needs. Of the $500 million of projects waiting for Federal funds, nearly half are classified as priority one.

We must also see that these facilities are able to provide for high quality of life as well for those individuals who have made great sacrifices in the past years for our Nation. These are homes, as I said before, for our heroes. They are not simply institutions that we are funding. If we are not able to fund the priority one projects that I am worried about, these homes will be inadequate and we will not be honoring our veterans.

The staff at these homes work hard to honor our veterans and work with them to provide that they have, for the remaining years of their lives, a comfortable environment. I have had the opportunity to spend some time in these veterans home, particularly the Paramus Veterans Home in my district in Bergen County, and I particularly had the chance to visit with the people who live there and the staff and their friends and relatives who come along. In addition to that, there are local veterans service organizations that have worked hard to secure State matching funds for these essential projects as well at this facility, just as their counterparts are doing the same sort of thing all across this country in their homes as well.

Finally, I would like to point this out, that our colleagues in the Senate Appropriations Committee just this week approved $250 million for this account. So including my amendment here would still mean that we are falling short of where the Senate is by around $75 million; so I therefore believe that this $10 million is well called for.

While this backlog is much greater than what this amendment can provide, I wanted to call attention to this difficulty these homes currently are facing and have been facing for some period of time, and I hope that we can work together now to find a way to honor these vets and make sure that they receive the best care and the best quality of life in their remaining days.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I do want to thank the gentleman from New Jersey for his support for state-extended care facilities, and I agree with him that the President's budget for this account was, in my words, woefully underfunded, and it is because of the importance of these extended care facilities that in our subcommittee we provided a 95-percent increase over the President's request for that. The President has requested $85 million; we fund it at $165 million.

The reason I oppose this amendment and would ask my colleagues to do the same is that the gentleman, in order to provide additional funding, cuts $10 million out of the funding account that is necessary to meet one of the veterans service organizations' highest priorities this year, and that is reduce the terrible backlog of 400,000 veterans waiting to get their claims reviewed by VA caseworkers. And with the funding we provided in that account in this bill, if we don't reduce it in this or other amendments, we are going to be able to hire 1,100 new VA caseworkers in order to reduce that backlog. Right now that backlog is averaging 177 days, and many veterans are having to wait longer than that, including combat veterans, to get their earned benefits approved and started.

The gentleman in no way would want to or intend to cut the funding to try to help our veterans get their benefits more quickly. But the reality is that taking $10 million out of that very account, the very account that the VAV, the VFW, the American Legion, and others emphasized to us all year long, we have to reduce the terrible backlog in veterans benefits claims processing. All the groups supported that additional funding. And that is why I would ask, with all due respect, that our colleagues on a bipartisan basis respect that 95 percent increase we provided in this bill for state-extended care facilities and let's not cut one of the top two priorities of veterans service organizations this year all across the Nation, and that is, reduce the 400,000 claims backlog of veterans benefits.

Mr. GARRETT of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I will be glad to yield to the gentleman.

Mr. GARRETT of New Jersey. As you know, this is not an issue that is new. I actually brought this up and talked about this back early in the year in the Budget Committee, and we had a discussion on it at that time.

Just a question to you: That account you are referencing where we are drawing the money from has grown as well, has it not?

Two questions. And the second question is there are other aspects of that account other than just that provision that you are referencing; so does it necessarily mean, in your opinion, that if we do withdraw some funds from the fairly large account that it will have a detrimental effect on the area that you are specifying, one which I agree with?

Mr. EDWARDS. Mr. Chairman, reclaiming my time, we can't say on the floor at this moment exactly what the VA would do, but what I could say for a fact is this $10 million comes out of the account. It is used and intended to fund an additional 1,100 VA claims caseworkers, and I am afraid if you start cutting that account, the VA will obviously have to cut funding out of our intended plans to increase those numbers.

We still have a long way to go in this process. Who knows, as we look carefully at various projects in military construction and the VA side, where we might find additional money. And I think the committee has shown its good intention by increasing President Bush's request for this program by 95 percent. We understand it is an important need, and the gentleman has spoken out on it earlier this year and in the past.

I would just say to our colleagues, not this year, not now, not today. Let's not cut $10 million out of an account that the veterans service groups say we desperately need funded in order to reduce the backlog for 400,000 veterans to get their benefits started. Many of these veterans need their benefits started as soon as possible. Many of them are living day to day, week to week; and the earlier we can get them their benefits, the quicker they go on with rebuilding their lives. And for that reason, I must oppose the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the gentleman's comments. And we are on the same page as far as both aspects that we wish the Department to deal with.

On this amendment, I think your comment was ''just not this year.'' And obviously as a Member who has been here 4 years now fighting, as you have also, probably before me, but myself here on this floor fighting for these veterans homes, fighting literally for the ones back in my districts as well for the veterans there and seeing just the smallest improvements in just a certain number of the safety areas. And there are other area safety areas that would seem to me to need improvements in and health areas as well, and we just can't get the funds.

□ 1445

And the quality of life even goes beyond those issues as far as what these gentlemen need in these homes.

So I bring this amendment to the floor today for that reason, firstly. And secondly, also from a pragmatic point of view that this will go to the Senate and, as I did make the reference, that the Senate has already marked it up even significantly higher than what the gentleman has already done.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I would like to yield time to the gentleman from Rhode Island, a valued and important member of our subcommittee who, I must say, giving credit where credit is due, has been an eloquent and powerful speaker on behalf of the need to increase funding for mental health care services for our vets, drug and alcohol treatment programs for our vets, as well as increasing funding for homeless veterans. The product of his hard work and dedication is very obvious in this bill.

With that, Mr. Chairman, I yield to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I don't want anyone to mistake, after hearing the previous debate or any one of these amendments, what the big picture is here today. The success story today, the take-away message today is that this bill is the biggest increase in veterans health care in the history of the veterans health care system, the biggest increase in the 77-year history of the veterans health care system; and it has happened under the chairmanship of CHET EDWARDS.

Every amendment here is talking about nickels and dimes compared to the overwhelming increase in billions of dollars, billions of dollars that are going into this veterans health care system that has never seen such an infusion of dollars. We're not talking about a little bit of money here, a little bit of money there, and that's often what ends up happening. We're talking about money for this program or that program. We are talking about billions of dollars that have never been even seen in this kind of fashion in any kind of veterans health care program before.

And so what we are doing here is raising the bar for generations to come because what we're doing now is layering the bar up. So from now on, the floor is 20 stories higher than it was the day before. And from now on, whenever another veterans budget comes up, it is going to start from the top floor and move even higher.

I want everyone to know that this is a monumental day. This budget exceeds even the proposed budget of all the veteran service organizations, even the VFW, the American Legion, the Paralyzed Veterans of America; this is even more than they have asked for.

And I want to say on behalf of the mental health needs of our veterans, we are doing all that we need to do and more to try to make sure that their needs are met. And we should do so, because the suffering that these veterans have had to undergo as a result of this war has been unbearable. And we, as a Nation, owe it to make sure that not only do their outward physical wounds get met and treated, but their inward psychological wounds get tended to as well. And this bill does that.

I want to thank the chairman for his work to make sure that not only their outward wounds, but their inward wounds get addressed as well. And I commend him for his leadership. He ought to feel very proud to be chairman on such an historic bill such as this, and I thank him for his leadership.

Mr. EDWARDS. I want to thank the gentleman not only for his kind words and for his eloquent and powerful words on behalf of our veterans, but even more importantly, for his deeds, not just this year, but for every year you've been in Congress. Millions of veterans are living a better life today because of that leadership. I thank you for that.

Mr. Chairman, with that, I yield back the balance of my time.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. WILSON of New Mexico:

Page 31, line 6, after ''Philippines'', insert '': *Provided further*, That of the funds made available under this heading, $2,000,000 is for the Advisory Committee on Women Veterans under section 542 of title 38, United States Code''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise today to offer an amendment to the Military Construction and Veterans Affairs Appropriations bill this year.

My amendment would designate and devote $2 million from the Department of Administration general operations expenses account. This is a very large account. The President requested $1.4 billion for that account. This body is appropriating $1.6 billion for that account, and what it does is fence that money and say that $2 million of this must be devoted and appropriated to the Advisory Committee on Women Veterans.

The intent of this amendment is that the Advisory Committee on Women Veterans would undertake a special effort, through a task force or special commission, to study and make recommendations on the health care needs of women veterans. All of us are concerned about whether the veterans health care system is meeting the needs of this newest generation of veterans. But there is a special category of veterans that I think sometimes gets overlooked.

In 1978, I got a one-way ticket to Colorado Springs, Colorado, in the third class with women at the United States Air Force Academy. And I walked up a ramp, and over that ramp was a big sign in aluminum letters that said, ''Bring Me Men.'' That sign stayed there for 20 years after women were admitted to the Air Force Academy. It's gone now, but some of us as women veterans feel that maybe the VA hospitals have a similar sign over their doors, if not literally, then certainly figuratively.

I am the only woman veteran serving in the Congress. And women veterans face different obstacles than men and have different health care needs than men when they start to get care from the VA. To start with, many women don't even consider themselves or call themselves veterans, and they don't think of the VA as their system.

A larger number of women are serving in the military, and in the future we are going to see higher numbers of women veterans, and they will face different problems and challenges as they age. One in seven veterans of the current war on terrorism, one in seven Americans who are deployed in Iraq and Afghanistan is a woman, and yet the VA health care system is very oriented towards the health care needs of men.

Just let me give you one example. If you are a veteran and you go to the VA for a clinic on PTSD, if everyone else in that group is a guy, are you really getting the care that is appropriate to you? A lot of women veterans don't feel comfortable in those settings. They are not sure that the OB/GYN care is what they need. If they face osteoporosis, they're not sure that the VA is where they should be. Or if they face problems with cancers particular to women, is the VA going to meet their needs?

My goal in proposing this amendment is to get the VA to bring together a group of people who can truly devote the time and effort needed to study the needs of women veterans and examine the care that is available to our women veterans and the challenges that we face so that they can report their findings to Congress and to the VA so that we as a body can evaluate and adjust the system so that all of our veterans get the care that they have earned.

I am very grateful, and I think all Americans are, to those who serve our Nation, and we have a responsibility to make sure that they receive the best possible care. The burdens of this war on terrorism has fallen on the shoulders of a relatively small number of

Americans who have volunteered to take great risks on our behalf. We owe them, our veterans past, present and future, a debt of gratitude for their selflessness and for their service. We need to make sure that our veterans get the benefits they were promised, the health care they deserve, and the recognition that our Nation owes them.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

I want to thank the gentlelady for her strong voice on behalf of women veterans. I had the honor of working in the Texas State Senate under then Lieutenant Governor Bill Hobby, whose mother, Oveta Culp Hobby, played a leading role in heading the WACs in World War II.

When I was first elected to the House in 1990, the famous, some would say infamous, but the wonderful and always famous Sarah McClendon, the White House reporter, who I think at one point was second in line in seniority at the White House and was an outspoken advocate on behalf of women veterans. And I thank the gentlelady for continuing in the tradition of Ms. Hobby and Ms. McClendon.

There is no doubt that the VA has come a long way in its history in trying to improve care to women veterans, but we have yet a long way to go. And for that reason, I will support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. WILSON of New Mexico. I thank my colleague for his support of this effort. I look forward to working with him to make sure that the VA undertakes this effort and takes it seriously, and we get some good, solid recommendations that all of us can work on.

Mr. Chairman, I yield the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word and would be glad to yield to the gentleman from North Carolina.

Mr. MCHENRY. I want to thank my colleague from Texas for putting together a great bill. I know he has been a long-time advocate of the best care possible for our veterans in this country. And as a military general, I want to commend him for the great work he has done on a bipartisan basis. And I thank you for that, Chairman.

Mr. Chairman, I rise today to bring attention to the shortcomings of the Department of Veterans Affairs in addressing the infrastructure needs of community-based outpatient clinics. These clinics provide convenient care to our veterans on an outpatient basis.

There are currently 64 pending clinics that have received approval from the VA either in fiscal year 2007 or fiscal year 2008. One of those clinics is set to be established in my district in Hickory, North Carolina. When opened, this clinic will serve approximately 10,000 veterans on an outpatient basis annually. However, since the VA Mid-Atlantic Health Care Network announced last June that the clinic in Hickory would open in January of this year, there has been nothing but delay after delay after delay. Now, veterans in western North Carolina are frustrated with these delays, as many of us are, and there seems to be this common issue throughout the system.

This particular clinic has been in the works in some way or another for roughly 12 years, Mr. Chairman. The time is up for delays, and veterans of these 64 regions are entitled to answers.

Last month, my two North Carolina colleagues in the Senate and I formally requested an update about the status of the outpatient clinic in Hickory. Unfortunately, we have yet to receive a response to our inquiry. Our veterans, I believe, deserve better.

I would ask that as this bill moves forward to the Senate and to conference, the chairman and the ranking member work to get answers from the Department of Veterans Affairs, answers to why we have these continued delays for pending outpatient clinics. Veterans in Hickory, North Carolina, and across the country have sacrificed too much for our country and deserve to have, at the very least, convenient health care. They deserve a proper explanation and progress report as well.

I also want to finish by commending the chairman for his, again, hard work on increasing funding for our veterans. I know that on both sides of the aisle we are very pleased with the work you've done, both the chairman and the ranking member, and we are looking forward to passage.

□ 1500

Mr. EDWARDS. Mr. Chairman, reclaiming my time, let me thank the gentleman for his kind comments and say that while I don't know specifically where the Hickory Outpatient Clinic stands in the list of priorities for the VA, for the very reasons the gentleman mentioned about the importance of these clinics we have report language in this bill to require the VA to report back to us the status of these clinics.

I think it is pretty clear the reason the VA hasn't funded many of these clinics, and there are 717 that have been funded, is simply that they didn't have enough money to fund the clinics. That is one reason we worked so hard this year in this Congress to provide an increase in VA care funding that is unprecedented in our Nation's history. If you count the 2007 continuing resolution plus the Iraq war supplemental plus this bill, if it passes today and becomes law, we will have provided in this Congress this year in the last 6 months an $11.9 billion increase in VA discretionary spending, 90 percent of which goes to VA medical care.

I hope that with passage of this bill, and now the administration has agreed not to veto it, we will perhaps have enough money to fund some of the clinics that have not been funded.

We will look forward to working with the gentleman. He deserves an answer from the VA. I don't know why the gentleman hasn't gotten an answer back from the VA. I encourage you to keep calling them or talking to them until they do answer you.

Again, I can't answer specifically on where Hickory does stand or should stand in the process. That should be a process based on the reality of the veterans' needs, comparing one community to another. But I sure look forward to working with our colleagues to see that we have enough funding in this bill to increase the number of VA clinics that we can build around the country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $43,470,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $11,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $21,397,000, of which $1,300,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $30,592,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,724,000.

ARMED FORCES RETIREMENT HOME

FEDERAL FUND PAYMENT

For payment to the ''Armed Forces Retirement Home'', $800,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

AMENDMENT NO. 13 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. BLACKBURN:

In section 405 (page 48, beginning on line 11), strike ''encouraged'' and insert ''directed''.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, American businesses in the private sector continue to advance the use of information and e-commerce technology to strengthen their bottom line and increase customer service. However, too many government agencies continue to use antiquated operating systems that do not use taxpayer dollars efficiently or create optimal conditions for customer service.

Right here in the House of Representatives, we offer Americans e-commerce services in the form of ''Write Your Rep.'' I am sure most of my colleagues and their staff use this program, and they use it with efficiency. It helps us to stay in touch.

I have a military post in my district, Fort Campbell. It is located in Montgomery County, Tennessee. I also have 60,000 veterans that are there. One of the things we find is that many times our agencies, working with these constituents, continue to do business on antiquated systems that don't optimize efficiently.

That is why I am offering this amendment today. Increasing the use of e-commerce technology and procedures in the bureaucracy will allow critical agencies funded under this act to operate more efficiently. But, more importantly, it will allow our members of the military and our veterans to gain access to records, especially health records, that they need in a timely manner.

I want to thank the chairman for recognizing this important business objective. The underlying legislation takes a step forward to the goal by encouraging the agencies to expand the use of e-commerce.

My amendment, however, is an important step further. It would direct the agencies funded under H.R. 2642 to expand the use of e-commerce technologies in the conducting of their business practices within the limits, within the limits, of the existing statute and funding.

It is a straightforward, simple amendment. As we know, the bureaucracy is not going to do this on their own. They need the oversight from Congress.

If successful, we have got three points we hope it would achieve: number one, lead to greater transparency in agency asset and records management; number two, enhance governmental reform and efficiency; and, number three, spur agencies to build best practices and conduct themselves in a more businesslike manner.

Mr. EDWARDS. Mr. Chairman, if the gentlewoman will yield, I think this is a good amendment, and I will support it. I think there will be broad bipartisan support for your amendment, because it is well thought out and it is a positive thing to do. We will support it.

Mrs. BLACKBURN. Mr. Chairman, reclaiming my time, I thank the chairman for thinking about the records process with our veterans and our military.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. The Director of the Congressional Budget Office shall, not later than February 1, 2008, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting annual appropriations necessary for the Department of Veterans Affairs to continue providing necessary health care to veterans for fiscal years 2009 through 2012.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site in southeastern Colorado.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Texas (Mr. EDWARDS) each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend the chairman for his work on this bill, and I would like to commend the ranking member for the yeoman's job that you have done, for the work

you have had before you. I very much appreciate it.

In Colorado, we have a very unique situation. We have a maneuver site that the United States Army uses, and it is 236,000 acres presently. The Army is wanting to expand this by 418,000 additional acres.

If you drive in that area of our State, you will see this sign. This was created by a high school teacher from La Junta: ''Our land is our life. It is not for sale.''

As a very strong supporter of the United States military, but also a very strong supporter of our private property rights, I am opposed to this expansion, and my amendment would say that no funds in this bill would be used for the expansion.

A month ago in Colorado, our Democratic Governor, Bill Ritter, signed into law a bill to withdraw the State's consent to give up any land that the United States Army might acquire through condemnation. So there is a very strong message that comes from our State legislature, from our house and senate and from our Governor. But the most poignant opposition that I hear about is from the farmers and ranchers, many of them who have been there for five generations who will lose their land, who will lose their way of life.

When you look at the opposition to the Pinon Canyon expansion, it goes on and on. But, interestingly enough, it is very diverse. The opposition comes from the National Cattlemen's Beef Association. It comes from property rights groups. But it also comes from groups such as the Sierra Club, Colorado Springs Chapter. This is all over the political spectrum that this expansion is opposed.

As we think about what could happen in that area, it is interesting to look at the National Trust for Historic Preservation issues and their 2000 list of America's most endangered places: ''Pinon Canyon, Colorado. In Southeastern Colorado, under uninterrupted blue skies, Pinon Canyon is an area of scenic buttes, river valleys, family ranches and historic and archeological sites that span 11,500 years. The area is threatened by the United States Army's plan to expand its maneuver training ground by as much as 418,000 acres, a move that could lead to forced condemnation of private lands and damage or destroy historic Santa Fe Trail monuments, ranches and historic and prehistoric archeological sites.''

That is what is at stake in southeastern Colorado. As we look at how much land the government already owns, in the red area you can see how much of our State is already government land in Colorado. The expansion of the Pinon Canyon maneuver site would be as large as the State of Rhode Island. It is striking.

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I thank the gentlelady from Colorado.

Mr. Chairman, today I rise as a proud veteran, as a son of a veteran and the father of a veteran. I am honored to be the only veteran of the Colorado delegation.

As an Army man, today I am saddened to rise in opposition to the Army's plan to condemn nearly half a million acres of privately owned ranches and farms in my district.

Pinon Canyon currently has a 235,000-acre training facility which Fort Carson utilizes in southeastern Colorado. Now the Army is seeking to expand the Pinon Canyon site by an additional 418,000 acres, utilizing condemnation as a power to do so. The Army's plans include taking this land by condemnation. If the Army succeeds, Fort Carson and Pinon Canyon combined will be larger than the State of Rhode Island.

Opposition to the expansion is unified, as the gentlewoman from Colorado stated. But when the Army acquired the original Pinon Canyon land in 1982, they promised local landowners that it would never be expanded. Now they are planning to take even more. The loss of 400,000 acres of ranch land, Mr. Chairman, would devastate the economy of southeast Colorado.

The BRAC decision of 2005 stated that the Army did not need additional space. In 1970, the Army first looked at condemning land in El Paso County, which is now in Mr. LAMBORN's district for the original Pinon Canyon. Many residents from El Paso County fought against the possible land grab in their own backyard, and the site was eventually moved to southeast Colorado.

I would ask my fellow Members, if you can't support this in your backyard, please don't support it in my district.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say this is with mixed feelings: I want to make it clear that I think the Army has responsibility to these communities in Colorado to sit down with them, work with them and work with the landowners, because it is my understanding that at one point the Army made the statement that it would not exercise eminent domain.

I also want to clarify that there is no money in this bill to allow for any acquisition of any land. The money in this bill could be used by the Army to pursue plans to later acquire land.

I respect Mrs. MUSGRAVE and Mr. SALAZAR for their opposition, and I say that with great respect to you, Mr. SALAZAR, knowing of your service and your family's service to our Nation's military. The reason I personally oppose this amendment is that the Army sees Fort Carson as an important part of growing the Army, of bringing troops back from Germany and South Korea, of implementing the BRAC process, and the Army has identified up to 5 million acres worldwide that they need for additional training operations.

□ 1515

Fort Carson is one of the tremendous beneficiaries of the BRAC 2005 process, getting two additional brigades that are moving from Fort Hood as well as additional forces there. So I am going to oppose the amendment because I believe it would stop even the planning process for even a smaller amount, much smaller than 418,000 acres. I understand why the gentlewoman and the gentleman are opposing what the Army's intentions are, but at least let's clarify that there is no money in this bill for land acquisition.

I yield to Mr. SALAZAR.

Mr. SALAZAR. I agree there is no money for actual land acquisition, but there is money for the planning process. Do you agree with me that in the 2005 BRAC decision that the Army clearly stated they did not need any additional land in Colorado when they moved the troops from Fort Hood to Colorado to Fort Carson? Is that correct?

Mr. EDWARDS. Reclaiming my time, actually, this is the first BRAC round, in 2005, that I actually voted against. One of the reasons was that I felt the Army was making some decisions that weren't in the best interests of the taxpayers and the Army. But the Army made their decisions. The BRAC recommendations were passed by the Congress, and now they are being implemented. I do have some concerns despite my opposition to BRAC 2005 that if we totally stop the planning for this expansion, we could seriously impact the training of forces during a critical time in the Army's history.

I respect the gentleman's position, and I am going to encourage the Army to sit down and meet with both Members who are sponsoring this amendment, and perhaps the gentlelady and gentleman can win this vote.

But if not, I am still going to encourage the Army to sit down and deal with the landowners and the people of Colorado, and the two of you in particular, to try to address this problem and the concerns, the legitimate concerns that you have raised.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. WICKER. Mr. Chairman, for a different perspective, I yield to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I thank the ranking member for yielding me this time.

I rise today in opposition to this amendment which would cut off all funding to study an expansion of the Pinon Canyon maneuver site. This amendment would stop the Army from providing the soldiers with much-needed additional training space, an action which could have serious negative consequences for the Army and for the brave men and women serving our Nation.

By prohibiting these funds, the Army would not even be able to study the area and complete an environmental impact statement. The purpose of an EIS is to assess the environmental, economic and other impacts of a proposed action before a Federal action is even taken up.

Private property rights are deeply important to me. Any option to increase the size of the PCMS should be thoroughly studied, and if plans for the expansion were to go forward, it should occur to the greatest extent possible, if not completely through willing sellers.

The type of enemy we are now facing overseas is much different than during the Cold War. PCMS contains terrain much like areas such as Iraq and Afghanistan. We are fortunate as a country to have this training area, but the Army has outgrown it. It would be a shame to not even study the possibility of using an existing facility that could easily be transformed into a 22nd-century facility. During the Cold War, divisions consisting of approximately 20,000 soldiers fought in relatively small areas in Europe. Consequently, training could be conducted in areas of approximately 22,000 acres or 5 by 7 miles. Today, brigade-size formations of approximately 3,500 soldiers must now operate in and control areas of approximately 615,000 acres, or 31 by 31 miles.

While Army units have gotten smaller, the battlefield has gotten larger. We owe our soldiers proper training for the conditions they will experience in other combat theaters. Not allowing the soldiers to train adequately puts them in harm's way.

The Army is simply asking for an opportunity to study an expansion. To deny them this opportunity would be to substitute political pressure for the considered judgment of our military commanders who are charged with training and protecting our troops.

It is unrealistic and irresponsible to think other public lands in Colorado or the West, such as roadless wilderness areas or national parks, could be used as a substitute. No critic of PCMS has come forward with a responsible and specific alternative. The longer distances involved would also make that difficult.

Over 200 soldiers from Fort Carson have died in Iraq and Afghanistan fighting terrorism. The soldiers and commanders at Fort Carson know what it takes to wage war in the 21st century, and they are serious about it. It would truly be a shame if they don't have the proper training facilities so that they can succeed. The Army should at least be given a chance to study the issue and present their findings.

I strongly urge my colleagues to oppose this amendment.

Mrs. MUSGRAVE. Would the gentleman yield?

Mr. WICKER. Mr. Chairman, I yield to the gentlewoman from Colorado (Mrs. MUSGRAVE), but I would express to all of my colleagues, though, that we are receiving calls from people who have made airline plans and are hoping to get back to their districts and to their homes for Father's Day. Mindful of that, I am happy to yield to the gentlelady.

Mrs. MUSGRAVE. Mr. Chairman, I would just like to point out that my son-in-law served in Afghanistan, and I would like to commend Mr. SALAZAR, his father and his son for their service to this great Nation and point out that in the 1970s the land was thought about in the Colorado Springs area in El Paso County, and the landowners there fought it.

And so when anyone would imply that Mr. SALAZAR and I, Mr. Chairman, are responding to political pressure, what we are doing is standing up for private property rights and balancing that with our concern that our soldiers have the proper training.

It is like Mr. SALAZAR said, you oppose it in your own yard, but it is okay for someone else. I am standing up for those ranchers. You might as well cross southeastern Colorado off the map if this expansion goes forward. So I respectfully look at the opinion of my friend from Colorado and I do say, though, that in this country the government owns enough land. There are alternatives to this that would be satisfactory in balancing our support for private property rights and our support for our troops.

Mr. UDALL of Colorado. Mr. Chairman, I support this amendment.

Passage of this amendment will not stop the proposed expansion of the Army's Pinon Canyon Maneuver Site in southeastern Colorado, but it will delay consideration of the Army's plans until two very important questions can be answered: (1) What are the Army's real training needs, and (2) will the Army assure Coloradans that it will not resort to condemnation to acquire land?

Before giving the Army money to take the first steps toward expanding these training grounds, we should be convinced that there is a real military need for the Army to acquire an additional 418,000 acres. I have kept an open mind on this question and that that is why, along with the Chairman and Ranking Member of the Readiness Subcommittee of the House Armed Services Committee, I have asked the Government Accountability Office to report to Congress on whether this expansion is the right way to meet the Army's training requirements and what other alternatives the Army should consider.

More important, it is abundantly clear to me that there is no support—even among proponents of an expansion—for the Army's use of eminent domain to acquire any land. But so far, the Army has been reluctant to give the State of Colorado and the landowners in the area a commitment that it will not resort to condemnation. For me, that commitment is essential, and unless and until the Army makes clear it will not use condemnation, I believe Congress should not allow the expansion process to go forward.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SALAZAR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, Mr. WICKER and I would not want to cut off any Member from expressing his or her heartfelt views on important issues in this bill, but we would like to bring to the attention of the House and our colleagues that there are a number of colleagues trying to catch airplanes to get back home for Father's Day weekend. There are a number of amendments that are subject to a point of order. I would like to respectfully request Members on those amendments to keep your remarks to 2 minutes. I will reserve my right to exercise a point of order. If we take too much time, we might have to go ahead and exercise those points of order.

If we could proceed ahead expeditiously, I would appreciate that.

AMENDMENT NO. 3 OFFERED BY MR. HALL OF NEW YORK

Mr. HALL of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HALL of New York:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to provide to any officer of the Department of Veterans Affairs who is appointed by the President, by and with the consent of the Senate, or to any Deputy Under Secretary or Deputy Assistant Secretary of the Department of Veterans Affairs a performance award under section 5384 of title 5, United States Code, or a performance-based cash award under section 4505a of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HALL) and

a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HALL of New York. Mr. Chairman, my amendment makes a small change to funding at the Department of Veterans Affairs. It would prohibit any funding to be spent for performance bonuses to senior level staff at the Department for fiscal year 2008.

This amendment would effectively mean no person in a Presidential-appointed position or Secretary-level position would receive a performance bonus during the coming fiscal year.

As I begin, let me state that the Department of Veterans Affairs has done a very good job in many areas for our Nation's veterans. In fact, its health care system is rated amongst the very best in the country, and the demand of veterans to get into the system speaks to the high level of care that it provides.

However, there remains a significant need for improvement in many areas. In the last 3 years, the VA has underestimated its health care budget by nearly $1 billion. It has roughly 600,000 veterans claims backlogged and veterans currently waiting an average of 177 days before receiving a decision on their claim.

Furthermore, according to a draft Inspector General's report, the VA is significantly overstating its success in getting patients timely appointments with VA doctors. The number of claims pending before the Department has steadily increased over the last 5 years. The current wait time is nearly 2 months longer than what Secretary Nicholson suggested in front of our Veterans Affairs Subcommittee would be acceptable to him, which was 125 days rather than the 177 currently being suffered by our veterans. That is nearly a 2-month difference.

The Secretary himself called this ''unacceptable.'' However, the awards for bonuses last year ranged up to and included a number of members of high management at the VA of $33,000 in annual bonus. Their award bonuses were because of evaluations of outstanding and excellent. In fact, 87 percent of the senior staff were called ''outstanding'' or ''excellent'' in performance. One of those who got the $33,000 bonus had only served in his position from February 2006 until September 2006. So an outstanding performance for 6 months earned that individual a $33,000 bonus; this at a time when our veterans are waiting 177 days average to have their claims for disability heard. And if they go to an appeal, it is an average of 2 years to wait for that appeal to be heard. This simply makes no sense. It is either unacceptable or it is outstanding, but it can't be both.

I am sure that most of the staff at the Department is dedicated and hardworking and the service they provided in often excellent, but in other areas it is unsatisfactory. Our veterans deserve accountability from the VA. Yet Secretary Nicholson himself has signed off on all of these bonuses, making only one change since 2004.

Veterans in my district and across the country were outraged when The Washington Post and the Army Times broke this story a couple of months ago. The VA Committee and the Subcommittee on Oversight invited Secretary Nicholson to testify this week and explain the bonuses. However, he decline and decided instead to send a substitute who admitted to knowing very little about the issue.

I understand that the chairman wants to study and best address this issue; and I would prefer that rather than eliminating bonuses altogether that we have them tied to performance, as bonuses should be. So if the chairman agrees, I would like to work with him and other Members on a separate piece of legislation to add accountability to the bonus process to the Department.

As in private industry, bonuses at the VA should be tied to performance, and I believe all of us want to see that happen, want to see the backlog reduced, and want to see our veterans get their claims processed promptly.

Mr. Chairman, I yield to the chairman.

Mr. EDWARDS. Mr. Chairman, I want to thank Mr. HALL for his strong leadership; first, on trying to see that this Congress, which we are going to do in this bill, provides the funding to reduce the terrible backlog of veterans cases pending. As he mentioned, there are over 400,000-plus veterans waiting for their cases to be considered.

And, secondly, for bringing to the attention of the Congress the problems raised by the bonuses given to a number of VA employees at a time when so many veterans are waiting for their benefits.

I thank the gentleman for agreeing to withdraw the amendment. We have every intention of working with him and the Veterans' Affairs Committee on which he serves as a subcommittee chairman to address the inequities of this situation.

Mr. HALL of New York. Mr. Chairman, with the chairman's agreement, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BUYER. Mr. Chairman, reserving the right to object, this amendment is either ill-conceived or politically conceived in that the Deputy Secretary is the gentleman who came to the committee to testify, and that was by agreement at the committee.

So to say that the administration sent someone who was uninformed is not a good way to address this to our colleagues.

□ 1530

That was by agreement of the committee, and it was the Deputy Secretary of the VA who came in and who testified, and as a matter of fact, his testimony, that I will share with all my colleagues, is that he testified just last week during the Oversight and Investigations Subcommittee hearing on the SEC bonuses, at which the author of this amendment was present and he said, by statute, senior executive presidentially appointed and Senate-confirmed appointees are not eligible for performance bonuses.

Did you hear that? They're not eligible for bonuses. So what we have here is, the gentleman's brought an amendment that is either redundant, multiplicitous or unnecessary.

With that, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I yield to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, thank you for agreeing to allow the amendment to be withdrawn.

For the record, I would like to say that Under Secretary Mansfield, under oath this week at the Subcommittee on Oversight hearing, at least six times answered that he did not know the information and would have to go back and respond in writing. And one of those times specifically had do with an individual who was identified by the Congressional Research Service as being a presidential appointee who is among those receiving bonuses.

So at least in one case that may need to be clarified.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 49, after line 11, insert the following new section:

SEC. 409. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total

causalities suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom, as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me offer my appreciation to the full Committee on Appropriations, both the chairman and ranking member, and to this subcommittee. I've seen enormous commitment to bipartisanship between Mr. EDWARDS and, of course, Mr. WICKER. But my good colleague and friend from Texas has outdone himself, and this particular veterans appropriation, the Military Construction Veterans Affairs appropriation, signifies nothing but joy for Americans and veterans all across this country.

Might I just cite the fact that this bill moves above the President's budget in medical services, making it $28.9 billion; moves above the President's request on homeless vets, $130 million; moves above the President's request on medical facilities, $4.1 billion; and moves above it on extended care facilities, $165 million.

Many of us have risen to the floor today to talk about post-traumatic stress. I just wanted to remind my colleagues of the kind of horror and nightmare that many of our soldiers and returning soldiers and veterans live with, suffering from PTSD. It is simply to acknowledge the fact that over and over again you relive the tragedy of the experience, whether it's small arms fire, whether it's IEDs, whether it's seeing your comrade fall in battle in front of you, whether it's seeing his body implode, you know that you're reliving it, and the number one basis of PTSD is military and combat exposure.

Just for the record, let me acknowledge that 94 percent of the soldiers in Iraq reported receiving small arms fire; 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed. This is a major issue and it is a major part of the lives of our soldiers.

Mr. Chairman, my amendment simply was to do this: It was to provide more medical centers in places like rural areas or small cities to be able to be utilized for PTSD. I know Chairman EDWARDS knows this issue because it was his leadership that generated the change of the Waco veterans hospital into a mental health facility. I want that to continue to stand, and I want to thank him for the increased dollars he's put in for PTSD.

But, Mr. Chairman, I have a veterans advisory committee that's indicated that we need centers around the Nation, smaller centers maybe in small hospitals, that would respond to veterans and returning soldiers, maybe even to the extent of reimbursing them by being in those particular centers.

Let me close by simply saying that this bill is comprehensive. I look forward to working with the chairman on more permanent housing for the disabled, as we work toward more PTSD facilities, even though we have a great amount of resources here, more adjusted housing, if you will, for those who are coming back so they're not living alone.

I want to take special privilege to acknowledge the DeGeorge in my community for my homeless vets, a facility for homeless vets, DeGeorge at Union Station and U.S. Vets. All of them confront veterans and returning soldiers with PTSD. If we expand these facilities so that rural and small cities and even inner city areas, which is what my amendment is focused on, everybody would have the opportunity to be able to access help with PTSD.

I would ask my colleagues to consider as we move toward conference to be able to work on this issue in an expanded way.

Mr. Chairman, I rise to speak in strong support of the bill and in favor of my amendment. I also rise to express my sincere appreciation to Mr. EDWARDS, the chairman of the Appropriations I subcommittee on Veterans Affairs and Military Construction, and the Chairman of the Veterans Affairs Committee, Mr. FILNER, for all they have done and continue to do to make real President Lincoln's admonition that "we care for him who has borne the battle, and for his widow and orphan."

In particular, I wish to commend Chairman EDWARDS, for the leadership, commitment, and foresight he has demonstrated on the issue of PTSD and the overall mental health of our nation's veterans. On February 28, 2007, he announced that $3 million has been made available for the Waco VA PTSD program in 2006 which is now available so that researchers at Fort Hood, Texas A&M, Baylor, the Temple VA, and the Waco VA hospital work towards realizing their goal of making the Waco VA, in conjunction with Ft. Hood and the Temple VA, a world-class PTSD and mental health care research center.

Like Mr. EDWARDS and Mr. FILNER, I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from PTSD receive the medical treatment they desperately need.

Mr. Chairman, thank you for this opportunity to explain my amendment to H.R. 2642, the Veterans Affairs and Military Construction Appropriations Act for Fiscal Year of 2008. As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other, I am pleased to offer this amendment. This amendment is intended to address the urgent need for more post-traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans living in some of the more distressed areas of our country.

Mr. Chairman, according to Webster's, dignity is "the quality or condition of being esteemed, honored or worthy." We can never do enough to honor our wounded veterans. Studies have shown that 30 percent of troops deployed to Iraq suffer from depression, anxiety, or post-traumatic stress disorder (PTSD). However, when wounded troops return home the treatment they receive is more befitting a second class citizen than a hero. This is a shame and a great stain on our nation.

How these problems could be overlooked or neglected by this Administration is unfathomable. The very leaders that these brave young men and women rely on let them down. The message that incidents like Walter Reed Medical Center sends to our troops is that we do not care enough. But that is not the message we wish to send. The Veterans Administration and Military Construction Appropriations Act of 2008, H.R. 2642, will go long away toward correcting this misapprehension. All members of the House are indebted to our colleague, Mr. EDWARDS of Texas, for his masterful leadership in shepherding this landmark legislation to the House floor. For the 25,380, 2,401 from Texas, brave men and women who have been wounded in Iraq and Afghanistan, help is on the way. And the 3,519, 298 from Texas, heroes who have given the last full measure of devotion will always be in our hearts and prayers.

Mr. Chairman, my amendment requires the Secretary of Veterans Affairs to increase the number of medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder.

Mr. Chairman, PTSD is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after stress and trauma of battle is over and you are alone with your thoughts and memories. And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as mugging, rape, torture, being kidnapped or held

captive, child abuse, car accidents, train wrecks, plane crashes, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb, especially in relation to people with whom they used to be close, lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent. They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult. PTSD symptoms seem to be worse if the event that triggered them was deliberately initiated by another person, as in a mugging or a kidnapping. Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having q flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chairman, the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Only one comprehensive study has examined the mental health impact of the wars in Afghanistan and Iraq, and that was performed by Charles W. Hoge, MD. This study looked at the experience of soldiers in the war zone and symptoms of psychological distress. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. Hoge's study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent, of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. Ask a Vietnam Veteran about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad. My amendment ensures that no soldier is left behind. By directing the Secretary of Veterans Affairs to increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities those soldiers will never feel forgotten or taken for granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems. Earlier this month, Col. Elspeth Ritchie, psychiatry consultant to the Army surgeon general, stated "as the war has gone on, PTSD and other psychological effects of war have increased. The number of mental health workers that was adequate for a peacetime military is not adequate for a nation that's been at war."

Mr. Chairman, according to surveys conducted of troops in Iraq, 15–20 percent of Army soldiers have demonstrated signs of post-traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35 percent of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Mr. Chairman, last Thursday, the Department of Defense released a report that stated "current efforts fall significantly short" in providing help for troops. Further, this report found that the psychological health needs of America's military service members, their families and their survivors pose a daunting and growing challenge to the Department of Defense.

I urge adoption of my amendment. And I thank the Chairman for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

Mr. EDWARDS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I thank the gentlewoman and particularly want to salute her for her strong support for veterans and, in particular, for PTSD and mental health care studies.

As she knows, this bill has a significant increase in funding, historic increase in funding, for VA medical care, and we have directed in the report of the bill that a significant part of that money should go to PTSD and mental health care services.

So I hope with the funding levels in this bill we will have opportunities to provide the kind of expanded service that the gentlewoman has spoken about so eloquently.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

SEC. 409. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" designation.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I first want to thank Chairman EDWARDS and Ranking Member WICKER, Mr. OBEY and others, particularly my coauthor, Ms. HARMAN, on this amendment.

As Congress tackles climate change legislation and examines ways to promote energy efficiency, it is so important that the Federal Government set a proper example, taking the lead in commonsense conservation measures. Some would say this is an amendment that sets a shining example for the rest of the country.

The Federal Government has to be the world's largest consumer of light bulbs, and with this amendment, we will likely save American taxpayers probably as much as $100 million.

Why Energy Star light bulbs? Well, current incandescent bulbs on store shelves are obsolete, and they're highly inefficient. In fact, only 10 percent of the energy consumed by each bulb is for light, with 90 percent wasted on unnecessary heat.

Energy Star light bulbs use about 75 percent less energy than the standard incandescent bulbs, as they last as much as 10 times longer. In fact, if every house in the Nation switched to Energy Star bulbs, we would have the potential to annually reduce the emissions equivalent of 80 coal-burning plants each year, saving 65 billion kilowatts.

This amendment will make the Federal Government a shining example of how we can conserve energy, one light bulb at a time.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, if my colleagues will excuse the pun, I want to thank the gentleman for enlightening the VA and the DOD on this issue. I'm glad to support this amendment. It is an important issue, and we can set a good example for the country by passing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The amendment was agreed to.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, it is now my pleasure to yield to the gentleman from Texas (Mr. ORTIZ), a valued leader on armed services and veterans issues.

Mr. ORTIZ. Mr. Chairman, on behalf of our south Texas veterans, we appreciate the committee's concern regarding access to inpatient and outpatient care for our far south Texas veterans.

Let me say I compliment you, Mr. Chairman, for doing such a great job and for having way down in your heart the care of the veterans that served in many, many wars, not only in Iraq and Afghanistan.

These veterans have to travel upwards of 6 hours each way to receive inpatient care, and many times they have their appointments cancelled. As you know, the VA's currently finalizing a study on options to provide inpatient and outpatient specialty care which will be out this July.

And Mr. Chairman, as you know, this war has resulted in many casualties. We've had over 46 young men killed in this war. We have lost more, between Chairman HINOJOSA and I, 46 soldiers. In addition, we've had many more soldiers maimed and injured; and what we would like to see, Mr. Chairman, would the committee work with us to move the issue of a veterans hospital in south Texas forward.

Mr. EDWARDS. I thank the chairman for his strong leadership over the years on behalf of the veterans in south Texas.

With that, I'd like to yield to my colleague and close friend, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of H.R. 2642, and I also rise on behalf of myself, the Honorable Congressman ORTIZ and the Honorable Congressman CUELLAR and the more than 75 veterans who in the fall of 2005 walked in the hot sun a long, long 250 miles from Edinburg, Texas, to San Antonio to raise the level of awareness of a badly needed veterans hospital in south Texas.

I want to sincerely thank Chairman EDWARDS for your outstanding leadership and for the past support for veterans affairs. I look forward to working with you to accomplish what naysayers have said, that it will never get done.

And finally, I want to emphasize that our south Texas veterans and the south Texas congressional delegation have been fighting for a veterans hospital for more than 20 years. While the VA has a contract for a few hospital beds, those 10 beds are not enough to take care of the more than 75,000 veterans living in the eight county region. Once the VA releases their report next month, will the chairman work with us to address any shortfalls that are identified for inpatient care in south Texas?

Mr. EDWARDS. Reclaiming my time, Mr. Chairman, let me say the answer to that is yes. As a native son of south Texas, as someone who grew up admiring Dr. Hector Garcia, the great World War II veteran who founded the American GI forum as you know, I have always stood in awe of the service of south Texans and Hispanic Americans as well in south Texas to our country in time of war and in time of our greatest need.

While a veterans hospital in south Texas would have to be authorized by the VA authorization committee, if that were to be done, certainly again as a native son of south Texas, it'd be a dream come true for all of us who care about that part of the country to see a hospital built.

The data will have to be there. The report should be a very important one coming in July, but until that report comes, let me just say in the meantime that veterans all across south Texas have benefited from the hard work of Mr. HINOJOSA and our colleague Mr. ORTIZ, and they're getting services today they wouldn't have gotten without your help, and I salute you both for that effort.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PEARCE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to reimburse employees of the Department of Veterans Affairs for official travel expenses until the Secretary of Veterans Affairs increases the mileage reimbursement rate payable under section 111 of title 38, United States Code, to individuals traveling to or from a Department facility so that such rate is equal to the rate payable to Federal Government employees traveling on official business in privately-owned vehicles, as prescribed by the Administrator of General Services under section 5707(b) of title 5, United States Code.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

Mr. EDWARDS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, we call our veterans from World War II America's greatest generation but our actions don't always hold water.

I rise today to offer an amendment to the Military Construction-Veterans Affairs appropriations bill which would ensure veterans are appropriately reimbursed for mileage travel to and from medical facilities in New Mexico or large rural States.

Many times people in my county, 305 miles away from Albuquerque one way, are directed to drive to Albuquerque. These people, many are like my father in their 80s, they cannot travel 5½ hours one way. It's unthinkable that we do that. It's unconscionable that we only pay them 11 cents a mile.

From Hobbs to Albuquerque, 305 miles one way, the reimbursement is $34. I would like to ask anyone in this chamber how they would expect to drive 305 miles for $34, but even worse, the Veterans' Administration takes a fee when they get there. Approximately $7.50 of the $34 is then sacrificed to the VA.

□ 1545

No allowance is made to sleep overnight. No allowance is made for hotel. No allowance is made for any circumstance except turning around and driving another 5½ hours to get back home. We are reimbursing all that driving at 11 cents a mile.

Meanwhile many of us in government jobs, all Federal officials are reimbursed at 48½ cents per mile because that's the going rate. That's the rate that we should be paying, and yet to America's Greatest Generation, we're paying 11 cents a mile.

Now, the director of the service, the Secretary, could change this by regulation, and all people on this House floor agree that it should be changed. Back in March of 2007, March of this year, we passed the Wounded Warrior Act, H.R. 1538, by a vote of 426–0, where we mandated that the Secretary actually do this.

But we also know in Washington that we play games with people, we play games with our veterans. So that bill now is trapped over in the Senate.

What my amendment simply does is say we would like for the Secretary not to pay anyone mileage from this bill, from H.R. 2642, until he remedies the situation with our veterans. Pay them what the mileage costs them to drive. We are mandating that they go that far to the facilities. That's unthinkable, but it's unconscionable that we are paying only 11 cents a mile.

So while we are claiming America's generation, America's World War II veterans, to be our Greatest Generation, let's begin to act with honor and reimburse them the way that we should. My amendment would ensure that.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. EDWARDS. Mr. Chairman, I rise to make a point of order.

Mr. Chairman, let me just say we all know that 11 cents per mile is inadequate. We need to deal with it. I don't think this amendment is the right way and the right time to do that.

Mr. Chairman, I would like to make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing an existing law imposes additional duties.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. PEARCE. Mr. Chairman, I would say to the chairman that I understand and accept that, but I would point out to the chairman that we have legislated this way through appropriations before, and we'll do it again.

I would simply make the point that the point of order today says we will not do what our seniors and what our veterans deserve for us to do one more time.

Mr. Chairman, I yield back the balance of my time and graciously accept the gentleman's comments in his point of order and thank him for his work on this bill.

The CHAIRMAN. The amendment imposes a legislative condition on the availability of funds, namely, the increasing of a reimbursement rate not required under current law.

As such, the amendment constitutes legislation under clause 2 of rule XXI.

The point of order is sustained.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, I want to commend you on this bill and what a tremendous job your committee has done in producing this. I want to make sure that the Veterans Administration uses the added resources that you have provided to help reduce the disability claims that we have seen getting backlogged. We need to reduce that backlog in the most efficient manner possible.

Mr. Chairman, I strongly support this underlying bill. For the first time in years, Congress is going to provide the kind of resources the VA should have in order to provide the level of health care and customer service that America's veterans have earned through their service.

I commend you and the committee for drafting a bill that we can all be proud of and that works for our veterans.

Today, America's disabled veterans must wait an average of almost 6 months for the VA to make a decision on their initial claim. Right now, as we speak, almost half a million veterans have pending claims that have already exceeded that 6-month time period, a period of time, I believe, that is far, far too long.

With hundreds of thousands of returning veterans from Iraq and Afghanistan, we can only expect the demand for services to rise. This is an unacceptable situation, as you well know, Mr. Chairman, and it's a result from two occurrences, insufficient resources at the VA to process claims and a system that fundamentally needs to be improved. We commend you because this bill starts to address the funding issues that we face.

H.R. 2642 provides invaluable new resources to address the VA's deficiencies, including funding for over 1,000 additional claim workers. I want to make sure the VA is doing everything possible in considering every opportunity to use the funds you are using in a wise fashion.

The Government Accountability Office has made eight commonsense recommendations to how it can improve the disability claims process at the VA. This report, most recently reiterated on May 25, is a report that deals with our wounded warriors and how to take care of them better. It has eight strategic ways to fix the disability claims situation.

However, according to the GAO, the VA is not moving on these eight recommendations. I think the Congress should know why the VA is not moving forward with these, and if they do move forward, they should let us know when and how they are going to implement these recommendations. We should require the VA to report back to Congress on what it is doing to implement the GAO recommendations and how they can improve this process.

Mr. Chairman, we are grateful. The veterans of Indiana's Second District are grateful for the increase in funds, and we ask your help in making sure that the VA uses those funds in a wise way and reduces the disability claims backlog.

Mr. EDWARDS. Mr. Chairman, reclaiming my time, let me thank Mr. DONNELLY for his leadership and seeing that we did put additional funding in this bill to hire, as he mentioned, over 1,000 new VA case workers, actually over 1,100 VA case workers to reduce that absolutely unacceptable backlog of handling veterans cases.

I also look forward to working with the gentleman in the months ahead to see how we can implement the GAO recommendations, to see we not only have additional money for the VA to reduce that management backlog, but to see that we are putting in place management practices to reduce it even further.

This is not the first time the gentleman has spoken out on behalf of veterans on this problem. I thank him for his continued leadership on this effort.

Mr. DONNELLY. I thank you for your leadership and your wisdom on this issue.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS. At this time I would like to yield to my colleague and friend, a distinguished veteran who comes to this Congress as the highest ranking enlisted officer to have ever served in Congress, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Thank you to the distinguished colleague and gentleman from Texas.

Mr. Chairman, having been a member of our armed services for over 20 years and a member of many of our veterans service organizations for a long time and now as a representative of tens of thousands of veterans, I can assure you that no one has been a bigger supporter and fought harder for veterans than the gentleman from Texas.

It is an honor to stand here as we have crafted, I believe, under his leadership, one of the best pieces of legislation that has ever come through the House. I thank you for that, Mr. Chairman.

Having represented the district of southern Minnesota that includes the Mayo Clinic, the efficiency and quality of care in health care services is of deep concern to me.

One of the areas that I am concerned with, and one that I look forward to working with the chairman and his committee on, is how we figure out how to make sure that VA and the Department of Defense are fully cooperating in the efficient use of their health care resources.

In the past, the VA and the DOD have been encouraged by Congress to do the best they can to make sure they share those resources effectively. Some great examples of successes come out of that. Joint purchasing of pharmaceuticals has been one of those where we have seen great savings for our Nation, great savings for our veterans.

A year ago, the Government Accountability Office found that the VA and DOD are, indeed, making progress. But they also made some suggestions where they said standards must be developed to measure that performance in order to determine whether they are doing an adequate job of sharing their health care resources.

A year later yet we haven't seen, even though DOD and VA have agreed, we haven't seen them implement some of those recommendations.

Once, again, I applaud the chairman for a great piece of legislation, very thoughtful. I applaud my friends on other side of the aisle for great cooperation, thoughtful care, and an absolute commitment, a moral commitment to taking care of our veterans.

I look forward to working with you on this issue in the future to make sure

that we are not only taking care of our veterans at the highest quality standard; we are also safeguarding those precious resources of the American taxpayers to make sure we are not duplicating services when we don't have to and to make sure that we are maximizing our effect.

Mr. EDWARDS. Mr. Chairman, reclaiming my time. I want to thank the gentleman for his distinguished military service to our country. Veterans of America ought to be grateful to having someone like you with your experience on the VA Committee.

You have taken a leadership position this year. Particularly we look forward to working with you in getting the VA and DOD to work together. There needs to be a seamless transition as someone moves from active duty or is a member of the Guard and Reserves into the VA health care system or the VA benefits system. We know we will have a better system because of your leadership, and we will work with you.

Mr. Chairman, I yield to my colleague and very close friend from Texas (Mr. GENE GREEN) for a unanimous consent request.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of this appropriations bill and thank Chairman OBEY, Chairman EDWARDS, and our ranking members for their work in setting a new standard for funding our veterans program.

Mr. Chairman, I rise today in support of this appropriations bill, and to congratulate Chairman EDWARDS and Ranking Member and Chairman OBEY for their work in crafting this bill that sets a new standard for funding veterans' programs.

For the first time since the veterans' service organizations began producing their independent budget, Congress has met and even exceeded their request in this bill. The bill appropriates a total of $87.7 billion for veterans' programs, which marks a $6.7 billion increase in funding for the Department of Veterans Affairs—the largest increase in veterans' health care funding in the 77-year history of the VA.

This level of funding lets veterans, our troops, and their families know this Congress is going to make sure the promises we made to the men and women who fight for our country will be fulfilled, even after they are done with their service. The wait times at VA medical facilities have increased in recent years; the number of veterans has increased and will continue to grow in the coming years as service members return from Iraq and Afghanistan; and unspeakable conditions at Walter Reed uncovered earlier this year all require attention, and this bill ensures there is funding to address these problems.

During a time of war, we need to demonstrate a strong commitment not only to our troops currently serving, but to those who have returned from service and those who fought to defend our country in previous conflicts. I would also like to offer my support for a project request to provide funding for a fire station at Ellington Field, and I hope the chairman will give it strong consideration as projects are funded.

The existing fire station at Ellington field is in a rapidly deteriorating condition and does not meet OSHA or Air Force standards. Roof leaks and lack of insulation result in equipment being destroyed and extremely high operating costs. New firefighting apparatus must be parked outside the station because they will not fit into the truck bays.

This fire station supports all flying operations at Ellington Field including Air National Guard, Army National Guard, U.S. Coast Guard, NASA, and civilian aircraft. Construction of a new fire station at Ellington is critical for the Texas Air National Guard and all units stationed at Ellington Field.

Mr. Chairman, I again applaud the leadership from the chairmen who drafted this bill, and I urge my colleagues to join me in supporting this legislation.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

These will be my last remarks of the day. We have had a lot of debate here over the last 4 hours.

I just want to say that we are facing a historic moment. Never before in the history of this Congress have we voted on the floor of this House to increase veterans health care spending by the level we will in just a few moments.

I want to thank all those who have been part of it. I want to salute Speaker PELOSI for having said we must keep our promises to our veterans. I want to salute Chairman OBEY; Congressman SPRATT, the chairman of the Budget Committee; Mr. FILNER, the chairman of the Veterans' Affairs Committee; as well as Mr. WICKER and the others who have worked on this in a bipartisan basis.

As the son of a World War II veteran, son of a dad I love greatly for his service to our country, as my mentor was Congressman Olin B. ''Tiger'' Teague, known as Mr. Veteran in Congress for over 32 years, his service here, what an honor and privilege, and humbling privilege it is to me to work with us here today to pass this historic bill for America's veterans.

We know we can never repay our debt of gratitude, but this bill today will be a great down payment on that debt, and ultimately it will be a show of respect for those who have sacrificed so much for the American family.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. HAYES of North Carolina.

Amendment by Mr. BLUMENAUER of Oregon.

Amendment No. 17 by Mr. PRICE of Georgia.

Amendment by Mr. MORAN of Kansas.

Amendment No. 1 by Mr. GARRETT of New Jersey.

Amendment by Mrs. MUSGRAVE of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HAYES

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. HAYES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been requested. Those in support of the request for a recorded vote will rise and be counted.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, point of order. I don't see a sufficient second, Mr. Chairman. I think we have been going automatically assuming. I see staff people on both sides. I do not see Members.

The CHAIRMAN. Does the gentleman wish to have a quorum call first?

Mr. DICKS. I just want to make sure that everybody sat down and we had the Members stand up.

The CHAIRMAN. A sufficient number having risen, a recorded vote is ordered. Members will record their votes by electronic device.

The vote was taken by electronic device, and there were—ayes 110, noes 304, not voting 23, as follows:

[Roll No. 492]

AYES—110

Alexander	Forbes	Moran (KS)
Arcuri	Fortuño	Musgrave
Bachus	Fossella	Myrick
Baker	Foxx	Neugebauer
Barrett (SC)	Franks (AZ)	Nunes
Bartlett (MD)	Gerlach	Pearce
Barton (TX)	Gingrey	Pence
Bilbray	Gohmert	Peterson (PA)
Bishop (UT)	Goode	Pitts
Blackburn	Goodlatte	Platts
Blunt	Granger	Pryce (OH)
Boehner	Hall (TX)	Putnam
Bordallo	Hastert	Radanovich
Boyda (KS)	Hayes	Rehberg
Brown (SC)	Heller	Rogers (AL)
Brown-Waite, Ginny	Herger	Rogers (KY)
Burton (IN)	Hunter	Rogers (MI)
Buyer	Jindal	Rohrabacher
Calvert	Johnson (IL)	Ros-Lehtinen
Cannon	Johnson, Sam	Sali
Cantor	Jones (NC)	Shadegg
Carney	Jordan	Shuler
Chabot	Keller	Shuster
Conaway	Kingston	Smith (NE)
Cubin	Kline (MN)	Smith (TX)
Culberson	LaTourette	Souder
Davis, David	Lewis (KY)	Sullivan
Davis, Tom	Linder	Terry
Deal (GA)	Lucas	Tiberi
Diaz-Balart, L.	Manzullo	Turner
Diaz-Balart, M.	Marchant	Wamp
Donnelly	McCarthy (CA)	Watt
Drake	McCotter	Weller
Duncan	McCrery	Whitfield
Etheridge	McIntyre	Wilson (SC)
Fallin	Mica	Wolf
	Miller (FL)	Young (AK)

NOES—304

Abercrombie	Bachmann	Berry
Ackerman	Baird	Biggert
Aderholt	Baldwin	Bilirakis
Akin	Barrow	Bishop (GA)
Allen	Bean	Bishop (NY)
Altmire	Becerra	Blumenauer
Andrews	Berkley	Bono
Baca	Berman	Boozman

Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hensarling
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—23

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gutierrez
Harman
Hastings (WA)
Higgins
Jones (OH)
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

□ 1622

Messrs. HOBSON, RYAN of Wisconsin, ALTMIRE, ADERHOLT, AKIN, TIAHRT, BOOZMAN, Mrs. McMORRIS RODGERS, and Mrs. BACHMANN changed their vote from ''aye'' to ''no.''

Messrs. FOSSELLA, WATT and ROHRABACHER, and Mrs. BOYDA of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 68, noes 347, not voting 22, as follows:

[Roll No. 493]

AYES—68

Abercrombie
Baird
Baldwin
Barrow
Barton (TX)
Bean
Berman
Bilbray
Blumenauer
Brown-Waite, Ginny
Campbell (CA)
Capps
Cardoza
Clay
Cleaver
Costa
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Duncan
Ellison
Farr
Feeney
Foxx
Gilchrest
Gordon
Herseth Sandlin
Hinchey
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Kingston
Lantos
Lewis (GA)
Manzullo
Matsui
McDermott
McGovern
Mitchell
Moore (WI)
Napolitano
Pascrell
Payne
Pitts
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Slaughter
Smith (WA)
Snyder
Stark
Thompson (CA)
Tierney
Velázquez
Walden (OR)
Walsh (NY)
Wasserman Schultz
Waters
Waxman
Weiner
Welch (VT)
Wu

NOES—347

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry

Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walz (MN)
Wamp
Watson
Watt
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gonzalez
Gutierrez
Harman
Hastings (WA)
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 30 seconds remaining in this vote.

□ 1627

Mr. BILIRAKIS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 260, not voting 23, as follows:

[Roll No. 494]

AYES—154

Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bilirakis
Blackburn
Blunt
Bono
Boozman
Boren
Boswell
Boustany
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Duncan
Ehlers
Emerson
Fallin
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Tiberi
Upton
Walberg
Wamp
Waters
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)

NOES—260

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Hastert
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Rogers (AL)
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—23

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gutierrez
Harman
Hastings (WA)
LaHood
Lofgren, Zoe
McHenry
Meehan
Melancon
Miller, George
Paul
Pickering
Sessions
Stupak
Sullivan
Tancredo
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 30 seconds remaining on this vote.

□ 1632

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 264, noes 152, not voting 21, as follows:

[Roll No. 495]

AYES—264

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carson
Carter
Castle
Chabot
Christensen
Cleaver
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Dicks
Donnelly

Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hodes
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stearns
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—152

Abercrombie
Ackerman
Andrews
Baca
Bachus
Baird
Baldwin
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Clyburn
Conyers
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kind
Knollenberg
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney (NY)
Markey
McCarthy (NY)
McCollum (MN)
McDermott
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Porter
Price (NC)
Radanovich
Rangel
Reichert
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Serrano
Sestak
Sherman
Sires
Slaughter
Snyder
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wicker
Woolsey
Wu
Yarmuth

NOT VOTING—21

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gutierrez
Harman
Hastings (WA)
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 30 seconds on this vote.

□ 1636

Ms. GIFFORDS changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 211, not voting 20, as follows:

[Roll No. 496]

AYES—206

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boustany
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carson
Carter
Castle
Chabot
Cole (OK)
Conaway
Cooper
Costello
Cubin
Culberson
Cummings
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Hayes
Hensarling
Herger
Hill
Hobson
Hoekstra
Holt
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Pallone
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Sullivan
Tanner
Terry
Thompson (MS)
Thornberry
Tiberi
Turner
Upton
Walberg
Wamp
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth

NOES—211

Abercrombie
Ackerman
Allen
Baca
Bachus
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Everett
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hare
Harman
Hastert
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Knollenberg
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin

Lewis (CA)
Lewis (GA)
Loebsack
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Radanovich
Reyes
Rodriguez
Rogers (AL)
Ross
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Sutton
Tauscher
Taylor
Thompson (CA)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gutierrez
Hastings (WA)
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 30 seconds remaining.

□ 1641

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 34, not voting 20, as follows:

[Roll No. 497]

AYES—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—34

Bachus
Barrett (SC)
Barrow
Barton (TX)
Biggert
Blumenauer
Capuano
Crenshaw
Dicks
Edwards
Emanuel
Frelinghuysen
Hastert
Higgins
Johnson (IL)
Lamborn
Lewis (CA)
Lungren, Daniel E.
Lynch
Marshall
Pascrell
Putnam
Sánchez, Linda T.
Sanchez, Loretta
Sestak
Shimkus
Skelton
Smith (WA)
Taylor
Thompson (MS)
Tiberi
Visclosky
Wicker
Young (FL)

NOT VOTING—20

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Eshoo
Faleomavaega
Gutierrez
Hastings (WA)
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 30 seconds remaining.

□ 1645

Mr. MILLER of North Carolina changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Military Construction and Veterans Affairs Appropriations Act, 2008''.

Mr. EDWARDS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. LYNCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, pursuant to the previous order of the House by unanimous consent, he reported the bill back to the House with

sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 21, as follows:

[Roll No. 498]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Campbell (CA)
Feeney

NOT VOTING—21

Bonner
Brady (TX)
Buchanan
Coble
Davis, Jo Ann
Diaz-Balart, L.
Eshoo
Gutierrez
Hastings (WA)
Kilpatrick
LaHood
Lofgren, Zoe
McHenry
Meehan
Miller, George
Paul
Pickering
Sessions
Stupak
Tancredo
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1653

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, I was detained and not present on the House Floor when the final vote for passage of H.R. 2642—Military Construction and Veterans Affairs Appropriations was taken. Had I been present I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I take this time for the purpose of inquiring about next week's schedule. I yield to my good friend, the majority leader, for information about the schedule next week. In light of the agreement we reached this week, any sense you could give us at all about the remaining 10 appropriations bills would be helpful.

Mr. HOYER. Mr. Speaker, I hope my recitation of the schedule for next week is a little more accurate than my recitation of the schedule last week, which had a little bit of a problem getting done.

In any event, my distinguished friend, on Monday the House will meet at 12:30 p.m. for morning hour business and then at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. A complete list of those bills will be announced later today.

On Tuesday, the House will meet at 9 a.m. for morning hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday the House will meet at 9 a.m. We will consider the following fiscal year 2008 appropriations bills: Energy and Water Development; State, Foreign Operations; and the Legislative Branch bill.

In addition to that, in the week following, I am waiting for it to be written up for me, but I know Financial Services we hope to have up on the last week of the session; the Commerce, Justice, Science bill and the Interior bill in the last week; and then in July, the week we get back, which is the second full week of July, we expect to have the Labor-Health bill, the Agriculture bill and the Transportation-HUD bill.

In addition, after that, we will have the Defense appropriations bill as we had always planned to have that, approximately mid-July.

I want to tell my friend that obviously the three bills that are scheduled

for the second week in July may slip to the third week in July because of the difficulty of getting together all of the projects that will be added to the bills as a result of Members' initiatives and the committee's action. But whether it is the second week in July or the third week in July, they will be in mid-July sometime.

Mr. BLUNT. I appreciate that. I would ask my friend, on the Energy and Water bill that we expect to do next week, it is my understanding we will come back at a later time and finish that bill, once time has been adequate to allow projects that would have otherwise gone in at some time even later than House passage.

Mr. HOYER. If the gentleman will yield further, yes, the Energy and Water bill, again because of the numbers of projects in Members' districts that are very important to them and, I think, to the country, but will take time to vet properly to make sure that they are justified and to check with the agency, those projects are going to be added after we consider the Energy and Water bill, which is scheduled for next week.

But before the Energy and Water bill is sent to the Senate, we will have those add-ons added to another appropriation bill that will come to the floor and will be, therefore, subject to Members' actions on each and every one of the legislatively added provisions. When that bill passes, those provisions will then be added to the Energy and Water bill and then, and only then, sent to the Senate.

Mr. BLUNT. I thank my friend for that.

I would also ask, this was covered extensively last night, but just to verify this one more time as we look at the schedule for these appropriations bills and for next week, on Monday of next week, we intend under unanimous consent to reinstate the rule that we had at the end of the last Congress that would provide for a point of order on any projects that are put in a conference report that we hadn't had an opportunity to see prior to that. That would happen on Monday?

Mr. HOYER. If the gentleman will yield further, let me be precise.

Mr. BLUNT. I will be glad to yield, and I am not trying to be unusually prescriptive in describing that.

Mr. HOYER. Let me be precise so there won't be any misunderstanding. I am not sure, but I think your rule dealt with more than appropriations conference reports. I may not be correct on that.

But in any event, the rule that will be offered Monday night, hopefully by unanimous consent, will be a rule that will say that a point of order will lie to a conference report from the appropriations conference which has added a project that was not listed in either the House consideration or the Senate consideration, and that point of order would have 10 minutes of debate on either side, 10 minutes for those in opposition to allowing the conference committee report to be considered, and 10 minutes for the proponents of the conference committee report being considered, effectively adding a third to the hour.

□ 1700

So it would be an hour and 20 minutes of debate rather than just an hour.

Obviously if the point of order is sustained, then the conference committee with the add-on or add-ons would be referred back to the conference committee.

Mr. BLUNT. That is the way I understand it, my friend, and our agreement at this point is for these appropriations bills, although in our rule last year we also extended that to authorizing bills. As you know, we don't want to continue that discussion, but the agreement we made this week, the majority leader is fully in compliance with the agreement we made so we can move forward with these appropriations bills with the understanding that while now we will have a significant opportunity to look at the remainder of the specific Member projects or earmarks in the bill, we also would have an opportunity to have a debatable point of order on the conference report if those appear.

I would also like to ask about energy. I know in previous discussions on the floor at the end of previous weeks, I believe we discussed the likelihood that there would be an energy bill on the floor by July 4. I know in either this week's schedule or future scheduling that the Transportation and Infrastructure Committee, the Ways and Means Committee, and the Energy and Commerce Committee have all delayed some markups that they had intended, and I am wondering if the leader has a sense of what that means in terms of an energy bill on the floor, and also that bill on the floor in light of the appropriations works we just discussed.

Mr. HOYER. If the gentleman would yield, obviously the gentleman is correct. There has been a change in the July schedule in part because of the moving of three of the appropriations bills to July. So they will not be considered in June. It was always the intent, however, that there would be an announcement prior to July 4 of component parts of an energy policy, not necessarily one bill but an energy policy prior to July 4. We always contemplated energy bills being on the floor in July. As far as I know, that is still the plan.

Mr. BLUNT. I thank you for that response.

In addition to that, every indication I have up to this point is that those energy bills would go through the regular order of the committee. Is that what the leader and the majority still anticipates?

Mr. HOYER. That is correct.

Mr. BLUNT. On another topic where we had some discussions that indicated there would be an effort to have a vote before the August work period on the topic of trade. And of the agreements out there, generally the discussion was that there would be a significant effort made to have the Peru agreement on the floor in July. I know these take a significant amount of time because of the various things that have to be done in this trade promotion authority process. I am wondering on trade if my friend has a sense where those items might be.

Mr. HOYER. I thank the gentleman for yielding, and not with precision in the sense of weeks or months or days, I mean. Obviously as the gentleman knows, Chairman RANGEL and Chairman LEVIN of the subcommittee is working very closely with Ambassador Schwab and Secretary Paulson and the administration on these issues.

They have reached an understanding and that is moving forward, I believe, but I could not tell the gentleman at this time what will be scheduled or when it will be scheduled. As the gentleman well knows, there is discussion with reference to Peru and Panama and actions that may be taken in Peru or Panama, and that is being discussed, as a matter of fact, I think today between Ambassador Schwab and Mr. RANGEL and others.

Clearly I think things are moving forward on that, but I cannot give the gentleman any time frames.

Mr. BLUNT. I thank my good friend for that. We are interested in that. We will continue to talk about that both on the floor and off. It would certainly be one of my goals. By this time next week if we have any information on that, we can begin to get a sense of meeting those deadlines. Under this process, as the leader well knows, a number of things have to be done. There is very little flexibility in the time frame once you start the clock on a particular agreement, and the clock has to start right here in the House of Representatives. I look forward to that. I thank my friend for the information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. COURTNEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 18, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House Commission on Congressional Mailing Standards:

Mr. CAPUANO, Massachusetts, Chairman

Mr. SHERMAN, California

Mr. DAVIS, Alabama

Mr. EHLERS, Michigan

Mr. PRICE, Georgia

Mr. MCCARTHY, California

APPOINTMENT OF MEMBER TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Lincoln Bicentennial Commission:

Mr. JACKSON, Illinois

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Hon. JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 14, 2007.

Hon. NANCY PELOSI,
Speaker, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), I am pleased to re-appoint the Honorable Ray LaHood of Illinois to the Abraham Lincoln Bicentennial Commission.

Mr. LaHood has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

CONTINUATION OF NATIONAL EMERGENCY REGARDING BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–39)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2007.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons with respect to Belarus.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 14, 2007.*

CELEBRATING FATHER'S DAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to be able to congratulate and to wish a happy Father's Day to all of the fathers across America. In particular, I wish a very special and very respectful Father's Day to all of those serving on the front lines of Iraq and Afghanistan, all of our veterans, all of them loved dearly for their service, and as well the service and love they give their families.

I want to pay special tribute to those fathers who are no longer with us, and might I mention Ezra C. Jackson, my father, my dad, who will always be someone in my heart as someone willing to stand by his children and be able to uplift his children.

Again this is a commemorative holiday where we simply say ''thank you.'' Fathers are the guiding force, fathers bring strength, both in religion, both in character, and in support of their families. We are a nation of families, moms and dads and grandmothers and grandfathers. And for all of those who have stood in as fathers, we wish you a very happy Father's Day as well.

This is a special day, and as I close, let me simply say, we have a weekend of Father's Day. And in Texas, we commemorate Juneteenth. It is a special weekend of celebrations, remembering the struggle of those who were not yet freed as slaves, and remembering the service and the love that our fathers give in America.

We are united as families, and fathers remain very dear in our hearts. Happy Father's Day.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LISTENING TO THE TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today marks over 1,500 days of the occupation of Iraq. Since that time, over 3,500 brave men and women have given their lives and at least 2,600 have been injured. We have spent nearly half a trillion dollars, but this occupation is about more than just numbers. It is about the lives, both American and Iraqi, that will be changed forever.

So many brave men and women heeded the call of the Commander in Chief to rid Iraq of Saddam Hussein and his weapons of mass destruction. One could say many of these troops were misled with false or at the very least faulty intelligence. They deserve so much more for their sacrifice and their service.

Last month, Santa Rosa Press Democrat, a newspaper in my district, carried a story titled, ''GIs Voice Disillusionment With the War.'' It outlined the frustrations of our troops, some on their first tour, others who have served again and again.

One account exemplifies the frustration, and I will read it. ''In 2003, 2004, 100 percent of the soldiers wanted to be here to fight this war,'' said Sergeant First Class David Moore, a self-described ''conservative Texas Republican'' and platoon sergeant who

strongly advises an American withdrawal.

''Now,'' he says, ''95 percent of my platoon agrees with me.''

Mr. Speaker, that is directly from the front. This is not something that has been run through the administration's spin machine. This is the unvarnished truth from the troops in the trenches.

One more account comes from Staff Sergeant David Safstrom. According the Santa Rosa Press Democrat, Staff Sergeant Safstrom does not regret his previous tours in Iraq, not even a difficult second stint when two comrades were killed while trying to capture insurgents. He said, ''In Mosul, in 2003, it felt like we were making the city a better place. There was no sectarian violence. Saddam was gone. We were tracking down the bad guys. It felt awesome.''

But now, Mr. Speaker, on this third deployment in Iraq, he is no longer a believer in the mission. The pivotal moment came, he says, this February when soldiers killed a man setting a roadside bomb. When they searched the bomber's body, they found identification showing him to be a sergeant in the Iraqi Army.

''I thought,'' he said, '''What are we doing here? Why are we still here?''', said Safstrom, a member of Delta Company of the 1st battalion, 325th Airborne Infantry, 82nd Airborne Division. He had changed his mind.

Mr. Speaker, let me be clear, I and every one of my colleagues support the troops. We honor their bravery and we commit to ensuring that they receive all of the promised benefits as a result of their service to our Nation.

I believe that the best way we can stand up for our troops is to bring them home. It is past time for a fully funded and safe redeployment. We will not back out of our commitment to the Iraqi people. We will work with them to increase their security forces and to help in reconstruction.

But we must face the facts. The situation on the ground may be worse than it ever has been before. Military leaders are conceding that the so-called surge is not working, and it may never.

The administration has even said that we needed to look at the situation in Iraq like that of Korea, and we have been there half a century. That is simply not an option.

Let's do the right thing. Let's do the sensible thing. Let's bring our troops home. We owe it to them and we owe it to our Nation.

□ 1715

HONORING VIRGINIA GRAEME BAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the important legacy of Virginia Graeme Baker, a 7-year-old child who was the unfortunate victim of entrapment by a residential spa drain.

On June 15, 2002, Graeme attended a pool party with her entire family, her mother Nancy and her four sisters. Everyone was having a great time swimming, when all of the sudden, one of Nancy's daughters came running to tell her that Graeme was in the spa. Nancy ran to the edge of the spa, and all she saw was dark and bubbling water.

Her daughter, frantically crying and pointing into the tub, insisted that Graeme was there. Nancy jumped into the spa and saw Graeme with her eyes pinched closed, her hair and limbs moving with the current of water from all the jets on the side. Graeme was entrapped by the powerful suction of the drain spa and could not free herself.

Nancy pulled and pulled with all her strength to help her daughter. It eventually took the strength of two adults to free Graeme from the spa. It was sadly too late; Graeme passed away in the hospital later that afternoon.

I can only imagine the immeasurable grief that her mother and Graeme's entire family went through. Today, Mr. Speaker, is the fifth anniversary of Graeme's death, and I want to take this moment to acknowledge the enormous loss suffered by the Baker family.

Following Graeme's death, Nancy and her father-in-law, former Secretary of State James Baker, became and still are tireless advocates for children and children's safety. When I met Nancy, I was immediately taken by her tragic story of the loss of her daughter.

I was most affected by Nancy's incredible desire to ensure that what happened to Graeme did not happen to any other child. Nancy has channeled all of her energies into raising the issue of pool and spa drain entrapment, a hidden hazard responsible for hundreds of injuries and numerous deaths, to a national audience. Her passion is an inspiration to me, and I am proud to sponsor the Pool and Spa Safety Act, H.R. 1721, in memory of Graeme Baker.

I want to acknowledge and thank my colleague Congressman FRANK WOLF of Virginia, the lead Republican sponsor of this bill, Chairman BOBBY RUSH and Chairman JOHN DINGELL for their support of this badly needed legislation.

The progress made on the Pool and Spa Safety Act would not be possible without the hard work of the entire Baker family. I hope my colleagues, Mr. Speaker, join me in honoring Virginia Graeme Baker, a remarkable little girl, and her mother Nancy whose dedication and tenacity is truly making the world a safer place for all of our children.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I will submit for the RECORD two short articles, one from Business Week and the other from the Washington Post, at the end of my remarks.

It's been roughly 2 years now since I have been coming to the well to talk about energy and, more specifically, about peak oil. When I first came here to do that, we had quite a discussion in our office what we would call it because it was a phenomenon that very few had any interest in or any knowledge of.

And I had heard two descriptive terms. One was peak oil, which is the one we finally decided to use, and the other was the great rollover. When we talk about it this evening, you will understand what the great rollover is. It's the rollover from adequate production. You come to the peak and then you roll over the peak and start down the other side. We wisely, I think, chose to call it peak oil because that's apparently what everybody else is calling it.

And I wanted to start this evening with two articles that a couple of years ago when I started coming here I would never have dreamed that I would be able to come to this well and one day find two articles like this in two of our major publications. One of them is from the Washington Post and the other is from Business Week, and I'd like to begin this evening by reading from these articles. It's the kind of thing that I have been saying for 2 years, and it's very satisfying to be able to read it now from somebody else's pen.

This is the one from the Washington Post called, ''A Wind-Powered Town, an Energy Bill and a Lot of Hot Air.'' You might suspect by that title that the author is Dana Milbank.

''There's a certain irony in Washington's failure to devise a modern energy policy. This is, after all,'' he says, ''the one place on earth that is powered almost entirely by wind.

''Lawmakers are growing further apart on energy legislation, as Democrats demand alternative fuels and Republicans insist on more drilling. But for both sides, the ability to talk about energy is both plentiful and renewable.

''While the Senate held its fourth day of debate on an energy bill, three congressional committees held hearings on the subject yesterday, and the House and Senate Renewable Energy Caucuses held an all-day 'expo and forum' in the Cannon Caucus Room. Democratic senators held two news conferences on the subject, Republican senators held a third, and bipartisan groups of lawmakers contributed a fourth and fifth.'' And this is all in one day.

''Not to be left out, the National Association for Business Economics, the

U.S.-China Economic and Security Review Commission,'' before whom I testified this afternoon, ''the Electric Power Supply Association, the Nuclear Energy Institute, and a coalition of environmentalists all hosted energy events of their own.

''Talk about a large carbon footprint. The amount of CO_2 emitted from the mouths of all these lawmakers, lobbyists and activists was enough to cause part of Greenland to melt into the sea.

'' 'This bill's going to have a tough time,' said Senator Larry Craig . . . That's a safe guess, given that the Senate plans for about eight days of debate on the bill, and Republicans such as Craig are hinting at a filibuster that could derail the whole thing.''

''The Senate energy legislation is fairly modest. It stays away from radical policies, such as a carbon tax or a cap on carbon emissions. Its toughest provision, a plan to increase fuel-efficiency standards to 35 miles per gallon by 2020, is under siege by a bipartisan group of lawmakers from car-manufacturing States.

'' 'The Senate energy bill started out fairly weak, and we don't see the debate getting any better,' complained Eric Pica, who represented Friends of the Earth at a protest by environmentalists on the Senate grounds yesterday.

''Minutes later, Republican lawmakers assembled in the Senate television gallery to voice similarly bitter objections to the bill, for completely opposite reasons. 'It doesn't do anything to lower the price of gasoline,' argued Senator MITCH MCCONNELL, the Senate Republican leader.''

''Did that message get out? Not without some difficulty. The Republican event was squeezed in between a Senate hearing on 'the impact of rising gas prices,' and a pair of House committee sessions on biofuels and 'climate change mitigation.' Within minutes of the GOP's departure from the television studio, Democrats walked in with a rebuttal.

'' 'We do not believe in the President's theory, the Republican's theory: Drill, drill, drill, more of the same,' Harry Reid, the Senate majority leader, taunted. 'It reminds me of Iraq.' ''

Over in the Cannon Caucus Room, where the Renewable Energy Caucus was caucusing among displays of pea pellets, switch grass and filament-free lightbulbs, exhibitors were on hand to talk about landfill gas and to hand out lollipops and bumper stickers saying I love wind energy.

''It was a festive gathering, but Representative ROSCOE BARTLETT, Republican from Maryland, a champion of renewable energy, delivered a somber message about progress in the capital. 'We've been crawling at a snail's pace,' he said. 'We've been doing little more than nibbling at the edges.

Now, for the article from Business Week, and we will kind of be reading this together because I have seen it for the first time just a couple of moments before I came to the well.

It's by Eugene Linden, and it's called, ''From Peak Oil to Dark Age?'' And this is what he says.

''Oil output has stalled, and it's not clear the capacity exists to raise production.

''With global oil production virtually stalled in recent years, controversial predictions that the world is fast approaching maximum petroleum output are looking a little bit less controversial.''

I would note as an aside that a couple of years ago when I began to talk about this, I ran the risk of being relegated to the lunatic fringe. But in another life I was a scientist. I'd been concerned about this problem for 40 years, and I thought these statistics in reality were on my side.

''At first blush, those concerned about global warming should be delighted. After all, what better way to prod the move toward carbon-free, climate-friendly alternative energy.

''But climate change activists have nothing to cheer about. The U.S. is completely unprepared for peak oil, as it's called, and the wrenching adjustments it would entail could easily accelerate global warming as Nations turn to coal. Moreover, regardless of the implications for climate change, peak oil represents a mortal threat to the U.S. economy.''

This isn't some wild, left-wing publication. This is Business Week who is saying this.

''Peak oil refers to the point at which world oil production plateaus before beginning to decline as depletion of the world's remaining reserves offsets ever-increased drilling. Some experts argue that we're already there, and that we won't exceed by much the daily production high of 84.5 million barrels first reached in 2005. If so, global production will bump along near these levels for years before beginning an inexorable decline.

''What would that mean? Alternatives are still a decade away from meeting incremental demand for oil. With nothing to fill the gap, global economic growth would slow, stop, and then reverse; international tensions would sore as Nations seek access to diminishing supplies, enriching autocratic rulers in unstable oil States; and, unless other sources of energy could be ramped up with extreme haste, the world could plunge into a new Dark Age.

□ 1730

Even as faltering economies burned less oil, carbon loading of the atmosphere might accelerate as countries turn to vastly dirtier coal.

When I read this, I was reminded of the observation of one of the giants in the area, one of the experts, Kenneth Deffeyes from Princeton University, who said that the least bad outcome from peak oil would be a deep worldwide recession that might make the 1930s look like good times.

Sound familiar to what I just read? He says, if you don't like that, try the Four Horsemen of the Apocalypse or famine, pestilence and death.

''Given such unpleasant possibilities, you would think peak oil would be a national obsession. But policymakers can hide behind the possibility that vast troves will be available from unconventional sources, or that secretive oil-exporting nations really have the huge reserves they claim. Yet even if those who say that the peak arrived are wrong, enough disturbing omens—for example, declining production in most of the world's great oil fields, and no new super fields to take up the slack—exist for the issue to merit an intense international focus.''

When I read about the decline in our big oil fields, I thought of another article about 3 weeks or so ago in the Post about the second largest oil field in the world, the largest one in Mexico, the Cantrell oil field, whose discovery was quite interesting. A Mexican fisherman by the name of Cantrell kept having oil-foiled nets. When oil foiled his net, he knew where to go, because there was only one oil company in Mexico, Pemex, so he went to Pemex, look what you did to my net, give me a new one.

So they did, but he came in so many times they wondered, do we really spill that much oil? So they asked, where are you finding all that oil? He said, come, I will show you. He showed them oil bubbling up out of the ocean. They drilled there, and for a number of years that has been the second largest field in the world, producing 2 million barrels of oil per day, the Cantrell oil field. It has declined down to 20 percent, down to 1.6 million barrels a day in the last 2 years.

The reality is that it will be here much sooner for the U.S. in the form of peak oil imports. Since we import nearly two-thirds of the oil we consume, global oil for export should be our bigger concern.

In that article about 3 weeks ago in the Post, they noted that in 8 years they estimate that Mexico will be an oil importer. I think it was in that same article that noted in 10 years Iran may very well be an oil importer. Maybe it has something to do with the reason they are interested in nuclear energy.

Fast-growing domestic consumption of oil-exporting nations and increasing appetites by big exporters such as China portend tighter supplies available to the U.S., China now the number two importer in the world, with an economy growing at 11.4 percent, the last quarter for which I saw data. With our economy barely 2 percent, how

soon might they be the biggest oil importer in the world?

Unless world oil production rises rapidly, but output has stalled, call it de facto peak oil or peak oil light, it means that the United States is entering an age when it will have to scramble to maintain existing import levels.

We will know soon enough whether the capacity to raise production really exists. If not, basic math and the clock will tell the story. All alternatives, geothermal, solar, wind and so forth, produce only 3 percent of the energy supplied by oil.

If oil demand rises by 2 percent, while upward remains flat, a generation of alternative energy would have to expand 60 percent a year. That's more than twice the rate of wind power, the fastest-growing alternative energy.

All this incremental energy would somehow have to be delivered to transportation, which consumes most of the oil produced each year just to stay even with the growth in demand.

Nuclear and hydropower together produce 10 times the power of wind, geothermal and solar. But even if nations ignore environmental concerns, it takes years to build nuclear plants and even identify suitable, undammed rivers.

There are many things we in the United States can do and should have been doing other than the present policy of crossing our fingers. If an oil tax makes sense from a climate change perspective, it seems doubly worthy of it if it extends supplies. Boosting efficiency and scaling up alternatives must also be a priority. Recognizing that nations will turn to cheap coal, recently 80 percent of growth in coal use has come from China. More work is needed to defang this fuel which produces more carbon dioxide per ton than any other energy source.

Even if the peakists are wrong, and I will tell you each night I pray I am wrong, because if I am not wrong we are in for a pretty rough ride. Even if the peakists are wrong, we would still be better off taking these actions. If they are right, major actions right now may be the only way to avert a new dark age in an overheated world.

Again, I would like to emphasize, these are not articles from some left-wing environment magazine. These are articles from Business Week and the Washington Post.

Now I would like to turn to the first slide here on the easel, and this is a kind of an interesting slide, I think, that points to our problem. Here is a fellow looking at the gas pump and the $3 gasoline, he is in his huge SUV there. Demand, and looking at the supply in the pump, just why is gas so expensive?

Mr. Motorist, it's expensive because of supply and demand.

One of my colleagues asked me, what can I tell my constituents who are asking me what can we do to reduce the price of gas? I told him, tell them to drive less. It will certainly reduce their cost if they are driving less, and also, if collectively we drive less, then there will be more supply and less demand, and the price of gasoline and oil will drop. They are both exquisitely sensitive to supply and demand.

The next chart is one of my favorites, and this was referred to by Hyman Rickover who gave a speech 50 years ago, the 14th day of last month, to a group of physicians in Saint Paul, Minnesota, and I would encourage a reread of this article several times over, very, very perceptive article.

He talked about 8,000 years of recorded history, and on our chart here we have only about 400 years, the last 400 years of that 8,000 years of recorded history. If we extended it this way, the others, 7.6 thousand years, it would be the same thing, very little energy being used. You could hardly see that energy was used here. It looks like zero because of this scale, it's hard to differentiate the tiny amount of energy that prehistoric man used that's compared to the energy we use today.

Then we began the industrial revolution. We see it here with brown, which was wood, and that industrial revolution was sputtering when we found coal. Then we found gas and oil. It took off. That's the red curve there. Look how sharply that is rising.

Now, this is a compressed abscissa because we have 400 years, and we will see that curve again, and it will be very flat, but that's because we will have stretched out abscissa and made the curve look flatter.

But notice what happened up about the 1970s up there. Had that curve kept going, we will be through the ceiling right now. Notice what happened in the 1970s where we had a drop in use, a world wide recession as a result of the oil price shocks, and much increased deficiency. The efficiency of your refrigerator today is probably three times of the 1970s, and your air conditioner the same thing.

Hyman Rickover pointed out, when he gave his speech 50 years ago, that we were 100 years into the age of oil, and he wondered how long the age of oil would be. We have, today, a much better understanding of that, because in the last 50 years, we have seen the peaking of oil in our country. It occurred in 1970. The peaking of oil, and I think 35 of the 48 top oil producing countries in the world, he noted that the age of oil would occupy but a relatively brief moment in the stretch of human history, and 8,000 years of recorded history, the age of oil will occupy about 300 years.

We are not running out of oil. There is a lot of oil left. But it's going to be very difficult to get. That's going to make it very expensive, and each year we will get less and less. That happened in the United States.

Now, we work very hard to prove that M. King Hubbert was a liar. He was mentioned in one of the articles. M. King Hubbert predicted in 1956 that we would peak in 1970.

Now, we knew by 1980 that he was right, because we were already 10 years down the other side of Hubbert's speech. Our response to that was exactly the wrong response. Our response was let's see if we can't find more. So we gave tax incentives to see if we couldn't get the oil people to drill more, and it worked. They drilled more, but they didn't find more.

Now, in spite of having drilled more oil wells in our country than all the rest of the world put together, we're producing about half the oil today that we produced in 1970s, in spite of the fact that we found enormous amounts of oil in Alaska and in the Gulf of Mexico.

The next slide is a very interesting slide. This is the world according to oil.

This imagines that the size of the country would be relevant, consistent with the amount of oil that they have. So, if you are thinking about oil, who are the biggies in oil?

Obviously, Saudi Arabia dominates the landscape. They have about 22 percent, not quite a fourth of all of the oil reserves in the world.

Then there is Iran and Iraq and Kuwait. Kuwait, it looks like a little province. That's what Saddam Hussein thought, a little province that ought to belong to Iraq, so he went to take it. Tiny little country. Look at the amount of oil that it has. Here we are in the United States, pretty anemic, 2 percent of the known reserves of oil in the world.

But I want to point to something even more alarming than that. If I lived in China, look at it over there, 1.3 billion people. Today they are getting about 70 percent of all of their energy from dirty coal. They are near suffocating under it. Even worse in China, with 1 billion people and growing, soon to surpass China's 1.3 billion is India, which has only half the energy of China, and China has less oil than we do. So the world is poised if we are approaching peak oil. The world is poised for some very serious times.

The next chart is one that inspired 30 of our leading Americans, and I had the privilege of testifying with one of them yesterday, Jim Woolsey, and McFarland and Boyden Gray and 27 others, several of them, very senior four-star admirals who wrote a letter the President saying Mr. President, the fact that we have only 2 percent of the world's reserves of oil and use 25 percent of the world's oil and import almost two-thirds of what we use is a totally unacceptable national security risk. We really have to do something about that.

The President mentioned this at one of his State of the Unions, and he noted

that we get this oil from countries which, as he said, which don't even like us.

Two more facts on this chart. We represent, it says here, 5 percent. We are less than that. We are one person out of 22 in the world, less than 5 percent of the world's population. We use 25 percent of the world's oil and import almost two-thirds of what we use.

The other figure on here really is an interesting one. We have only 2 percent of the world's oil reserves, but we are producing 8 percent of the world's oil.

What that means, of course, is that we are pumping our oil four times faster than the rest of the world. It's not hard to understand that when you realize we have drilled, as I said, more oil wells than all the rest of the world put together.

The next chart here, this isn't really a very good one, because you have to read the numbers and don't pay much attention to the symbols, because they make it look kind of even, but these are some data from Hyman Rickover's speech. He went through a development of civilization and, particularly, our industrial civilization, and the role that energy played, and if in fact that is going to be a bell curve kind of experience, as we go down the other side will we retrace in reverse the steps that he so well defined in the contribution of energy to the development of our civilization.

He noted that each person, I generally use about 75 watts, but that's, I guess, sitting here, and he had them sleeping, and he said that we are about 35 watts of electricity, or 1/20 of a horsepower.

□ 1745

That's how much energy we represent, 1/20th of a horsepower. In modest activity, you're something like a 70-watt bulb. That's all the energy that you are producing.

The household appliances he said that were available to the housewife of 50 years ago, it would be more than that today, wouldn't it, he said that represented the work of 33 faithful household servants is the way he expressed it. This energy has been such a cheap servant.

We had some factories then. We don't have many now. We had some factories then, and he said that the energy available to assist that factory worker in his productivity was the equivalent of being supported by 244 men. The automobile, and they got roughly the same mileage then as now. The automobile, he said, when going down the road, represented the work output of 2,000 men, and the locomotive that pulled the cars, 100,000 men, and the jet plane, 700,000 men.

Each barrel of oil has an energy equivalent, and you can see it here from these numbers. Each barrel of oil has the energy equivalent of 12 men working all year. And you will pay $125 roughly at the pump. So you can buy yourself the work equivalent of 12 men working all year with a barrel of oil.

When I first read that number, I said, that can't be. And then I thought about it, and I drive a Prius, and we've been averaging, for the past several thousand miles, it's 49 miles per gallon. And I asked myself, how long would it take me to pull my Prius 49 miles? That little gallon of gasoline, still cheaper at $3, by the way, still cheaper than water in the grocery store, pulls my car 79 miles. How long would it take me to pull the car that far?

Another statistic that really helped me understand that that's probably right is that if a man works really hard in his yard all day, his wife could get more work out of an electric motor for less than 25 cents' worth of electricity. Now, that may be humbling to recognize that we're worth less than 25 cents a day, but that's the reality of this incredibly dense, cheap, so far ubiquitously available fossil fuel energy. It's just been everywhere. We assume it's there just like we assume that water and air are there.

The next chart, and if we could have only one chart to speak to, so that we can understand where we are and where we've come from and where we're going, this would be the chart. This shows the discoveries of oil. And you can see them there. Way back in the 1930s we found them, a bunch in the 1940s, and, boy, did we start finding it in the 1950s and 1960s and 1970s.

And then starting from 1980, down, it just has been going down, down, down. And that's in spite of the fact that we're drilling more and more wells. We have computer modeling and three-D seismic technologies we didn't know back when we were finding most of this oil. We pretty much have mapped the Earth geologically. We know the kinds of the formations oil is found in.

It is unlikely, very unlikely we will find any more large reservoirs of oil. The solid black line here represents the rate at which we've been consuming oil. Well, actually the production and consumption has been the same. There are no big lakes of oil anywhere so we've been using all we've produced. So this is the consumption curve. It's also been the production curve because up till now we have consumed everything we produced, or we've produced everything we would like to consume.

But look what happened to this curve. This was an exponential curve. And up through the Carter years, the Carter years about here, up through the Carter years we used as much oil in each decade as we had used in all of previous history. That is a stunning statistic. That means that when you've used half the world's oil, there would remain only 10 years of oil at present use rates because we would have used as much oil as in all of previous history.

Well, things really change. If they hadn't changed, extrapolate this. It would be above this graph, well above this chart. So really good things happened as a result of the shocks we had at the Arab oil embargo. We're very much more efficient than we were.

And by the way, our citizens in California use maybe two-thirds the energy that we use here. Do you think they're less happy than we are? I have a lot of colleagues in California. They would really debate that if you suggested that.

Well, since about 1980, as these curves show, we have not found as much oil as we've been using. Today we're pumping what, 4 or 5 barrels for every barrel we find. So now we've been dipping into the past reserves. This chart says that peaking should be occurring, what, about now, or 2010, something like that.

Now, we can make the future look different within limits, depending on how aggressive we are with enhanced oil recovery, sending live steam down there, flooding it with the CO_2 for CO_2 sequestration, flooding it with seawater as the Saudis do. They pump 3 or 4 barrels of seawater for every barrel of oil that they pump.

They have suggested here in the lightly shaded areas to the right what future discoveries will be like. They certainly won't be that smooth curve. They'll be up and down. But I'll tell you, if you were smoothing a curve out you wouldn't have come that high, would you, if you just look at this chart. So they're being generous, I think, in how much oil we might find.

Well, unless you think we're going to find enormously new reservoirs of oil, and I know of no responsible experts who believe that, it's clear that you cannot pump what you have not found. And unless we find a great deal more, the area under our consumption curve cannot be larger than the area if you put a smooth curve around this, the area under the discovery curve.

And so these two articles I read were reflecting the reality that we're probably at peak oil and face a very challenging future.

The next chart shows one depiction of what's called Hubbert's peak. This is U.S. oil production. This is the whole country's production. He predicted only the lower 48, by the way. But you see we've reached a peak. In about 1970 we reached a peak, and now we're about half the oil production in spite of having more oil wells than all the rest of the world.

The next chart is really an interesting one, because this chart is used by one of the few groups that I think are in denial. This is the Cambridge Energy Research Associates. They are predicting that peak oil, if it occurs, is going to be an undulating plateau somewhere well out into the future, not to worry about it today. And they

need to discredit M. King Hubbert, because M. King Hubbert predicted that the United States would peak in 1970 and we did peak in 1970. And in 1979, I think, or 1969, I forget which date, he predicted the United States would be peaking, I'm sorry, the world would be peaking about now.

Well, a very obvious question, if he was right about the United States, which is clearly a microcosm of the world, why shouldn't he be right about the world?

And knowing he was right about the United States by 1980, because we peaked in 1970, we've now lost 27 years when we should have been addressing this problem.

Well, they use these curves to try to convince you and me that you shouldn't have any confidence in M. King Hubbert; therefore, don't worry about the future. Hubbert peak for the lower 48 was the red going up this side and the yellow coming down over there.

Now, the actual lower 48 was the green, and they think that deviates a great deal from the yellow. Gee, I think they're pretty close. From my perspective, I think that they confirm the predictions of M. King Hubbert.

And then the red, now, the red is off a little bit. That's because he didn't include Canada and the Gulf of Mexico. And this little bump on the way down is the oil from Alaska, from Prudhoe Bay. I've been there, Prudhoe Bay. A 4-foot pipe right where 3 starts there at Prudhoe Bay. For years, less now, it's running down. For years a fourth of all our domestic production came through that pipeline.

The next chart is just one of many quotes from one of four studies, a fifth one, which is now out, but it's been embargoed so we can't really talk about it until they've released it. This is from the first report paid for by the Department of Energy, done by the big prestigious SAIC, Science International Applications Corporation, known as the Hirsch Report because Robert Hirsch was the principal investigator on it.

And I just want to mention the highlight here. He says the world has never faced a problem like this. There is nothing in history, which is what these articles were saying, right? There is nothing in history that is a precedent to this. There's nothing to guide us as to what will happen and where we should go.

The next chart is a schematic of the peak. Now, I said we were going to spread out the abscissa and flatten the peak. That's exactly the same peak that you saw before when we compressed the abscissa in a 400-year scale. This is the schematic. The yellow area is about 35 years. Two percent growth, by the way, doubles in 35 years; four times, bigger in 70 years; eight times bigger in 105 years.

No wonder Albert Einstein, in response to a question, Dr. Einstein, what will be the next big energy force in the universe after nuclear? And he said the most powerful force in the universe is the power of compound interest. Exponential growth. And we see it here.

So if this is, in fact, where we are, and it's now being more and more widely recognized that that's probably correct, this is what the future will look like. That dark green area represents the amount of oil that will be available. If our economies are going to continue as they are now, with just a modest 2 percent growth, this is a 2 percent growth curve, we're going to need that much more oil. We're going to need twice as much oil at the end of 35 years. That is a daunting challenge.

When you represent that, when you remember that we use 21 million barrels of oil a day in our country, a fourth of the world's production and the total amount we get from all of the usual alternatives is something like 3 percent of everything; and they're growing rapidly, but it's still only about 3 percent of all of our energy use.

The next chart, it's really an interesting chart and it points to two things that I'd like just for a moment to emphasize. Here we see that typical curve. You saw it before, the rise and then the stuttering in the '70s. We became more efficient or this would be off the top of the chart here. And I won't this evening go into how they got there, but using some very suspect data, our energy information agency is predicting that we will find as much more oil as all the reserves that we now know exist.

Even if that is true, from their own chart, that pushes the peak out from only now to 2016. That's 9 years from now. And the Hirsch report said, unless you started preparing 20 years before peak oil, you were going to have a pretty rough ride.

Now, if they're not going to find this enormous amount of additional oil, and I think the odds are very good they will not, then peaking is about now, and the curve starts down here.

Let me point to the other thing they note here; that is, if you have some really vigorous enhanced oil recovery, and you extend that peak production of oil, you might push it out to 2037. But then look what happens. You fall off a cliff. Obviously, the area between these two curves has to be the same as the area between these two curves down here. You know, you can't pump what's not there.

Now, you may get a little more. You will get a little more by enhanced oil recovery. But compared to the trillion barrels of oil that we've used so far, the trillion that we will use in the next 150 years as we run down the other side of Hubbert's peak, the additional oil we get is going to be fairly limited.

The next chart has a quote by one of the giants in this area, Laharrere, who says the USGS estimate implies a fivefold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, and I would agree, utterly implausible, given the great technological achievements of the industry over the past 20 years, the worldwide search and the deliberate efforts to find the largest remaining prospects.

Boy, we have plowed that ground and Laharrere is exactly right. Their predictions I think are implausible.

The next chart is one that I hope more and more of us look at and reflect on. This is an interesting one. I wish it was in living color. It's just kind of plain Jane. But on the abscissa here we have how much energy we use per person, and where would you expect to find us using more energy per person than any other person in the world. There we are, way up there. And the ordinate here is how happy we are with life, how content we are.

□ 1800

And we are okay. We are pretty content. But notice on this chart that there are, I think, 20 some nations, all of those from here up, that use less oil than we, less energy than we, who are happier than we. Not just as happy as we, happier than we are.

Now, it is obvious at this end of the curve it is really hard to be happy when you don't have much energy. When you are burning cow dung and so forth for your heat, you are not really happy. But many nations with about a fourth of energy that we use are just about as happy as we are.

So this is very encouraging. What that means is that you don't have to use as much energy as we are using to be happy. We are the most creative, innovative society in the world. We can use far less energy and be, I think, happier because we will have the satisfaction of really making a contribution.

The next chart kind of points to some of the difficulties, and these two articles I read mention those. I use a really simple analogy to help us understand where we are. We are like the young couple whose grandparents have died and left them a big inheritance, and they now are lavishly spending that inheritance, and 85 percent of everything they live on comes from their grandparents and only 15 percent from what they earn, and the inheritance is going to run out a long time before they retire; so they have obviously got to do something. They got to make more or spend less or some combination of those two.

I use those figures because that is where we are in terms of the amount of fossil fuel energy we use, 85 percent. Some will say 86 percent. Coal, oil, and

gas make up about 85 percent of all the energy we use. More than half of the rest comes from nuclear power.

By the way, we are the biggest nuclear power producer in the world. France produces 75 percent of their electricity. We produce 20 of ours. But since we are so much bigger than France in terms of total quantity of electricity, we produce more than France does at a much smaller percentage. Well, nuclear power could and maybe should increase, but it comes with problems, as you know. And, also, unless you go to some different technologies, there is not a forever supply of fissionable uranium in the world. That is a very finite supply. So you are going to be going to burning something else or using a breeder reactor, which has problems of enrichment and moving fuel around that is weapons grade and so forth. So this comes with some obvious drawbacks. But shivering in the dark has some obvious drawbacks too, and we need to trade those off as we are looking at maybe using more nuclear power.

Then we come to the true renewables. And I will tell you that we will transition, the world will transition, to sustainable renewables, either because geology demands it as we run down the other side of Hubbert's Peak, and for the last 150 years of this glorious age of oil, we will move to sustainable renewables. If we do it on the terms of geology, it may be a really rough ride. If we do it on our terms, it will be a much less rough ride and it could really be fun because there is no exhilaration like the exhilaration of meeting and overcoming a challenge and, boy, this is a huge challenge. I can see this really turning Americans on. This is a far bigger challenge than we faced in World War II and that turned everybody on. I am 81 years old. I lived through that. Everybody had a victory garden. We had daylight savings time, I think, for the first time so you could work in your victory garden. There were no new cars for us. We made all sorts of sacrificing. We did it because we knew we needed to do it.

And before I forget as far as what we ought to be doing for the future, let me tell you that I think we can get there with our enormous creativity and innovation if we have proper leadership. We need a program that has the total commitment of World War II, that has the technology focus of putting a man on the moon and the urgency of the Manhattan Project. And I think Americans could be marshaled. I think we could make a tremendous contribution and really feel good about it. In that little chart that showed how satisfied we are with life, I think we would be even more satisfied with life, living just as well as we live now on a whole lot less energy and feeling good about the fact that we are able to live that well with less energy.

I want to spend a moment looking at the renewables that we will be turning to increasingly. This is a 2000 chart; so there are more now. But in 2000 solar was 1 percent of 7.07 percent. So it is five times bigger now, 0.35 percent. Big deal. And I am a big solar fan. I have on off-the-grid home and I get all of my electricity from solar and wind, but I recognize this is a tiny contributor now and has a long way to go.

Wood: That is waste products, and the timber industry and paper industry probably can't grow a whole lot without raping our forests.

Waste energy: We can do a whole lot more of that. But please note when you look at that waste pile that is going into the furnace, much of it came from oil. In an energy deficient world, that huge stream of waste will have really shrunk. There will be nowhere near as much.

Wind: The rapidest growing, at 30 percent per year that industry is growing. Still a tiny percentage. A huge frontier: conventional hydro. We don't have any more big rivers to dam in our country. We could get maybe as much more hydro from microhydro. Microturbines, that technology is really improving now.

Let's look at the next chart because that helps me talk about fuel from food. This is a chart on comparing the energy history with petroleum and with corn. And 75 percent of all the energy you get from corn comes from the fossil fuels you use to grow the corn and haul it to the mill and ferment the grain and so forth.

The article in the Washington Post of a couple weeks ago noted that if you use all of our corn for ethanol, all of it, and discounted it for the fossil fuel input, which they said was 80 percent, and this is a little optimistic but 80 percent is not bad, that it would displace 2.4 percent of our gasoline. And they noted correctly that you could save that much gasoline if you tuned up your car and put air in the tires. That just points out the incredible challenge we have. The enormous amounts of energy that we get from this, 21 million barrels of oil we use a day, 70 percent of it in transportation.

Just to look at this bottom pie chart here, why it is not more efficient. Look at this purple section here. That is almost half of it. That is nitrogen fertilizer that we produce from natural gas. Not much in this country because it is too expensive. We produce it some places overseas from gas where gas is stranded. That is, there is gas and nobody to use it and it is hard to haul; so it is cheaper. So we make the nitrogen fertilizer there. Enormous investments of energy in growing corn.

I have several charts that relate specifically to agriculture. Farm productivity and number of farms: And to nobody's surprise, the number of farms have been going down, down, down. You see it in the red line there. While the productivity for the farm has going been going up up, up, up. That is because the farms have been getting bigger and bigger and bigger.

Now, to support all of that big expensive equipment, you have to have to farm, you need to farm several thousand acres. I bought a farm in Frederick County. I milked cows. I had 144 acres. I milked 60 cows, and I grew almost everything on the farm that I fed those cows. You can't do that today. The farms are very much bigger and they have huge equipment and just a very different kind of agriculture.

There are several charts here that present a very disturbing story for the family farm. Today, only 2 percent of our people farm, but almost everybody remembers an uncle or aunt or grandparent whose farm you went to. There is a lot of nostalgia in our country for farms. And this shows a percentage of U.S. farms. And these are the little farms. The small family farms are more than 90 percent of all of the farms. But look at the value of production. This little 7.5 percent of the farms which are large-scale family farms, the big family farms, represent 60 percent of all of the productions. And we will see in some future charts that almost all those small family farms are losing money. The people are working off the farm to support them.

Here is the next chart. These are things that our farm bill is going to have to take into consideration. This is a share of farm business assets, acres owned, and acres enrolled in a conservation wetland reserve program. These are the assets. And you see again that most of the assets are in the small farm. And land owned is nearly the same as assets because the land is the biggest asset the farmer has. That is why that little circle there looks very much like this one. The assets and the land owned are about the same thing because 90 odd percent of all the assets are the land. And this shows that our small farms are really cooperating with these programs. Notice these small farms. That part of the circle has gotten larger. Our small farms are doing a really good job of respecting our wetlands and putting their land in reserve and so forth.

The next chart is almost one that almost makes me weep because I represent a farm district. It still is the biggest industry in my district. And this shows the size of farms and whether they are making money or not. The yellow is if you are making 20 percent or more. The next one is if you are making 10 percent or more, and then 0 to 10 percent in the red. Look at it. Losing money. This is by size of farm. Every farm group loses money. Generally speaking, the smaller you are, the more you lose.

But even our big farms, our biggest farms, large-scale farms, more than a

fourth of them are losing money. There is no other segment or society that has as much capital at risk who work so hard and get so little for it as our farmers. Please remember your farmer when you go to the grocery store tonight. When I was a kid 25 percent of the average family budget went for food. Now it is less than 10 percent. And that farmer is subsidizing your quality of life by 15 percent because of his ingenuity and hard work and his willingness to work for less than nothing. He is losing money here. So he is subsidizing your quality of life. Please remember your farmer when you go to the grocery store. You are living as well as you are because he is working as hard as he is.

The next one shows the farmer on the tractor. And, boy, has he got a red tractor. And these are the low sales and the medium sales farms, and if you sell a little more, you don't lose as much.

You have to be a pretty good farmer today to break even, by the way, and a really good farmer to make money.

The next chart: Principal farm operators reporting off-farm work. Boy, the small farms, they are working a lot off the farm, aren't they? I guess you heard the story of the farmer who won $5 million in the lottery. They asked him what he was going to do with it. He says, ''I guess I will just keep farming until it's gone.'' And that is kind of a sick joke but it is true. That is what our farmers are doing. Many of our farmers are farming away those huge assets you saw in the form of land. They are farming those assets away.

The next chart, this is principal farm operators and self-employed workers and nonagriculture industries who are at least 65 years old. Every year the average age of our farmers gets almost 1 year older. I know a lot of farmers. I know almost no farmer whose kids want to farm. It is really tough work. There is little financial reward for it. Huge risks, risks that you can't control. Drought, cold weather, frost in the spring, you can't control any of these things and you are at risk by all of those. A very serious problem. Our farmers are getting older and older and who is going to replace them?

Next chart: Gross sales of $1 million or more. And it is still the family farm but these are, many of them, big family farms. They farm their farm and they lease maybe ten farms around them. And the others have the nice quality of life of living on a farm. And you can have cover 100 acres of land and you lease it to one of these big farmers, and they will be a family farm and they may spend 6 days a year on your farm. They come in with two combines and cut the whole thing. They put Paraquat on it that kills the weeds in the spring and then in 1 day they will plant the whole farm to corn, for instance. They may spend 6 days a year on your farm total.

The next chart is a really interesting chart, and this shows the problem that we would be in if we hadn't been as efficient as we have been. And you saw from those previous charts how our efficiency has slowed that rate of increase in the use of oil, of energy generally, and this shows the avoided supply. That is our efficiency. Wow, that is about a third of it, isn't it?

□ 1815

We would be using a third more if it weren't that we were as efficient as we are.

So what do we do now? Well, I mentioned that I thought that we needed a national program that had the total commitment of World War II. Everybody has to be involved. These two articles, boy, I was appreciative for these two articles. We scheduled this time with you before these articles came out. This was great that they came out because they make my point. We face huge problems.

I have a bill, H.R. 80, the Self-Powered Farm Energy bill. If our farmers can't produce enough energy to run their farm and a bit more for the guy who lives in town, we're in for a really rough time, aren't we? So this is a bill which challenges our farmers to be energy independent. And there's a reward for that. This is not going to cost the taxpayer much money. You know, people work really, really hard for an award, maybe harder than they would work if you were paying them. We are going to give an award for this, for the farms that do the best in this. And we think there is a lot of creativity and ingenuity out there and we should do very well with this.

Another bill that's a good bill, H.R. 670, the so-called DRIVE bill, and American Energy For America's Future, the bipartisan DRIVE Act, Dependence Reduction through Innovation in Vehicles and Energy Act. By the way, driving that SUV does not make you safer. Look at the fatality statistics. They are higher in the SUV than the family car. Because they turn over so easily, the actual fatality figures are higher for the SUV than they are for the standard family car. You don't need to be in an SUV to be safer.

Well, Mr. Chairman, I think that Americans will really rally to this challenge. As I have said, there is no exhilaration like the exhilaration of meeting and overcoming a big challenge, and boy, this is a huge challenge. And I think properly motivated, the American people will turn to and demonstrate to the world that we are still the most creative, innovative society in the world. I think we can again become an exporting Nation.

There is going to be a lot of technology associated with moving to these sustainable alternatives. Who better than we to develop those technologies. And let's sell them to the world. Let's not turn over the manufacture of these technologies to somebody overseas, let's sell them to the world.

There are two reasons for doing this. One is that if we are going to maintain anything like the quality of life we have now, we really need to do this. And the other thing is there is going to be a mad global scramble for energy. If we haven't led the way, if somebody hasn't led the way to move us to renewables, what will the world do when we come to the reality that there just isn't going to be enough oil there?

Just one little note in closing. We need to rethink a lot of things. Our whole financial structure needs to be rethought. If you think about our financial structure, and I am not an economist, I don't think you have to be an economist to understand obvious things. When we put more money in circulation, it is printed by the Feds. And they put it into the circulation by loaning it to somebody. Now, if there are only two of us in the world, and I borrow money and I have to pay interest on it, one of two things has to happen, either there has to be growth so that I have the money to pay the interest with, or you, if you are the only other guy in the world, you have to lose money. So I have some of your money so that I can pay interest on the money that I borrowed. That's why we start to shudder about the economy when it drops below 2 percent growth. Because we can't imagine an economy that doesn't include growth because our whole financial system is predicated on growth. We have got to have growth.

Now, we can have growth without using more energy if we become more efficient. That's a challenge. So we still can grow some. But that is not limitless growth because that you can't be infinitely efficient. So we will have to, one day, sooner or later, come to the realization that we've got to have a financial system that doesn't require growth. But we can do that.

We have met a whole lot of challenges in the past and done very well with overcoming. And Mr. Speaker, I am very encouraged that with proper leadership, and you know, I will tell you, we don't have much oil in this country, but we have even less real leadership on energy. But with responsible leadership in this country, I think that Americans will heed to, and we will surprise the world with what we can do in meeting the challenges of peak oil.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Mr. HOYER) for today on account of family illness.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of unexpected family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 21 and 22.

Mr. JONES of North Carolina, for 5 minutes, June 21 and 22.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, June 18, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2224. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Foramsulfuron; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0880; FRL-8125-5] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2225. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flufenacet; Pesticide Tolerance [EPA-HQ-OPP-2006-0965; FRL-8124-2] receivedMay 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2226. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2007-0237] Recieved May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2227. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clethodim; Pesticide Tolerance [EPA-HQ-OPP-2005-0535; FRL-8127-2] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2228. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0913; FRL-8124-6] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2229. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dioxin and Dioxin-like Compounds; Toxic Equivalency Information; Community Right-to-Know Toxic Chemicals Release Reporting [EPA-HQ-TRI-2002-0001; FRL-8311-6] (RIN: 2025-AA12) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2230. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas from Air Quality Planning Purposes; Ohio; Redesignation of Washington County to Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2006-0892; FRL-8313-1] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2231. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Jefferson County to Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2006-0891; FRL-8312-7] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2232. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas of Air Quality Planning Purposes; Ohio; Redesignation of Belmont County to Attainment of the 8-Hour Ozone Standard [EPA-R05-OAR-2006-0046; FRL-8312-8] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2233. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Allen and Stark Counties to Attainment of the 8-Houe Ozone Standard [EPA-R05-OAR-2006-0046; FRL-8312-9] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2234. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-0015; FRL-8312-5] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2235. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror and Kosovo, pursuant to Public Law 93-148; (H. Doc. No. —38); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2284. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians (Rept. 110–192). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2359. A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. 110–193). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2366. A bill to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes (Rept. 110–194). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 2397. A bill to reauthorize the women's entrepreneurial development programs of the Small Business Administration, and for other purposes (Rept. 110–195). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself, Ms. SOLIS, Mr. SERRANO, and Mr. FORTUÑO):

H.R. 2736. A bill to amend the Public Health Service Act to authorize grants to provide comprehensive HIV/AIDS services to racial and ethnic minorities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself and Mr. BISHOP of Georgia):

H.R. 2737. A bill to amend the Internal Revenue Code of 1986 to allow previously uninsured individuals a refundable credit for health insurance costs and to provide tax incentives to encourage small business health plans; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. FORTENBERRY, Mr. SHULER, and Mr. ADERHOLT):

H.R. 2738. A bill to empower parents to protect children from increasing depictions of indecent material on television; to the Committee on Energy and Commerce.

By Mr. HAYES:

H.R. 2739. A bill to amend title 10, United States Code, relating to payment of mental health counselors under TRICARE; to the Committee on Armed Services.

By Mr. PRICE of North Carolina:

H.R. 2740. A bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 2741. A bill to amend title XVIII of the Social Security Act to provide a wage index

floor for hospitals and home health agencies located in certain areas under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself and Mr. MCHUGH):

H.R. 2742. A bill to amend the Internal Revenue Code of 1986 to provide rate parity for open-loop and closed-loop biomass facilities under the renewable fuels tax credit; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 2743. A bill to provide for the continuance of volunteer communications capability within the United States and its territories; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. KILPATRICK, Ms. HOOLEY, Mr. BAIRD, Mr. KUCINICH, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. HARE, Mr. NADLER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. COHEN, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. GRIJALVA, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. HIRONO, Ms. SUTTON, Mr. BRADY of Pennsylvania, Ms. BERKLEY, Mr. MCNERNEY, Ms. SHEA-PORTER, Ms. BORDALLO, Mr. MCCOTTER, Mr. PAYNE, Mr. AL GREEN of Texas, and Mr. WYNN):

H.R. 2744. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 2745. A bill to refund passport processing fees and international travel costs as a result of unreasonable delays in passport application processing times, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2746. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. RAMSTAD, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BOSWELL, Mr. CARNAHAN, Mr. CLEAVER, Mr. COHEN, Ms. HIRONO, Mr. LARSEN of Washington, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, and Mr. WALZ of Minnesota):

H.R. 2747. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 2748. A bill to amend the Internal Revenue Code of 1986 to allow the alternative motor vehicle personal credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. GORDON (for himself and Mr. SHADEGG):

H.R. 2749. A bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CULBERSON):

H.R. 2750. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Financial Services.

By Ms. HARMAN (for herself, Mr. UPTON, Mr. WYNN, and Mr. HASTERT):

H.R. 2751. A bill to prohibit the sale of certain inefficient light bulbs, and require the development of a plan for increasing the use of more efficient light bulbs by consumers and businesses; to the Committee on Energy and Commerce.

By Mr. LAMPSON:

H.R. 2752. A bill to amend provisions of title IX of the Farm Security and Rural Investment Act of 2002 relating to Federal procurement of biobased products and labeling of such products; to the Committee on Agriculture, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2753. A bill to amend title III of the Higher Education Act of 1965 to include law school and other graduate schools of the University of the District of Columbia as eligible professional and graduate institutions, and for other purposes; to the Committee on Education and Labor.

By Mr. PAUL (for himself, Mr. GUTIERREZ, and Mr. JONES of North Carolina):

H.R. 2754. A bill to require the Board of Governors of the Federal Reserve System to continue to make available to the public on a weekly basis information on the measure of the M3 monetary aggregate, and its components, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2755. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2756. A bill to repeal section 5103 of title 31, United States Code; to the Committee on Financial Services.

By Mr. THOMPSON of California (for himself and Mr. YOUNG of Alaska):

H.R. 2757. A bill to amend the Acts popularly known as the Duck Stamp Act and the Wetland Loan Act to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California:

H.R. 2758. A bill to permanently prohibit oil and gas leasing off the coast of Mendocino, Humboldt, and Del Norte Counties in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. VISCLOSKY:

H.R. 2759. A bill to prohibit business enterprises that lay-off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. TANCREDO (for himself, Mr. CHABOT, Mr. BURTON of Indiana, and Mr. MCCOTTER):

H. Con. Res. 170. Concurrent resolution expressing the sense of Congress that the International Olympic Committee should allow Taiwan (Republic of China) to participate in the 2008 Summer Olympics under the national name, flag, and anthem of its own choosing; to the Committee on Foreign Affairs.

By Mr. SARBANES:

H. Res. 489. A resolution commemorating the Work of United Nations Peacekeepers on International Day of United Nations Peacekeeping; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas (for himself, Mr. CUELLAR, Mr. RODRIGUEZ, and Mr. GONZALEZ):

H. Res. 490. A resolution honoring the 2007 NBA Champion San Antonio Spurs; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced A bill (H.R. 2760) for the relief of Shigeru Yamada; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. BEAN.

H.R. 23: Ms. LORETTA SANCHEZ of California, Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, Mr. COSTA, Mr. BACA, Mr. VISCLOSKY, Mr. PASTOR, Mr. SESTAK, Mr. FORTUÑO, Mr. DELAHUNT, Mr. CONYERS, Mr. JEFFERSON, and Mr. FARR.

H.R. 82: Ms. DEGETTE, Mr. KELLER, Mr. CAMP of Michigan, and Mr. BILBRAY.

H.R. 111: Mr. MEEHAN.

H.R. 135: Mr. STUPAK.

H.R. 139: Mr. LEWIS of Kentucky.

H.R. 181: Ms. BORDALLO and Mr. HONDA.

H.R. 192: Mr. LAHOOD.

H.R. 197: Mr. JINDAL.

H.R. 237: Mr. BLUNT, Mr. HULSHOF, Mr. MORAN of Kansas, and Mr. SMITH of Nebraska.

H.R. 293: Mr. SCOTT of Georgia.

H.R. 303: Mr. JOHNSON of Georgia.

H.R. 332: Mrs. CUBIN and Mr. BILBRAY.

H.R. 346: Mr. NADLER.

H.R. 549: Mr. VAN HOLLEN, Mr. JINDAL, Mr. LAHOOD, and Mr. FRANK of Massachusetts.
H.R. 552: Mr. FERGUSON, Ms. GRANGER, Mr. LANTOS, Mr. KUHL of New York, and Mr. WALDEN of Oregon.
H.R. 563: Mr. SOUDER.
H.R. 618: Mr. POE.
H.R. 623: Ms. NORTON.
H.R. 642: Mr. SIRES, Mr. PATRICK MURPHY of Pennsylvania, and Ms. CASTOR.
H.R. 643: Mr. LYNCH, Mrs. MUSGRAVE, Ms. CASTOR, and Mr. BISHOP of Georgia.
H.R. 649: Mr. NEAL of Massachusetts.
H.R. 654: Mr. EMANUEL.
H.R. 657: Mrs. JO ANN DAVIS of Virginia and Mr. SHULER.
H.R. 662: Ms. HIRONO.
H.R. 676: Mr. BERMAN.
H.R. 689: Mr. THORNBERRY.
H.R. 690: Mrs. BOYDA of Kansas.
H.R. 743: Mr. WOLF, Mr. KENNEDY, Mr. BAIRD, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. SALAZAR, Mrs. GILLIBRAND, Mr. KILDEE, Mr. BACA, Mr. BUTTERFIELD, Mr. SMITH of Washington, and Mrs. DRAKE.
H.R. 748: Ms. SOLIS, Mr. WALDEN of Oregon, Mr. KENNEDY, and Mr. SHERMAN.
H.R. 760: Mr. PASCRELL, Ms. HARMAN, and Mrs. NAPOLITANO.
H.R. 814: Mrs. BOYDA of Kansas.
H.R. 867: Mr. BRADY of Pennsylvania and Mr. TIBERI.
H.R. 880: Mr. BUCHANAN and Mr. BOOZMAN.
H.R. 882: Mr. FORTUÑO, Mr. JEFFERSON, Mrs. BLACKBURN, Mr. MCGOVERN, Mr. ALEXANDER, Mr. JOHNSON of Georgia, Mr. JONES of North Carolina, Mr. BURGESS, Ms. KILPATRICK, Mr. WEXLER, Mr. RUPPERSBERGER, and Mr. MORAN of Virginia.
H.R. 889: Mr. KNOLLENBERG.
H.R. 969: Mr. ARCURI, Mr. DOYLE, Mr. MEEHAN, Mr. MURPHY of Connecticut, and Ms. CORRINE BROWN of Florida.
H.R. 970: Mr. WYNN.
H.R. 980: Mr. STARK, Ms. CASTOR, Mr. MEEHAN, Mr. CAMP of Michigan, and Mr. DELAHUNT.
H.R. 1004: Mr. HONDA, Ms. CORRINE BROWN of Florida, and Mrs. MCCARTHY of New York.
H.R. 1023: Mr. CUELLAR, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. BERRY, Mr. SOUDER, Mr. MATHESON, Mr. SALI, Mr. FLAKE, Mr. LUCAS, Mr. FORTUÑO, Mr. WELDON of Florida, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. HONDA, Mr. PAUL, Mr. MCINTYRE, Ms. CORRINE BROWN of Florida, and Mr. WALZ of Minnesota.
H.R. 1040: Mr. WAMP.
H.R. 1071: Mr. HOLT.
H.R. 1073: Mr. LINCOLN DAVIS of Tennessee and Mr. PLATTS.
H.R. 1084: Mr. MORAN of Virginia.
H.R. 1103: Ms. HARMAN, Mr. HINCHEY, and Ms. MCCOLLUM of Minnesota.
H.R. 1113: Mr. CONAWAY, Mrs. JONES of Ohio, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Ms. SLAUGHTER, Ms. KILPATRICK, Ms. DELAURO, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. LIPINSKI, Mr. KIRK, Mr. ELLSWORTH, Ms. MCCOLLUM of Minnesota, and Mr. CRENSHAW.
H.R. 1125: Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. AL GREEN of Texas, and Ms. WATSON.
H.R. 1188: Ms. NORTON.
H.R. 1193: Ms. SCHWARTZ, Mr. BRADY of Texas, Mr. BOSWELL, Mr. GINGREY, and Mr. MCGOVERN.
H.R. 1216: Mr. PASTOR.
H.R. 1230: Mr. ISRAEL.
H.R. 1237: Mrs. BLACKBURN, Mr. SNYDER, Ms. DEGETTE, and Mr. MORAN of Virginia.
H.R. 1280: Ms. WOOLSEY and Mr. FRANK of Massachusetts.
H.R. 1310: Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, and Mr. ELLISON.
H.R. 1338: Mr. GONZALEZ and Mr. MURPHY of Connecticut.
H.R. 1350: Mr. RYAN of Ohio.
H.R. 1366: Ms. FOXX and Mr. LATOURETTE.
H.R. 1396: Mr. HARE.
H.R. 1419: Mr. THOMPSON of California, Mr. WOLF, and Mr. FORTENBERRY.
H.R. 1464: Mr. MILLER of North Carolina and Mr. KIRK.
H.R. 1471: Mr. GOODE.
H.R. 1473: Mr. JOHNSON of Georgia.
H.R. 1474: Mr. KIND, Mr. SPRATT, and Mr. REYNOLDS.
H.R. 1498: Ms. DEGETTE and Mr. UDALL of Colorado.
H.R. 1507: Mr. WEXLER.
H.R. 1533: Mr. GONZALEZ.
H.R. 1536: Ms. HARMAN.
H.R. 1537: Mr. LARSON of Connecticut and Mr. LEWIS of California.
H.R. 1551: Mr. WEINER.
H.R. 1553: Mrs. DRAKE, Mr. PETERSON of Minnesota, Mr. HINOJOSA, Mr. GONZALEZ, Mr. BURTON of Indiana, Mr. CUELLAR, Mr. CANTOR, Mr. MEEHAN, Mr. WU, Mr. ALEXANDER, Mr. GORDON, Mr. LATHAM, and Mr. CRAMER.
H.R. 1567: Ms. GIFFORDS, Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. MARSHALL, Mr. SHULER, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. PLATTS, and Mr. ELLISON.
H.R. 1584: Mr. FILNER, Mr. BERRY, Mr. BARROW, Mr. BRALEY of Iowa, Mr. WILSON of Ohio, Mr. PETERSON of Pennsylvania, Mr. GEORGE MILLER of California, Mr. SHERMAN, Mr. CHANDLER, Mr. STUPAK, and Mr. DAVID DAVIS of Tennessee.
H.R. 1586: Mr. REHBERG.
H.R. 1609: Mr. MCNULTY, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1610: Mr. ROSS, Mr. COURTNEY, Mr. BARROW, Mr. SMITH of Nebraska, Mr. CLEAVER, and Mr. BERRY.
H.R. 1614: Mr. SESTAK, Mr. JACKSON of Illinois, and Ms. DELAURO.
H.R. 1629: Mr. GORDON and Ms. VELÁZQUEZ.
H.R. 1644: Ms. CLARKE.
H.R. 1649: Mr. SMITH of Nebraska.
H.R. 1671: Mr. BISHOP of Georgia.
H.R. 1699: Ms. NORTON.
H.R. 1705: Mr. WAMP and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1711: Mr. MORAN of Virginia.
H.R. 1713: Mr. DOYLE and Mr. HASTINGS of Florida.
H.R. 1731: Mr. GOODLATTE.
H.R. 1738: Ms. NORTON, Mr. BISHOP of Georgia, and Mr. WALDEN of Oregon.
H.R. 1747: Mr. GENE GREEN of Texas.
H.R. 1755: Ms. ZOE LOFGREN of California.
H.R. 1767: Mr. JOHNSON of Georgia.
H.R. 1772: Mr. BISHOP of Georgia.
H.R. 1776: Mr. HIGGINS.
H.R. 1814: Mr. GILLMOR and Mr. BISHOP of Georgia.
H.R. 1821: Mr. FILNER and Mrs. BONO.
H.R. 1838: Mr. THOMPSON of Mississippi, Mr. HOLDEN, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 1852: Mr. MORAN of Virginia.
H.R. 1869: Mr. AL GREEN of Texas, Mr. ALTMIRE, and Mr. SOUDER.
H.R. 1878: Mr. MORAN of Virginia.
H.R. 1882: Mr. HASTINGS of Florida.
H.R. 1921: Mr. DEFAZIO.
H.R. 1922: Mr. HASTINGS of Florida and Mr. KLEIN of Florida.
H.R. 1927: Mr. JOHNSON of Georgia.
H.R. 1932: Mr. BECERRA and Ms. DEGETTE.
H.R. 1940: Mr. STEARNS and Mr. MILLER of Florida.
H.R. 1941: Mr. WALZ of Minnesota.
H.R. 1944: Mr. WILSON of Ohio and Mr. UDALL of New Mexico.
H.R. 1957: Mr. FRANK of Massachusetts and Mr. LANTOS.
H.R. 1959: Mr. MOLLOHAN, Mr. BISHOP of Georgia, and Mrs. EMERSON.
H.R. 1975: Mr. COSTELLO and Mr. HONDA.
H.R. 1992: Mr. COHEN and Mr. TIERNEY.
H.R. 2015: Mr. HARE and Mr. WELCH of Vermont.
H.R. 2017: Mr. SESTAK.
H.R. 2036: Mr. BAIRD and Ms. LORETTA SANCHEZ of California.
H.R. 2040: Mr. ROGERS of Michigan, Ms. MCCOLLUM of Minnesota, and Mr. BERMAN.
H.R. 2046: Mr. FOSSELLA.
H.R. 2050: Mr. MCGOVERN.
H.R. 2053: Mr. BLUMENAUER, Mr. RUSH, and Mr. CAMP of Michigan.
H.R. 2054: Mr. SPACE.
H.R. 2058: Mr. MORAN of Virginia.
H.R. 2060: Mr. SCOTT of Georgia.
H.R. 2066: Ms. SCHAKOWSKY, Mr. GORDON, Mr. DAVIS of Illinois, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, and Mr. CHANDLER.
H.R. 2088: Mr. BISHOP of Georgia.
H.R. 2102: Mr. DELAHUNT, Mr. PALLONE, and Mr. AL GREEN of Texas.
H.R. 2111: Mr. HARE.
H.R. 2117: Mr. KUHL of New York.
H.R. 2131: Mr. BURTON of Indiana, Mr. ALLEN, and Mr. BISHOP of Georgia.
H.R. 2139: Mr. GILLMOR, Mr. SIRES, Mr. ELLISON, Mr. KNOLLENBERG, and Mr. SOUDER.
H.R. 2144: Ms. NORTON.
H.R. 2154: Mr. WALZ of Minnesota.
H.R. 2164: Mr. GERLACH.
H.R. 2165: Mr. CASTLE and Mr. ARCURI.
H.R. 2166: Mr. RUSH and Ms. NORTON.
H.R. 2178: Mr. BISHOP of Georgia.
H.R. 2183: Mr. HERGER and Mrs. CUBIN.
H.R. 2201: Mr. SESTAK.
H.R. 2205: Mr. FORTUÑO.
H.R. 2231: Mr. KANJORSKI.
H.R. 2234: Mr. AL GREEN of Texas, Mr. BERMAN, and Mr. PEARCE.
H.R. 2265: Mr. MORAN of Kansas, Mr. LATOURETTE, Mr. DELAHUNT, Ms. BALDWIN, Mr. ELLISON, Mr. ENGLISH of Pennsylvania, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2266: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BISHOP of Georgia.
H.R. 2274: Mr. BISHOP of New York and Mr. WAMP.
H.R. 2280: Mr. RAMSTAD, Mr. SMITH of Nebraska, Mr. BISHOP of Georgia, and Mr. MANZULLO.
H.R. 2289: Mr. CARNEY, Mr. KUCINICH, and Mr. LEWIS of Kentucky.
H.R. 2295: Mr. NUNES, Mr. DAVIS of Illinois, Mr. LAHOOD, and Mr. SERRANO.
H.R. 2303: Mr. SCOTT of Virginia.
H.R. 2304: Ms. JACKSON-LEE of Texas and Ms. BERKLEY.
H.R. 2305: Mr. PAUL.
H.R. 2353: Mr. TERRY and Ms. NORTON.
H.R. 2362: Ms. BERKLEY and Mr. RADANOVICH.
H.R. 2365: Mr. HOLT, Mrs. CAPITO, and Mr. RYAN of Wisconsin.
H.R. 2380: Mr. HASTERT, Mr. PUTNAM, Mr. CHABOT, Mr. REHBERG, Mr. JOHNSON of Illnois, Mr. MANZULLO, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Mr. ISSA, Mr. SOUDER, Mr. HUNTER, Mr. GILLMOR, Mr. GOHMERT, Mr. WILSON of South Carolina, and Mr. JONES of North Carolina.
H.R. 2395: Ms. ZOE LOFGREN of California.
H.R. 2401: Mr. DAVIS of Illinois.

H.R. 2405: Mrs. CAPPS.
H.R. 2449: Mr. SIRES and Mr. ORTIZ.
H.R. 2452: Mr. KUCINICH and Mr. HINCHEY.
H.R. 2470: Mr. MEEKS of New York, Mr. GERLACH, Ms. ZOE LOFGREN of California, and Mr. WALZ of Minnesota.
H.R. 2477: Mr. CAMP of Michigan.
H.R. 2497: Mr. GORDON.
H.R. 2511: Mr. BRALEY of Iowa.
H.R. 2518: Mr. MCNERNEY and Ms. WOOLSEY.
H.R. 2522: Mr. MCDERMOTT and Mr. BISHOP of Georgia.
H.R. 2526: Mr. FORTUÑO.
H.R. 2550: Mr. RANGEL.
H.R. 2572: Ms. DELAURO, Mr. BISHOP of Georgia, Mr. GORDON, Mr. MCNULTY, and Mr. COHEN.
H.R. 2574: Mr. HOEKSTRA, Mr. YOUNG of Alaska, Mr. RUSH, Mrs. BONO, Mr. DAVIS of Illinois, and Mr. BRADY of Pennsylvania.
H.R. 2580: Mr. PETERSON of Pennsylvania.
H.R. 2583: Mr. LATOURETTE, Mrs. EMERSON, Mr. GILCHREST, Mr. PLATTS, and Mr. CASTLE.
H.R. 2584: Mr. LATOURETTE, Mrs. EMERSON, Mr. GILCHREST, Mr. PLATTS, and Mr. CASTLE.
H.R. 2585: Mrs. EMERSON, Mr. EHLERS, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2591: Mr. HIGGINS, Mr. CHANDLER, and Mr. MORAN of Virginia.
H.R. 2599: Mr. RODRIGUEZ, Mr. PASCRELL, Mr. GRIJALVA, Mr. BACA, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. CUELLAR, Ms. SOLIS, Mr. BECERRA, Mr. CARDOZA, Mr. KENNEDY, Mr. MCGOVERN, Mr. HIGGINS, Mr. ARCURI, Mr. DONNELLY, Mr. SALAZAR, Mr. HALL of New York, Mr. PASTOR, and Mr. WILSON of Ohio.
H.R. 2604: Mr. MICHAUD, Mr. AL GREEN of Texas, Mr. RANGEL, and Mr. BLUMENAUER.
H.R. 2606: Mr. GOODE.
H.R. 2672: Mr. MCCARTHY of California.
H.R. 2674: Mr. PASTOR and Mr. BERMAN.
H.R. 2682: Mr. ALEXANDER, Mr. WOLF, and Mr. COBLE.
H.R. 2704: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2707: Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. DELAURO.
H.R. 2715: Ms. ESHOO.
H.R. 2720: Mr. ROTHMAN and Mr. HOLT.
H.R. 2722: Mr. BISHOP of New York.
H.R. 2734: Mr. ENGLISH of Pennsylvania, Mr. CALVERT, and Mr. PETERSON of Pennsylvania.
H.J. Res. 3: Mr. DAVIS of Illinois.
H.J. Res. 22: Mr. GOODE.
H.J. Res. 40: Mr. COHEN and Mr. WILSON of Ohio.
H.J. Res. 46: Mr. JONES of North Carolina.
H. Con. Res. 25: Mr. PERLMUTTER, Mr. DONNELLY, and Mr. UPTON.
H. Con. Res. 33: Mr. MEEHAN.
H. Con. Res. 40: Mr. BISHOP of Utah.
H. Con. Res. 81: Mr. MEEHAN.
H. Con. Res. 101: Ms. NORTON.
H. Con. Res. 108: Mr. MORAN of Virginia, Ms. HIRONO, Mr. GENE GREEN of Texas, and Mr. HONDA.
H. Con. Res. 138: Mr. PALLONE, Mr. GONZALEZ, Mr. RANGEL, Mr. SESTAK, Mr. COHEN, Mr. HINOJOSA, Mr. SERRANO, and Mr. BISHOP of Georgia.
H. Con. Res. 141: Ms. NORTON.
H. Con. Res. 143: Mr. HARE, Mr. MICHAUD, Mr. ALTMIRE, Mr. ARCURI, Mr. BOYD of Florida, Mr. BRALEY of Iowa, Mr. CARDOZA, Ms. CASTOR, Mr. ELLSWORTH, Mr. HALL of New York, Ms. HERSETH SANDLIN, Mr. HODES, Mr. LOEBSACK, Mr. MCNERNEY, Mr. MCGOVERN, Ms. MATSUI, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. SHULER, Ms. SLAUGHTER, Mr. YARMUTH, Mr. WELCH of Vermont, Mr. DOGGETT, Mr. KILDEE, Mr. PASCRELL, Mr. HASTINGS of Florida, Mr. SNYDER, Mr. SESTAK, Mr. WALZ of Minnesota, Mr. MOORE of Kansas, Mr. STUPAK, Mr. HONDA, Mr. COHEN, Mr. SIRES, Mr. ELLISON, and Ms. ROYBAL-ALLARD.
H. Con. Res. 153: Mr. WALSH of New York.
H. Con. Res. 159: Mr. KANJORSKI.
H. Con. Res. 162: Mr. SESTAK and Mrs. EMERSON.
H. Res. 49: Mr. MORAN of Virginia.
H. Res. 169: Mr. BAIRD.
H. Res. 231: Mr. FLAKE and Mr. DOOLITTLE.
H. Res. 282: Mr. GONZALEZ and Mr. BURTON of Indiana.
H. Res. 297: Ms. NORTON.
H. Res. 335: Mr. MORAN of Virginia.
H. Res. 351: Mr. HALL of Texas and Mr. MILLER of Florida.
H. Res. 353: Mr. PALLONE, Mr. RANGEL, Mr. GONZALEZ, Mr. HINOJOSA, Mr. SERRANO, and Mr. BISHOP of Georgia.
H. Res. 356: Mr. MARIO DIAZ-BALART of Florida, Ms. KAPTUR, Ms. ESHOO, Mrs. MCCARTHY of New York, Mr. JACKSON of Illinois, Ms. WATSON, Mr. VAN HOLLEN, Mr. MCNULTY, Mr. MCINTYRE, Mr. FRELINGHUYSEN, Mr. SIRES, Mr. CARNAHAN, Mr. ANDREWS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. NORTON, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Ms. HOOLEY, and Mr. DOYLE.
H. Res. 380: Mr. MCNERNEY, Mr. PAYNE, Mr. MORAN of Kansas, Mr. BARTLETT of Maryland, Mr. SERRANO, Mr. SENSENBRENNER, Mr. HASTINGS of Florida, Mr. KENNEDY, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mrs. CUBIN, Ms. JACKSON-LEE of Texas, Mr. FORTUÑO, Mr. INGLIS of South Carolina, and Mr. LANTOS.
H. Res. 384: Mrs. MUSGRAVE, Mr. SALI, Mr. GORDON, and Mr. BOUSTANY.
H. Res. 442: Mr. MCCOTTER, Ms. NORTON, Mr. BURTON of Indiana, Mr. DAVIS of Illinois, Mr. CLEAVER, and Mr. SCOTT of Georgia.
H. Res. 444: Mr. CARNAHAN.
H. Res. 447: Mr. DAVIS of Illinois.
H. Res. 467: Mr. SESTAK, Ms. CASTOR, and Mr. CARNAHAN.
H. Res. 479: Mr. ROGERS of Michigan.
H. Res. 485: Mrs. BIGGERT, Mr. HALL of Texas, and Mr. UDALL of Colorado.
H. Res. 488: Mr. CAMPBELL of California, Mr. BURGESS, Mr. TIAHRT, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mr. REICHERT, Mr. THORNBERRY, Mr. TIBERI, and Mr. MCKEON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2642

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 18: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site in southeastern Colorado.

H.R. 2642

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 19: Page 10, line 17, insert after the dollar amount the following: ''(increased by $50,000,000)''.

Page 10, line 24, insert after the dollar amount the following: ''(reduced by $201,000,000)''.

H.R. 2642

OFFERED BY: MS. HARMAN

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

SEC. 409. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' designation.

H.R. 2642

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 21: Page 44, after line 22, insert the following new section:

SEC. 223. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom, as May 1, 2007; and

(3) have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

H.R. 2642

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 22: Page 30, line 14, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 14, after the dollar amount, insert ''(increased by $40,000,000)''.

2008 Financial Services and General Government Appropriations Bill

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 1: At the end of title VI, insert the following:

SEC. ____. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2–02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

EXTENSIONS OF REMARKS

A TRIBUTE TO MARCUS JOHNSON

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor New York City Police Officer Marcus Johnson. Marcus was born in Tuskegee, Alabama but raised in Brooklyn, Crown Heights. He attended Washington Irving High School in Manhattan and later graduated from Deborah Cannon Wolfe High School in Shorter, Alabama.

Marcus Johnson returned to New York City after his high school graduation and worked for the corporate law firm of Davis, Polk, and Wardwell. There, he was the supervisor in the mail division overseeing the office's incoming and outgoing Federal Express, DHL, Airborne Express, as well as interoffice courier services.

Marcus Johnson later enrolled in the Borough of Manhattan Community College, immediately following that enrollment, he was accepted into the New York City Police Academy. Upon his graduation from the academy, he was assigned to the 75th Precinct where he initially worked as a patrol officer. He became known for his southern hospitality, speaking and waving as he patrolled the community.

Marcus Johnson's work in his precinct did not stop there. He also worked as an evidence control specialist/property officer, highway safety officer, burglary apprehension team officer, crime prevention officer and he now holds the position of community affairs officer.

Marcus Johnson is a member of the National Organization of Black Law Enforcement Executives, NOBLE. He holds the office of co-Chair of the Dinner Scholarship and Dance Committee. He is married to Ayicha Johnson and they have three children, Mikhyle, Marque, and Myles.

Madam Speaker, I would like to recognize Officer Marcus Johnson of the New York City Police Department for his work in keeping our community safe.

Madam Speaker, I urge my colleagues to join me in paying tribute to a kind man who takes pride in the work he does for our city.

INTRODUCTION OF THE HONEST MONEY ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Honest Money Act. The Honest Money Act repeals legal tender laws that force American citizens to accept fiat money in their economic transactions.

Absent legal tender laws, individuals acting through the market will determine what is money. Historically, when individuals have been free to choose their money they have selected items that are portable, widely accepted, and have a stable value. Having the market, rather than the government, define money is integral to the functioning of a free economy. As Edwin Vieira, perhaps the Nation's top expert on constitutional monetary policy says, ". . . a free market functions most efficiently and most fairly when the market determines the quality and the quantity of money that's being used."

While fiat money produced by the State is portable and, thanks to legal tender laws, widely accepted, it is certainly not of stable value. In fact, our entire monetary policy is predicated on the government's ability to manipulate the value of the currency. Thus, absent legal tender laws, many citizens would refuse to accept government money for their transactions.

Legal tender laws disadvantage ordinary citizens by forcing them to use inferior money, which they would otherwise refuse. As Stephen T. Byington put in the September 1895 issue of the American Federationist: "No legal tender law is ever needed to make men take good money; its only use is to make them take bad money. Kick it out!"

It may seem surprising that the Mr. Byington's well-phrased attack on legal tender laws appeared in the publication of the American Federation of Labor. However, enlightened union leaders of that time recognized that ways in which workers where harmed by the erosion of the value of money which inevitably follows when governments pass legal tender laws.

Legal tender laws may disadvantage average citizens but they do help power-hungry politicians use inflationary monetary policy to expand the government beyond its proper limits. However, the primary beneficiaries of legal tender laws are the special interests who are granted the privilege of producing and controlling the paper money forced on the public via legal tender laws. Legal tender laws thus represent the primary means of reverse redistribution where the wealth of the working class is given, via laws forcing people to use debased money, to well-heeled, politically powerful bankers.

The drafters of the Constitution were well aware of how a government armed with legal tender powers could ravage the people's liberty and prosperity. This is why the Constitution does not grant legal tender powers to the federal government. Instead, Congress was given powers to establish standards regarding the value of money. In other words, in monetary matters the Congress was to follow the lead of the market. When Alexander Hamilton wrote the coinage act of 1792, he simply adopted the market-definition of a dollar as equaling the value of the Spanish milled silver coin.

Legal tender laws have reversed that order to where the market follows the lead of Congress. Beginning in the 19th century, Federal politicians sought to enhance their power and enrich their cronies, by using legal tender powers to change the definition of a dollar from a silver-or-gold-backed unit whose value is determined by the market, to a piece of paper produced by the State. The "value" of this paper may be normally backed in part by gold or silver, but its ultimate backing is the power of the State, and its value is determined by the political needs of the State and the powerful special interests who influence monetary policy.

Unfortunately, the Supreme Court failed to protect the American people from Congress' unconstitutional legal tender laws. Supreme Court Justice, and Lincoln Treasury Secretary, Salmon Chase, writing in dissent in the legal tender cases, summed up the main reason why the Founders did not grant Congress the authority to pass legal tender laws: "The legal tender quality [of money] is only valuable for the purposes of dishonesty." Justice Chase might have added dishonesty is perpetrated by State-favored interests on the average American.

Another prescient Justice was Stephen Field, the only justice to dissent in every one of the legal tender cases to come before the Court. Justice Field accurately described the dangers to the constitutional republic posed by legal tender laws: "The arguments in favor of the constitutionality of legal tender paper currency tend directly to break down the barriers which separate a government of limited powers from a government resting in the unrestrained will of Congress. Those limitations must be preserved, or our government will inevitably drift from the system established by our Fathers into a vast, centralized and consolidated government."

Considering the growth of government since the Supreme Court joined Congress in disregarding the constitutional barriers to legal tender laws, can anyone doubt the accuracy of Justice Field's words? Repeal of legal tender laws would restore constitutional government and protect the people's right to use a currency chosen by the market because it serves the needs of the people, instead of having to use a currency chosen by the State because it serves the needs of power hungry politicians and special interests. Therefore, I urge my colleges to cosponsor the Honest Money Act.

HONORING WEBSTER P. PHILLIPS, A DISTINGUISHED EXECUTIVE AT THE SOCIAL SECURITY ADMINISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. RANGEL. Madam Speaker, today I rise, on behalf of myself and Ways and Means Ranking Member JIM MCCRERY, to recognize Webster Phillips, a distinguished executive at the Social Security Administration. Mr. Phillips is Associate Commissioner for Legislative Development. On July 3, he will retire after a career of public service spanning more than 30 years.

Mr. Phillips began his public service as a member of the United States Army. After his military service, which included a tour of duty in Vietnam, he began his career in the Social Security Administration as a Claims Representative in the local office in Alton, IL. He was promoted to the Operations Supervisor in the Rock Island, IL Social Security office in 1980. In 1983, Web was selected as a management intern and completed a series of developmental assignments in the Chicago Regional Office and in SSA Headquarters in Baltimore. In 1987, Web moved to Baltimore and joined the staff of the Office of Legislation and Congressional Affairs. Since 1995, Web has been assigned to SSA's Legislative Affairs Office in Washington. He was selected to serve in his current position as Associate Commissioner of Legislative Development in February 1999.

Ways and Means Committee Members and staff of both parties have had the pleasure of working with Web on many issues relating to Social Security during his tenure at SSA. The Subcommittee on Social Security, in particular, has benefited greatly from Web's in-depth knowledge of all aspects of Social Security policy and operations. Web has been unfailingly responsive and professional, and always provides Members and Committee staff with timely, accurate, and thorough information and analysis. Of special note is his contribution to the development of the legislation, enacted by Congress in 1994, that established the Social Security Administration as an independent agency.

It is important that we in Congress recognize the men and women who devote their working lives to improving the lives of others. Career civil servants usually do their work in quiet anonymity behind the scenes, but provide vital service to the Congress and the American people. Webster Phillips is one of those people. His record of leadership at the Social Security Administration and his commitment to providing the American people with effective and compassionate service is a record of which he can be justly proud.

We wish Web all the best in his retirement from the Social Security Administration and thank him for his many years of dedicated federal service.

TRIBUTE TO HAMILTON COUNTY, WEBSTER CITY, AND THE WEBSTER CITY DAILY FREEMAN-JOURNAL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. LATHAM. Madam Speaker, I rise today to congratulate Hamilton County, Webster City, and the Webster City Daily Freeman-Journal on their 150th year anniversary. Hamilton County is located in north central Iowa and is home to approximately 16,500 people. It was named in honor of William W. Hamilton, who served as President of the Iowa State Senate from 1856–1857. Hamilton County was home to MacKinlay Kantor who won the Pulitzer Prize for Fiction in 1956 for his novel Andersonville.

The county seat of Hamilton County is Webster City, which is located along the Boone River. The city was started by Wilson Brewer when he built a log cabin by the Boone River. Brewer and William Flakes platted the town of Newcastle, which was later sold for $22,000 to Walter Wilson and his brother Sumler. Wilson was eventually elected State representative; in that capacity he requested the help of William Hamilton to divide the rather large county of Webster into two counties, Webster and Hamilton. The act of January 1, 1857 officially changed the city name from Newcastle to Webster City.

Throughout its long tenure The Daily Freeman-Journal has provided excellent national, state, and local news coverage to the people of Webster City and Hamilton County. The Daily Freeman-Journal is Hamilton County's longest continuously operating business. Throughout its history, the paper has won numerous awards including the Governor's Volunteer Award, Outstanding Outreach/Community Service Newspaper, numerous advertising awards, and several best page awards.

Again, I congratulate Hamilton County, Webster City, and The Daily Freeman-Journal on this historic anniversary.

A TRIBUTE TO BOB JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to an exceptional musician, Mr. Bob James. The career of Bob James is long, varied, and continues to evolve at every turn. From his first piano recital in Marshall, MO to the formation of his own trio while attending the University of Michigan to the gigs in New York City and beyond, the music of Bob James has captivated audiences throughout the world.

Bob James recorded his first solo album "Bold Conceptions" not long after he was discovered by Quincy Jones at the Notre Dame Jazz Festival in 1963. Another 25 solo albums would follow within a span of four decades. However, that does not include his Grammy Award-winning collaboration projects. However, it was not until Bob James met up with Creed Taylor in New York that his composing, arranging and recording career took off. After working with such CTI Recording artists as Hank Crawford and Grover Washington, Jr., James finally recorded his own album, "One." This introduced his music to a much larger audience and launched a lifelong career of recording and performing live.

Bob James moved to Warner Brothers Records in 1985, beginning an association with another million seller and Grammy Award-winning album "Double Vision." This album was a collaboration with David Sanborn. In 1990, while recording the "Grand Piano Canyon" album, Bob James reunited with his old friend, drummer Harvey Mason and worked for the first time with Lee Ritenour on guitar and Nathan East on bass. The recording sessions for this project were the genesis of the group "Fourplay." Their first album was recorded and released in 1991.

Bob James experienced a personal and professional career highlight when he collaborated with his daughter Hilary on the "Flesh & Blood" album. The music for the project was jointly written by the two of them. They later toured 15 U.S. cities in acoustic vocal and piano duet performances.

Madam Speaker, I cannot say enough about Mr. Bob James. He has been considerate in sharing his gifts with the rest of the world. I would like to recognize all of his accomplishments and achievements which are far too numerous to list today.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderfully gifted musician.

INTRODUCTION OF THE FEDERAL RESERVE BOARD ABOLITION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. PAUL. Madam Speaker, I rise to introduce legislation to restore financial stability to America's economy by abolishing the Federal Reserve. Since the creation of the Federal Reserve, middle-and working-class Americans have been victimized by a boom-and-bust monetary policy. In addition, most Americans have suffered a steadily eroding purchasing power because of the Federal Reserve's inflationary policies. This represents a real, if hidden, tax imposed on the American people.

From the Great Depression, to the stagflation of the 70s, to the burst of the dotcom bubble, every economic downturn suffered by the country over the last 80 years can be traced to Federal Reserve policy. The Fed has followed a consistent policy of flooding the economy with easy money, leading to a misallocation of resources and an artificial "boom" followed by a recession or depression when the Fed-created bubble bursts.

With a stable currency, American exporters will no longer be held hostage to an erratic monetary policy. Stabilizing the currency will also give Americans new incentives to save as they will no longer have to fear inflation eroding their savings. Those members concerned

about increasing America's exports or the low rate of savings should be enthusiastic supporters of this legislation.

Though the Federal Reserve policy harms the average American, it benefits those in a position to take advantage of the cycles in monetary policy. The main beneficiaries are those who receive access to artificially inflated money and/or credit before the inflationary effects of the policy impact the entire economy. Federal Reserve policies also benefit big spending politicians who use the inflated currency created by the Fed to hide the true costs of the welfare-warfare state. It is time for Congress to put the interests of the American people ahead of special interests and their own appetite for big government.

Abolishing the Federal Reserve will allow Congress to reassert its constitutional authority over monetary policy. The United States Constitution grants to Congress the authority to coin money and regulate the value of the currency. The Constitution does not give Congress the authority to delegate control over monetary policy to a central bank. Furthermore, the Constitution certainly does not empower the Federal Government to erode the American standard of living via an inflationary monetary policy.

In fact, Congress' constitutional mandate regarding monetary policy should only permit currency backed by stable commodities such as silver and gold to be used as legal tender. Therefore, abolishing the Federal Reserve and returning to a constitutional system will enable America to return to the type of monetary system envisioned by our Nation's founders: one where the value of money is consistent because it is tied to a commodity such as gold. Such a monetary system is the basis of a true free-market economy.

In conclusion, Madam Speaker, I urge my colleagues to stand up for working Americans by putting an end to the manipulation of the money supply which erodes Americans' standard of living, enlarges big government, and enriches well-connected elites, by cosponsoring my legislation to abolish the Federal Reserve.

CARIBBEAN AMERICAN HERITAGE MONTH: ACKNOWLEDGING THEIR CONTRIBUTIONS TO THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the exceptional contributions of Americans of Caribbean descent during the celebration of Caribbean American Heritage Month. I also recognize the special ties between the nations of the Caribbean and the United States, a relationship that will be manifest and renewed later this month in a dialogue between Heads of Government of the Caribbean and our own national leadership, led by President Bush and including members of his cabinet and the Congressional leadership as well, on June 19–21 in Washington, DC.

While the significance of Caribbean Americans to the building and advancement of America cannot be fully expressed, I will acknowledge several contributions they have made to the very fabric of our Nation.

People from the English speaking Caribbean have helped shape this great land as the earliest and largest source of Black immigrants to the United States. Caribbean Americans such as Virgin Islander Edward Blyden, along with West Indian Americans George Padmore, Marcus Garvey and Claude McKay influenced the course of civil rights in America. The contributions of these individuals alone comprise over one hundred years of writing, empowering, and engaging the policies and values that serve as the cornerstones of this country.

The founder of Chicago, Jean Baptiste Point du Sable, was born in Haiti, and Shirley Chisholm, the first African-American woman elected to Congress, is also of Caribbean ancestry. Colin Powell, the first African-American Secretary of State, is of Jamaican heritage.

Today, Caribbean Americans continue to serve as catalysts for change by serving in local, State and Federal Government, among which include Congresswoman BARBARA LEE, who introduced the legislation in the House to recognize Caribbean American Heritage Month and Congresswoman YVETTE CLARKE, who served as the first Director of Business Development for the Bronx Empowerment Zone.

Caribbean-Americans have fought to protect and defend our Nation during times of war. In the struggle for American Independence, over 500 Haitians joined colonial troops against the British at the Siege of Savannah. In response to President George W. Bush's current efforts to assist a young and fragile democracy, hundreds of Caribbean-Americans fight in the U.S. Armed Forces to bring stability in Iraq.

In business, education, law enforcement, entertainment, sports, religion, and public service, the force of Caribbean-Americans has energized the Nation to achieve superiority in the international community. I invite my colleagues to join with me in celebrating the contributions of people of Caribbean descent and in support of H. Res. 418 commending the Caribbean Community (CARICOM) for holding the Conference on the Caribbean in Washington, DC, from June 19 to 21.

TRIBUTE TO REBEKAH FRESE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate a student from Lenihan Intermediate School in Marshalltown, IA.

Rebekah Frese has been selected to present her award winning history project at the Smithsonian National Museum of America. Rebekah's project was one of a handful selected by the National History Day program from hundreds of thousands nationwide.

Each project reflected on this year's National History Day theme, "Triumph and Tragedy in History." Rebekah's project highlighted the underground railroad in the State of Iowa. Iowa had numerous locations on the underground railroad actively assisting runaway slaves to reach Canada and freedom. In taverns, houses, and cellers throughout the State, fleeing slaves were able to realize a few hours of security and rest thanks to the great Iowans who risked their own lives and property to befriend and protect the fleeing slaves.

Rebekah's teachers, Millie Frese and Karen Roessler, are also to be commended and congratulated for this accomplishment. They have instilled the importance and value of history in their students as an integral part of the education of Rebekah, her classmates, and future generations of Iowans.

A TRIBUTE TO EVERETTE HUGHES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work of Everette Hughes as an educator in the New York City Public Schools. Everette migrated to Brooklyn in 1968. He received an academic scholarship to Pace University where he earned a Bachelor's Degree in Secondary Education. He continued his studies at Long Island University and Brooklyn College where he earned a Masters in Sociology, a Masters in Special Education, and a Masters in Administration and Supervision.

Everette Hughes has been an educator in the New York City Public School system for 29 years. He is currently a Calm Fellow at Teachers College, Columbia University where he is pursuing a Doctorate in Educational Leadership.

Everette Hughes began his career teaching and later served in a variety or roles in both teaching and administration that led to his current position of Principal at Intermediate School 292 in East New York. Under his sound leadership and guidance, the school has become increasingly known for its academic excellence, complemented by a strong performing arts program. Mr. Hughes also works closely with community-based organizations to raise the consciousness of the students with whose care he is entrusted daily.

Everette Hughes has currently undertaken a project which focuses on building a charitable foundation to help underprivileged children in Africa. During his annual winter breaks, he and several other educators journey to countries like Nigeria, Senegal and Gambia where they attempt to uplift the quality of life for the residents through education. He has visited schools and paid tuition for more than 200 students allowing them an opportunity to successfully complete their secondary education.

Madam Speaker, I would like to recognize Everette Hughes for his continuing dedication to the world's children as well as those children in our community.

Madam Speaker, I urge my colleagues to join me in paying tribute to Everette Hughes.

INTRODUCTION OF THE SUNSHINE IN MONETARY POLICY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Sunshine in Monetary Policy Act, which requires the Federal Reserve to resume reporting the monetary measure known as M3. M3 consists of M1, M1 is currency in circulation plus travelers' checks, demand deposits, Negotiable Order of Withdrawal, NOW, accounts, and similar interest-earning checking account balances; M2, M2 is M1 plus household holdings of savings deposits, small time deposits, and retail money market mutual funds balances except for balances held in IRA and Keogh accounts, plus institutional money market mutual fund balances and managed liabilities of deposits consisting of large time deposits, repurchase agreements, and Eurodollars.

The Federal Reserve Board ceased reporting M3 on March 22, 2006, thus depriving Congress and the American people of the most comprehensive measure of the money supply. The cessation of the Federal Reserve's weekly M3 report will make it more difficult for policymakers, economists, investors, and the general public to learn the true rate of inflation. As Nobel laureate Milton Friedman famously said, ''inflation is always and everywhere a monetary phenomenon.'' Therefore, having access to a comprehensive measure of the money supply like M3 is a vital tool for those seeking to track inflation. Thorsten Polleit, honorary professor at HfB-Business School of Finance and Management, in his article ''Why Money Supply Matters'' posted on the Ludwig von Mises Institute's Web site mises.org, examined the relationship between changes in the money supply and inflation and concluded that ''money supply signals might actually be far more important for inflation—even in the short-term—than current central bank practice suggests,'' thus demonstrating the importance of the M3 aggregate.

The Federal Reserve Board has claimed neither policymakers nor the Federal Reserve staff closely tracked M3. Even if M3 was not used by Federal Reserve Board economists or legislators, many financial services professionals whose livelihoods depend on their ability to obtain accurate information about the money supply relied on M3. For example, my office has been contacted by a professional money manger complaining that the Federal Reserve Board's discontinuing M3 reports would make it difficult for him to do his job.

Whatever lack of interest policymakers are currently displaying, in M3 is no doubt related to the mistaken perception that the Federal Reserve Board has finally figured out how to effectively manage a fiat currency. This illusion exists largely because the effects of the Fed's inflationary polices are concentrated in malinvestments in specific sectors of the economy, leading to ''bubbles'' such as the one that occurred in the stock market in the late nineties and the bubble that many believe is occurring in the current real estate market. When monetary inflation is reflected in sector-specific bubbles, it is easier to pretend that the bubbles are caused by problems specific to those sectors, instead of reflecting the problems inherent in a fiat currency system. Once the damage to our economy done by our reliance on fiat currency becomes clear, I am certain that policymakers will once again take more interest in M3.

Economists and others who are following M3 have become increasingly concerned about inflation because in 2005 the rate of M3 rose almost twice as fast as other monetary aggregates. This suggests that the inflation picture is not as rosy as the Federal Reserve would like Congress and the American people to believe. Discontinuing reporting the monetary aggregate that provides the best evidence that the Federal Reserve Board has not conquered inflation suggested to many people that the government was trying to conceal information about the true state of the economy from the American people. Brad Conrad, a professor of investing who has also worked with IBM, CDC, and Amdahl, spoke for many when he said, ''It [the discontinuance of M3] is unsettling. It detracts from the transparency the Fed preaches and adds to the suspicion that the Fed wants to hide anything showing money growth high enough to fuel inflation . . .''

Discontinuing reporting M3 was only expected to save 0.00000699 percent of the Federal Reserve Board's yearly budget. This savings hardly seems to justify depriving the American people of an important measurement of money supply, especially since Congress has tasked the Federal Reserve Board with reporting on monetary aggregates. Discontinuing reporting M3 may not be a violation of the letter of the Federal Reserve Board's statutory duty, but it is a violation of the spirit of the congressional command that the Federal Reserve Board ensure the American public is fully informed about the effects of monetary policy.

Madam Speaker, knowledge of the money supply is one of the keys to understanding the state of the economy. The least the American people should expect from the Federal Reserve Board is complete and accurate information regarding the money supply. I urge my colleagues to ensure that the American people can obtain that information by cosponsoring the Sunshine in Monetary Policy Act.

FREEDOM SCHOONER ''AMISTAD'' TRANSATLANTIC VOYAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the transatlantic voyage of the Freedom Schooner *Amistad* vessel, which is scheduled this month in commemoration of the bicentennial abolition of the Transatlantic Slave Trade in the United Kingdom and the United States and to enter into the RECORD an article from Carib News entitled ''*Amistad* To Sail in Bid To Build Understanding and Unity.''

I am pleased know that on June 21, 2007, the Freedom Schooner *Amistad* vessel, a replica of the original ship in which Africans that were kidnapped upstaged a revolt, will set sail from New Haven, Connecticut, on an 18 month transatlantic journey called the Atlantic Freedom Tour to commemorate the 200th anniversary of the abolishment of the Transatlantic Slave Trade in the United Kingdom and United States. College students from the United States, the United Kingdom, and other Atlantic Basin countries will partake in this historic voyage that will duplicate the notorious slave route while studying maritime issues, environmental issues, and the slave trade. These students will also serve as crew members.

This commemorative voyage offers an excellent opportunity for people all over the world to learn about the Transatlantic Slave Trade and its profound impact then and now on those who survived the high seas and the countries in the Western Hemisphere where they were enslaved. Awareness and acknowledgement of the immeasurable sacrifices and suffering endured should never be forgotten. Although the Transatlantic Slave Trade is a dark part of world history, its abolishment symbolizes the initial key steps towards growth and progress in race relations and human rights globally.

I introduced a resolution to commemorate the abolishment of the Transatlantic Slave Trade in the United Kingdom. Thus, I applaud and appreciate the *Amistad* America organization for sponsoring this project. I further applaud my colleague, Senator CHRIS DODD of Connecticut, for supporting this effort by serving as Honorary Chairman of the Atlantic Freedom Tour.

I urge my colleagues to consider participating in commemoration activities that will occur in the United States next year when our own great country celebrates the bicentennial of legislation abolishing the Transatlantic Slave Trade.

AMISTAD TO SAIL IN BID TO BUILD UNDERSTANDING AND UNITY

NEW HAVEN, CONN., June 5.—AMISTAD America Chairman William Minter recently announced the Freedom Schooner *Amistad* will be departing its home port of New Haven on June 21st for its 2007–2008 Atlantic Freedom Tour. This historic transatlantic voyage—an epic 18-month journey commemorating the 200th anniversary of the abolition of the slave trade in the United Kingdom and next year in the United States—will promote the values of understanding and unity represented by *Amistad* itself. The Freedom Schooner *Amistad*, the vessel for change, is a replica of the original ship that was commandeered by Africans who had been captured in 1839. Attending the Farewell Ceremonies being held in New Haven on June 21st will be dignitaries from the countries being visited by *Amistad* during its historic tour. Connecticut Senator Chris Dodd, Honorary Chairman of the Atlantic Freedom Tour will also welcome U.S. luminaries.

''We are pleased that the international community has embraced *Amistad*'s Atlantic Freedom Tour,'' stated Chairman Minter. ''This Tour represents an opportunity to share the values of *Amistad*—freedom, collaboration, and justice—with communities around the Atlantic Basin with a particular outreach to linking students of all ages.'' Ten college students from the UK and the U.S. will augment the initial crew of the

Amistad when it sets sail on its voyage to retrace the infamous slave trade route. In addition to sailing duties, students will be responsible for class study on maritime and environmental studies, as well as the social and economic history of port cities and the legacy of the slave trade. A total of 50 students from countries around the Atlantic Basin will participate as *Amistad* student/crew during the voyage.

From its first stop in Halifax, Nova Scotia, the *Amistad* will travel to England, arriving in London in early August in commemoration of the 200th anniversary of the Abolition Act passed by England's Parliament. The *Amistad* will then join in the Liverpool National Museum's public opening of the International Slavery Museum on August 23rd, the UNESCO designated Slavery Remembrance Day. The ship travels on to Bristol before continuing its voyage to Portugal and the West Coast of Africa, marking major points in the history of the slave trade.

In December the *Amistad* will sail into the harbor of Freetown, Sierra Leone, the original West African homeland of many of the *Amistad* captives. This symbolic ''homecoming'' will be a capstone event of the Atlantic Freedom Tour. The *Amistad* will return to the United States via the Caribbean and Bermuda in Spring of 2008 and travel to multiple ports coming up the East Coast as the U.S. commemorates the bicentenary of legislation to ban the importation of slaves.

To find out more about the *Amistad* Atlantic Freedom Tour, visit http://www.amistadamerica.org.

RECOGNIZING THE DIGNIFIED CONTRIBUTION OF LIZZIE PALMER TO THE PUBLIC APPRECIATION OF OUR TROOPS

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Ms. PRYCE of Ohio. Madam Speaker, I rise today to recognize 15-year-old Lizzie Palmer, a constituent of mine from Columbus, Ohio, for her powerful and emotion-provoking video production, Remember Me.

For those who have not seen it, I respectfully recommend you do so. A 5-minute montage of photos of American soldiers and their families, Lizzie's video does not editorialize on the War in Iraq. It does not choose sides in the debate on the War on Terror. It is not a political statement. Rather, it conveys the very message that so many of us in this body recite day in and day out on this very floor: Support the troops.

Yet it conveys her support for the troops in a thoughtful, dignified and mature manner that fully transcends the way in which the phrase is often used as a tagline by so many on both sides of the debate.

Unfortunately and unwittingly, however, Lizzie herself has become embroiled in America's debate on the war. The deep-seeded and sincere emotions that so many Americans feel about the War on Terror have now entered her realm, and have somehow cast her video as controversial, where no controversy should exist.

On YouTube, Lizzie's video has been watched more than 12 million times, and nearly 6,000 viewers have posted their comments and reactions to it. While most postings come from people deeply moved and appreciative of Lizzie's creation, the site also now serves as host to our nation's bitter divide on our presence in Iraq—a vitriolic and rancorous debate over America's foreign policy.

Inciting such a debate was never Lizzie's intention. According to Lizzie, she created this video to express her gratitude to the American men and women of our nation's all-volunteer force. She simply wanted to express her appreciation to our soldiers who day in and day out perform their duty professionally and proficiently, without qualification and without complaint.

Just as she does not pass judgment on why they are there, we should not seek to use Remember Me to further our own agenda. Those who do so have entirely failed to grasp the simple but fundamental message Lizzie is conveying to our soldiers: We support you without qualification. We should honor them all, and thank them for their thankless task at hand.

We all sit stateside, out of harm's way, opine on the efficacy of our mission in Iraq, and all claim to have the best interests of our troops at heart. But sometimes it takes the clearer vision of a 15-year-old—a vision unfettered, unencumbered, and unclouded by the politics of the world around us—to help remind us of what is truly important in this debate.

A TRIBUTE TO WILLIAM HOWARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Brooklyn resident William Howard. Mr. Howard was born in Sumter, South Carolina. He is the second eldest of four boys.

Mr. Howard attended Lincoln High School in South Carolina. Following his graduation from high school, he answered a call to service; honorably serving in the United States Air Force for four-and-a-half years reaching the rank of Staff Sergeant. Mr. Howard later attended Knoxville College in Knoxville, Tennessee. After leaving college, he returned to New York accepting a civil service job with the New York City Transit Authority where he worked for 28 years, finally retiring as a Superintendent of Administration.

Mr. Howard is a member of the Mt. Zion Methodist Church in Sumter, and often attends St. Anthony Baptist Church in Brooklyn. He is active in the community serving as Chair of the fund raising committee of the Unity Democratic Club he is also active in the Club's Men's Council. Mr. Howard serves as a member of the NAACP, and is a 33rd Degree Mason in Tyree Grand Lodge. He is the Commander of the George P. Davis American Legion Post 116 in Brooklyn, New York. He is on the Board of Officers for the National New York Transit Retirees, and is the founder and president of the Flatbush Depot Alumni Society.

Madam Speaker, I would like to recognize Mr. William Howard's life of honor and service to the community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this great citizen as well as his contribution to New York City and our great Nation.

A MAN OF PRINCIPLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. PAUL. Madam Speaker, I rise to enter into the CONGRESSIONAL RECORD a letter to the editor of the Carteret County News-Times by General John Batiste titled, ''A Man of Principle.'' General Batiste commanded the 1st Infantry Division in Iraq and in this letter he rightfully praises one of the most courageous Members of Congress, my friend Rep. WALTER JONES of North Carolina. Rep. JONES, correctly observes General Batiste, is a man of principle and well understands the dilemma we face in Iraq. It is very encouraging for me to read the words of the highly experienced General Batiste affirming the correctness of Congressman JONES' position on Iraq, because I share Rep. JONES views about this very difficult situation we find ourselves. I also salute Rep. JONES for his courage and his determination to seek the truth.

[From the Carteret County News-Times, May 25, 2007]

A MAN OF PRINCIPLE

ROCHESTER, N.Y.,
May 22, 2007

TO THE EDITOR: Congressman Walter Jones of North Carolina's 3rd District deserves our unqualified support. He is a man of principle and well understands the dilemma we face in Iraq to include the fatally flawed strategy that took us to war in March 2003; the failure to modify the same strategy over time; the administration's continued reliance on the military without the necessary diplomatic, political, and economic components fundamental to a successful strategy; the administration's failure to mobilize the nation to deal with global Islamic extremism; and the dire straights our great soldiers and Marines find themselves in today.

Indeed, our Army and Marine Corps, the best fighting formations our country has ever fielded, are at a breaking point with little to show for it because of the reckless behavior of the current administration.

Walter Jones gets it. He personifies patriotism. He understands the American way of war.

I base this judgment on personal experience, a 31-year career in the Army, two combat tours in Iraq, many years of service in Balkans peace enforcement in both Bosnia and Kosovo and service in the Pentagon before, during and after Sept. 11th, 2001. I am a lifelong Republican. I respect Walter Jones for his moral courage and resolve to get things right.

I met Congressman Jones in his office in the Rayburn Office Building some eight months ago. I was impressed then with his grasp of the situation in Iraq and his unqualified love of country and support for our military. Indeed, for the last five years, he is one of only several congressional Republicans who have embraced their constitutional responsibilities to overwatch and hold accountable our executive branch of government. He asks the tough questions and never

backs down. The vast majority of our party has long since abrogated this incredibly important aspect of their duty. He well represents his constituents and the best interests of both our country and our military. As President Gerald Ford once said, ''Truth is the glue that holds our government together.'' Since our first meeting eight months ago, my respect of Walter Jones has multiplied tenfold.

People often ask me to describe how they can help get the country back on track. The answer almost invariably boils down to exercising the right to vote and casting one's vote for the candidate who understands the issues and has the moral courage to do the right thing. I have now expanded that answer to elect more public servants like Congressman Walter Jones of North Carolina. Our nation desperately needs members of Congress with his character, commitment, and resolve. I salute Walter Jones as a man of principle with the courage of his convictions.

JOHN BATISTE,
Maj. Gen. USA (Ret.)

MARKET INCENTIVES FOR BIOBASED PRODUCTS ACT OF 2007

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. LAMPSON. Madam Speaker, I am proud to introduce a bill today related to Federal procurement of biobased products and the labeling of such products, known as the Market Incentives for Biobased Products Act of 2007. The Federal Government serves a vital role in promoting new technologies and products by creating a market as the country's largest consumer.

This bill, which will amend section 9002 of the Security and Rural Investment Act of 2002, will require the Secretary of Agriculture to set biobased product procurement guidelines for Federal agencies. A stronger biobased procurement program will help strengthen rural communities and uplift our Nation's farmers by creating new jobs and new markets. Additionally, by replacing petroleum-based products with bio-based products, this program will decrease our Nation's dependence on foreign oil and protect the environment.

Just as the mandate to purchase recycled paper spurred the growth ofthat industry, we can do the same with biobased products. Although it took 12 years for the EPA to establish guidelines for recycled paper, all 50 States followed suit and it has become a mainstream product whose quality has improved vastly over the years. While the USDA has made great strides in establishing the BioPreferred Program, I hope this bill will stimulate expansion of biobased product use in a timely manner.

This bill also requires the Secretary to establish labeling requirements for finished products and intermediate ingredients in consultation with Federal agencies, producers of biobased products, and various interested organizations within 90 days of enactment. Setting uniform labeling standards will aid in purchasing decisions, dissemination of products, and eventually build consumer confidence in bio-based products.

Finally, this bill sets reporting requirements so Congress can ensure the progress of the procurement and labeling program. I believe that proper oversight is essential to guarantee forward movement of this program and conscientious use of taxpayer dollars.

By setting high goals and standards, this body can pave the way for the expansion of a burgeoning industry, and have positive affects our farmers, our environment, and our national security.

A TRIBUTE TO MR. EARNEST FLOWERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Earnest Flowers, a career Financial Advisor who has worked for security houses and alongside investment banks since 1994.

Mr. Flowers joined Whales Securities after two years of training. There he became a vice-president of private client services and a top producer. While at Whale, he participated in finding various Initial Public Offerings (IPO's) including the World Heart Corporation, and Take-Two Interactive Software Incorporated.

Mr. Flowers was recruited in 2000 by his former manager to join Ladenburg, Thalmann & Company, Incorporated, the second oldest firm on Wall Street. In 2002, Mr. Flowers went independent and has since provided wealth management through firms such as the Concord Equity Group, the Investors Capital Corporation and most recently, Aura Financial Services.

Mr. Flower's independence has allowed him to raise capital and work on alternative projects. Current projects range from economic and social development in Africa to the financing of media companies. Among them: Vardo Entertainment; Mindtree; Urbintel; and VuVango Media. Mr. Flowers has financed the public works of Clarence B. Jones, worked as a former draft speech writer and counsel to Dr. Martin Luther King Jr., and assisted with future film projects like Pilgrims Progress, Clara Ward, the Shea Foundation, and a gospel reality pilot for Black Entertainment Television.

Mr. Flowers is a member of various boards in the religious, political and business communities. Among them are: The Insight Broadcasting Corporation; the Atlantic Union of SDA Executive Committee; the Atlantic Union Adventist Media/3 ABN; Northeastern Academy Alumni; Northeastern Conference Youth Advisory Committee; Elmer H. Blackburn Regular Democratic Club; Harlem Advent Care Center; Daly Day Academy; and the Northeastern Conference Junior Basketball League.

Mr. Flowers holds a Bachelor's of Science Degree from Oakwood College and is currently in the last semester of the St. Johns' University MBA Program. Mr. Flowers is an ordained Elder at City Tabernacle SDA Church and a former Associate Coordinator and current Master Guide in the Bronx/Manhattan Pathfinder Association. He is married to Dr. Alicia Massop-Flowers.

Madam Speaker, I would like to recognize the distinguished accomplishments and achievements of Mr. Flowers.

Madam Speaker, I urge my colleagues to join me in paying tribute to this extraordinary gentleman.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TANNER. Madam Speaker, I recently led a bipartisan House delegation to NATO Parliamentary Assembly meetings in Madeira and Lisbon, Portugal, and to additional meetings in Tunisia and Morocco from May 24–June 3. The co-chair of my delegation was the Hon. PAUL GILLMOR. In addition, Representatives RALPH REGULA, JO ANN EMERSON, JOHN SHIMKUS, ELLEN TAUSCHER, DENNIS MOORE, TOM TANCREDO, JOHN BOOZMAN, BARON HILL, BEN CHANDLER, KENDRICK MEEK, and CHARLES MELANCON, and staff, worked to make this a highly successful trip in which we examined a range of NATO and Mediterranean security issues.

The NATO Parliamentary Assembly, NPA, consists of parliamentarians from all 26 NATO member states. In addition, members of parliament present from such associated governments as Russia, Georgia, Croatia, and Afghanistan join discussions and debates over the key issues of interest to the alliance. The NPA thereby provides a forum for elected officials to analyze issues that NATO discusses in Brussels. Delegates have the opportunity to learn first-hand the views and concerns that other countries have over the key security issues of the day. An invaluable aspect of the meetings is the chance to meet and come to know members of parliaments who play important roles in their own countries in shaping the security agenda that their governments debate at NATO headquarters. These contacts can endure through a career, and can provide an invaluable private avenue for insights into each ally's particular views on an issue.

The key issues before NATO today are Russia, missile defense, and the conflict in Afghanistan. Each of these was on vigorous display at the NPA meetings. Russia under Putin is following an increasingly assertive policy in its use of energy supplies as a political lever, and in efforts to intimidate neighboring states such as Estonia and Georgia. It was clear from our meetings that not only the United States and NATO, but the European Union as well, are concerned about Moscow's posture on a wide range of issues. The Bush Administration's missile defense proposal for Europe was also a central subject of discussion. While many governments accept in the abstract the need to consider such a defensive system in an era of missile and nuclear proliferation, the meetings revealed a wide array of views among the allies on the efficacy and timeliness of this particular system. The United States has approximately 25,000 troops in Afghanistan, of whom 17,000 are engaged in

NATO's International Security Assistance Force, ISAF, fighting the Taliban.

Portugal hosted the NP A meetings in Madeira. Before the opening sessions, the delegation had a detailed briefing and discussion with Ambassador Victoria Nuland, the U.S. representative to NATO. She very ably prepared us for the nuances of the discussion of the issues that would be debated in the NPA sessions. There followed another private meeting with NATO Secretary General Jaap de Hoop Scheffer, who gave an overview of member state perspectives on the most controversial issues confronting the alliance; he later addressed the NPA's plenary session. The Prime Minister of Portugal also addressed the plenary, and emphasized the importance of Mediterranean security issues, which were a recurrent theme in our trip.

There followed 2 days of NPA committee meetings. There are 5 NPA committees. In each, parliamentarians present reports on issues before the alliance, which are then debated by all members of the committee who may make counter-arguments or suggestions for amending a report. We divided our delegation so that U.S. Members were present in each committee meeting.

I chaired the Economics and Security Committee, which heard reports on the Republic of Georgia's progress towards democracy and its increasingly close association with NATO, on defense resource management, and on economic developments in East Asia. Representative BOOZMAN was the co-rapporteur of this last report, which he very ably presented, and which aroused an interesting discussion. Rep. BOOZMAN noted the growing commercial interests of the United States and its allies in East Asia, and the political and security implications of this growing web of economic connections. The Committee also heard a provocative and interesting presentation by Lawrence Korb of the Center for American Progress. He discussed the U.S. defense budget debate, and the effects that the Iraq war is having on U.S. military capabilities around the world.

The NPA Political Committee, of which Rep. CHANDLER is a vice-chairman, heard several reports that touched off sometimes contentious debates. Most notable were exchanges between the Russian delegates and their counterparts from NATO parliaments over the cyber attacks on Estonia's government and business electronic systems, in all probability launched in retaliation for Estonia's relocation of a Soviet-era war memorial. There was also a report by a Canadian delegate on the conflict in Afghanistan. Backed by her U.S. colleagues, she called for a reduction in caveats—restrictions that some allies place on their forces in Afghanistan—and a greater sharing of the combat burden among member states.

The Defense and Security Committee also heard a report on Afghanistan that concentrated on military operations there. Representative SHIMKUS then gave a clear, succinct, and analytical presentation on his report on the NATO–EU security relationship. He called for better coordination between the 2 organizations so that member governments might pool and share resources more smoothly as NATO and the EU work more closely together in such missions as Afghanistan and Kosovo. His report was well-received, and led to an interesting debate. Representative TAUSCHER is a vice-chair of one of the Committee's subcommittees.

The Science and Technology Committee heard reports on climate change and on the transformation of warfare brought on by the increasing use of computers and other high technology. A report by a Russian delegate set off a broad debate on the administration's missile defense proposals. The concerns of Moscow were clearly, if ideologically, laid out by the Russian delegate, with responses from a range of European delegates. Representative TAUSCHER provided a clear and concise congressional perspective on missile defense after a presentation on the issue by a U.S. Department of Defense official.

The Committee on the Civil Dimension of Security heard reports on a range of issues, the most interesting of which was the protection of critical infrastructures. The issue of the recent cyber attacks in Estonia was again raised; vulnerability of communications and other electronic networks in allied states is likely to become a matter of growing debate in the alliance. Representative EMERSON is a vice-chair of one of the Committee's subcommittees.

The rapporteurs will present updated drafts of their reports during the next NPA meetings, which will occur in Reykjavik, Iceland, October 5–9, 2007.

The delegation also met with a member of the Afghan parliament who is an observer delegate to the NPA. We discussed NATO operations, the narcotics trade in Afghanistan, and governance issues with him.

The delegation next went to Lisbon on May 28–29 for meetings there and visits to 2 military bases. After a briefing by U.S. Ambassador Alfred Hoffman and his staff, the delegation visited the NATO Joint Command just outside Lisbon. Joint HQ Lisbon is an allied mobile command that becomes a sea-based command in the initial stages of operations ranging from peacekeeping to war fighting. It is a reflection of NATO's ongoing transformation into a lighter, more mobile military structure able to counter crises around the world. Joint HQ Lisbon currently provides the headquarters structure for the NATO mission in Darfur.

The delegation then visited the NATO Joint Command for Combined Air Operations Center, CAOC, which has highly sophisticated electronic systems that monitor all air traffic off southwestern Europe, northwestern Africa, and in the western Mediterranean. The CAOC can scramble aircraft to counter any potential aerial threat to the region.

The delegation again picked up the themes of Mediterranean security in Tunis on May 30–31. Tunisia is part of NATO's Mediterranean Dialogue, in which NATO governments join a number of Arab governments along the Mediterranean coast and Israel to discuss and begin to train for counter-terror and counter-proliferation efforts. Bilaterally, Tunisia is also an important friend of the United States in countering terrorist threats in North Africa. At the same time, some Members raised concerns about the need for the Tunisian Government to make greater progress on the road to democracy.

In 1942–1944, 2,841 American soldiers gave their lives in the effort to defeat German and Italian forces in the North African theater during the Second World War. The delegation visited their resting place in the North African Cemetery, managed by the U.S. American Battle Monuments Commission. While we tend to think of U.S. cemeteries in the Second World War theater as being located in Europe, the cemetery outside Tunis is a monument to the brave soldiers who gave their lives in the strategically critical and often extremely difficult battles that weakened Germany's lines of defense and supply in preparation for the conclusive battles of 1944–1945 in Europe. Accompanied by other members of the delegation, I laid a wreath at the cemetery's central monument. Members of the delegation then walked to individual graves of fallen soldiers from their states. This was perhaps the most memorable and poignant moment of the delegation's trip.

After a briefing by U.S. Ambassador Robert Godec, the Members had a lengthy and highly informative meeting with the Tunisian President, Zine El Abidine Ben Ali, where we discussed the key issues in U.S.-Tunisian relations, as well as matters of Mediterranean security. There followed meetings with the Foreign and Defense Ministers, where issues of U.S.-Tunisian cooperation and U.S. military assistance were discussed in detail. These meetings provided a precise, focused discussion of how the United States and Tunisia might work more closely together on security issues. The delegation also visited the Tunisian parliament.

On June 1–2, the delegation went to Rabat for meetings with Moroccan officials on security issues. Morocco has experienced an increase in Al Qaeda activity; the Madrid train bombings of March 2004 were largely carried out by Moroccan Islamist extremists. Morocco, which is on a path of moderate democratization, is one of the United States' oldest allies, and was the first government to recognize U.S. independence.

After a briefing by U.S. Ambassador Thomas Riley and his staff, the delegation held meetings with the Moroccan Defense Minister and with upper-level officials in the Foreign Ministry. The focal points of these discussions were Morocco's participation in NATO's Mediterranean Dialogue, and U.S.-Moroccan bilateral efforts to counter proliferation and terrorism. We also visited the Moroccan parliament for a meeting with the chamber of deputies' leader, comparable to our Speaker of the House.

The U.S. Air Force Reserve elements from Scott Air Force Base piloted our aircraft and security for it was provided by members of the United States Air Force Reserve from Andrews Air Force Base. Our military personnel provide a quiet but invaluable service in ensuring safety and an efficient schedule for U.S. congressional delegations, and this group of service men and women was no exception. I thank them for their hard work and their dedication to duty.

CONGRATULATING UCLA ON ITS UNPRECEDENTED 100TH NCAA TITLE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. LEWIS of California. Madam Speaker, I rise today to honor the accomplishments of the UCLA Athletic Program which recently won its 100th championship, making it the first Division I school to do so.

The UCLA men's tennis team won the first NCAA championship for the Bruins in 1950 and the last 57 years have been witness to an unprecedented record of success. These championships have not been confined to just a few sports. Some of the multiple championships include 19 men's volleyball, 16 men's tennis, 11 men's basketball, 10 women's softball, 8 championships for both men's track and field and men's water polo, and 5 championships for women's gymnastics, women's track and field, and women's water polo. The list of Bruin athletes who contributed to the school's history of victory is a roll call of the greatest athletes of our time: Lewis Alcindor, Arthur Ashe, Evelyn Ashford, Jimmy Connors, Gale Devers, Mitch Gaylord, Florence Griffith-Joyner, Jackie Joyner-Kersee, Karch Kiraly, Jackie Robinson, Bill Walton, and others.

This record is not just the result of exceptional athletes. These championships also reflect the philosophies of great Bruin coaches like basketball icon John Wooden and volleyball legend Al Scates. Their commitment to hard work, discipline, and sportsmanship has created a legacy of victory unparalleled in college sports. Additionally, the contributions of all the students, alumni, and staff have been instrumental over the years in helping UCLA achieve 100 championships.

The 100th championship came from the Women's Water Polo team which won its third consecutive NCAA Division I championship on May 13, 2007. The Bruins, coached by Adam Krikorian, finished 28–2 and have been 90–6 over the past three seasons. Courtney Mathewson scored three goals and Jillian Kraus added two more as the Bruins beat rival Stanford. Kelly Rulon was selected as the tournament's Most Valuable Player. Rulon, Mathewson, and Kraus were joined by Emily Feher and Kacy Kunkel as members to the NCAA All-Tournament First Team.

On behalf of the UCLA graduates in the House, I congratulate the Women's Water Polo team for its most recent championship and I commend the Bruins for being the most accomplished athletic program in NCAA history.

A TRIBUTE TO KEITH DOSREIS, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Keith "Suede" DosReis, Jr. Keith grew up in Brownsville, Brooklyn, and has always had the ability to hold an audience captive. He began a career in entertainment at the age of 5. He attended State University of New York at Albany where he pledged Kappa Alpha Psi fraternity.

Keith DosReis, Jr., has appeared in 16 commercials, 2 of them with legendary actor and comedian William "Bill" Cosby. Though making the commercials was fun, Keith's passion lies in hosting live events. Among his most popular was the national collegiate step show tournament, "StepCorrect."

Keith DosReis has become a sought after personality to host events throughout the New York Tri-State area as well as colleges nationwide. His hosting of national events has led to his latest endeavor of managing artists which is a natural outgrowth of his entrepreneurial and managerial experience that were derived from his days with HBO Sports.

Keith DosReis is now the Program Coordinator for the Forster Laurie Police Athletic League Center in Queens, NY. This gives Keith an opportunity to provide new programs for our youth while at the same time bestowing upon them his knowledge of the entertainment industry.

Madam Speaker, I would like to recognize Keith DosReis for his accomplishments and achievements.

Madam Speaker, I urge my colleagues to join me in paying tribute to this artful entertainer.

INTRODUCTION OF THE UNIVERSITY OF THE DISTRICT OF COLUMBIA GRADUATE PROGRAMS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Ms. NORTON. Madam Speaker, today I introduce the University of the District of Columbia Graduate Programs Act that amends Section 326 of the Higher Education Act to provide federal Historically Black College and University (HBCU) grant funding to the qualified graduate programs at the University of the District of Columbia.

The University of the District of Columbia (UDC) is the District's only public university and institution of higher learning. An open admission institution at the undergraduate level, the University has consistently and historically provided higher education opportunities to D.C. residents at low and affordable costs. The University justifiably prides itself on its vital role in educating the leaders of the next generation by producing theoretically sound and practically skilled graduates, ready to undertake careers in service in both the public and private sectors.

UDC also is one of the Nation's oldest HBCUs, but the university did not receive federal funding as an HBCU until 1999. When Congress passed the District of Columbia College Access Act, I was able to convince Congress that the necessary complement to the College Access Act was long overdue HBCU funding because of the indispensable function of UDC for thousands of students for whom UDC was not only a choice, but the only practical option.

Funding from the Historically Black Graduate Institutions (HBGIs) program will allow UDC to increase its production of skilled graduates in vital disciplines and jobs in which African Americans, Hispanics and others are underrepresented and to strengthen its graduate programs in occupations where there are shortages and jobs in our region. For example, the University has graduate degree programs in cancer biology prevention and control, early childhood education, mathematics, special education, and speech and language pathology, and other graduate programs in the College of Arts and Sciences, the David A. Clarke School of Law, and the School of Business and Public Administration. A graduate curriculum is being developed in the School of Engineering and Applied Sciences.

I urge all of my colleagues to support this bill.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. BECERRA. Madam Speaker, on Monday, June 5, 2007, Tuesday, June 6, 2007 and Tuesday, June 12, 2007, I was unable to cast my floor vote on rollcall Nos. 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439 and 459.

Had I been present for the votes, I would have voted "aye" on the following rollcall votes 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438 and 439 and "no" on 459.

A TRIBUTE TO LARRY CARLTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to a great guitarist and an exceptional musician Mr. Larry Carlton. Larry Carlton's own musical story began in southern California. He picked up his first guitar at the age of six. He was introduced to jazz in junior high school. Saxophonist John Coltrane was a major influence on Carlton, beginning with Coltrane's 1962 classic "Ballads."

Larry Carlton recorded his first album in 1968, "With a Little Help From my Friends." The enthusiastic industry response garnered him a place among jingle singers. He also recorded on camera and recorded radio commercials for Ford. Mid-season in his second year; he segued to musical director for "Mrs. Alphabet," an Emmy-nominated children's show. It was here Carlton showcased his acting skills, performing as the show's co-star, "Larry Guitar."

Larry Carlton performed with the world renowned Crusaders on 12 of their albums, often contributing material. He released his

second solo project in 1973 on Blue Thumb Records. Larry Carlton's demand as a session player was now at its zenith, he was constantly featured with stars from every imaginable genre. Among them: Sammy Davis, Jr.; Herb Alpert; Quincy Jones; Paul Anka; Michael Jackson; John Lennon; Jerry Garcia; and Dolly Parton.

Larry Carlton was approached by the newly formed MCA Master Series label in 1985 for consideration of recording an acoustic jazz album. His first release for the new label was "Alone." The 12 months of 1987 brought some of the biggest highlights in his solo career. However, while working on his next album for MCA, Carlton was a victim of random gun violence and was shot in the throat by gun-wielding juveniles outside his private studio near Burbank, California. The bullet shattered his vocal cords and caused significant nerve trauma, but through intensive therapy and a positive frame of mind, he completed his work on his "On Solid Ground" album in 1989.

Madam Speaker, through all of this adversity, Larry Carlton continues to grace us with his gift of music. I would like to recognize him for his accomplishments and achievements which are far too numerous to mention today.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderfully gifted musician.

TRIBUTE TO ROBERT MARCUS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Ms. SCHAKOWSKY. Madam Speaker, June 22 will be a bittersweet day for me and for all of Team Schakowsky. That is the day that Robert Marcus, Legislative Assistant, will be leaving our office. After a summer in Israel, Robert will attend graduate school at the Fletcher School of International Affairs at Tufts University, where we know he will make an outstanding contribution.

In his more than 4 years on my staff, Robert has been an invaluable member of the team, serving as the point person for foreign affairs, in particular U.S.–Israel relations, the war in Iraq, Haiti, Darfur, and Colombia. He has been in charge of veterans affairs and has played a major role in shining a bright light on and drafting legislation addressing the growing role of private military contractors.

Robert's influence has extended far beyond Capitol Hill and well beyond the borders of the United States. In 2005, Robert worked with an Illinois synagogue and its Rabbi, Bruce Elder, to bring a Torah to its former home in the small Czech Republic town of Lostice. It was one of 1,500 Torahs that had been confiscated by the Nazis during World War II. Robert made the arrangements for the visit and joined members of the Congregation Hakafa when the Torah was opened and read at the synagogue, which is now a community center. Though no Jews remain in Lostice, the people had protected the building and came out to welcome the visitors with songs sung in Hebrew. Dignitaries from across the Czech Republic participated and it became a highly publicized story with a powerful message of remembrance and tolerance that will long be remembered. Robert Marcus made it happen.

Robert Marcus has been addressing the problem of deforestation in Haiti in a very practical way. Haiti is almost completely deforested, with only one or two percent of its original forest cover remaining. Working with Haitian-American leaders as well as an organization led by Wyclef Jean called Yele Haiti, Robert brought another important organization to the table to help with a new Haitian environmental initiative that combines tree planting with alternative energy. The Jewish National Fund, at Robert's initiative, is now providing technical expertise from their extensive and successful experience with tree planting in Israel.

Robert will be missed not only for the exceptional work he has done, but for his incredible kindness, (sometimes quirky) sense of humor, his contagious friendliness, and, of course, his rugged good looks.

If you "Google" Robert Marcus, you will find over 14 million separate entries. True, not all of them are about OUR Robert Marcus, the real Robert Marcus, (particularly the one that reads "Robert Marcus: Real Threat or Just Another Stupid Clam?"), but we know he will make a huge mark in the world. We just hope he will always remember his days with Team Schakowsky. I know I will never forget him. I say, "Thank you, Robert Marcus. I love you very much."

TRIBUTE TO MRS. SALLY MORIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. HOYER. Madam Speaker, I rise today to pay tribute to my constituent, Mrs. Sally Morin, who will be retiring after 20 years of dedicated service to the Anne Arundel County Public Schools System.

Sally Morin started her career with the school system on July 7, 1987, at Germantown Elementary in Annapolis, MD. She will complete her time with the system at Lothian Elementary School. Throughout her career, every principal for whom she has worked has noted her dedication, skills, and loyalty. They have also witnessed her magnificent ability to relate to all members of the school community—administrators, teachers, staff, parents, and, importantly, students.

While balancing a career with raising a family, Sally also went the extra mile and has been a very active member of her community. With her husband Maury and daughters, Lauri and Jeri, Sally opened her home to numerous Naval Academy midshipmen—offering a welcome respite from the rigorous coursework and intense training that these able young men and women experience at the academy. The Morin family also have been active members of their church and have been vigorous supporters of the construction of a new church building.

In retirement, Sally and Maury have decided to move to Delaware. While this naturally saddens their friends and neighbors in Anne Arundel County, I know that I join with them in wishing the Morins a very long and rewarding retirement.

A TRIBUTE TO KEVIN C. BRYANT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today in recognition of Kevin C. Bryant, detective first grade of the New York City Police Department. Mr. Bryant was born and raised in Brooklyn and attended public school through 12th grade. In 1985, at Queens College, Mr. Bryant was sworn in as a probationary police officer for the NYPD.

Mr. Bryant successfully graduated from the police academy and was eventually assigned to his permanent command in the 81st precinct of Brooklyn's North neighborhood. Because of his honorable work on the police force, Mr. Bryant was offered invitations to join the Narcotics Division several times, an invitation he finally accepted in 1987.

Mr. Bryant was assigned to a special anti-crack unit in Queens where he was an instrumental component in hundreds of undercover buy-and-bust operations throughout the city. He made such a significant impact that he was promoted to detective third grade in 1989.

Mr. Bryant was selected to initiate a federally funded program aimed at disrupting drug gangs called the High Intensity Drug Trafficking Area Task Force in 1991, after continuing to make positive contributions in his community. His HIDTA program was so effective that it became the rubric for developing HIDTA programs across the country.

Mr. Bryant continued to prove his dedication to crime-fighting during his work with the HIDTA, which resulted in his promotion to detective second grade.

Mr. Bryant accepted an invitation to join the Intelligence Division in 1998. There he performed tasks ranging from investigating organized street gangs, to post-9/11 terrorism investigations. He was promoted to detective first grade in 2007.

Mr. Bryant retired from the NYPD on his 44th birthday in April of 2007. He now spends more time with his family, his wife of 16 years Choddie Bryant and his three children, Porsha, Kai and Khail.

Madam Speaker, I would like to recognize the accomplishments of Kevin C. Bryant, as his selfless and unwavering dedication to the betterment of New York City has forever benefited the lives of its residents.

Madam Speaker, Kevin C. Bryant's service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

WPET–AM CELEBRATES A HALF CENTURY OF SERVICE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. COBLE. Madam Speaker, for more than 50 years, a radio station in the Sixth District of North Carolina has been providing our citizens with the best in local programming. Since WPET–AM 950 went on the air in June of 1954, listeners in the Piedmont Triad region of North Carolina have had their souls nourished, their hearts enriched, and they have been entertained, enlightened, and educated by the programming provided by WPET.

The station has had a rich and colorful history. The first owner was Mr. Wayne Nelson. Between 1957 and 1959, WPET was owned by Mr. Bill Mitchell and Mr. Bob Montgomery. In 1959, Beattie Broadcasting Group owned and operated the radio station. From 1967 until 1984, Mido Communications owned WPET. Mr. Tom Armshaw was the co-owner, vice president, and general manager of WPET. It was Tom Armshaw who changed the station programming to an all-Southern Gospel format, which has endured for the last 40 years. In 1984, WPET–AM and its sister station WRQK–FM were purchased by A.H. Robins Company. From 1987 until 2002, WPET was owned by Bahakel Communications and from 2002 until the present, WPET has been owned by Entercom Communications.

Consistent quality has been a hallmark of WPET throughout its history. This year, the current program director, Mr. Dave Compton, entered his 30th year of service to the listeners of WPET. The on-air team at WPET feels like family to its many loyal and faithful listeners. In addition to Dave Compton, WPET's many fans enjoy listening to Jan Harkey (also known as Miss Dusty), Andy Johnson, Jimmy Fulmer, Larry Dunlap with morning sports, and Paul Heil, the host of Gospel Greats.

In addition to broadcasting the Gospel in both word and song, WPET presents local news and weather, provides community information and airs sports programming such as Greensboro Grasshoppers baseball, the men's and women's basketball teams at the University of North Carolina at Greensboro Spartans, and the East Carolina University Pirates football team. An example of how WPET serves its listeners in many different ways will occur on June 23 when the radio station sponsors a free Health and Community Service Day in Greensboro. The event will provide free blood pressure, cholesterol and glucose screenings, along with food, games and entertainment for all who attend.

In the spirit of full disclosure, I must admit to some personal bias in our office when it comes to our affection for WPET. My Chief of Staff Ed McDonald is an alumnus of the radio station, having served as a news reporter for WPET from 1981 until 1984 when I hired him away from the station. In addition, many folks call me an "AM radio guy in an FM world," and I plead guilty to that charge. So personally and professionally, we can say that we are big fans of WPET.

Allow me to quote Dave Compton, the station's program director, who accurately captured the essence of what makes WPET special. "With a Southern Gospel format," Dave Compton stated, "WPET airs the Good News of our Lord, embracing Christian values with local churches and the church community of the Piedmont, and being that comforting voice with the Good News of the Gospel, offering hope and solace in a sometimes troubled world."

I could not have said it any better, Madam Speaker. I will simply add that, on behalf of the citizens of the Sixth District of North Carolina, we thank, the owners and staff of WPET–AM 950 for providing the Piedmont with quality Southern Gospel radio.

AMERICAN COLLEGE AND UNIVERSITY PRESIDENTS CLIMATE COMMITMENT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. MITCHELL. Madam Speaker, I rise today to highlight some encouraging and important activity at America's colleges and universities. This morning I attended a kick-off event celebrating the decision by 284 universities and colleges from across the Nation to sign the American College and University Presidents Climate Commitment.

Let me say that I am pleased to see that this group is led by President Michael Crow of Arizona State University, which is in my hometown of Tempe. ASU and the other 283 colleges and universities have made a commitment to move their respective campuses toward meeting a long-term goal of climate neutrality.

I applaud their commitment to lead the country by example. Sustainable energy is an issue that affects our environment, our economy and our national security, and we cannot leave this problem for future generations of Americans to solve.

These universities and colleges are taking proactive steps to solve the problem of global warming. They are implementing solutions on campus, educating students and future generations, and generating the research for how we can solve the growing climate change crisis.

By making this climate commitment, these colleges and universities have made a bold declaration that America's higher education institutions are ready and able to take on the challenge of global warming and are committed to concrete action.

I am particularly proud of the steps ASU has taken to address climate change. ASU has already established the Global Institute of Sustainability and the School of Sustainability. This is a significant accomplishment of which the entire State of Arizona is proud.

I congratulate these universities for their leadership and vision and wish them success in this endeavor.

TRIBUTE TO JOSIAH HOLLOPETER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. SMITH of Nebraska. Madam Speaker, on a day when the House of Representatives has passed legislation providing for the health and well-being of our veterans, it is with a heavy heart I honor a brave man who will not be returning home. Specialist Josiah Hollopeter, of Valentine, NE, was shot and killed by small arms fire while on dismounted patrol in Normandy, Iraq, on June 14.

My thoughts and prayers are with Josiah's family—his parents and his wife—today. Josiah represented the best of what it means to be a Nebraskan. His service and sacrifice for our country will long be remembered.

Again, I ask my colleagues to remember the Hollopeter family during this time of grieving. And to remember Josiah's comrades in arms who are still in harm's way.

A TRIBUTE TO HARLON BRANDON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Mr. Harlon Brandon. Harlon is an award winning footwear designer with a penchant for giving back to his community. He is a native New Yorker, who attended New York's School of Visual Arts earning a Fine Arts degree. Upon graduation in the early 80s, he decided to pursue a career in advertising.

Harlon Brandon began his career as an Art Director with Foote, Cone & Belding, focusing on fashion and beauty accounts. He continued his advertising career at Lockhart & Pettus, as an Executive Director and Art Director. While at Lockhart & Pettus he received the CEBA award for "Advertising and Communications to the African-American Community."

Harlon Brandon later took a shoe design course. He was encouraged by his professor to enter a footwear design competition where he took home the top prize for Women's Shoe Design. Following that, he spent years designing shoes throughout the world for well-known designers Tommy Hilfiger, Christian Dior and Puma. After many years of designing for others he stepped out on his own and launched his footwear line, Harlon Brandon Footwear.

Harlon Brandon received the "Innovator Award" by the Black Retailers Action Group in 2004. He was featured on CBS News in a segment about small business success stories and more recently, he was nominated for the Black Enterprise "Emerging Company of the Year Award".

Harlon Brandon is not only recognized for his achievements in design, but for his enumerable contributions to the youth in his community. He was featured on WPIX–TV for his tireless community work and his unwavering commitment to mentoring urban high school students.

Madam Speaker, I would like to recognize Mr. Harlon Brandon is a shining example of where hard work and perseverance can lead.

Madam Speaker, I urge my colleagues to join me in paying tribute to a man who encourages our youth in putting their best foot forward.

DEPORTATION CASE OF MR. SAMEH KHOUZAM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. PITTS. Madam Speaker, I am deeply concerned about the upcoming possible deportation of Mr. Sameh Khouzam, an Egyptian man who is currently detained in York, Pennsylvania. The Second Circuit Court granted a stay of deportation to Egypt based on a finding that it was ''more likely than not'' that he would be tortured upon return. Reportedly, the U.S. Government received assurances from the Egyptian Government that Mr. Khouzam would not be tortured were he to be returned to Egypt. I am deeply disturbed that the U.S. Government appears to have taken this assurance at face value in light of the extensive evidence of torture against Egyptian citizens, particularly against religious minorities.

Mr. Khouzam fled Egypt in 1998, due to pressure from the Egyptian government to forcibly change his religion. Reports suggest that he, and other family members, were detained and imprisoned by the government during these reported attempts at forcible conversion. Mr. Khouzam then fled the country fearing for his life. During the flight to the United States, Egyptian officials notified U.S. officials that Mr. Khouzam was wanted for murder. When he landed in the U.S., authorities noticed that he was injured (due to Egyptian security officials' actions) and placed him in the hospital. After his release from the hospital, he was imprisoned in the U.S. due to Egyptian government requests, despite the absence of credible evidence and the lack of autopsy reports substantiating the ''murder'' charges. Mr. Khouzam was imprisoned in the U.S. for 8 years, until he was granted parole based on a Second Circuit Court decision that were he to be deported he would most certainly face torture at the hands of the Egyptian Government.

By all accounts, Mr. Khouzam is an upstanding, contributing member of the communities in which he works, lives, and worships in Pennsylvania. It came as a great surprise to everyone when Mr. Khouzam, following instructions, voluntarily reported to immigration authorities to check in with them on Tuesday, May 29, 2007, but was then detained, imprisoned, and informed that the Egyptian Government provided ''assurances'' that he would not be tortured, therefore, he would be deported on Friday, June 1, 2007. Mr. Khouzam's lawyers requested an extension of the stay of deportation; the request was granted for an extension until Thursday, June 7, 2007 and extended again until Monday, June 18, 2007.

It is deeply disturbing that the U.S. Department of State and Department of Homeland Security would, in the face of all evidence to the contrary, accept at face value a promise from the Egyptian Government. Over the years, a number of Members of Congress have personally worked on numerous cases in Egypt in which the government has used torture against its own citizens. The most recent Country Reports on Human Rights Practices issued by the U.S. Department of State detail that that there were ''numerous, credible reports that security forces tortured and mistreated prisoners and detainees,'' that security forces ''employ torture to extract information or force confessions,'' and that ''human rights monitors believe the use of torture by police [is] widespread.'' Further, the Country Reports describe the torture methods used by Egyptian security officials, ''Principal methods of torture reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water. Victims frequently reported being subjected to threats and forced to sign blank papers for use against themselves or their families should they in the future lodge complaints about the torture. Some victims, including male and female detainees and children, reported sexual assaults or threats of rape against themselves or family members.'' Even further, the Report states that ''Security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and engage in mass arrests.''

Further, the State Department, as have numerous human rights organizations, has documented persecution by the government of Egypt against Coptic Christians. All this evidence and the clear patterns of the use of torture as well as persecution against religious minorities indicate that the ''assurances'' of the Egyptian Government on these matters are not reliable.

Madam Speaker, in two recent news programs on an Australian television station, former Central Intelligence official Bob Baer made it clear that the U.S. Government knows of the widespread torture in Egypt, and, in fact, considers that knowledge in decisions to send individuals to Egypt. When asked if ther was any doubt someone would be tortured if he were returned to Egypt, Mr. Baer answered, ''Oh absolutely no doubt at all . . . [if you] send them to Egypt it might as well, it's tantamount to condemning them to death.'' In another part of the program, Mr. Baer stated, regarding sending people overseas, ''If you never want to hear from them again, send them to Egypt. That's pretty much the rule.'' When again asked, ''When someone's rendered to Egypt, is there any doubt that they're going to be tortured?'' Mr. Baer said, ''Oh absolutely no doubt at all.''

Yet, the U.S. Government is willing to accept the ''diplomatic assurances'' of the Egyptian Government that Mr. Sameh Khouzam, who has already been tortured by the Egyptians, will not be tortured if he were to be deported. Our country was founded upon due process, not sending individuals to countries where the likelihood of their being tortured is extremely high, diplomatic assurances to the contrary.

On June 1, 2007, in the Government's Response to the Petition for Writ of Habeas Corpus and Opposition to Petitioner's Motion for Stay of Removal, the U.S. Government told the Court that ''substantial embarrassment could result in the diplomatic community'' if the Court were to find that Mr. Khouzam would likely be tortured despite assurances from high level Egyptian officials. Since when have we based our foreign and domestic policy on concerns about being embarrassed?

We know the Egyptian government tortures people. What does the U.S. Government want from Egypt in exchange for deporting a Coptic Christian who is reportedly innocent of any charges against him?

Madam Speaker, if Mr. Khouzam is sent back to Egypt, this Administration will bear ultimate responsibility for anything that happens to him.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. FEENEY. Madam Speaker, on rollcall Nos. 448, 449, and 450 I would like to express my regret for missing votes on the House Floor on Monday, June 11, 2007. My flight, which would have gotten me in town before votes, was delayed 3 hours. I did not get in until 9 pm.

Votes: H.R. 2356—the resolution acknowledging Father's Day; S. 676—Inter-American Foundation Board; H. Res. 418—recognizing and welcoming the delegation of Presidents, Prime Ministers, and Foreign Ministers from the Caribbean. Had I been present, I would have voted ''yea.''

TRIBUTE TO THE 50TH ANNIVERSARY OF THE CANUSA GAMES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Flint, Michigan and Hamilton, Ontario for 50 years collaborating on the CANUSA Games. The 50th anniversary will be celebrated at a gala community celebration on June 21st in my hometown of Flint.

The CANUSA Games were born in 1957 when Frank Manley and Charles Stewart Mott contacted the Amateur Athletic Union about further competitions for the Flint Olympian winners. The United States Amateur Athletic Union discussed the request with the Canadian Amateur Athletic Union and it was decided to organize a competition between the athletes of Flint and Hamilton, Ontario. That first year, 200 athletes participated in the Games. It was a great success and the tradition of the CANUSA Games began.

Since that beginning the CANUSA Games has grown into an annual event. This year about 1,000 athletes will compete. It is the model for similar athletic events between cities in the United States and Canada. The hallmark of the Games is a spirit of goodwill and

friendly competition. The creed for the Games is:

''We swear that we will take part in the CANUSA Games in fair competition,
respecting the regulations which govern them
and with the desire to participate in the true spirit of sportsmanship,
for the glory of sports and for the honor of our country.''

Madam Speaker, I ask the House of Representatives to join me in congratulating all the athletes, coaches, coordinators, and volunteers in Hamilton, Ontario and Flint, Michigan for 50 years of dedication to promoting friendship and harmony between our two nations through the spirit of athletic competition.

A TRIBUTE TO REVEREND DR. ARLEE GRIFFIN, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the Reverend Dr. Arlee Griffin, Jr. Reverend Griffin is a native of Elizabeth City North Carolina. An honor graduate of Northeastern High School, Reverend Griffin earned a bachelor of arts degree in Zoology from the University of North Carolina at Chapel Hill. He later earned a master's of Divinity degree from Southeastern Baptist Theological Seminary. Reverend Griffin has also studied at East Carolina University, New York University, the Postgraduate Center for Mental Health in New York City, and abroad at Oxford University in England. He graduated from Boston University with a doctorate of Ministry. In April, 1992, Shaw Divinity School awarded him an honorary doctorate of Divinity.

Reverend Griffin served as pastor of Cornerstone Missionary Baptist Church in Greenville, North Carolina for nearly 10 years. During his tenure, the church experienced unprecedented growth and many new ministries were established, including the Cornerstone Christian Child Care Center. The church later relocated, and in 1996, a new $1 million facility was built.

Reverend Griffin served in several positions of leadership in both community and religious organizations in North Carolina. Among them: president of the Pitt County Black Ministerial Alliance; moderator and vice-moderator of the Old Eastern Missionary Baptist Association; parliamentarian of the General Baptist State Convention of North Carolina; trustee of Pitt County Memorial Hospital; and campus minister at the University of North Carolina at Chapel Hill.

Reverend Griffin became the senior pastor of Brooklyn's Berean Baptist Church in 1989. Under his leadership, the Community Service Center has been revitalized, now offering a full range of social services including emergency food distribution, meals to the homeless and needy, Alcoholics and Narcotics Anonymous groups, employment counseling, training programs and senior citizens' programs. In 1996, the church completed Berean Gardens, a $7 million senior citizens' housing complex. More recently, the church broke ground on a community and family life center, a 4-story building which includes a primary healthcare center, a full scale gymnasium and a fitness and wellness center.

Reverend Griffin has done missionary work in Senegal, Gambia, West Africa and South Africa and was a delegate to the First African and African-American Summit at the Ivory Coast in 1991. He was selected to be an official international election observer in the first free South African election in April of 1994. Dr. Griffin has also been an associate professor of church administration at the New York Theological Seminary.

Reverend Griffin is married to Mrs. Angela Farr Griffin of Rocky Mount, North Carolina. They have two daughters: Angel Arlecia and Ariel Arlyce.

Madam Speaker, I would like to recognize Reverend Dr. Arlee Griffin, Jr. for his many works and his tremendous contribution to his congregants and the community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful man and his tireless commitment to others.

TRIBUTE TO MARY McALENEY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. MICHAUD. Madam Speaker, I rise today to recognize a woman from my home State of Maine who truly embodies the spirit of public service. Mary McAleney is a friend, a trusted advisor, an accomplished professional, and a wonderful person who has devoted her career to serving the people of Maine. Today, I congratulate her on a distinguished career and her upcoming retirement.

A native of Maine, Mary grew up in Vanceboro and attended St. Joseph's Academy in Portland. She is a graduate of Merrimack College in North Andover, Massachusetts. After teaching at Catherine McAuley High School in Portland, she worked in the Maine legislature and as a field organizer for the Maine State Employees Association.

Mary went on to serve for many years as Chief of Staff to Senator George Mitchell. While I was in the Maine Legislature, we had many opportunities to work together, and it was clear to me that she always had the best interests of Maine in mind. She was constantly looking for ways for the Federal Government to help Maine's people and businesses. But the way she went about it was important too—she always worked across the aisle to get things done for Maine. She set high standards for all who worked around her and served as a mentor to staffers, many of whom went on to serve Congressman John Baldacci or who now work on my staff. In this way, her legacy of professionalism, boundless energy, and commitment to public service continues to be felt in Congress.

Most recently, Mary served as Maine's Small Business Administration District Director. In that capacity, she strongly advocated for our State's entrepreneurs and always went the extra mile to support innovative small business development. Whether it was taking the lead on helping businesses affected by mill closures or simply providing first-rate customer service, Mary's devotion to serving our State's small business community was second to none. She cares about people and I could see that she enjoyed helping them realize their dreams.

Mary's commitment to making Maine a better place is an inspiration to all of us who continue to serve in public office. Her warmth and generous spirit are a joy to all who know her. I wish Mary the very best in her retirement: she represents the best of Maine.

HONORING REVEREND DR. SAMUEL SIMPSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. ENGEL. Madam Speaker, Reverend Dr. Samuel Simpson, pastor of the Bronx Baptist and Wake Eden community Baptist Churches in the Bronx was born in Jamaica W.I. He relocated to the United States in the early sixties. He and his wife Lola Campbell have three children and five grandchildren. He is well known in the Bronx and the West Indian communities throughout the State and beyond.

In addition to leading the Bronx and Wake Eden congregations, Reverend Simpson has been instrumental in starting the Honeywell Baptist Chapel, and a newer mission in the Spring Valley area. Grace Baptist Chapel in the northern section of the Bronx is an off/shoot of Bronx Baptist Church. Reverend Simpson also communicates his strong belief in helping people via the media, and writes a weekly column for the Carib News. Periodically he is heard on Family Radio and has been the subject of three books: ''What God did for Me,'' ''Sam Simpson, Architect of Hope,'' and his most recent ''To Dream the Impossible Dream.''

He serves in many capacities in the Baptist denomination. Among his leadership roles has been president—Baptist Convention of New York for two terms, and moderator—Metropolitan New York Baptist Association. Other areas of service were: president and board chairman of Protestant Council of Churches of New York, president, Bronx division of Council of Churches, chairman of the board and president, Bronx Shepherds Restoration, and board member, Northeastern Bible College. Reverend Dr. Simpson is a true man of God and a firm believer in serving the total person. He has worked tirelessly for his community both within and outside the Bronx seeking to improve the temporal and spiritual aspects of his congregation and his community.

We are a stronger, better community for his work.

HONORING MITCHELL IGNERI AND STEPHEN CLARKE OF SS. CYRIL AND METHODIUS SCHOOL IN DEER PARK, NY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor Mitchell Igneri and Stephen Clarke of SS. Cyril and Methodius School in Deer Park, NY.

Mitchell Igneri and Stephen Clarke are the second prize winners in C–SPAN's ''StudentCam'' contest. ''StudentCam'' is a video documentary contest which invites middle and high school students to produce a video exploring a current political topic using C–SPAN programming. Igneri and Clarke won for their video ''War in Iraq: The Current Controversy.''

The war in Iraq is a tough issue for young Americans to grapple with today, and I would like to acknowledge these students for their excellence and creativity in exploring the political realm which surrounds our current situation in Iraq. I am proud to have been interviewed for this award-winning production.

I congratulate these two students on their achievement and thank them for their contribution to our understanding of the war in Iraq.

COMMENDING RILEY B. KING, ALSO KNOWN AS BB KING, FOR HIS RENOWNED ACHIEVEMENTS AND LASTING INFLUENCE ON THE MUSIC INDUSTRY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to celebrate Riley B. King's, also known as BB King, accomplished career and influential musical legacy.

Riley B. King has been acknowledged as the ''King of the Blues'' worldwide. BB King and Charles Evers founded the Medgar Evers Homecoming in Mississippi to memorialize the principles and ideals for which civil rights leader Medger Evers died. He was appointed Mississippi's World Ambassador of the Blues in 2003, and was named United States Ambassador of Music to the World during the World's Fair in Lisbon, Portugal. Mr. King has received honorary degrees from many universities including Tougaloo College, Yale University, Berklee College of Music, Rhodes College of Memphis, Mississippi Valley State University, and in May of 2007, Brown University.

BB King's accomplishments include multiple Grammy awards, a Grammy Lifetime Achievement Award, the Songwriters' Hall of Fame Lifetime Achievement Award, and a Presidential Medal of the Arts, a National Heritage Fellowship from the National Endowment for the Arts, Kennedy Center Honors, the B'nai Brith Humanitarian Award, and a 2006 Presidential Medal of Freedom.

He, along with the BB King Blues Band, has performed over 10,000 concerts in 90 countries, including frequent appearances at the New Orleans Jazz and Heritage Festival and numerous other Louisiana venues, including the Paragon Casino in Avoyelles Parish.

Madam Speaker, I ask my colleagues to join me in celebrating the accomplishments of Riley B. King. I acknowledge his invaluable talent and significant contribution to not only the State of Louisiana, but our Nation as well.

CONGRATULATIONS TO THE VILLAGE OF FOREST PARK, ILLINOIS ON ITS 100TH YEAR ANNIVERSARY.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. DAVIS of Illinois. Madam Speaker, 100 years ago the village of Harlem changed its name to Forest Park and since that time has functioned as a municipal government in the state of Illinois located in the western portion of Cook county. The village of Forest Park has had a very interesting origin and development. For thousands of years the Potowatomi Indians and their ancestors lived in the area. They buried their dead along the east bank of the Des Plaines River in the area that is now home of the Forest Home Cemetery. Des Plaines Avenue is known to have been an Indian trail. It lies on top of an ancient sandbar that was on the western edge of Lake Chicago, now Lake Michigan. After Illinois entered the Union, most of the land west of Chicago was set aside for veterans of the war of 1812. By 1835, the area was known as Oak Ridge because of the many oak trees. In 1839, a French and Indian trader, Leon Bourassa, received a land grant from President Martin Van Buren of 160 acres along the Des Plaines River north of what is now Roosevelt Road. By this time the Indians had been banished to west of the Mississippi River, but one Indian maiden remained to tend to the grave of her ancestors. According to legend, she married Leon and they settled here on land which is now part of Forest Home Cemetery. The deed for the government land Bourassa purchased was personally signed by President Martin Van Buren and is now kept in the Forest Park Library.

The railroad came in 1856, bringing workers who established the first community settlement. A German immigrant, Ferdinand Husse, purchased land in 1851, mostly from Mr. Bourassa, and built a home styled after the manors of New Orleans that he had seen. When he buried 3 members of his family near the homestead, they became the first white settlers to be interred here. When the Chicago and Galena Union Railroad (now the Northwestern), established a division where Des Plaines Avenue now approaches the track in 1856, it marked the beginning of public transportation in the area. Soon after the railroad arrived, a nearby landowner, John Henry Quick, gave part of the area a new name, after his hometown in New York City (Harlem). In the aftermath of the Chicago fire in 1871, many refugees came to this area to build their homes, and their community continued to grow and develop.

The Altenheim German Old People's Home opened in 1885 and boasts the original victorian building still in use. The building has been popular with Hollywood and it has been used as a location for three movies. In 1973, 20th century film ''Harry and Fonte''. Art Carney, the film star, won an Oscar for his performance and in 1988, scenes were shot there with Gene Hackman in the package. Finally, in 1995, the building was again used for exterior shots for the movie ''The Babe'', starring John Goodman. In the Waldheim Cemetery now merged with Forest Home, are buried Albert Parsons, Adolph Spies, Adolph Fisher and George Engel. These 4 men were executed on November 11, 1887 for their alleged part in the Haymaker Riot. Waldheim, the only Cemetery that would accept the bodies, hosted over 15,000 persons who attended the funeral. Governor John Peter Altgeld later exonerated the men and pardoned 3 others sentenced to life imprisonment. These 7 soon became martyrs in the eyes of the labor movement. Ceremonies are now held at the gravesite each year honoring the fallen labor heroes.

A sausage factory started in 1890 by Karl Lau became the area's first industry, the metropolitan westside ''El'' began electrified rapid transit service in 1895 and because it ran through Garfield Park, it became known as the Garfield Line.

In 1897, the installation of electric lighting for ''whomever desired this service'', was available to those living or doing business on Madison Street, and the telephone came in 1898. In 1898, Nicholas Shank built the very tall multistory building known as the Castle (at Harlem and Madison) which still stands. It was said to be the tallest building between Chicago and St. Louis. By 1904, Henry J. Mohr had served 3 terms as president of Harlem. After the village changed its name to Forest Park in 1907, he served 4 more terms from 1909 through 1912. The office of president was then changed to mayor in 1916 and of course, Mohr was elected to yet another 4 years. This time it became an extended period of 6 years because the election was not held at the proper time. Thus Henry J. Mohr was the last president and the first mayor of Forest Park, serving a record 13 years as head of local government. Of course Forest Park has continued to grow and develop into a city of great homes, schools, shopping centers, and recreational outlets. It is home to the world renowned Living Word Christian Center Complex Mall under the leadership of Pastor Bill Winston.

Madam Speaker, I take this opportunity to congratulate mayor Anthony Calderone, trustees, other village officials and all citizens on the 100th anniversary of the village of Forest Park, Illinois.

IN HONOR OF THE 2007 NBA CHAMPION SAN ANTONIO SPURS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. SMITH of Texas. Madam Speaker, it's a great pleasure to recognize our 2007 National

Basketball Association champions, the San Antonio Spurs!

Last night, the Spurs closed out the series by sweeping the Cleveland Cavaliers to win their fourth NBA Championship in the last nine years.

The Spurs again displayed their teamwork, grit, and determination on basketball's biggest stage. The Spurs were led by the post presence of Tim Duncan, the innovation and toughness of Manu Ginobili, the defensive pressure of Bruce Bowen and the quickness of Tony Parker.

By controlling the tempo and driving to the basket at will, Tony Parker won his first NBA Finals Most Valuable Player award. For the series, Parker shot an amazing 57 percent from the field and averaged 24.5 points.

Much deserved credit goes to Coach Gregg Popovich. With four championships, Coach Popovich has cemented his legacy as one of the greatest basketball coaches of all time.

Congratulations go as well to the Spurs' owners, Peter and Julianna Holt and to all the Spurs' supporters.

We congratulate the Spurs for their tremendous play, their professionalism on and off the court, and for bringing home yet another title to the Alamo City.

IN MEMORY OF NORM MALENG

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. REICHERT. Madam Speaker, I rise today to pay tribute to my dear friend, colleague, and mentor, Norm Maleng, who passed away on Thursday, May 24, at the age of 68.

I stand here today in part because of Norm's influence, mentorship, and encouragement in both my run for King County Sheriff and the United States Congress.

As the King County Prosecutor and one of the longest-serving elected officials in State history, Norm served the county, State, and our Nation with integrity and justice. In the public eye, he will be remembered for his prosecutions of high-profile crimes and his contributions to much of the major crime legislation passed during the 1980s.

One of the largest law offices in the state of Washington, the King County Prosecutor's Office staff totals over 500 employees. Norm always wanted the best for each individual who worked with him and for him.

As I've reflected on the many memories that I shared with him, one particular moment stuck out to me that I'll always remember. One day I said, "Boy, I really have a challenge today, Norm," to which he responded "There are no challenges, Dave, only opportunities."

His philosophy was to approach each day with optimism and a smile.

Through the impact he made upon the King County community, the families who found justice through his dedication, and the lives that he touched—his legacy will live on.

In his honor, I ask that the following article be submitted into the CONGRESSIONAL RECORD:

[From the Seattle Times, June 14, 2007]

MALENG AND UW: A SPECIAL BOND

(By Roland Hjorth)

Norm Maleng graduated from the University of Washington Law School in 1966. He was one of my first students and I felt a special bond because we both grew up on farms in rural communities. I think his commitment to public service grew directly out of his small-town roots.

The law school is proud of its graduates who have led lives of public service. They have included two of our nation's most powerful senators, a speaker of the House of Representatives and members of the judiciary who have risen to national prominence.

Norm Maleng was prominent in that company of leaders. He was a man of ambition and a man of values. But when he had to make hard decisions, values always trumped ambition. He was a deeply religious man whose religion was crucial in shaping his life, but he was too respectful of the views of others to be evangelical about it.

Norm had the gift of being grateful for the things that molded his character, enhanced his skills and helped him to enter the legal profession. He was always grateful for the early life that his parents gave him. He was also grateful for his education at the UW Law School, once telling me that the law school was where he got his ''union card'' and he would never forget it; and, he never did.

When I first became dean of the law school, I asked Norm to serve on our advisory board on strategic planning. He promptly became one of its most active and effective members. During our deliberations, he once said that almost all students enter law school wanting to do good and too often graduate wanting only to do well. He admonished us that this should never happen at the UW Law School.

Norm's influence has had an impact on our requirement that every student must fulfill a public-service obligation before graduating. He was happy to know that the most thriving group in the law school is the Public Interest Law Association, which raises surprising amounts of money every year to support summer public-service law internships for law students. Norm was thrilled when the Bill & Melinda Gates Foundation endowed one of the nation's most significant public-service scholarship programs at the UW School of Law.

From his early leadership on the law school advisory board, he went on to serve as a trustee of the Washington Law School Foundation for well over a decade. Norm became president of the foundation and had completed his term of office shortly before his death. During that term, he led an effort to solicit contributions to the law school from law firms in this city and especially from members of those firms who are graduates of the UW Law School. I like to think he reminded many that this was where they got their union card.

The Washington Law School Foundation has established a Norm Maleng Fund. I share the foundation's earnest hope that sufficient funds will be raised to establish a fitting memorial for one whose life has inspired so many of our students and so many lawyers in our community.

TRIBUTE TO MAYOR CHARLES MITCHELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. CRAMER. Madam Speaker, I rise today to pay tribute to a friend and North Alabama community leader, former Muscle Shoals Mayor Charles Mitchell.

Madam Speaker, some of our colleagues may remember Charles Mitchell. Before his election as Mayor, he served over fourteen years as an aide to Senator Howell Heflin. He also worked for Senators Lister Hill, James Allen, and Maryon Allen before joining Senator Heflin's staff in 1978.

In 1992, the City of Muscle Shoals, Alabama reorganized its government into the current mayor-council structure that it utilizes today. Mayor Mitchell was elected as the city's first mayor.

During his two terms as Mayor, he worked to change the face of the city through numerous building campaigns, including a new high school, a modern library, recreational facilities, and a post office. He also successfully worked to establish an early warning system and address the city's flooding problem.

Madam Speaker, Mayor Mitchell passed away last Saturday. He is survived by his wife Betty and daughters Leslie Ann and Carrie, stepdaughters Kim, Shannon, and Laurel, as well as five grandchildren and step-grandchildren.

Mayor Mitchell was a good friend, community and civic leader that will be missed in both Alabama and Washington. His willingness to help others and dedication to his community is an inspiration for all in North Alabama and across the country to follow. I rise today to celebrate his life and honor his achievements.

IN RECOGNITION OF MRS. RUTH ZISES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. ACKERMAN. Madam Speaker, it is with a heavy heart that I rise today to honor the memory of Ruth Zises, a dear friend and role model, who sadly succumbed to illness earlier this year.

Ruth was a unique woman whose presence brightened the faces and warmed the hearts of everyone she encountered. Ruth was a deeply principled woman who wore her passions with profound pride. She was enormously dedicated to her family and friends and intensely devoted to her beliefs. Ruth translated her convictions into action by founding, together with her family, the Genesis Center in Jerusalem, an academy devoted to enhancing the lives of young adults by incorporating Jewish scholarship with civic engagement and political action. Ruth's service and support of countless other institutions, organizations and charities made her a model of generosity.

While Ruth's attention to the needs of her community was commendable, her family was always the focal point of her life. Ruth's devotion to her husband Bernie, sons Selig, Seymour and Jay, her nine grandchildren and six great-grandchildren, inspired all who knew her.

Ruth's life will be celebrated at the Annual Reishit/Genesis Center Dinner on Tuesday, June 19, 2007. In honor of her memory, Reishit students who have completed their study of the entire Mishnah will make a presentation at the event.

Madam Speaker, words can not capture the generosity of spirit and warmth that Ruth Zises exuded. All that can be said is that she will be terribly missed by the scores of people fortunate enough to have had known her.

Madam Speaker, I ask all of my colleagues to join me in recognizing and remembering the exemplary life of Ruth Zises.

RECOGNIZING A GREAT MINNESOTA GAY RIGHTS LEADER

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. ELLISON. Madam Speaker, it is fitting that the Twin Cities Pride Parade falls on the same day that former Minnesota State Senator Allan Spear celebrates his 70th birthday. For those unfamiliar with the legacy Allan created in Minnesota, I want to take this moment to recognize him, thank him, and extend my wishes for a very happy birthday.

Allan served in the Minnesota State Senate from 1972 to 2000. He is widely recognized as not only the first openly gay legislator in Minnesota, but in the Nation, as well. Allan was certainly in uncharted waters—this was long before organizations like the Human Rights Campaign (HRC) or the Victory Fund even existed. I've read accounts that Allan went public because he felt ''lousy'' for staying silent about his sexuality during an antidiscrimination bill debate. His commitment to equal rights never wavered and I think our new generation of GLBT legislators and allies is a testament to his courage and honesty.

In 1993, Allan was elected President of the Senate—the same year he succeeded in guiding the passage of Minnesota's gay civil rights law. During the debate on this legislation, several senators described homosexuality as ''a choice, not a condition of birth.'' Spear infamously replied, ''I'm 55 years old; it's not a phase.'' The amendment to Minnesota's civil rights law is an incredible achievement.

Although I did not have the opportunity to work with Allan during my time in the Minnesota legislature, his accomplishments over 28 years in the State Senate certainly inspire my own work on civil and human rights.

It is an honor for me to recognize Allan during our month of celebrating the accomplishments and contributions of the GLBT community. Allan has made a real difference in the quality of family life in Minnesota. Because of his unwavering commitment, we have much to celebrate, and more to be hopeful for! Thank you, Allan.

INTRODUCTION OF LEGISLATION ON INTERNATIONAL UNITED NATIONS PEACEKEEPING DAY

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation commemorating the work of United Nations Peacekeepers by recognizing May 29 as International United Nations Peacekeeping Day.

Since 1945, our U.N. Peacekeepers have aided in resolving a wide array of very complex regional conflicts across the globe. In many cases, these individuals have put themselves at great risk and indeed made the ultimate sacrifice on behalf of a safer, more secure global community. Since its inception, the United Nations has undertaken 61 field missions and helped implement 172 peaceful settlements. These missions have ended regional conflicts and enabled people in more than 45 countries to take part in free and fair elections. More than 2,355 individuals from 113 nations, including the United States, have given their lives to this cause.

In the past 3 years alone, U.N. peacekeeping has helped to initiate missions in Liberia, Côte d'Ivoire, Haiti, Burundi, Sudan, and East Timor, and bolstered the missions in the Democratic Republic of the Congo and Lebanon. These missions often come with difficult and complex mandates such as containing or preventing the outbreak of conflict and its spillover across borders or helping implement peace agreements. In 2005 alone, U.N. peacekeepers supported elections in five post-conflict countries, including Afghanistan, Burundi, Iraq, Liberia, and the Democratic Republic of the Congo. Through these efforts, over 56 million people were allowed to cast votes.

Currently, the U.N. Department of Peacekeeping Operations has more than 100,000 troops and personnel deployed in 18 peacekeeping missions and 13 political missions worldwide, all with an annual budget of $6 billion. This U.N. peacekeeping force has grown five-fold over the last 10 years, reflecting not only the broad international support for U.N. peacekeeping, but also the U.S. support for new and expanded peacekeeping missions.

In 2005, the Human Security Report, a major international study funded in part by the Rockefeller Foundation, judged that, perhaps contrary to popular belief, civil strife has plummeted 80 percent worldwide since the early 90s. It attributed that decline to the rise in international activism, in particular the increase in support for and deployment of U.N. peacekeeping missions and their growing complexity.

The U.S. Office of Management and Budget recently granted all U.S. contributions made to international peacekeeping activities three-stars, its highest rating. This distinction is reserved for expenditures that ''set ambitious goals, achieve results, are well-managed, and improve efficiency.''

Madam Speaker, I take this opportunity to commend the work and courage of our U.N. peacekeepers around the globe and the logistical guidance provided by the U.N. Department of Peacekeeping Operations. I hope you will join me in supporting this resolution drawing attention to these brave men and women and in honoring those who have sacrificed their lives in the name of international peace.

TO HONOR MARTHA ANN CASE JARVIS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise to pay tribute to an outstanding citizen, Mrs. Martha Case Jarvis. Mrs. Jarvis was not a pioneer in the field of medicine, but she certainly found innovative ways of caring for the medical needs of her six children. Her field of expertise was not in the world of business, although she taught her children the importance of hard work. Mrs. Jarvis worked two jobs her entire life. She was an exceptional homemaker, and she worked tirelessly in the fields until her health no longer permitted. Between these two occupations, she instilled in her children integrity, honesty, diligence, faith, persistence, and the ability to see that hard work yields great rewards.

Mrs. Jarvis was born on June 14, 1917 to the late Joseph and Emily Case in the backwoods of Powells Point, North Carolina. She was the fifth of eight children and is now the sole survivor. Joseph Case was a Surfman in the United States Lifesaving Service, while Emily was the homemaker.

Madam Speaker, Mrs. Jarvis met, fell in love, and married Columbus Jarvis in 1934. This union produced six outstanding children: Norma Shirley of Barco, N.C.; Patricia Ann of Wappingers Falls, N.Y.; Ardella J. of Moyock, N.C.; Lenora J. of Elizabeth City, N.C.; William of Camp Springs, Md.; and Leonard of Freeport, N.Y. Norma, now retired, worked as a nurses' aid and was a homemaker like her mother. Patricia Ann, now retired, was a school teacher. Ardella, now retired, was a teacher's assistant. Lenora is currently serving as President, CEO, and Co-Founder of the River City Community Development Corporation. William III retired from the Air Force and is currently employed with the Army and Air Force Exchange System. Leonard is an Independent Insurance Account Executive and the assistant pastor of the Berean Baptist Church in Brooklyn, New York. Martha Case Jarvis is the proud grandmother of fourteen and great-grandmother of seven children.

June 14th marks Mrs. Jarvis' 90th birthday. She has seen many significant historical events over the past 90 years, including six wars, more presidents than she can remember, and several heartbreaking national disasters. During her life Mrs. Jarvis has faced a countless number of personal trials, but she never faltered. She knew she had a family to raise and a home to run, and she did both with a lot of elbow grease, tenacity, and tender loving care.

Outside of her home, Mrs. Jarvis was very active in her church and community. She was

a devoted member of the Eastern Stars. She was also one of the first African-Americans to qualify to register and vote in Currituck County.

While Martha Case Jarvis did not set the world on fire with inventions or miraculous medical cures, she has certainly made a difference to the hundreds of people she touched along the way. Her children are eternally grateful for her guidance and devotion, and they are honored to follow in her footsteps. I ask my colleagues to join me in paying tribute to this outstanding citizen.

TRIBUTE TO COLONEL JAMES F. KING, JR.

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. KINGSTON. Madam Speaker, I rise today to pay tribute to an exceptional officer of the United States Army, Colonel James F. King, Jr., upon his retirement after more than 20 years of distinguished service to our Nation.

I came to know Colonel Jim King in 2001 when he was selected as an Army Congressional Fellow, and became my Military Legislative Assistant during the historic year following the tragic events of September 11th. Our Nation was still recovering from the attacks, and we were thrust into the war against terror in Afghanistan. Jim handled all my National Defense matters during this very challenging time in our Nation's history, and he did an outstanding job.

Prior to becoming a Congressional Fellow, Colonel King had a long and distinguished career in the Army. After graduating from Georgia State University in 1985, he attended the United States Army Officer Candidate School at Fort Benning, Georgia and was commissioned as a Second Lieutenant. After his initial assignment as a Second Lieutenant, he was selected to attend Flight School at Fort Rucker, Alabama, and was the Honor Graduate of his class.

Following flight school in 1988, Colonel King served in many command and staff positions worldwide. He served in Korea where he flew helicopter missions in and out of the DMZ. Later he served in Germany where he flew aerial reconnaissance missions along the former East German border, and directly contributed to our Nation's Cold War victory. Upon return from Germany, Colonel King served at Hunter Army Airfield in Savannah, Georgia and supported Operation Uphold Democracy in Haiti, and flew reconnaissance missions against Cuba.

In 1995 Colonel King was assigned to the Army's Operational Support Airlift Command where he served in numerous leadership positions coordinating operations and training for over 80 subordinate units throughout the globe, and orchestrating uninterrupted airlift support for Theater Commanders in Saudi Arabia and Bosnia. He was then selected for C–20 Gulfstream jet training in Savannah, Georgia, before taking Command of the Army's elite jet detachment in Hawaii. While in command, Colonel King successfully managed a complex split-based operation, providing Humanitarian support in East Timor, while simultaneously providing worldwide airlift support to senior military and civilian leaders throughout Pacific Command (PACOM).

Following his command in the Pacific, Colonel King returned to Washington where he served as an aviation staff officer, and helped develop the Army's fixed-wing doctrine and future cargo airplane requirements. Colonel King was then selected for the Army Congressional Fellowship Program where he served as my Military Legislative Assistant. Following his Fellowship, Colonel King served as the Deputy Chief of Legislative Liaison at National Guard Bureau, and then as Deputy Chief for Reserve Affairs at Army Congressional Liaison in the Pentagon.

During his time as a Congressional Legislative Liaison, Colonel King provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and the Congress. Jim's counsel and support were invaluable to Army leaders and Members of Congress as they considered the impact of their decisions on these important issues, and it is my privilege to recognize his many contributions. I commend his superb service to the United States Army and our great Nation.

On behalf of Congress and the United States of America, I thank Colonel Jim King, his wife Cindy, and his entire family for the commitment, sacrifices, and contributions that they have made throughout his honorable military service. I congratulate Colonel Jim King on completing an exceptional and extremely successful military career, and wish him blessings and success in all his future endeavors.

WE NEED IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Ms. GIFFORDS. Madam Speaker, I rise today in order to express my congratulations to the bipartisan coalition of Senators that succeeded in reviving their efforts to pass a comprehensive immigration reform package this year.

I applaud the decision made by my colleagues in the other Chamber to bring their bill back to the floor for debate. There will be an opportunity for amendments, from both sides of the aisle, in order to craft a final version of this legislation.

It is also time for the House to get an immigration reform package to the floor so that the President will get a bill to his desk soon.

In southern Arizona, immigration reform is not just a political debate. Funding that this bill promises will go directly to the front lines, to places like Douglas, Elfrida, Bisbee, Tubac, and Naco. Passing comprehensive immigration reform will ensure that in Arizona and elsewhere along the border our communities will have the resources available to secure our border and relieve communities from the burden of illegal immigration.

My district knows first hand what happens when people in Washington turn their heads away from the issue of illegal immigration. I urge all of us to keep working toward legislation that will create a comprehensive immigration policy.

We must work alongside our colleagues in the Senate to craft a solution that is in the best interest for all Americans.

TRIBUTE TO STAFF SGT. MATTHEW KUGLICS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. REGULA. Madam Speaker, I rise today to pay tribute to a hero from my district, Staff Sgt. Matthew Kuglics. Matthew was one of two airmen who died in Kirkuk, Iraq when their vehicle was hit by a roadside bomb. He had just celebrated his 25th birthday. I ask the House of Representatives to honor this courageous young man who died in service to his country. Matthew grew up in North Canton and graduated from Green High School where he played soccer. His family, friends and loved ones fondly recall his sense of humor and contagious smile. After graduation he joined the Air Force and was stationed at Lackland Air Force Base and was on his second tour of Iraq as an agent within the Air Force Office of Special Investigations.

I would like to extend my deepest sympathy to his mother and father, Donna and Les Kuglics, his sister Emily and all of his family and friends who mourn the loss of this incredible young man. The day they had to say farewell to Matthew was probably the hardest day the family has faced and my thoughts and prayers go out to them. Matthew was laid to rest on Wednesday, June 13, 2007. I thank Matthew for the sacrifice he made by answering the call to fight for our freedom and security.

HONORING TOM JURICH, 2007 ATHLETIC DIRECTOR OF THE YEAR

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 15, 2007

Mr. YARMUTH. Madam Speaker, I rise today in recognition of the National Athletic Director of the Year, Tom Jurich. While it has taken 10 years at the helm of the Cardinal athletics program for him to be honored as the nation's finest AD, in my hometown of Louisville, this has been a well-known fact almost from the start.

When Tom Jurich first arrived on the University of Louisville campus in 1997, he took control of a program with little to brag about off the hardwood. Today, the Cardinal baseball team will play in the college world series—an amazing achievement for a club that had never played a single post season game prior to Jurich's arrival. Today's appearance makes UofL one of just two schools to have played in the Final Four, a BCS bowl, and the Final Four in the last 3 years.

While these accomplishments are astounding, they are the norm for a leader who regularly achieves the impossible.

Leading a top 10 track program just a few years after the team, in Jurich's words, couldn't ''have finished third in its own intramural meet before.'' Impossible.

Winning the Orange Bowl a decade after the team failed to win a second game. Impossible.

Enticing Rick Pitino to town just 4 years after his historic run at UK. Incredibly impossible.

But, with Tom Jurich, nothing is impossible in Louisville.

This year he fielded new teams in four sports, sent nine teams to NCAA tournaments, and UofL—once a school that struggled to comply with Title IX regulations—now exceeds those regulations.

For all the awards, all the accolades, and all the accomplishments, however, Tom Jurich's greatest calling card is his consistent recognition that he is dealing not just with athletes, but with student athletes. Half of his student athletes receive at least a B average.

His commitment to the whole University has consistently been displayed though his dynamic partnership with President James Ramsey. Their leadership has helped transform the campus's landscape and level of pride, facilitating UofL's shift from a largely commuter school to a top notch higher-learning institution capable of attracting the brightest students in the nation and around the globe. With the openings of Papa John's Cardinal Stadium, Jim Patterson Field, Cardinal Park, the most modern practice facilities in the nation, and the announcement of a new basketball arena, the momentum of the Athletic Department has helped spur a decade of unparalleled growth throughout the University.

Today, as the Cardinal baseball team embarks on another new chapter for the University of Louisville, it is clear that under Tom Jurich's leadership more and greater milestones lay ahead for the athletic department, the University, and the city of Louisville. I am happy he calls Louisville his home, awed by his success, and proud to have the opportunity to congratulate Tom Jurich, 2007 Athletic Director of the Year. Go Cards!